Chapter 18.04

ADMINISTRATION

Sections:

18.04.010 Title.
18.04.020 Authority.
18.04.030 Purpose.
18.04.040 Jurisdiction.
18.04.050 Divisions of land—Compliance required.
18.04.060 Boundary line adjustments—Compliance.
18.04.070 Exemptions.
18.04.080 Definitions.

18.04.010 Title.

The ordinance codified in this title shall be known as the "Land Division Ordinance of the City of Everett." (Ord. 2328-98 § 1(A), 1998)

18.04.020 Authority.

These regulations are authorized by Chapter 58.17 RCW and other applicable state laws and city ordinances. (Ord. 2328-98 § 1(B), 1998)

18.04.030 Purpose.

A. The purpose of these regulations is to regulate the divisions of land and to promote the public health, safety, and general welfare in accordance with standards established by the state and city; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to provide for adequate provisions for water, sewer, parks and recreation areas, sites for school and school grounds and other public requirements; to provide proper ingress and egress; to provide for the expeditious review and approval of developments that may require a division, redivision, alteration or vacation and a boundary line adjustment of land; to adequately provide for the housing and commercial needs of the citizens of the city; to promote design that is compatible with the natural environment; to implement the comprehensive plan; and to require uniform monumenting of land and conveyancing by accurate legal description.

B. It is further the purpose of these regulations to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these regulations.

C. It is the specific intent of these regulations to place the obligation of complying with its requirements upon the property owner and applicant and no provision or term used in these regulations is intended to impose any duty whatsoever upon the city or any of its officers, employees, or agents for whom the implementation or enforcement of these regulations shall be discretionary and not mandatory.

D. Nothing contained in these regulations is intended to be nor shall be construed to create or form the basis for any liability on the part of the city or its officers, employees or agents, for any injury or damage resulting from the failure to comply with these regulations, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of these regulations, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of these regulations by its officers, employees or agents. (Ord. 2328-98 § 1(C), 1998)

18.04.040 Jurisdiction.

These regulations shall apply to all divisions, redivisions, alterations or vacations and boundary line adjustments of all lands within the incorporated area of the city of Everett. (Ord. 2328-98 § 1(D), 1998)

18.04.050 Divisions of land—Compliance required.

Every division, redivision, alteration or vacation of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership shall proceed in compliance with the provisions of state law and this title. All contiguous parcels of land under common ownership, regardless of date of acquisition or location in different lots, tracts, parcels, sites, tax lots or separate government lots that are subject to a division of land shall constitute a single application. Multiple applications or applications and/or exemptions shall not be utilized as a substitute for a comprehensive development approach in accordance with the requirements of Title 15 of this code, Local Project Review Procedures, and this title. (Ord. 2536-01 § 1, 2001: Ord. 2328-98 § 1(E)(1), 1998)

18.04.060 Boundary line adjustments—Compliance.

Every adjustment of a boundary line on a lot or lots, tracts, parcels or sites shall proceed in compliance with the provisions of this title. The boundary line adjustment process shall not be utilized as a substitute for a comprehensive development application for a division of land. All boundary line adjustments shall be subject to the requirements and review process as defined in Title 15 of this code, Local Project Review Procedures. (Ord. 2536-01 § 2, 2001: Ord. 2328-98 § 1(E)(2), 1998)

18.04.070 Exemptions.

A. The provisions of this title shall not apply to:

1. Cemeteries and other burial plots while used for that purpose;

2. A division made by testamentary provisions or the laws of descent;

3. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are to be placed upon the land when a binding site plan has been approved by the city for the use of the land, pursuant to Title 17 of this code, Mobile Home Parks;

4. A division of land for the purpose of dedication to the city for municipal purposes; and

5. A division of land that was created by a tax segregation process that is consistent with the tax segregation provisions of this title.

B. The exemptions provided herein shall not be construed as exemptions from compliance with all other applicable standards required by the city and state. (Ord. 2536-01 § 3, 2001: Ord. 2328-98 § 1(E)(3), (4), 1998)

18.04.080 Definitions.

1. "Adjacent property owner" means an owner of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed division of land. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

2. "Alley" means a public or private right-of-way built to city standards primarily designed to serve as primary vehicle access to the side or rear of the properties whose principal pedestrian frontage is on a city street.

3. "Alteration" means any alteration of a recorded subdivision or short subdivision or portion thereof, except as provided in RCW 58.17.040(6) and Title 15 of this code, Local Project Review Procedures, that would alter, redesign or eliminate a public street, easement access drive, common ownership area(s), greenbelt(s), environmentally sensitive area(s), open space tract(s), and restrictive covenant(s) required by the city to be shown on the face of the final plat or short plat map.

4. "Applications, multiple" means more than one application for a division of land submitted on the same property, contiguous property or on property that is currently being reviewed or has been granted preliminary approval by the city.

5. "Applicant" means the person or entity proposing a project. "Applicant" includes private or public entities. The applicant shall be the owner of the land or authorized representative. "Applicant" includes the entity or person for which an authorized representative is submitting an application.

6. "Binding site plan" means the division or redivision of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership with a site plan, as authorized by RCW 58.17.035.

7. "Binding site plan map" means a final drawing to scale which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters required by the city to be identified, and which contains:

a. Inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established by the city;

b. Provisions requiring any development to be in conformity with the site plan;

c. Provisions in which an applicant can offer for sale, lease, or transfer of ownership of lots, parcels, tracts or sites;

d. Provision for including required dedications;

e. Requirements for filing for record with the county auditor; and

f. All elements and requirements set forth in state law and in this title.

8. "Block" means a group of lots, tracts, parcels, or sites within well defined and fixed boundaries.

9. Bond. See "Suitable guarantee".

10. "Boundary line adjustment" means an adjustment of lot lines represented by platted or unplatted lots, or both, which does not create any additional lot, tract, parcel, site or division of land, nor create any lot, tract, parcel, site, or division of land which contains insufficient area and dimension to meet minimum requirements specified by the Everett zoning code for lots, tracts, parcels, sites or division of land.

11. "Boundary lines" means lot lines that separate and establish an area with fixed limits for lots, tracts, parcels, or sites.

12. "Boundary line adjustment map" means a drawing to scale showing all the required information as specified by this title for boundary line adjustments.

13. "Building setback line (BSL)" means a line establishing the minimum distance a building may be located from any property line, environmentally sensitive area, or hazard areas as defined by the Everett zoning code, other applicable codes, and this title.

14. "Building site" means a portion of the lot occupied or to be occupied by a building(s) that is identified on the face of the proposed division map.

15. "Certificate of occupancy" means a certification by the city that a building has been approved for occupancy by the public.

16. "Certificate" means a report by a title insurance company certifying that the title of lands as described and shown on the map for the proposed division of land is in the name of the owners signing the declaration of ownership and final division map.

17. "City", for the purpose of this title, shall be the city of Everett.

18. "City engineer" means the city engineer or designee for the city of Everett.

19. "City standards" means the city of Everett public works department design and construction standards and specifications.

20. "Cluster short subdivision" means an alternative process to a conventional short subdivision of more than six and less than ten lots that provides for more flexibility in design as defined in the Everett zoning code and this title.

21. "Cluster subdivision" means an alternative process to a conventional subdivision of ten lots or more that provides more flexibility in design as defined in the Everett zoning code and this title.

22. "Commercial zone" is as established in the Everett zoning code.

23. "Common ownership" means an ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, entity, or unincorporated association.

24. "Comprehensive plan" means the city of Everett comprehensive plan.

25. "Condition" means a requirement placed on the approval of a proposed project to make it consistent with Titles 18, 19, and 20 of this code, and city standards. A condition may require the installation of improvements to city standards and or may be shown as conditions of approval or restrictive covenants on the final division map.

26. "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration, a survey map and plans have been recorded pursuant to Chapter 64.32 RCW, the Horizontal Property Regimes Act, and Chapter 64.34 RCW, the Condominium Act.

27. Contiguous Property or Land. A lot, tract, parcel or site shall be considered contiguous when at least one boundary line of one lot, tract, parcel or site touches a boundary line or lines of another lot, tract, parcel or site, either along a common line or at any point.

28. Contiguous Property Owner(s). An owner of a lot, tract, parcel or site shall be considered contiguous when at least one boundary line of one lot, tract, parcel or site touches a boundary line or lines of another lot, tract, parcel or site in a proposed application for a division of land. If the proponent of the application for a division of land has lots, tracts, parcels or sites under common ownership that are contiguous to the proposed application, he/she shall not be considered to be a contiguous property owner.

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

30. "Dedicatory statement" means a statement or representation on the final division map of those conditions and restrictions required to appear on the face of the final division map as a condition of approval.

31. "Director" means the director or designee of the planning and community development department for the city of Everett.

32. "Division of land" means any segregation of land that creates lots, tracts, parcels, or sites not otherwise exempted by this title which alters or affects the shape, size or legal description of any part of the owner's land.

33. "Easement access drive" means a road in private ownership utilized principally for providing access to lots, tracts, parcels or sites from an improved public right-of-way.

34. "Easement access lot" means any lot whose principal means of access is from an easement access drive.

35. "Easement access front lot" means an easement access lot that fronts on a public street.

36. "Easement access interior lot" means an easement access lot that is not a front lot or a rear lot. An example would be the middle lot of a three-lot easement access short subdivision.

37. "Easement access rear lot" means an easement access lot located at the end of an easement access drive and which contains at least a portion of the rear lot line of the parent lot. These lots are typically, but not always, located the furthest from the public street as compared to other lots within an easement access short plat.

