

BINGEN MUNICIPAL CODE

Chapter 16.24

LAND DIVISIONS

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16.24.010 Purpose.

The purpose of this chapter is to:

- A. Implement the Comprehensive Plan.
- B. Implement the relevant provisions of Bingen Municipal Code Title 17 – Zoning as now and hereafter amended.
- C. Provide rules, regulations, and standards governing the approval of subdivisions and short plats.
- D. Carry out the development pattern and plan of the city.
- E. Promote the public health, safety, and general welfare.
- F. Lessen congestion in the streets and secure safety from fire, flood, geologic hazard, pollution, and other dangers.
- G. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage, and drainage. (Ord. 507 §2, 2004).

16.24.020 Administration.

- A. An application for a subdivision or short plat shall be processed through a two-step process: the preliminary map and the final plat:
 - 1. The preliminary map shall be approved by the approval authority before the final plat can be submitted for approval consideration; and
 - 2. The final plat shall reflect all conditions of approval of the preliminary map.
- B. The application and preliminary map for a short plat shall be administered and reviewed by the City Administrator in accordance with the provisions of this title.
- C. The application and preliminary map for a subdivision shall be administered and reviewed by the City Council in accordance with the provisions of this title.
- D. Final subdivision plats and short plats shall be administered and reviewed by the City Council in accordance with the provisions of this title. (Ord. 507 §2, 2004).

16.24.030 Submittal Requirements: Preliminary Map.

- A. In addition to the forms and information required in Section 16.12.030, the following information shall be submitted for a subdivision or short plat:
 - 1. The preliminary map and required data or narrative (number to be determined at the pre-application conference);
 - 2. The preliminary map and data or narrative shall include the following:
 - a. The name and address of:
 - i. the owner(s) of the subject property;
 - ii. the owner(s)' authorized agent; and
 - iii. the land surveyor and engineer.
 - 3. Sheet size for the preliminary map shall be 18 inches by 24 inches;
 - 4. The scale shall be of such size to provide the greatest clarity;
 - 5. A reduced version of the preliminary map prepared on an 8.5 by 11 inch or 11 by 17 inch paper;
 - 6. The proposed name of the short plat or subdivision shall not duplicate or resemble the name of any other subdivision in Klickitat County, unless the land platted is

contiguous to and platted by the same party that platted the subdivision bearing that name or unless the applicant files and records the consent of the party that platted the subdivision bearing that name;

7. Vicinity map showing the general location of the subject property in relationship to arterial, collector, and local streets;
8. The date of application;
9. The boundary lines of the tract to be subdivided;
10. The recording information of any adjacent subdivisions;
11. A contour map may be required;
12. The location and type of the following which affect or serve the proposed subdivision parcel:
 - a. Adjoining and contiguous rights-of-way and easements;
 - b. Public and private sanitary and storm sewer lines, domestic water mains including fire hydrants, gas mains, major power (50,000 volts or higher), telecommunication lines, and watercourses; and
 - c. Proposed reservations for parks, open spaces, pathways, and any other land encumbrances.
13. A grading and erosion control plan;
14. Approximate location of all streets, proposed rights-of-way, pathways and easements;
15. The proposed lot configurations, approximate lot dimensions, and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots;
16. The general location of all areas within the flood plain, floodway or areas subject to inundation or storm water overflow (as identified by the Federal Insurance Rate Maps [FIRM] or other sources), and the location, and direction of flow of all watercourses and drainage-ways;
17. Existing natural features including potential geologically hazardous areas, wetlands, and riparian areas;
18. The existing use of the property, including location of all structures;

19. Supplemental information including proposed plan for provision of improvements; and
 20. The north arrow.
- B. If any of the foregoing information cannot practicably be shown on the preliminary map, it shall be submitted with the application.
- C. The City Administrator may require information in addition to that required by this chapter when it is found that certain information is necessary to properly evaluate the application.
- D. The City Administrator may waive a specific requirement for information when it is found that such information is not necessary to properly evaluate the application. (Ord. 507 §2, 2004).

