POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2017-22

SUBJECT: Land Division Update

CONFORM AS TO DATES & SIGNATURES

- ☑ Filed with the City Clerk: 12/14/17
- ☑ Passed by the City Council: 12/20/17
- ☑ Signature of Mayor
- ☑ Signature of City Clerk
- ☑ Publication: 12/29/17
- ☑ Effective: 1/3/17
- ☐ Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- ☑ NK Herald: 12/20/17
- ☑ Code Publishing
- ☐ City Attorney
- ☑ Clerk's Department: Original
- ☐ City Council
- ☐ Finance:
- ☑ Posted to Library Drive and Website
- ☐ _____

Rhiannon Fernandez
City Clerk

12/20/17
Date

ORDINANCE NO. 2017-22

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING AND REPLACING TITLE 17 OF THE CITY OF POULSBO MUNICIPAL CODE IN ORDER TO ADOPT THE 2017 TITLE 17 LAND DIVISION ORDINANCE UPDATE; REFORMATTING THE ORGANIZATIONS OF THE ORDINANCE; CLARIFY THE MINIMUM AND MAXIMUM DENSITY REQUIREMENTS FOR BOUNDARY LINE ADJUSTMENTS; DEFINING WHAT MAY CONSTITUTE A TRACT, AND REQUIREMENTS OF IDENTIFYING AND MANAGING TRACTS; PROVIDING NEW FINAL REVIEW REQUIREMENTS; ESTABLISHING AN EXPIRATION AND ABILITY TO EXTEND EXPIRATION FOR SHORT SUBDIVISIONS AND BINDING SITE PLANS; ESTABLISHING NEW PROVISIONS FOR PRELIMINARY PLAT MODIFICATIONS PRIOR TO RECORDING; CREATING A NEW LAND DIVISION STANDARDS SECTION; SETTING FORTH THE CTIY AS THE RESPONSIBLE PARTY FOR RECORDING; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the subdivision of land into lots is governed by Chapter 58.17 RCW and by local ordinances; and

WHEREAS, on October 2, 2017, the City released the Draft 2017 Land Division Ordnance Update to the public, distributed to Washington State Department of Commerce and other local, regional and state agencies, and emailed to the City's Development Regulations interested parties e-notice list; and

WHEREAS, on October 6, 2017, the Notice of Application (NOA) and SEPA Threshold Determination was published in the North Kitsap Herald, emailed to the NOA, SEPA and Development Regulations interested parties e-notice list, posted at the Poulsbo Library, Poulsbo Post Office, City Hall, and the city's website; and

WHEREAS, in October 2017, the Planning Commission, in its role as the City's primary land use advisory committee, reviewed the Draft 2017 Land Division Ordinance Update. The Planning Commission held two workshops (10/10/17 and 10/17/17) and identified several modifications and edits to the Draft 2017 Land Division Ordinance Update; and

WHEREAS, on October 20, 2017 a public hearing notice announcing the Poulsbo Planning Commission public hearing was published in the North Kitsap Herald, emailed to the public hearing and Development Regulations e-notice list; posted at the Poulsbo Library, Poulsbo Post Office, City Hall and the City's website; and

WHEREAS, the Planning Commission's modifications and edits were incorporated into the Draft 2017 Land Division Ordinance Update, resulting in a November 2017 Planning Commission Modified Land Division Ordinance which was released to the public on October 27, 2017 through an email to the Development Regulations e-notice list, posted on the City's website and provided to the Planning Commission; and

WHEREAS, the November 2017 Planning Commission Modified Land Division Ordinance incorporated the modifications identified by the Poulsbo Planning Commission during their October 2017 review. The Planning Commission modifications were identified as **black bold underline or ~~strikeout~~** in the Draft 2017 Land Division Ordinance Update; and

WHEREAS, on November 7, 2017, the Planning Commission held a duly noticed public hearing on the November 2017 Planning Commission Modified Land Division Ordinance; and

WHEREAS, after considering the testimony received at the public hearing, the Planning Commission voted to recommend approval of the November 2017 Planning Commission Modified Land Division Ordinance to the Poulsbo City Council, and adopted findings of fact in support of their decision; and

WHEREAS, the Poulsbo City Council held a workshop on November 15, 2017 to consider the November 2017 Planning Commission Modified Land Division Ordinance and the Planning Commission's recommendations; and

WHEREAS, on November 17, 2017 a public hearing notice announcing the Poulsbo City Council Public Hearing was published in the North Kitsap Herald, emailed to the public hearing and Development Regulations e-notice list, posted at the Poulsbo Library, Poulsbo Post Office, City Hall, and the City's website; and

WHEREAS, on November 29, 2017 the Economic Development Committee reviewed proposed changes to the November 2017 Planning Commission Modified Land Division Ordinance resulting in a November 2017 City Council Modified Land Division Ordinance. The City Council modifications were identified as red underline or ~~strikeout~~ in the November 2017 City Council Modified Land Division Ordinance; and

WHEREAS, the City Planning Staff issued a City Council public hearing staff report on November 30, 2017; and

WHEREAS, the Poulsbo City Council held a public hearing on the November 2017 City Council Modified Land Division Ordinance on December 6, 2017, where a final modification document was presented; and

WHEREAS, after considering the staff and Planning Commission recommendations and all public testimony received in the public hearings, the Poulsbo City Council determined to approve certain modifications and edits and to adopt the final document by the passage of this ordinance; NOW THEREFORE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions. In support of the actions taken by this ordinance, the Poulsbo City Council hereby adopts the following as findings and conclusions:

A. The recitals set forth above;

B. The findings, conclusions, and analysis contained in the Planning Commission Findings of Fact and Recommendation; and

C. The findings, conclusions and analysis contained in the City Council Public Hearing Staff Report, dated November 30, 2017.

Section 2. 2017 Land Division Ordinance Update Adopted. The Poulsbo Land Division Ordinance codified as Title 17 of the Poulsbo Municipal Code, is hereby amended and replaced, consisting of the December 2017 City Council Modified Land Division

Ordinance Update attached as Exhibit A to this ordinance. The ordinance supersedes and completely replaces all previous updates thereto adopted by the City.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

CITY CLERK RHIANNON FERNANDEZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY JAMES E. HANEY

FILED WITH THE CITY CLERK: 12/14/17
PASSED BY THE CITY COUNCIL: 12/20/17
PUBLISHED: 12/29/17
EFFECTIVE DATE: 1/3/18
ORDINANCE NO. 2017-22

SUMMARY OF ORDINANCE NO. 2017-22

of the City of Poulsbo, Washington

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING AND REPLACING TITLE 17 OF THE CITY OF POULSBO MUNICIPAL CODE IN ORDER TO ADOPT THE 2017 TITLE 17 LAND DIVISION ORDINANCE UPDATE; REFORMATTING THE ORGANIZATIONS OF THE ORDINANCE; CLARIFY THE MINIMUM AND MAXIMUM DENSITY REQUIREMENTS FOR BOUNDARY LINE ADJUSTMENTS; DEFINING WHAT MAY CONSTITUTE A TRACT, AND REQUIREMENTS OF IDENTIFYING AND MANAGING TRACTS; PROVIDING NEW FINAL REVIEW REQUIREMENTS; ESTABLISHING AN EXPIRATION AND ABILITY TO EXTEND EXPIRATION FOR SHORT SUBDIVISIONS AND BINDING SITE PLANS; ESTABLISHING NEW PROVISIONS FOR PRELIMINARY PLAT MODIFICATIONS PRIOR TO RECORDING; CREATING A NEW LAND DIVISION STANDARDS SECTION; SETTING FORTH THE CTIY AS THE RESPONSIBLE PARTY FOR RECORDING; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

On the 20th day of December 2017, the City Council of the City of Poulsbo, passed Ordinance No. 2017-22. A summary of the content of said ordinance, consisting of the title, provides as follows:

The full text of this Ordinance will be mailed upon request.

DATED this 20th day of December 2017.

_____

CITY CLERK RHIANNON FERNANDEZ

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17.10 GENERAL PROVISIONS.

17.10.010 Purpose.

The purpose of this Title is to implement the provisions of the various applicable state statues, including but not limited to, Chapters 58.17, 35.63 and 65.08 RCW, and the City of Poulsbo Comprehensive Plan and Poulsbo Municipal Code. The regulations contained herein are intended to:

A. To regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state and City.

B. Promote the effective utilization of land and infrastructure.

C. Make adequate provision for the housing, commercial and industrial needs of the City.

D. Prescribe procedures for the expeditious review of proposed subdivision of land in accordance with officially adopted plans, policies and standards, including the provisions of the Zoning Code (PMC Title 18).

E. Provide for the efficient processing of subdivision applications.

F. Implement the Growth Management Act and the policies of the City of Poulsbo Comprehensive Plan.

G. Facilitate adequate provision for streets, water, sanitary sewer, utilities, storm water drainage, schools and park and recreation areas, and other public requirements.

H. Provide for proper and safe ingress and egress.

I. Provide for uniform monumenting of land subdivisions and conveyance by accurate legal descriptions.

J. Provide for access to utilities for ease of installation, inspection and maintenance.

17.10.020 Title.

This Title shall be known as the Poulsbo Land Division Ordinance and shall supplement and implement the state regulations of plats, subdivisions and dedications found in Chapter 58.17 RCW. This Title also complies with the requirements of the Growth Management Act and is consistent with the City's Comprehensive Plan.

17.10.030 Applicability.

A. All division and redivision of land into lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership shall comply with the requirements of this Title except where specifically exempted herein. Subdivisions, short subdivisions, binding site plans, boundary line adjustments, plat alterations and plat vacations are all considered divisions or redivisions of land for the purposes of this Title.

B. Exemptions. The following are exempt from the provisions of this Title except where expressly indicated.

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

2. Testamentary Divisions. Divisions made by testamentary provisions or the laws of descent; provided that a map is recorded with Kitsap County Auditor Office at the time the land is divided and that all lots created must meet the requirements of this Chapter and other applicable regulations. Land divided in this manner does not guarantee creating legal lot, nor exempt the division to meet other City standards such as but not limited to, lot size requirements, frontage and infrastructure improvements as applicable.

3. Divisions of land into lots or tracts each of which is 1/128th of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line.

4. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose consistent with RCW 58.17.040(8).

