

CHAPTER 22.68 SUBDIVISIONS

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22.68.010 Title.

This chapter shall be known as the “subdivision code of the city of Monroe.”

22.68.020 Purpose.

The purposes of this chapter are to:

- A. Identify processes to accomplish the orderly development of land within the City;
- B. Provide for the expeditious review and approval of proposed land divisions, which comply with this section, other City land use regulations and standards, and Chapter 58.17 RCW, Plats – Subdivisions – Dedications; and
- C. Provide criteria, regulations, and standards to govern the subdivision of land within the City, and accomplish the following:
 1. Promote the public health, safety and general welfare in accordance with standards established by the State and the City;
 2. Promote effective use of land by preventing the overcrowding or scattered development, which would injure health, safety, or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation, or other public services, or excessive expenditure of public funds for such services;
 3. Minimize congestion and promote safe and convenient travel by the public on streets and highways through the coordination of streets within a subdivision with existing and planned streets;
 4. Provide for adequate light and air;
 5. Provide for water, sewage, drainage, parks, and recreational areas, sites for schools and school grounds, and other public requirements;
 6. Provide for proper ingress and egress;
 7. Provide for the housing and commercial needs of the community;
 8. Require uniform monumenting of land divisions and conveyance of accurate legal descriptions;
 9. Protect environmentally sensitive areas; and
 10. Protect and preserve the community urban forest for its aesthetic, environmental and health benefits.

22.68.030 Applicability.

This chapter shall regulate all divisions and redivisions of all real property within the City of Monroe, except as provided in MMC 22.68.030(C) and RCW 58.17.040.

- A. Compliance. All divisions or redivisions of land into lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership shall comply with the provisions of state law and the Monroe Municipal Code. All property under common ownership must be subdivided in accordance with the requirements of this chapter prior to sale, lease, or transfer of ownership; provided, however, that divisions of property pursuant to subsection C of this section, exceptions, and "lots of record," as defined under MMC Chapter 22.12, may be sold, leased or transferred without further compliance with this title.
- B. Contiguous Land. All contiguous land shall be included in a short subdivision application. Multiple applications or applications and/or exemptions shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this section.

- C. Exceptions. Land conveyed or leased through an exception has not necessarily been reviewed by the City of Monroe for development potential. The provisions of this chapter shall not apply to:
1. Cemeteries. Cemeteries and other burial plots, while used for that purpose;
 2. Testamentary Divisions. Divisions made by testamentary provisions, or the laws of descent; provided that there can be only one lot per heir or devisee. A map of the division must be recorded with the Recording Division of the Snohomish County Auditor's Office, when each parcel is transferred. All beneficiaries to the property must sign the map. Lots created through such divisions are deemed legal notwithstanding minimum lot size or density requirements imposed through the Monroe Municipal Code. However, such lots and all land uses carried out on such lots are subject to all other standards and requirements of law;
 3. Industrial and Commercial Site Plans. Division for sale or lease of commercial or industrially zoned property provided a binding site plan has been approved and recorded; such divisions shall comply with MMC Section 22.68.070, Binding Site Plans;
 4. Mobile Home Parks. Divisions for purposes of lease when no residential structure other than mobile homes or travel trailers are permitted, provided a binding site plan has been approved and recorded; such divisions shall comply with MMC Section 22.68.070, Binding Site Plans;
 5. Boundary Line Revisions. A revision made for the purpose of adjusting boundary lines between legal lots of record shall comply with MMC section 22.68.060, Boundary Line Revisions;
 6. Condominiums. A division made under the provisions of the Horizontal Properties Regimes Act, Condominiums (Chapter 64.32 RCW), provided a binding site plan has been approved; or
 7. Right-of-Way Acquisition and Condemnation.
 - a. A division of land relating to the acquisition or exchange of land by public agencies, for public use except human occupancy, including, but not limited to, subdivisions made for road construction purposes;
 - b. A division of land for the sole use of the installation of linear utility facilities, such as electric power lines, telephone lines, water supply lines, sewer service lines, cable lines, or other utility facilities of a similar or related nature; or
 - c. Division of land due to condemnation or sale under threat thereof by an agency or division of government vested with the power of condemnation; if sale is made under threat of condemnation, such threat must be evidenced by the government agency filing an affidavit so stating with the Recording Division of the Snohomish County Auditor's Office.
- D. Legal Lot of Record. A lot is considered a lot of record if it complies with MMC 22.40.040, Preexisting Legal Lots of Record. Even though a lot may be deemed legal, development on said lot shall be subject to all applicable regulations of the Monroe Municipal Code.

22.68.040 Subdivisions and Short Subdivisions.

- A. Preliminary Subdivisions and Short Subdivisions
1. Application. A preliminary subdivision or short subdivision application submittal shall contain the following:
 - a. A vicinity sketch showing adjacent subdivisions streets, bordering lines of adjacent properties, and how streets in the proposed subdivision may connect with existing and proposed streets in neighboring subdivisions or unplatted property to produce a harmonious and compatible development;
 - b. A certificate of title, not more than thirty days old, from a recognized title company naming all persons with legal interest in the subdivision property shall accompany the final plat. Such certificate shall also note any assessment or lien, encumbrances, contract interest, easements or other rights affecting the property;
 - c. A preliminary plat, prepared by a professional land surveyor, at a scale of one inch equals one hundred feet (unless property size makes this impractical), and containing the following:
 - i. Name of the proposed subdivision (or dedication);
 - ii. The date, scale of plat, size (in acres) of the property, designation of north, vertical control datum, and certification of the professional land surveyor;
 - iii. The name and address of the subdivider;
 - iv. Legal description of the proposed subdivision (or dedication);