38. "Encroachment" means any physical appurtenance including, but not limited to, buildings, walls, roof overhangs, fences and hedges that has been established across a lot line of record. Within the context of a land division action or boundary line adjustment, such a physical appurtenance shall be considered an encroachment if any portion of the structure is located on a lot that is not subject to the land division or boundary line

adjustment action. The term "gap" shall be distinguished from an encroachment.

39. "Environmentally sensitive area" means an environmentally sensitive area as defined by the Everett zoning code.

40. "Established neighborhood organizations" means neighborhood organizations which are formally recognized by the city's office of neighborhoods.

41. "Everett Municipal Code" means a codification of city regulations on file with the city clerk referred to herein as "this code."

42. "Final approval" means the final official action taken by the city on a proposed division of land where all the conditions of preliminary approval have been met.

43. "Final binding site plan map" means the final permanent reproducible binding site plan map prepared for filing for record with the county auditor, which meets all the standards as specified in this title.

44. "Final short plat or cluster short plat map" means the final permanent reproducible drawing of a short subdivision prepared for filing for record with the county auditor.

45. "Final plat or cluster plat map" means the final permanent reproducible drawing of a prepared subdivision and dedication required for filing for record with the county auditor.

46. "Gap" means the area between a lot line of record and a physical appurtenance creating an apparent property line which is beyond the lot line of record of the property subject to a land division or boundary line adjustment action.

47. "Hearing examiner" means the land use hearing examiner for the city.

48. "Improvement" means any structure or work constructed including, but not limited to, roads, storm drainage systems, sanitary sewage facilities, water mains, parks, and pedestrian and landscaping improvements.

49. "Industrial zones" is as established in the Everett zoning code.

50. "Lot" means a fractional part of divided lands having fixed boundaries and being of sufficient area and dimension to meet minimum zoning requirements or standards specified in this title for street frontage, depth, width, and area. The term shall include tracts, parcels, and sites.

51. "Lot depth" means the mean distance between the front lot line and the rear lot line, or as defined in the city's zoning code. For easement access lots, minimum lot depth may be different from zoning code standards. For panhandle lots, lot depth is measured only on the portion of the lot excluding the panhandle.

52. "Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines, or as defined in the city's zoning code. For easement access lots, minimum lot width may be different from zoning code standards. For panhandle lots, lot width is measured only on the portion of the lot excluding the panhandle.

53. "Open record public hearing" means an open public hearing as defined by Title 15 of this code, Local Project Review Procedures.

54. "Panhandle lot" means a lot where access is provided to the bulk of the lot by means of a narrow strip of land which functions primarily to provide access and/or utilities to the lot and which has insufficient remaining width to permit a dwelling unit.

55. "Parent lot" means a lot proposed for, or which has been, further divided into additional lots, tracts or parcels.

56. "Person," for the purpose of this title, shall include, but not be limited to, the following: individuals, corporations, associations and partnerships.

57. "Phasing plan" means a plan approved by the city for incremental installation of public and private improvements.

58. "Preliminary approval" means an official action on a proposed division of land that refers to placement of specific conditions which must be complied with before final approval may be granted.

59. "Preliminary plat, short plat, cluster plat or cluster short plat, and binding site plan" means a neat and approximate drawing of a proposed division of land showing the general layout of streets, lots, blocks, existing and proposed easements, and other elements consistent with the requirements of this title.

60. "Redivision" means the division of land in an approved subdivision, short subdivision, or binding site plan.

61. "Restrictive covenant" means a restriction or control imposed on the use of land other than by a condition or easement. A restrictive covenant runs with the land and may be placed on the face of the final division map or filed separately at recording of the final division maps.

62. "Request for final approval" means a request made by the applicant for final approval of a division of land, when the applicant has completed all the requirements of preliminary approval.

63. "Short subdivision" means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

64. "Site plan" means an accurate drawing to scale including all information required by this title or the ordinance applying to the underlying land use permit approved by the city consistent with Titles 18, 19, and 20 of this code.

65. "Special studies" means a report prepared by a professionally licensed person qualified by training to have expert knowledge of the subject of the study. The report will be prepared in accordance with the standards specified by the city engineer or director.

66. "Subdivision" means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

67. "Suitable guarantee" means an acceptable guarantee to the city to insure performance and/or warranty of improvements.

68. "Survey" means a survey of the proposed division of land or boundary line adjustment along with the preparation of the required maps done by or under the supervision of a registered land surveyor in the state of Washington. The division of land or boundary line adjustment map that is to be prepared shall be a true and correct representation of lands actually surveyed in accordance with RCW 58.17.250 and this title.

69. "Topography" means an actual field topography survey showing on a map the relative positions and elevations of the land done by or under the supervision of a registered land surveyor in the state of Washington. All topography surveys must be done per city of Everett datum and must show the location of bench marks used.

70. "Vacation" means any eradication of lot lines or elimination of any area designated or dedicated for public use within a recorded subdivision or short subdivision or portion thereof, except as provided for in the city's boundary line adjustment ordinance and in accordance with the city street vacation ordinance and Chapters 35.79 and 36.87 RCW.

71. "Everett Zoning Ordinance" means Title 19 of this code. (Ord. 2718-03 §§ 1—4, 2003; Ord. 2536-01 §§ 4, 5, 2001; Ord. 2328-98 § 1(F), 1998)

Chapter 18.08

SUBDIVISION AND SHORT SUBDIVISION SUBMITTAL AND REVIEW PROCESS[1]

Sections:

18.08.010 Procedures.

18.08.010 Procedures.

Land division applications shall be reviewed and processed in accordance with the procedures set forth in Title 15 of this code, Local Project Review Procedures. (Ord. 2536-01 § 6, 2001)

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1 Prior legislation: Ord. 2328-98.

Chapter 18.28

LAND DIVISION EVALUATION CRITERIA AND DEVELOPMENT STANDARDS

Sections:

18.28.010 General evaluation criteria—Subdivision, short subdivision, cluster alternative, and alteration or vacation.
18.28.020 General evaluation criteria—Binding site plan and site plan approval.
18.28.030 General evaluation criteria—Binding site plan with a previously approved site plan.
18.28.040 General evaluation criteria—Boundary line adjustments.
18.28.050 Public use reservations.
18.28.060 Design with the environment.
18.28.070 Divisions of land for nonconforming existing structures.
18.28.080 Landscaping requirements.
18.28.090 Floodplain regulations.
18.28.100 Street standards.
18.28.110 Frontage improvements.
18.28.120 Easement access exception.
18.28.130 Development standards for easement access lots.
18.28.140 Parking improvements, garages.
18.28.150 Pedestrian improvements.
18.28.160 Drainage improvements.
18.28.170 Sewer improvements.
18.28.180 Water improvements.
18.28.190 Fire hydrant improvements.
18.28.200 Clearing and grading.
18.28.210 Lot requirements.
18.28.220 Sign requirements.
18.28.230 Utilities improvements.
18.28.240 Easements.
18.28.250 Yard areas.
18.28.260 On-site recreation facility requirements.
18.28.270 Underground utilities.
18.28.280 Suitable guarantee.
18.28.290 Improvements.
18.28.300 Survey.
18.28.305 Encroachments and gaps.
18.28.310 Dedication.

18.28.010 General evaluation criteria—Subdivision, short subdivision, cluster alternative, and alteration or vacation.

An application that complies with all of the following general evaluation criteria listed below, the requirements of this title, and applicable city standards shall be approved. An application that does not comply with these criteria shall be denied by the city.

A. Public Use and Interest. The proposed project and design shall promote the public use and interest in accordance with the standards established by the state, city, and this title;

B. Public Health, Safety, and General Welfare. The proposed project and design shall promote the public health, safety and general welfare in accordance with the standards established by the state, city, and this title;

C. Comprehensive Plan. The proposed project and design is consistent with the city's comprehensive plan policies and land use map;

D. Existing Zoning. The proposed project and design shall meet the requirements of the Everett zoning code;

E. Natural Environment. The proposed project and design shall meet the requirements of environmentally sensitive area regulations of the Everett zoning code and Title 20 of this code, Environment, and the State Environmental Policy Act, Chapter 197-11 WAC;

F. Drainage. The proposed project and design shall meet the requirements of the city's drainage regulations;

G. Open Space and On-Site Recreation. The proposed project and design shall meet the requirements for open space and on-site recreation as defined in the design and development standards sections of this chapter;

H. Public Services. The proposed project shall be designed to meet the following:

1. Adequate water supply to city standards;
2. Adequate sewage disposal to city standards;
3. Appropriate surface water management to city standards;
4. Adequate fire protection and hydrants to city standards;
5. Appropriate access designed to meet city standards for anticipated uses within the project;
6. Provisions for all appropriate deeds, dedications, and all other easements; and
7. Provisions made for access to and maintenance of all common facilities;

I. Existing Public Facilities and Services. The proposed project shall be designed to not adversely impact the following public facilities and services:

1. Existing streets and other transportation systems;
2. Existing utilities system; and
3. Police, fire, parks, and schools;

J. Floodplain. The proposed project and design shall meet the requirements of the Everett zoning code and floodplain overlay districts and regulations;

K. Landscaping Standards. The proposed project and design shall meet the landscaping standards as established by this title. (Ord. 2536-01 § 11, 2001; Ord. 2328-98 § 7(A), 1998)

18.28.020 General evaluation criteria—Binding site plan and site plan approval.

An application that complies with all of the following general evaluation criteria listed below, the requirements of this title, and applicable city standards shall be approved. An application that does not comply with these criteria shall be denied by the city.