5. A division of land into lots or tracts of less than 3 acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of the City. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. (New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed).

17.10.040 Interpretation.

This Title shall be liberally interpreted and construed to secure the public health, safety, morals, and welfare, to implement the City of Poulsbo Comprehensive Plan, and to comply with all applicable requirements of Washington State law, and the rule of strict construction shall have no application.

17.10.050 Concurrent applications.

Land division applications may be processed concurrently with other required applications for approval. Multiple applications will be processed according to the requirements of PMC Title 19, Project Permit Application Procedures.

17.20 DEFINITIONS.

As used in this Title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this Chapter shall have the following meanings.

Alteration. An alteration is the amendment or change to a recorded final plat, recorded short plat, recorded binding site plan, or any portion thereof, that results in changes to conditions of

approval, configuration of lots, street alignment, utility provision, or the removal of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a Boundary Line Adjustment.

Binding site plan. A binding site plan is a plan drawn to scale in accordance with the provisions of this Title and Chapter 58.17 RCW, and which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this Title; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the Review Authority; and (c) contains provisions making any development or division of land be in conformity with the site plan.

Block. Block is a group of lots, tracts, or parcels within well-defined and fixed boundaries.

Boundary Line Adjustment.

a. An adjustment of boundary lines between two or more lots, tracts, parcels, sites or divisions 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 and may be accomplished in nonconforming situations when the degree of nonconformity is not increased; or

b. A consolidation (or aggregation) of multiple lots into one single lot; provided, that the consolidation does not create any additional lot, tract, or parcel; and does not create any lot, tract, or parcel which contains insufficient area and dimension to meet minimum requirements for width and area of a building site.

Building Site. A building site is the physical portion of real property upon which structures are situated, and which must satisfy the applicable zoning code standards.

City Engineer. The City Engineer shall mean the designated Poulsbo City Engineer or a duly authorized designee.

Condominium. A condominium, pursuant to RCW 64.34.020(9), 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 and survey map and plans have been recorded.

Dedication. A dedication is the deliberate appropriation of land by an owner for general and public uses, 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. The intention to dedicate shall be evidenced by the owner by the presentation for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing with the Kitsap County Auditor.

Director. The Director shall mean the designated Director of the Poulsbo Planning and Economic Development Department (PED) or a duly authorized designee.

Division of Land. For purposes of this Title, division of land means any transaction or action, not otherwise exempt, which alters or affects the shape, size or legal description of any part of a lot, parcel or site.

Easement. An easement is a grant by the property owner to specific persons or to the public to use land for a specific purpose or purposes.

Electric Utility Facilities. For purposes of this Title, electric utility facilities are unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations.

Final plat. A final plat is the final drawing of the subdivision and dedication prepared for filing for record with the Kitsap County Auditor and containing all elements and requirements set forth in this Title and 58.17 RCW.

Health Officer. Health Officer means the designated health officer of the Kitsap Public Health District or a duly authorized designee.

Lot. A lot is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area and intended for development. The term shall include parcels, sites or divisions.

Model Home. For purposes of this Title, a model home is a single-family residence that is allowed to be constructed in an approved preliminary subdivision prior to final subdivision approval and recording.

Modification. A modification is a revision, correction or change to an approved preliminary plat, short plat or binding site plan prior to recording.

Personal Wireless Services. For purposes of this Title, personal wireless services means any federally licensed personal wireless service. Personal Wireless 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.

Planning Commission. Planning Commission is the designated members of the City of Poulsbo Planning Commission.

Plat. A plat is a map or representation of a subdivision and short subdivision respectively, showing thereon the division of a parcel of land into lots, blocks, tracts, streets and alleys or other divisions and dedications.

Preliminary Plat. A preliminary plat is a neat and approximate drawing of proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this Title and 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

Review Authority. The person or body responsible for interpreting and/or directing a land use permit or activity, and as set forth in PMC Title 19 Project Permit Application Procedures, Table 19.20.020.

Short Plat. A short plat is a drawing of a proposed short subdivision showing the layout of streets, alleys, lots, tracts and other elements of a short subdivision required by this Title and 58.17 RCW. The short plat shall be the basis for the approval or disapproval of the layout of a subdivision.

Short Subdivision. A short subdivision is the division or redivision of land into four or fewer lots, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

Street. A street is a private or public way designed primarily for vehicular traffic. It includes the terms "road," "highway," "avenue," "boulevard," "thoroughfare," and other traffic way, and usually includes improvements, including curbs, sidewalks, and street pavement.

Subdivision. A subdivision is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

Tract. A tract, for purposes of this Title, shall mean land reserved for specified uses, including but not limited to, surface water retention, utility facilities, access, open space, recreation areas, tree retention areas, critical area and buffers. Tracts are not considered lots or building sites for purposes of development.

Vacation. A vacation, for purposes of this Title, shall mean rendering the plat, or portion thereof, null and void and no longer platted.

17.30 BOUNDARY LINE ADJUSTMENTS.

17.30.010 Purpose.

A. The purpose of this section is to provide for the review and approval of adjustments to boundary lines of existing lots of record which does not create any additional lot, tract, parcel, site or division.

B. A boundary line adjustment may not result in actions requiring the replat, amendment, alteration, or vacation of a plat or short subdivision, and must be consistent with all applicable zoning, health, building and engineering regulations. In general, a boundary line adjustment purpose applies to minor boundary changes, correct a controversy regarding the location of a lot line, remedy property use constraints caused by adverse topographical features, consolidate previously platted lots into a single or fewer parcels, or other similar circumstances.

17.30.020 Type of Application.

A A boundary line adjustment is a Type I application, and shall be processed as set forth in PMC Title 19.

B. Boundary line adjustments and lot consolidations may also be accomplished as part of a plat or short plat.

17.30.030 Application Submittal Requirements.

An applicant shall submit a complete boundary line adjustment application to the City. A complete application for the purposes of this chapter shall consist of the following:

A. Completed application form(s) per City requirements.

B. The required application fee.

C. Clean and legible drawings suitable for recording showing the following:

1. A map at a scale of not less than 1" to 50' which depicts the existing property configuration, including all lot lines, dimensions and lot area.

2. A map at a scale of not less than 1" to 50' which depicts the proposed property configuration, including all lot lines, dimensions and lot area.

3. The location and dimensions of all structures/improvements existing upon the affected lots and the distance between such structures/improvements and the existing and proposed boundary lines.

4. The location and dimensions of any easements within or adjacent to the affected lots.

5. The location, dimensions and names of all existing or platted street rights-of-way, whether public or private, within or adjacent to the affected lots.

6. The location of all existing and proposed water, sewer and storm drainage facilities, on-site wastewater disposal systems, drainfields, and wells.

7. The location of access to all affected lots.

8. A north arrow and bar scale.

D. The original legal descriptions of all affected properties, together with new separate legal descriptions for each parcel resulting from the adjustment.

E. Drawings of the original lot configuration of all affected properties, together with new drawing of adjusted lot configuration(s).

F. All drawings and legal descriptions are required to be prepared, stamped and dated by a licensed land surveyor as set forth in Section 17.80.080.

G. A copy of any Covenants, Conditions and Restrictions (CCRs), deed restrictions, concomitant agreements, easements, or development agreements pertaining to the affected properties.

H. If an existing on-site sewage (septic tank) disposal system and/or well will continue to be used on an affected property after the boundary line adjustment, and/or if a new on-site sewage disposal system or well is proposed for an affected property where city code does not require connection to the city's municipal sewer and/or water system, the applicant shall provide written verification from the Kitsap Public Health District that the proposed lot is adequate to accommodate an on-site sewage disposal system and/or well.

17.30.040 Decision Criteria.

The Review Authority may approve an application for a boundary line adjustment provided the following criteria are met:

A. The boundary line adjustment shall not result in the creation of any additional lot, tract, parcel, site, or division.

B. The lots or parcels resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable zone as set forth PMC Title 18 – Zoning.

1. Boundary line adjustments in residentially zoned property must meet the requirements of minimum and maximum lot sizes, as set forth in PMC 18.70.040, Table 18.70.050 or Table 18.70.060.

a. In the RL zoning district, when adjusting lots through this section, one lot may exceed the maximum lot size if it is a minimum 15,000 square feet or larger, in order be of sufficient size to be further subdivided in the future; and which no existing or future structure(s) is located in such a way as to prevent future subdivision that meets the City's lot dimensional requirements. All other adjusted lots must meet the minimum/maximum lot size requirement.

C. No lot, use, or structure is made nonconforming or more nonconforming than that which existed at the time of application, and subject to the provisions of PMC 18.160.

D. Will not diminish or impair existing or future drainage, water supply, sanitary sewage disposal (including on-site sewage disposal) or legal access.

E. Shall not be reconfigured or adjusted which would render access for vehicles, utilities, fire protection, or existing easements impractical to serve their purpose.

F. Shall not violate or be inconsistent with any conditions of approval for a previously filed land use action, subdivision, short plat, or binding site plan.

G. Shall not result in a lot having more than one land use designation and/or zoning; or result in being located partially within and partially outside any special overlay or master planned area.

H. Shall not result in a lot located partially within the city limits and partially within unincorporated Kitsap County.

I. Shall not result in a lot which would be so constrained by topography, critical areas or buffers, unusual shape, or other site conditions that a reasonable building site cannot be obtained except through a variance, reasonable use exemption from a critical areas permit, or other special exemption from the City's zoning, land use or critical area regulations.

J. Shall not affect the boundaries of any lot, tract, parcel or division that is the subject of a current, unresolved city code enforcement action, code violation notice, or stop work

notice; except as provided under circumstances where a boundary line adjustment provides an appropriate resolution.

17.30.050 Recording.

A. Prior to recording, the applicant shall submit boundary line adjustment drawing(s) for approval and signatures by the Planning and Economic Development (PED) Director and City Engineer.

B. All drawings and legal descriptions are required to be prepared, stamped and dated by a licensed surveyor as set forth in Section 17.80.080.

C. The City will record the boundary line adjustment drawing and all other legal documents.

D. A boundary line adjustment does not become effective until all documents are recorded with the Kitsap County Auditor. The boundary line adjustment shall be recorded within 180 days of the Notice of Decision date or be null and void. The applicant shall be responsible for submitting all final documents for recording.

E. Within 30 days of the date the applicant submits all final documents, the City will record the boundary line adjustment drawing and all other legal documents. Recording fees shall be the responsibility of the applicant.