- v. Boundary lines, approximate and to scale, of the property to be subdivided or dedicated;
 - vi. Within the proposed subdivision or dedication and within a distance of fifty feet from its boundaries, the location, width, and designation of existing or platted public highways, and the location and designation of existing buildings, utilities, watercourses, power lines, culverts, section lines, and similar features;
 - vii. The zoning of the property and contiguous parcels;
 - viii. Topographic contours at intervals of two feet subject to prior approval by the city engineer;
 - ix. Approximate dimensions of lots and blocks with lot numbers and block designations;
 - x. Parcels and tracts to be reserved or dedicated for parks, playgrounds, streets, alleys, schools or other public uses; and
 - xi. Location and direction of flow of watercourses and approximate location of areas subject to inundation or storm water overflow within or adjacent to the proposed subdivision or dedication.
- d. A storm water site assessment in substantial conformance with the Washington State Department of Ecology Stormwater Manual (latest edition) and the Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound dated December 2012;
 - e. A plan showing the location, grade, and sizes of sewer lines, manholes, and other sewerage structures;
 - f. A plan showing the location and size of water mains, hydrants, reservoirs, pump stations, and other elements of the proposed water system;
 - g. A plan showing the location and size of storm water management facilities;
 - h. A plan showing the location and grade of roads, pedestrian facilities, parking areas, and ADA provisions; and
 - i. Other information as may be required by the public works director or zoning administrator.
2. Review Criteria. Each proposed subdivision or short subdivision shall be reviewed to ensure that:
 - a. The proposal conforms to the goals, policies, and plans set forth in the Monroe comprehensive plan;
 - b. The proposal conforms to the site and design requirements set forth in this title. No final subdivision or short subdivision shall be approved unless the requirements are met;
 - c. The proposed street system and pedestrian system conform to the Monroe comprehensive plan, MMC Chapter 22.42, Design Standards, and applicable Public Works design standards, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of vehicular and pedestrian traffic;
 - d. The proposed subdivision or short subdivision will be adequately served with city-approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
 - e. The layout of lots, and their size and dimensions, takes into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography and vegetation will result from development of the lots;
 - f. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil, considering the stress and loads to which the soil may be subjected; and
 - g. Lack of compliance with the criteria set forth in this section and in MMC section 22.68.040(B), Subdivision Standards, shall be grounds for denial of a proposed subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.
 3. Decision Criteria. As a basis for approval, approval with conditions, or denial of a preliminary subdivision or short subdivision, the decision maker shall determine if appropriate provisions have been made for implementing the purpose, criteria, and standards set forth in this chapter, and all other applicable code provisions.
 4. Effect of Preliminary Approval. Approval of a preliminary subdivision or short subdivision shall constitute authorization for the applicant to prepare and implement construction drawings for subdivision improvements, and, upon approval of those drawings, develop the subdivision facilities and improvements in strict accordance with the plans and specifications as approved by the city subject to any conditions imposed by the decision maker.

5. Time Limits. The following time limits apply for preliminary subdivisions and short subdivisions:
 - a. Review of Preliminary Subdivisions. A preliminary subdivision shall be approved, approved with conditions, denied, or returned to the applicant for modification or correction within ninety (90) days from the date of filing of a complete application, unless the applicant agrees to an extension of the time period in writing. Provided, should an environmental impact statement (EIS) be required per RCW 43.21C.030, the ninety (90) day period shall not include the time spent in preparing and circulating the EIS by the city.
 - b. Review of Preliminary Short Subdivisions. Preliminary short subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing a complete application thereof, unless the applicant consents to an extension of such time period.
 - c. Preliminary Subdivision Approval. Final subdivision approval must be acquired within five years of preliminary approval, after which time the preliminary subdivision approval is void. The decision maker may grant an extension for one year if the applicant has attempted in good faith to submit the final subdivision within the five-year time period; provided, however, the applicant must file a written request with the original decision maker requesting the extension at least thirty (30) days before expiration of the five-year period.
 - d. Preliminary Short Subdivision Approval. Final short subdivision approval must be acquired within three years of preliminary approval, after which time the preliminary short subdivision approval is void. The decision maker may grant an extension for one year if the applicant has attempted in good faith to submit the final subdivision within the three-year time period; provided, however, the applicant must file a written request with the original decision maker requesting the extension at least thirty (30) days before expiration of the three-year period.
- B. Subdivision Standards.
 1. Subdivision Names. No subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Snohomish County, except for the words "town," "city," "place," "court," "addition," "acres," "heights," "villa," or similar words, unless the land so divided is contiguous to the subdivision bearing the same name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.
 2. Block Standards. Blocks shall have sufficient width to provide for a maximum of two tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to major streets, railroads, waterways, or involving unique site conditions that make this requirement impractical.
 3. Lot Standards.
 - a. Lot lines shall be at right angles to street lines or radial to curvilinear streets unless a variation will result in a better street or lot plan.
 - b. No lot shall be established which is in violation of the Monroe Municipal Code.
 - c. Lot shapes shall be designed to avoid awkward configuration or appendages.
 - d. Each lot shall have sufficient width, area and frontage to comply with the minimum site requirements as set forth in each zoning district.
 - e. The building envelope shall be shown on all lots.
 - f. Exceptions to Lot Standards.
 - i. Eminent Domain. Parcels smaller than otherwise permitted by Monroe Municipal Code may be created through the action of governmental agencies, including the City of Monroe by such actions as eminent domain and the splitting of a parcel by dedicated right-of-way. Wherever possible, such parcels shall be merged in title with adjacent lots to create lots in compliance with the Monroe Municipal Code.
 - ii. Legal lots of record, see MMC Section 22.40.040, Preexisting Legal Lots of Record.
 4. Easements.
 - a. Public easements for the construction and maintenance of utilities and public facilities shall be granted to provide and maintain adequate utility service to each lot and adjacent lands. The width of the public easements shall be the minimum necessary as determined by the utility, unless the public works director determines a smaller or larger width is appropriate based on site conditions. Whenever possible, public easements shall be combined with driveways, pedestrian accessways and other utility easements.