A. Comprehensive Plan. The proposed binding site plan, site plan and other application information proposed for development shall be consistent with the city's comprehensive plan policies and land use map;

B. Zoning. The proposed binding site plan, site plan and other required application information shall meet the requirements of the Everett zoning code, except as permitted by the design and development provisions of this chapter;

C. Natural Environment. The binding site plan, site plan and other required application information shall meet the requirements of environmentally sensitive area regulations of the Title 19 of this code, Zoning; Title 20 of this code, Environment; and the State Environmental Policy Act, Chapter 197-11 WAC;

D. Public Services. The proposed project shall be designed to meet the following:

1. Adequate water supply to city standards;
2. Adequate sewage disposal to city standards;
3. Appropriate surface water management to city standards;
4. Adequate fire protection and hydrants to city standards;
5. Appropriate access to city standards for or to all anticipated uses within the project;
6. Provisions for all appropriate deeds, dedications, and all other easements; and
7. Provisions made for access to and maintenance of all common facilities;

E. Existing Public Facilities and Services. The proposed project shall be designed to not adversely impact the following public facilities and services:

1. Existing streets and other transportation systems;
2. Existing utilities system; and
3. Police, fire, parks, and schools;

F. Phasing Plan. In lieu of requiring the completion of all public/private improvements for the entire site prior to occupancy of any structure on the site, the city may approve a phasing plan. The city may require suitable guarantees as provided in the suitable guarantee section of this chapter. The public/private improvements in each phase must be designed to stand on their own as required by the city. A phasing plan can only be approved if each city department responsible for the conditions of the permit agrees on the phased development plan. In most cases, those departments are planning and community development, public works, and fire. (Ord. 2536-01 § 12, 2001: Ord. 2328-98 § 7(B), 1998)

18.28.030 General evaluation criteria—Binding site plan with a previously approved site plan.

An application that complies with all of the following general evaluation criteria listed below, the requirements of this title, and applicable city standards shall be approved. An application that does not comply with these criteria shall be denied by the city.

A. Previously Approved Site Plan. The project that is proposed to be divided by application of this section must be consistent with the city's previously approved site plan and all other approvals or permits issued. Minor changes as defined by the amendments to divisions of land section of Title 15 of this code, Local Project Review Procedures, to the approved site plan may be permitted.

B. SEPA Review. The proposed binding site plan with a previously approved site plan shall not require an additional SEPA threshold determination, unless it has been determined by the city that the requested approval of the binding site plan would likely result in change(s) to the physical environment that have not been previously analyzed under SEPA and are different from those that would occur as a result of previously approved actions.

C. Required Public/Private Improvements. The proposed project has installed all required public/private improvements to city standards.

D. Phasing Plan. In lieu of requiring the completion of all public/private improvements for the entire site prior to occupancy of any structure on the site, the city may approve a phasing plan. The city may require suitable guarantees as provided for in the suitable guarantee section of this chapter. The public/private improvements in each phase must be designed to stand on their own as determined by the city. A phasing plan can only be approved if each city department responsible for the conditions of the permit agrees on the phased development plan. In most cases, those departments are planning and community development, public works, and fire. (Ord. 2536-01 § 13, 2001: Ord. 2328-98 § 7(C), 1998)

18.28.040 General evaluation criteria—Boundary line adjustments.

An application that complies with all of the general evaluation criteria listed below and the requirements of the boundary line adjustment submittal and review process section of Title 15 of this code, Local Project Review Procedures, shall be approved. An application that does not comply with these criteria shall be denied by the city.

A. The proposed boundary line adjustment shall not allow the adjustment of boundary lines which will result in the creation of any additional lot, tract, parcel, building site, or division, nor create any lot, tract, parcel, building site, or division which contains insufficient area dimension to meet the minimum requirements as specified by the Everett zoning code for lots, tracts, parcels, or building sites, except as permitted in the variance requirement section of this title;

B. The proposed boundary line adjustment shall not allow the adjustment of boundary lines which will result in directional changes in the orientation of the lot(s), tract(s), parcel(s), or building sites, such as the changing of front yards into side or rear yards or vice versa;

C. The proposed boundary line adjustment shall not allow the adjustment of boundary lines where the adjustment will result in an increase in the potential number of dwelling units on lots, tracts, parcels or building sites permitted;

D. The proposed boundary line adjustment shall not allow the adjustment of boundary lines of nonconforming lots where the adjustment of the line(s) will result in making the lots, tracts, parcels or building sites more nonconforming;

E. The proposed boundary line adjustment shall not allow boundary lines to be adjusted when the adjustment will result in the city being unable to provide adequate utilities;

F. The proposed boundary line adjustment shall not allow boundary lines to be adjusted when the adjustment will result in inadequate frontage on a public street;

G. The proposed boundary line adjustment shall not allow boundary lines to be adjusted where such adjustment will likely create an unusable lot, that is subject to the reasonable use process as defined in environmentally sensitive area regulations of the Everett zoning code; and

H. The proposed boundary line adjustment shall not allow a boundary line to be adjusted where the adjustment will result in a violation of a city or state code. (Ord. 2536-01 § 14, 2001: Ord. 2328-98 § 7(D), 1998)

18.28.050 Public use reservations.

A. Reservation or Dedication. If the city concludes in the review of the division of land that the dedication or reservation of areas or sites for schools, school grounds, park land, and playgrounds are reasonably necessary and are a direct result of the proposal, the city may require that such reservation or dedication be provided.

B. Street Right-of-Way Realignment or Widening.

1. If the city concludes that the street right-of-way adjacent to a proposed division of land is inadequate for widening, and realignment of the existing streets is necessary as a direct result of the proposed project, the city may require a dedication of necessary right-of-way and improvement of that right-of-way.

2. If a proposed project requires a dedication of right-of-way off an existing public street, one hundred percent of the dedicated area will be allowed to be credited toward meeting the minimum lot area of the proposed project. The applicant may be required to distribute the credit evenly among all of the lots, rather than to apply all credit toward one lot. The planning director shall have the authority to modify lot area, dimensional requirements and setbacks in applying this requirement. For single-family lots, no individual lot shall contain less than four thousand five hundred square feet after the dedication, excluding access easements.

C. Voluntary Agreements. Nothing herein shall prohibit voluntary agreements with the city or a school district that allows a payment in lieu of dedication of land for parklands, playgrounds, and school sites or to mitigate a direct impact that has been identified as a consequence of a proposed project as authorized in Chapter 82.02 RCW. (Ord. 2718-03 § 5, 2003; Ord. 2328-98 § 7(E), 1998)

18.28.060 Design with the environment.

The design and development of any proposed project shall preserve the environment in accordance with the city regulations. To allow for the preservation of environmentally sensitive areas and the required buffers, and to achieve density as anticipated by existing zoning, the following criteria shall be followed:

A. The project design and grading shall follow good engineering practices, and consideration shall be given to protection of slope stability, prevention of erosion and structural suitability for future building sites, driveways, and public streets;

B. Building sites, driveways, and public streets shall not be located on fill unless approved by the city based on information provided to the city by the applicant in a geotechnical report;

Last sentence of B2 does not apply to single family detached on Simpson and Eclipse parcels

C. Grading shall be done in such a manner as to minimize the need for rockeries and retaining walls along lot lines, streets, and exterior boundaries of the project; and

D. Clearing and grading limits shall be established so as to not impact environmentally sensitive areas, the required buffers, and adjacent properties. (Ord. 2328-98 § 7(F)(1), 1998)

18.28.070 Divisions of land for nonconforming existing structures.

This section applies to divisions or redivisions of land with more than one existing single-family residence on one lot.

A. When divisions or revisions of land are submitted proposing the creation of new lots with existing structures that are nonconforming, the existing structures shall comply with all Everett zoning code requirements including, but not limited to, such things as setbacks, parking requirements, and height standards; provided, however, nothing shall prohibit the division of such land as long as the division does not make the structures more nonconforming.

B. Exception. If the lots cannot meet zoning code and lot area requirements and the structures are legal nonconforming structures, the applicant may apply for an administrative variance from the Everett zoning code lot area, dimensional and setback requirements using Review Process II as defined in Title 15 of this code, Local Project Review Procedures. The director shall use the criteria in Section 18.32.010(B) as a basis for reviewing all such variance requests. (Ord. 2718-03 §§ 6, 7, 2003; Ord. 2536-01 § 15, 2001: Ord. 2328-98 § 7(F)(2), 1998)

18.28.080 Landscaping requirements.

A. Street Tree Requirements. The following standards shall apply to the installation of street trees:

1. Street trees meeting city standards will be required at an average of one tree per thirty feet of frontage for all divisions of land; and

2. Street trees are required on the project frontage, both sides of any new public street, and on private easement access drives.

3. All trees shall be a minimum of one and one-half inch caliper and six feet tall at the time of planting.

4. All trees required by this title shall be located outside of the public right-of-way, unless approved by the city engineer.

B. Easement Access Drive Buffer Requirements. A five-foot planting buffer is required on both sides of the easement access drive. The following standards for landscaping and screening shall apply:

1. Street trees at an average of one tree per thirty feet, and lawn/sod or ground cover;

2. On a common property line adjacent to contiguous property or land, the minimum standards shall be a four-foot-high privacy fence (forty-two inches within the front setback for a lot), street trees at an average of one tree per thirty feet, and lawn/sod or ground cover; or a vegetative hedge with lawn/sod or ground cover that will substantially provide the same screening as the fence within three years; and

3. The director may reduce the five-foot planting buffer where necessary to accommodate the easement access drive around an existing dwelling or garage if an additional area and planting equal to the area of buffer reduction is provided within the buffer at the street right-of way entrance or other areas as approved by the director.

