

# **TOWN OF SPANGLE**

## **ORDINANCE NO. 347**

### **AN ORDINANCE OF THE TOWN OF SPANGLE, SPOKANE COUNTY, WASHINGTON, ESTABLISHING PROVISIONS FOR SUBDIVISIONS AND STANDARDS RELATED THERETO**

WHEREAS, the Town of Spangle has adopted a Comprehensive Plan in accordance with the Growth Management Act of the State of Washington; and

WHEREAS, the State of Washington requires that development regulations be amended and/or established which fulfill the objectives of said Comprehensive Plan; and

WHEREAS, the Town of Spangle finds it necessary to establish regulations pertaining to the subdivision of land, in order to insure that future development is compatible with the adopted Comprehensive Plan; NOW, THEREFORE

BE IT ORDAINED by the City Council of the Town of Spangle, Spokane County, Washington:

#### Sections:

- 1.0 General Provisions
- 2.0 Definitions
- 3.0 Subdivision Procedures
- 4.0 Short Subdivision Procedures
- 5.0 Alteration of Subdivision Procedures
- 6.0 Vacation of Subdivision Procedures
- 7.0 Design Standards
- 8.0 Public Improvements
- 9.0 Exceptions, Reconsideration, Penalties, and Liability
- 10.0 Review by Public Agencies
- 11.0 Severability
- 12.0 Effective Date

## Section 1.0. GENERAL PROVISIONS

Subsections:

- 1.010 Title
- 1.020 Purpose
- 1.030 Scope
- 1.040 Authority for Administration
- 1.050 Exceptions

**Subsection 1.010. Title.** This ordinance shall be known and may be cited as the “Subdivision Ordinance” of the Town of Spangle.

**Subsection 1.020. Purpose.** The purposes of this Subdivision Ordinance are: to implement the goals and objectives of the Comprehensive Plan; to regulate the subdivision of land in a manner which promotes the public health, safety, and general welfare in accordance with standards established by the State of Washington and the Town of Spangle; to promote effective use of land; to promote safe, convenient, and uncongested travel by the public on streets and highways; to provide for adequate light, air, and open space; to facilitate adequate provisions for water, sewerage, parks and recreation areas, and other public improvements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the residential and nonresidential needs of the citizens of Spangle; and to require uniform surveys of land subdivisions and conveyance by accurate legal description.

**Subsection 1.030. Scope.** This Subdivision Ordinance shall apply to the division of land for sale or lease into two (2) or more parcels. The provisions of this Ordinance shall be held to be minimum requirements for promotion of the health, safety, and general welfare of the public. Therefore, where this Ordinance imposes greater restrictions or higher standards upon the development of land than other laws, ordinances, easements, regulations, or covenants, the provisions of this Ordinance shall control.

**Subsection 1.040. Authority for Administration.** The Clerk-Treasurer shall be responsible for the administration and coordination of this Ordinance, unless another municipal official or contract professional is authorized to administer and enforce specific sections or subsections.

**Subsection 1.050. Exceptions.** The provisions of this Subdivision Ordinance shall not apply to the following:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Any division of land not containing a dedication, in which the smallest lot created by the division is ten (10) acres or larger;

C. A division made for the purpose of adjusting boundary lines between adjoining properties 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 dimensions to meet the minimum requirements of the Spangle Zoning Ordinance for width, depth, and area (such division shall be commonly referred to as a “lot line adjustment”), provided that any such adjustment complies with the following before recordation:

1. The party or parties proposing to adjust boundary lines shall submit the following information to the Town for City Council consideration:
  - a. The legal description for the old parcels;
  - b. The legal description for the new parcels;
  - c. A legible scale drawing of the before and after configuration of the parcels, showing before and after dimensions of all property lines, and before and after square footages of the parcels; and
  - d. A notarized acknowledgment of the affected property owners.
2. Upon receipt of the above materials, the Clerk-Treasurer shall place the matter on the next regular agenda of the City Council. The City Council shall issue its approval of the boundary line adjustment when it finds compliance with minimum zoning, health, building, and similar regulations, and that the adjustment will not adversely affect property access or easements.

## Section 2.0. DEFINITIONS

### Subsections:

- 2.010 General Interpretation
- 2.020 Alley
- 2.030 Area
- 2.040 Block
- 2.050 Bond
- 2.060 City Council
- 2.070 City Engineer
- 2.080 Common Open Space
- 2.090 Comprehensive Plan
- 2.100 County Auditor
- 2.110 Critical Areas
- 2.120 Dedication
- 2.130 Division of Land
- 2.140 Easement
- 2.150 Final Approval
- 2.160 Final Plat
- 2.170 Improvement
- 2.180 Lot
- 2.190 Monument
- 2.200 Original Tract
- 2.210 Plat
- 2.220 Plat Certificate
- 2.230 Preliminary Approval
- 2.240 Preliminary Plat
- 2.250 Right-of-Way
- 2.260 Roadway
- 2.270 Street
- 2.280 Subdivider
- 2.290 Subdivision
- 2.300 Surety
- 2.310 Surveyor
- 2.320 Title Notice
- 2.330 Vacation

**Subsection 2.010. General Interpretation.** For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. “Lot” includes the words “plot” or “parcel”.
- B. “Person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- C. “Shall” is mandatory; “may” is permissive.

D. “Used” or “occupied” includes the words “intended”, “designated” or “arranged to be used” or “occupied”.

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

F. Terms used in this Ordinance which are not defined in this Section shall be as construed as defined in the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), or Webster’s *New Collegiate Dictionary*.

**Subsection 2.020. Alley.** “Alley” means a strip of land dedicated to public use which provides vehicular access to the rear side of properties which abut and have principal access to a public road or street.

**Subsection 2.030. Area.** “Area” means the total unit of land identified for a subdivision for purposes of calculating intensities, densities, and land uses.

**Subsection 2.040. Block.** “Block” means an area of land within a subdivision that is entirely bounded by rights-of-way (other than alleys), physical barriers, or exterior boundaries of the subdivision.

**Subsection 2.050. Bond.** “Bond” means a form of security in an amount and form satisfactory to the Town’s attorney, intended to insure that required improvements are installed and provide warranty against defect of material and/or workmanship.

**Subsection 2.060. City Council.** “City Council” means the City Council of the Town of Spangle, Washington.

**Subsection 2.070 City Engineer.** “City Engineer” means a licensed engineer or an authorized member of a licensed consulting firm or organization, retained by the Town for consultation, design, and construction engineering of specific public works projects and subdivisions.

**Subsection 2.080. Common Open Space.** “Common open space” means a parcel or parcels of land, or an area of water, or a combination of land and water, within the site designated for a subdivision, and designed and intended for the use or enjoyment of residents of the subdivision or the general public. Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the subdivision.

**Subsection 2.090. Comprehensive Plan.** “Comprehensive Plan” means the overall long-range planning guide for development of the Town, which includes goals and policies, future land use, transportation, community facilities elements, and other elements, as adopted or subsequently amended by the City Council.

**Subsection 2.100. County Auditor.** “County Auditor” means the Auditor of Spokane County, Washington.

**Subsection 2.110. Critical Areas.** “Critical areas” mean those environmentally sensitive areas referred to in the Comprehensive Plan and/or in Spangle’s Critical Areas Ordinance which have unique characteristics which require special regulations in order to insure proper subdivision and use.

**Subsection 2.120. Dedication.** “Dedication” means a deliberate appropriation of land by its owner for any general and public use(s), reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the general and public use(s) to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment of filing of a final plat or short plat showing the dedication thereon; and such acceptance by the public shall be evidenced by the signature of acceptance by the Town or other public entity with authority, and by the approval of such plat for filing by the County Auditor.

**Subsection 2.130. Division of Land.** “Division of land” means any conveyance, not otherwise exempt as provided for under the provisions of this Ordinance, which alters or affects the shape, size, or legal description of any part of any owner’s land.

**Subsection 2.140. Easement.** “Easement” means a right granted by a property owner to specifically named parties, or to the general public, for the use of certain areas or strips of land for particular purposes. When appropriate to the context, easement may also refer to the land covered by the rights granted. Easements may include pedestrian paths, bicycle paths, utilities, drainage, open space, etc.

**Subsection 2.150. Final Approval.** “Final approval” means the final official action taken by the City Council on the proposed plat, subdivision, dedication, or portion thereof, that has previously received preliminary approval.

**Subsection 2.160. Final Plat.** “Final plat” means the final drawing of the subdivision and dedication drawn to scale not smaller than one inch equals one-hundred feet (1” = 100’), unless approval of another scale is required or given by the City Engineer, prepared for filing for record with the County Auditor, and containing all elements and requirements set forth in this Ordinance and in Revised Code of Washington (RCW) Chapter 58.17.

**Subsection 2.170. Improvement.** “Improvement” means any thing or construction incidental to servicing or furnishing facilities for a subdivision, including, but not limited to, grading, streets, street surfacing, curbs, gutters, driveway approaches, sidewalks, water mains and lines, sanitary sewer mains and lines, culverts, drains, swales, bridges, utilities, and any other items which are appurtenant to construction, or which constitute any part of a physical betterment to real property.

**Subsection 2.180. Lot.** “Lot” means a fractional part of subdivided 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. The follow subordinate definitions shall also apply:

A. Lot Area. “Lot area” means the total horizontal square footage area within the boundary lines of a lot.

B. Lot, Corner. “Lot, corner” means a lot situated at the intersection of two or more street having an angle of intersection of not more than one-hundred thirty-five (135) degrees.

1. For the purposes of this Ordinance, a lot which fronts streets along both its front and rear property lines, or embodies other street frontage configurations not meeting the definition of a “corner lot”, shall be construed to be a “double-frontage lot” or “through lot”.

C. Lot Depth. “Lot depth” means the average horizontal distance from the front to the rear lot lines as measured along the side lot lines.

D. Lot Frontage. “Lot frontage” means the length of the property line abutting on one side of a street or road, as measured between the side lines of the property and along the property line separating the property from the street or road.

E. Lot, Interior. “Lot, interior” means a lot other than a corner lot.

F. Lot Width. “Lot width” means the average horizontal distance separating the side lines of a lot as measured along the front and rear lot lines.

**Subsection 2.190. Monument.** “Monument” means a permanent survey control point.

**Subsection 2.200. Original Tract.** “Original tract” means a unit of land held under single or unified ownership, or in which any party holds controlling ownership, on the effective date of this Ordinance, and the configuration of which may be determined by the fact that all lands abutting said tract are separately owned or controlled by others.

**Subsection 2.210. Plat.** “Plat” means 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.

**Subsection 2.220. Plat Certificate.** “Plat certificate” means a title report prepared by a title company for the property contained in a proposed subdivision, to include, as a minimum, all owners of record, easements, and encumbrances affecting said property.

**Subsection 2.230. Preliminary Approval.** “Preliminary approval” means the official favorable action taken on the preliminary plat of a proposed subdivision, metes and

bounds description, or dedication, by the City Council following a duly advertised public hearing.

**Subsection 2.240. Preliminary Plat.** “Preliminary plat” means an accurate drawing by a professional civil engineer or land surveyor of a proposed subdivision, showing the general layout of streets and alleys, lots, blocks, and existing and proposed easements to be applicable to the subdivision, and other elements of a subdivision, which shall furnish a basis for the approval, approval with conditions, modification with conditions, or denial of the general layout of a subdivision.

**Subsection 2.250. Right-of-Way.** “Right-of-way” means a strip of land acquired for use by the public for the right of passage, including, but not limited to, the right to vehicular passage and other means of travel, maintenance of utilities, and improvements thereon.

**Subsection 2.260. Roadway.** “Roadway” means that portion of a street intended for the accommodation of vehicular traffic, and generally situated between curb lines or shoulders.

**Subsection 2.270. Street.** “Street” means a right-of-way more than twenty (20) feet in width which provides the principal means of access to abutting property for persons, vehicles, and utilities. For the purposes of this definition, the terms street and road are interchangeable in their meaning. The follow subordinate definitions shall also apply:

A. Cul-de-Sac. “Cul-de-sac” means a local access street of short length having only one (1) outlet with provisions for a turnaround at its termination, and which is not intended to be extended or continued to serve future subdivisions or other land.

B. Local Access Street. “Local access street” means a street which is used primarily for access to abutting properties.

C. Major Collector. “Major collector” means a street which collects traffic from local access streets and carries such traffic to arterial streets where through traffic is the dominant function. Major collectors are mapped in the Transportation Element of the Comprehensive Plan.

D. Minor Collector. “Minor collector” means a street which collects traffic from local access streets and carries such traffic to either major collector or arterial streets. Minor collectors are mapped in the Transportation Element of the Comprehensive Plan.

E. Public Street. “Public street” means a street which has been dedicated or deeded to the public to be used for street purposes and which has been improved, accepted, and is maintained by the Town or other governmental agency, or for which reasonable assurances have been provided to the Town to guarantee the street will be



improved to Town standards for establishment of a municipal street. County roads and state highways are included in this definition.