16.24.040 Approval Standards for Land Division: Preliminary Map.

- A. The approval authority may approve, approve with conditions, or deny a preliminary map based on the following approval criteria:
1. The proposed preliminary map complies with provisions of this title; Bingen Municipal Code Title 17 – Zoning as now and hereafter amended, and other applicable ordinances and regulations;
 2. The proposed plat satisfies the provisions of RCW 58.17;
 3. The proposed roads, streets, alleys, sidewalks, and pathways are designed in accordance with this title and the City's street standards, as provided in Section 16.32.070;
 4. The roads and streets are laid out so as to connect to those already approved for adjoining property as to width and in all other respects unless the City determines it is in the public interest to modify the street or road pattern;
 5. How the subdivision design may allow for efficient development of adjoining properties;
 6. All subdivision proposals shall have appropriate utilities and facilities such as sewer, gas, electrical, water, telecommunications and storm water systems as well as access for emergency services;
 7. Potential geologic hazards have been identified and the construction associated with the proposed land division includes appropriate mitigation methods;

8. The subdivision or short plat does not include any land for building construction situated in a flood hazard area (flood plain or drainage way) without written approval from the Washington Department of Ecology; and
- B. Waiver of remonstrance agreements may be required by the City to provide the opportunity to form a local improvement district (LID) in the future. The purpose of an LID is to finance needed public improvements, which must involve more than one property or development.
- C. The City Council may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations. (Ord. 507 §2, 2004).

16.24.050 Phased Development: Subdivision.

- A. The City Council may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than 3 years without applying a new preliminary subdivision or short plat approval.
- B. The following criteria for approving a phased subdivision proposal shall be:
 1. Access and utilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of such public facilities prior to the issuance of a building permit;
 2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. (For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard); and
 3. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary map.
- C. A request for phased development approval shall be heard concurrently with the preliminary subdivision plat application. (Ord. 507 §2, 2004).

16.24.060 Submittal Requirements: Final Plat.

The applicant shall submit a final subdivision plat or short plat and three copies to the City Administrator within 3 years of the preliminary map approval (or extended time as provided in Section 16.24.050A), which complies with the approved preliminary map. (Ord. 507 §2, 2004).

16.24.070 City Review of Final Plat: Approval Criteria.

The City Council and the City's consulting engineer shall promptly review the final subdivision plat or short plat and shall approve or deny the final plat. The City Council shall prepare written findings consistent with RCW 58.17.195, which address the following:

- A. The final plat complies with the requirements approved by the City Council and all conditions of approval have been satisfied.
- B. The plat complies with the applicable provisions of this title and other applicable City regulations.
- C. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
- D. The streets and roads held for private use and indicated on the final plat of such subdivision have been approved by the City.
- E. The plat contains a statement of dedication to the public for all streets, roads, and parks, and easements to the City of Bingen for sewage disposal and water supply systems.
- F. An explanation regarding all of the common improvements required as conditions of approval are provided to be recorded.
- G. Proper verification has been provided showing that the necessary water, sanitary, storm drainage, and other utilities will be available.
- H. The final plat has been made upon materials that comply with the State of Washington recording requirements.
- I. The lettering of the approvals, dedication and affidavit of the surveyor is of such a size and type, and the plat is at such a scale, as will be clearly legible and shall meet the requirements of WAC 332.130.
- J. If there is more than one sheet, each page shall be numbered as ____ of ____ sheets.
- K. The plat contains the applicable following information:

SHORT PLAT BLOCKS:

OWNERS:

We, owners of the Short Plat shown herein, hereby declare that this division of land has been made with our free consent and in accordance with our desires. We further dedicate all roads as shown, not noted as private.

NOTARY:

WITNESS MY HAND AND OFFICIAL SEAL

Dated this _____ day of _____, 2010.

Notary Public in and for the State of Washington

residing in _____.

My commission expires _____.

SUPERINTENDENT OF PUBLIC WORKS:

I hereby certify that this short subdivision has been examined by me and that it contains adequate provision for water supply and sewage disposal for domestic use.

KLICKITAT COUNTY TREASURER:

I hereby certify that all taxes and compensating taxes and/or penalties and property contained within the plat shown herein have been paid, discharged or satisfied.