4. For easement access drives where Type A-1 curbing is not required, a landscaped berm or swale shall be installed along the landscape buffer area. Where a berm is used, the berm shall be a minimum five feet in width and twelve inches in height and shall be planted with shrubs at a maximum spacing of four feet on-center. Shrubs shall meet size requirements of Section 19.35.110. The purpose of this requirement is to prevent use of yard area for parking.

C. Fencing. On any double fronting lot or lots, the city may require fencing for privacy or noise reduction. If fencing is required or proposed by the applicant on any lot or lots along the public right-of-way, a ten-foot landscaping buffer is required between the fence and the public right-of-way. The landscaping shall consist of lawn/sod or ground cover, trees and ornamental shrubs.

D. Entryway Landscaping. The applicant shall install canopy type deciduous trees and/or evergreens, shrubs, groundcovers and/or lawn, as approved by the planning department, at the street entry to any land division project:

1. Entryway landscaping is required for all divisions of land; and

2. All entryway landscaping shall be a minimum of canopy type deciduous trees or spreading evergreens, in addition to ornamental shrubs and lawn/sod.

E. Easement Access Interior Lots. On any lot where a re-orientation of the unit toward the easement or panhandle is required or permitted, the director shall require the installation of one of the following landscaping/screening standards:

1. Interior Property Line. This requirement shall apply when any interior setback for a front lot, rear lot or interior lot is less than twenty feet for the buildings or surface parking. A minimum four-foot-high privacy fence with a mix of evergreen and deciduous trees at fifteen feet on center on each side of the fence (staggered); or

B2 and E do not apply to single family detached on Simpson and Eclipse parcels

2. Exterior Property Line. A minimum four-foot-high privacy fence; or a vegetative hedge that will provide substantially the same screening as the fence within three years.

F. Required Landscaping for Single-Family and Duplexes. On each new lot created for single-family and duplex dwellings, the applicant is required to provide landscaping and to submit a landscaping plan for review and approval by the director at the time of application for a building permit. The landscaping plan shall at a minimum show the proposed front yard landscaping which shall consist of trees plus ornamental shrubs and lawn.

G. Surface Parking on Easement Access Drive. If the parking is located less than twenty feet from the property line, landscaping or screening shall be provided. The landscaping or screening buffer shall be five feet in width and generally consist of lawn/sod or ground cover, trees or ornamental shrubs.

H. Drainage and Water Quality Facility Landscaping. The following standards shall apply to the installation of landscaping for drainage and water quality facilities:

1. If runoff control facility landscaping is permitted in the required buffer area under the environmentally sensitive area regulations of the Everett zoning code, as amended, the required landscaping for such facilities shall be native vegetation as approved by the director in a buffer enhancement/mitigation plan;

2. In upland areas, a five-foot landscaped planting buffer shall be provided around the perimeter of the facility. The required landscaping shall consist of a Type III as defined in the Everett zoning code. The director may increase the landscaping requirement to a Type I or II based on the facilities size, design, and location; and

3. The landscaping, unless otherwise approved by the city engineer, shall not be located within the runoff control facility and/or maintained by the city. All landscaping shall be within a separate tract outside of the drainage facility and shall not be placed on berms that are part of the drainage facility. Plantings within the drainage facility shall not be credited for meeting the perimeter landscape requirement.

I. Binding Site Plans. Landscaping shall be required on all projects per Everett zoning code requirements and city design and construction standards. However, landscaping on interior lot lines may be waived if the city has approved a site plan and master landscaping plan for the total site.

J. General Landscape Requirements. The following standards shall apply to all areas which are required to be landscaped by this title:

1. All landscape plans shall be prepared in accordance with Section 19.35.100 of the Everett zoning code, as amended;

2. All landscape materials shall meet the specifications as defined in Section 19.35.110 of the Everett zoning code, as amended;

3. All landscaping required shall be installed prior to final approval (Exception: see the subsection entitled Required Landscaping for Single-Family and Duplexes of the design and development provisions of this chapter);

4. All landscaped areas shall provide suitable top soil and irrigation systems as determined necessary by the director; and

5. All landscaped areas and street trees shall be maintained in accordance with Section 19.35.130 of the Everett zoning code, as amended.

K. Landscape Maintenance Responsibility. The following shall apply:

1. Except as provided in subsection (K)(2) of this section, the maintenance of all landscaping and street trees located on any lot within a proposed project shall be the responsibility and expense of the applicant, developer, builder or property owner until such time as a certificate of occupancy or final inspection approval is issued for the lot and sold to a homeowner, then said maintenance responsibility shall transfer to the homeowner. A restrictive covenant to be recorded with the county auditor shall be filed by the applicant for the city's review and approval at such time that final subdivision or short subdivision approval is requested specifying the homeowner's maintenance responsibilities as provided herein.

2. The maintenance of all common landscaped areas within a proposed project shall be the responsibility of the applicant, developer, builder or property owner until such time as a certificate of occupancy or final inspection approval is issued for all of the lots within the proposed project and such lots are sold to homeowners, then said maintenance responsibility shall transfer to the homeowners. To effectuate the transfer, a maintenance program ensuring the long-term viability and maintenance of the vegetation shall be prepared and presented to the city for the city's review and approval. A restrictive covenant to be recorded with the county auditor shall be filed by the applicant for the city's review and approval at such time that final subdivision or short subdivision approval is requested specifying the homeowner's maintenance responsibilities as provided herein.

3. Performance Guarantee. A performance guarantee in the form of cash set aside or assignment of funds will be required for landscaping improvements if landscaping has not been installed prior to final approval. The amount of the performance guarantee shall be one hundred fifty percent of the cost of materials and installation. All performance guarantees shall be filed at the planning/community development department on forms

approved by the city. The performance guarantee shall be held for a maximum of up to one year, after which time the city will use the proceeds to perform the work if it has not been completed.

L. Alternatives to Landscaping Requirements. The director may reduce the width of the buffer or required plantings or waive some or all of the landscaping and screening requirements of this subsection in the following instances in accordance with the review process required for the underlying project:

1. When the inclusion of existing vegetation on the site would result in landscaping equivalent to or better than the requirements of this subsection in achieving the intent of the required landscaping.

2. When existing conditions on or adjacent to the site including, but not limited to, difference in elevation, existing vegetation, and location of buildings or utilities would render the requirements of this subsection ineffective.

3. When the applicant proposes an alternative method of landscaping that would achieve the intent and purpose of the landscaping required by this subsection through the use of native vegetation, preservation of existing trees, and preservation of environmentally sensitive areas. (Ord. 2718-03 §§ 9—18, 2003; Ord. 2536-01 § 16, 2001; Ord. 2328-98 § 7(F)(3), 1998)

18.28.090 Floodplain regulations.

Land identified in the Everett Flood Insurance Study dated November 8, 1999, or subsequent update, with accompanying flood insurance maps, shall not be subdivided unless the requirements of the city's floodplain overlay districts and regulations as defined by the Everett zoning code, as amended, are met. (Ord. 2718-03 § 19, 2003: Ord. 2328-98 § 7(F)(4), 1998)

18.28.100 Street standards.

A. Street Standards. All streets shall be built to current city standards and meet minimum requirements for right-of-way width, pavement width, sidewalks and off-street parking as defined in classification of streets (see city of Everett design and construction standards). The minimum requirement for each street classification shall be based on the maximum potential number of dwelling units served by the logical extension of common streets to serve other land. The city engineer will have the authority to deviate from construction and street classification standards.

B. Right-of-way width in excess of the standards of this title may be required if, or when in the opinion of the city engineer, topography so requires.

C. The use of curvilinear streets, short loops, and alleys shall be encouraged where such use will result in a more desirable street and lot layout.

D. Proposed streets for all divisions of land shall be extended to the boundary lines of the tract being developed to provide for the logical extension of streets and utilities for coordinated development of contiguous tracts or parcels of land. If in the opinion of the city such extension is not necessary due to physical conditions that may exist on or adjacent to the site, the city shall not require an extension.

E. Access to Local and Arterial Streets. For all divisions of land, the city may require that access to city streets be limited. Such requirement may include but not be limited to providing for common lot access points, shared driveways, and alley access.

F. Dead End Streets. All permanent and temporary dead end streets shall provide a turnaround in accordance with city standards. The city engineer and fire marshal may, in certain cases, eliminate or reduce the size of the required turnaround if residential sprinkler systems are provided in accordance with standards as specified by the city's fire marshal. (Ord. 2718-03 § 20, 2003; Ord. 2328-98 § 7(F)(5), 1998)

18.28.110 Frontage improvements.

A. Whenever a division, redivision, or alteration of such division of land is on an existing public street, such frontage shall be fully improved in accordance with city standards, as administered by the city engineer, including pedestrian improvements. In lieu of providing frontage improvements, the applicant may pay a voluntary fee. A fee in lieu of frontage improvements will be permitted when:

1. The proposed frontage improvement(s) including pedestrian improvements would not result in a smooth transition to existing improvements;

2. Providing a sidewalk or walkway on a single property's frontage would not effectively provide for pedestrian safety; or

3. The proposed frontage improvement(s) may negatively impact drainage or traffic facilities in the area.

B. The fees shall be based on the cost to design and install frontage improvements per city standards. Such cost shall be determined by the applicant's engineer, who must be a licensed engineer in the state of Washington. The cost estimate must be approved by the city engineer.

