CITY OF SEQUIM
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GUIDELINES FOR STANDARD LAND USE CERTIFICATION, DEDICATION, AND DECLARATION LANGUAGE (SMC 17.04.040)

PURPOSE: These Guidelines implement Sequim Municipal Code section 17.04.040 by providing standard language to be included in certain land development final approvals. These guidelines may be amended by the Director of the Community and Economic Development Department (DCED Director).

GUIDELINES:

1. General. Language added to land use documents must be legible even after reproduction. Signatures and stamps must be affixed in a manner that does not obscure content.

2. Auditor's Certificate. Auditor's certificates comprised of the following language verbatim must be placed on the first sheet at the bottom or right edge:

AUDITOR'S CERTIFICATE
Filed for record at the request of [insert surveyor's or plattor's name] this ___ day of _____, 20___, at _____ minutes past _____ __.m., and recorded in Vol. _____ of [short] plats, page(s) _____, AFN _____, records of Clallam County, Washington.

_____
Clallam County Auditor

3. Treasurer's Certificate. Treasurer's certificates comprised of the following language verbatim must be placed on the first sheet.

TREASURER'S CERTIFICATE
I hereby certify that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.
Tax ID(s) of existing parcels being herein subdivided: _____

_____
Clallam County Treasurer

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4. Land Surveyor's Certificate. A land surveyor's certificate must be placed on the first sheet in substantially the same form below:

SURVEYOR'S CERTIFICATION

I, _____, am a licensed and registered surveyor in Washington State and hereby certify that this [plat/binding site plan] was prepared by me or under my supervision; that this plat/binding site plan is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated as required by State statutes; that the distances, courses, and angles are shown currently; that the monuments are set and lot and block corners will be staked correctly on the ground; and that I fully complied with the provisions of the state and local statutes and regulations governing platting.

Date

Printed name, seal, and signature

5. Public Works Approval. Public Works approval must be placed on the first sheet verbatim for plats/binding site plans and dedications to the City:

PUBLIC WORKS APPROVAL

I have examined and found that this plat/binding site plan is consistent with all applicable City street and utility improvement standards and requirements. Examined and approved by me this ___ day of _____, 20___.

Dedication of right-of-way examined, approved, and accepted this ____ day of _____, 20___.

_____

Name (as appropriate), City Engineer or Public Works Director

6. Community and Economic Development Director Approval. The Community and Economic Development Director approval must be placed on the first sheet verbatim:

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR APPROVAL

I have examined and found this plat/binding site plat to be in conformity with applicable zoning and other land use controls, and approved this ____ day of _____, 20___.

_____

Name (as appropriate), Community and Economic Development Director

7. Dedications and Declarations. Dedication or declaration statements must be included on the first sheet of the plat or binding site plan. The following language should be used, as applicable:

For dedications of public areas, rights-of-way, or other tracts to the general public, the text must list all parties of any ownership interest and beneficiaries of deeds of trust and provide signature lines. Streets not dedicated to the public must be clearly marked on the face of the plat.

DEDICATION STATEMENT (PUBLIC USE)

The undersigned owner(s) [insert names of ownership as listed in the vesting deed(s)] in fee simple of the land hereby platted, and [insert name of beneficiaries as listed in the vesting deed(s)], the mortgagee thereof, hereby declare this plat/binding site plan and dedicate to the use of the public forever all streets, avenues, places, water and sewer infrastructure and utility easements, or whatever public property there is shown on the plat/binding site plan, and the use

for any and all uses not inconsistent with public street and utility purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc. shown on this plat/binding site plan in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also, the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. The owner(s), their successors and assigns waive all claims against the City for damages that may occur to the adjacent land by the established construction, drainage, and maintenance of streets and associated drainage in conformance with this plat/binding site plan.

Following original reasonable street grading, no drainage waters on any lot or lots will be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way to hamper proper road drainage. The owner of any lot or lots, before making any alteration to the drainage system after the recording of the plat/binding site plan, must make application to and receive approval from the City of Sequim Public Works Department before any alteration may begin. Any enclosing or rerouting of drainage waters in culverts or drains across any lot will be done by and at the expense of such owner, after acquiring necessary permits from the City of Sequim, if required, and subject to any other existing permitting requirements therefor.

If a waiver of right of direct access is included, the statement must also contain the following additional language after the dedication statement:

Dedication to the public will in no way be construed to permit a right of direct access to [insert name of street] from lot(s) _____, nor will the City of Sequim or any other local governmental agency within which the property is or may become located ever be required to grant a permit to build or construct an access of approach to the street from the lots.

If there is no dedication of areas to the public, a declaration must be used instead.

