

Instructions to reader: This is a new chapter in the Unified Development Code. For a summary of the effect of this chapter from current standards, please visit the Rethink Zoning Library at <https://everettwa.gov/2453/Rethink-Zoning-Library>.

Chapter 19.24 Land Division Administration

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19.24.010 Purpose.

The purpose of this chapter is to regulate the division of land and to promote the public health, safety, and general welfare in accordance with standards established by the state (RCW 58.17) and city; to promote orderly development and the efficient use of land; to provide a range of housing options that may not be possible through a traditional single-family subdivision; to provide for adequate light and air; to provide for adequate provisions for water, sewer, fire protection, parks and recreation areas, sites for school and school grounds and other public requirements; to provide safe and efficient vehicular access; to facilitate non-vehicular travel modes; to provide safe pedestrian routes to local schools; to provide for the expeditious review and approval of developments that may require a division, redivision, alteration, vacation or 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.

19.24.020 Authority.

These regulations are authorized by Chapter 58.17 RCW and other applicable state laws and city ordinances.

19.24.030 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.

19.24.040 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, chapters 19.24 - 19.27, 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 EMC 15, Local Project Review Procedures.

19.24.050 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 chapters 19.24 - 19.27 and 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 EMC Title 15.

19.24.060 Exemptions.

- A. The provisions of chapters 19.24 - 19.27 and 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, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, 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;
 4. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;
 5. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with chapters 19.24 - 19.27 and this title;
 6. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;
 7. A division of land into lots or tracts of less than three acres for "electric utility facilities" as authorized in RCW 58.17; provided the facility complies with all other city zoning and development regulations; and
 8. Divisions of land into lots or tracts where condominiums are being created under [64.32](#) or [64.34](#) RCW, and subject to the applicability requirements of RCW 58.17.040.
- B. The exemptions provided herein shall not be construed as exemptions from compliance with all other applicable standards required by the city and state.

19.24.070 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, chapters 19.24 - 19.27 or this title. All purchases or transfers of property shall comply with the provisions of Chapter 58.17 RCW, chapters 19.24 - 19.27, 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, chapters 19.24 - 19.27, 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, chapters 19.24 - 19.27, 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.

19.24.080 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 chapters 19.24 - 19.27 and this title. Should any division, redivision, alteration or vacation of land or boundary line

adjustment be filed without such certification as set forth in chapters 19.24 - 19.27 and 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.

19.24.090 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 chapters 19.24 - 19.27 and this title shall be subject to the enforcement procedures provided by EMC Chapter 1.20, as amended.
2. Any violation of the provisions of chapters 19.24 - 19.27 and 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 chapters 19.24 - 19.27 and this title, the offer or agreement is not a violation of any provisions of chapters 19.24 - 19.27 and 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.

19.24.100 Definitions.

1. **"Alteration"** means any alteration of a recorded subdivision or short subdivision or portion thereof, except as provided in RCW 58.17.040(6) and EMC 15, 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.
2. **"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.
3. **"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.
4. **"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 chapters 19.24 - 19.27 and this title.
5. **"Block"** means a group of lots, tracts, parcels, or sites within well-defined and fixed boundaries.
6. **"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 Unified Development Code for lots, tracts, parcels, sites or division of land.

7. **"Boundary lines"** means lot lines that separate and establish an area with fixed limits for lots, tracts, parcels, or sites.
8. **"Boundary line adjustment map"** means a drawing to scale showing all the required information as specified by chapters 19.24 - 19.27 and this title for boundary line adjustments.
9. **"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.
10. **"City standards"** means the city of Everett public works department design and construction standards and specifications.
11. **"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.
12. **"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.
13. **"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.
14. **"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.
15. **"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.
16. **"Dedictory 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.
17. **"Division of land"** means any segregation of land that creates lots, tracts, parcels, or sites not otherwise exempted by chapters 19.24 - 19.27 and this title which alters or affects the shape, size or legal description of any part of the owner's land.
18. **"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.
19. **"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.
20. **"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 chapters 19.24 - 19.27 and this title.
21. **"Final short plat map"** means the final permanent reproducible drawing of a short subdivision prepared for filing for record with the county auditor.
22. **"Final plat map"** means the final permanent reproducible drawing of a prepared subdivision and dedication required for filing for record with the county auditor.

23. **"Final unit lot short subdivision"** means the final permanent reproducible drawing of a prepared unit lot short subdivision and dedication required for filing for record with the county auditor.
24. **"Final unit lot subdivision"** means the final permanent reproducible drawing of a prepared unit lot subdivision and dedication required for filing for record with the county auditor.
25. **"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.
26. **"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.
27. **"Open record public hearing"** means an open public hearing as defined by Title 15 of this code, Local Project Review Procedures.
28. **"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.
29. **"Parent lot"** means a lot proposed for, or which has been, further divided into additional lots, tracts or parcels.
30. **"Person,"** for the purpose of chapters 19.24 - 19.27 and this title, shall include, but not be limited to, the following: individuals, corporations, associations and partnerships.
31. **"Phasing plan"** means a plan approved by the city for incremental installation of public and private improvements.
32. **"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.
33. **"Preliminary plat, 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 chapters 19.24 - 19.27 and this title.
34. **"Private 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.
35. **"Private access drive lot"** means any lot whose principal means of access is from an easement access drive.
36. **"Redivision"** means the division of land in an approved subdivision, short subdivision, or binding site plan.
37. **"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.
38. **"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.
39. **"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.
40. **"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.
41. **"Suitable guarantee"** means an acceptable guarantee to the city to insure performance and/or warranty of improvements.
42. **"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, chapters 19.24 - 19.27 and this title.
43. **"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.

44. ***“Unit lot short subdivision”*** means the division or redivision of land authorized by Chapter 19.27 into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.
45. ***“Unit lot subdivision”*** means the division or redivision of land authorized by Chapter 19.27 into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.
46. ***“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 EMC Chapters 35.79 and 36.87 RCW.