- b. Private easements for the construction and maintenance of utilities within the subdivision or short subdivision shall be granted so that individual lots gain access to public facilities. The widths of the private easements shall be the minimum necessary as determined by the utility, unless the public works director determines a larger width is appropriate based on the site conditions.
 - c. Native growth protection easements, tracts, or areas (NGPE/NGPT/NGPA) shall be granted as deemed appropriate by the city where the preservation of native vegetation benefits the public health, safety and welfare, including control of surface water and erosion, maintenance or slope stability, visual buffering, and protection of plant and animal habitat, and in accordance with MMC Chapter 22.80, Critical Areas.
 - d. The placement of any building on or over an easement for utility mains or lines shall be prohibited. An easement may be used for more than one utility, vehicle, or pedestrian access, provided the city finds the multi-use appropriate. Restoration of the site shall be required following any excavation or other disturbance permitted by the terms of the easement. Appropriate landscaping as determined by the city is permitted, and may be required, in an easement.
 - e. Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final subdivision or short subdivision or by separate instrument.
5. Water Supply. All lots shall be served by a water system approved by the City of Monroe. Any common water system serving more than one lot shall be provided by the applicant and dedicated to the appropriate water purveyor. Such water supply systems shall be designed and constructed according to all applicable provisions of the Monroe Municipal Code and the development design standards, the standards and specifications of the water purveyor, and the applicable rules and regulations of the state.
6. Sewage Disposal. All lots shall be served by the sanitary sewer system of the City of Monroe. Except for private side sewers, any common sanitary sewer system serving more than one lot shall be provided by the applicant and dedicated to the city. Such sewer systems shall be designed and constructed according to all applicable provisions of the development design standards and the standards and specifications on file in the office of the director of public works.
7. Storm Drainage.
- a. All lots shall be provided with adequate storm drainage connected to the storm drainage system of the city or other system approved by the public works director.
 - b. Where a public street is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system in the right-of-way.
 - c. When appropriate, storm drainage facilities shall include suitable on-site detention and/or retention facilities.
 - d. Storm drainage shall be provided in accordance with development design standards as amended and standards and specifications as approved by the public works director.
8. Watercourses. When required by the city, the developer of a subdivision shall enhance a stream which traverses or abuts the subdivision in accordance with the specifications and standards approved by the city.
9. Underground Utilities. All permanent utility service to lots shall be provided from underground facilities as set forth in the development design standards regulating underground wiring. The applicant shall be responsible for complying with the requirements of this section, and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities in accordance with the rules and regulations of the public utility commissioner of the State of Washington.
10. Water and Sewer Standards.
- a. Design Standards. All city water and sewer facilities shall be designed in compliance with the development design standards.
 - b. Construction Standards. All city water and sewer facilities shall be constructed in compliance with the development design standards.
11. Street Standards. The location, design and construction of all streets shall comply with the following requirements:
- a. Subdivisions shall provide direct access to at least one existing improved and publicly dedicated street. The internal vehicular network of the subdivision can include alleys and private tracts consistent with the Monroe development design standards.

- b. When a subdivision is abutting an existing street(s) with a right-of-way of lesser width than specified by city ordinances or abuts a roadway(s) that is not built to city street standards, or abuts a roadway(s) that is in substandard condition, the applicant may be required as a condition of approval to deed additional right-of-way width, and/or to improve the existing and additional right-of-way to the design specifications of the public works director. The city may require dedication of right-of-way in excess of standards in the following cases:
 - i. Where additional width is necessary to maintain continuity with the adjoining rights-of way;
 - ii. Where additional width is necessary to maintain alignment with adjoining streets and sidewalks improvements; and
 - iii. Where additional width is necessary to insure that all streets intersect at right angles.
 - c. Dead-end streets shall be used on local streets only and shall terminate in a cul-de-sac. Streets that dead-end, and which would normally be continued if the adjacent property were developed, shall be shown as temporary turnarounds. The land beyond the normal right-of-way for such streets shall revert back to the abutting property owners when the street is continued.
 - d. The street within and adjacent to a site plan or subdivision shall be classified and designed to comply with the Monroe comprehensive plan and the Monroe development design standards.
 - e. Proposed streets should extend to the boundary lines of the proposed site plan or subdivision in order to provide for the future development of adjacent tracts unless prevented by natural or man-made conditions or unless such extension is determined to be unnecessary by the public works director.
 - f. The street pattern for subdivisions should be designed to expedite traffic movement, reduce conflicts between various types of land uses, including pedestrians, and coordinate the location of proposed buildings with loading and parking facilities.
 - g. A subdivision plan containing thirty or more dwelling units shall have two vehicular access points in accordance with the city of Monroe public works design and construction standards, located at least one hundred feet apart; provided, this requirement shall not apply where approved automatic sprinkler systems will be installed in each dwelling unit.
 - h. Streets shall be designed in accordance with the development design standards and MMC Chapter 22.42, Design Standards.
12. Street Right-of-Way and Pavement Widths.
- a. The street right-of-way in or along the boundary of a subdivision shall conform to the provisions set forth in the development design standards.
 - b. When a subdivision or an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, greater widths than those provided in the development design standards, may be required.
 - c. Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way widths or slope easements may be required.
13. Street Names. Street name determination and addressing shall also be consistent with MMC Chapter 12.28.
14. Street Lights.
- a. All subdivisions shall include underground electric service, light standards, wiring and lamps for street lights according to development design standards for underground wiring and the specifications and standard set forth in MMC Chapter 15.15, Lighting Standards.
 - b. The applicant shall submit for approval by the city the design of the light standards.
 - c. The subdivider shall install such facilities and make the necessary arrangements with the serving electric utility.
15. Survey Required. The survey of every proposed subdivision or short subdivision shall be made by or under the supervision of a registered land surveyor. All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the State of Washington. Subdivision control and staking traverses shall close within an error of one foot in five thousand (5,000) feet. Primary survey control points shall be referenced to section corners and monuments.
16. Monuments.
- a. Permanent survey control monuments shall be provided for all final subdivisions and short subdivisions at:
 - i. All controlling corners on the boundaries of the subdivision or short subdivision;