C. The city engineer may establish a fee for the cost to design and install frontage improvements per the city standards, which the applicant can choose to pay in lieu of calculation of his own fee as defined in the design and development provisions of this chapter.

D. Fees collected per subsections B and C of this section shall be used by the city to install frontage improvements including, but not limited to, pedestrian improvements, curb, gutter and sidewalks in the vicinity

of the applicant's project. Such fees must be paid prior to final approval. (Ord. 2718-03 § 21, 2003; Ord. 2536-01 § 17, 2001: Ord. 2328-98 § 7(F)(6), 1998)

18.28.120 Easement access exception.

A. Short Subdivisions. The city may, at the request of the applicant in short subdivisions only and as permitted by the Everett zoning code, allow access to lots by easement when in the opinion of the city engineer:

1. The improvement of a public street is not necessary to facilitate adequate supply of sewer and utilities;
2. The improvement of a public street is not necessary to provide on-street parking;
3. The improvement of a public street is not necessary to provide access to potential additional lots or future developable area; and
4. The improvement of a public street is not necessary to protect the public health, safety and welfare of the residents and general public.

B. Subdivisions. When a site contains natural constraints, such as topography or environmentally sensitive areas, and the provision of an easement would reduce impacts to those areas, the director and city engineer may allow the use of limited easement access. Easement access within subdivisions shall be limited to one easement serving a maximum of two single-family units.

C. Easement Access Drive Standards. All easement access drives shall be built to the following standards for easement widths, paving widths, off-street parking and utilities. All easement access drives shall be constructed to city standards with an A-1 curb/gutter on both sides and shall meet the requirement for thickness and subgrade as required for a Local Access Street "A". The city engineer may require a turnaround to city standards on any easement access drive. All required improvements must be installed and completed prior to final short subdivision approval.

Easement Access Drive Standards For	Potential Number of Dwelling Units Served	Minimum Easement Width	Surface and Pavement	Off-Street Parking Spaces
Single-Family Dwelling Unit	1—2 dwelling units	24 feet (14 feet for access drive, plus 5 feet landscape easement on both sides)	14 feet paving per city standards for a driveway	4 per single-family dwelling unit
Single-Family Dwelling Unit with Required Fire Lane	1—2 dwelling units	30 feet (20 feet for access drive, plus 5 feet landscape easement on both sides)	20 feet paving per city standards for a fire lane	4 per single-family dwelling
Single-Family Dwelling Units	3—6 dwelling units	30 feet (20 feet for access drive, plus 5 feet landscape easement on both sides)	18 feet of paving per city standards for thickness and subgrade Local Access Street "A" with A-1 curb/gutter on both sides[1]	4 per single-family dwelling unit
Duplexes and Multiple-Family Dwelling Units*	Public street required	N/A	N/A	N/A

* See Section 18.28.130(O).

[1] The city engineer shall have the authority to determine where to terminate the curb for easement access rear lots in short subdivisions of three to six lots.

(Ord. 2718-03 § 22, 2003; Ord. 2328-98 § 7(F)(7), 1998)

18.28.130 Development standards for easement access lots.

A. Calculation of Number of Units. For determining the number of units served by an easement access drive, the city shall count the maximum number of potential units for the total short subdivision.

B. Maximum Number of Units Permitted in Easement Access Short Subdivision. The maximum number of units permitted in an easement access short subdivision (including the use of other approved driveways and/or other easement access drives as permitted by this title) shall not exceed six.

C. All units that abut or are adjacent to an easement access drive are required to take access off the easement, unless it is determined by the city engineer that:

1. An existing dwelling and its garage are in a location where access from the easement is impractical or impossible due to the topography or environmental constraints of the site; or

2. A potential safety issue exists related to access from the easement as determined by the city engineer.

D. All easement access drive short subdivisions are limited to one easement access drive per street frontage, unless otherwise approved by the director and city engineer. More than one easement access drive per frontage shall be approved only if the following criteria are met:

1. A public street is not possible;

2. A single easement access cannot serve the proposed short subdivision due to the configuration of the property to be subdivided; and

3. This option is not a substitute for comprehensive subdividing which includes the installation of a public street and utilities.

E. For any easement access or easement with public utilities, the city engineer shall determine the required easement width based on city standards.

F. A maximum of two lots can be served by private utility side services within an easement, unless the city engineer determines that a public utility main is necessary for adequate area service. Three or more lots served within an easement will require public utilities.

G. For all easement access lots, no new driveways or parking areas will be allowed within the front yard setback, with the exception of the easement access drive. For easement access rear lots, a vehicle turnaround may be allowed within the front setback.

H. Access off an easement drive is limited to one twenty-foot driveway and curb cut per lot. The driveway shall not exceed twenty feet in width for a distance of twenty feet from the easement access drive curb. This requirement shall be noted as a condition of approval on the face of the final short plat map.

I. Surface Parking. On any lot where surface parking is proposed, the parking area shall be at a minimum five feet from any property line and shall not exceed twenty feet in width for a distance of twenty feet from the easement access drive curb. All parking areas shall be landscaped, screened and improved in accordance with the design and development provisions of this chapter. For any easement access drive that is not required to have Type A-1 curbing, the city shall require a landscaped berm, swale or other barrier to prevent parking outside of the approved driveway. Refer to Section 18.28.080(B).

J. All easement access and panhandle lots shall provide a vehicle turnaround as approved by the city traffic engineer. For easement access rear lots, the turnaround shall be located on the lot that it is serving. The turnaround area shall be not included in meeting the parking requirements of this title. Parking within the turnaround shall be prohibited.

K. Site Development Plan. On all lots within an easement access short subdivision, the applicant is required to submit a site development plan meeting the requirements of the procedures for processing permit applications as defined in Title 15 of this code, Local Project Review Procedures.

L. Lot Width, Depth, Dwelling Unit Orientation, Building Sites for Easement Access Lots. The planning director shall have the authority to modify the following standards under Section 18.28.050(B), where a dedication for right-of-way widening is required by the city.

1. Measurement of Lot Width and Depth. Except for easement access interior lots, lot width and depth shall be measured using the same orientation as the originating parcel. All lots shall meet the minimum lot width and depth dimensional standards of the zoning code.

2. Easement access interior lots may only be created when the originating parcel, or parent lot, contains a minimum of seventy feet of width. When the parent lot is less than seventy feet wide, no interior lots may be created within an easement access short subdivision.

3. Dwelling Unit Orientation. All lots that have full frontage on an improved public right-of-way and easement access rear lots shall have the dwelling unit oriented to the public street. The dwelling unit shall have a defined front entrance, windows and porch facing the street. Easement access interior lots shall have the dwelling unit oriented to the easement access drive.

M. Orientation of Lots and Required Setbacks for Easement Access Lots. All required setbacks shall be shown on the final short plat map and shall comply with the following standards and the approved site development plan. For irregular or unusually shaped lots, the director shall determine which lots are front, interior, or rear lots. Easement access lots will be required to meet the following setbacks:

1. Easement Access Front Lots. The unit and lot shall be oriented to the public street.

a. Front setback: twenty feet;

b. Rear setback: twenty feet;

c. Side setbacks: five feet from easement access drive curb face;

d. Side setback exterior for attached garage: ten feet if used as access to private open space, five feet otherwise;

e. Rear setback for detached garage or parking area: five feet with landscape screening per Section 18.28.080(E)(1);

f. Setback for garage: twenty feet from face of curb.

2. Easement Access Interior Lots. All dwelling units shall be oriented to the easement access drive. Building setbacks shall depend on the depth of the lot and shall meet the following standards:

a. Front setback (orientation toward easement): ten feet for house and twenty feet for garage measured from face of curb. Porches, decks and other appurtenances are not permitted in the front setback area;

b. Rear setback (opposite from easement) on lots eighty-five feet deep or greater: twenty feet;

c. Side setback on lots eighty-five feet deep or greater: five feet;

d. Rear setback on lots less than eighty-five feet deep: five feet and ten feet if used as access to private open space;

e. Side setback for lots less than eighty-five feet deep (adjacent to dwelling): thirty-five feet. The thirty-five-foot side setback area may be reduced equal to the area that the rear setback is increased. To allow this option, the rear setback may not be less than ten feet and the side yard may not be less than twenty feet. The side setback and rear setback must add up to at least forty feet.

3. Easement Access Rear Lots. Except as provided herein, the dwelling unit and lot must be oriented toward the public street.

a. Front Setback (Orientation Toward Public Street). The house shall be twenty feet and the garage shall be a minimum of thirty-five feet. A ten-foot-wide T-type turnaround shall be provided a minimum of five feet from the property line, with landscape screen per Section 18.28.080(E)(1).

b. Rear setback: twenty feet.

c. Side setbacks: five feet.

Exception: In two-lot short subdivisions, the dwelling unit and lot may be oriented to the easement. The width, depth, and orientation of the dwelling unit on the rear lot may be changed to allow the dwelling to face the side lot line of the parent lot. In this case, the lot shall have a minimum of eighty-five feet of width and seventy feet of lot depth as measured in the same orientation as the parent lot. Setbacks shall be as follows:

i. Front Setback. The house shall be twenty feet and the garage shall be a minimum of thirty-five feet. A ten-foot-wide T-type turnaround shall be provided a minimum of five feet from the property line, with landscape screen per Section 18.28.080(E)(1), except that all required plantings shall be on the inside of the fence;

ii. Rear setback: twenty feet;

iii. Side setback (rear exterior lot line of parent lot): twenty feet;

iv. Side setback: five feet, with landscape screen meeting the requirements of Section 18.28.080(E)(1).