F. State Highway. “State highway” means Highway 195. Said highway is mapped in the Transportation Element of the Comprehensive Plan.

G. Street Width. “Street width” means the shortest distance between the lines delineating the right-of-way limits of a street.

**Sunsection 2.280. Subdivider.** “Subdivider” means a person who hold any legal or equitable interest in land who undertakes to create a subdivision or short subdivision. For the purposes of this definition, the terms subdivider and developer are interchangeable in their meaning. The term also includes all heirs, assigns, or successors in interest, or representatives of the subdivider.

**Subsection 2.290. Subdivision.** “Subdivision”, in the general context of this Ordinance, includes both of the follow subordinate definitions:

A. Short Subdivision or Short Plat. “Short Subdivision” or “Short Plat” means the division of land for sale, lease, or transfer, whether immediate or future, into four (4) or less lots, tracts, parcels, sites, or divisions; or the resubdivision of a recorded plat where four (4) or less total lots are created by dividing the recorded lot or lots.

B. Subdivision or Long Plat. “Subdivision” or “Long Plat” means the division of land for sale, lease, or transfer, whether immediate or future, into five (5) or more lots, tracts, parcels, sites, or divisions; or the resubdivision of a recorded plat where five (5) or more total lots are created by dividing the recorded lot or lots.

**Subsection 2.300. Surety.** “Surety” means any form of security involving a cash deposit, bond, collateral, property, or other instrument of credit, which is used to insure that required improvements are installed or to provide warranty against defect of material and/or workmanship.

**Subsection 2.310. Surveyor.** “Surveyor” means a professional land surveyor who is registered in and has complied with the laws of the State of Washington.

**Subsection 2.320. Title Notice.** “Title notice” means a written notice attached to the title of a parcel of land by the Town of Spangle with a recording of said notice with the County Auditor per a legal description of said parcel, for the purpose of notifying the property owner or future property owner of particular circumstances related to said parcel, such as warning statement(s), limitation(s), restriction(s), etc.

**Subsection 2.330. Vacation.** “Vacation” means the act of making void any street, right-of-way, easement, public area, or other area in which the public has an interest.

## Section 3.0. SUBDIVISION PROCEDURES

### Subsections:

- 3.010 Approval Required
- 3.020 Early Consultation
- 3.030 Applicability
- 3.040 Preliminary Plat Procedures and Requirements
- 3.050 Factors to be Considered - Findings
- 3.060 Expiration of Preliminary Plat Approval
- 3.070 Improvements Following Preliminary Plat Approval
- 3.080 Administrative Costs to be Borne by Subdivider
- 3.090 Warranty of Improvements
- 3.100 Final Plat Procedures and Requirements
- 3.110 Approval and Filing of Final Plat
- 3.120 Expiration of Final Plat After Council Approval

**Subsection 3.010. Approval Required.** No person, firm or corporation proposing to make, or having made, a subdivision of land containing five (5) or more lots, plots or tracts, or proposing to make, or having made, a subdivision containing a dedication of any part thereof as a street, shall enter into any contract for the sale of, or shall offer to sell, the subdivision or any part thereof, or shall proceed with any construction work on the proposed subdivision, other than improvements authorized under this Ordinance, until he, she, or it has obtained from the City Council both the preliminary and final approval of the proposed subdivision in accordance with the rules and regulations set forth in this Section. Preliminary plats shall be subject to the Type III (quasi-judicial) provisions of the Town's Integrated Project Review Ordinance.

**Subsection 3.020. Early Consultation.** Any person who desires to subdivide land in the Town should consult with the Town and its Engineer at an early date, and on an informal basis, in order to become familiar with the requirements of this Ordinance and other local ordinances which have a bearing on subdivision design and development. An applicant may request, or the Town may initiate, a formal preapplication conference in accordance with Subsection 3.020 of the Town's Integrated Project Review Ordinance.

**Subsection 3.030. Applicability.** Any land being divided into five (5) or more parcels, lots, tracts, sites, or divisions, which is not exempt under Section 1.0 of this Ordinance, shall conform to the procedures and requirements of this Section.

### **Subsection 3.040. Preliminary Plat Procedures and Requirements.**

**A. Preliminary Plat Application.** The map of the proposed plat, subdivision, or dedication, together with an application for preliminary approval thereof on forms available from the Town, and a completed State Environmental Policy Act (SEPA) environmental checklist, shall be prepared by the subdivider, or by the subdivider's engineer or surveyor, in accordance with the requirements of this Subsection.

1. Seven (7) sets of the preliminary map, application, and environmental checklist shall be submitted to the Clerk-Treasurer for initial and informal review by the City Council as to conformance with the provisions of this Ordinance, applicable zoning regulations, and the consistency requirements of Subsection 1.040 of the Town's Integrated Project Review Ordinance.

a. If the City Council determines that the submitted materials do not contain sufficient information and data to meet the requirements of this Section, the subdivider shall be notified by the Town, in writing, of the information and materials needed to bring the application and related materials into conformance with this Section for the purposes of collecting applicable fees and processing such application. Such notice shall conform to the determination of completeness provisions of Subsection 3.050 of the Town's Integrated Project Review Ordinance.

b. If the City Council determines that the submitted materials contain sufficient information and data to meet the requirements of this Section, the subdivider will be required to pay specified application processing and engineering review fees, and to submit additional copies of said materials for formal distribution. A determination of completeness will be issued pursuant to Subsection 3.050 of the Town's Integrated Project Review Ordinance.

c. After submittal of such fees and additional copies of required materials, an application file number will be affixed by the Clerk-Treasurer, and the Clerk-Treasurer will forward copies of the application, map, and pertinent materials to the City Engineer, Spokane County health officer, Fire Department, appropriate Town utility officials, other utility agencies of interest, and any other governmental agencies from which review is required (i.e., the State Department of Transportation if the proposed subdivision is adjacent to the right-of-way of a State highway). Distribution of materials for comment shall conform with the requirements of Subsection 4.030 of the Town's Integrated Project Review Ordinance.

d. Municipal utility personnel, the City Engineer, and all other entities to whom the application and related materials have been distributed for formal comment, shall respond within the time frame established by the Town in accordance with Subsection 4.030 of the Town's Integrated Project Review Ordinance. Failure to respond within said time frame shall be construed as having no requirements or comments pertaining to the application.

**B. Preliminary Plat Requirements.** The following shall be part of the preliminary plat:

1. **A vicinity map**, adequate to show the location of the proposed subdivision, in relation to properties, streets, and other recognized boundaries relating thereto.

2. The preliminary plat shall include, or otherwise conform to, the following:
  - a. The **subdivision name**, the **names and addresses of the subdivider**, the **licensed land surveyor**, and/or the **engineer who prepared the preliminary plat**;
  - b. The date of preparation, a north arrow, a graphic scale, and the legal description of the property proposed to be subdivided;
  - c. The preliminary plat shall be drawn at an appropriate engineering scale;
  - d. Show the location of existing and proposed platted property lines, section lines, existing streets, existing buildings, water courses, railroads, bridges, and any recorded public or private utility or roadway easements, both on the land to be subdivided and on adjoining lands, to a distance of one-hundred (100) feet from the boundaries of the subdivision site;
  - e. Contours and elevations at an interval of five (5) feet or less, both on the land to be subdivided and on adjoining lands, to a distance of one-hundred (100) feet from the boundaries of the subdivision site;
  - f. Provide the names, locations, widths, and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, and utilities;
  - g. Provide typical cross-sections of proposed streets, and if water and sanitary services are proposed to be provided by a source other than the Town, indicate the proposed source of water and method of sewage disposal;
  - h. Indicate the total acreage of the land to be subdivided and the proposed number of lots, show approximate dimensions and square footage of each proposed lot, and if any proposed lot is to be used for a public or common purpose, indicate the purpose of the proposed lot;
  - i. Include a statement of the soil type(s) present on the site, existing drainage conditions, existing natural or artificial landscaping, the nature of wildlife on the subdivision site, and any other environmental factors;
  - j. Show existing monuments of record.
3. Provide a list of the names and addresses of all property owners abutting and within three-hundred (300) feet of the proposed subdivision, as shown on the most current Spokane County records, obtained by the subdivider from a recognized title company not more than thirty (30) days before acceptance of the application for processing by the Town. If the subdivider has a controlling interest in any property within the subject radius, the list of property owners shall

extend three-hundred (300) feet beyond those properties owned or controlled by the subdivider.

**C. Application Fees.** Fees charged for processing applications, and for application review by the City Engineer, shall be set by resolution of the City Council. Such fees are only refundable to the extent allowed under Subsection 3.050 of the Town's Integrated Project Review Ordinance.

**D. Hearing.** The City Council shall set a date for a predecision public hearing no more than ninety (90) calendar days from acceptance by the Town of a completed application and supporting data, except when additional time is required pursuant to the State Environmental Policy Act (SEPA) and the Town's Environmental Policy Guidelines Ordinance for preparation of an environmental impact statement (EIS). Pursuant to the Town's Integrated Project Review Ordinance, no more than one (1) open record hearing and one (1) closed record appeal shall be allowed.

**E. Notice of Hearing.** A public notice of the hearing shall be prepared by the Clerk-Treasurer, and shall include all the requirements for a notice of application/public notice as set forth in the Town's Integrated Project Review Ordinance.

1. Said notice shall be provided to the subdivider and to all property owners noted in paragraph B.3. of this Subsection, by certified mail, by the Clerk-Treasurer, but at the applicant's expense, in accordance with Subsections 4.010 and 4.050 of the Town's Integrated Project Review Ordinance.

2. The Clerk-Treasurer shall provide the same notice, by regular mail, to all public agencies referenced in paragraph A.1.c. of this Subsection, in accordance with Subsections 4.010 and 4.050 of the Town's Integrated Project Review Ordinance.

3. The Town shall cause the required notice to be posted at one (1) or more conspicuous locations on the property involved, by the applicant, in accordance with Subsections 4.010 and 4.050 of the Town's Integrated Project Review Ordinance.

4. The Clerk-Treasurer shall cause the required notice to be posted at the City Hall and at other public locations in accordance with Subsections 4.010 and 4.050 of the Town's Integrated Project Review Ordinance.

5. The Clerk-Treasurer shall cause the required notice to be published once in the official newspaper of the Town in accordance with Subsections 4.010 and 4.050 of the Town's Integrated Project Review Ordinance.

The continuance of a public hearing through verbal motion at a regular or special meeting of the City Council, and posting of the continuance at the established posting places, shall be deemed as adequate notice to the public.

**F. Items to be Transmitted to the Council.** A staff report shall be prepared pursuant to Subsection 4.060 of the Town's Integrated Project Review Ordinance. The Clerk-Treasurer shall transmit the subdivision application, SEPA documentation, preliminary subdivision plat or dedication, staff report, and the comments and recommendations of municipal utility personnel, the City Engineer, and interested agencies to the City Council prior to the scheduled predecision public hearing date. Copies of the same materials shall be made available to the public for review.

**G. City Council Responsibilities.** The City Council shall examine the application materials at the public hearing to ascertain whether or not such application conforms to the Comprehensive Plan and the requirements of this Section. Every decision made under this Subsection shall be in writing, and shall include findings of fact, and conclusions of law, to support the decision. An application may be approved, approved with conditions, modified with conditions, or denied. The subdivider, affected public agencies and utilities, and other parties of record, shall be mailed a copy of the decision on an application in accordance with Subsection 4.080 of the Town's Integrated Project Review Ordinance. A record of all public hearings shall be kept and shall be open to public inspection.

**Subsection 3.050. Factors to be Considered - Findings.** The City Council, in its public hearing and deliberations, shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication. A proposed subdivision and/or dedication shall not be approved unless the City Council makes written findings that:

A. Appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, potable and fire flow water supplies, sanitary wastes, other utility services, parks and recreation, playgrounds, and all other relevant factors, including sidewalks and other planning features that assure safe walking conditions; and

B. The public use and interest will be served by the platting of such subdivision and/or dedication.

**Subsection 3.060. Expiration of Preliminary Plat Approval.** Preliminary plat approval shall lapse three (3) years from the date of approval unless a final plat, based on the preliminary plat, or any phase thereof, is submitted within three (3) years from the date of preliminary plat approval.

A. A single extension of one (1) year may be granted to a subdivider who files a written request with the Town before the expiration of the three-year (3-year) period, provided that the subdivider can demonstrate to the City Council's satisfaction that he or she has attempted, in good faith, to submit the final plat within the required time frame.

B. All time extension requests shall be subject to the Type II (administrative) processing requirements set forth in the Town's Integrated Project Review Ordinance, unless the Town determines that the time extension request should be processed as a Type III (quasi-judicial) matter. Upon approval of an extension, the City Council may attach any and all newly recommended conditions of utilities and public agencies to the original proposal.

