CHAPTER 17.05

APPLICATIONS

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Section 17.05.010 - Purpose and Intent

This chapter describes the land use applications for development subject to review under this title. The intent is to describe the framework of the various types of development applications, the criteria and timeframe for approvals. The procedures for the land use applications are described in the following chapter.

Section 17.05.020 - Use Permit

17.05.021 - Purpose and Intent

It is the purpose of this section to allow for the review of proposed uses which because of considerations of traffic, noise, lighting, hazards, health and environmental issues require a case by case review to determine if the use is appropriate on the site and in the vicinity. The imposition of conditions on the approval of an application can occur in order to reduce impacts to adjacent properties and uses.

15.05.022 - Review Process

A. A Temporary Use Permit shall be subject to a Type I review consistent with Section 17.06.037 of this title.

B. A Conditional Use Permit shall be subject to a Type II review consistent with Section 17.06.038 of this title.

17.05.023 - Action of Review Authority

A. The City Administrator may approve a Temporary Use Permit in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner: (Ord. 1557, 1998; Ord. 1681, 2008)

1. The Temporary Use shall occur for a maximum of six (6) months.

2. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

3. The proposed site is adequate in size and shape to accommodate the temporary use without detriment to the use and enjoyment of other properties in the project vicinity.

4. The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.

5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the review authority.

B. The Planning Commission may approve a Conditional Use Permit in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner. (Ord. 1681, 2008)

1. The project is consistent with the Kettle Falls Comprehensive Plan and meets the requirements and intent of this ordinance, including the type of land use; the density/intensity of the proposed development; and the protection of critical areas, if applicable. (Ord. 1681, 2008)

2. The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection to ensure that the proposed project would not be detrimental to public health and safety.

3. The project adequately mitigates impacts identified through the SEPA review process, if required.

4. The project is beneficial to the public health, safety, and welfare, and is in the public interest.

17.05.024 - Time Limit on Approval and Continuation of Conditional Use Permit

A. Initial Conditional Use Permit. An Initial Conditional Use Permit shall be issued by the Mayor or his/her appointed designee from the date of the approval through the last day of the calendar year. (Ord. 1681, 2008)

B. Conditional Use Permits, Renewal. Renewal applications must be properly filed before the end of each calendar year and contain a declaration by the applicant that no change in the usage under the Conditional Use Permit has been made.

C. A renewal Conditional Use Permit will be automatically issued by the Mayor or his/her designee if the applicant verifies no change in use has been made and all fees therefore were paid with the renewal application Should any change(s) in the use authorized by the Conditional Use Permit be evidenced, a new Conditional Use Permit application must be submitted.

D. Lapse of a Conditional Use Permit. A continuing Conditional Use Permit shall lapse automatically if not renewed. A Conditional Use Permit shall also lapse if the activity allowed under the Conditional Use Permit on the premises is discontinued for a period of 90 days or more and is not renewed within 30 days of a notice from the city to the last permittee, sent to the premises, that the Conditional Use Permit will lapse if such activity is not renewed.

E. Assignment of Conditional Use Permits. A Conditional Use Permit shall not be assignable to a successor owner of the property or provider of the same use for the same premises. In such events, a new application is necessary.

F. Conditional Use Permits Existing on Effective Date. For any Conditional Use Permit existing in the city on January 1, 2005, an application for a renewal Conditional Use Permit must be submitted to the Mayor or his/her appointed designee before April 30, 2005. Renewal applications submitted before that date shall be exempt from the initial application and renewal fees, but not from subsequent renewal fees.

G. For any Conditional Use Permit issued by Stevens County or another government subdivision on property annexed at a later date, a Conditional Use Permit application must be submitted to the city within thirty (30) days of the date of annexation approval. (Ord. 1645, 2005)

Section 17.05.030 - Site Plan Review

17.05.031 Purpose.

The purpose of this chapter is to clearly delineate the criteria used by the City of Kettle Falls to review and approve binding site plans. A binding site plan is intended to provide an alternative means of dividing land. The binding site plan process provides a means for certain types of land division applications to be processed administratively based upon the city's adopted development standards and regulations. Binding site plans tie a future development to an approved set of conditions and site layout.