- ii. The intersection of centerlines of roads within the subdivision or short subdivision; and
 - iii. The beginning and ends of curves on centerlines or points of intersections on tangents.
- b. Permanent survey control monuments shall be set in two-inch pipe, twenty-four (24) inches long, filled with concrete or shall be constructed of an approved equivalent. Permanent survey control monuments within a street shall be set after the street is paved. Every lot corner shall be marked by a three-fourths inch galvanized iron pipe or approved equivalent, driven into the ground. If any land in a subdivision or short subdivision is contiguous to a meandered body of water, the meander line shall be re-established and shown on the final subdivision or short subdivision.

17. Public Accessways.

- a. When necessary for public convenience or safety, the developer shall improve and dedicate to the public accessways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks and to provide for networks of public paths creating access to schools, parks, shopping centers, transit stops or other community services.
- b. The accessway shall be of such design, width and location as reasonably may be required to facilitate public use. Where possible, said dedications may also accommodate utility easements and facilities.

18. Clearing and Grading. All clearing and grading shall be conducted in compliance with the provisions set forth in MMC Chapter 22.86, Land Clearing and Forest Practices, and MMC Chapter 22.42, Design Standards.

19. Other Standards. The proposal conforms to all other standards set forth in this title, other applicable provisions of the Monroe Municipal Code, and the development design standards.

20. Fire Department. The proposal conforms to all standards of Snohomish County Fire District 7.

C. Site Improvements.

1. Construction Drawings Submittal.

- a. Construction drawings shall not be formally accepted by the city until such time as the application has received preliminary subdivision or short subdivision approval; however, the City will review preliminary construction drawings in conjunction with the preliminary plat in order to provide timely feedback during the review process. Under no circumstances will construction drawings be approved prior to preliminary or short subdivision approval.
- b. Construction drawings shall be prepared and submitted in accordance with the requirements of the conditions of approval and consistent with the Monroe Municipal Code and the development design standards.

2. City Review/Approval of Construction Drawings.

- a. Upon receipt of the construction drawings, the public works director shall review the drawings to determine that the plans are in accordance with the development design standards and conditions of approval. The construction drawings shall contain the requirements set forth in this section and such additional requirements or information as the city shall deem necessary to adequately review the proposed subdivision and subdivision improvements.
- b. Construction drawings shall also be routed for approval by the fire department and other departments as appropriate.
- c. Construction drawings as required under this chapter shall be prepared for the city by or under the supervision of a registered civil engineer for the State of Washington, using a horizontal scale of not less than one inch equals fifty (50) feet and a vertical scale of not less than one inch equals ten (10) feet, based upon NGVD 88. Each drawing shall include the following information: name of the subdivision; scale; date; north arrow; drawing sheet number; name, address, signature and seal of the engineer; and a certification block stating that the plans have been reviewed and approved by the public works director and zoning administrator. on a given date. The following information shall be included on the engineering drawings to be submitted:
 - i. A plan of the layout of the streets showing any proposed roadways, curbs and gutters, sidewalks, catch basins and drainage, including underground retention/detention facilities and computations;
 - ii. A profile of each street showing the existing and proposed elevation along the centerline, including one hundred (100) foot minimum extensions beyond the limits of the subdivision;

- iii. A typical cross-section of each street showing widths of roadways, type and thickness of surface and base and surface materials, curb locations, width and material of sidewalks and underground utilities;
- iv. A plan of the proposed water system, and a plan and profile of the proposed sanitary sewer and storm drainage systems showing existing and proposed pipe sizes and types; grades, manholes, valves, fire hydrants, individual and utility stubs to each lot, and method of storm drainage collection and disposal for each lot and the subdivision as a whole;
- v. A plan of the proposed landscaping, tree protection, and mitigation in accordance with conditions of approval.

d. If the city finds that the proposed improvements are not in accordance with the preliminary subdivision approval, the approved construction drawings, and/or development requirements and standards of this code, the city shall return the drawings to the applicant along with a letter or plan detailing the corrections that need to be made.

e. If the drawings meet city standards, the public works director shall sign the drawings as approved. Upon approval of the construction drawings, the public works director shall notify the applicant to arrange for a pre-construction meeting and to make application for such permits as are necessary to proceed with the installation of any or all of the required improvements.

3. The city and other appropriate agencies will review the final approved preliminary subdivision, construction drawings, construction methods, and any other particulars with the applicant prior to the applicant's being given necessary construction permits or being authorized to proceed with site improvements. The parties will review and resolve any issues of concern prior to the commencement of construction.