C. In the case of a phased subdivision, final plat approval by the City Council of any phase of the preliminary plat shall constitute an automatic one-year (1-year) extension for the final plat filing of the next phase of the subdivision.

**Subsection 3.070. Improvements Following Preliminary Plat Approval.** Following preliminary plat approval, the subdivider, shall prepare and deposit with the City Engineer, detailed plans and specifications of the improvements to be constructed, including the estimated cost of completion for each required public improvement. The cost of improvements shall be defined to include the cost of design, engineering, contract administration, inspection, testing, and surveillance, as well as all work, labor, and materials furnished for the construction of the improvements.

**A. Agreement to Improve.** After approval of final improvement plans by the City Engineer, and before requesting final plat approval, the subdivider shall carry out improvements in accordance with the requirements of preliminary plat approval and this Ordinance, by any of the following methods:

1. By furnishing the Town with a plat or subdivision bond, or other approved security guaranteeing improvements, in which assurance is given the Town that the installation of improvements will be carried out as provided in the conditions of preliminary plat approval and this Ordinance, and in accordance with the installation requirements. The amount of the performance bond or other security shall be based upon the subdivider's estimate of improvement costs, as approved by the City Engineer, and shall be one-hundred fifty (150) percent of the amount approved by the City Engineer, and shall be in force for a period of time as recommended by the City Engineer and approved by the City Council;
2. By actually installing the improvements as provided in the conditions of preliminary plat approval and this Ordinance, in accordance with the installation requirements, and under the supervision of the City Engineer or the Engineer's designee.
3. By actually installing the improvements as provided in the conditions of preliminary plat approval and this Ordinance, in accordance with local improvement district laws of the state and the City Council, in accordance with the installation requirements, and under the supervision of the City Engineer or the Engineer's designee.

4. By furnishing the Town with a copy of a contract signed by a contractor and the subdivider of the proposed plat, subdivision, or dedication, in which the contractor has agreed to install the improvements in accordance with the conditions of preliminary plat approval and this Ordinance, and in accordance with the installation requirements and requirements of the City Engineer; in addition, the subdivider shall furnish the Town with a copy of the performance bond, or other approved security, signed by the contractor and provided by the contractor to the subdivider of the proposed plat, subdivision, or dedication, in which assurance is given that the contractor will install such improvements, and the amount of such performance bond or other security shall be one-hundred fifty (150) percent of the amount approved by the City Engineer, and shall be in force for a period of time as recommended by the City Engineer and approved by the City Council;

5. By a combination of these methods.

**B. City Council Approval of Method of Assuring Performance.** The method or methods of assuring performance of subdivision improvements, as outlined in paragraph A of this Subsection, shall be subject to approval by the City Council.

**C. Proceed Against Bond or Other Security.** The Town reserves the right, in addition to all other remedies available to it by law, to proceed against such bond. In case of any suit of action to enforce any provisions of this Ordinance, the subdivider shall pay unto the Town all costs incidental to such litigation, including reasonable attorney's fees. The subdivider shall enter into an agreement with the Town requiring payment of such attorney's fees.

**D. Notice to City Engineer.** The City Engineer shall be advised of the subdivider's method of assuring performance after City Engineer's approval of the final improvement plans for the approved preliminary plat, subdivision, or dedication.

**E. Permit Applications.** Before any improvements are commenced, the subdivider shall make application for appropriate permits from municipal and other officers, officials, and authorities as are necessary to proceed with the installation of the subject improvements.

**F. Authorization for Final Plat.** After satisfactory completion of all improvements, or the guarantee of the construction of improvements as provided for in this Subsection, the City Council shall advise the subdivider to prepare a final plat for that portion of the area contained in the proposed plat, subdivision, or dedication, in which improvements have been satisfactorily installed or are guaranteed to be installed.

**Subsection 3.080. Administrative Costs to be Borne by Subdivider.** Through the agreement to improve as provided for in Subsection 3.070 of this Section, or through an alternative guarantee approved by the City Council, the subdivider shall provide full



payment all costs related thereto, including, but not limited to, the following administrative costs:

**A. Administrative and Recording Costs Relating to Public Improvement Guarantees.** The subdivider shall pay one-hundred (100) percent of all costs incurred in supplying and administering any method of public improvement security and guarantee.

**B. Inspection, Surveillance, and Testing.** The subdivider shall pay one-hundred (100) percent of all costs relating to any inspection, surveillance, and testing by the City Engineer or designee thereof for final approval of any required public improvement, or during the warranty period; surveillance shall be performed by the City Engineer during the course of construction and up to the point of final approval of the completed project, and inspection shall be performed by the City Engineer during the warranty period.

**C. Consultant Services.** The subdivider shall pay one-hundred (100) percent of all costs incurred for professional services in processing, reviewing, or inspecting any application for subdivision approval, including, but not limited to, planning, engineering, legal, financial, and accounting services.

**Subsection 3.090. Warranty of Improvements.** The subdivider shall warrant and guarantee, for a period of one (1) year after final plat approval and/or satisfactory completion of improvements, that the required improvements constructed will remain in good condition and will meet operating specifications during the warranty period. Such warranty shall include defects in design, workmanship, materials, and any damage to improvements caused by the subdivider, his or her agents, or others engaged in work to be performed under the agreement to improve.

**A. To secure the warranty, the guarantee of performance provided in Subsection 3.070 of this Section shall remain in effect until the end of the warranty period; or**

**B. The subdivider shall furnish the Town with a corporate surety bond, cash deposit, or irrevocable letter of credit, in an amount as determined by the City Engineer, to guarantee the payment of any reconstruction or repair costs which may be undertaken due to failures occurring during the warranty period.**

**C. Responsibility for identifying the necessity of repairs or reconstruction of such improvements shall rest with the City Engineer or designee thereof.**

**D. If the need for repairs or reconstruction of improvements is identified by the City Engineer, the City Engineer shall notify the subdivider, in writing, of the corrective work necessary, and shall provide the subdivider with a specified reasonable time period in which to correct such deficiencies in a manner satisfactory to said City Engineer.**

**E. If the subdivider fails to repair or reconstruct the deficiency within the time period specified by the City Engineer, the Town will make the repair or reconstruction at the subdivider's and surety's sole expense.** The Town may declare the bond, deposit, or other security forfeited and use such security to make repairs or undertake reconstruction, or may proceed to make the repairs or reconstruction and then bill the subdivider and surety for the cost thereof, and bring suit and recover the same from the subdivider and the surety, jointly and severally, and the security. The Town shall not be required to proceed first against the subdivider, and may proceed directly against any surety or guarantor to the subdivider, or bank, or other person issuing any letter of credit, or holder of any security.

**F. Inspection will be made by the City Engineer, or designee thereof, at the end of the warranty period and prior to the release of guarantees.** All know deficiencies shall be corrected by the subdivider prior to the release of the warranty security. Upon satisfactory correction of all deficiencies, the Town will release the remaining security.

### **Subsection 3.100. Final Plat Procedures and Requirements.**

**A. Final Plat Requirements.** The subdivider shall furnish to the Clerk-Treasurer for processing, the original of the final plat prepared by or under the direction of a land surveyor licensed in the State of Washington, and the number of copies thereof as prescribed by the City Engineer. The final plat shall comply with the following:

1. The final plat shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record, shall be twenty-four (24) by thirty-six (36) inches, or of a size as required by the County Auditor. Margins shall conform to the Spokane County Auditor's specifications. The scale shall be no smaller than fifty (50) feet to the inch. If more than one (1) sheet is required for the final plat, each sheet shall show sheet numbers for the total sheets. Multiple sheet final plats shall include an index sheet showing the entire subdivision, street and highway names, and block numbers. Such index sheet may be drawn at a scale smaller than that required for individual sheets.

2. The date, subdivision name, subdivision location by section, township, and range, graphic scale, north point, and datum of north point shall be shown.

a. The legal description of the land being subdivided shall be shown on both the title report and the final plat.

3. The lines and widths of all streets and alleys, lot lines, lots and blocks numbered in numerical order, reservations, easements, and any areas to be dedicated to public use shall be shown, with notes stating their purpose and any limitations. Written approval of the easements from the utility company must be

submitted with the final plat. Lots shall not be divided by a public right-of-way or the boundary of the Town.

4. Street names shall be shown and labeled consistent with the names of existing streets or provided with new names as approved by the City Council.

5. Plat restrictions required as conditions of preliminary plat approval shall be shown.

6. All dimensions to the nearest one hundredth (1/100th) of a foot and angles and bearings in degrees, minutes, and seconds shall be shown.

7. Plat boundary and street monument lines having curves, shall show radius, arc, central angle, and tangent for each curve and radial bearing where curve is intersected by a nontangent line. Spiral curves shall show chord bearing and length. Lots along curves shall show arc length along curve and radial bearings at lot corners.

8. Where elevations are needed on the final plat, permanent bench mark(s) shall be shown on the final plat in a location and on a datum plane approved by the City Engineer.

9. The final plat shall indicate the actual net area for each platted lot exclusive of the right-of-way. Lots over one (1) acre shall be shown to the closest hundredth (1/100th) of an acre, and all other lots shall be shown in square feet.

10. Permanent control monuments, in conformance with Spokane County monumentation standards, shall be set at locations determined by the City Engineer, and shall be clearly shown on the final plat. Every lot corner shall be marked with an iron rod or iron pipe marked in a permanent manner with the registration number of the registered land surveyor in charge of the survey. All permanent control monuments and lot corner markers shall be installed prior to release of any bond.

**11. Special approvals required:**

a. If any portion of the subdivision lies within a flood hazard area as designated on official federal, State, County, or local maps, or by the City Engineer, the final plat shall show building setback lines as determined by the City Engineer to insure that the subdivision is in compliance with the National Flood Insurance Program.

b. When a proposed subdivision borders State Highway 195, the Washington State Department of Transportation will not permit direct access, except in accordance with RCW 47.52, Limited Access Facilities.

c. A building setback line may be required to be shown on the final plat in order to protect scenic resources, known critical areas, unique environmental features, etc.

**12. The final plat shall include a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The final plat shall show:**

a. All monuments found, set, reset, replaced or removed, describing their kind, size, and location, and giving other data relating thereto.

b. Bearing trees, corner accessories or witness monuments, basis of bearings, and length of lines.

c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown.

d. Ties to adjoining surveys of record.

13. The allowable error of closure for the final plat shall not exceed one (1) foot in one-hundred-thousand (100,000) feet or two-one-hundredths (0.02) foot, whichever error is less.

14. The final plat shall be accompanied by an approved printed computer plot closure or demonstrated mathematical plot closure **for** all lots, streets, alleys, and boundaries.

**B. Final Plat Certificates.** In addition to other requirements as specified herein, the final plat shall contain or be accompanied by the following:

1. Certification by the licensed land surveyor that the survey has been made and that monuments and markers have been set.

2. Certification showing that streets, rights-of-way, and all sites for public use have been dedicated.

3. Certification by the Town's public works official that public streets and the methods of water service and sewage disposal have been approved and are adequate.

4. Certification by the City Engineer that the plat has been examined and approved and that all improvements have been installed in accordance with the requirements of this Section, or certain improvements have been deferred through suitable guarantees in accordance with the provisions of this Section.

5. Certification by the County Treasurer that all outstanding taxes on the property have been paid.

6. Certification by the Spokane County health officer, if required, that the plat has been examined and approved.

7. Certification of the City Council's approval to be signed by the Mayor and the Clerk-Treasurer.

8. Any other certifications as the City Engineer or City Attorney deem necessary.

9. The subdivider shall furnish the Town a plat certificate from a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision, or dedication, and listing all encumbrances. The certificate shall be dated within forty-five (45) days prior to the granting of the final plat by the City Council.

10. The final plat shall be accompanied by copies of any restrictive covenants as may be used in the subdivision.

C. Whenever a survey of a subdivision reveals a discrepancy, the discrepancy shall be noted on the face of the final plat. Any discrepancy shall also be disclosed in the title report prepared by a title company and issued after the filing of the final plat. For the purposes of this paragraph, a discrepancy shall refer to a boundary hiatus, an overlapping boundary, or a physical appurtenance, which indicates encroachment, lines of possession, or conflict of title.

**D. Application Fees.** Fees charged for processing final plats, and for final plat review by the City Engineer, shall be set by resolution of the City Council. Such fees are not refundable.

**Subsection 3.110. Approval and Filing of Final Plat.** After the City Engineer has approved the final plat and has affixed his or her signature to the face of the final plat, the City Engineer shall cause the final plat to be promptly submitted to the City Council. The final plat shall be processed as a Type II (administrative) application in accordance with the Town's Integrated Project Review Ordinance.

A. The City Council shall, at its next convenient public meeting or any continued meeting, determine whether conditions imposed when the preliminary plat was approved have been met or bonded, and the requirements of state law and this Ordinance have been satisfied by the subdivider.

B. If the City Council determines that all requirements have not been met and/or all certificates are not in order, the final plat shall be returned to the subdivider for modification or correction.