17.40 SHORT SUBDIVISION.

17.40.010 Purpose.

Pursuant to RCW 58.17.060, it is the intent of this chapter:

A. To permit administrative processing and approval of a division of land into four or fewer lots or parcels.

B. To promote the public health, safety and general welfare, and to further the goals and policies of the City Comprehensive Plan.

C. To facilitate adequate provisions for water, sewer, storm water drainage, ingress and egress, and public uses.

D. To protect critical areas and critical area buffers as designated in PMC 16.20.

E. To require conveyance by accurate legal description.

17.40.020 General Standards.

A. A short subdivision is the division or redivision of land into four or fewer lots, parcels or sites, for the purpose of sale, lease or transfer of ownership. All short subdivision applications are processed as a Type II application established in PMC Title 19.

B. All proposed lots in a short subdivision must meet the site requirements of the zoning district in which they are located or as otherwise allowed in the zoning ordinance (i.e. infill provisions); and shall be of sufficient size, dimension, design and configuration so as to permit development of the lot without variance from the applicable zoning requirements.

C. A short subdivision may contain any number of tracts (land reserved for special uses, such as surface water retention, utility facilities, access, open space, recreation areas, tree retention areas, critical area and buffers). Tracts are not considered lots or building sites for purposes of development or density, shall be identified as such on the face of the short plat, and held under common ownership by the plat lot owners. When tracts are provided and intended for common ownership (i.e. not dedicated to the City), a statement on the face of the plat and in the plat's Covenants, Conditions and Restrictions (CCRs) shall be included that states: "Tracts identified are intended for their stated purpose and have no development potential, cannot be sold or further subdivided."

D. Contiguous parcels that have one or more common owners, one or more persons who have an interest in the entity that owns or has an ownership interest in contiguous parcels, or a developer who intends to develop contiguous properties, must comply with the preliminary plat subdivision requirements of this Title if the total resultant lots will exceed ten in number.

~~1.~~The short subdivision section may not be used as a mechanism to avoid the requirements of the subdivision code where there are adjacent parcels under common ownership, as described herein, that, but for the property boundaries, would be required to comply with the subdivision requirements.

E. Property which has been subject to a short subdivision within a period of five years from its recording may not be further divided except through the provisions of a preliminary subdivision, Section 17.60.

~~1.~~Provided that if the approved short subdivision had less than four lots, a plat alteration application as set forth in Section 17.90, may be submitted to create a cumulative total of up to four lots.

F. As required by 58.17 RCW, a short subdivision shall be approved, approved with conditions, denied, or returned to the applicant for modification or correction within 30 days from the date of filing of a complete application unless the applicant agrees to an extension of the time period in writing, or as set forth in PMC Section 19.80 Time Frames for Review. A short subdivision application shall not be deemed filed until all of the requirements for a technically complete application established in PMC Section 19.30 have been met.

G. A short subdivision utilizing the Infill Residential Development Standards provisions found in Section 18.70.070.O shall be reviewed by the Poulsbo Planning Commission, and a recommendation offered to the Review Authority.

17.40.030 Application Submittal Requirements.

An application for a short subdivision shall contain the following:

A. Completed application form(s) per City requirements and all identified submittal requirements.

B. The required application fees.

C. A set of short plat drawings shall be prepared as set forth in the short subdivision application form and shall include the following:

1. Dimensions of the subject property and each existing and proposed lot, parcel, and tract; as well as buildings and other structures within the property.
2. Structures and driveways within 150' of the property, on both sides of the street.
3. Existing and proposed easements and any encroachments.
4. Existing and proposed road and utilities, including any stormwater detention facilities.
5. List proposed impervious area(s), including proposed pollution generating pervious and impervious area(s).
6. Critical areas as indicated in PMC 16.20, located on or within 300' of the property.
7. Streets adjacent to, surrounding or intended to serve the property.
8. Zoning of adjacent properties.

D. Legal Descriptions of the proposed lots, tracts and easements and other as appropriate.

E. A completed SEPA checklist (if required).

F. Demonstrate compliance with current stormwater regulations.

G. All offsite easements necessary to provide access to the short subdivision or to serve the short subdivision with utility infrastructure.

H. Any Critical Areas special reports identified in the pre-application conference letter.

I. Title report or plat certificate (within 90 days of submission, or as set forth on the application form) for all parcels involved.

J. For residentially zoned property, density calculations indicating maximum and minimum density requirements for the proposed plat as set forth in PMC 18.70.040, Table 18.70.050 or Table 18.70.060.

K. Any additional information identified by the City as necessary in order to provide a complete review of the proposed plat.

L. Any additional information identified in the proposed plat's pre-application summary letter.

17.40.040 Decision Criteria.

A. A proposed short subdivision may be approved only if the following findings are made by the Review Authority

1. The proposed short subdivision conforms to the requirements of this Title.

2. The short subdivision conforms to the site requirements for the zoning district in which the property is located and/or other applicable zoning provisions.

3. The short subdivision:

   a. Makes adequate provision for access through streets, roads, alleys, other public ways, and transit stops as required; and the proposed street system provides for the safe, orderly and efficient circulation of traffic.

   b. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the short subdivision.

   c. Makes adequate provisions for sidewalks and other planning features that provide safe walking conditions for students who walk to and from school.

   d. Makes adequate provisions for critical area protection pursuant to PMC 16.20.

   e. Makes adequate provisions for fire and emergency access and protection.

   f. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.

B. If the findings in Section A have not been met, the Review Authority shall deny the proposed short subdivision, unless specified conditions have been issued to fully satisfy the criteria.

17.40.050 Approval Process.

A. The Review Authority shall approve, approve with conditions, or deny a short subdivision application. The decision shall be in writing and shall include findings and conclusions based on the record to support the decision.

B. Approval by the Review Authority of the short subdivision shall constitute authorization for the applicant to develop the short subdivision improvements, upon review and approval of final engineering construction drawings by the City Engineer as set forth in Section 17.80.090. All development of a short subdivision shall be subject to any conditions imposed by the City on the short subdivision approval.

17.40.060 Final Review Requirements.

A. Engineering plans for streets, drainage controls, utilities and other proposed or conditioned improvements shall be prepared, submitted and reviewed for approval by the City Engineer prior to the commencement of on-site clearing or construction activities.

B. Plans and technical information reports required shall be submitted to the City Engineer and prepared consistent with the City's Construction Standards and Specifications requirements.

C. All required facilities and improvements shall be completed prior to short plat recording, as set forth in Section 17.80.100.

D. Final short subdivision survey, drawing and documents prepared for recording, shall be submitted to the City Engineer for review and approval prior to short plat recording.

E. All documents necessary for facilities to be dedicated to the public, including but not limited to streets, roads, sanitary sewer facilities, storm drainage systems and water supply systems, shall be submitted to the City Engineer for review and approval prior to short plat recording.

F. When required, a final copy of the short subdivision's Covenants, Conditions and Restrictions (CCRs) shall be submitted to the City for review and approval prior to short plat recording.

17.40.070 Short Subdivision Recording.

All short subdivisions shall be recorded in compliance with the following:

A. Prior to recording the applicant shall submit short plat drawing(s) for the following signature(s).

- Signature and date lines for certification by a registered land surveyor of the state of Washington that the short plat and legal descriptions were prepared under his or her direct supervision.
- Signature and date lines for the approvals of the City Engineer and Planning and Economic Development (PED) Director.
- Signature and date lines subscribed by all owners and acknowledgment of all owners' signatures.

B. Prior to recording, the property owner shall ensure all requirements by the Kitsap County Treasurer regarding property taxes have been met.

C. Recording shall not be authorized by the City Engineer unless and until all required facilities and improvements are as provided in Section 17.80.100.

D. Prior to recording, the City Engineer may require a maintenance bond or other suitable security as set forth in 17.80.100.E. If required, a maintenance bond or other suitable security for landscaping as set forth in PMC 18.130.060.

E. The City is responsible for the recording of the short plat drawing(s) and all other legal documents, including but not limited to: lot, parcel and tract legal descriptions; utility and access easements; street and other public use dedications; conditions of approval; and Covenants, Conditions and Restrictions (CCRs) at the Kitsap County Auditor. Recording fees shall be the responsibility of the applicant.

F. Pursuant to 58.17.065 RCW, lots created by the short subdivision shall not be deemed approved until filed with the Kitsap County Auditor.

17.40.080 Expiration and Extension of Time.

A. Short subdivision approval shall expire 3 years from the date of the Notice of Decision if the short plat has not been recorded.

B. Upon written request by the property owner filed no less than 30 days prior to the date of expiration, the PED Director and City Engineer may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon finding:

1. There has been no material change of circumstances applicable to the property since short subdivision approval.

2. The applicant has attempted in good faith to submit the final short plat within the 3-year period and the likelihood that short plat will be recorded within the additional year.

3. The City shall not grant more than one 1-year extension.

C. If the short subdivision has not been recorded after the initial 3-year validity or after the additional 1-year extension, it will be considered expired and a new application will be required to be submitted.

17.40.090 Short Subdivision Modifications.

A. Modifications to short subdivisions after City approval, but prior to recording with the Kitsap County Auditor, may be requested by submitting a completed Subdivision Modification application form, all identified submittal requirements, and the required application fee. All property owners having an ownership interest in the plat shall sign the application form.

B. Short subdivision modifications shall be processed as a Type I application according to the provisions of PMC Title 19.

C. The following are examples of modifications (but are not limited to), which may be considered and approved under this section.

1. Technical engineering items and details, unless the proposed detail modifies or eliminates features specifically required as an element of approval.

2. Minor changes in lot or tract lines or dimensions, with no change in density or required minimum standards; and minor changes to street alignment or utility design.

3. Reduction in the number of lots approved, as long as the modification meets the minimum density requirement.

4. Minor changes to clarify notations on the face of the plat.

5. A change to a condition of approval that does not modify the intent of the original condition.

D. When approving a short subdivision modification, the Review Authority shall make written findings and conclusions. Modifications must meet the following criteria:

1. The modification complies with all of the requirements of this Chapter and other applicable chapters of the Poulsbo Municipal Code.

