

Chapter 17.26 Subdivisions

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17.26.010 Purpose. No division of land shall be made within the City, except in full compliance with the provisions of this Title.

17.26.020 Applicability. The provisions of this Chapter shall apply to all subdivisions of land unless specifically noted.

- A. Pursuant to RCW 58.17.040, the provisions of this Title shall not apply to:
1. Cemeteries and other burial plots, while used for that purpose;
 2. Any division made by testamentary provisions or the laws of descent;
 3. A division for the purpose of lease when no residential structure other than manufactured homes are permitted to be placed upon the land when a binding site plan for the use of the land has been approved;
 4. A division made solely for the purpose of adjusting boundary lines.
 5. Divisions created by action of public bodies not for the purpose of future sale or lease, including:
 - a. Acquisitions through negotiation or condemnation of fractional parts of land by public bodies for the purpose of future public use as public highways or public or private utility facilities; and
 - b. Annexations and land vacations accomplished pursuant to and in accordance with all pertinent state and local laws governing same.
- B. The Planning Official may exempt the following actions from the requirements of this Title as not constituting a division of land into lots, tracts, parcels, sites or divisions for the purpose of sale or lease. This exemption is available only for those actions which do not contravene the spirit of this Title or of state law. In determining whether specific actions may be exempt, the Planning Official may require pertinent

instruments, court orders, affidavits and the like to be maintained in a permanent file of all qualified exemption applications. Exemption applications shall be notarized and accompanied by an application fee as specified in the adopted fee schedule ordinance.

1. A division of land by simultaneous merger of a fractional part of land into land contiguous on more than a single point so long as no lot, tract, parcel, site or division is rendered nonconforming with minimum size requirements or with applicable zoning and land use restrictions.
 - a. “By simultaneous merger” for purposes of this section, means a specific declaration of merger with the new description of said lands contained within the correction deed or instrument of sale or transfer. The deed or instrument shall be filed for record by the Applicant in the County Auditor’s office. No such merged fractional part may thereafter be sold, leased, transferred or developed through building permit or other development permit as a division separate or distinct from the land into which it is merged without prior short plat approval.
 - b. The creation of a lot for such public and private property, such as water towers, utilities stations, cell tower sites, etc.
 - c. Said exemption shall become null and void if the filing of the deed or instrument is not accomplished within one hundred eighty days from the grant of the exemption.
2. A division provided for by law not for the purpose of sale or lease including, in the absence of the Planning Official finding circumstances to the contrary, the following:
 - a. Financial segregation which does not involve a division of land through transfer of fee simple title. This exemption is limited to mortgages or deeds of trust executed solely for the purpose of securing financial obligations that are conducted in all respects in compliance with the laws governing same;
 - b. A division by court order limited to the following and not including voluntary transfers of land in lieu of compliance with the applicable judicial procedures governing them; mortgage or deed of trust foreclosures, and property distributions between spouses pursuant to separation of dissolution proceedings; and
 - c. A division by transfer made under threat of imminent foreclosure proceedings provided that: The deed of trust or mortgage was a bona fide financial arrangement which was not executed for the purpose of sale or lease and which was granted a financial segregation exemption; and foreclosure proceedings would result in the transfer of property by court order in any event.

- d. Prior division of land provided the lots meet minimum size requirements of the zone in which it is located.

17.26.030 Short Subdivision Preliminary Plats. The division of a parcel into 9 or fewer lots shall be processed as a Class 2 Review, and shall comply with the following provisions:

The applicant shall submit a short plat which shall be prepared by or under the supervision of a registered land surveyor of the state of Washington as a result of a land survey, including:

- (1) Compliance with the requirements of the Survey Recording Act RCW Chapter 58.09 as it now exists or is hereafter amended, including the establishment of monuments such that short plats must show all existing or established section corners and quarter section corners pertaining to the establishment of all lot corners of the short plat;
- (2) All other review requirements of this title pertaining to short subdivisions of land:

Content:

Application for final approval of a short subdivision shall be by submission to the county planning department of a short plat, one paper copy thereof and a copy of a current title certificate showing all parties having any interest in the land subdivided. The short plat shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or equivalent. It shall be of a size eighteen inches by twenty-four inches. It shall show:

The entire lot, tract, parcel, site or division constituting the applicant's land as defined by Section 17.04.020 (B) 49;

The parcel number or numbers as assigned to applicant's land by the county assessor and the names or recording numbers of any contiguous subdivisions or short subdivisions;

Lines marking the division of the property into nine or less lots, tracts, parcels, sites or divisions;

Location of existing roads or streets, or existing deeds or easements therefor such as county, city or state. Satisfactory documentation for roads and ways within or contiguous to the applicant's land shall be provided;

Location of any roads, rights-of-way or easements proposed to serve the short plat with clear designation of their purpose and nature, including whether they will be private or dedicated public roads, rights-of-way or easements.