C. If the City Council determines that all requirements have been met and all certificates are in order, the original of the final plat shall be signed by the Mayor and the Clerk-Treasurer.

D. Following the City Council's approval of the final plat, and upon receipt of the County's filing fee from the subdivider, the Clerk-Treasurer shall file the final plat with the County Auditor for immediate recording.

**Subsection 3.120. Expiration of Final Plat After Council Approval.** If a final plat has not been recorded within six (6) months after approval by the City Council, the final plat shall expire and become null and void. One (1) extension of the six-month (6-month) period may be granted by the City Council. To revitalize an expired final plat, the subdivision shall be resubmitted as a preliminary plat.

## Section 4.0. SHORT SUBDIVISION PROCEDURES

### Subsections:

- 4.010 Approval Required
- 4.020 Early Consultation
- 4.030 Applicability and Interpretation
- 4.040 Preliminary Short Plat Procedures and Requirements
- 4.050 Factors to be Considered - Findings
- 4.060 Expiration of Preliminary Short Plat Approval
- 4.070 Improvements Following Preliminary Short Plat Approval
- 4.080 Administrative Costs to be Borne by Subdivider
- 4.090 Warranty of Improvements
- 4.100 Final Short Plat Procedures and Requirements
- 4.110 Approval and Filing of Final Short Plat
- 4.120 Expiration of Final Short Plat After Council Approval

**Subsection 4.010. Approval Required.** No person, firm or corporation proposing to make, or having made, a short subdivision of land containing two (2) or more but less than five (5) lots, plots or tracts, or proposing to make, or having made, a short subdivision containing a dedication of any part thereof as a street, shall enter into any contract for the sale of, or shall offer to sell, the short subdivision or any part thereof, or shall proceed with any construction work on the proposed short subdivision, other than improvements authorized under this Section, until he, she, or it has obtained from the City Council both the preliminary and final approval of the proposed short subdivision in accordance with the rules and regulations set forth in this Section. Preliminary short subdivisions shall be subject to the Type III (quasi-judicial) provisions of the Town's Integrated Project Review Ordinance.

**Subsection 4.020. Early Consultation.** Any person who desires to subdivide land in the Town should consult with the Town and its engineer at an early date, and on an informal basis, in order to become familiar with the requirements of this Ordinance and other local ordinances which have a bearing on short subdivision design and development. An applicant may request, or the Town may initiate, a formal preapplication conference in accordance with Subsection 3.020 of the Town's Integrated Project Review Ordinance.

**Subsection 4.030. Applicability and Interpretation.** Any land being divided into four (4) or fewer parcels, lots, tracts, sites, or divisions, for the purpose of sale, lease or development, which is not exempt under Section 1.0 of this Ordinance, shall conform to the procedures and requirements of this Section, including the resubdivision of existing platted lots.

A. Land within a short subdivision, the short plat of which has been approved within five (5) years immediately preceding, shall not be further subdivided, in any manner, under the provisions of this Section; provided, however, that when the original short subdivision contains less than four (4) lots, the above prohibition shall not apply to

the creation of additional lots as long as the total of both the original and subsequent short subdivisions shall not exceed four (4) lots.

B. After five (5) years, further short subdivisions may be permitted by a property owner; provided, that when the subdivider owns more than one (1) lot within a short subdivision, he or she may not divide the aggregate total into more than four (4) lots.

C. Where no sales of any lots in a short subdivision have occurred, nothing contained in this Section shall prohibit the subdivider from completely withdrawing the entire short plat and thereafter presenting a new or amended short subdivision or subdivision application.

#### **Subsection 4.040. Preliminary Short Plat Procedures and Requirements.**

A. Preliminary Short Plat Application. The map of the proposed short plat, short subdivision, or dedication, together with an application for preliminary approval thereof on forms available from the Town, and a completed State Environmental Policy Act (SEPA) environmental checklist (if the application is not exempt under WAC 197-11-800), shall be prepared by the subdivider, or by the subdivider's engineer or surveyor, in accordance with the requirements of this Subsection.

1. Seven (7) sets of the preliminary map, application, and environmental checklist shall be submitted to the Clerk-Treasurer for initial and informal review by the City Council as to conformance with the provisions of this Ordinance, applicable zoning regulations, and the consistency requirements of Subsection 1.040 of the Town's Integrated Project Review Ordinance.

a. If the City Council determines that the submitted materials do not contain sufficient information and data to meet the requirements of this Section, the subdivider shall be notified by the Town, in writing, of the information and materials needed to bring the application and related materials into conformance with this Section for the purposes of collecting applicable fees and processing such application. Such notice shall conform to the determination of completeness provisions of Subsection 3.050 of the Town's Integrated Project Review Ordinance.

b. If the City Council determines that the submitted materials contain sufficient information and data to meet the requirements of this Section, the subdivider will be required to pay specified application processing and engineering review fees, and to submit additional copies of said materials for formal distribution. A determination of completeness will be issued pursuant to Subsection 3.050 of the Town's Integrated Project Review Ordinance.

c. After submittal of such fees and additional copies of required materials, an application file number will be affixed by the Clerk-Treasurer, and the Clerk-Treasurer will forward copies of the application, map, and pertinent materials



to the City Engineer, Spokane County health officer, Fire Department, appropriate Town utility officials, other utility agencies of interest, and any other governmental agencies from which review is required (i.e., the State Department of Transportation if the proposed subdivision is adjacent to the right-of-way of a State highway). Distribution of materials for comment shall conform with the requirements of Subsection 4.030 of the Town's Integrated Project Review Ordinance.

d. Municipal utility personnel, the City Engineer, and all other entities to whom the application and related materials have been distributed for formal comment, shall respond within the time frame established by the Town in accordance with Subsection 4.030 of the Town's Integrated Project Review Ordinance. Failure to respond within said time frame shall be construed as having no requirements or comments pertaining to the application.

B. Preliminary Short Plat Requirements. The following shall be part of the preliminary short plat:

1. A vicinity map, adequate to show the location of the proposed short subdivision, in relation to properties, streets, and other recognized boundaries relating thereto.
2. The preliminary short plat shall include, or otherwise conform to, the requirements set forth in Subsection 3.040.B.2 of this Ordinance.
3. Provide a list of the names and addresses of all property owners abutting the proposed short subdivision, as shown on the most current Spokane County records, obtained by the subdivider from a recognized title company not more than thirty (30) days before acceptance of the application for processing by the Town. If the subdivider has a controlling interest in any property abutting the short subdivision, the list of property owners shall extend to those properties abutting lands owned or controlled by the subdivider.
4. When only a portion of adjoining land having the same ownership interest is to be short subdivided, the subdivider shall submit a generalized plan for the entire ownership so as to demonstrate that the street pattern and general arrangement of the short subdivision can be coordinated with the entire tract when fully developed.
5. The subdivider shall submit the following additional materials:
  - a. Proof of the date of the last segregation of the parcel of land to be short subdivided;
  - b. A copy of restrictions, if any, presently encumbering the land; and

c. A copy of proposed restrictions, if any, to be imposed upon the use of the land in the short subdivision.

C. Application Fees. Fees charged for processing applications, and for application review by the City Engineer, shall be set by resolution of the City Council. Such fees are only refundable to the extent allowed under Subsection 3.050 of the Town's Integrated Project Review Ordinance.

D. Hearings. The City Council shall set a date for a predecision public hearing no more than forty-five (45) calendar days from acceptance by the Town of a completed application and supporting data, except when additional time is required pursuant to the State Environmental Policy Act (SEPA) and the Town's Environmental Policy Guidelines Ordinance for preparation of an environmental impact statement (EIS). Pursuant to the Town's Integrated Project Review Ordinance, no more than one (1) open record hearing and one (1) closed record appeal shall be allowed.

E. Notice of Hearing. A public notice of the hearing shall be prepared by the Clerk-Treasurer, and shall include all of the requirements for a notice of application/public notice as set forth in the Town's Integrated Project Review Ordinance.

1. All provisions of Section 3.0 of this Ordinance pertaining to mailed notice, posting of the application site, posting at the City Hall and other public locations, and publication of the notice, shall apply to short subdivisions.

The continuance of a public hearing through verbal motion at a regular or special meeting of the City Council, and posting of the continuance at the established posting places, shall be deemed as adequate notice to the public.

F. Items to be Transmitted to the Council. A staff report shall be prepared pursuant to Subsection 4.060 of the Town's Integrated Project Review Ordinance. The Clerk-Treasurer shall transmit the short subdivision application, SEPA documentation, preliminary short subdivision plat or dedication, staff report, and the comments and recommendations of municipal utility personnel, the City Engineer, and interested agencies to the City Council prior to the scheduled predecision public hearing date. Copies of the same materials shall be made available to the public for review.

G. City Council Responsibilities. The City Council shall examine the application materials at the public hearing to ascertain whether or not such application conforms to the Comprehensive Plan and the requirements of this Section. Every decision made under this Subsection shall be in writing, and shall include findings of fact, and conclusions of law, to support the recommendation or decision. An application may be approved, approved with conditions, modified with conditions, or denied. The subdivider, affected public agencies and utilities, and other parties of record, shall be mailed a copy of the decision on an application in accordance with Subsection 4.080 of the Town's Integrated Project Review Ordinance. A record of all public hearings shall be kept and shall be open to public inspection.

**Subsection 4.050. Factors to be Considered - Findings.** The City Council, in its public hearing and deliberations, shall inquire into the public use and interest proposed to be served by the establishment of the short subdivision and/or dedication. A proposed short subdivision and/or dedication shall not be approved unless the City Council makes written findings in conformance with Subsection 3.050 of this Ordinance.

**Subsection 4.060. Expiration of Preliminary Short Plat Approval.** Preliminary short plat approval shall lapse eighteen (18) months from the date of approval unless a final short plat, based on the preliminary short plat, is submitted within eighteen (18) months from the date of preliminary short plat approval.

A. A single extension of six (6) months may be granted to a subdivider who files a written request with the Town before the expiration of the 18-month period, provided that the subdivider can demonstrate to the City Council's satisfaction that he or she has attempted, in good faith, to submit the final short plat within the required time frame.

B. All time extension requests shall be subject to the Type II (administrative) processing requirements set forth in the Town's Integrated Project Review Ordinance, unless the Town determines that the time extension request should be processed as a Type III (quasi-judicial) matter. Upon approval of an extension, the City Council may attach any and all newly recommended conditions of utilities and public agencies to the original proposal.

**Subsection 4.070. Improvements Following Preliminary Short Plat Approval.** Following preliminary short plat approval, the subdivider, shall prepare and deposit with the City Engineer, detailed plans and specifications of the improvements to be constructed, including the estimated cost of completion for each required public improvement. The cost of improvements shall be defined to include the cost of design, engineering, contract administration, inspection, testing, and surveillance, as well as all work, labor, and materials furnished for the construction of the improvements. All provisions of Subsection 3.070 of this Ordinance shall apply to short subdivision improvements.

**Subsection 4.080. Administrative Costs to be Borne by Subdivider.** Through the agreement to improve as provided for in Subsection 4.070 of this Section, or through an alternative guarantee approved by the City Council, the subdivider shall provide full payment all costs related thereto, including, but not limited to, the administrative costs enumerated in Subsection 3.080 of this Ordinance.

**Subsection 4.090. Warranty of Improvements.** The subdivider shall warrant and guarantee, for a period of one (1) year after final short plat approval and/or satisfactory completion of improvements, that the required improvements constructed will remain in good condition and will meet operating specifications during the warranty period. Such warranty shall include defects in design, workmanship, materials, and any damage to

improvements caused by the subdivider, his or her agents, or others engaged in work to be performed under the agreement to improve. All provisions of Subsection 3.090 of this Ordinance shall apply to such warranty.

**Subsection 4.100. Final Short Plat Procedures and Requirements.**

A. Application. After a preliminary short subdivision has been approved, the subdivider shall make application for the final short subdivision. The approved preliminary short subdivision, including conditions, shall be the basis for approval of the final short plat subdivision.

1. Where no dedications or improvements are required, applications for preliminary and final short subdivisions may be consolidated, provided that all information required under both procedures are included with the application.

B. Final Short Plat Requirements. The subdivider shall furnish to the Clerk-Treasurer for processing, the original of the final short plat prepared by or under the direction of a land surveyor licensed in the State of Washington, and the number of copies thereof as prescribed by the City Engineer. The final short plat shall comply with Subsection 3.100 of this Ordinance. The City Engineer may modify or waive provisions of said Subsection 3.100 which do not apply to the short plat at issue.

C. Effect of Subsequent Subdivisions. Land in short subdivisions shall not be further divided in any manner within a period of five (5) years of the recording date of the short plat without the filing of a regular subdivision application with the Town for preliminary and final plat processing.