2. There will not be substantial changes in the impacts on the neighborhood or the City as a result of the modification.

3. No increase in density or lots is proposed.

4. No new land use is proposed.

5. The modification will not substantially alter any condition of approval.

E. Modifications that result in an increase in the number of lots and or density previously approved; significant street or storm water redesign or relocation; or modifications in the opinion of the Review Authority would significantly increase any adverse impacts or effects of the plat, shall require a new application and fee.

F. The Review Authority's decision will be the final decision of the City unless appealed in accordance with PMC Title 19.

G. A statement is required on the plat drawing and any other affected documents, noting the changes and that the revised plat drawing/documents supersedes the originally approved drawing/documents.

H. Modifications to preliminary subdivision shall not amend or extend the established time limit for short subdivision approval as provided in Section 17.40.080 above

I. Alterations to a short subdivision after recording with the Kitsap County Auditor shall follow the process established in Section 17.90 or through submittal of a new application. Vacations of an approved short subdivision shall be made through the subdivision vacation process in Section 17.90.

17.50 BINDING SITE PLANS.

17.50.010 Purpose.

The purpose of this section is to create a process for an alternative method of land division using the binding site plan process pursuant to RCW 58.17.035.

17.50.020 Applicability.

Division of land using the binding site plan process is limited to:

A. Divisions for the sale or lease in the following zoning districts: Commercial (C) zoning districts, and Office Commercial Industrial (OCI), Business Park (BP) or Light Industrial (LI) zoned property.

B. Divisions for the purpose of lease when no residential structures other than mobile homes or travel trailers are permitted to be placed on the land.

C. Divisions of land into lots or tracts made under the provisions of the Horizontal Properties Regimes Act (RCW Chapter 64.32) or the Condominium Act (RCW Chapter 64.34).

17.50.030 Type of Application.

All binding site plan applications are processed as a Type II application according to the provisions of PMC Title 19.

17.50.040 Application Submittal Requirements.

An application for a binding site plan shall contain the following:

A. Completed application form(s) per City requirements, and all identified submittal requirements.

B. The required application fees.

C. The binding site plan application drawings shall be prepared as set forth in the binding site plan application form and shall include the following:

1. Project name, plan date, and/or revision date.
2. Name and phone number of preparer.
3. North arrow and bar scale.
4. Dimensions of the subject property and each existing and proposed lot, parcel, and tract; as well as any building and other structures within the property.
5. Structures and driveways within 150' of the property, on both sides of the street.
6. Existing and proposed easements and any encroachments.
7. Existing and proposed road and utilities, including any storm water detention facilities.
8. Location of existing and proposed walls and fences, with an indication of their height and construction materials.
9. Existing and proposed topography at contour intervals of no more than 5 feet.
10. Critical areas as indicated in PMC 16.20, located on or within 300' of the property.
11. Streets adjacent to, surrounding or intended to serve the property.
12. Location and layout of off-street parking and loading facilities, and number and dimensions of parking stalls.
13. Zoning of adjacent properties.
14. For Commercial, Office Commercial Industrial, Business Park and Light Industrial zoned property, an integrated site design may be proposed. An integrated site design typically contains within it multiple tracts of land for separated leasehold or ownership, but functions as a single center. Characteristics of an integrated site design includes commonly shared access, parking, utilities, signage and landscaping; and zoning regulations are applied to the entire site, as if there were no interior property lines.

15. For Commercial, Office Commercial Industrial, Business Park and Light Industrial zoned properties, structures and/or use do not have to be identified at time of binding site plan application; provided that site plan review for subsequent building size, location, use and compliance with the approved binding site plan and any applicable development standards, will be required and shall be submitted and processed as a Type II process (unless otherwise required).

D. Legal description for the property to be subdivided and legal descriptions for new lots/parcels/tracts.

E. A completed SEPA checklist.

F. List proposed impervious area(s) including proposed pollution generating pervious and impervious area(s).

G. Any Critical Areas special reports identified in the pre-application conference letter.

H. A title report or plat certificate (within 90 days of submission, or as set forth on the application form) for all parcels involved.

I. Proposed covenants, conditions and restrictions, if required.

J. Preliminary landscape plan.

K. A traffic study, if required.

L. Proposed division plan, if applicable.

M. Any additional information identified by the City as necessary in order to provide a complete review of the proposed binding site plan.

N. Any additional information identified in the proposed binding site plan pre-application summary letter.

17.50.050 Decision Criteria.

A. A proposed binding site plan may be approved only if the following findings are made by the Review Authority.

1. The binding site plan conforms to the requirements of this Title.

2. The proposed binding site plan conforms to the site requirements for the zoning district in which the property is located and other applicable zoning provisions.

3. The proposed binding site plan:

a. Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required; and the proposed street system provides for the safe, orderly and efficient circulation of traffic.

b. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the binding site plan.

c. Makes adequate provisions for sidewalks and other planning features that provide safe walking conditions for students who walk to and from school.

d. Makes adequate provisions for critical area protection pursuant to PMC 16.20.

e. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.

f. For residential proposals:

i. Makes adequate provision for parks, recreation and playgrounds, as required.

ii. Makes adequate provision for schools and school grounds, as required.

B. If the findings in Section A have not been met, the Review Authority shall deny the proposed binding site plan, unless specified conditions have been issued to fully satisfy the criteria.

C. Where a binding site plan is to be developed in divisions, each division must be approved as a "stand alone" division, and all infrastructure necessary to support the division is improved prior to issuance of building permits for the specific division.

17.50.060 Approval Process.

A. The Review Authority shall approve, approve with conditions, or deny a binding site plan application. The decision shall be in writing and shall include findings and conclusions based on the record to support the decision.

B. Approval by the Review Authority of the binding site plan shall constitute authorization for the applicant to develop the required binding site plan improvements, upon review and approval of final engineering construction drawings by the City Engineer as set forth in Section 17.50.070 below. All development of a binding site plan shall be subject to any conditions imposed by the City on the binding site plan approval.

17.50.070 Final Review Requirements.

A. Engineering and construction plans for streets, roads, drainage controls, utilities and other proposed or conditioned improvements shall be prepared, submitted and reviewed for approval the City Engineer prior to the commencement of on-site clearing or construction activities.

B. Plans and technical information reports required shall be submitted to the City Engineer and prepared consistent with the City's Construction Standards and Specifications requirements.

C. The approved binding site plan shall be surveyed by a land surveyor per requirements of Section 17.80.080.

D. All required facilities and improvements shall be completed prior to binding site plan recording, as set forth in 17.80.090.

E. Final survey, drawing and documents prepared for recording, shall be submitted to the City Engineer for review and approval prior to binding site plan recording.

F. All documents necessary for facilities to be dedicated to the public, including but not limited to streets, roads, sanitary sewer facilities, storm drainage systems and water supply systems, shall be submitted to the City Engineer for review and approval prior to binding site recording.

G. A final copy of the binding site plan's Covenants, Conditions and Restrictions (CCRs) shall be submitted to the City for review and approval prior to binding site plan recording.

H. If the binding site plan includes condominiums, pursuant to Chapter 64.32 or 64.34 RCW, the following statement must be included on the face of the binding site plan: "*All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now and hereafter having any interest in the land described herein.*"

I. A declaration is required on the face of the binding site plan and in the Covenants, Conditions and Restrictions (CCRs) stating the following: "*All development of the property shall be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel, or tract that does not conform to the requirements of the binding site plan approval, shall be considered a violation.*"

17.50.080 Binding Site Plan Recording.

All binding site plans shall be recorded in compliance with the following:

A. Prior to recording the applicant shall submit an original binding site plan drawing for the following signature(s).

- Signature and date lines for certification by a registered land surveyor of the state of Washington that the binding site plan and legal descriptions were prepared under his or her direct supervision;
- Signature and date lines for the approvals of the City Engineer and Planning and Economic Development (PED) Director;

- Signature and date lines subscribed by all owners and acknowledgment of all owners' signatures.

B. Prior to recording, the property owner shall ensure all requirements by the Kitsap County Treasurer regarding property taxes have been met.

C. Recording shall not be authorized by the City Engineer unless and until all required facilities and improvements are completed as provided in Section 17.80.100.

D. Prior to recording, the City Engineer may require a maintenance bond or other suitable security as set forth in 17.80.100 E. The PED Director may require a maintenance bond or other suitable security for landscaping as set forth in PMC 18.130.060.

E. The City is responsible for the recording of the binding site plan drawing and all other legal documents, including but not limited to: lot, parcel and tract legal descriptions; utility and access easements; street and other public use dedications; conditions of approval; and CCRs; at the Kitsap County Auditor. Recording fees shall be the responsibility of the applicant.

17.50.090 Expiration and Extension of Time.

A. Binding site plan approval shall expire 3-years from the date of the Notice of Decision if the binding site plan has not been recorded.

B. Upon written request by the property owner filed no less than 30 days prior to the date of expiration, the PED Director and City Engineer may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon finding:

1. There has been no material change of circumstances applicable to the property since binding site plan approval.

2. The applicant has attempted in good faith to submit the final binding site plan within the 3-year period and the likelihood that short plat will be recorded within the additional year.

3. The City shall not grant more than 1 extension.

C. If a binding site plan has not been recorded after the initial 3-year validity or after the additional 1-year extension, it will be considered expired and a new application will be required to be submitted.

17.50.100 Binding Site Plan Modifications.

A. Modifications to binding site plans after City approval, but prior to recording with the Kitsap County Auditor, may be requested by submitting a completed Subdivision Modification application form, any identified submittal requirements, and the required application fee. All property owners having an ownership interest shall sign the application form.

B. Binding Site Plan modifications shall be processed as a Type I application according to the provisions of PMC Title 19.

C. The following are examples of modifications (but are not limited to), which may be considered and approved under this section.

1. Technical engineering items and details, unless the proposed detail modifies or eliminates features specifically required as an element of approval.

2. Minor changes in lot or tract lines or dimensions, with no change in density; and minor changes to street alignment or utility design.

3. Reduction in the number of lots approved, as long as the modification meets the minimum density requirement.

4. Minor changes to clarify notations on the face of the plat.

5. A change to a condition of approval that does not modify the intent of the original condition.

6. Reconfiguration of any designated landscaping, open spaces or recreation areas, provided that no reduction in overall area occurs.

D. When approving a binding site plan modification, the Review Authority shall make written findings and conclusions. Modifications must meet the following criteria:

1. The modification complies with all of the requirements of this Chapter and other applicable chapters of the Poulsbo Municipal Code.

