Sequim Municipal Code Title 17

LAND DIVISION

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Chapter 17.10
GENERAL PROVISIONS

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17.10.010 Authority and purpose.

A. The provisions of this title are adopted pursuant to the authority delegated to the city of Sequim under Revised Code of Washington (RCW) Chapters 35A.58, RCW 58.17, and other applicable state laws.

B. All cites to statutes, regulations, and rules in this title are as enacted and as may be amended.

C. The purpose of this title is to provide rules, regulations, and standards for the division of land within the city's corporate limits, while protecting the public health, safety, and general welfare.

D. Application and administration of this title ensures the orderly growth and development of the city, and requires adequate provisions for circulation, utilities, drainage, and public services.

E. These provisions also serve to implement the goals, policies, and the general purposes of the Sequim Comprehensive Plan, SMC Title 18, and all other relevant code sections, the city's official zoning map, the Sequim Shoreline Master Plan, and the Clallam County-City of Sequim Service Extension Review Process (SERP) codified in SMC Chapter 13.102.

F. This title is effective throughout the corporate boundaries of the city of Sequim. In addition, Sequim and Clallam County may enter into an interlocal agreement, causing this title to apply to any or all portions of the Sequim Urban Growth Area.

G. Nothing in this title is intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title. No provision or term used in this title is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees, for whom the implementation or enforcement of this title is discretionary and not mandatory. Nothing contained in this title is intended nor can it be construed to create or form the basis of any liability on the part of the city, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the city, its officers, employees, or agents.

17.10.020 Administration.

A. This title is administered by the director of the department of community and economic development (DCED) in consultation with the city engineer and other city departments as needed. The director or designee will review all proposed land divisions for the purpose of determining conformance with state

law, the general purposes of the comprehensive plan, this title, and the design and engineering standards established by the city.

B. The DCED director may prepare and require the use of such forms and procedures as are essential for the effective administration of this title, including drafting and issuing administrative code interpretations. The DCED director has the authority to make advisory and administrative interpretations in accordance with its provisions, which must be rendered in writing and posted on the City's website.

C. Final decision-making authority to approve land divisions pursuant to this title resides with the DCED director, or the hearing examiner as applicable for the specific land use decision type. See SMC 20.01.

D. In the event of a conflict in municipal code interpretation: 1) specific provisions prevail over general provisions; 2) text prevails over headings, captions, illustrations, and citation references; and 3) state law prevails over city ordinance.

17.10.030 Definitions.

The definitions contained in SMC Chapter 1.04 and SMC Title 18 are incorporated into this Title 17 by reference. In addition, the following words and phrases as used in this title are construed as defined in this section, unless context clearly indicates otherwise. If not defined, all words and phrases in this title are to be construed according to the common and approved usage of the language. Technical words and phrases that have acquired a particular and appropriate meaning in law, also known as "terms of art", are to be construed and understood according to that meaning.

A. "A" Definitions.

"Access" means a legal and physical means of ingress and egress to a lot or development for vehicles, pedestrians, and emergency services. Access may be provided by a public or private street, drive aisle, driveway, or other approved route, and may be direct or shared, including by easement or other legal instrument.

"Access, emergency" means an additional fire apparatus access route required to ensure emergency redundancy constructed in accordance with IFC Appendix D. Emergency access can be restricted from public use.

"Adjacent property owner" means the owners of real property or the owners of manufactured homes or condominiums, as shown by the records of the county assessor, with shared property lines and/or located within 300 feet of any portion of the boundary of the proposed land division.

"Alteration, plat" means a formal change to a final plat or final short plat.

"Applicant" means the owner, developer, or authorized agent thereof applying for a land division permit pursuant to this title.

B. "B" Definitions.

"Binding site plan" means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other

matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

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

“Boundary line adjustment” means an adjustment of boundary lines between platted or unplatted lots or both, that does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division that contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

C. “C” Definitions

“Child lot” see “Unit lot”

“City engineer” means the designated Sequim city engineer or a duly authorized designee.

“Common ownership” means ownership by the same person, corporation, partnership, or other legal entity, whether held in fee simple, contract purchase, or other equitable interest.

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and a declaration and a survey map and plans have been recorded pursuant to this chapter.

D. “D” Definitions.

“DCED” is the department of community and economic development.

“Dedicate”, “dedication”, “dedicator.” These terms as used in this title relate to the deliberate appropriation of land by its owner for any general and public use through the platting process, reserving to the owner no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been dedicated. A dedicator’s intention must be evidenced by recording a final plat or short plat with the county auditor that includes appropriate dedication language as well as evidence of the public acceptance of the dedication on the face of the plat.

"Developer.” see “Applicant”.

“Director” means the director of the department of community and economic development, unless otherwise specified.

“Division of land” see “Land division”

E. “E” Definitions.
“Easement” is a grant by the property owner to specific persons or to the public to use land for a specific purpose or purposes

F. “F” Definitions.

"Final plat." See "Plat, Final".

G. "G" Definitions.
Reserved.

H. "H" Definitions.
Reserved.

I. "I" Definitions.
Reserved.

J. "J" Definitions.
Reserved.

K. "K" Definitions.
Reserved.

L. "L" Definitions.

"Land division" means any transaction or action, not otherwise exempt, that alters or affects the shape, size or legal description of any part of a lot, parcel or site.

"Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term includes parcels.

"Lot, child" see "Unit lot".

"Lot, parent" see "Parent lot".

"Lot combination" means 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 building code.

"Lot Split, Administrative" means the administrative process of dividing an existing lot into two lots for the purpose of sale, lease, or transfer of ownership pursuant to this Title.

M. "M" Definitions.

"Major subdivision" is the division or redivision of land into 10 or more lots or parcels, for the purpose of sale, lease, or transfer of ownership, except as provided in RCW 58.17.020(16).

"Minor subdivision" is the division or redivision of land into nine or fewer lots or parcels, for the purpose of sale, lease, or transfer of ownership.

"Modification" for the purposes of this title, is a revision, correction, or change to an approved preliminary plat, short plat or binding site plan prior to recording.

N. “N” Definitions.
Reserved.

O. “O” Definitions.
Reserved.

P. “P” Definitions.

“Parent lot” means a residential lot that is subdivided into lots through the unit lot subdivision or Administrative Lot Split process.

"Plat" is a map or other written representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

“Plat, final” means the final drawing of the land division and dedication prepared for recording with the county auditor and containing all elements and requirements set forth in this title and other applicable codes and ordinances. After the Clallam County Auditor has recorded the final plat, it will thereafter be known as an authorized plat, subdivision, or dedication.

“Plat, preliminary” is a neat and approximate drawing of a 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 prepared in compliance with RCW 58.09 and WAC 332-130. The preliminary plat is the basis for the approval or disapproval of the general layout of a subdivision.

“Plat, short” is the map, drawing or representation of a minor subdivision.

“Planned residential developments” means those proposed developments consistent with the requirements of SMC Chapter 18.35.

Q. “Q” Definitions.
Reserved.

R. “R” Definitions.

“Remainder Lot” means a lot large enough to be further subdivided in the future, based on the minimum lot size requirements of the applicable residential zone, and the remainder lot must not prevent a future subdivision from occurring that meets all of the city’s lot dimensional requirements and density.

“Review authority” means the city official or decision-making body responsible for reviewing and issuing a decision on an application under this title, as determined by SMC Chapter 20.01.

S. “S” Definitions

“SERP” means the Service Extension Review Process adopted by the city of Sequim and Clallam County in 1998 (as may be amended), codified in SMC Chapter 13.102.

“Short plat,” means the map or drawing representation of a minor or short subdivision.

"Short subdivision," see "minor subdivision".

"Street" means a public or approved private right-of-way that provides vehicular circulation and as form of access to abutting properties that may also include provisions for public utilities, pedestrian walkways, public open space, recreation areas, cut and fill slopes, and drainage.

"Subdivision" is the division or redivision of land for the purpose of sale, lease, or transfer of ownership, except as provided in RCW 58.17.020(16). See also "minor subdivision" or "major subdivision".