**Subsection 4.110. Approval and Filing of Final Short Plat.** After the City Engineer has approved the final short plat and has affixed his or her signature to the face of the final short plat, the City Engineer shall cause the final plat to be promptly submitted to the City Council. The provisions of Subsection 3.110 of this Ordinance shall apply to the approval and filing for record of a final short plat. The final short plat shall be processed as a Type II (administrative) application in accordance with the Town's Integrated Project Review Ordinance.

**Subsection 4.120. Expiration of Final Short Plat After Council Approval.** If a final plat has not been recorded within three (3) months after approval by the City Council, the final short plat shall expire and become null and void. One (1) extension of the three-month (3-month) period may be granted by the City Council. To revitalize an expired final short plat, the short subdivision shall be resubmitted as a preliminary short plat.

## Section 5.0. ALTERATION OF SUBDIVISION PROCEDURES

### Subsections:

- 5.010 Application
- 5.020 Notice and Hearing
- 5.030 City Council Determination
- 5.040 Filing for Record

**Subsection 5.010. Application.** When any person proposes an alteration of any subdivision, short subdivision, or any portion thereof, such person shall submit an application requesting the alteration to the Clerk-Treasurer. The application shall contain the signatures of the majority of those persons having an ownership interest in the lots, tracts, parcels, sites, or divisions in the subject subdivision, short subdivision, or portion thereof to be altered. The application shall contain the same materials and surrounding ownership information as set forth in Section 3.0 of this Ordinance for preliminary plat applications or Section 4.0 of this Ordinance for preliminary short plat applications, depending upon whether the alteration pertains to a subdivision or short subdivision, and shall be accompanied by processing fees as established by resolution of the City Council.

A. If the subdivision or short subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision or short subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement, signed by all parties subject to the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision, short subdivision, or portion thereof.

**Subsection 5.020. Notice and Hearing.** Upon receipt of an application for alteration, the Clerk-Treasurer shall establish a public hearing date before the City Council. Notice of the public hearing shall be given in accord with Section 3.0 of this Ordinance for preliminary plat applications or Section 4.0 of this Ordinance for preliminary short plat applications, depending upon whether the alteration pertains to a subdivision or short subdivision.

**Subsection 5.030. City Council Determination.** The City Council shall determine the public use and interest in the proposed alteration, and may approve, approve with conditions, modify, or deny the application for alteration. Written findings and conclusions shall conform to the requirements of Sections 3.0 or 4.0 of this Ordinance, depending upon whether the alteration pertains to a subdivision or short subdivision.

A. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.

B. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision or short subdivision, such land may be altered and divided equitably between the adjacent properties.

**Subsection 5.040. Filing for Record.** After approval of the alteration, the City Council shall order the applicant to produce a revised map of the approved alteration of the final plat or final short plat in accordance with the provisions of Section 3.0 of this Ordinance for final plats or Section 4.0 of this Ordinance for final short plats, depending upon whether the alteration pertains to a subdivision or short subdivision. After the Mayor and Clerk-Treasurer have signed said map, and upon receipt of the County's filing fee from the applicant, the Clerk-Treasurer shall file said map with the County Auditor for recording and such map shall become the lawful platting of the property.

## Section 6.0. VACATION OF SUBDIVISION PROCEDURES

### Subsections:

- 6.010 Application
- 6.020 Type of Vacation
- 6.030 Notice and Hearing
- 6.040 City Council Determination
- 6.050 Filing for Record
- 6.060 Ownership of Vacated Lands

**Subsection 6.010. Application.** When any person proposes the vacation of any subdivision, short subdivision, or any portion thereof, or of any area designated or dedicated for public use, such person shall submit an application requesting the vacation to the Clerk-Treasurer. The application shall set forth the reasons for the vacation, and shall contain signatures of all parties having an ownership in that portion of the subdivision or short subdivision subject to the proposed vacation. The application shall contain a map delineating the existing platting of the area to be vacated and the surrounding ownership information as set forth in Section 3.0 of this Ordinance for preliminary plat applications or Section 4.0 of this Ordinance for preliminary short plat applications, and shall be accompanied by processing fees as established by resolution of the City Council.

A. If the subdivision or short subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision or short subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement, signed by all parties subject to the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision, short subdivision, or portion thereof.

**Subsection 6.020. Type of Vacation.** When the vacation application is specifically for a public street, the procedures for street vacation in Revised Code of Washington (RCW) Chapter 35.79 shall be followed. When the application is for the vacation of the plat together with the streets, the procedures for vacation set forth in this Section shall be utilized, provided, however, that vacations of streets may not be made that are prohibited under Revised Code of Washington (RCW) Section 35.79.035.

**Subsection 6.030. Notice and Hearing.** Upon receipt of an application for vacation, the Clerk-Treasurer shall establish a public hearing date before the City Council. Notice of the public hearing shall be given in accord with Section 3.0 of this Ordinance for preliminary plat applications, or Section 4.0 of this Ordinance for preliminary short plat applications, depending upon whether the vacation pertains to a subdivision or short subdivision.

**Subsection 6.040. City Council Determination.** The City Council shall determine the public use and interest to be served by the proposed vacation, and may approve, approve with conditions, modify, or deny the application for vacation. Written findings and

conclusions shall conform to the requirements of Sections 3.0 or 4.0 of this Ordinance, depending upon whether the vacation pertains to a subdivision or short subdivision.

A. If any portion of the land contained in the area proposed to be vacated was dedicated to the public for public use or benefit, such land, if not deeded to the Town, shall be deeded to the Town, unless the City Council makes written findings that the public use and interest would not be served by retaining public title to such lands.

**Subsection 6.050. Filing for Record.** After City Council approval of the vacation, and upon receipt of the County's filing fee from the applicant, the Clerk-Treasurer shall file said vacation with the County Auditor for recording.

**Subsection 6.060. Ownership of Vacated Lands.** Title to the vacated property shall vest with the rightful owner as shown in the County records.

A. If the vacated land is land that was dedicated to the public for public use other than a street, and the City Council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the City Council.

B. When the street to be vacated was wholly contained within the boundary of the vacated subdivision or short subdivision, title to the vacated street shall vest with the owner or owners of property contained within the vacated subdivision or short subdivision.



## Section 7.0. DESIGN STANDARDS

### Subsections:

- 7.010 Dedications
- 7.020 Design Standards Generally
- 7.030 Access to County Roads or State Highways
- 7.040 Street Names and House Numbers
- 7.050 Street Standards
- 7.060 Drainage Plans
- 7.070 Blocks and Lots
- 7.080 Utilities
- 7.090 Public Parks

### Subsection 7.010. Dedications.

#### A. General.

1. No subdivision or short subdivision shall be approved unless adequate provisions are provided for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastewater, parks, playgrounds; and shall consider other relevant facts and determine whether the public interest will be served by the subdivision or short subdivision, and dedication.
2. All dedication of land shall be clearly and precisely indicated on the face of preliminary and final plats, whether for a subdivision or short subdivision.

B. Protective improvements, such as dikes, drainage systems or storm and sanitary sewers, public water systems, and easements to maintain such improvements, shall be dedicated for public ownership and maintenance, except as provided in paragraph D of this Subsection.

C. Direct access to every lot shall be provided by a public street improved to standards established by the City Engineer under the direction of the City Council.

#### D. Exemptions - Conveyance to Corporation.

1. If the City Council concludes that the public interest will be served thereby, the Council may decide, in lieu of requiring the dedication of land to the Town in a subdivision or short subdivision for protective improvements, drainage ways, walkways, parks, playgrounds, recreational, community or other general purposes, to allow the said land and/or protective improvements or easements to be conveyed to a homeowners association or similar nonprofit corporation or other approved corporation.

2. A subdivider who is required to make a conveyance as permitted above shall, at or prior to the time of submitting a final plat for approval, supply the City Attorney and City Council with copies of documents which satisfactorily demonstrate that adequate provisions have been made for maintenance and perpetuity of the dedication.

E. Public Intention to Acquire.

1. Any public agency with power to acquire land by condemnation or otherwise for public uses may, at any time prior to approval of a preliminary plat or short plat, notify the City Council, and the subdivider, of its intention to acquire land in a proposed subdivision or short subdivision for public uses.

2. If the City Council finds that the subdivision or short subdivision necessitates acquisition of land by a public agency within the subdivision or short subdivision to insure public health, safety and welfare, the Council may require, as a condition of approval of the preliminary subdivision or short subdivision, that the said land, or such part of it as is deemed appropriate, be designated on the preliminary plat or short plat as reserved land.

3. In the event the land is not dedicated for said uses, any public agency may request that the Town require the reservation of such land. Said dedication shall appear on the face of the final plat or final short plat prior to the Council's approval of such final plat or final short plat.

4. No building permit, sewage disposal permit, or other permit for development shall be issued for improvement on lands that have been reserved for acquisition by a public agency except by the public agency for whom the land was reserved.

F. Reserved Land.

1. If any public agency requires reserved land for future public uses to insure the public health, safety or general welfare, the subdivider shall indicate on the final plat such reserved lands. The subdivider shall show the configuration and dimensions of proposed lots, blocks, roads, easements and like features in the reserved area.

2. If the public agency has not acquired or commenced proceedings to acquire reserved land within the time period set by the Town, the subdivider and subdivider's successors may proceed to develop land lying within the reserved area in conformity with the final plat of the subdivision or short subdivision. No improvements shall be made upon reserve land that has become available for development through nonacquisition by a public agency until adequate commitments for development thereon have been provided by the subdivider.

**Subsection 7.020. Design Standards Generally.**

A. All subdivisions shall conform to the Comprehensive Plan of the Town, all zoning regulations, and all other applicable local and State regulations in effect at the time any preliminary subdivision or preliminary short subdivision is submitted for approval or at the time an extension of time is granted.

B. Topographic, Hydrologic and Geologic Hazards - Protective Improvements. Land on which exist any topographical, hydrologic or geological conditions which are hazardous to the health, safety or general welfare of persons or property in or near a proposed subdivision or short subdivision, shall not be subdivided unless the construction of protective improvements will eliminate the hazard or unless land subject to the hazard is reserved for uses that will not expose persons or property to the hazard. Design criteria for subdivision of land with these hazards may follow the criteria as specified or approved by the City Engineer, Health District, or other pertinent regulatory agencies. These protective improvements shall be constructed prior to final plat approval or a bond provided to cover the cost, and restrictions of such uses shall be clearly noted on the final plat or final short plat.

1. Lands with these hazards are also subject to the provisions of the Spangle Critical Areas Ordinance. Therefore, where any applicable portion of this Subdivision Ordinance or of the Critical Areas Ordinance imposes a greater restriction or regulation upon buildings, structures, platting, and/or uses than are imposed by other applicable regulations, the most restrictive provisions shall apply.

C. Generally, the arrangement, character, extent, width, grade and location of all streets shall conform to this Subdivision Ordinance and to the Zoning Ordinance, and shall be considered in their relation to existing and planned streets, topographic conditions, public convenience and safety, in their appropriate relation to adjoining subdivisions, and their compatibility with the Town. The arrangement and other design standards of streets will conform to all provisions of this Section.

1. Improvements. Streets shall be paved and essential utilities improved to conform to applicable standards and specifications as set forth by the City Engineer under the direction of the City Council, and shall be approved as to design and specifications by the City Engineer in accordance with the approved construction plans.

2. Street arrangement.

- a. The arrangement of streets in new subdivisions and short subdivisions shall make provisions for the continuation of existing streets in adjoining areas.

- b. Proposed streets shall be extended to the boundary lines of the tract to be subdivided or short subdivided, unless prevented by topographic or other physical conditions.
- c. A gridiron street pattern need not necessarily be adhered to and the use of curvilinear streets, cul-de-sacs, and loop streets may be utilized where such use may result in a more desirable layout. The street shall be laid out in such a way as to make the best use of the topography of the land consistent with the type of development.
- d. Where a half-street is adjacent to the subdivision or short subdivision, the other half of the street must be dedicated by the adjacent subdivider.
- e. Collector streets shall be property related to the public street system, to special traffic generating facilities such as churches, and shopping areas, to population densities and to Highway 195 into which they feed. Collector streets shall also be designed and located in accordance with the Transportation Element of the Comprehensive Plan.
- f. Local access streets shall be laid out to conform as much as possible to topography, to discourage use by through traffic, and to permit efficient drainage systems.

**Subsection 7.030. Access to County Roads or State Highways.** Where a subdivision or short subdivision borders on or contains a County road or State highway, the City Council may require that access to such streets be limited by one (1) of the following means:

- A. Design of lots so that back yards border on the County or State right-of-way and front on a parallel local access street, with no access provided from the County or State right-of-way, and screening and/or a corridor of land provided along the rear property line of such lots;
- B. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel local access street, with the rear lines of their terminal lots backing onto the County or State right-of-way, and separated with screening and/or a corridor of land provided along the rear property line of such lots;
- C. A marginal access or service road separated from the County or State right-of-way by a corridor of land and having access thereto at suitable points.