8. <u>Washington Uniform Common Interest Ownership Act (WUCIOA).</u> Consistent with Chapter 64.90 RCW, final plats and short plats subject to the WUCIOA must include a declaration statement. Use the following language:

WUCIOA DECLARATION STATEMENT

The undersigned owner(s) of the interest in the real estate described herein hereby declare this map and dedicate the same for a common interest community named [name of common interest community], a plat community as that term is defined in the Washington Uniform Common Interest Ownership Act (WUCIOA), solely to meet the requirements of the WUCIOA and not for any public purpose. This map and any portion thereof is restricted by law and the Declaration for [name of common interest community], recorded under Clallam County Auditor's File No. ___.

9. <u>REQUIRED Declarations, Covenants and Restrictions</u>. The following language must be placed on all final plats and short plats:

Only those declarations, covenants, and restrictions required by law or applicable Sequim Municipal Code are deemed to be conditions of approval of the plat for purposes of RCW 58.17.110, and may only be amended or modified as provided therein. All other terms or conditions which may be incorporated within any such declaration or other covenants, conditions, or restrictions pertaining to the plat not required as set forth above are deemed private contractual

agreements between the parties to the declaration or covenant and subject to enforcement or amendment between the parties as may be provided therein.

No portion of this [final plat/binding site plan] may be altered, amended, deleted, added to or changed in any manner except by application of amendment to the City of Sequim.

Approval of the [final plat/binding site plan] does not automatically dedicate the use of water, sewer, stormwater, solid waste disposal, or other City utilities, unless specifically provided for in the preliminary plat approvals, or in an approved and recorded development agreement. Potential purchasers of the property are advised to contact the City for information regarding assessments and fees for utility services.

10. Signature Lines. Provide the following signature line(s) following dedication or declaration sections.

In witness whereof, we set our hands and seals this ___ day of _____, 20___.

_____

[Insert a signature line and name for each ownership entity, lienholder (if applicable), and beneficiaries of deeds of trust as shown in the title report or plat certificate.]

11. Acknowledgments. Proper acknowledgments for an individual and/or representative must be provided. Individual acknowledgments are used when a person or persons is/are listed in the title report or plat certificate as a vested owner, lienholder, or beneficiary of a deed of trust. Representative acknowledgments are used when a corporation, company, limited liability company, partnership, trust, or some other non-human entity is listed in the title report or plat certificate as a vested owner, lienholder, or beneficiary of a deed of trust.

12. Stormwater Facility and Drainage Easements. Private stormwater facilities must be located in a separate tract, except that under site specific circumstances, with the City Engineer's prior written permission, stormwater facilities may instead be located in an easement. Stormwater facility easements and covenants are required for all final plat applications.

If drainage easements affect the plat or binding site plan, specify whether they are public or private dedications and the lots that will benefit. Include the following language for public drainage easements or use language from the preliminary decision in place of this language:

No fill, structures, fences, walls, rip rap, buildings, or other similar obstructions to access or restrictions to the flow of water may be placed within the easement area without the prior written consent of the public works director. Obstructions placed within an easement area in violation of this restriction may be removed by the City at the sole expense of the property owner(s), and the property owner(s) must reimburse the City for the cost of removal within 90 calendar days after receiving the City's invoice for same.

Include a paragraph in the easement section on maintenance obligations when a private drainage easement is required.

13. Critical Areas. If protected critical areas affect the plat/binding site plan, they must be properly shown on the face of the plat in tracts and/or easements and designated as a Critical Area Protection Area (see Option 1) or Critical Area Protection Area Easement (see Option 2). All critical area features must be properly identified with their location and extent as well as specifying their designation classification

(e.g., Type F Stream, Category II Wetland, or Landslide Hazard Area). The following language must be placed in the covenants, conditions, and restrictions section of the final plat map.

Option 1. Critical Area Protection Area.

> All Critical Area Protection Areas must be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction, or placement of road construction of any kind may occur unless the activity is allowed under the Sequim Municipal Code and approved by the City.
>
> A restrictive covenant describing the Critical Area Protection Area in accordance with the Sequim Municipal Code must be placed on each affected deed and be recorded with the Clallam County Auditor's Office by the applicant at time of recording of final plat.

Option 2. Critical Area Protection Area Easement Requirements.

> In consideration of Sequim Municipal Code requirements, a non-exclusive Critical Area Protection Area Easement is hereby granted to the City of Sequim, its successors, or assigns. The easement is depicted on the approved plans. Except as otherwise provided, the easement must be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction, or placement, or road construction of any kind may occur within the easement area unless the activity is allowed under the Sequim Municipal Code and approved by the City. The right to use and possess the easement area is retained, provided that the use does not interfere with, obstruct, or endanger the purpose of the easement.
>
> The City of Sequim, its successors, and assigns, have the right of ingress and egress to and from this easement and across the adjacent property in this [subdivision/binding site plan] for the purpose of monitoring and enforcing proper operation and maintenance of the Critical Area Protection Area Easement. The lot owners are responsible for operating, maintaining, repairing, and restoring the condition of the easement if any unauthorized disturbance occurs. By acceptance of the easement for the purposes described, the City of Sequim does not accept or assume any liability for acts or omissions of the lot owner(s), their invitees, licensees, or other third parties within the easement area. The lot owner(s) hold the City of Sequim harmless from any claim of damage or injury to any property or person by any person entering the easement area not expressly authorized to do so by the City of Sequim. This easement is created, granted, and accepted for the benefit of the [subdivision/binding site plan] and the general public, but is not to be construed to provide open or common space for owners within the [subdivision/binding site plan] or members of the public.