T. "T" Definitions.

"Tract." For purposes of this title, tracts are not considered lots or building sites for purposes of development. It is land reserved for specified uses, including but not limited to surface water retention, utility facilities, access, open space, recreation areas, tree retention areas, critical areas, and buffers.

"Type, permit" unless context indicates otherwise, refers to the type of application, review, and decision process that will be undertaken for a particular kind of land division application. Decision types are as outlined in SMC Chapter 20.01.
U. "U" Definitions.

"Unit lot" means a subdivided lot within a residential development as created from a parent lot and approved through the unit lot subdivision process.

"Unit lot subdivision" means a minor subdivision that meets the development standards applicable to the parent lot, but which may result in development on one or more individual unit lots that do not meet specified land use and development standards based on the analysis of the individual unit lot.

V. "V" Definitions.

"Vacation, plat" for purposes of this title, means rendering the plat, or portion thereof, null and void and no longer platted.

W. "W" Definitions.
Reserved.

X. "X" Definitions.
Reserved.

Y. "Y" Definitions.
Reserved.

Z. "Z" Definitions.

17.10.040 Applicability and exemptions.

A. All division and redivision of land into lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership must comply with the requirements of this title except where specifically

exempted herein. Subdivisions, minor subdivisions, unit lot subdivisions, binding site plans, boundary line adjustments, lot combinations, plat alterations, and plat vacations are all considered divisions or redivisions of land for the purposes of this Title 17.

B. The provisions of Title 17 do not apply to the following exempt land divisions:

1. Cemeteries and burial plots while used for that purpose. RCW 58.17.040(1).

2. 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 subsection that borders on a street or road, the lot size must be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline. RCW 58.17.040(2).

3. Testamentary divisions. Divisions made by testamentary provisions or the laws of descent. RCW 58.17.040(3). A map must be recorded with the Clallam County auditor's office at the time the land is divided, and all lots created must meet the requirements of this title and other applicable regulations. Land divided in this manner does not guarantee creating a legal lot, nor exempt the division from meeting other city standards, such as, but not limited to, lot size requirements, frontage, and infrastructure improvements as applicable.

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

5. A division of land into lots or tracts of fewer than three 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. EXCEPTION: This subsection does not exempt a division of land from the zoning and permitting laws and regulations of the city. Furthermore, this exemption 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 exemption described in this subsection are planned and constructed.) RCW 58.17.040(9).

6. A division of land into lots or tracts of fewer than two acres that is recorded in accordance with RCW Chapter 58.09 and is used or to be used for the purpose of establishing a site for construction and operation of a rural fire district station. The proposed lots or tracts must contain sufficient area and dimensions to meet minimum building site width and area requirements, and appropriate provisions must be made for potable water supplies and sanitary wastes. RCW 58.17.040(10).

17.10.050 Minimum application requirements.

A. Purpose. This section establishes the minimum requirements for all land division applications submitted to the city of Sequim.

B. Project-specific requirements. Special application requirements may be imposed for certain land division projects, such as pre-application conferences, as called out in SMC 20.01. In addition to meeting the minimum conditions set forth in this section, applicants must refer to the specific chapters in this title governing the kind of land division they are seeking to check for any additional or unique requirements that may be necessary in order to prepare and submit a complete application.

C. Waivers. The director may waive specific submittal requirements that the director determines to be unnecessary for review of an application. In such event, the director must document the waiver in the project file or project log. The director may not waive any submittal requirement that is required by state or federal law.

D. Application forms. Any application for a land division proposal pursuant to this title must be submitted upon forms approved by the director.

E. Minimum submittal requirements for all land division permit applications. Submittal requirements for all land division permit applications are identified within the city's online permitting system. Specific requirements may vary depending on the type of land division application. Applicants are responsible for reviewing and providing all documents, forms, plans, and fees as specified for the land division application type. Submittal requirements are subject to change as regulations and standards are updated, and the city's online permitting system will serve as the controlling source for current requirements.

Chapter 17.20
LAND DIVISION STANDARDS

Sections:

17.20.010 Purpose.
17.20.020 Lot standards.
17.20.030 Street design standards.
17.20.040 Street connectivity.
17.20.050 Standard land use certification, dedication, and declaration language.
17.20.060 Water, sewer, and storm drainage systems.
17.20.070 Underground utilities and street lights.
17.20.080 Monuments.
17.20.090 Survey required.
17.20.100 Construction of improvements.

17.20.010 Purpose.

It is the purpose of this chapter to identify the design requirements and civil improvements necessary for land divisions within the city limits of Sequim. Unless otherwise noted, the improvement requirements must be proportional to the impact of the proposal, consistent with RCW 82.02.020, and subject to SEPA environmental review, where applicable.

17.20.020 Lot standards.

A. Arrangement. Insofar as practical, side lot lines must be at right angles to street lines or radial to curved street lines.

B. Minimum size. The size of the lots must meet the minimum area and width requirements of the underlying zoning district and be appropriate for the type of development and use contemplated.

C. Every lot must have legal access to a public or private street.

D. Lot width must conform to the requirements of the underlying zoning district. In commercial and other non-residential uses, and multifamily residential development utilizing a binding site plan, lots with boundaries bordering or nearly so with building walls may be created, unless on a corner lot. The standards of the underlying zoning district to such lots apply instead to the project site of which such lots are a part.

E. In commercial, industrial, business park, and multifamily residential development, lots having the same boundaries, or nearly so, with building walls may be created. The standards that normally would apply to such lots will apply instead to the project tract of which such lots are a part.

F. Corner lots for residential use may be required to be platted wider than interior lots to provide the front yard requirements on the side street as prescribed by the zoning code.

17.20.030 Street design standards.

In addition to the requirements of SMC Title 12 and the most current adopted city engineering standards, the following design standards must be met for the creation of new streets, and if necessary the redevelopment of existing streets.

A. Each lot or unit within the development must have legal access to a public or private street. No new direct driveway access from individual residential lots onto arterials or neighborhood collectors will be permitted without written approval of the city engineer.

B. All street frontage improvements, new street design, grades, widths, street lighting, and construction must comply with the standards and specifications set forth in the city's engineering standards and specifications, including current Americans with Disabilities Act (ADA) standards. Additional rights-of-way may be required where when existing rights-of-way are insufficient to accommodate the proposed development and such standards, warranted by future conditions and development impacts, or where topographical requirements necessitate cuts or fills for proper grading of the streets.

C. Entrances to new developments must be accessed from public right of way. Access to lots and tracts may be provided via public right of way, private streets, alleys driveways or access easements as approved by the city engineer and consistent with Appendix D of the International Fire Code as adopted in SMC Chapter 15.04, or as amended.

D. Frontage improvements required. Applicants must provide frontage improvements consistent with the street classification, as labeled in the City's Transportation Master Plan and described in the adopted engineering standards, for all adjacent streets which will be impacted by proposed development. This includes, but is not limited to, curb, gutters, sidewalks, street trees, and lighting.

E. Exceptions to frontage improvement requirements. The following are instances where certain frontage improvements may not be required at the discretion of and written reasons for exclusion by the city engineer:

1. Improvements already exist and are deemed to be sufficient.

2. Development is proposing the creation of four or fewer dwelling units.

3. Developments with multiple street frontages will prioritize improvements on the street with the higher classification.

4. Site conditions make full improvements impractical or undesirable, including but not limited to existing structures, access points, topography, environmental constraints, or insufficient street right-of-way.

17.20.040 Street connectivity.

The purpose of street connectivity is threefold: (1) to implement the city's Transportation Master Plan (TMP); (2) to provide efficient routes and connections within the city; and (3) allow for emergency vehicle access and decreased response time by providing multiple access points to streets. Street connectivity will be implemented as follows:

A. New streets will be provided for and located consistent with the city's TMP. Applicants may identify new streets or alternative street alignments to be provided that improve the city's overall street layout and/or connect neighborhoods or developments.

1. Where topography, adjacent property owner willingness, natural features, or other conditions make achievement of a planned street alignment impractical, the alternative street alignment, connection, and/or location must be as approved by the city engineer in writing and consistent with the intent of planned alignment.

2. The required improvement must be related to and proportionate to the impact of the development.

3. When requiring a new street to be provided consistent with the city's TMP, the city must issue a finding of fact with the land use 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.