**Subsection 7.040. Street Names and House Numbers.** Names of new streets shall not duplicate existing street names unless a new street is a continuation of or in alignment with the existing street. Street names shall be approved by the City Council. House

numbers shall be assigned by the City Council in accordance with the house numbering system in effect in the Town.

**Subsection 7.050. Street Standards.** The City Council shall approve the subdivision or short subdivision only after a finding that appropriate provisions are made for traffic capacity pursuant to the level of service standards stipulated in the Transportation and Capital Facilities Elements of the Comprehensive Plan.

A. Cul-De-Sacs. Streets designed to have one (1) end permanently closed shall not be longer than four-hundred (400) feet in length measured from the curb line of the intersecting street to the closed end of the cul-de-sac. The closed end of the cul-de-sac shall be provided with a circular turnaround having a driving surface radius not less than sixty (60) feet. Offset or T-shaped turnarounds providing equivalent radius may be substituted.

B. Geometric Design. Street grades, vertical and horizontal alignments, and applicable design features shall be in conformance with the standards entitled City and County Design Standards for the Construction of Urban and Rural Arterials and Collectors, Washington State 1995, or as the same may be subsequently amended, and shall also be in conformance with applicable sections of the American Association of State Highway and Transportation Officials (AASHTO) policies.

C. Alleys. Alleys may be required to the rear of lots used for business purposes.

D. Right-of-Way and Roadway Criteria. The following criteria shall apply to all streets, unless the City Council determines that alternative standards are necessitated by unusual topographic, physical, or design features:

<u>Feature</u>	<u>Collector Streets</u>	<u>Local Access Streets</u>
Right-of-Way*	60 ft.	50 ft.
Surface**	Asphalt	Asphalt
Number of Lanes	2	2
Lane Width	12 ft.	11 ft.
Parking Strip**	Asphalt	Asphalt
Shoulder Width	8 ft.	8 ft.
Roadway Width	40 ft.	38 ft.
Sidewalk Width***	5 ft.	5 ft.

\* Right-of-way widths in excess of the standards designated in this Subsection shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.

\*\* Base course and pavement shall conform to approved specifications in a manner satisfactory to the City Engineer.

\*\*\* Pedestrian sidewalks required on both sides of street. Sidewalk width may be reduced, with prior approval, to three (3) feet where 5-foot by 5-foot sidewalk clear passing spaces exist at a minimum interval of two-hundred (200) feet.

E. Intersections.

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. The intersection of two (2) new streets at an angle of less than seventy (70) degrees shall not be permitted without the approval of the City Engineer. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one-hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one (1) point without prior approval of the City Council.

2. Adequate stopping sight distance to traffic control devices will be provided at each intersection. Sight distance must be equal to or exceed the stopping sight distance required by applicable sections of the American Association of State Highway and Transportation Officials (AASHTO) policies.

3. Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street.

4. Intersections shall be designed with a minimum grade. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided to conform to applicable standards and specifications adopted by the Town, and to ensure adequate traffic safety.

5. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way or easement, and shall comply with the clear view triangle provisions of the Zoning Ordinance. An easement shall be required on the plat for required cut slopes.

6. The cross-slopes on all streets, including intersections, shall not exceed three (3) percent, but shall be greater than one (1) percent in all cases.

**Subsection 7.060. Drainage Plans.**

A. The drainage plan requirements of this Subsection shall apply except where the subdivider demonstrates to the satisfaction of the City Engineer that the proposed activity of development: will not seriously nor adversely impact water quality

conditions; and will not alter the surface discharge location, alter the drainage pattern on adjoining properties, alter drainage patterns, increase the discharge, nor cause any other adverse effects in the drainage area; and will not alter the subsurface drainage patterns, flow rates, and discharge points, nor result in any significant adverse effects to property or residents.

B. Drainage plans shall provide for surface and pertinent subsurface water flows entering, flowing within, and leaving the subject property, both during and after construction. The detailed form and contents of the drainage plan shall be prepared by a professional engineer.

C. The subdivider of a proposed subdivision or short subdivision shall present a stormwater drainage and flood control plan to the Town for approval. The stormwater drainage and flood control plan shall be subject to approval by the City Engineer under the direction of the City Council. Such plan shall also be compatible with the approved stormwater disposal standards of the County health officer.

D. Drainage control and stormwater easements shall be provided in proper location and of sufficient width in accordance with drainage design standards in a manner satisfactory to the City Engineer.

**Subsection 7.070. Blocks and Lots.**

A. Blocks shall be so designed as to assure traffic safety and ease of traffic control and circulation. Blocks shall be wide enough to allow for two (2) tiers of lots unless the topography or other factors dictate the use of one (1) tier or reverse frontage lots.

B. Blocks designed for business and industrial use shall be designed specifically for such purposes with adequate space set aside for limited access off-street parking and delivery facilities as provided in the Zoning Ordinance.

C. Every lot shall be provided with access to an approved public street.

D. Minimum frontage widths, except for curvilinear and cul-de-sac streets, for the appropriate frontage required for the zone classification will be measured at the edge of the right-of-way. Frontage requirements for curvilinear or cul-de-sac streets shall be determined by the City Council on a case-by-case basis.

**Subsection 7.080. Utilities.**

A. Easements for electric, telephone, water, sewer, gas, and similar utilities shall be approved in writing by the utility of jurisdiction prior to final plat or final short plat approval.

B. Underground Utilities. Underground utility lines are required within public rights-of-way, alleys, or utility easements, including, but not limited to, those for

electricity, communications, and street lighting. Where written evidence presented by the supplier of such utilities demonstrates that topography, soil, or other conditions make underground installation impracticable, above ground utilities will be permitted. To the maximum extent feasible, above ground utility service shall be provided from the rear of the parcels.

C. Water Systems. The City Council shall approve the subdivision or short subdivision only after a finding that appropriate provisions are made for domestic and fire flow water distribution pursuant to the level of service standards stipulated in the Capital Facilities Element of the Comprehensive Plan.

1. Water sources and facilities adequate for the proposed uses shall be provided in conformance with, and as deemed necessary by, the County Health District, State Department of Health, the Fire Chief, and the City Engineer pursuant to their adopted standards. Plans for such facilities shall meet the minimum design requirements and construction standards of the Town's currently adopted or subsequently amended water system plan, other agencies, and the City Engineer under the direction of the City Council.

2. Approval of the plan for domestic water and fire flow shall be obtained by the subdivider from the City Engineer, the Fire Chief, the County health officer and the Department of Health for the State of Washington.

D. Sewage Systems. The City Council shall approve the subdivision or short subdivision only after a finding that appropriate provisions are made for sewage disposal pursuant to the level of service standards stipulated in the Capital Facilities Element of the Comprehensive Plan.

1. The subdivider of a proposed subdivision or short subdivision shall present a plan for disposal of sewage anticipated to be generated from the development of the proposed subdivision.

2. Such plan shall be in conformance with standards and specifications as set forth in the Town's currently adopted or subsequently amended sewer system plan, or as promulgated by the city engineer under the direction of the city council, and shall comply with applicable federal and state regulations, and shall be approved by the county health officer, city engineer, and other agencies as applicable.

**Subsection 7.090. Public Parks.** In review of the preliminary plat or short plat, the City Council shall consider the adequacy of existing and proposed recreational and park lands. The City Council shall approve the subdivision or short subdivision only after a finding that appropriate provisions are made for recreational and park lands pursuant to the level of service standards stipulated in the Capital Facilities Element of the Comprehensive Plan for mini-parks and/or neighborhood parks and playgrounds, in terms of both the population to be served and the projected service area radius. Provisions for park lands



shall be determined using either paragraph A or B of this Subsection, as deemed appropriate by the City Council.

A. Ratio of park space to overall plat area shall be:

1. Plats less than five (5) acres in gross area: no public park space required unless the proposed project density and the service area radius considerations specified in the Capital Facilities Element of the Comprehensive Plan demonstrate a need for mini-park or neighborhood park land.
2. Plats five (5) acres but less than fifteen (15) acres in gross area: one (1) acre of recreational and park area unless the proposed project density and the service area radius considerations specified in the Capital Facilities Element of the Comprehensive Plan demonstrate a need for additional mini-park or neighborhood park lands.
3. Plats fifteen (15) acres but less than twenty-five (25) acres in gross area: three (3) acres of recreational and park area unless the proposed project density and the service area radius considerations specified in the Capital Facilities Element of the Comprehensive Plan demonstrate a need for additional mini-park or neighborhood park lands.
4. Plats twenty-five (25) acres or larger in gross area: recreational and park area as determined by the City Council in consideration of the proposed project density and the service area radius considerations specified in the Capital Facilities Element of the Comprehensive Plan for mini-park and neighborhood park lands.
5. Where previous land has been dedicated to the town for recreational and park use within the mini-park and/or neighborhood park service radius of the proposed subdivision, but such land remains unimproved for recreational and park use, the City Council, in lieu of additional recreational and park area dedication, may require the subdivider of the proposed subdivision or short subdivision to improve such previously dedicated land with irrigation systems, turf and landscaping, playfields, rest rooms, community buildings, and/or other related recreational and park use amenities as deemed appropriate by the Town, taking into consideration the cost of such improvements verses the market value of the land that would otherwise be required to be dedicated.

B. To finance recreational and public park space as required within the proposed plat, and to assure that all parties required to provide park areas shall assume the costs, in lieu of providing recreational and park areas required above, or improvement of existing lands as optionally required above, the City Council may elect to allow the subdivider of lands to:

1. Sign a covenant agreeing to join an assessment district to pay for land for a public recreational and park facility at another location; or
2. Pay into a trust fund established by the Town for future purchase of recreational and park land and/or improvement of existing but not yet improved recreational and park land, a sum equivalent to the ratio of land required per paragraphs A.1. through A.5. of this Subsection at the estimated market value of the property being developed. In addition, the amount paid to the Town will be refunded to the owner or developer of the subdivision after a period of fifteen (15) years if not utilized in the development of a new recreational and park facility or in the revitalization, redevelopment or expansion of an existing recreational and park facility serving the same portion of the Town in accordance with the service radius parameters set forth in the Capital Facilities Element of the Comprehensive Plan.

## Section 8.0. PUBLIC IMPROVEMENTS

### Subsections:

- 8.010 Plans and Profiles
- 8.020 Street and Drainage System Improvements
- 8.030 Water and Sewer System Improvements
- 8.040 Fire Protection Improvements
- 8.050 Park and Recreation Improvements
- 8.060 Performance

**Subsection 8.010. Plans and Profiles.** Plans for public improvements shall be prepared by a registered civil engineer and shall be subject to the approval of the City Engineer under the direction of the City Council.

- A. Plans and profiles shall be prepared for streets, drainage facilities, water systems, sanitary sewer systems, fire protection facilities, park and recreation facilities, and any other public improvements applicable to the subdivision or short subdivision.
- B. All plans and profiles shall be prepared on 24-inch by 36-inch stabilized drafting film. The horizontal scale shall be one (1) inch equals fifty (50) feet or larger, and the vertical scale shall be one (1) inch equals five (5) feet or one (1) inch equals two (2) feet, as approved by the City Engineer.
- C. All plans and profiles shall show all existing and proposed topography, utilities, grades, subdivision or short subdivision lines, rights-of-way, and all other features required by the City Engineer.
- D. Any additional information pertaining to public improvements shall be submitted as required by the City Engineer.
- E. All plans, profiles, specifications, and design calculations shall be submitted to and approved by the City Engineer, with the City Engineer's signature affixed thereto, prior to proceeding with the proposed improvements.

**Subsection 8.020. Street and Drainage System Improvements.**

- A. Before final plat approval, all proposed streets and drainage facilities shown thereon shall be improved in accordance with the plans, profiles, specifications, and design calculations approved by the City Engineer under the direction of the City Council. All separate lots and tracts of the subdivision or short subdivision shall be provided access and proper drainage at the expense of the subdivider.
- B. The subdivider shall not start construction of streets and drainage facilities until all plans pertaining to the subdivision have been approved by the City Engineer and appropriate permits acquired from the Town. The City Engineer shall inspect said

work for compliance with approved plans. **The subdivider shall pay the cost of all required inspections.**

C. Upon finding satisfactory completion of the work, the City Engineer shall report the same in writing and make recommendations for acceptance to the City Council. The Council shall establish the streets in dedicated rights-of-way and accept all other public dedications imposed as a condition of preliminary plat or preliminary short plat approval only if it determines that:

1. Conditions imposed upon preliminary plat or preliminary short plat approval have been complied with.
2. The requirements of this Subdivision Ordinance have been satisfied by the subdivider.

#### **Subsection 8.030. Water and Sewer System Improvements.**

A. **Water distribution facilities shall meet the requirements of the City Engineer in accordance with the Town's currently adopted or subsequently amended water plan and the City Engineer's specifications. In addition, all provisions of Washington Administrative Code (WAC) Chapter 246-290 or subsequent revisions (Rules and Regulations of the State Board of Health), and rules and regulations of all other applicable agencies shall be complied with.** Such facilities shall meet the applicable regulations pertaining to domestic water supply and fire flows to each lot within a subdivision or short subdivision. Plans and specifications for extensions and/or modifications to the Town's water system shall be submitted to and approved by the State Department of Health.