17.05.032 Scope.

This chapter shall be limited and only apply to one or more of the following:

A. The use of a binding site plan to divisions of land for sale or lease of mixed use, commercial or industrial zoned property where the applicant proposes a unified scheme of property development;

B. Divisions of property for commercial, industrial or residential condominium development as provided for in KFMC 17.05.033; and

C. Planned unit developments proposed under Chapter 17.05.060 KFMC for residential and mixed use developments where full or short subdivision of the land into separate, legally segregated lots or parcels is not required.

D. Critical Areas. (Ord. 1704, 2011)

17.05.033 Condominiums.

For the purpose of approval of condominium developments, the provisions of this title regarding short subdivisions and full subdivisions shall not apply if:

A. A land division is proposed as a condominium and does not result in the subdivision of land into separately owned lots in accordance with the definition for short or full subdivisions, but subjects a portion of a lot, tract, or parcel to Chapter 64.34 RCW ("Condominium Act") subsequent to the recording of a binding site plan for all such land;

B. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan proposed for a condominium project;

C. The City of Kettle Falls has approved a binding site plan for all such land; and

D. The binding site plan contains thereon the following statement: All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the City of Kettle Falls, and in accordance with such other government permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all persons, businesses, corporations, partnerships or other entities now or hereafter having any interest in the land described herein.

17.05.034 Application submittal and contents.

To be considered complete, the application for binding site plan approval shall include the following:

A. The application shall be submitted to the Mayor or his/her designee on forms to be provided by the department along with the appropriate fees established by KFMC 17.06.033;

B. A completed land use permit application form, including all materials required pursuant to Chapter 17.05 KFMC;

C. Commercial Mixed Use and Industrial Binding Site Plans. In addition to materials required pursuant to subsections A and B above, a binding site plan application for commercial, mixed use and industrial proposals shall contain the same elements and information as a preliminary plat, in accordance with KFMC 17.05.090;

D. Binding Site Plan for Residential Condominiums. In addition to materials required pursuant to subsections A and B above, a binding site plan for residential condominiums shall conform with the requirements of Chapter 64.34 RCW, "The Condominium Act." The applicant shall submit a sworn declaration from a registered land surveyor licensed in the State of Washington that all requirements

of RCW 64.34.232, as now adopted and hereafter amended, have been satisfied. The city shall not be responsible for verification that the proposal complies with Chapter 64.34 RCW, but may rely upon the representation of the licensed surveyor. The applicant shall submit five copies of the binding site plan map for review.

The site plan shall have dimensions of 18 inches by 24 inches and must be prepared by a registered land surveyor licensed in the State of Washington. In addition to requirements of Chapter 64.34 RCW, the binding site plan map must include the following:

a. The name of the condominium project;
b. Legal description of the entire parcel;
c. The date, scale, and north arrow;
d. Boundary lines, rights-of-way for streets, easements, and property lines of lots, the location of all open spaces, utilities, and other improvements, with accurate bearings, dimensions of angles and arcs and of all curve data describing the location of all improvements;
e. Names and right-of-way widths of all streets within the parcel and immediately adjacent to the parcel. Street names shall be consistent with the names of existing adjacent streets;
f. Number of each lot and each block or division;
g. Location, dimensions and purpose of any easements, noting if the easements are private or public;
h. Location and description of monuments, boundary corners set, and all lot corners set and found;
i. Datum elevations and primary control points approved by the city engineer as may be required. Descriptions and ties to all control points will be shown with dimensions, angles, and bearings;
j. A dedicatory statement acknowledging public and private dedications and grants;
k. The statement required by KFMC 17.05.033(D) must be on the face of the final binding site plan; and
l. Other restrictions, conditions, and requirements as deemed necessary by the City, including all applicable requirements of the engineering design standards.