B. New developments must connect to or provide for a future connection to adjacent property.

1. New developments must 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 must be extended to the property boundary.

3. Future access to adjacent property is required and must be provided with direct access to developed public right-of-way, a street stub-out, and a dedicated access easement on the face of the final plat to ensure that access to the site is maintained. When a street connection is required to undeveloped property, a sign is required to be posted at the connection point on the project's property indicating the intent of a future road connection.

4. When a street to undeveloped property is required, a preliminary engineering analysis of the feasibility of the future street connection may be required by the city engineer to evaluate technical feasibility and be submitted with the development permit application.

5. Pedestrian and bicycle connection to adjacent development or property must be provided as feasible and as consistent with the intent of the city's TMP.

6. The city engineer may exempt a development from the requirement for street connectivity under any of the following circumstances:

(a) There are existing, suitable, and available connections to public streets.
(b) The existing development and ownership pattern or the topography of the site and/or surrounding area make connectivity technically and physically unfeasible.

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

C. Existing streets. Additional rights-of-way may be required when existing streets/rights-of-way are insufficient to accommodate the proposed development, street standards, warranted by future conditions and development impacts, or where topographical requirements necessitate cuts or fills for proper grading of the streets.

17.20.050 Standard land use certification, dedication, and declaration language required by city.

A. The purpose of this section is to provide for uniform certification, dedication, and declaration language to be included in certain land development final approvals.

B. The city maintains standard land use certification and dedication guidelines entitled "Guidelines for Standard Land Use Certifications, Dedications, and Declarations." Certifications and dedication language proposed for preliminary or final land use permit applications must substantially conform to these guidelines unless otherwise specified. The DCED director and city engineer, after consulting with the City Attorney, have authority to amend these guidelines as needed to comply with federal, state, or city legal and procedural requirements.

17.20.060 Water, sewer, and storm drainage systems.

A. Water, sewer, and storm drainage system alignment must be designed and located consistent with the city's adopted standards.

1. Where topography, property owner willingness, natural features, or other conditions make achievement of the planned alignment impractical, the utility alignment and/or location must be approved by the city engineer.

2. 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 must be served by adequate potable water, sanitary sewer, and storm drainage systems approved by the city engineer and meeting the design and construction requirements of the city's adopted standards and the city of Sequim site construction standards.

C. All public water, sanitary sewer, and storm drainage systems must be placed underground in appropriate public easements or tracts and dedicated to the city. Those portions of stormwater systems that must be above ground in order to function (i.e., stormwater ponds, drainage swales, and similar facilities) will be installed above ground.

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

17.20.070 Underground utilities and street lights.

A. Developments are responsible for undergrounding new and existing utilities within the development and along the frontage street(s).

1. New streets and frontage improvements must include underground utilities (cable television, electric, telephone, fiber optic, etc.), or as otherwise approved by the utility provider. Approval from the utility provider, if not the city, must be submitted as part of any land division application as applicable.

2. Street lights must meet city engineering standards.

B. Payment for costs of undergrounding utilities, when required, are as follows:

1. Arrangements, including payment of costs, must 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. Unless otherwise specified in any provision of this title, the entire cost to underground street crossing utility lines is the responsibility of the developer of the property served by the utility lines.

17.20.080 Monuments.

A. Right-of-way, street centerline, and street intersection monumentation must be established as described by city-adopted street standards. In addition, for major and minor subdivisions and binding site plans, every lot corner must be marked or referenced in a permanent manner with the registration number of the professional land surveyor in charge of the survey in accordance with state law.

B. For purposes of this section, a monument means a five-eighths inch diameter rebar, one-inch diameter iron pipe, or a brass or aluminum cap set in a concrete collar with the surveyor's name and professional license number. If brass or aluminum caps are used, a piece of iron scrap must be embedded in the concrete collar for magnetic detection.

17.20.090 Survey required.

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

17.20.100 Construction of improvements.

Construction of improvements must be as follows:

A. All applicable requirements of SMC Chapter 15.06 (Site Construction and Right-of-Way Permits) must be followed.

B. Complete construction drawings and specifications must be submitted to the city engineer for review and approval before beginning construction per SMC 15.06. The submitted drawings and specifications must be designed and certified by a registered civil engineer. Construction drawings must be in conformance with the conditions and applicable city engineering standards.

C. Construction of the improvements must proceed as approved on the construction drawings and specifications. Construction must proceed under the supervision of a civil engineer registered with and able to conduct business within Washington State. The city engineer or their designee will inspect construction progress to review compliance with construction plans and required standards. All costs of inspections by the city engineer will be borne by the developer. Any changes to the construction drawings or specifications involving design of the subdivision improvements must first be reviewed and approved by the city engineer.

Chapter 17.30
BOUNDARY LINE ADJUSTMENTS AND LOT CONSOLIDATION

Sections:

17.30.010 Purpose.
17.30.020 Application type.
17.30.030 Application requirements.
17.30.040 Decision criteria.
17.30.050 Recording required.

17.30.010 Purpose.

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

B. For the purpose of this chapter, lot consolidations will also be considered to be an adjustment allowing for the removal of interior lot lines. The consolidated lot, as a result of the removal of property lines, must satisfy the lot standards for the property's zoning district.

C. This chapter is also intended to ensure compliance with the Survey Recording Act (RCW Chapter 58.09) and WAC Chapter 332-130.

17.30.020 Application type.

A. A boundary line adjustment or a lot consolidation is a Type A-1 application and will be processed as set forth in SMC Chapter 20.01, Project Permit Application Review Procedures.

B. Boundary line adjustments and lot consolidations may also be accomplished as part of a subdivision, short plat, or binding site plan.

17.30.030 Application requirements.

Applications for boundary line adjustments or lot consolidations must meet all the submittal requirements in SMC 17.10.050(E) and will include the following information and any other materials requested by the city:

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

1. A map which depicts the existing lot layout(s), including all lot lines, dimensions, and lot area.

2. A map with an accurate scale that depicts the proposed lot layout(s), including all lot lines, dimensions, and lot area.

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

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 existing and proposed water, sewer, storm drainage facilities, on-site wastewater disposal systems, drain fields, wells, power lines, and related facilities.

7. The location of ingress/egress to all affected lots.

8. A north arrow and bar scale.

B. All drawings and legal descriptions are required to be prepared, stamped, and dated by a land surveyor registered and licensed in the state of Washington.

C. The original legal descriptions of all affected properties, together with new separate legal descriptions for each parcel resulting from the adjustment, must be clearly identified on the drawings.

D. A copy of any new or existing covenants, conditions, and restrictions (CCRs), deed restrictions, and concomitant agreements, easements, or development agreements pertaining to the affected properties.

17.30.040 Decision criteria.

The review authority may approve an application for a boundary line adjustment or lot consolidation, provided the following criteria are met:

A. The cumulative adjustment must not result in the creation of any additional lot, tract, parcel, site, or division.

B. The lot(s) or parcel(s) resulting after the adjustment must meet all dimensional requirements specified for applicable zone(s) as set forth in Title 18. Lots may exceed the maximum lot size in residential zones if no existing or future structure(s) is located in such a way as to prevent a future subdivision that meets the city's lot dimensional requirements.

C. Insofar as is practical, no lot, use, or structure is made nonconforming or more nonconforming than that which existed at the time of application, and subject to the nonconforming provisions of Title 18.

D. Will not diminish or interfere with existing or future drainage, water supply (including wells and wellhead protection areas), sanitary sewage disposal (including on-site sewage disposal), or access.

E. Must not be reconfigured or adjusted in a manner which would render access for vehicles, utilities, or fire protection unusable or impractical or which would render existing easements unable to serve their purpose.

F. Must 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. Must 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. Must 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 variance, reasonable use exemption from a critical areas permit, or other special exemption from the city's zoning, land use, or critical areas regulations.

I. Must 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 order. EXCEPTION: This subsection does not apply in circumstances where the city has agreed that a boundary line adjustment provides an appropriate resolution of the violation.

17.30.050 Recording required.

A. The approved adjustment must be prepared for recording by a Washington State registered and licensed land surveyor. All language included on the face of the final boundary line adjustment must be consistent with the city's "Guidelines for Standard Land Use Certifications, Dedications and Declarations" (SMC 17.20.060, or as amended).