N. Calculation of Lot Area for Easement Access Lots. The dimensions of the easement access drive shall be excluded from the lot area. Landscape buffers on both sides of the easement access drive may be included. Environmentally sensitive area tracts, drainage tracts and above-ground drainage improvements shall be excluded from lot area.

O. Duplex units and accessory dwelling units are prohibited in easement access short subdivisions in single-family zones, except for existing duplex units constructed on a lot or lots prior to the adoption of this title. In the proposed short subdivision the existing duplex unit must be on a lot of not less than nine thousand square feet.

P. Common Easement Access Drive Use. The city engineer may allow the use of a common easement access drive on an existing or adjacent short subdivision if the unit count for the property to be short subdivided together with the adjacent short subdivision does not exceed the maximum number of units allowed and such easement access drive can or currently meets all subdivision code standards. The applicant shall provide the following:

1. An easement providing for access, utilities, and maintenance from all property owners that the easement access drive crosses over and who have legal access to such easement; and

2. An amendment to the existing short subdivision access easement drive to accurately reflect the proposed changes. (Ord. 2718-03 §§ 23—31, 2003; Ord. 2536-01 § 18, 2001: Ord. 2328-98 § 7(F)(8), 1998)

18.28.140 Parking improvements, garages.

A. All existing and proposed uses for a division of land are required to provide parking to meet the requirements of the Everett zoning code and this title. All required parking areas and access shall be concrete or paved to city standards and shall meet the width requirements as defined by the Everett zoning code. No parking areas or access will be allowed within the required private open space as defined in the design and development provisions of this chapter. The maximum width of any parking areas located within a front setback shall be twenty feet. The minimum dimensions of any surface parking pad for two vehicles shall be twenty feet by twenty feet.

B. Garages. On all lots created after the effective date of the ordinance codified in this section, a garage shall be constructed as provided by this section.

1. The garage shall be a minimum of five feet from any side interior property line and twenty feet from a public street, easement access drive, or rear lot line, except as otherwise provided by this title. The access to the garage shall not exceed twenty feet in width in the front setback area from the public street or from the easement access drive curb face. This area shall be landscaped, screened, and improved per the landscaping provisions of this chapter. As an exception to this requirement an easement access front lot with an existing house and no existing garage will be allowed to provide surface parking for four vehicles in order to meet the parking requirements of this title. The parking pad shall have a minimum dimension of forty feet by twenty feet, and shall not be located between the house and the street, or within the private open space area.

2. All garages required by this section shall have a minimum exterior dimension of twenty feet by twenty-four feet. As an alternative to the twenty feet by twenty-four feet dimensions for the garage, a twenty-foot by twenty-foot garage may be constructed; provided, that it has an additional one hundred square feet of interior storage area. The requirement for interior storage shall be shown as a condition on the final plat or short plat. (Ord. 2718-03 § 32, 2003: Ord. 2536-01 § 19, 2001: Ord. 2328-98 § 7(F)(9), 1998)

18.28.150 Pedestrian improvements.

A. Pedestrian Access. In order to facilitate pedestrian access from a project to proposed and existing streets and to provide access to schools, parks, playgrounds, trails, or other pedestrian facilities, the city may require perpetual unobstructed improved pedestrian access easements of at least ten feet in width to these facilities. Unless otherwise approved by the city engineer, the pedestrian access easement shall be improved in accordance with city standards and shall be shown on the face of the final division map.

B. When a proposed division, redivision, or alteration of land is on an established bus route, the applicant may be required to provide a bus shelter. The city engineer shall make this decision as it relates to the potential needs of the development. (Ord. 2328-98 § 7(F)(10), 1998)

18.28.160 Drainage improvements.

A. Drainage improvements shall be provided as specified by city standards, drainage basin plans, and the city's drainage ordinance.

B. Drainage Tracts or Easements. The city may require a dedication of the runoff control facilities in a separate tract as well as other easements necessary to convey storm water or maintain such facilities.

C. Runoff control facilities shall be located and designed in such a manner as to minimize the impact on the project, adjacent public streets, or surrounding land uses. The area set aside for the runoff control facilities shall be designed to meet one of the following options:

1. Natural Drainage System. A system that is designed as an amenity to the subdivision or short subdivision and which functions as passive open space and runoff control; or

2. Screened Drainage System. A system that is designed for runoff control that is not compatible with the development unless screened and landscaped. The director shall determine the necessary landscaping requirements as defined in the design and development standards provisions of this chapter based on the facility's size, design, and location; or

3. Runoff Control and Recreation Tract. A system utilizing underground runoff control to the maximum extent practical in order to minimize the size and scope of the required surface facilities, combined with a recreation play area and/or park.

D. Runoff Control Facilities for Easement Access Drives. If a short subdivision application meets the threshold for requiring drainage improvements, such improvements as provided for in the city standards shall be provided to city standards. If the proposed drainage improvements do not meet city standards, the applicant shall reduce the scope and size of the project so it complies with city standards, or at the discretion of the city engineer the applicant may submit for the city engineer's review and consideration and possible approval a downstream analysis and mitigation of storm drainage impacts as required by the city engineer. (Ord. 2536-01 § 20, 2001; Ord. 2328-98 § 7(F)(11), 1998)

18.28.170 Sewer improvements.

All sewer improvements will be per city standards. (Ord. 2328-98 § 7(F)(12), 1998)

18.28.180 Water improvements.

All water improvements will be per city standards. (Ord. 2328-98 § 7(F)(13), 1998)

18.28.190 Fire hydrant improvements.

A. Fire hydrants shall be installed per city's fire hydrant code.

B. Fire hydrants must be approved and operating prior to framing of buildings.

C. Each building site on each lot in a single-family or duplex subdivision or short subdivision shall be no further than three hundred fifty driving feet from a fire hydrant. This three-hundred-fifty-foot requirement may be waived or modified by the fire chief or his designee

when buildings are protected by an approved automatic fire sprinkler system.

D. Each building site on each lot in a multiple-family or commercial subdivision or short subdivision shall be no further than two hundred driving feet from a fire hydrant and not closer than fifty feet from building site.

E. For all divisions of land, this title shall control in the event of a conflict with any other city regulations. (Ord. 2328-98 § 7(F)(14), 1998)

18.28.200 Clearing and grading.

A. Before any site modification where existing natural features would be disturbed or removed, a grading plan meeting city standards and the provisions of this title must be submitted and approved by the city engineer showing the extent of the proposed modification.

B. Debris and waste such as trees, timber, rocks, stones, junk, rubbish, or other waste materials of any kind shall not be buried in any land or deposited in any environmentally sensitive area.

C. All erosion control plans must be in compliance with city standards and the city's drainage ordinance.

D. In critical drainage areas or on sites that are classified as environmentally sensitive, the city may prohibit clearing of lots until building permits have been issued.

E. All clearing and grading shall be based on sound engineering techniques and meet the following minimum standards:

1. The project design and grading shall follow good engineering practices. Consideration shall be given to protection of slope stability, prevention of erosion, structural suitability for future building sites, driveways, and public streets;

2. Building sites, driveways, and public streets shall not be located on fill unless approved by the city based on information provided to the city by the applicant in a geotechnical report prepared by a Washington State licensed geotechnical engineer;

3. Grading shall be done in such a manner as to minimize the need for rockeries and retaining walls along lot lines, streets and the exterior boundaries of the project;

4. Clearing and grading limits shall be established so as to not impact environmentally sensitive areas, the required buffers, and adjacent properties;

5. Each lot shall have a suitable building site and driveway access. All grading should gradually transition to the approved grading limit and the projects exterior boundaries; and

6. Excavation of foundation material, utility trenches, and required public improvements shall not be distributed within the project boundaries and must be disposed of at a preapproved site, unless otherwise approved by the city engineer and shown on an approved grading plan.

F. On projects that have environmentally sensitive features and in critical drainage areas, clearing and grading and other significant earth work may be limited to a specific time period as determined by the city.

G. All projects must be in compliance with the approved grading plan prior to final approval being granted. The director or city engineer may require a final as-built topography map to show compliance with the approved grading plan and to calculate building height as required by the Everett zoning code. (Ord. 2718-03 § 33, 2003; Ord. 2328-98 § 7(F)(15), 1998)

18.28.210 Lot requirements.

A. Lot arrangement and design shall take into consideration, to the maximum extent possible, the natural features of the site such as environmentally sensitive areas, parks, open space, and views. Each lot shall provide a suitable building site and driveway access from existing or proposed streets. Refer to Section 18.28.130 for specific lot requirements for easement access lots.

B. Double frontage lots shall be avoided whenever possible.

C. Lots shall not, in general, access off of arterial streets. Where driveway access from a street may be necessary for several adjoining lots, the city may require that such lots be served by combined access points and driveways designed or arranged so as to avoid requiring vehicles to back into traffic.

D. All lots that have full frontage on an improved public right-of-way shall have the dwelling oriented to the public street. The dwelling shall have a defined front entrance, windows and porch facing the street.

E. Calculation of Lot Area. The computations for meeting minimum lot area requirements for the Everett zoning code must exclude the following: drainage tracts or above-ground drainage improvements, panhandles and common recreation facilities, except as permitted by the cluster alternative for subdividing. Also refer to Sections 18.28.130 and 19.39.130.

F. Through the cluster subdivision or cluster short subdivision process, the director may modify the Everett zoning code requirements for individual lots for width, depth, area, frontage, and setbacks; provided, that Everett zoning code density standards are met for the total site subject to the cluster subdivision or short subdivision process.