- (a) Right-of-way for public roads of a width to be determined by the planning official, but not to exceed that required for regular plats, shall be dedicated if the short subdivision contains two or more lots which are contiguous to:
 - (i) An existing subdivision where partial street right-of-way has been dedicated,
 - (ii) An existing partial right-of-way deeded for public road purposes,
 - (iii) A location where an ordinance, or long-range road program, or comprehensive plan indicates the need for a future road or street;

(b) Right-of-way for all private roads, whether existing or proposed, shall be of a width to be determined by the planning official of not less than twenty-five feet nor more than that required for regular plats;

(c) In the event private roads are used to serve the proposed short plat, whether exterior or interior, the following statement shall appear on the face of the short plat:
City of Zillah has no responsibility to build, improve, maintain, or otherwise service any private road for this short plat.

(d) Utility easements having a minimum width of five feet shall serve each interior lot. Utility easements may be included within the access easement and may serve as a joint use easement with the access easement;

(6) The acknowledged signatures of all parties having ownership interest in the lands being subdivided as enumerated in subdivisions (a) (ii) and (b) (ii) of this subsection (6), as well as the acknowledged signatures of all owners of property over which access or utility easements pass unless such easements are previously or simultaneously recorded by separate instrument in the county auditor's office, certifying the following:

- (a) In the case of a short subdivision not containing a dedication:
 - (i) A full and correct legal description of the land to be divided as it appears on the short plat,
 - (ii) A statement of free consent in substantially the following form, the reference to easements to be omitted where not applicable
- (b) In the case of short subdivision containing a dedication:
 - (i) A full and correct legal description of the land to be divided as it appears on the short plat,
 - (ii) A statement of free consent and waiver of claims for damages

B. Review requirements.

1. Copies of the preliminary plat, supplementary material, environmental documents and notice of public hearing shall be forwarded by the Planning Official to the following agencies for their respective recommendations, if any:
 - a. Yakima Health district (if applicable)
 - i. The City and/or the Yakima Health District may require the Applicant to provide information necessary to determine the feasibility of the contemplated sewage disposal and water supply for the proposed subdivision;
 - b. City Public Works Director;
 - c. Any school district or fire district encompassing any of the area included in the preliminary plat;
 - d. Any other governmental agencies concerned.

2. The recommendations of the aforesaid public agencies, if any, shall be submitted to the Planning Commission prior to the scheduled public hearing as provided for in Section 17.26.030.C.
- C. The Planning Commission shall consider agency reports, public testimony and all other relevant facts and consider whether the proposed short plat/subdivision makes appropriate provisions for public health, safety and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and whether the public use and interest will be served by the platting of such short plat/subdivision.
 - D. Recommended conditions to be fulfilled, if any, after approval of the preliminary plat shall be written on the face of the plat.
 - E. Dedication of land to any public body, or fees paid in lieu thereof, may be required as a condition of subdivision approval and shall be clearly shown on the final plat. A record of the public meeting/public hearing shall be kept by the City Clerk/Treasurer and shall be open to public inspection.
 - F. Domestic water, sewer service, and irrigation lines to property lot line shall be part of the primary developer's obligation and conform to the standards in ZMC Chapter 15.10. All main lines and auxiliary lines shall be shown on the final plat before final approval.
 - G. Irrigation water provided by the appropriate irrigation district must be provided to each residential/commercial site and to open space/recreational areas. Plans must be approved by the City.
 - H. Approval of a preliminary plat shall not constitute approval of the final plat for record. Rather, it shall be a guide to the preparation of the final plat which shall be submitted for approval of the required officials within two years of the date of preliminary plat approval unless extended in accordance with the provisions of Section 17.26.060.A.

17.26.040 Subdivisions (10 or more lots) and Long Plats. The division of a parcel into 10 or more lots shall be processed as a Class 3 Review, and shall comply with the provisions set forth in 17.26.030, recommendation from Planning Commission and approval from City Council.