B. The final boundary line adjustment and/or lot consolidation must be reviewed and approved by the director of the department of community and economic development before being recorded.

C. Applicant must record the final boundary line adjustment and/or lot consolidation with the Clallam County Auditor within 180 calendar days of receiving final director approval. If recording does not occur within 180 days, the approval becomes null and void.

D. Applicant must provide an electronic copy of the recorded document to the department of community and economic development once available.

Chapter 17.40
MINOR SUBDIVISIONS

Sections:

17.40.010 Purpose.
17.40.020 Application type and review authority.
17.40.030 General standards.
17.40.040 Application requirements.
17.40.050 Approval criteria.
17.40.060 Expiration of minor subdivision approval.
17.40.070 Modifications.

17.40.010 Purpose.

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

A. Establish procedures for minor subdivisions of land into nine or fewer lots, consistent with RCW 58.17, for the purpose of sale, lease, or transfer of ownership, including amendments or alterations to previously approved minor subdivisions. This chapter is intended to promote orderly land division, ensure adequate access and infrastructure, and facilitate infill development in a manner that is efficient and compatible with the city's land use policies; and

B. Allow minor subdivisions to be used for unit lot subdivisions as authorized under RCW 58.17.060(3), provided the division complies with the standards and procedures set forth in SMC Chapter 17.50 – Unit Lot Subdivisions.

17.40.020 Application type and review authority.

A. All minor subdivision applications are processed as a Type A-2 application in accordance with SMC Chapter 20.01, Project Permit Application Review Procedures.

B. Preliminary approval must be granted by the city after issuing written findings of fact, conclusions, and conditions that clearly describe the proposed subdivision and the proposal is consistent with all applicable review criteria.

C. Preliminary approval will constitute authorization for the applicant to develop the minor subdivision improvements, upon review and approval of final site construction drawings by the city engineer as set forth in SMC Chapter 15.06 Site Construction and Right-of-Way Permits and SMC Title 12 Streets, Sidewalks and Public Places.

D. Final plat approval must follow the requirements of SMC Chapter 17.90 Final Plats.

17.40.030 General standards.

A. The land approved for a minor subdivision may not be further divided in any manner within a period of five years without the filing of a final plat. However, when a minor subdivision contains fewer than nine parcels, the owner of the minor subdivision may file an alteration within a five-year period to create

up to nine lots within the boundaries of the original minor subdivision as long as the parcel is not held in common ownership with a contiguous parcel which has been subdivided within the preceding five years.

B. A minor subdivision may contain any number of tracts as defined in SMC 17.10.030. Tracts must be identified as such on the face of the short plat and held under common ownership by the plat lot owners or dedicated to the city. When tracts are provided, the face of the final plat and the plat's covenants, conditions, and restrictions (CCRs) must include a statement that tracts are not to be considered developable lots. This statement is in addition to any other requirement of SMC 17.20.060 and the city's "Guidelines for Standard Land Use Certifications, Dedications, and Declarations"

C. The survey of the proposed subdivision and preparation of the plat must be made by or under the supervision of a Washington State licensed and registered land surveyor who must certify on the plat that it is a true and correct representation of the lands surveyed. The preparation of the plat must comply with the RCW 58.09 and WAC 332-130.

D. Street improvements, including but not limited to curb, gutter, and sidewalks, must be constructed per SMC 17.20.030, at the expense of the applicant, in accordance with currently adopted engineering standards and/or the transportation master plan. The city engineer must have certified or approved the proposed plans.

E. Improvements such as parks, playgrounds, schools, open spaces, trail connections, transit stops, storm drainage, sanitary sewer lines, water lines, and other utilities as required must be installed, at the expense of the applicant, in accordance with the city's applicable adopted engineering standards and must meet city specifications and ordinances. The city engineer must approve the proposed improvement plans.

F. All areas to be used by the public that are required to be dedicated must be conveyed to and accepted by the city.

G. All easements which are required as conditions of approval must be granted in a form acceptable to the city.

H. All private property necessary for public use for streets must be dedicated by preparing a plat to be recorded.

17.40.040 Application requirements.

Applications for minor subdivisions must meet the submittal requirements in SMC 17.10.050(E) and will include the following information and any other materials requested by the city:

A. Clean and legible preliminary minor subdivision drawing showing the following:

1. A map which depicts the lot layout(s), including all lot lines, dimensions and lot area(s);

2. Existing and proposed easements and any encroachments;

3. Existing and proposed streets (proposed and intended to serve the property) and utilities, including stormwater facilities;

4. List of proposed impervious area(s), including proposed pollution-generating pervious and impervious area(s);

5. Critical areas as indicated in SMC 18.80, located on or within 300 feet of the property;

6. Zoning of the site and adjacent properties; and

7. Legal description of all lots, tracts, and easements.

B. Legal descriptions of the proposed lots, tracts, and easements, as appropriate.

C. All off-site easements necessary to provide access to the minor subdivision and to serve the minor subdivision with utility infrastructure.

D. For plats within exclusively residential zones, density calculations indicating maximum and minimum density requirements for the proposed plat as set forth in SMC 18.20.

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

F. Any additional information identified in the proposed plat's preapplication notes.

G. Noticing requirements as determined by the city per SMC 20.01.

17.40.050 Approval criteria.

A proposed minor subdivision may be approved only if the following findings are made by the review authority:

A. The minor subdivision must:

1. Conform with zoning regulations;

2. Make 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;

3. Be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the minor subdivision;

4. Make adequate provisions for sidewalks, street lighting and other planning features that provide safe walking conditions for students who walk to and from school;

5. Make adequate provisions for critical area protection pursuant to SMC Chapters 8.36 and 18.80;

6. Make adequate provisions for fire and emergency access and protection; and

7. Serve the public interest and makes appropriate provisions for public health, safety, and welfare.

B. If the findings in subsection A of this section have not been met, the review authority may deny the proposed minor subdivision, unless specified conditions have been issued to fully satisfy the criteria.

17.40.060 Expiration of minor subdivision approval.

A. Expiration. Preliminary approval of a minor subdivision is valid for five years from the date of approval. If a short plat is not recorded consistent with SMC Chapter 17.90 within this period, and has not received an extension, the preliminary approval will expire and become null and void.

B. Extensions. The director may grant extensions of the preliminary approval period if the applicant submits a written request 30 calendar days before expiration. Projects can be granted two one-year extensions without cause. A third one-year extension may be granted if the applicant can demonstrate good cause for the extension being granted through a narrative submitted at the time of the extension request.

C. Effect of Expiration. Upon expiration, no further development activity or permits associated with the minor subdivision will be issued unless a new application is submitted and approved under the regulations in effect at the time of application.

17.40.070 Modifications.

A. Prior to recording, the applicant can submit for post-decision modifications pursuant to SMC 20.01.

B. After recording, alterations to a short plat must follow the process established in Chapter 17.100 or through submittal of a new application. Vacations of an approved short plat must be made through the subdivision vacation process in Chapter 17.100.

Chapter 17.50
UNIT LOT SUBDIVISIONS

Sections:

17.50.010 Purpose.
17.50.020 Applicability.
17.50.030 Development standards.
17.50.040 Ownership of common areas.
17.50.050 Application requirements.
17.50.060 Review procedure.
17.50.070 Plat notes and recording.

17.50.010 Purpose.

This chapter establishes procedures and requirements for unit lot subdivisions consistent with RCW 58.17.060(3), allowing fee simple ownership of individual housing units within a parent lot.

17.50.020 Applicability.

A. A unit lot subdivision may be used in any zone that permits residential uses.

B. This chapter applies to developments that do not include stacked dwelling units.

C. A unit lot subdivision is processed as a short subdivision and must not include more than nine lots (1 parent lot and 8 child lots).

D. This chapter does not grant the right to exceed allowed density of a parent lot within residential zones or permit land uses not otherwise allowed by the zone.