G. Irregular shaped lots shall be discouraged. In general, all lots shall be composed of straight lines which provide adequate building site and private rear yard area, except as permitted in cluster subdivisions or short subdivisions and binding site plans.

H. Individual lots in a binding site plan are not required to provide landscaping on each lot to Everett

See the Everett Riverfront District Zoning and Land Division Standards for modified text for 18.28.250A applicable to single family detached on Simpson and Eclipse parcels.

zoning code requirements as long as the city has an approved site plan which includes landscaping for the total site as required by this title.

I. Individual lots that take access off a cul-de-sac may be allowed a reduced frontage, but not less than a minimum of twenty feet if the front yard setback is increased to thirty feet, with a twelve-foot tapered driveway. This must be shown on the face of the final division map. The paved driveway may not cover more than forty percent of the front setback area.

J. In subdivisions, panhandle shaped lots are restricted to sites that contain natural constraints such as topography greater than fifteen percent or environmentally sensitive areas. In short subdivisions, panhandle shaped lots are permitted without the above restrictions, provided all panhandle lots meet the following standards:

1. The minimum width of the minor or access portion shall be fifteen feet;

2. The computations for complying with the Everett zoning code minimum lot size, width, depth and setbacks shall not include the panhandle portion of the lot;

3. No panhandle shaped lot shall be permitted in short subdivisions where the ownership is common with a contiguous property;

4. Side by side panhandle access drives in subdivisions or short subdivisions are not permitted;

5. No panhandle shaped lot will be permitted if there is a potential for additional development, unless adequate area is left for the future development potential; and

6. Panhandle lot access drives are required to comply with the development standards as defined in the design and development provisions of this chapter. (Ord. 2718-03 §§ 34, 35, 36, 2003; Ord. 2536-01 §§ 21, 22, 2001; Ord. 2328-98 § 7(F)(16), 1998)

18.28.220 Sign requirements.

A. All signs shall meet minimum standards as defined in the Everett zoning code.

B. The sign identification name must be the same as the name of the recorded subdivision approved and on file in the Snohomish County auditor's office.

C. All proposed signing is subject to approval by the director and city engineer and must be integrated into the design of the project. The material used on signs shall be solid wood, masonry, concrete or similar material as approved by the director.

D. For all subdivisions and cluster subdivisions, a sign plan is required prior to final approval and must be approved by the director and city engineer. All signs shall be installed prior to final approval. (Ord. 2718-03 § 37, 2003; Ord. 2328-98 § 7(F)(17), 1998)

18.28.230 Utilities improvements.

All utility facilities shall be per city standards. (Ord. 2328-98 § 7(F)(18), 1998)

18.28.240 Easements.

Permanent easements shall be provided for utilities and other public services whenever requested by the city engineer. (Ord. 2328-98 § 7(F)(19), 1998)

18.28.250 Yard areas.

A. Each division of land for a residential lot shall provide private yard area that is directly accessible from the living space within the house. For all lots, the private yard shall contain a minimum of six hundred square feet of area with a minimum dimension of fifteen feet. The director may permit the private rear yard area to extend into the side yard only when it is continuous from the rear yard area, and the side yard contains a minimum distance of ten feet.

B. The required yard area must be shown on the final plat or short plat map. Notwithstanding Title 19 of this code, no accessory buildings or structures are permitted within the required yard area. The city will require a recorded notice on the title of each lot that prohibits placement of accessory buildings or structures within the required yard area.

C. For interior easement access lots, a second story uncovered deck may extend up to fifteen feet into the required yard when it is located on the side of the dwelling, but not closer than ten feet to any lot line. The maximum size for such a deck shall be three hundred square feet.

D. In order to provide flexibility in meeting the requirements of this section on each lot in cluster subdivision or cluster short subdivisions, the applicant may propose and the director may approve a reduction of up to fifty percent of the required yard area if an alternative is provided. Alternatives for private rear yard may include, but are not limited to, the following:

1. Additional developed common recreation or playground area; and

2. Private or public park or trail systems. (Ord. 2718-03 § 38, 2003: Ord. 2328-98 § 7(F)(20), 1998)

18.28.260 On-site recreation facility requirements.

A. Subdivisions and the cluster alternative shall provide on-site recreational facilities in accordance with the on-site recreation facility standards of Section 19.15.050.

B. All parks, playgrounds, recreation, and trail access locations shall be centrally located in an area that is readily available, visible, and accessible to all the residents within the project.

18.28.220 B and 18.28.250D do not apply to single family detached on Simpson and Eclipse parcels

C. In lieu of providing on-site recreation improvements, the applicant may pay a voluntary fee. A fee in lieu of on-site recreation improvements will be permitted when:

1. The size of the development and its projected population is too small to result in a quality recreational facility, and the improvement of city park facilities in the vicinity will be of greater benefit to the residents of the project; or

2. The payment of the fee will provide a greater benefit to the residents of the project by providing needed capital improvements to an existing park or for the development of a new park in the existing neighborhood.

D. The fee shall be based on the cost to design and install all recreation improvements to city standards. Such cost shall be determined by the applicant's engineer, who must be a licensed engineer in the state of Washington. The cost estimate must be approved by the director.

E. The director may establish a fee for the cost to design and install on-site recreation improvements per the city standards, which the applicant can choose to pay in lieu of calculation of his own fee per the provisions of this section.

F. Fees collected per the provisions of this section shall be used by the city for installation of capital improvements to an existing or new park in the existing neighborhood. Such fees must be paid prior to final approval. (Ord. 2536-01 § 23, 2001: Ord. 2328-98 § 7(F)(21), 1998)

18.28.270 Underground utilities.

It is the intent of this provision to eliminate insofar as possible the installation of overhead wires and of wire carrying poles within all divisions of land.

A. All divisions of land shall have all necessary power lines, telephone wires, television cables, fire alarm systems and other communication wires, cables or lines placed in an underground location either by direct burial or by means of conduit or ducts.

B. All such underground installations or systems shall be approved by the appropriate utility company and shall adhere to all governing applicable regulations including, but not limited to, the city and state applicable regulations and specific requirements of the appropriate utility.

C. If the appropriate utility company determines that an underground system as proposed above cannot reasonably be installed according to accepted engineering practices, this requirement may be waived upon receipt of a written notice from said utility to the city engineer.

D. All utility easements within a proposed project shall be approved by the appropriate utility company before final acceptance of the project and shall be shown in their exact location on the final drawing of said project.

E. Nothing in this section or any other section of this title in relation to underground wiring shall apply to power lines carrying a voltage of fifteen KV or more, nor shall it be construed to prohibit the placement of pad mounted transformers, terminal pedestals or other electrical and communications devices above ground, as determined by the appropriate utility involved. (Ord. 2328-98 § 7(F)(22), 1998)

18.28.280 Suitable guarantee.

A. Performance Guarantee Requirements for All Divisions or Redivisions of Land.

1. In lieu of completing the required improvements in the proposed division of land, the applicant may request final approval subject to the approval of a suitable guarantee. The guarantee must be in a form acceptable to the city and an amount commensurate with improvements to be completed. The amount of the guarantee is established at one hundred percent of the cost of the city having to construct the improvements plus twenty percent. The guarantee amount will require yearly review by the city and the applicant will be required to revise the guarantee amount to reflect current inflation rate. Based on the revised amount, the applicant will resubmit a suitable guarantee to the city. Also, the guarantee will be restricted as far as the amount of permissible time in which the improvements must be completed. The guarantee must be acceptable to the city attorney.

2. Guarantee funds will not be released by the city unless approval has been received from all applicable departments that are responsible for acceptance and/or maintenance of such improvements.

3. All improvements begun by the applicant must be completed. Once the applicant has begun making improvements, the applicant shall not be eligible for submitting a guarantee to the city to cover the incomplete improvements unless specifically approved by the city engineer and/or city council in accordance with final approval. If approved, the amount of the guarantee may exceed the limits noted in the provisions of this section to offset additional city exposure.

B. Warranty Requirements for Acceptance of Final Improvements.

1. At the time of final acceptance of the improvements, the applicant shall provide to the city a one-year warranty guarantee at ten percent of the established final cost of the improvements in a form which must be acceptable to the city attorney.

2. For the purpose of this title, final approval shall not be deemed given until such time as all of the required improvements have been satisfactorily

installed in accordance with the requirements of preliminary approval.

3. The director shall require a maintenance assurance device acceptable to the city for common or private landscaped areas in accordance with Chapter 19.40 of this code. (Ord. 2536-01 § 24, 2001; Ord. 2328-98 § 7(G), 1998)

18.28.290 Improvements.

A. Smooth Transition of Improvements. All improvements required by this title shall be extended as necessary to provide a smooth transition with existing improvements, both laterally across the street and longitudinally up and down the street, for utilities and vehicular and pedestrian traffic.

B. Utility Improvement Plans. All street and utility improvement plans shall be prepared by a state of Washington licensed civil engineer. All plans shall be prepared on reproducible mylar material and presented to the city for approval.

C. Acceptance of Improvements. The city engineer is hereby authorized to accept all improvements and/or right-of-way dedication required in this title on behalf of the city. (Ord. 2328-98 § 7(H), 1998)

18.28.300 Survey.

A survey is required for all divisions, redivisions, alteration or vacation of land and boundary line adjustment meeting the following minimum standards:

A. A survey for division, redivision, alteration or vacation, and a boundary line adjustment must be conducted by or under the supervision of a registered land surveyor in the state of Washington. The surveyor shall certify on the final map that it is a true and correct representation of the lands actually surveyed and that the survey was done in accordance with city and state law.