B. **Sewage disposal systems shall meet all design requirements and be in accordance with the requirements of the City Engineer in accordance with the Town's currently adopted or subsequently amended sewer plan and shall meet the requirements of the State Department of Ecology.** Prior to sale, each lot shall be provided with hookups to an approved sewerage system and/or an approved on-site sewage disposal system site shall be available. No on-site system shall be allowed if the Town's sanitary sewer system is available within three-hundred (300) feet of the site. Approval of a sewage disposal system will be required from all State and County agencies having jurisdiction.

**Subsection 8.040. Fire Protection Improvements.** Service mains, fire hydrants, and storage tanks shall be designed to meet municipal fire flow requirements as set forth by the Fire Chief, and shall be installed in conformance with standards prescribed by the City Engineer and Fire Chief.

**Subsection 8.050. Park and Recreation Improvements.** Where recreational and park land improvements have been required by the Town pursuant to Section 7.0 of this Subdivision Ordinance, whether within the subdivision or off-site, such improvements

shall be installed in accordance with plans approved by the Town and to the satisfaction of the Town before final plat approval. The subdivider shall pay the cost of all required inspections of such recreational and park land improvements.

**Subsection 8.060. Performance.** In lieu of full compliance with the foregoing site improvements concerning streets, drainage, water, sewer, site design, fire systems, and on-site or off-site recreational and park land improvements, prior to the acceptance of such final plat, the subdivider shall provide reasonable assurance that full compliance will be met pursuant to Sections 3.0 or 4.0 of this Subdivision Ordinance.

**Section 9.0. EXCEPTIONS, RECONSIDERATION,  
PENALTIES, AND LIABILITY**

Subsections:

- 9.010 Exceptions
- 9.020 Reconsiderations and Appeals
- 9.030 Penalties
- 9.040 Liability

**Subsection 9.010. Exceptions.** The City Council may grant an exception from the requirements of this Subdivision Ordinance when, in its opinion, undue hardship may be created as a result of strict compliance with the provisions of this Ordinance.

A. Application. An application for any exception shall be submitted in writing by the subdivider at the time the preliminary subdivision or short subdivision is submitted to the Town for initial consideration. The application shall fully state all substantiating facts and evidence pertinent to the exception request.

B. In granting an exception, the City Council may prescribe conditions that it deems necessary to or desirable for the public interest. No exceptions shall be granted unless the City Council finds, in writing, that:

1. There are special physical circumstances or conditions affecting the property to be subdivided or short subdivided such that the strict application of the provisions of this Ordinance would deprive the subdivider of the reasonable use and development of his or her land; and
2. The exception is necessary to ensure the affected property can experience the same rights and privileges as are enjoyed by other properties in the vicinity and under similar circumstances; and
3. The granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity.

**Subsection 9.020. Reconsiderations and Appeals.**

A. Reconsideration. The City Council may reconsider its decision upon petition of any aggrieved person filed within fifteen (15) days after the notice of decision is issued.

1. The City Council may reconsider its decision only if it finds any of the following:
  - a. There was a clerical error in the decision;
  - b. The decision resulted from fraud or mistake;

- c. There is newly discovered evidence or a change in circumstances;
- d. There was a procedural error by the Council; or
- e. The Council previously rejected the application by a tie vote.

2. The City Council shall review the reconsideration petition at its next regular meeting and decide whether to reconsider the matter. The decision shall be based on the reconsideration petition and any oral argument of the petitioner which the City Council may decide to hear. Additional evidence shall be taken as required by the circumstances resulting from the request for reconsideration. The City Council shall then decide the matter or set the matter on its agenda for a reconsideration hearing.

a. If the original notice of decision was rendered in the Council's quasi-judicial capacity, following an open record predecision public hearing, the reconsideration of the decision shall be conducted as a closed record appeal proceeding in accordance with the Town's Integrated Project Review Ordinance.

b. If the original notice of decision was rendered in the Council's administrative capacity, following a public meeting, the reconsideration of the decision shall be conducted as an open record appeal proceeding in accordance with the Town's Integrated Project Review Ordinance.

B. Judicial Appeals. After a notice of decision is issued, or after a revised notice of decision is issued under a reconsideration proceeding, any aggrieved party with standing to appeal as set forth in Subsection 4.090 of the Town's Integrated Project Review Ordinance, may appeal the decision to the Spokane County Superior Court pursuant to Subsection 4.110 of the Town's Integrated Project Review Ordinance and RCW Chapter 36.70C.

### **Subsection 9.030. Penalties.**

A. Whenever land within a subdivision or short subdivision granted final approval is used in a manner, or for a purpose, which violates any provision of Revised Code of Washington (RCW) Chapter 58.17, any provision of this Ordinance, or any term or condition of plat approval prescribed by the Town, then, at the direction of the City Council, the City Attorney, or the Attorney General if the City Attorney shall fail to act, shall commence an action to restrain and enjoin such use and compel compliance with the provisions of RCW Chapter 58.17, or this Ordinance, or with such terms and conditions. The costs of such action shall be taxed against the violator.

B. Any person, firm, corporation, or association, or any agent of any person, firm corporation, or association, who violates any provision of RCW Chapter 58.17 or this

Ordinance, relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land, shall be guilty of a misdemeanor, and each sale, offer for sale, lease, or transfer of each separate lot, tract, or parcel of land in violation of any provision of RCW Chapter 58.17 or this Ordinance, shall be deemed a separate and distinct offense. Fees for such violation penalties shall be established by resolution of the City Council.

C. Whenever any parcel of land is divided and lots, tracts, or parcels of land, unless otherwise exempted by this Ordinance, and any person, firm, corporation, or association, or any agent of any of them, sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel, without having a final plat of such subdivision or short subdivision filed for record, the City Attorney, under the direction of the City Council, shall commence an action to restrain and enjoin further subdivision or short subdivision sales or transfers, or offers of sale or transfer, and compel compliance with all provisions of RCW Chapter 58.17 and this Ordinance. The costs of such action shall be taxed against the person, firm, corporation, association, or agent selling or transferring the property.

**Subsection 9.040. Liability.** This Ordinance shall not be construed to relieve from, or lessen the responsibility of, any person owning any land or building, or constructing or modifying any subdivision or short subdivision within the Town, for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the Town or any agent thereof be held as assuming such liability by reason of any preliminary or final approval, or by issuance of any permits or certificates authorized herein.



## **Section 10.0. REVIEW BY PUBLIC AGENCIES**

Subsections:

10.010 Review by Public Agencies

**Section 10.010. Review by Public Agencies.** Prior to conducting a public hearing on any proposed amendments or additions to the text of this Subdivision Ordinance, such amendments or additions, together with appropriate supporting materials, shall be forwarded to the State Department of Community Trade and Economic Development for its preliminary review as required by Washington Administrative Code (WAC) Section 365-195-620. Other State, County, and/or local agencies shall be similarly notified where any such agency may have an interest in the amendments or additions to the text of this Ordinance. Such distribution shall be the responsibility of the Clerk-Treasurer or contracted staff. Amendments to the text of this Ordinance shall be forwarded to the Spokane County Assessor pursuant to Subsection 6.020 of the Town's Integrated Project Review Ordinance.

**Section 11.0. SEVERABILITY**

If any clause, sentence, paragraph, section, or part of this Ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end, the provisions of each clause, sentence, paragraph, section, or part of this Ordinance are hereby declared to be severable.

**Section 12.0. EFFECTIVE DATE**

This Ordinance shall take effect and be in full force upon its passage and publication of the Ordinance or a summary thereof as provided by Law.

Introduced this 12th day of October, 1998.

Adopted this 16th day of November, 1998.

Published this 27th day of November, 1998.

\_\_\_\_\_  
John Logan, Mayor

ATTEST:

STATE OF WASHINGTON)

SS.

COUNTY OF SPOKANE )

I, Brenda Miller, Clerk-Treasurer of the Town of Spangle, certify that the foregoing ordinance was passed by the City Council of the Town of Spangle, Washington, by a vote of a majority of the members thereof, at a regular meeting held on the 16th day of November, 1998.

\_\_\_\_\_  
Brenda Miller, Clerk-Treasurer

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND DETERMINATION**

**TOWN OF SPANGLE  
PRELIMINARY LONG PLAT APPLICATION NO. \_\_\_\_\_**

**Summary of Findings and Conclusions Requirements in the Spangle's Applicable Ordinances:**

Subdivision Ordinance No. 347. Subsection 3.050, regarding long subdivisions, embodies the following required findings:

- A. Appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, potable and fire flow water supplies, sanitary wastes, other utility services, parks and recreation, playgrounds, and all other relevant factors, including sidewalks and other planning features that assure safe walking conditions; and
- B. The public use and interest will be served by the platting of such subdivision and/or dedication.

Zoning Ordinance No. 348, Section 16.0, Concurrency Management (State Law Mandate). Subsection 16.030, regarding concurrency for streets, water, and sewer infrastructure, requires that a concurrency determination be performed prior to issuance of a preliminary development permit. If one or more public infrastructure systems do not have the capacity to serve the proposed project in consideration of adopted Level of Service (LOS) criteria and known existing demands and commitments approved for the future, Subsection 16.030 requires the application be returned to the applicant with an explanation as to the deficiencies, and the applicant may do one of the following:

- B. 1. Mitigate capacity impacts by arranging with the town for the provision of additional capacity of the affected concurrency facility or facilities required either concurrent with the development, or within six years of when the impact is incurred; or
- 2. Revise the proposed development by reducing impacts so as to maintain a satisfactory LOS; or
- 3. Phase the proposed development to coincide with later availability of increased concurrency facility capacity; or
- 4. Accept denial of the application.

Integrated Project Review Ordinance No. 346 (State Law Mandate). Subsection 1.040, regarding the proposed project permit and its compatibility with the Comprehensive Plan

and pertinent development regulations, requires that consistency determinations be made regarding the following:

- A. 1. The type of land use allowed (i.e., have the criteria for approval been satisfied for the type of land use, including uses that may be allowed under certain circumstances, such as conditional uses);
2. The level of development allowed, such as units per acre or other measures of density and intensity;
3. Infrastructure, including the availability and adequacy of public facilities and services needed to serve the proposed project; and
4. The characteristics of the proposed project, as measured by the degree to which the project conforms with specific development regulations or standards.

Integrated Project Review Ordinance No. 346 (State Law Mandate). Subsection 4.080, regarding the Notice of Decision, requires the following findings for approval or denial:

A. A decision of approval or approval with conditions shall be granted when it is found that:

1. The development proposal is consistent with the Comprehensive Plan;
2. The development proposal meets all applicable ordinances, rules, regulations, and policies; and
3. The development proposal meets all applicable development and design criteria.

B. A development permit or application shall be denied when it is found that:

1. The development proposal is not consistent with the Comprehensive Plan;
2. The development proposal does not comply with all applicable ordinances, rules, and regulations; or
3. The development proposal does not meet all applicable development and design criteria.

**Findings of Fact, Conclusions of Law, and Determination Regarding the Preliminary Long Plat Application at Issue:**

In regards to the aforementioned requirements, the City Council of the Town of Spangle hereby finds and concludes the following:

- The proposed development (*is or is not*) in conformance with the adopted Comprehensive Plan in that: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
- The proposed development (*is or is not*) in conformance with the Town’s adopted Zoning regulations in terms of density and intensity, and other pertinent zoning requirements (height, bulk, setbacks, land area, etc.) in that: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
- The proposed development (*is or is not*) in conformance with the Town’s adopted Subdivision regulations in terms of lot and street design, provisions for streets, water, sewer, drainage, and other public or private infrastructure system needs in that: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
- In recognition of the findings as to system demands identified with existing uses in the Town’s adopted Growth Management Implementation Program document pertaining to “concurrency” systems (streets, water, and sewer), also in recognition of system capacities identified in said document, also in recognition of known pending developments which have been approved and for which future capacity has been set aside by the Town, and appreciating the additional impacts anticipated by the proposed development, the proposed development (*will or will not*) exceed the adopted Level of Service capacity for any of the “concurrency” public infrastructure systems in that:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
- The public use and interest (*will or will not*) be served by the application in that: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Based upon the aforementioned findings and conclusions, the City Council of the Town of Spangle does hereby determine the following:**

**Approval Option.**

Preliminary Long Plat Application No. \_\_\_\_\_ is hereby ***approved*** subject to compliance with the following conditions which insure that the findings and conclusions herein are validated and completed in furtherance thereof:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_  
\_\_\_\_\_
5. \_\_\_\_\_  
\_\_\_\_\_

**Denial Option.**

Preliminary Long Plat Application No. \_\_\_\_\_ is hereby ***denied*** because the findings and conclusions herein clearly indicate that the regulations of the State and the Town, and the public use and interest, would not be served by approval of said application at this time.