17.50.030 Development standards.

A. The parent lot must meet all applicable zoning and development standards at the time of application, including:

1. Setbacks;

2. Lot coverage;

3. Height;

4. Open space and landscaping; and

5. Stormwater management requirements per SMC 13.104.

B. Individual unit lots are exempt from minimum lot size, lot width, depth, and setbacks, but must:

1. Include the entirety of the dwelling footprint; and

2. Be configured to support access, utilities, and private open space where applicable; and

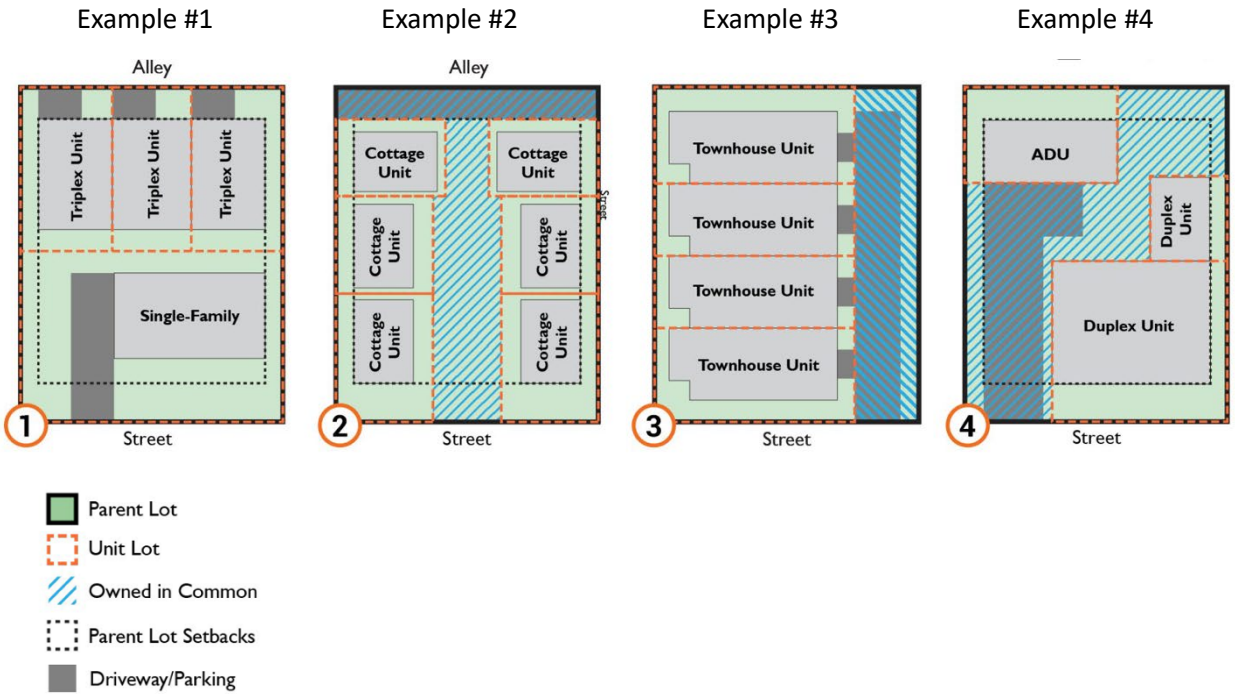
3. Satisfy the Washington State Building Code for required fire separation.

4. Satisfy all building design criteria, as applicable.

C. Future development on any unit lot must not cause the parent lot to violate applicable development standards.

Examples of housing types that are allowed under the unit lot subdivision provisions.

1. Preserved single-family house with three attached units built in the backyard.
2. A cottage cluster development with shared open space.
3. A townhouse development with a shared driveway.
4. A duplex with an accessory dwelling unit (ADU) on its own unit lot.



17.50.040 Ownership of common areas.

A. All land within the parent lot not included in individual unit lots must be designated as a common area.

B. Common areas must be:

1. Owned in common by the owners of the unit lots, or

2. Managed by a homeowners' association (HOA) comprised of the unit lot owners.

C. A recorded agreement or CCRs must address use, access, and maintenance of:

1. Shared driveways, parking areas, and walkways;

2. Utilities and stormwater infrastructure;

3. Common open space and landscaping; and

4. Shared walls, facades, and roofs (as applicable).

17.50.050 Application requirements.

In addition to the requirements of SMC 17.10.050(E) and Chapter 17.40 Short Subdivisions, a unit lot subdivision application must include:

A. A plat map clearly identifying each unit lot (e.g., Unit Lot A, Unit Lot B, etc.);

B. The legal description and parcel number of the parent lot and all proposed unit lots;

C. A narrative and site plan demonstrating compliance with the parent lot development standards.

17.50.060 Review procedure.

A. Unit lot subdivisions must follow the application, notice, review, decision-making, expiration, and recording procedures for short subdivisions under SMC Chapter 17.40.

B. A unit lot subdivision may occur:

1. Before the construction of housing units,

2. Concurrent with development, or

3. After development is complete.

C. The director may require a phasing plan or additional documentation where units are built in stages.

17.50.070 Plat notes and recording.

A. Follow the Final Plat process outlined in SMC Chapter 17.90 Final Plats.

B. In addition to satisfying SMC Chapter 17.90, the following notes must appear on the face of the final plat:

1. “This plat is a Unit Lot Subdivision.”

2. “Development standards were applied to the parent lot, not individual unit lots.”

3. “No future development, addition, or platting may cause the parent lot to violate zoning or subdivision standards.”

4. “Unit lots are not independently buildable outside the context of the original parent lot development, and additional development of individual unit lots may be limited as a result of the application of development standards to the parent lot.”

Chapter 17.60
ADMINISTRATIVE LOT SPLITS

Sections:

17.60.010 Purpose.
17.60.020 Applicability.
17.60.030 Development standards.
17.60.040 Application requirements.
17.60.050 Review procedure.
17.60.060 Recording.
17.60.070 Limitations.

17.60.010 Purpose.

The purpose of this chapter is to establish clear procedures and standards for residential administrative lot splits, consistent with RCW 58.17.145 as adopted by SHB 1096 (2025). This chapter is intended to facilitate the creation of one additional residential lot from an existing lot through a simple administrative process. Administrative lot splits help enable middle housing, improve housing affordability, and offer current homeowners additional flexibility without triggering full subdivision review procedures.

17.60.020 Applicability.

An administrative lot split may be used to divide a legally created residential lot into two separate residential lots, provided the standards of this chapter are met.

17.60.030 Development standards.

All administrative lot splits must demonstrate compliance with the following standards:

A. No more than one newly created lot is created through the administrative lot split;

B. Both the parent lot and the newly created lot meet the minimum lot size allowed under applicable development regulations;

C. The parent lot was not created through the splitting of a residential lot authorized by this section;

D. The parent lot is located in a residential zone and not in an exclusively nonresidential zone, including, but not limited to, zones that are exclusively commercial, retail, agricultural, or industrial;

E. If the lot split would require demolition or alteration of any existing housing that would displace a renter, a displacement mitigation strategy will be identified that may include, but is not limited to, relocation assistance;

F. The applicable sewer and water purveyors have issued certificates of availability to serve the newly created lot and dwelling units;

G. Access and utility rights are granted or conveyed as necessary on or before recording of the lot split survey to provide access for the maximum number of dwelling units that could be developed on the newly created lot, provided such access rights may be reduced consistent with a city's adopted codes, regulations, or design standards as applicable through review of a subsequent application for a building permit, short subdivision, unit lot subdivision, subdivision application, or short subdivision if fewer than the maximum number of dwelling units are built on the newly created lot;

H. The director of community and economic development or designee determines that the application follows all applicable development regulations consistent with the comprehensive plan; and

I. The lot split survey has been approved by the director or designee and includes a condition on the face of the survey that further administrative lot splits of the parent lot and newly created lot are not authorized; however, further land division may be permitted if the lots meet the size requirements under other applicable land subdivision processes.

17.60.040 Application requirements.

In addition to meeting all submittal requirements of SMC 17.10.050(E), an administrative lot split application must include:

A. A survey and proposed map showing the dimensions and configuration of the existing and proposed lots;

B. Legal description of the parent lot and proposed new lot;

C. A narrative explaining compliance with all applicable standards;

D. Renter displacement mitigation strategy (if applicable);

E. Any additional materials required by the director to verify compliance with this chapter.

17.60.050 Review procedure.

A. Administrative lot splits must be reviewed and decided by the director of community and economic development or designee as described in SMC 20.01 as a Type A-1 permit type.