B. In all divisions of land and boundary line adjustments, lot corners must be set before final approval can be granted.

C. In all divisions of land, perimeter monuments must be set before final approval can be granted.

D. In all divisions of land, control monuments must be set before final acceptance of public improvements. Performance guarantees must include the installation of all control monuments. Control monuments must be installed per city design and construction standards.

E. In all divisions of land where final approval is to be granted by the acceptance of a performance guarantee, lot corner and perimeter monuments must be set. The performance guarantee must include the resetting of any monument that has been lost during construction of public improvements.

F. Regarding all residential condominium binding site plans where all lots are not to be shown: prior to the recording of the binding site plan, the boundary of the parcel must be surveyed and all lot corners set or found in accordance with the provisions of this section. If divisions are submitted in accordance with an approved phasing plan, all new lot corners must be set or found prior to recording.

G. For boundary line adjustment, a record of survey must be filed with the county auditor in accordance with Chapter 58.09 RCW. The filing number of the boundary line adjustment must be on the boundary line adjustment/survey map with the legal description of the total area being adjusted before the boundary line adjustment/survey is ready for recording. (Ord. 2536-01 § 25, 2001; Ord. 2328-98 § 7(I), 1998)

18.28.305 Encroachments and gaps.

Whenever an encroachment or gap is disclosed by a survey during the city's review of a land division action or boundary line adjustment (BLA), the applicant shall either (a) remove the encroachment, or (b) resolve the encroachment or gap through an appropriate conveyance such as a quitclaim deed, or other device acceptable to the city, and disclose the same on the face of the final plat or short plat map. Once all requirements of the city's zoning and land division codes are met, the resolution shall be disclosed on the face of the final map approving the application.

A. Resolution of Encroachments—Timing.

1. In cases where the encroachment is located on the abutting property and extends into the applicant's property, the resolution of the encroachment must occur prior to application submittal.

2. When the encroachment is located on the applicant's property, one of the following must occur:

a. If the applicant proposes to remove the encroachment as part of the land division or BLA action, preliminary approval may be issued subject to removal prior to the final approval; or

b. If the applicant does not propose to remove the encroachment, then resolution of the encroachment must occur prior to preliminary approval.

3. If the conveyance method is utilized to resolve an encroachment, provision (such as a penumbral easement) must be made for maintenance of the physical appurtenance which had been encroaching. The deed shall be recorded concurrently with or prior to final approval.

B. Resolution of Gaps—Timing. Gaps shall be resolved by the following means: (1) the applicant shall, prior to final approval, execute a quitclaim deed releasing all interest in the gap; and (2) if the physical appurtenance belongs to the abutting property owner, it shall be left in place but a new fence, or other permanent form of demarcation of the lot line of record, acceptable to the city, shall be erected on the lot line of record. In the event the applicant constructs a new fence to resolve a

gap, the fence shall be a minimum of four feet in height and shall meet city standards for such a fence; provided, however, the city reserves the right to allow gaps to be resolved through other means not specifically listed herein.

C. Resolution of Gaps by Conveyance Method—Failure of Abutting Property Owner to Accept Deed. Where the conveyance method described in subsection B of this section is used to resolve a gap but the abutting (i.e., receiving) property owner refuses to accept the deed instrument, the quitclaim deed may be executed by the applicant and held in trust by the city for the abutting (receiving property) owner; provided, however, when that occurs, a notice shall be filed with the county auditor on the title of the abutting property indicating that the city is holding such an instrument in trust and that legal description of the gap will become the property of the abutting property owner at such time as the instrument is accepted and recorded. (Ord. 2718-03 § 8, 2003; Ord. 2328-98 § 7, 1998)

18.28.310 Dedication.

Any dedication, donation or grant as shown on a land division map shall constitute a statutory warranty deed to the said grantee for the use intended. The intention to dedicate shall be evidenced by the owner through the presentment for filing of a final division map showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such final maps for filing by the city. (Ord. 2328-98 § 7(J), 1998)

Chapter 18.32

VARIANCES—ENFORCEMENT

Sections:

18.32.010 Variances.
18.32.020 Repealed.
18.32.050 Delegation.
18.32.060 Transition.
18.32.070 Effect of noncompliance.
18.32.080 Illegal transfers—Filing unapproved division of land or boundary line adjustment.
18.32.090 Violation—Penalty.
18.32.100 Nonexclusive provisions.

18.32.010 Variances.

Applications for variances under this title shall be limited to the following: (a) lot depth for lots when the originating parcel meets the lot frontage and lot width standards of the zoning code. However, variances that would allow any lot to be less than seventy feet shall not be granted; and (b) lot area, dimensional, and setback requirements as set forth in Section 18.28.070. Lot yield shall not be considered as a basis for evaluation of variance applications. The applicable criteria for both types of variances are listed in this subsection. Variances shall be processed as provided for in Title 15 of the Everett Municipal Code pertaining to short subdivisions. Approval of a site development plan by the city will be required for the granting of any variance.

A. Variance Criteria. In order for the director or hearing examiner to grant a lot depth variance, he/she must find that all of the following criteria have been met:

1. The authorization of the variance will not be detrimental to the public welfare or injurious to the property in the vicinity or zone in which the property is located, or to lots within the subdivision for which the variance is granted;

2. A site development plan that complies with all other requirements of this title and the zoning code has been submitted and approved by the director; and

3. The lot or lots meet minimum frontage required in the zoning code and have at least seventy feet of lot depth.

B. Variance Criteria for Divisions of Land with Existing Nonconforming Structures. A variance from lot area, dimensional and setback standards may be granted only if the existing legal nonconforming structures meet the following minimum standards:

1. The nonconforming structures shall be single-family dwellings in a single-family zone;

2. The structures shall comply with the city's Uniform Housing Code ordinance, as amended. The city shall require, at the applicant's expense, an inspection and a report from an independent housing inspector to determine compliance with Uniform Housing Code requirements. This report shall be submitted with the short subdivision application;

3. All lots and existing structures shall meet minimum fire safety and public utility standards as defined by the city;

4. All lots and existing structures shall provide for adequate off-street parking, private yard area as defined in the design and development provisions of this chapter, and adequate setbacks of existing structures from new proposed lot lines as determined by the city; and

5. All lots must have full frontage on a public street. The use of easement access, panhandle lot or alley frontage is not permitted. (Ord. 2718-03 § 39, 2003: Ord. 2536-01 § 26, 2001: Ord. 2328-98 § 8(A), 1998)

18.32.020 Tax segregated lots.

Repealed by Ord. 2718-03. (Ord. 2536-01 § 27, 2001: Ord. 2328-98 § 8(B), 1998)

18.32.050 Delegation.

Whenever the terms of this title specifically authorize the director or the city engineer to perform specific acts, the director and city engineer are hereby authorized to delegate those specific responsibilities to members of their respective staffs. (Ord. 2328-98 § 8(E), 1998)

18.32.060 Transition.

All completed applications for a division of land or boundary line adjustment which are properly filed with the city on or after the fifteenth day following the validation date of this title shall proceed in full compliance

with the requirements of this title as it presently is or is hereafter amended and state law. All other completed applications for divisions of land or boundary line adjustments which were filed prior to the fifteenth day following the validation date of this title shall comply with the requirements of the appropriate regulations that were in effect immediately prior to the adoption of the ordinance codified in this title. (Ord. 2328-98 § 8(F), 1998)

18.32.070 Effect of noncompliance.

No building permit or other development permit including approvals for preliminary division of land or boundary line adjustment shall be issued for any lot or parcel of land divided in violation of Chapter 58.17 RCW or this title. All purchases or transfers of property shall comply with the provisions of Chapter 58.17 RCW and this title, and each purchaser or transferee may recover damages from any person, firm, corporation or agent selling or transferring land in violation of Chapter 58.17 RCW or this title, including any amount reasonably spent as a result of an inability to obtain any development permit and spent to conform to the requirements of Chapter 58.17 RCW and this title as well as the cost of investigation, suit and reasonable attorney's fees. A purchaser or transferee may, as an alternative to conforming the property to these requirements, rescind the sale or transfer and recover the cost of investigation, suit and reasonable attorney's fees. (Ord. 2328-98 § 8(G), 1998)

18.32.080 Illegal transfers—Filing unapproved division of land or boundary line adjustment.

The county auditor shall refuse to accept the recording of any division, redivision, alteration or vacation of land or boundary line adjustment that has not been approved by the city in accordance with the provisions of this title. Should any division, redivision, alteration or vacation of land or boundary line adjustment be filed without such certification as set forth in this title, the city attorney may apply for a writ of mandate on behalf of the city directing the auditor to remove the unapproved division of land, alteration or vacation, or boundary line adjustment from the auditor's files. (Ord. 2328-98 § 8(H), 1998)

18.32.090 Violation—Penalty.

A. Violation.

1. Any person, firm, corporation, or association, or any agent of any person, firm, corporation or association, who violates any provision of this title shall be subject to the enforcement procedures provided by Chapter 1.20 of this code, as amended.

2. Any violation of the provisions of this title constitutes a public nuisance which the city can abate by an action in Snohomish County superior court. The cost of such action shall be assessed against the violator.

B. Exception. If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary approval of a division of land is expressly conditioned on the recording of the final maps containing the lot, tract, or parcel under this title, the offer or agreement is not a violation of any provisions of this title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final maps are recorded. (Ord. 2328-98 § 8(I), 1998)

18.32.100 Nonexclusive provisions.

Penalty and enforcement provisions provided in this title are not exclusive, and the city may pursue any remedy or relief it deems appropriate or as otherwise provided by law. (Ord. 2328-98 § 8(J), 1998)