Moved by Council Member: \_\_\_\_\_  
Seconded by Council Member: \_\_\_\_\_  
Passed by Majority Vote of the Council on this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

I, Brenda Miller, Clerk-Treasurer of the Town of Spangle, certify that the foregoing motion was passed by the City Council of the Town of Spangle, Washington, by a vote of a majority of the members thereof, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Brenda Miller, Clerk-Treasurer

# 6 1011

## BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WA

IN THE MATTER OF EXECUTING AN INTERLOCAL )  
BUILDING AND PLANNING AGREEMENT BETWEEN ) **RESOLUTION**  
SPOKANE COUNTY AND THE TOWN OF SPANGLE )

**WHEREAS**, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Spokane County has the care of County property and the management of County funds and business; and

**WHEREAS**, pursuant to Chapter 19.27 and 19.27A RCW, there shall be in effect in all cities, towns and counties of the State a state building code consisting of, for the purposes of this Agreement, the International Building Code and related standards as codified in Chapter 51-50 WAC, the International Residential Code and related standards as codified in Chapter 51-51 WAC, and the International Mechanical Code as codified in Chapter 51-52 WAC, all published by the International Association of Building Officials; as well as the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials as codified in Chapter 51-56 WAC; the Washington State Energy Code as codified in Chapter 51-11 WAC; and the Ventilation and Indoor Air Quality Code as codified in Chapter 51-13 WAC; and

**WHEREAS**, pursuant to Chapter 19.27 RCW, the state building code shall be enforced by the counties and cities; and

**WHEREAS**, Chapter 36.70 RCW, the Planning Enabling Act, guides and regulates the physical development of a region through correlating both public and private projects and coordinating their execution with respect to all subject matters utilized in developing and servicing land, all to the end of assuring the highest standards of environment for living, and the operation of commerce, industry, agriculture and recreation, and assuring maximum economies and conserving the highest degree of public health, safety, morals and welfare; and

**WHEREAS**, Chapter 36.70A RCW, Growth Management, without which would create uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state; and

**6 1011**

**WHEREAS**, pursuant to Chapter 39.34 RCW, two or more public entities may jointly cooperate between each other to perform functions which each may individually perform; and

**WHEREAS**, the Town is desirous of employing the services of the County from time to time to do its processing of land use applications required by Spangle zoning/subdivision ordinances, plan review, and inspection work.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Spokane County, that either the Chairman of the Board, or a majority of the Board, be and is hereby authorized to execute that document entitled "INTERLOCAL BUILDING AND PLANNING AGREEMENT," pursuant to which, under certain terms and conditions Spokane County will perform for the Town of Spangle processing of land use applications required by Spangle development regulations, inspection, plan review, and other associated work, including enforcement work on a given project for an in consideration of 100 percent of any building code plan review, mechanical, and plumbing fees collected, and 90 percent of all other fees collected, including building permit and land use fees, which fees shall be the same as those adopted by the Board of County Commissioners of Spokane County.

ADOPTED by the Board of County Commissioners of Spokane County, Washington this 28th day of November, 2006.

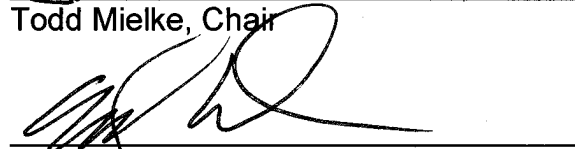


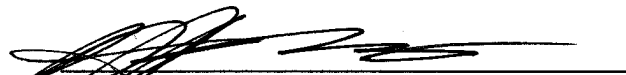
ATTEST:



Daniela Erickson  
Clerk of the Board

  
\_\_\_\_\_  
Todd Mielke, Chair

  
\_\_\_\_\_  
Mark Richard, Vice-Chair

  
\_\_\_\_\_  
Phillip D. Harris, Commissioner



**6 1011 INTERLOCAL BUILDING AND PLANNING AGREEMENT**

**THIS INTERLOCAL AGREEMENT**, made and entered into this 13<sup>th</sup> day of November 2006, by and between Spokane County, a political subdivision of the State of Washington, having offices for the transaction of business at West 1116 Broadway, Spokane, Washington, 99260 (hereinafter referred to as the "County"), and the Town of Spangle, having offices for the transaction of business at 115 West 2nd, Spangle, Washington, 99031 (hereinafter referred to as the "Town"), jointly, hereinafter referred to along with the County as the "Parties."

**WITNESSETH**

**WHEREAS**, pursuant to Chapter 19.27 and 19.27A RCW, there shall be in effect in all cities, towns and counties of the State a state building code consisting of, for the purposes of this Agreement, the International Building Code and related standards as codified in Chapter 51-50 WAC, the International Residential Code and related standards as codified in Chapter 51-51 WAC, and the International Mechanical Code as codified in Chapter 51-52 WAC, all published by the International Association of Building Officials; as well as the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials as codified in Chapter 51-56 WAC; the Washington State Energy Code as codified in Chapter 51-11 WAC; and the Ventilation and Indoor Air Quality Code as codified in Chapter 51-13 WAC; and

**WHEREAS**, pursuant to Chapter 19.27 RCW, the state building code shall be enforced by the counties and cities; and

**WHEREAS**, Chapter 36.70 RCW, the Planning Enabling Act, guides and regulates the physical development of a region through correlating both public and private projects and coordinating their execution with respect to all subject matters utilized in developing and servicing land, all to the end of assuring the highest standards of environment for living, and the operation of commerce, industry, agriculture and recreation, and assuring maximum economies and conserving the highest degree of public health, safety, morals and welfare.

**WHEREAS**, Chapter 36.70A RCW, Growth Management, without which would create uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state.

**WHEREAS**, pursuant to Chapter 39.34 RCW, two or more public entities may jointly cooperate between each other to perform functions which each may individually perform; and

**WHEREAS**, the Town is desirous of employing the services of the County from time to time to do its processing of land use applications required by Spangle zoning/subdivision ordinances, plan review, and inspection work.

**NOW, THEREFORE**, for and in consideration of the mutual promises set forth herein, the parties do mutually agree as follows:

**I  
PURPOSE/SERVICES**

The County, under the terms of this agreement and through its Department of Building and Planning, will provide the necessary personnel to perform processing of land use applications required by Spangle development

regulations, inspection, plan review, and other associated work, including enforcement work on a given project as required by the above-referenced codes within the limits of the Town. It is understood by both parties that the services will be requested on an occasional basis at such times as may be agreed to by the Parties.

Such work shall be performed in a timely manner by the County, however, it is specifically understood by the parties that the first priority of the County Department of Building and Planning will be the performance of their regular duties relative to the review of land use applications, issuance of building and other permits for unincorporated areas of Spokane County and, accordingly, the County will not guarantee or warrant that a specific number of personnel will be available at any one time to perform any of the services for the Town under the terms of this agreement.

The Town shall be responsible for contacting the Spokane County Department of Building & Planning and coordinating the procedure to be used in requesting the County to perform the services set forth above. Such procedure shall be reduced to writing and mutually agreed to by the parties.

The Town, prior to the County carrying out any of the terms of this agreement for any year, agrees that the plan review and inspection services will be performed under that edition of the above-referenced codes in effect in Spokane County at the time the services are requested, however in no case shall editions of codes other than those minimum codes required by 19.27 and 19.27A RCW be utilized, unless an agreement to the contrary is otherwise reached in writing between the Parties and a determination is made to utilize codes other than those referenced and/or local amendments to said codes. The Town agrees to take the necessary steps to see that the minimum codes required by 19.27 and 19.27A RCW are legally in effect in the Town for the purposes of this agreement.

Additionally, the County agrees to conduct, at the request of the Town and as County staff is available, occasional Building and Planning services for the Town at such times as the Town staff is ill, on vacation or otherwise unavailable.

For land use actions requiring approval by the Town Council, the parties agree the County shall process applications thru presentation to the Town Council.

## II COMPENSATION

The Town agrees that for the purposes of this Agreement, the zoning and land use fees, the building permit fees as adopted and/or amended by the Board of County Commissioners of Spokane County, as well as the plumbing permit fees, and mechanical permit fees as adopted and/or amended by the Board of County Commissioners of Spokane County will be utilized and the Town agrees that it will take the necessary steps to see that the above-referenced fees are legally in effect in the Town for the purposes of this agreement.

For providing those services as set forth in Section I above on any given project, the Town agrees to compensate the County an amount equal to 100 percent of any building code plan review, mechanical, and plumbing fees collected and 90 percent of all other fees collected by the Town on a given project, with the Town retaining the remaining 10 percent of all other fees for its own use. For the purposes of this section, "all other fees" shall relate to those building permit and land use fees required under the referenced codes and as adopted by Spokane County.

The Town shall submit to the Spokane County Department of Building & Planning an accounting of fees collected and compensation due the County for providing the above services. Nothing herein shall prevent the County from collecting said fees and compensating the Town as described above.

For occasional services conducted under Section I, Paragraph 5 of this agreement, compensation shall be the Department of Building and Planning's hourly rate as provided on the fee schedule, or, for inspections, a rate equal to \$40 per inspection, to include not more than two reinspections or as reasonably agreed to by the parties.

**III  
PERIOD OF SERVICES**

The County shall commence providing the services as called for in Section I hereinabove on the 13<sup>th</sup> day of November, 2006 and shall continue providing the same for a period of one year, terminating on the 31<sup>st</sup> day of December, 2007. This agreement shall automatically be continued and renewed from year to year up upon the same terms and conditions as set forth herein unless terminated by either party.

Either party reserves the right to terminate this contract for any cause whatsoever upon 90 days written notification to the other party.

**IV  
RELATIONSHIP OF THE PARTIES**

The parties intend that an independent contractor relationship will be established by this agreement. The Town is interested only in the services to be performed by the County herein. The County shall not be deemed to be an employee, agent, servant, or otherwise of the Town for any purpose and the County is not entitled to the benefits that the Town provides for Town employees, including, but not necessarily limited to, vacation pay, sick leave, medical benefits, as well as pension benefits.

**V  
ASSIGNMENT**

The County may not assign or transfer, in whole or in part, its obligations under the terms of this Agreement without the expressed written consent of the Town.

**VI  
COMPLIANCE WITH LAWS**

The County, in the performance of the services as called for in Section I hereinabove, agrees to comply with all applicable federal, state and local laws, ordinances and regulations.

**VII  
VENUE STIPULATION**

This Agreement has and shall be construed as having been made and delivered within the State of Washington and, it is mutually understood and agreed by each party hereto that this contract shall be governed by the laws of the State of Washington both as to the interpretation and performance. Any action at law, suit in equity or judicial proceeding for the enforcement of this Agreement or any provisions hereof shall be instituted and maintained in the Spokane County District Court or within a court of competent jurisdiction within Spokane County, Washington.

**VIII  
MODIFICATION**

There shall be no modification of this Agreement except in writing executed with the same formalities as this present Agreement.

**IX**

6 1011

**APPOINTMENT OF REPRESENTATIVE**

The Town hereby appoints and the County hereby accepts Spokane County Building Planning as the Town's duly appointed representative for coordinating the services being performed under this Agreement. The County hereby appoints, and the Town hereby accepts, Jim Manson, Department of Building and Planning Director, for coordinating the services to be performed under the terms of this Agreement.

**X  
NOTICES**

All notices given herein shall be in writing and shall be sent by certified mail, postage prepaid, to the parties at their respective addresses hereinabove set forth.

**XI  
ALL WRITINGS CONTAINED HEREIN**

This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties. Nothing in this Agreement shall be construed as obligating Spokane County to provide the legal staff or legal services necessary for land use matters, or the enforcement of the codes enumerated herein. Rather, when instances such as a failure to obtain the necessary permits or failure to otherwise comply with the codes enumerated herein come to the attention of the County, and the County is unable to obtain compliance through its Department of Building and Planning, the County shall then notify the above-appointed representative of said failure to comply, citing specific code sections for further action by the Town's attorney. The County will make available, however, the necessary staff from the Department of Building and Planning to testify in such matters. Both parties have read and understand this contract and now state that no representations, promises or agreements not expressed in this Agreement have been made to induce either to execute the same.

**IN WITNESS WHEREOF** the parties hereto have caused this document to be executed on the day and year first above written.

**ADOPTED** by the Board of County Commissioners of Spokane County, Washington this 28th day of November, 2006.



Todd Mielke  
Todd Mielke, Chair

ATTEST:

Mark Richard  
Mark Richard, Vice-Chair

Daniela Erickson  
Daniela Erickson  
Clerk of the Board

Phillip D. Harris  
Phillip D. Harris, Commissioner

**TOWN OF SPANGLE**

ATTEST:

Ken Dalton

By Sandy Mubey  
Town Clerk