B. The application must be reviewed for compliance with the provisions of this chapter and applicable zoning and development regulations.

C. No administrative appeal of an approved lot split is available if all standards in this chapter are met consistent with RCW 58.17.145(1).

D. An administrative lot split may be submitted concurrently with a residential building permit.

17.60.060 Recording.

A. Approved administrative lot splits must be recorded with the County Auditor within 90 calendar days of approval.

B. The following notes must appear on the face of the recorded lot split:

1. "This lot split was approved under SMC Chapter 17.60, consistent with RCW 58.17.145."
2. "No additional lots can be created from either of the resulting lots using this administrative process. However, further land division may be permitted if the lots meet the size requirements under other applicable land subdivision processes."
3. "Access and utilities must be provided as recorded and are required to support the maximum residential density allowed."
4. "The created lots are restricted to residential uses allowed in their underlying zone."

17.60.070 Limitations.

A. No additional lots can be created from either of the resulting lots using this administrative process. However, further land division may be permitted if the lots meet the size requirements under other applicable land subdivision processes.

B. Lots containing critical areas or other development constraints may utilize the administrative lot split process, provided that the division does not result in the creation of any unbuildable lot.

C. Administrative lot splits must not permit circumvention of zoning, density, or other development regulations.

D. The director may deny an application that does not meet the clear, objective standards outlined in this chapter.

Chapter 17.70
MAJOR SUBDIVISIONS

Sections:

17.70.010 Purpose.
17.70.020 Applicability.
17.70.030 Application type and review authority.
17.70.040 General standards.
17.70.050 Application requirements.
17.70.060 Approval criteria.
17.70.070 Expiration of preliminary approval.
17.70.080 Modifications.

17.70.010 Purpose.

This chapter establishes procedures for the subdivision of land into 10 or more lots, consistent with RCW Chapter 58.17, for the purpose of sale, lease, or transfer of ownership. This chapter is intended to promote orderly land division, ensure adequate access and infrastructure, and facilitate development in a manner that is efficient, equitable, and compatible with the city's comprehensive plan and land use regulations.

17.70.020 Applicability.

The provisions of this chapter apply to the division of land resulting in 10 or more lots. Subdivisions resulting in nine or fewer lots are subject to the provisions of SMC 17.40 (Minor Subdivisions).

17.70.030 Application type and review authority.

A. All major subdivision applications are processed as Type B applications as established in SMC Chapter 20.01.

B. The hearing examiner will issue a decision following a public hearing. The examiner will issue findings of fact, conclusions, and conditions that clearly describe the proposed subdivision and demonstrate consistency with applicable criteria. All conditions that must be met before final plat approval must be clearly stated.

C. Final plat approval must follow the requirements of SMC Chapter 17.90 Final Plats and must be recorded with the Clallam County Auditor.

17.70.040 General standards.

A. A major subdivision may contain any number of tracts as defined in SMC 17.10.030. Tracts must be identified on the face of the major subdivision and held under common ownership by the plat lot owners or dedicated to the city. When tracts are provided, a statement on the face of the final plat and in the plat's covenants, conditions, and restrictions (CCRs) must be included that provides language consistent

with SMC 17.20.060, the city's "Guidelines for Standard Land Use Certifications, Dedications, and Declarations", and that tracts are not to be considered developable lots.

B. The survey of the proposed subdivision and preparation of the plat must be made by or under the supervision of a Washington State licensed and registered land surveyor who must certify on the plat that it is a true and correct representation of the lands surveyed. The preparation of the plat must comply with RCW 58.09 and WAC 332-130.

C. Street improvements, including but not limited to curb, gutter, and sidewalks, must be constructed per SMC 17.20.030, at the expense of the applicant, in accordance with currently adopted engineering standards and the transportation master plan, as applicable. The city engineer must review and approve the proposed improvement plans.

D. Improvements such as parks, playgrounds, schools, open spaces, trail connections, transit stops, storm drainage, sanitary sewer lines, water lines, and other utilities as required must be installed, at the applicant's expense, in accordance with the applicable city's adopted engineering standards and must meet city specifications and ordinances. The city engineer reviews and approves the proposed plans.

E. All areas to be used by the public that are required to be dedicated are conveyed to and accepted by the city, and all easements that are required as conditions of approval are granted in a form acceptable to the city. Private property necessary for public use for streets will be dedicated by preparing a plat to be recorded.

17.70.050 Application requirements.

Applications for major subdivisions must meet the submission requirements in SMC 17.10.050(E) and include the following information and any other materials requested by the city:

A. Clean and legible preliminary major subdivision drawing showing the following:

1. A map which depicts the lot layout(s), including all lot lines, dimensions, and lot area;

2. Existing and proposed easements and any encroachments;

3. Existing and proposed streets (including the primary existing street access) and utilities, including any stormwater detention facilities;

4. List of proposed impervious area(s), including proposed pollution-generating pervious and impervious area(s);

5. Regulated critical areas located on or within 300 feet of the property;

6. Zoning of the site and adjacent properties;

7. All proposed lots, tracts, and easements.

8. Utilities and stormwater management facilities and locations.

B. Legal descriptions of the proposed lots, tracts, and easements, as appropriate.

C. All off-site easements necessary to provide access to the major subdivision or to serve the major subdivision with utility infrastructure.

D. For plats within exclusively residential zones, density calculations indicating maximum and minimum density requirements for the proposed plat as set forth in SMC 18.20.

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

F. Any additional information identified in the proposed plat's preapplication notes.

G. Noticing requirements as determined by the city per SMC 20.01.

17.70.060 Approval criteria.

A preliminary major subdivision may be approved only if the following findings are made by the review authority:

A. The major subdivision must:

1. Conform with zoning and development regulations in place at the time of a fully complete application;

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

3. Be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the major subdivision;

4. Make adequate provisions for sidewalks, street lighting and other planning features that provide safe walking conditions for students who walk to and from school;

5. Make adequate provisions for critical area protection pursuant to SMC Chapters 8.36 and 18.80 and as amended;

6. Make adequate provisions for fire and emergency access and protection; and

7. Serve the public interest and make appropriate provisions for public health, safety, and welfare.

B. If the findings in subsection A of this section have not been met, the review authority must deny the proposed major subdivision, unless specified conditions have been issued in writing to fully satisfy the criteria.

17.70.070 Expiration and extension of preliminary approval.

A. Expiration. Preliminary approval of a major subdivision is valid for five years from the date of approval. If a final plat is not recorded consistent with SMC Chapter 17.90 within this period, has not received an extension, the preliminary approval will expire and become null and void.

B. Extensions. The director may grant extensions of the preliminary approval period if the applicant submits a written request 30 calendar days before expiration. Projects can be granted two one-year extensions without cause. A third one-year extension may be granted if the applicant can demonstrate good cause for the extension being granted through a narrative submitted at the time of the extension request.

C. Effect of Expiration. Upon expiration, no further development or permits may proceed based on the expired plat unless a new application is submitted and approved under regulations in effect at the time of reapplication.

17.70.080 Modifications.

A. Prior to recording, applicants can submit for post-decision modifications pursuant to SMC 20.01.

B. After recording, alterations to a major subdivision must follow the process established in Chapter 17.100 or through submittal of a new application. Vacations of an approved major subdivision must be made through the subdivision vacation process in Chapter 17.100.

Chapter 17.80
BINDING SITE PLANS

Sections:

17.80.010 Purpose.
17.80.020 Applicability.
17.80.030 Application type and review authority.
17.80.040 General standards.
17.80.050 Application requirements.
17.80.060 Approval criteria.
17.80.070 Expiration of binding site plan approval.
17.80.080 Modifications.

17.80.010 Purpose.

This chapter establishes procedures and requirements for the division or development of land using a binding site plan (BSP), consistent with RCW 58.17.035. This process provides an alternative to subdivision for certain land uses such as commercial or industrial developments and condominium projects, ensuring that such divisions comply with the city's comprehensive plan, zoning, and infrastructure standards.