2. There will not be substantial changes in the impacts on the neighborhood or the City as a result of the modification.

3. No increase in density, number of dwelling units or lots, or square footage is proposed.

4. No new land use is proposed.

5. The modification will not substantially alter any condition of approval.

6. The modification does not reduce any designated open space or recreational amenity.

E. Modifications which would result in an increase in the number of lots or density, or square footage than previously approved; significant redesign; street or storm water redesign or relocation; or modifications in the opinion of the Review Authority would significantly increase any adverse impacts or effects of the binding site plan, shall require a new application and fee.

F. The Review Authority's decision will be the final decision of the City unless appealed in accordance with PMC Title 19.

G. A statement is required on the drawing and any other affected documents, noting the changes and that the revised plat drawing/documents supersedes the originally approved drawing/documents.

H. Modifications to preliminary subdivision shall not amend or extend the established time limit for binding site plan approval as provided in Section 17.60.090 above.

I. Alterations to a binding site plan after recording with the Kitsap County Auditor shall follow the process established in Section 17.90 or through submittal of a new application. Vacations of an approved binding site plan shall be made through the subdivision vacation process in Section 17.90.

17.60 PRELIMINARY SUBDIVISION.

17.60.010 Purpose.

Pursuant to RCW 58.17, it is the intent of this Chapter:

A. To establish processing and approval of a division of land.

B. To promote the public health, safety and general welfare, and to further the goals and policies of the City Comprehensive Plan.

C. To facilitate adequate provisions for water, sewer, storm water drainage, ingress and egress, and public uses.

D. To protect critical areas and critical area buffers as designated in PMC 16.20.

E. To require conveyance by accurate legal description.

17.60.020 General Standards.

A. All preliminary subdivisions applications shall be processed as a Type III application according to the provisions of PMC Title 19.

B. All proposed lots in a preliminary subdivision must meet the site requirements of the zoning district in which they are located or as otherwise allowed in the zoning ordinance (i.e. planned residential development; lot averaging); and shall be of sufficient size, dimension, design and configuration so as to permit development of the lot without variance from the applicable zoning requirements.

C. A preliminary subdivision may contain any number of tracts (land reserved for special uses, such as surface water retention, utility facilities, access, open space, recreation areas, tree retention areas, critical area and buffers). Tracts are not considered lots or building sites for purposes of development or density, shall be identified as such on the face of the plat, and held under common ownership by the plat lot owners. When tracts are provided and intended for common ownership (i.e. not dedicated to the City), a statement on the face of the plat and in the plat's Covenants, Conditions and Restrictions (CCRs) shall be included that states "Tracts identified are intended for their stated purpose and have no development potential, cannot be sold or further subdivided."

D. As required by 58.17 RCW, a preliminary subdivision shall be approved, approved with conditions, denied, or returned to the applicant for modification or correction within 90 days from the date of filing of a complete application unless the applicant agrees to an extension of the time period in writing, or as set forth in PMC Section 19.80 Time Frames for Review. A preliminary subdivision application shall not be deemed filed until all of the requirements for a technically complete application established in PMC Section 19.30 have been met.

17.60.030 Application Submittal.

An application for a preliminary subdivision shall contain the following:

A. Completed application form(s) per City requirements, and all identified submittal requirements.

B. The required application fees.

C. The preliminary plat drawings shall be prepared as set forth in the preliminary subdivision application form and shall include the following:

1. Project name, plan date, and/or revision date.
2. Name and phone number of preparer.
3. North arrow and bar scale.
4. Dimensions of the subject property, and all existing and proposed lots, parcels, and tracts; as well as any building and other structures within the property.
5. List proposed impervious area(s), including proposed pollution generating pervious and impervious area(s).
6. Structures and driveways within 150' of the property, on both sides of the street.
7. Existing and proposed easements and any encroachments.
8. Existing and proposed road and utilities, including any storm water detention facilities.
9. Location of existing and proposed walls and fences, with an indication of their height and construction materials.
10. Existing and proposed topography at contour intervals of no more than 5 feet.
11. Critical areas as indicated in PMC 16.20, located on or within 300' of the property.
12. Streets adjacent to, surrounding or intended to serve the property.
13. Zoning of adjacent properties.

D. A completed SEPA checklist.

E. Demonstrate compliance with current storm water standards.

F. Any Critical Areas special reports as identified in the pre-application conference letter.

G. All offsite easements necessary to provide access to the subdivision or to serve the subdivision with utility infrastructure.

H. Proposed Covenants, Conditions and Restrictions (CCRs).

I. Preliminary landscape plan, if required.

J. Tree retention plan, if required.

K. A traffic study, if required.

L. Proposed plat divisions.

M. Title report or plat certificate (within 90 days of submission, or as set forth on the application form) for all parcels involved.

N. Any additional information identified by the City as necessary in order to provide a complete review of the proposed preliminary subdivision.

O. Any additional information identified in the proposed preliminary subdivision pre-application summary letter.

17.60.040 Decision Criteria.

A. A proposed preliminary subdivision may be approved only if the following findings are made by the Review Authority

1. The proposed preliminary subdivision conforms to the requirements of this Title.

2. The proposed preliminary subdivision conforms to the site requirements for the zoning district in which the property is located and/or other applicable zoning provisions.

3. The proposed preliminary subdivision:

a. Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required; and the proposed street system provides for the safe, orderly and efficient circulation of traffic.

b. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the subdivision, and meets all current and applicable standards.

c. Makes adequate provision for parks, recreation and playgrounds, as required.

d. Makes adequate provision for schools and school grounds, as required.

e. Makes adequate provisions for sidewalks and other planning features that provide safe walking conditions for students who walk to and from school.

f. Makes adequate provisions for critical area protection pursuant to PMC 16.20.

g. Makes adequate provisions for fire and emergency access and protection.

h. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.

B. If the findings in Section A have not been met, the Review Authority shall deny the proposed preliminary plat, unless specified conditions have been issued to fully satisfy the criteria.

C. Where a preliminary plat subdivision is to be developed in divisions with a final plat approved and recorded separately for each division, the applicant shall request approval of divisions as part of the preliminary plat subdivision application. Each separate division shall be required to meet the requirements of Section A above and all other applicable City codes when considered independently from any other division. When an applicant requests divisions after preliminary plat approval has been granted but prior to recording, divisions may be approved only through modification of the preliminary plat subdivision as set forth in 17.60.070.

17.60.050 Approval Process.

A. The Review Authority shall approve, approve with conditions, or deny a preliminary subdivision application. The decision shall be in writing and shall include findings and conclusions based on the record to support the decision.

B. Approval by the Review Authority of the preliminary subdivision shall constitute authorization for the applicant to develop the subdivision improvements, upon review and approval of final engineering construction drawings by the City Engineer as set forth in Sections 17.80.090. All development of the preliminary subdivision shall be subject to any conditions imposed by the Review Authority.

17.60.060 Limitation on Preliminary Approval.

A. The time period for filing of a final plat after preliminary subdivision approval shall be as set forth in RCW 58.17.140.

B. Upon written request by the property owner filed no less than 30 days prior to the date of expiration, the PED Director and City Engineer may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon the finding:

1. There has been no material change of circumstances applicable to the property since subdivision approval.

2. The applicant has attempted in good faith to submit the final plat within the prescribed time period and the likelihood that the preliminary plat will be recorded within the additional year.

3. The City shall not grant more than one 1-year extension.

C. If a final plat has not been filed after the initial RCW 58.17.140 validity or after the additional 1-year extension, it will be considered expired and a new application will be required to be submitted.

17.60.070 Modifications to Preliminary Subdivisions.

A. Modifications to a preliminary subdivision after City approval but prior to final plat recording with the Kitsap County Auditor, may be requested by a property owner and approved by the Review Authority and shall follow the procedures of a Type II permit process review, Section 19.40.030, including issuance and distribution of a Notice of Application.

B. An application for preliminary subdivision modification shall be submitted on Subdivision Modification application form, any identified submittal requirements, and the required application fee. The application shall require an explanation of the reasons for the modification and contain signatures of all parties having an ownership interest in the plat.

C. The following are examples of modifications (but are not limited to), which may be considered and approved under this section.

1. Technical engineering items and details, unless the proposed detail modifies or eliminates features specifically required as an element of approval.

2. Minor changes in lot or tract lines or dimensions, with no change in density; and minor changes to street alignment or utility design.

3. Reduction in the number of lots approved, as long as the modification meets the minimum density requirement.

4. Minor changes to clarify notations on the face of the plat.

5. A change to a condition of approval that does not modify the intent of the original condition.

6. Reconfiguration of any designated open spaces or recreation areas, provided that no reduction in overall area occurs.

D. When approving a preliminary subdivision modification, the Review Authority shall make written findings and conclusions. Modifications must meet the following criteria:

1. The modification complies with all of the requirements of this Title and other applicable chapters of the Poulsbo Municipal Code.

2. There will not be substantial changes in the impacts on the neighborhood or the City as a result of the modification.

3. No increase in density, number of dwelling units or lots is proposed.

4. The modification will not substantially alter any Hearing Examiner Findings of Fact or conditions of approval.

5. The modification does not reduce any required designated open space or recreational amenity.

E. Alterations which exceed the criteria established in 17.60.070.C and D above, but are limited in scope and impact, may be considered by the initial approval Review Authority as a major modification, and processed as a Type III application. The initial approval Review Authority shall hold a public hearing on the limited in scope proposed modifications and include written findings that the modification is: 1) consistent with the original preliminary plat findings of fact and conditions of approval; 2) does not create additional lots, tracts or parcels; 3) consistent with development regulations in effect at the time of the preliminary subdivision approval; and 4) does not increase any adverse

impacts or effects of the plat. If these findings cannot be made, the proposed modification shall be denied.

F. Modifications which would result in an increase in the number of lots and or density previously approved, constitutes significant plat redesign or modifications in the opinion of the Review Authority would increase any adverse impacts or effects of the plat, shall require a new application and fee.

G. The Review Authority's decision will be the final decision of the City unless appealed in accordance with PMC Title 19.

H. A statement is required on the plat drawing and any other affected documents, noting the changes and that the revised plat drawing/documents supersede the originally approved drawing/documents.

I. Modifications to preliminary subdivision shall not amend or extend the established time limit for final subdivision approval as provided in Section 17.50.060 above.