17.05.035 Approval criteria.

A. Binding site plans shall be approved upon showing compliance with The following:
   a. Applicable City, State and Federal zoning, land use, environmental and health regulations, policies or plans, including but not limited to:
      i. Kettle Falls Comprehensive Plan;
      ii. Kettle Falls Unified Development Ordinance;
      iii. Engineering design standards;
      iv. Critical Areas (KFMC 18.05); (Ord. 1704, 2011)
   b. The availability of the utilities and other public services necessary to serve the needs of the proposed binding site plan shall be demonstrated including, but not limited to, open spaces, drainage ways, streets, alleys, other public ways, potable water, transit facilities, sanitary sewers, parks, playgrounds, schools, sidewalks and other facilities that assure safe walking conditions for students who walk to and from school;
   c. The probable significant adverse environmental impacts of the proposed binding site plan, together with any practical means of mitigating adverse impacts, shall be considered such that

the proposal will not have an unacceptable adverse effect upon the quality of the environment, in accordance with KFMC 18.05 and Chapter 43.21C RCW; (Ord. 1704, 2011)

d. Approving the proposed binding site plan will serve the public use and interest and adequate provision shall be made for the public health, safety, and general welfare.

B. Notwithstanding conformance with the criteria provided in subsection A herein, a proposed binding site plan may be denied because critical areas. Where any portion of the proposed binding site plan lies within a critical area, the city shall not approve the binding site plan unless it imposes a condition requiring the applicant to comply with Section KFMC 18.05 and any written recommendations of the Washington Department of Ecology. (Ord. 1704, 2011)

17.05.036 Review process.

A. An application for a binding site plan approval shall be processed according to the procedures for land use decisions established in Chapter 17.06 KFMC, Zoning Administration.

B. The Mayor or his/her designee shall solicit comments from the city superintendent, fire chief or designee, local utility providers, police chief, building official, school district, adjacent jurisdictions, if the proposal is within one mile of another city or jurisdiction, and the Washington State Department of Transportation, if the proposal is within five hundred feet of a state highway.

C. Based upon comments from city departments and applicable agencies, and other information, the Mayor or his/her designee shall review the proposal subject to the criteria of KFMC 17.05.035. A proposed binding site plan shall only be approved when consistent with all provisions of KFMC 17.05.035. Binding site plan approval may be based upon certain delineated conditions. The City shall make written findings and conclusions documenting compliance with all approval criteria. A binding site plan shall be granted preliminary approval only, until all improvements are installed or the city has received adequate guarantees or assurances of future installation of improvements pursuant to the city's engineering design standards.

D. Upon satisfying all conditions of approval, if any, and satisfying all requirements of the City's engineering design standards for the installation of all improvements, the director shall administratively approve the final binding site plan for filing with the Stevens County Assessor. The final binding site plan shall conform with all requirements of KFMC 17.05.100, Final Plat.

E. For all condominium projects, prior to final approval, the applicant shall obtain the written approval from the Stevens County Assessor of the condominium CC&Rs.

17.05.037 Design standards.

Binding site plans shall conform to the design standards of Section 17.04.070 KFMC.

17.05.038 Modifications and vacations.

Binding site plans may be modified or vacated subject to the following:

A. Binding site plans may be modified only if the modification is minor in nature and the original intent of the recorded binding site plan is not changed and if the modification does not adversely impact public health and safety, the environment, or the delivery of services to the site. The proposed modification must be clearly shown and be accompanied by a letter of explanation. Upon administrative approval of such modification, the modifications shall become part of the binding site plan. If the proposed modification constitutes a substantial modification, the proposal shall be processed as a new binding site plan application.

B. Prior to issuance of any building or other site development permits, including but not limited to clearing and grading permits, a binding site plan may be vacated as a whole only. Vacating a binding site plan releases all conditions and obligations on the parcel associated with such plan. A binding site plan may be vacated with the submission to the Mayor or his/her designee of a letter of intent to vacate the binding site plan. The letter shall become binding upon its acceptance by the Mayor or his/her designee. If the binding site plan has been recorded with the Stevens County Auditor, notice of the vacation shall be recorded on forms acceptable to the Stevens County Auditor.

C. After issuance of any building or other site development permits, including but not limited to clearing and grading permits, the process for vacation of all or part of a binding site plan is identical to the process for initial binding site plan approval.

17.05.039 Distribution of copies and filing.

A. Upon approval, a binding site plan shall follow the procedures of Section 17.05.100 KFMC.

B. After approval of the general binding site plan for industrial or commercial divisions subject to a binding site plan, the approval for improvements and finalization of specific individual commercial or industrial lots shall be done by administrative approval.