17.26.050 Preliminary Plats Amendments

- A. Once a short plat/ subdivision has been recorded with the County Auditor, it can be altered or vacated in whole or part in a manner not involving a re-subdivision into more than nine lots from the original short plat. When a proposed alteration or vacation involves a public dedication, the alteration or vacation shall be processed in accordance with RCW 58.17. If the proposed alteration or vacation does not involve a public dedication, the amended short plat shall be processed in accordance with the following provisions:
 1. The amended short plat must comply with the procedures and requirements of this chapter for original short plat approval. A survey shall be required.

2. The amended short plat shall show all of the land shown on the original short plat and shall bear the acknowledged signatures of all parties having ownership interest in the affected lots, tracts, parcels, sites or divisions within the original short plat as shown by a current title certificate.
 3. The amended short plat shall not increase the number of lots, tracts, parcels, sites or divisions into more than the original short plat or subdivision for a period of five years from the date of recording of the original short plat or subdivision, unless a final plat has been approved and filed for record pursuant to the regular plat provisions of this Title.
 4. Minor errors not involving a change in lines may be corrected by the surveyor by recording an affidavit with the County Auditor specifically referencing the short plat by number and the correction.
- B. Once property is subdivided in accordance with the short plat/subdivision regulations of this Title, no further division creating more lots, tracts, parcels, sites or divisions from the original short plat or subdivision shall be made for a period of five years from the date of recording of the short plat, unless a final plat has been approved and filed for record pursuant to the regular plat provisions of this Title. In the case of a proposed re-division of land within a short plat or a regular plat, either the short subdivision or regular subdivision provisions of this chapter and RCW 58.17 shall be complied with dependent upon the number of divisions proposed within the land as defined by this chapter and/or the period of time that has elapsed since the recording of a prior short plat.
- C. Approval of a preliminary short plat shall not constitute approval of the final plat for record. Rather, it shall be a guide to the preparation of the final plat which shall be submitted for approval of the required officials within one year of the date of preliminary short plat.

17.26.060 Final Short/ Subdivision/ Long Plats The final plat shall conform substantially to the preliminary plat, and shall incorporate any conditions or recommendations imposed by the City.

- A. The final plat shall be submitted within five years of the date of preliminary plat approval. An Applicant who files a written request with the City at least thirty days before the expiration of this five year period may be granted a one-year extension provided a showing that the Applicant has attempted in good faith to complete the final plat within the five year period.
- B. The City shall review the final plat for conformance to conditions of approval imposed on the approved preliminary plat.
- C. The final plat shall be recorded within thirty days following the date of approval of the final plat. If the applicant fails to file the final plat prior to the expiration of the

above time period, the plat shall resubmit in accordance with the provisions of this Title.

- D. Once a plat has been filed with the County Auditor, it shall remain as the official plat covering the land. If a person proposes to alter or vacate the plat in whole or in part, the procedures set forth in RCW 58.17 shall be followed.
- E. No building permit shall be issued or approved until such time as the City approves and accepts the final plat for the short plat/subdivision/long plat and the final plat is recorded with the Yakima County Auditor.
- F. Inspection of required improvements shall be made during and after completion construction. Scheduling of inspections shall be the responsibility of the Applicant and shall be coordinated with the appropriate City Staff.

17.26.070 Improvements. The City may require the formation of a maintenance corporation, home owners association, etc. charged with the responsibility of construction and maintenance of the private streets and other common facilities in the proposed subdivision.

17.26.080 Surety – Bonding/Escrow. In lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the City may accept a bond or escrow in an amount and with surety and conditions satisfactory to the City Council, or other secure method expectable to the city, providing for and securing to the City the actual construction and installation of all improvements within a time period specified by the City expressed in said surety. In addition, the bonds/escrow or other security may be required by the City securing to the City the successful operation of the improvements for up to two years after final plat approval.

17.26.090 Enforcement. See Section 17.92 The following actions are violations of this Title and shall be subject to enforcement actions which may include civil and criminal penalties.

- A. No building permit, septic tank permit, access/approach permit, or other development permit shall be issued for, or physical development or change be undertaken or permitted on divisions subject to this ordinance and/or RCW 58.17 without compliance with the respective provision thereof.
- B. No person, firm, corporation, association or agent thereof shall transfer, sell or lease, either by deed or contract, any land subject to the requirements of short plat/subdivision/ or long plat final approval until the short plat/subdivision/ or long plat has been approved by the City and recorded with the Yakima County Auditor. Any person who violates any of the short plat/subdivision/long plat provisions of this Title shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars for each violation. Each day such violation continues shall be considered a separate offense.