J. Modifications to a subdivision after recording with the Kitsap County Auditor shall follow the plat alteration process established in Section 17.90 or through submittal of a new preliminary subdivision application. Vacations shall be made through the subdivision vacation process in Section 17.90.

17.60.080 Model Homes.

A. Purpose. The purpose of model homes shall be to demonstrate a variety of housing designs together with all associated on-site improvements (i.e. streets, utilities, storm management, driveways, landscaping, patios, etc.) prior to recording of final plat.

B. Number Authorized. After preliminary plat approval is granted, up to four model homes for each division of development may be permitted; however, model homes may be permitted in a later phase of development only after a final plat has been approved for each preceding division.

C. Eligibility. Any applicant who has received preliminary plat approval may apply for a building permit(s) for model homes, if the following criteria are met:

1. The applicant for the model home building permit, if different than the owners and applicant for the approved preliminary plat shall provide a signed and notarized document by the owner demonstrating that the applicant has real or possessory interest in the property described in the legal description of the approved preliminary plat.

2. The applicant has submitted and received approval of civil engineering construction drawings as required by the City Engineer.

3. Storm water facilities that serve the model home lots shall be in place or approved in the case of individual lot storm water management.

4. Any road improvement required as a condition of preliminary plat approval that is designed to provide access to the model home from an existing public right-of-way shall be complete.

5. Lot corners shall be staked by or under the supervision of a licensed land surveyor in accordance with the preliminary plat lot configuration prior to construction of the model home.

6. All areas of the subdivision serving the model home(s) have installed frontage improvements as required by the City Engineer.

7. Water and sewer are installed to each lot proposed for model home(s), as directed by the City Engineer and Fire Official.

8. Fire protection must be available to any lot proposed for construction of a model home.

D. Application requirements. Each residential building permit application for a model home(s) shall include the following submittals:

1. Applications for model homes shall be submitted on the same form as if the model homes were a standard dwelling unit, and shall be subject to all applicable codes of the City.

2. Copy of Hearing Examiner decision of approval and approved preliminary plat drawing.

3. Building site plan(s) showing the location of the proposed model home(s) with distances indicated from the proposed final plat lot lines. Model homes shall comply with minimum setback and development standards of the applicable zoning district and conditions of approval. Prior to building permit issuance, the location of the lot, building, corners and offset stakes 5' from each exterior structure corner, shall be staked by a licensed land surveyor prior to construction, and a certification from the surveyor provided to the City confirming the proper home location.

4. Overall site plan showing the location of proposed temporary improvements specific to the model home(s) uses such as signage, flags, banners, fencing, landscaping, and impervious surfaces such as parking areas and sidewalks.

5. Two drawings of the proposed final plat.

6. The owners shall submit a written covenant that states construction of the model home(s) are at their own risk, and hold harmless and indemnify the City, its officers, agents, and employees, for claims associated with the removal of such buildings and portions thereof not in compliance with the final plat approval.

7. The owners shall post a bond in a form acceptable to the City Attorney in an amount sufficient 1) to remove said buildings or any portion thereof to the extent which the buildings are inconsistent with any final plat approval, or in the event that such plat is disapproved, or to bring about compliance with the applicable zoning standards; and 2) to restore the site to conditions as existing prior to the construction of the model home(s).

8. All applicable building permit plan review and construction fees and a model home fee shall be required.

9. All applicable and required impact fees.

E. One model home may be used, after final inspection, as a temporary marketing center. Other model homes may be furnished and decorated to show the general public after final inspection.

F. No model home shall be issued a certificate of occupancy or occupied for residential use prior to the recording of the final plat. No model home shall be sold, leased, rented or otherwise transferred in ownership until the final plat is recorded, unless the property interest is transferred in conjunction with a transfer in interest of the plat as a whole.

G. At the time of final plat application submittal, a certification from a licensed land surveyor shall be provided confirming the location of the constructed model homes are placed appropriately on their respective lots and meet all setback requirements and/or conditions of approval.

H. Any modification proposed to an approved preliminary plat due to the subsequent placement of a model home shall be processed according to the provisions of Section 17.60.070. No variances will be allowed.

I. No new dwelling units other than model homes shall be permitted within the approved preliminary plat prior to final plat approval and recording.

17.70 FINAL PLATS.

17.70.010 Purpose.

The purpose of this section is to establish the procedures and criteria for the preparation and recording of an approved subdivision containing all the required elements of this Title, 58.17 RCW and conditions of approval.

17.70.020 Time Limits.

A. A final plat application shall be submitted within the time limits established in RCW 58.17.140.

B. Final plats shall be approved, disapproved or returned to the applicant for modification or correction within 30 days from the date of filing unless the applicant consents to an extension of such time period.

1. The City will not accept a final plat application until a construction punch list has been produced by the City, or unless otherwise allowed by the City Engineer.

2. The City shall have the authority to place the final plat application on hold for the purposes of this required time frame, in order for all improvements to be adequately completed per City inspections and City Engineer approval, and the applicant shall sign a waiver to the 30-day review timeframe.

17.70.030 Application Submittal.

A. Completed application form(s), including all identified submittal requirements and the required application fees.

B. Final plat drawings shall be prepared as follows:

1. Final plat on reproducible mylar, or approved equivalent, in a size per the City's requirement(s). Each sheet of the final plat shall contain the subdivision name, sheet number, scale, and north arrow.

2. Boundary of the subdivision with complete bearings and lineal dimensions.

3. Primary control points, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

4. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-ways, and property lines of residential lots and other sites, with accurate dimensions, bearings, and radii, arcs, central angles of all curve arcs.

5. Name and right-of-way width of each street or other right-of-way.

6. Location, dimensions and purpose of all easements.

7. Number to identify each lot or parcel.

8. Purpose for which tracts or parcels, other than residential lots, are dedicated or reserved.

9. Location and description of monuments by symbol.

10. Reference to plats of adjoining land by their recorded name, date, volume and page number.

11. Certification by licensed land surveyor or licensed professional civil engineer.

C. Plans and profiles of all utilities and street improvements showing approval of the design by the City Engineer.

D. Title report or plat certificate (within 90 days of submission, or as set forth on the application form) confirming that the title of the lands as described and shown on the final plat is in the name of the owners signing the plat certificate or instrument of dedication.

E. A copy of all Covenants, Conditions and Restrictions (CCRs) to be imposed upon the land within the subdivision.

F. A certification from a licensed land surveyor confirming the location of the constructed model homes are placed appropriately on their respective lots and meet all setback requirements and/or conditions of approval.

17.70.040 Review by City.

Findings and recommendations shall be made and forwarded to the City Council. The Planning and Economic Development (PED) Director and City Engineer shall assure that:

A. Compliance with all terms, conditions and requirements of the preliminary approval have been met or sufficiently addressed.

B. The proposed final plat meets all standards established by state law and this Title relating to the final plat drawings and subdivision improvements.

C. The proposed final plat bears the certificates and statements of approval required by this Title and RCW 58.17.

D. A current title insurance report furnished by the subdivider confirms that title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final plat.

E. The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat.

F. The facilities and improvements required to be provided by the subdivider have been completed as provided in Section 17.80.090.

G. The surveyor has certified that all survey monument lot corners are in place and visible and consistent with requirements in Section 17.80.070.

H. The final plat contains a dedication to the public of all common improvements, including but not limited to streets, sewage disposal systems, storm drainage systems, and water supply systems which were a condition of approval. The intention to dedicate shall be evidenced by the owner's presentment of a final plat showing the dedication, and the acceptance by the City shall be evidenced by the approval of the final plat.

I. The Covenants, Conditions and Restrictions (CCRs) have been reviewed and determined to consistent with the preliminary plat approval and conditions of approval.

17.70.050 Decision Criteria.

No final plat shall be approved unless it:

A. Substantially conforms to all terms, conditions, and provisions of preliminary approval.

B. Findings have been made that the requirements in Section 17.70.040 are sufficiently met.

C. Contains a dedication to the City of all common improvements, including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems that were a conditional of approval. The intention to dedicate shall be evidence by the owner's presentation of a final plat showing the dedication, and the acceptance by the City shall be evidenced by the approval of the final plat.

D. Meets the requirements of this Title, applicable state laws, and all other local ordinances adopted by the City that were in effect at the time a complete application for preliminary plat was filed.

E. All required improvements have been constructed, inspected and accepted by the City Engineer consistent with Section 17.80.100.

17.70.060 City Council Review.

A. The City Council shall review the final plat at a public meeting. No public hearing is required.

B. The City Council shall review the final plat according to the decision criteria set forth in Section 17.70.050.

C. If the City Council approves the final plat, the Mayor shall be authorized to inscribe and execute the written approval on the face of the plat map. If the City Council denies the final plat, the final plat will be returned to the applicant with reasons for denial and conditions for compliance.

17.70.070 Recording.

All final plats shall be recorded in compliance with the following:

A. Filing required. No final plat shall be recorded unless approved by the City Council. The original of the approved final plat shall be filed by the City with the Kitsap County Auditor. Recording fees shall be the responsibility of the applicant.

B. Maintenance Assurance. All required maintenance assurances required by Section 17.80.100.D shall be satisfied.

C. All final plats shall be recorded within 120 days after final approval is granted by the City Council. Approval shall expire if the final plat is not recorded within this time limit.

17.70.080 Final Plat Validity.

Lots in a final plat filed that have been recorded shall be a valid land use notwithstanding any change in zoning laws for a period of time as set forth in RCW 58.17.170.

17.80 LAND DIVISION STANDARDS

17.80.010 Lot Standards.

A. All lots shall meet the lot standards of the zoning district in which they are located or as otherwise allowed in the zoning ordinance, and shall be of sufficient size, dimension, design and configuration so as to permit development of the lot without variance from the applicable zoning requirements. Corner lots for residential use may require additional width to insure appropriate building setback requirements.

B. Building Setback Lines. Generally, building setback lines are not required to be shown. Where watercourses, topography, geology and soils, vegetation, utilities, lot configuration or other unique circumstances dictate a different building envelope than that set forth in the setback requirements for the zoning district in which the lot is located, the building setback lines may be required to be shown on the land division instrument and observed in the development of the lot.

C. Future Subdivision of Lots. When the subdivision or short subdivision in residential zoned districts will result in a lot 15,000 square feet or larger in size, it may be required that the location of lot lines and other details of layout be such that the future subdivision

may readily be made without violating the requirements of this section and without interfering with orderly extension and connection of adjacent streets.