D. Final Subdivision Process for Preliminary Subdivision and Short Subdivision.

1. Submit Method of Installing Site Improvements.

a. The applicant shall notify the city, in writing, of which of the following methods the applicant proposes to ensure that all required improvements are constructed, or will be constructed, prior to the approval of the final subdivision:

i. By actual installation of all the improvements in accordance with the provisions of this code, the preliminary subdivision conditions, and the approved construction drawings. Improvements shall be subject to inspection and approval by the public works director and zoning administrator prior to the recording of the final subdivision. The applicant shall indicate the method to be used to install required improvements;

ii. The deposit of a performance bond with the city in an amount not less than one hundred fifty (150) percent of the public works director's cost estimate for the project for the remaining items. The project shall be substantially complete, meaning a minimum of ninety (90) percent of the improvements are complete and items deemed crucial by the public works director are also complete. Such bond shall be conditioned on the completion of the project within a period agreed upon with the city council not to exceed two years from the date of final subdivision approval by the city council as noted in the city council minutes;

iii. The creation of a set-aside fund for the benefit of the city in a form approved by the city attorney in an amount equal to one hundred fifty (150) percent of the public works director's cost estimate for the projects remaining items in accordance with subsection (1)(a)(ii) of this section.

2. Method of Installing Improvements. The public works director shall approve the method whereby the applicant is to provide and guarantee that all required improvements are constructed, or will be constructed, prior to the approval of the final subdivision. The city attorney shall review and approve the form by which any performance bond and/or set-aside fund is to be established by the applicant for the remaining items not completed.

3. Review Construction Compliance.

a. If the public works director finds that all the required improvements have not yet been installed within the required period (not greater than two years) from the date of approval of the final subdivision, the public works director shall notify the city council in writing of the improvements not installed and provide a cost estimate for completion. The city council shall then determine the action that shall be taken with respect to the applicant and/or surety to assure completion of the subdivision.

- b. If the public works director finds that all required improvements have been completed in accordance with the approved preliminary subdivision, the approved construction drawings and the standards and requirements of this code, the public works director shall notify the applicant to prepare as-built drawings and submit such drawings to the public works director.
- 4. Submit As-Built Drawings. The applicant shall prepare as-built drawings and submit such drawings to the public works director.
- 5. Public Works Director Review/Approval of As-Built Drawings. Upon receipt of the as-built drawings, the public works director shall review such drawings for completeness.
 - a. If the public works director finds that the as-built drawings are not in accordance with the preliminary subdivision, the approved construction drawings, and/or development requirements and standards of this code and the development design standards, the public works director shall return the drawings to the applicant along with a letter identifying the deficiencies.
 - b. If the public works director finds that the drawings meet city requirements, the public works director and public works superintendent shall sign a reproducible mylar copy furnished by the applicant. The public works director shall notify the applicant to submit a maintenance bond and final subdivision application.
- 6. Deposit a Maintenance Bond. In addition to the performance and maintenance bonds required in MMC Chapters 22.10, Administration and Enforcement, 22.46, Landscaping, and 22.80, Critical Areas, the applicant shall deposit with the city a maintenance bond or other acceptable surety that shall:
 - a. Warrant the successful operation of all required subdivision improvements and warrants against defects in labor and material, and against any damage or defects caused by construction activity on the site, for a period of two years from final subdivision approval;
 - b. The applicant shall be responsible for site maintenance during home construction. After home construction is complete, the applicant is responsible for cleanup of the site prior to final acceptance of all improvements and bond release. Cleanup includes, but is not limited to: storm drain lines, CB vactoring, detention facility cleaning, and street sweeping;
 - c. Provided further, that with regard to improvements accepted after final subdivision approval, the period shall be extended, as required, to include a period not less than one year from the date of acceptance by the city of the improvement;
 - d. The bond or other approved surety shall be submitted with the final subdivision application and shall be for fifteen (15) percent of the estimated value of all the required subdivision improvements as determined by the public works director;
 - e. The maintenance bond or other approved surety shall be in addition to any warranty provided to guarantee the installation of required improvements;
 - f. The city attorney shall approve the form, sufficiency and manner of execution of the maintenance bond or surety;
 - g. Upon the termination of the warranty period, and upon restoration of the improvements to successful operation and the repair of any defects or damage in the improvements;
 - h. The public works director may withhold release of the bond or surety up to one year from the date of any restoration or repairs to ensure that the restoration or repairs were adequate.
- 7. Submit Final Subdivision Application. The applicant will file a final subdivision application that will include the information listed in the development design standards, and the following additional items:
 - a. A current certificate of title from a title company containing a legal description of the property to be subdivided and confirmation that the title of such property belongs to the stated owners. The certificate shall further demonstrate that any dedications or deeds to the city associated with the subdivision, including easements, will be free and clear of all encumbrances;
 - b. A certificate giving a full and correct description of the lands divided as they appear on the subdivision, including a statement that a subdivision has been made with the free consent and in accordance with the desire of the owner or owners;

If the subdivision is subject to a dedication, a certificate or a separate written instrument containing the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the subdivision, and a waiver of all claims for damage against any government authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of such road. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all