17.80.020 Applicability.

Per RCW 58.17.035, BSPs may be used for:

A. Divisions of land classified for industrial or commercial use when the city has approved a BSP for such use in accordance with local regulations. For the purposes of this section, commercially zoned property includes property that is zoned to allow or conditionally allow (through a conditional use permit), any multifamily residential uses; or

B. A division for the purpose of lease when no residential structure other than mobile homes, tiny houses, or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city has approved a BSP for such use in accordance with local regulations; or

C. Divisions of land into lots or tracts if:

1. Such division is the result of subjecting a portion of a parcel or tract of land to either RCW Chapter 64.32 or 64.34 (or, after January 1, 2028, to RCW 64.90) subsequent to the recording of a BSP for all such land;

2. The improvements constructed or to be constructed thereon are required by the provisions of the BSP to 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;

3. The city has approved the BSP for all such land;

4. Such approved BSP is recorded with the Clallam County Auditor in which such land is located; and

5. The BSP contains the following statement on its face:

> "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 approval of the city 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 must 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 will be binding upon all now or hereafter having any interest in the land described herein."

6. The BSP may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either RCW Chapter 64.32 or 64.34 (or, after January 1, 2028, to RCW 64.90). A site plan will be deemed to have been approved if the site plan was approved by the city:

> a. In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or
>
> b. In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or
>
> c. If not approved pursuant to (a) and (b) of this subsection, then pursuant to such other procedures as the city may have established for the approval of a binding site plan.

17.80.030 Application type and review authority.

All BSP applications are processed as Type A-2 applications under SMC Chapter 20.01. Approval authority is with the director of community and economic development.

17.80.040 General standards.

A. The BSP must apply to the entire legal lot or parcel being divided.

B. BSPs must not result in any lot or lease area that fails to meet minimum development standards unless otherwise allowed by code.

C. Tracts reserved for shared use (e.g., stormwater, open space, access) must be identified as such on the face of the BSP and included in easements or covenants for long-term maintenance.

D. The BSP must be prepared by a land surveyor licensed and registered in Washington State and certified under RCW 58.09 and WAC 332-130.

17.80.050 Application requirements.

Applications for BSPs must meet the submission requirements in SMC 17.10.050(E) and include the following information:

A. A legible and scaled BSP drawing suitable for recording, showing:

1. Property boundaries and dimensions;

2. Proposed divisions, lease areas, or units;

3. Location of all existing and proposed buildings and uses;

4. Existing and proposed access routes, internal circulation, and driveways;

5. Existing and proposed utilities (water, sewer, stormwater, etc.);

6. Location of existing and proposed stormwater detention or treatment facilities;

7. Existing and proposed easements;

8. Regulated critical areas and buffers, as amended;

9. Zoning of the subject property and adjacent parcels; and

10. Existing legal descriptions of the property and any divisions.

B. Proposed legal descriptions of the proposed lots, tracts, and easements, as appropriate.

C. All off-site easements necessary to provide access to the site or to serve the development with utility infrastructure.

D. For site plans within exclusively residential zones, density calculations indicating maximum and minimum density requirements for the proposed development as set forth in SMC 18.20.

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

F. Any additional information identified in the proposed development's preapplication notes.

G. Noticing requirements as determined by the city per SMC 20.01.

17.80.060 Approval criteria.

A BSP may be approved only if the following findings are made by the director:

A. The BSP must:

1. Conform to the requirements of this title;

2. Conform with regulations of the underlying zone in which the property is located and other applicable zoning provisions;

3. Make 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;

4. Be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the site plan;

5. Make adequate provisions for sidewalks, street lighting and other planning features that provide safe walking conditions including students who walk to and from school from multifamily residential developments;

6. Make adequate provisions for regulated critical areas;

7. Make adequate provisions for fire and emergency access and protection; and

8. Serve the public interest and make appropriate provisions for public health, safety, and welfare.

B. If the findings in subsection A of this section have not been met, the review authority must deny the proposed BSP, unless specified conditions have been issued in writing to fully satisfy the criteria.

C. Final BSP approval must follow recording requirements consistent with SMC Chapter 17.90 Final Plats and must be recorded with the Clallam County auditor.

17.80.070 Expiration and extension of BSP approval.

A. Expiration. Preliminary approval of a BSP is valid for five years from the date of approval. If a final BSP is not recorded consistent with SMC Chapter 17.90 within this period, and has not received an extension, the preliminary approval will expire and become null and void.

B. Extensions. The director may grant extensions of the preliminary approval period if the applicant submits a written request 30 calendar days before expiration. Projects can be granted two one-year extensions without cause. A third one-year extension may be granted if the applicant can demonstrate good cause for the extension being granted through a narrative submitted at the time of the extension request.

C. Effect of Expiration. After expiration, no further development or building permits will be issued under the BSP. Any further action requires submittal of a new application subject to the regulations in effect at the time of reapplication.

17.80.080 Modifications and recording.

A. Prior to recording, the applicant can submit for post-decision modifications pursuant to SMC 20.01.

B. After recording, alterations to a BSP must follow the process established in Chapter 17.100 or through submittal of a new application. Vacations of an approved BSP must be made through the vacation process in Chapter 17.100.

Chapter 17.90
FINAL PLATS AND FINAL BINDING SITE PLANS

Sections:

17.90.010 Purpose and authority.
17.90.020 Statements of completion required.
17.90.030 Dedications and easements to be shown on plat.
17.90.040 Approval criteria.
17.90.050 Recording.
17.90.060 Final plat and binding site plan validity

17.90.010 Purpose and authority.

This chapter establishes the procedures and criteria for the preparation and recording of a final plat of an approved minor subdivision/plat, unit lot subdivision, major subdivision/preliminary plat, or a final binding site plan from an approved binding site plan, containing all the required elements of this title, RCW Chapter 58.17, and conditions of approval.

17.90.020 Statements of completion required.

The city engineer, in consultation with other applicable city departments, must verify that the developer has completed the required installations in accordance with the provisions of this title, the preliminary approval, and the specifications and standards of the departments.

17.90.30 Dedications and easements to be shown on the plat.

A. The purpose of this section is to provide for uniform certification, dedication, and declaration language to be included in certain land development final approvals.

B. The city maintains standard land use certification and dedication guidelines entitled “Guidelines for Standard Land Use Certifications, Dedications, and Declarations.” Certifications and dedication language proposed for preliminary or final land use permit applications must substantially conform to these guidelines unless otherwise specified. The DCED director and city engineer, after consulting with the City Attorney, have the authority to amend these guidelines as needed to comply with federal, state, or city legal and procedural requirements.

17.90.040 Approval criteria.

No final plat or site plan will be approved unless it:

A. Conforms to all terms, conditions, and provisions of preliminary approval;

B. Contains a dedication to the city of all public improvements that were a condition of approval, including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems as approved by the city engineer. The intention to dedicate must be evidenced by the

owner's presentation of a final plat or final binding site plan showing the dedication, and the acceptance by the city must be evidenced by the approval of the final plat or final binding site plan;

C. Meets the requirements of this title, applicable state laws, and all other local ordinances; and

D. All required improvements have been appropriately bonded in accordance with SMC 3.78 or constructed, inspected, and or final binding site plan accepted by the city engineer consistent with currently adopted engineering standards.

17.90.050 Recording.
All final plats and final binding site plans must be recorded in compliance with the following:

A. Filing Required. Nothing may be recorded unless approved by the review authority. The original of the approved final plat or final binding site plan must be filed by the applicant with the Clallam County auditor. Recording fees are to be the responsibility of the applicant.

B. Maintenance Assurance. All required maintenance assurances must be satisfied.

C. All final plats and final binding site plans must be recorded within 120 calendar days after final approval is granted by the review authority. Approval will expire if the final plat or final binding site plan is not recorded within this time limit.

17.90.060 Final plat and final binding site plan validity.

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

B. Binding site plans that have been recorded will be a valid land use for the life of the project.

C. See SMC 17.100 for the process to alter or vacate recorded final plats or binding site plans.

Chapter 17.100
VACATION AND ALTERATION

Sections:

17.100.010 Purpose and applicability.
17.100.020 Procedure and review authority.
17.100.030 Application requirements.
17.100.040 Approval criteria.
17.100.050 Recording.