D. Lots for Building Pads. In commercial, industrial, business park, and multi-family residential development utilizing binding site plan, lots with boundaries coterminous or nearly so with building walls may be created. The standards that normally would apply to such lots shall apply instead to the project tract of which such lots are a part.

17.80.020 Easements.

A. Public and private easements for the construction and maintenance of water, sewer, storm drainage, and other utilities and public and private facilities shall be granted to provide and maintain adequate utility service to each lot and adjacent lands. Width of easement requirement shall be as set forth in the City's Construction Standards and Specifications. Building setbacks from these easements may be required as a condition of approval when determined necessary by the Review Authority.

B. Easements required by this Title shall be granted by the terms and conditions of such easements being shown on the face of the land division instrument approved for recording under this Title or by separate recorded instrument for properties outside of the plat.

17.80.030 Water, Sewer, and Storm Drainage Systems.

A. Water, sewer and storm drainage system alignment shall be designed and located consistent with the City's Comprehensive Plan including water, sanitary sewer and storm drainage functional plans.

1. Where topography, property owner willingness, natural features or other conditions make achievement of the planned alignment in the functional plans impractical, the utility alignment and/or location shall be as approved by the City Engineer consistent with the purpose and intent of the functional plan's alignment.

2. That the required alignment/improvement must be related in nature and extent to the impact of the development, i.e. it must be roughly proportional to the impact of the development.

B. All lots shall be served by adequate public water, sanitary sewer, and storm drainage systems approved by the City Engineer and meeting the design and construction requirements of the City's adopted regulations and the City of Poulsbo Construction Standards and Specifications manual.

C. All public water, sanitary sewer, and storm drainage systems shall be placed underground in appropriate public easements or tracts and dedicated to the City, provided that those portions of storm water systems that are required to be above ground in order to function (i.e. storm water ponds, drainage swales, and similar facilities), may be installed above ground.

D. When a public street is to be dedicated or where a public street is widened or structurally altered by an applicant as a condition of land division approval, the applicant shall provide and dedicate any required storm drainage system.

17.80.040 Underground Utilities.

A. Developments shall be responsible for the undergrounding utilities both existing and new, within the plat and along the frontage road.

1. New interior plat roads shall have underground utilities (cable television, electric, gas, telephone, fiber optic, etc.). An empty 4" conduit shall be placed in the trench and dedicated to the City for future utilities.

2. Street lights shall be located on decorative concrete poles and shall match the style used in residential neighborhoods within the City. ~~a.~~Cobra-head style street lights are not permitted in residential neighborhoods.

3. The frontage improvements of the plat shall include undergrounding of existing utility facilities unless exempt as outlined in Section 17.80.040 B.

4. Short subdivisions which meet the infill provision Section 18.70.070.O are exempt from undergrounding requirements if 50% of the utilities in a 500ft radius are above ground.

B. The following are exempt from this Section requirements:

1. Transformers, pedestal-mounted terminal boxes, meter cabinets, and concealed ducts may be placed above ground within the subdivision when used in connection with the underground utilities.

2. Existing poles on the frontage which do not require relocation to accommodate the proposed frontage improves, which meet the following are exempt:

a. Carry 33kVa electric lines or greater; or

b. Support street lights on an existing utility pole.

3. The City Council may waive any requirement of this section upon review and recommendation by the City Engineer.

4. All parallel lines on exempt power poles.

C. Payment for costs of undergrounding shall be as follows:

1. Arrangements, including payment of costs, shall be made by the developer directly with the serving utility company(ies). Undergrounding of utility structures may be done by the developer, with permission from the serving utility.

2. A developer with property frontage of any length may petition the City to establish an assessment district to fulfill the requirement for undergrounding utilities. Prior to the approval of a preliminary plat, developer shall have an assessment district in place or shall have made provision for undergrounding pursuant to subsection (D)(3) of this section.

3. Unless otherwise specified any other provision herein notwithstanding, the entire cost to underground street crossing utility lines shall be the responsibility of the developer of the property served by the utility lines.

17.80.050 Street Standards.

A. Each lot or unit within the subdivision shall have direct access to a public or private street. No new direct driveway access from individual residential lots onto divided major arterials, major arterials, minor arterials, neighborhood collectors shall be permitted, unless otherwise approved by the City Engineer.

B. All street frontage improvements, new street design, grades, widths, street lighting and construction shall comply with the standards and specifications as set forth in the City's Construction Standards and Specifications, including current ADA standards. Additional right-of-way may be required where future conditions and development impacts warrant, or where topographical requirements necessitate cuts or fills for proper grading of the streets.

C. Preliminary plats shall provide for at least two different standard routes for ingress and egress.

1. The requirement for an existing or future street connection(s) in Section 17.80.060 shall contribute to meeting this requirement.

2. If, based upon existing development pattern, topography, adjacent property owner willingness, or street connectivity to adjacent property will occur in the future, and only one public street provides primary access to the entrance points of a new residential subdivision, the following shall apply:

a. A secondary emergency access road of a minimum of 20' unobstructed width shall be established within an access easement and connect to a different street than the primary access points. The emergency access road shall be constructed as an all-weather surface as approved by the City Fire Official and City Engineer. When street connection to adjacent property or a second public street access is provided, the emergency access road may be abandoned, if approved by the City's Fire Official and City Engineer.

b. If a secondary emergency vehicle access easement cannot be provided, and the plat is greater than 30 lots, the following shall be required:

i. Sufficient evidence must be provided to the City that an emergency access road could not be acquired due to adjacent property owner willingness, topography, or other technically acceptable reason.

ii. Additional fire protection and emergency vehicle access measures, such as but not limited to sprinklering, widening the primary access street with turn-outs, building in phases, shall be proposed by the applicant of the preliminary plat and incorporated into the plat design and/or conditions of approval.

c. The City Engineer may determine the secondary emergency access is not required, upon consultation and concurrence by the City Fire Official, based upon the size of plat, topography, existing land development pattern, access to public streets or other technical reasons that will be entered into as a finding for the preliminary plat.

17.80.060 Street Connectivity.

The purpose of street connectivity is three-fold: 1) to implement the City's Comprehensive Plan's Future Street Plan; 2) to provide redundant and efficient routes and connections within the City; and 3) provide superior emergency vehicle response time by providing multiple access to streets. Street connectivity shall be implemented as follows:

A. New streets shall be provided and located consistent with the City's Comprehensive Plan Transportation Map Series and New Roadway Segments map:

1. Where topography, adjacent property owner willingness, natural features or other conditions make achievement of a planned alignment impractical, the street alignment, connection and/or location shall be as approved by the City Engineer consistent with the intent of planned alignment.

2. The required improvement must be related in nature and extent to the impact of the development.

3. When requiring a new street to be provided consistent with the City's Comprehensive Plan New Roadway Segments map, the City shall provide a finding of fact with the subdivision decision, setting forth that the requirement of the new street is supported under the City's Growth Management Act responsibility to provide for adequate streets and roads for its allocated population, and based upon the City's adopted Comprehensive Plan, there is a reasonable assurance the new street shall be completed.

B. New subdivisions shall connect to or provide a future connection to adjacent property.

1. New subdivisions shall use existing street connections, if provided, unless it is technically infeasible to do so as determined by the City Engineer.

2. When providing for street connectivity, the public streets and utilities shall be extended to the property boundary.

3. When a street connection is required to undeveloped property zoned for residential development, a sign is required to be posted at the connection point indicating the intent of a future road connection.

4. When a street is required to undeveloped property, a preliminary engineering analysis of the feasibility of the future street connection shall be submitted with the development permit application.

5. Pedestrian and bicycle connection to adjacent subdivisions or property shall be provided as feasible and as consistent with the intent of the City's Comprehensive Plan's identified sidewalk and path connections.

6. The City Engineer may exempt the requirement for street connectivity under the following circumstances:

   a. There are existing and available connections to collector or arterial streets.

   b. The existing development and ownership pattern, site and/or surroundings area's topography make connectivity technically and physically unfeasible.

   c. Temporary emergency vehicle access is provided, and street connectivity will occur in the future.

   d. The street connection is not identified on the Comprehensive Plan Transportation Map series.

17.80.070 Monuments.

A. Permanent survey control monuments shall be provided for all land divisions at:

   1. All controlling corners on the boundaries of the land division.

   2. The intersection of centerlines of roads within the land division.

   3. The beginning and ends of curves on centerlines or points of intersections on tangents.

B. Permanent survey control monuments shall be set in 2" pipes, 24" long, filled with concrete, or shall be constructed of an approved equivalent. Permanent survey control monuments within a street shall be set after the street is paved. Every lot corner shall be marked by a ¾" galvanized iron pipe, ½" rebar or approved equivalent, driven into the ground.

17.80.080 Survey Required.

The survey shall be made by or under the supervision of a licensed land surveyor. All surveys shall conform to standard practices and principles of land surveying as set forth in the laws of the State of Washington. Primary survey control points shall be referenced to section corners and monuments. Lot corners shall be in place and visible prior to recording.

17.80.090 Construction of Subdivision Improvements.

Construction of subdivision improvements shall be as follows:

A. Complete construction drawings and specifications shall be submitted to the City Engineer for review and approval prior to the commencement of construction. The submitted drawings and specifications shall be designed and certified by a registered civil engineer. Construction drawings shall be in conformance with the conditions, applicable city standard, and the City's Construction Standards and Specifications manual.

B. Construction of the subdivision improvements shall proceed as approved on the construction drawings and specifications. Construction shall proceed under the supervision of a registered civil engineer. The City Engineer will inspect construction

progress to review compliance with construction plans and required standards. All costs of inspections by the City Engineer shall be borne by the developer. Any changes to the construction drawings or specifications involving design of the subdivision improvements shall first be reviewed and approved by the City Engineer.

17.80.100 Improvements and Maintenance.

A. All utilities, streets and other infrastructure shall be designed and constructed in accordance with the current City of Poulsbo Construction Standards and Specifications manual or as required in Conditions of Approval. City capital improvement, utility or other projects performed on behalf of the City shall meet all standards outlined in the Construction Standards and Specifications manual, except for otherwise allowed by approved deviations.