- parties having any ownership interest in the lands subdivided and recorded as a part of the final subdivision;
- c. A performance bond, maintenance bond, or other acceptable surety in the forms previously approved by city council;
 - d. The fee, established in the City's Fees resolution, for processing the final application.
8. Review Final Subdivision Application Submission. The City's DRC and any other appropriate parties will:
- a. Review the final subdivision application to determine whether the application filing is complete and/or if the required application bond and fees have been posted;
 - b. If not complete and/or if the application fees have not been posted, the public works director will return the application to the applicant along with a checklist of the materials or information that has to be provided to properly process the request;
 - c. No application shall be deemed filed nor given a file name or number until all required information, attachments and fees are submitted;
 - d. The filing date shall be the date on which the city receives the last item needed to have a complete application, including all required information, attachments and fees;
 - e. If the information is complete, the application will be distributed to the appropriate departments for review.
9. Review/Approval of Final Subdivision Application. The City shall check the subdivision for accuracy and conformance with the approved preliminary subdivision and the requirement of city ordinances and state law.
- a. The final subdivision shall consist of a subdivision map and survey information attachments. The approved preliminary subdivision may be used as the final subdivision provided all specification requirements of this section are included. The final subdivision map shall be prepared by or under the supervision of a land surveyor registered in the State of Washington and prepared in black ink on any standard material consistent with and conforming to Chapter 58.09 RCW and WAC 332-130-150 and acceptable to the city measuring 18 inches by 24 inches in size. Each sheet, including the index sheet, shall conform to, and compatible with, the Snohomish County Recorder's recording standards and guidelines. The subdivision shall include the following information:
 - i. Information required by the preliminary subdivision approval, including the building envelopes, significant trees to be retained, and sensitive areas and buffers;
 - ii. The name of adjacent subdivisions and unplatted property shall be identified using dotted lines;
 - iii. The name of the subdivision, name(s) of the subdivider(s) and the name of the registered surveyor that prepared the subdivision shall be on all maps and surveyor notes;
 - iv. All lots shall be dimensioned and numbered consecutively starting with number (1) and show the lot area and the building setback lines in accordance with this title;
 - v. The length and bearing of all straight lines, central angles, radii, and curve lengths of all curves;
 - vi. All dimensions along lot lines with accurate dimensions in feet and hundredths of feet with true bearings and angles to streets and alley lines;
 - vii. Suitable primary control points, approved by the public works director, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data given on the subdivision shall be referred;
 - viii. Accurate distances, bearings, locations and dimensions of the subdivision boundary lines, street lines, monuments and corporate limit, township or section lines which are referenced to a survey datum as prescribed by the public works director;
 - ix. Show on the face of the subdivision map, all land which is offered for dedication to the city related to streets, alley ways, easements, sensitive areas and associated buffers, parks, open space and other public use and/or dedication to other person and persons or entities for other purposes as shown on the approved preliminary subdivision. Any dedication, donation or grant shown on the face of the subdivision shall be considered for all intent and purposes as a quit claim deed;
 - x. The final subdivision shall contain a legal description of the subdivision property;

xi. The final subdivision shall show the easement provisions, restrictions section, dedication and certification statements with appropriate signatures and seals, as set forth in greater detail in a checklist prepared by the public works director, before the subdivision is approved and recorded.

b. If the City finds that the subdivision is not in accordance with the preliminary subdivision and the conditions of approval, the approved constructions drawings, and/or development requirements and standards of this code, the City shall return the subdivision application to the applicant along with a notice of the issues or decisions that were not complied with.

c. If the city finds that the subdivision meets city requirements, the subdivision will be routed to the zoning administrator for approval.

d. Upon approval, it shall be the applicant's responsibility to record the document at Snohomish County and provide the City with a conforming copy within 10 days of recording.

10. Approval of Final Subdivision. When the zoning administrator finds that a subdivision proposed for final subdivision approval conforms to all terms of the preliminary subdivision approval and meets the requirements of this title and other applicable state laws and municipal ordinances, the City shall execute written approval on the face of the subdivision.

11. Record Final Subdivision.

a. The final subdivision shall consist of a subdivision map and survey information attachments. The final subdivision map shall be prepared by or under the supervision of a land surveyor registered in the state.

b. The final subdivision shall show the certification statements with appropriate signatures and seals as set out in the development design standards, before the subdivision is approved and recorded.

c. If the subdivision includes common property and/or easements or tracts that are not dedicated to the city, a homeowner's association is required. The planning department shall review the conditions, covenants, and restrictions (CC&R's), and then such CC&R's and other enabling document(s) shall be filed with the Snohomish County Auditor's Office prior to recording of the final subdivision.

d. The original of the final subdivision shall be filed for record with Snohomish County Auditor's Office; one reproducible copy shall be furnished to the zoning administrator and one paper copy shall be filed with the county assessor.

e. The applicant shall be responsible for providing the final subdivision to Snohomish County for recording within a timely manner.

E. Subdivision Vacation.

1. Any person interested in the vacation of any recorded subdivision or part of a recorded subdivision, or area dedicated for public use shall file an application for vacation with the planning department. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion to be vacated. If the subdivision is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation.

2. Applications for subdivision vacation shall be processed as a Type III permit. The decision maker shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the approval authority adopts written findings that the public use would not be served in retaining title to those lands. Title to vacated property shall be governed by RCW 58.17, Plats—Subdivision—Dedications.

F. Subdivision Alterations.

1. Any person interested in the alteration of any approved subdivision shall submit an application for the alteration to the Community Development Department. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered and other application submittal materials as required. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the

subdivision, and the alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration.

2. Alterations shall be reviewed in accordance with the process set out in MMC 22.84, Permit Processing, for Type III permit applications.

3. If an alteration is approved, the applicant shall submit to the city a revised drawing of the approved alteration of the subdivision, which after signature of the decision-maker shall be filed by the applicant with the Snohomish County Auditor's Office to become the lawful subdivision of the property. The revised drawing shall be surveyed and prepared by a Washington State licensed land surveyor.