SURVEYOR'S CERTIFICATE:

I, _____, registered as a land surveyor by the State of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 2010; that the distances, courses and angles are shown thereon correctly; and that monuments, other than those approved for setting at a later date, have been set and lot corners staked on the ground as depicted on the plat.

CITY COUNCIL:

Approved _____, 2010 by Bingen City Council.

Mayor _____ City Clerk _____

Dated _____, 2010

AUDITOR'S CERTIFICATE:

(at bottom right of sheet)

SHORT SUBDIVISION FILED FOR RECORD AT THE
REQUEST OF (TRANTOW SURVEYING) ON THIS _____
DAY OF _____, 2010, AT _____ AND RECORDED
IN VOLUME _____ OF SHORT PLATS AT
PAGE _____, AF# _____
RECORDS OF KLINKITAT COUNTY, WASHINGTON.

Land within this short subdivision shall not be further divided for a period of five (5) years unless a final plat is filed pursuant to Bingen City Code, Title 16 as now and hereafter amended.

Construction and maintenance of any private road easements providing access to and/or within this short subdivision are not the responsibility of the City of Bingen.

CC&R's and Road Maintenance Agreement for this short plat are recorded at

AF# _____

SUBDIVISION BLOCKS:

SURVEYOR'S CERTIFICATE: (same as Short Plat)

OWNERS:

We, owners of the Plat shown herein, hereby declare that this division of land has been made with our free consent and in accordance with our desires. We further dedicate all roads as shown, not noted as private.

NOTARY: (same as in Short Plat above)

KLICKITAT COUNTY TREASURER: (same as in Short Plat above)

FIRE CHIEF:

I hereby certify that this plat has been examined by me and that it contains adequate safe provisions for water supply and access for the purposes of fire protection.

ENGINEER(City/County):

I hereby certify that this plat has been reviewed and examined by me and that it conforms to Klickitat County Comprehensive Plan, Zoning Ordinance, Flood-plain Ordinance, Environmental Ordinance and any other applicable laws or policies.

At such time as the lots within this plat are developed, addresses will be assigned in accordance with the Klickitat County addressing system.

Building permits may not be issued within this plat until evidence of a potable water supply is certified, except as provided by state law.

Land within this subdivision shall not be further divided for a period of five (5) years unless a final plat is filed pursuant to Bingen City Code, Title 16 as now and hereafter amended.

Construction and maintenance of any private road easements providing access to and/or within this subdivision are not the responsibility of the City of Bingen.

Covenants, Conditions and Restrictions, Road Maintenance Agreement and other conditions for this plat are recorded in AF#_____

AUDITOR'S CERTIFICATE:

(at bottom right of sheet)

**SUBDIVISION FILED FOR RECORD AT THE
REQUEST OF (TRANTOW SURVEYING) ON THIS _____
DAY OF _____, 2010, AT _____ AND RECORDED
IN VOLUME _____ OF PLATS AT PAGE _____, AF# _____
RECORDS OF KLICKITAT COUNTY, WASHINGTON.
(Ord. 507 §2, 2004).**

16.24.080 Modification of an Approved Plat.

All modifications to subdivision or short plats that have received final plat approval shall be applied for and processed as a new subdivision or short plat application as provided by this title. (Ord. 507 §2, 2004).

16.24.090 Survey Requirements.

A survey, prepared by a professional land surveyor licensed in the state of Washington, is required for all subdivision and short plat applications and must be prepared and presented in accordance with the requirements of this section.

A. Section Reference

Primary survey control points shall be referenced to controlling corners and monuments. Corners of adjoining subdivisions or short plats thereof shall be identified and shown on the survey. The standard of error of closure on the boundaries shall be in compliance with WAC 332-130-090.

B. State Plane Coordinate System

When practicable, monuments shall be referenced under the Washington Plane Coordinate System.

C. Permanent Control Monuments

For all subdivision and short plats processed under this title, permanent control monuments shall be established at the following:

1. All controlling corners on the boundaries of the subdivision or short plat;
2. The intersections of centerlines (or edges of rights-of-way as approved by the City Administrator) of roads within a subdivision;
3. The beginning and end of curves on centerlines (or edges of rights-of-way as approved by the City Administrator) within a subdivision;
4. All block corners of the subdivision or short plat; and
5. All meander corners of the subdivision or short plat.