B. For all land divisions, the applicant shall complete the required improvements before the land division is approved to be recorded. The applicant may request, and the City Council may accept at its discretion, a financial guarantee for the installation of the required improvements, pursuant to the provisions set forth below:

1. When approved by the City Council, the applicant may file a completion bond or other suitable security in a form approved by the City Attorney sufficient to guarantee actual construction and installation of such improvements within 2 years of recording.

    a. Upon written request by the applicant/developer filed no less than 30 days prior to the due date of the improvement completion, the City Engineer may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon the finding:

        i. There has been no material change of circumstances applicable to the property since completion bond or other security approval.

        ii. The applicant must provide good cause for the delay and demonstrate the likelihood that construction will be completed within the additional year.

        iii. The City Engineer shall not grant more than 1 extension.

2. The amount of the security for completion shall not be less than 200% of the City Engineer's estimate of the cost of such improvements, but the City Engineer may set a higher percentage based upon the complexity of the project.

C. After the completion of improvement construction, three sets of "as built" drawings and an electronic version showing the subdivision improvements as constructed shall be certified as true and complete by a registered civil engineer and one shall be on reproducible mylar, or approved equivalent. The certified "as built" drawings shall be submitted to the City prior to the acceptance of the improvements by the City.

D. After the completion of improvement construction and all required corrections, the City Engineer shall accept the improvements. Acceptance of improvements shall mean the improvements are satisfactorily completed and suitable for public use.

E. Before recording, the applicant shall file maintenances bonds, as approved by the City Engineer, or other suitable security in a form approved by the City Attorney and in an amount to be determined by the City Engineer guaranteeing the repair or replacement of any improvement that proves defective or fails to survive within 2 years after final acceptance of the improvements by the City.

F. The City shall enforce the performance or maintenance security required by this section.

1. In the event the improvements are not completed as required, or maintenance is not performed satisfactorily, the City Engineer shall notify the property owner and the guarantor in writing which shall set forth the specific defects which must be remedied or repaired and shall state a specific time by which such shall be completed.

2. In the event repairs or maintenance are not completed by the specified time as identified by the City Engineer in Section 17.80.100.F.1 above, the City may proceed to repair the defect or perform the maintenance by either the City personnel, or by private contractor. Upon completion of the repairs or maintenance, the cost thereof, plus interest at 12% per annum, shall be due and owing to the City from the owner and guarantor as a joint and several obligations. In the event the City is required to bring suit to enforce maintenance, the subdivider and guarantor shall be responsible for any costs and attorneys' fees incurred by the City as a result of the action. In the event that the security is in the form of a cash deposit with the City, the City may deduct all costs set forth in this section from the cash on deposit and the subdivider shall be required to replenish the same for the duration of the guaranty period.

G. Release. A performance assurance shall not be released by the City unless and until the required performance has been completed and accepted by the City and the required maintenance security has been provided. The maintenance security shall not be released by the City unless and until the improvements have been inspected and accepted and the 2-year period has been completed.

17.90 PLAT ALTERATIONS AND VACATION.

17.90.010 Purpose.

The purpose of this section is to provide the procedures to alter or vacate recorded final subdivisions, recorded short subdivisions, and recorded binding site plans.

17.90.020 Alteration of Recorded Land Division.

A. Plat alterations are required when a property owner wishes to make any change to a recorded final subdivision, recorded short subdivision or recorded binding site plan. An alternative to the plat alteration process described herein is to submit a new application

for the subdivision, or through a boundary line adjustment if appropriate. This process cannot be used to create additional lots, tracts or parcels.

B. Application requirements. A completed Plat Alteration application and application fee, with a drawing showing the details of the alteration shall be submitted.

1. The application shall contain signatures of the majority of those persons having an ownership interest of lots, parcels, sites, tracts, or divisions in the subject subdivision or portion to be altered.

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

3. Easements established by a dedication are property rights that cannot be extinguished or altered without the written and filed approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

C. Notice of Application required. A Notice of Application shall be provided to all owners within the subdivision and to property owners within 300 feet from the subdivision, posted on the property in three locations, and published in a paper of general circulation.

D. Public hearing required. The Review Authority shall conduct a public hearing on the application for a subdivision alteration. A public hearing notice shall be prepared and distributed as set forth in Section 17.90.020.C above. The Notice of Application and public hearing notice may be combined; provided that it is distributed no less than 14 days prior to the public hearing.

E. Decision criteria. The Review Authority shall approve, approve with conditions, or deny an alteration. The decision shall be in writing and shall include findings and conclusions based on the record to support the decision.

1. The proposed alteration complies with this Title and other applicable City requirements.

2. The proposed alteration will serve the public interest or use.

3. The proposed alteration will not result in the violation of any requirements of the original approval, unless conditions necessitating such requirements have changed since the original plat was recorded.

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

G. Revised plat drawing. After approval of the alteration, the applicant shall produce a revised plat drawing titled "Alteration of (insert subdivision/project name)" showing the

entire subdivision or portion thereof being altered. The altered plat shall include a note indicating the nature of the alteration. The new drawing shall be submitted to the City for signatures. After recording, the applicant shall submit a copy of the recorded alteration drawing to the City.

17.90.030 Vacation of Recorded Land Division.

A. Plat vacations are required whenever a property owner wishes to vacate, or a portion thereof, a recorded final subdivision, short subdivision or binding site plan. For purposes of this section, vacation shall mean rendering the plat, or portion, null and void and no longer platted.

B. Application requirements. A completed Plat Vacation application for vacation of all or any portion of a subdivision shall be submitted. The applicant shall set forth the reasons for vacation, and the application shall contain signatures of all parties having an ownership interest in that portion to be vacated.

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

C. When the vacation application is specifically for a City street or right of way, the procedures for street vacation in chapter 35.79 RCW shall be utilized. When the application is for the vacation of the plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under RCW 35.79.030.

D. Notice of Application required. A Notice of Application shall be provided to all owners within the subdivision and to property owners within 300 feet from the subdivision, posted on the property, and published in a paper of general circulation.

E. Public hearing required. The Review Authority shall conduct a public hearing on the application for a subdivision alteration. A public hearing notice shall be prepared and distributed as set forth in section 17.90.030.D above. The Notice of Application and public hearing notice may be combined; provided that it is distributed no less than 14 days prior to the public hearing.

F. Decision criteria. The Review Authority shall approve the application for vacation for the subdivision or approve the application with conditions it determines that the public use and interest will be served by the vacation. The Review Authority shall deny the application for vacation if it finds that the public use and interest will not be served by the alteration.

G. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the Review Authority adopts written findings that the public use would not be served in retaining title to those lands.

H. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the Review Authority has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the Review Authority. When the street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

17.100 ADMINISTRATION.

17.100.010 Authorization.

A. The Planning and Economic Development (PED) Director and/or City Engineer is authorized to require more detailed requirements for the submittal of complete preliminary subdivision, short subdivision, binding site plan, boundary line adjustments, final plat approval, plat alterations and plat vacations, including size, scale, number of copies, and content.

B. The PED Director shall be responsible for the administration and interpretation of this Title.

1. The PED Director shall review and resolve any questions involving the proper interpretation or application of the provisions of this Title. The PED Director's decision shall be in keeping with the spirit and intent of this Title and of the Comprehensive Plan.

17.100.020 Conflict of Provisions.

Should a conflict between the provisions of this Title or between this Title and the laws, regulations, codes or rules promulgated by other authority having jurisdiction within the City, the most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise by this Title.

17.100.030 Severability.

If any provision of this Title or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this Title are declared to be severable.

17.100.040 Power to Correct Errors or Clarify.

A. The PED Director may at any time amend an administrative decision to correct ministerial errors clearly identifiable from the public record.

B. The PED Director may at any time clarify a statement in a written administrative decision as long as the clarification does not alter the intent or effect of the decision.

17.100.050 Employees Not Personally Liable.

Any employee charged with the administration and/or enforcement of this Title, acting in good faith and without malice for the City in the discharge of duties, shall not thereby render

him/herself liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason off any act or omission in the discharge of duties. Any suit brought against the employee, because of such act or omission performed in the enforcement of any provision of this title, shall be fully defended by the City Attorney's Office until final termination of the proceedings.

17.110 ENFORCEMENT.

17.110.010 Authorization.

The Planning and Economic Development (PED) Director is authorized with the enforcement of the provisions of this Title, and to designate City employees as authorized representatives of the department to investigate suspected violations of this Title and to issue notice infractions.

17.110.020 Investigation and Right of Entry.

When it is necessary to make an inspection to enforce the provisions of this Title, or when the PED Director has reasonable cause to believe that a condition exists on property which is contrary to, or in violation of, this title, the PED Director or his/her designee may enter the property to inspect, pursuant to the provisions of PMC Section 1.16.050.

17.110.030 Violation.

It shall be unlawful for any person, firm or corporation to sell, lease, transfer, erect, construct, alter, or use any land in the City, or cause the same to be done, contrary to or in violation of any provision of this Title, or contrary to or in violation of the terms and conditions of any permit or approval issued by the City pursuant to this Title.

17.110.040 Imminent and Substantial Dangers.

Notwithstanding any provision of these regulations, the PED Director may take immediate action to prevent an imminent and substantial danger to the public health, welfare, safety or the environment by the violation of any provision of this Title.

17.110.050 Stop Work Orders.

Whenever any work or activity is being done contrary to the provisions of this Title or conditions of an approved permit, the PED Director or designee may order the work stopped by notice in writing, pursuant to the provisions in PMC 1.16.

17.110.060 Penalties.

Penalties for the violation of any provision of this Title or conditions of an approved permit, shall be as established in PMC 1.16.

17.110.070 Nuisance.

In addition to the penalties set forth in PMC 1.16, all remedies given by law for the prevention and abatement of nuisances shall apply regardless of any other remedy. All violations of this Title, permit conditions, or rules and regulations adopted thereunder, are determined to be detrimental to the public health, safety and welfare and are public nuisances. The City may cause

all conditions which are public nuisances to be abated pursuant to the procedures of Chapter 7.48 RCW.

17.110.080 Revocation of Permit.

A. Permits are revoked and voided if not used within the time limit identified for each respective permit. Extension of permit time limit is as set forth in each of the respective permit section in this Title.

B. Any approval, permit, certificate, or license issued based on a knowing and material misrepresentation by an application may be suspended or revoked by the PED Director.