17.100.010 Purpose and applicability.

A. This chapter regulates the vacation or alteration of approved short plats, final plats. and final binding site plans. It does not allow modification or revision of preliminary short subdivisions, preliminary plats. or preliminary binding site plans. The procedure for vacation of plats does not apply to the vacation or alteration of any plat of state-granted tide or shore lands.

B. When the vacation application is specifically for a city street, RCW 35.79 and any applicable SMC will be utilized for the street vacation. When the application is for the vacation of the plat or binding site plan together with the roads/streets, the procedure for vacation in this chapter will be used, but vacations of streets subject to RCW 35.79.035 may not be made under this procedure.

C. Applicability.

1. Plat alterations may be required when a property owner(s) wishes to make any change to a recorded final subdivision, recorded short subdivision, recorded unit lot 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, except as provided in Section 17.50; or

2. Whenever a property owner(s) wishes to vacate all or a portion of a recorded final subdivision, minor subdivision, unit lot subdivision, or binding site plan.

17.100.020 Procedure and review authority.

A. The director of the department of community and economic development, or designee, is authorized and directed to administer the provisions of this chapter. The authority to approve, approve with conditions, or deny proposed alterations or vacations is granted by the review authority designated in SMC Chapter 20.01.

B. Procedure for plat vacation shall be as set forth in RCW 58.17.212, and procedure for plat alteration is as set forth in RCW 58.17.215.

C. Public notice of a plat vacation or alteration shall be as provided in RCW 58.17.080 and .090 and a public hearing shall be conducted.

D. Any hearing required by RCW 58.17.212, 58.17.215, or 58.17.060 may be administered by the hearing examiner as provided in RCW 58.17.330.

E. Vacations or alterations to short subdivisions that do not involve a public dedication may be approved administratively by the director, consistent with RCW 58.17.060(1).

17.100.030 Application requirements.

The following materials must be submitted to the city for a complete application:

A. Vacation Application

1. Description of reason(s) for the proposed vacation.

2. Signatures of all parties having an ownership interest in the development proposed to be vacated.

3. If the development is subject to restrictive covenants that were filed at the time of the approval of the plans, and the application for the vacation would result in the violation of a covenant, the application must include an agreement signed by all parties subject to the covenants. The agreement must provide that the parties agree to terminate or alter the restrictive covenants to accomplish the purpose of the vacation of the development or portion thereof.

4. Acknowledgment that if any street is included in the application for a plat or binding site plan vacation, the applicant will be required to pay the amount contemplated in RCW 35.79.030 (as may be amended), if the vacation is granted.

5. A copy of the recorded document proposed to be vacated.

6. A title report issued within the last 60 days for each property affected by the vacation, confirming that the land is in the name of the owner(s) signing the application.

7. If the vacation is for a portion of the subdivision or binding site plan, the applicant must demonstrate that the partial vacation will not violate the terms of subdivision or binding site plan approval or this chapter.

8. Application fee paid to the city of Sequim.

B. Alteration Application

1. Description of the reason(s) for the proposed alteration.

2. Signatures of the majority of those persons having an ownership interest in the lots, tracts, parcels, sites, or divisions in the development proposed to be altered.

3. If the development is subject to restrictive covenants that were filed at the time of the approval of the plans, and the application for the alteration would result in the violation of a covenant, the application must include an agreement signed by all parties subject to the

covenants. The agreement must provide that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the development or portion thereof.

4. A copy of the recorded document to be altered.

5. A document showing the proposed alterations.

6. A title report issued within the last 60 days for each property affected by the alteration, confirming that the land is in the name of the owner(s) signing the application.

7. If the alteration is for a portion of the subdivision or binding site plan, the applicant must demonstrate that the alteration will not violate the terms of subdivision or binding site plan approval or this chapter.

8. Application fee paid to the city of Sequim.

17.100.040 Approval criteria.

A. Vacation Criteria

1. The proposed vacation may be approved or denied after a written determination is made as to whether the public use and interest will be served by the vacation. If any portion of the land contained in the development was dedicated to the public for public use or benefit, such land, if not deeded to the city, must be deeded to the city unless the review authority sets forth findings that the public use would not be served in retaining title to those lands.

2. Easements established by a dedication are property rights that cannot be extinguished or altered without the written 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.

B. Alteration Criteria

1. The alteration may be approved or denied after a written determination is made whether the public use will be served by the alteration. If any land within the alteration is part of an assessment district, any outstanding assessments must be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the development, such land may be altered and divided equitably between the adjacent properties.

2. Easements established by a dedication are property rights that cannot be extinguished or altered without the written 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.

17.100.050 Recording.

After approval of the alteration or vacation, 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.

The director of community and economic development is authorized to sign the approved document to be recorded, and within 60 calendar days of the singed approved document, then the applicant must record it with the county auditor at the applicant's cost, to become the lawful record of the property (or to vacate the previously approved development). Applicant must provide the city with a copy of the recorded document after recording.

Chapter 17.110
PHASED DEVELOPMENTS

Sections:

17.110.010 Purpose.
17.110.020 Application requirements.
17.110.030 Phasing standards.
17.110.040 Application review and approval.

17.110.010 Purpose.

This chapter provides a method to facilitate the establishment of a procedure that allows applications for proposed major subdivisions and binding site plans consistent with the requirements of this title to complete infrastructure and other improvements in phases. Proposed phasing plans will be reviewed and adopted in a manner that ensures each phase is self-sufficient and not dependent on subsequent phases to fulfill infrastructure requirements and other conditions of approval. Phased developments that are approved consistent with the requirements of this title may proceed with a minimum of additional review, unless otherwise specified in this chapter.

17.110.020 Application requirements.

Applications for major subdivision or binding site plans that are proposed to be completed in phases must include a phasing plan that details all required infrastructure improvements and sequencing of the phases. Phasing plans must be submitted concurrently with the land use application and must include the following information:

A. The limits of each phase;

B. A listing of the lots, open space, common areas, etc., to be located and developed within each phase;

C. The design of the street, utility, and public service systems to be included in each phase, and a written explanation and analysis documenting that the utilities and facilities within each phase meet development standards of SMC 17.110.030; and

D. A narrative description or table that describes each phase and its associated improvements. The narrative or table must demonstrate that each phase would comprise a “stand-alone” development which, if no subsequent phases were constructed, would meet or exceed the standards of this title and all other conditions of approval. The narrative should also describe the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt or yet-to-be-constructed improvements.

17.110.030 Phasing standards.

To be compliant, each phase must specifically meet the requirements of the following standards:

A. Each proposed phase must provide no less than a proportionate share of required open space, recreation facilities, and/or dedications for public use concurrent with development. In cases where

construction of a proportionate share improvement is not feasible or would result in incomplete facilities that do not mitigate the impacts of the phase, construction of the entire improvement is required in the first phase.

B. Utility and public service systems must be designed and constructed to provide service at specified quality and quantity standards within each phase without reliance on the construction of subsequent phases.

C. All required off-site improvements that mitigate impacts associated with the subject phase must be completed before final approval of that phase.

D. Landscaping and parking improvements must be provided within each phase as required.

E. Access to future adjacent phases must be provided with direct access to developed public right-of-way, a street stub-out, or a dedicated access easement on the face of the final plat to ensure that access to the site is maintained.

17.110.040 Application review and approval.

The review authority must review and approve phasing plans only if the phasing plan does not erode the intent of the criteria for approval of the development. Approval of phased development is as follows:

A. Preliminary approval of a phased development is granted as depicted and described with the approval of the subdivision or binding site plan application.

1. Approved phased developments are valid for the time established under the respective subdivision or binding site plan application type.

2. Additional time may be granted through extensions or a development agreement detailed in SMC Chapter 20.

B. Revisions or modifications to approved phasing plans are allowed through post decision modifications process as set forth in SMC Chapter 20.01.

C. Final review of a phased development occurs concurrently with Final Plat/Final Site Plan as provided in SMC Chapter 17.90 for each phase as it is completed. Final approval means that the individual phase has been completed, subject to the requirements of the preliminary approval as well as the phasing standards of this chapter.