17.05.0391 Time limit.

The applicant or owner of the property subject to a binding site plan shall obtain all permits for the development of a site within five years of its recording under KFMC 17.05.104(A). If the applicant fails to obtain all permits within five years, no site development permits shall be issued until the applicant files a new application and obtains binding site plan approval in accordance with this chapter.

17.05.0392 Effect of final binding site plan approval.

A. 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 legal or property interest of any lot, parcel, or tract created pursuant to the binding site plan.

B. 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 this title. (Ord. 1626, 2003)

Section 17.05.040 - Variance

17.05.041 - Purpose and Intent

The purpose of a Variance is to provide relief in cases where the strict application of the development standards in this Ordinance would result in undue hardship by virtue of physical peculiarity of a parcel of land. The purpose is to ensure that because of physical characteristics of a property, the property is not deprived privileges commonly enjoyed by other properties in the same zone. A variance shall not allow a use in a zone where otherwise prohibited.

17.05.042 - Review Process

A Variance shall be subject to a Type II review consistent with Section 17.06.038 of this title.

17.05.043 - Action of the Review Authority

A. The Planning Commission may approve a Variance request in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner: (Ord. 1681, 2008)

1. The strict application of this Ordinance to a property would result in extreme difficulty, unnecessary hardship, or the inability of an owner to use land for the purposes allowed in the zone in which it is located for reasons of physical peculiarity.

2. The granting of such variance would not be detrimental or injurious to the property or improvements in the general vicinity and district in which the property is located.

3. The granting of the variance would not grant special privileges to a landowner that are in conflict with the purposes of this Ordinance.

B. A Variance request for development within the FM Overlay District may be approved in whole or in part, with or without conditions, if in addition to the findings in Section 17.05.043A, all of the following findings of fact can be made in an affirmative manner:

1. Denial of the variance would result in exceptional hardship and would deny all economic use of the property.

2. The variance would result in the minimum relief necessary, considering the flood hazard.

3. If the site is located in a designated floodway, no increase in flood levels during the base flood discharge would result.

4. Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or conflict with existing local laws or ordinances.

5. In the case of the reconstruction of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places, the structure is being rebuilt as it previously existed.

17.05.044 - Time Limit on Approval of Variance

A. Authorization of a Variance shall be valid for one year from the effective date, and shall lapse at that time unless a building permit has been issued and substantial construction has taken place.

B. The Planning Commission may extend the Variance one year even though substantial construction has not occurred if the Commission finds that the facts on which the Variance have not changed substantially. (Ord. 1681, 2008)

SECTION 17.05.050 - AMENDMENTS

17.05.051 - Purpose and Intent

The text and/or map of the Ordinance may be amended to better implement in the Kettle Falls Comprehensive Plan or protect the health, safety, and welfare of city residents.

17.05.052 - Initiation of Amendment

A. An amendment of supplement to this Ordinance may be initiated by any owner of affected property (in the case of a zone change), or any citizen of Kettle Falls in the case of other amendments.

B. The Planning Commission or City Council may initiate an amendment to this Ordinance at any time.

C. Any proposed amendment shall be presented on forms and in the format prescribed by the Commission. Attached to any proposed amendment or supplement shall be an explanation and justification for the proposed change.

D. A request for a zone boundary change or zone change shall be accompanied by an accurate map at a scale not larger than one (1) inch equals 200 feet showing the affected property and 300 feet in all directions from the property lines. A complete list of all owners of property on the map shall also be submitted.

17.05.053 - Review Process

An amendment shall be subject to a Type III review consistent with Section 17.06.039 of this title. (Ord. 1681, 2008)

17.05.054 - Action of Review Authority

A. The Planning Commission shall not recommend approval and the Council shall not approve an amendment to the Comprehensive Plan or any implementing ordinance or regulation unless it first makes the following findings and conclusions:

1. The proposed amendment is consistent with the intent and goals of the Kettle Falls Comprehensive Plan and meets the requirements and intent of the Kettle Falls City Unified Development Ordinance.

2. The City and other responsible agencies and special districts will be able to supply the development resulting from the amended Comprehensive Plan or implementing ordinance with adequate roads and streets for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.