G. Preliminary Subdivision Modifications.

1. Applications to modify preliminary subdivisions that have received preliminary approval that result in any substantial changes as determined by the city shall be considered major modifications and treated as a new application for purposes of vesting and processing. For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space, change to the overall layout that would change the quality of the design or product, or changes to conditions of approval on an approved preliminary subdivision.

2. Minor modifications shall be reviewed in accordance with the process set out in MMC 22.84, Permit Processing, for Type II permit applications. The following modifications of preliminary plat approval may be reviewed administratively:

- a. Engineering detail unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary plat approval;
- b. Minor changes in lot lines or lot dimensions;
- c. A decrease in the number of lots to be created.

3. Minor modifications shall be reviewed for consistency with this chapter and the regulations of this title, as well as the following criteria:

- a. The amendment maintains the design intent or purpose of the original approval;
- b. The amendment does not cause a significant environmental or land use impact on or beyond the site;
- c. The amendment is not precluded by the terms of this title or by state law from being decided administratively; and
- d. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat approval.

22.68.050 Model Homes.

A. Purpose. The purpose of this chapter is to permit the construction of a limited number of model homes, as defined in MMC 22.12, on an approved preliminary plat, prior to final plat approval. Allowing model homes provides the opportunity for builders and developers to showcase their product prior to final plat approval. Nothing in this chapter shall be construed as permitting model homes in short subdivisions. This chapter shall not be construed to supersede or amend the purpose and intent of this title.

B. Approval authority. The zoning administrator is authorized to approve, approve conditionally, or deny model home applications, under the criteria set forth in this section.

C. Eligibility. A subdivision having received preliminary plat approval is eligible to submit a permit for model homes, provided the following criteria are met:

1. The applicant has submitted and received all required permits and approvals required of the preliminary plat approval.
2. All required retention and detention facilities necessary for the areas of the subdivision serving the model homes are in place and functional, to the satisfaction of the city engineer.
3. All critical areas upon or immediately adjacent to the areas of the subdivision serving the model home(s) have been protected or mitigated, in accordance with adopted critical areas regulations and preliminary plat approval.
4. The model home(s) and sales facility meet the access and fire protection requirements of the fire department.
5. All areas of the subdivision serving the model home(s) are served by an all-weather surface as approved by the city engineer and fire department.

6. All areas of the subdivision serving the model home(s) have installed frontage improvements including curb, gutter and sidewalk, as required by the preliminary plat approval or this code.
7. Water and sewer are installed to each lot proposed for model homes, as directed by the city engineer.
8. All proposed streets serving the model homes are adequately marked with street signs, to the satisfaction of the city engineer and fire department.
9. Lot property corners of all lots proposed to be used for the model home complex have been set by a licensed, professional land surveyor in accordance with the preliminary plat lot configuration.
10. Setbacks for the model home(s) shall be measured from the proposed lot lines and setbacks per the preliminary plat approval.
11. The number of model homes shall not exceed that allowed by MMC 22.68.050(D).

D. Number Permitted. The number of model homes permitted for each subdivision shall be no greater than twenty percent of the approved lots within the preliminary plat, not to exceed a total of seven homes. Two lots, in addition to those permitted for the model home(s), may be used to support one temporary sales office and one off-street parking area. In the event that calculation of the number of lots equal to twenty percent of the total number of preliminary lots creates a fractional lot, the number of permitted lots for model homes shall be rounded up, not to exceed the maximum allowed.

E. Application requirements. The following information shall be required in addition to the standard submittal requirements for a single-family residential building permit:

1. The applicant shall have written authorization from the property owner permitting the model home(s) if the applicant is other than the owner of the approved preliminary plat;
2. Title report current within the last thirty days;
3. Name of approved preliminary plat as well as the proposed name of the final plat (if different);
4. Parent tax parcel number(s) involved in the complete development;
5. Date of preliminary plat approval;
6. Date of preliminary plat approval expiration;
7. Copy of adopting resolution or motion approving the preliminary plat approval;
8. Overall site plan showing the preliminary plat, including phases (if applicable) and the location of all proposed model homes;
9. Overall site plan shall include the location of proposed temporary improvements specific to the model home(s) use such as the location of sign-age, flags, banners, fencing, landscaping, sales trailer and impervious surfaces such as parking areas and sidewalks.
10. Parking shall be subject to the regulations of MMC Chapter 22.44, Parking Standards and Design.
11. Individual site plans showing the location of the model home(s) in relation to the property lines and setbacks consistent with the preliminary plat approval;
12. Submittal of financial securities at one hundred fifty percent of a contractor's cost estimate, approved by the city, necessary to restore the site to conditions existing prior to the construction of the model home(s) and all associated structures and improvements;
13. Payment of model home review fee as set forth in the adopted fees resolution. The model home review fee shall be applicable only to the review of the overall model home complex site plan. All other applicable fees shall be paid for the proposed plat improvements and building permit fees prior to individual model home building permit issuance.

F. Occupancy Requirements.

1. Written approval from the city of Monroe shall be posted at the main entry to each model home, allowing public access to the model home.
2. No model home shall be occupied for residential use prior to recording of the final plat. No model home shall be sold, leased, rented or otherwise transferred in ownership until the final plat is recorded, unless the property interest is transferred in conjunction with a transfer in interest of the plat as a whole.
3. One preliminarily approved lot may be used to locate a temporary sales trailer for the purpose of marketing the model home(s). This provision is not intended to increase the number of model homes permitted under this section.
4. One preliminarily approved lot may be used to furnish off-street parking. This provision is not intended to increase the number of model homes permitted under section.
5. The hours of operation of the model home complex shall be limited to daylight hours only, unless street lighting is installed to the satisfaction of the city engineer and fire department.