As a minimum a permanent control monument shall consist of 5/8" by 30" iron bar with a 1-1/2" diameter metal cap.

D. Lot Corners

Every lot corner shall be marked by a 5/8 inch diameter by 30-inch long iron bar with a metal cap.

E. Survey Discrepancy

Whenever a survey of a proposed subdivision or short plat reveals a discrepancy, the discrepancy shall be noted on the face of the plat. For purposes of this requirement, this shall include:

1. A boundary hiatus;
2. A boundary overlap;
3. A physical appurtenance, which indicates lines of possession or conflicts of title. (Ord. 507 §2, 2004).

16.24.100 Financial Guarantees.

When conditions of land division approval require the applicant to construct certain public improvements, the City may allow the applicant to submit a financial guarantee in lieu of actual construction of the improvements in order to obtain final plat approval. However, the City will not issue building permits unless all public improvements and other work required as conditions of plat approval are completely constructed, accepted, or otherwise fulfilled. Financial guarantees shall be governed by this section.

A. Form of Guarantee

Guarantees shall be in a form approved by the City attorney, including a surety bond, an irrevocable stand-by letter of credit issued by a recognized lending institution to the benefit of the City, a certified check, dedicated bank account or allocation of a construction loan held in reserve by the lending institution for the benefit of the City, or an irrevocable escrow deposit. The guarantee shall be filed with the City Administrator.

B. Amount of Guarantee

The amount of the performance guarantee shall be equal to at least 110% of that estimated cost of constructing the improvement in question. The amount of the performance guarantee may be larger than 110% if deemed necessary by the City Administrator. The cost estimate substantiating the amount of the guarantee must be provided by the applicant and supported by either an engineer's estimate or written estimates by three contractors with their names and addresses. The estimates shall separately itemize all materials, labor, and other costs.

C. Duration of the Guarantee

The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the applicant. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval or the guarantee, the City Administrator may, at his/her discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City. Once constructed and approved by the City, any remaining funds shall be refunded to the applicant.

D. Deferred Improvements

If the applicant elects to defer construction of improvements by using a financial guarantee, the applicant shall agree to construct the improvements upon written notification by the City, or by a mutually established date. If the applicant fails to commence construction of the required improvements within 6 months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the applicant's performance guarantee to pay those costs as provided in subsection C. above. (Ord. 507 §2, 2004).

16.24.110 Filing and Recording.

- A. Within 60 days of the City review and approval, the applicant shall submit the final plat to the County for signatures of county officials and recording with the Klickitat County Auditor.
- B. For final recording with the County, the applicant shall submit:
 - 1. One Mylar and 2 archive quality copies of the final plat to the County; and
 - 2. One archive quality copy of the recorded final plat to the City showing evidence of recordation. (Ord. 507 §2, 2004).

16.24.120 Prerequisites to Recording the Plat.

- A. Each and every plat, or re-plat of any property shall contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.
- B. The county auditor must refuse to accept any plat for filing until the local legislative body has issued approval of the final plat as provided by RCW 58.17.090 and/or if the plat does not meet the requirements of WAC 332-130. (Ord. 507 §2, 2004).

16.24.130 Alteration of Subdivisions and Short Plats.

Except as provided in RCW 58.17.040(6), alterations of a recorded plat shall be reviewed and processed as a new subdivision or short plat application. (Ord. 507 §2, 2004).

16.24.140 Vacation of Subdivisions and Short Plats.

- A. Any plat or portion thereof may be vacated by the owner of the platted area at any time prior to the sale of any lot within the platted subdivision.
- B. All applications for a plat or street vacation shall be made in accordance with Sections 16.24.020 and 16.24.030.
- C. The application may be approved by the City Council when it finds that the proposed vacation complies with the relevant provisions of RCW 58.17.212 and 215. (Ord. 507 §2, 2004).

16.24.150 Vacation of Streets.

All street vacations shall comply with the procedures and standards set forth in RCW 36.87, Roads and Bridges – Vacations, or 35.79, Streets - Vacations. (Ord. 507 §2, 2004).