14. <u>General Restrictions</u>. The following general restrictions must appear on the face of the plat in the same location as other restrictions. *Exception:* Do not use #3 if there are no public streets.

> 1. No further division of any lot is allowed without submitting for a new subdivision or short subdivision.
>
> 2. The sale or lease of less than a whole lot in any subdivision platted and filed in accordance with the Sequim Municipal Code is expressly prohibited except as may be allowed under the Sequim Municipal Code.

3. All landscaped areas in public rights-of-way must be maintained solely by the developer or their successor(s) for a period of 24 months after the date the City accepts the work. The maintenance requirement will be secured by an agreement between the City and the developer or the developer's surety company for a maintenance bond for all infrastructure executed at the time of City acceptance. All landscaped areas in public rights-of-way must be reduced or eliminated at the request of the City of Sequim if deemed necessary for or detrimental to City street purposes. Verbiage for this maintenance period and bond must be contained in the notes on the final plat. Right-of-way maintenance may include without limitation sprinkler systems, mulching, spraying, mowing, and pruning.

4. Any Notice to Title of protective tracts.

15. Utility Easements. Accurate outlines and designations of any area or easements to be dedicated or reserved for public use or to be committed for the common use of all property owners with the purpose of dedication, reservation, and commitment must be clearly set forth on the plat document together with accurate references to appropriate recorded documents. A utility easement must be granted along the street frontage of all lots, tracts, and common areas and must be indicated on the face of the final plats and binding site plans. Different widths or locations may be authorized in accordance with the Sequim Municipal Code. These easements apply to other utility purveyors and are different from the dedications to the City as outlined above. Include the following language on the plat document in the same location as other easements being created:

> An easement is hereby reserved for and granted to all utilities serving the subject plat, including successors and assigns, under and upon the exterior ___ feet parallel with and adjoining the street frontage of all lots, tracts, and common areas in which to install, lay, construct, renew, operate, and maintain underground conduits, cables, pipe, and wires with necessary facilities and other equipment for the purpose of serving this subdivision and other property with all utility services, together with the right to enter upon the lots, tracts, and common areas at all times for the purposes herein stated.

16. Planned Residential Developments. The following note must appear on the face of all plats associated with a Planned Residential Development approval in the same location as other restrictions being created:

> All site development and future activity must comply with the approved Planned Residential Development official site plan on file with the City of Sequim. Furthermore, the homeowners' association will own, maintain and enforce all open space tracts, perimeter buffers, fences, recreational amenities, private roads, parking bays, and all other commonly owned elements.
>
> Open space areas not proposed to be improved with recreational amenities or purposes will remain as natural vegetation or appropriately landscaped. Removal of preserved and approved open space in natural vegetation will only be permitted for public safety reasons and upon review and approval of the DCED Director and a certified arborist or other expert in urban forestry. Enhancement of critical area buffer vegetation will be as allowed and prescribed in SMC 18.80, Critical Areas, and as listed in the approved conditions of the Planned Residential Development.

17. Boundary Line Adjustment Declaration. (Use this declaration for lot line alterations made pursuant to RCW 58.17.040(6) (as enacted and as may be amended).

Know all persons by these presents that we, being all of the owner(s) having an ownership interest in the land herein described, make a lot line alteration pursuant to SMC 17.22 and declare this lot line alteration to be the graphic representation of the same, and that this lot line alteration is made with the free consent and in accordance with the desire of all the owners.

In witness whereof, we set our hands and seals this ___ day of _____, 20_____.
[Signature Line for Authorized Person]

18. <u>Short Plats.</u> The following language must be included on all short plats:

Land within this short plat may not be further subdivided for a period of five years from the date of recording of this plat with the Clallam County Auditor except through a subdivision.

19. <u>Binding Site Plans.</u> The following language must be included on all binding site plans:

All development and use of the land described herein must be in accordance with this binding site plan, as it may be amended with the City approval, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land use and development. This binding site plan is binding upon all persons with any current and future interest in the land described herein.

All persons, firms, or corporations purchasing, leasing, or otherwise acquiring ownership of any land within the binding site plan must follow any and all regulations, provisions, restrictions, covenants, and conditions of the use of the land governing the binding site plan.

THIS GUIDELINE IS DEEMED AN ADMINISTRATIVE PROCEDURE OR INSTRUCTION PURSUANT TO STATE ARCHIVIST RETENTION SCHEDULE GS50-01-01.