- 6. The model home(s) and sales trailer shall be used for the exclusive purpose of marketing the homes within the plat, not as a branch real estate office.
- G. Duration permitted. The model home(s) and/or sales trailer may be used for no more than twenty-four months from the date of the model home permit approval, or no longer than the expiration of the preliminary plat approval, whichever is greater.
- H. Removal. The model home(s) and all associated improvements, including but not limited to a sales trailer and parking lot, shall be removed within six months of the following occurrences:
 - 1. Preliminary plat approval has expired and no extension has been granted;
 - 2. The subdivision was denied final plat approval and/or requires substantial improvements not consistent with the design of the preliminary approved plat in the opinion of the zoning administrator;
 - 3. The approval period has expired, consistent with MMC 22.68.040(A)(5)(c).

22.68.060 Boundary Line Revisions.

- A. A boundary line revision is a mechanism by which the city may approve the alteration of boundary lines between subdivided or unsubdivided lots or both, where such a revision does not create any additional lot, tract, parcel, site, or division nor create lots which are nonconforming or more nonconforming than exists.
- B. The zoning administrator may approve an application for a boundary line revision, provided the following criteria are met:
 - 1. The proposed revision shall meet the exemption requirements provided in RCW 58.17.040(6);
 - 2. The boundary line revision shall not result in the creation of any additional tract, lot, parcel, site or division;
 - 3. The property being transferred within the boundary line revision shall be combined with the benefiting parcel and shall not be a separate parcel, which could be mistaken as a separate and distinct, conveyable tract without proper research;
 - 4. The lots, tracts, or parcels resulting after the boundary line revision shall meet all dimensional requirements specified for the applicable zone as outlined in this title;
 - 5. All lots modified by the boundary line revision procedures shall have legal access meeting the standards of the City of Monroe;
 - 6. The boundary line revision shall not violate an applicable requirement or condition of a previous land use action, subdivision, short subdivision or binding site plan;
 - 7. All boundary line revisions shall be recorded surveys consistent with the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC. All lot lines being adjusted shall be surveyed, and newly established lot corners shall be staked.

22.68.070 Binding Site Plans

- A. Purpose. The purposes of this chapter are to:
 - 1. Provide a method for division of land for commercial and industrial zoned property, or condominiums;
 - 2. Allow the zoning administrator to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan.
- B. Applicability. The following proposed divisions of land shall be governed by the provisions of this section:
- C. Application. An application for a binding site plan shall include:
 - 1. All information required for a preliminary plat;
 - 2. The location of all proposed structures;
 - 3. A detailed site plan meeting the requirements of MMC Chapter 22.58, Site Plan Review;
 - 4. Inscriptions or attachments setting forth the limitations and conditions of development;
 - 5. Provisions ensuring the development will be in conformance with the site plan;
 - 6. Other pertinent information requested by the zoning administrator or public works director.
- D. Standards. Binding site plans shall use the same standards identified in MMC 20.68.040(B).
- E. Review and Decision.
 - 1. Binding site plans shall be reviewed in accordance with the process set out in MMC 22.84, Permit Processing, for Type III permit applications. Final binding site plan permits shall be reviewed in accordance with the process set out in MMC 22.84, Permit Processing, for Type I permit applications.

2. The proposed binding site plan shall be reviewed according to the criteria set forth in MMC Chapter 22.58, Site Plan Review, and applicable codes and regulations set forth in this title. The decision shall be consistent with the zoning, subdivision, building or other applicable city ordinances, state and federal law, and the criteria set forth in this section.
 3. All development shall be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. Each binding site plan document shall reference the requirement for compliance with any existing or subsequent permit approval.
 4. Final approval must be acquired within five years of preliminary approval, after which time the preliminary binding site plan approval is void. The decision maker may grant an extension for one year if the applicant has attempted in good faith to submit the final binding site plan within the five-year time period; provided, however, the applicant must file a written request with the original decision maker requesting the extension at least thirty (30) days before expiration of the five-year period.
- F. After preliminary approval of the binding site plan, the developer shall submit construction drawings consistent with MMC 22.68.040(C), Site Improvements, and apply for a final binding site plan permit consistent with MMC 22.68.040(D), Final Subdivision Process for Preliminary Subdivision and Short Subdivision.
 - G. The final binding site plan shall be recorded with the Snohomish County's Auditor's Office within ninety (90) days of approval. Upon recording, the site plan shall be binding on the owner and the owner's heirs, successors and assigns.
 - H. Prior to the issuance of any building permit for construction upon land subject to an approved final binding site plan, that portion of the land for which the building permit is sought must be legally described.
 - I. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.
 - J. Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.
 - K. Amendment of a recorded binding site improvement plan shall be accomplished by following the same process as required for a new application, as set forth in this section.
 - L. Alterations to recorded binding site plans shall be accomplished by following the same process and criteria as MMC 22.68.040(F), Subdivision Alterations.
 - M. Modifications to approved preliminary binding site plans shall be accomplished by following the same process and criteria as MMC 22.68.040(G), Preliminary Subdivision Alterations.

22.68.080 Phased Development

- A. This section is only applicable to subdivisions and binding site plans
- B. Approval for a phased development shall occur at preliminary approval and noted in the decision.
- C. Any future phases of the development must meet the requirements established for preliminary approval in MMC 22.68.040(A), Preliminary Subdivisions and Short Subdivisions, or MMC 22.68.070, Binding Site Plans, as applicable.
- D. Prior to receiving final approval, each phase shall ensure that services (e.g. water, sewer, roads, stormwater) are provided as development of each phase occurs.