3. The amendment adequately mitigates impacts identified through the SEPA review process, if applicable.

4. The amendment is beneficial to the public health, safety, and welfare, and is in the public interest.

Section 07.05.060 - Planned Development (PD)

17.05.061 - Purpose and Intent

A Planned Development (PD) is not a zone, but a special approach to land development applied to achieve the basic objectives of good zoning practices. The use of this approach is intended to permit a greater degree of flexibility in the site planning and design of structures in situations where modification of specific provisions of this title will not be contrary to the intent and purpose of the zone and will not be harmful to the neighborhood in which the development occurs. In addition, it is intended to achieve land economics in development, maintenance, street systems and utility networks, while allowing for the grouping of buildings for privacy, usable and attractive open spaces, safe circulation and general well being of the inhabitants. A further purpose of a PD is to allow for mixed uses when in conformance with the Comprehensive Plan.

17.05.060 - Uses

All permitted and conditional uses in the district in which the site is located shall be allowed. If a Conditional Use Permit is required, a Conditional Use Permit application shall be processed simultaneously with the PD application.

17.05.063 - Development Standards

A. The PD process shall be used only on land which is of sufficient size to be planned and developed in a manner consistent with the purpose of this section and warrants the use of a PD as follows:

1. The PD approach shall be used on less than five (5) acres of contiguous land unless the review authority finds that a smaller site is suitable because of its unique character, topography, landscaping features or because it constitutes an isolated problem area.

2. The PD approach shall not be used unless critical resource areas, or physical constraints such as topography, river or rock outcroppings, exit on the site.

B. All standards and requirements of this title and all other City ordinances shall apply to a PD unless a modification is specifically granted by the review authority. Modification may be granted for standards such as lot size, lot dimension, setbacks, height, coverage, parking, and landscaping. The application submitted to the City shall clearly identify all requested modifications and shall justify the reason for the request.

C. Intensity of development shall be determined by the development standards in the zone in which the property is located. An increase in density or floor area shall not be permitted using the modifications allowed in a PD process.

D. Open space shall constitute at least 15 percent of the land area or the project The development plan shall provide for the landscaping and/or preservation of the natural features of the land. In order to ensure that the open space will be permanent, deeds or dedication of easements or development rights to the City may be required. Instruments and documents guaranteeing the maintenance of open space shall be recorded with the County Assessor's office.

E. If a mixed use development is proposed, the commercial uses shall be designed is scale and use to serve primarily residents of the development.

17.05.064 - Review Process

A. A PD application shall be a two step process consisting of a preliminary review and a final review.

1. A Preliminary or Final PD application shall both be subject to review by the Planning Commission. (Ord. 1681, 2008)

2. If the development will require a subdivision of land, the application shall be processed concurrently with the preliminary PD application. If the subdivision is submitted after PD approval, the proposed subdivision shall be processed in accordance with Chapter 17.04. (Ord. 1681, 2008)

07.05.065 - Action of Review Authority

A. A PD may be approved in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

1. The project is consistent with the Kettle Falls Comprehensive Plan and meets the requirements and intent of the Kettle Falls Unified Development Ordinance, including land use type; intensity/density of the proposed development; and the protection of critical resource areas, if applicable.

2. The project is compatible with the existing or known proposed known development on properties in the project vicinity.

3. The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.

4. The project adequately mitigates impacts identified through the SEPA review process, if any.

5. The project is beneficial to the public health, safety, and welfare, and is in the public interest.

17.05.066 - Time Limit on Approval of PD

A. A Preliminary PD approval shall be valid for two (2) years from the effective date, and shall lapse at that time unless Final PD approval has been obtained. However, a written request for up to a one year extension for the Preliminary PD that is submitted prior to the expiration date of the Preliminary PD, may be approved by the City Council if the Council finds that the facts on which the Preliminary PD was approved have not changed substantially.

B. A Final PD approval shall be valid for one (1) year from the effective date, unless a building permit has been issued and substantial construction has taken place or the use has commenced. However, a written request for an extension of up to one (1) year that is submitted prior to the expiration date for the Final PD may be approved by the City Council if the Council finds that the facts on which the Final PD was approved have not changed substantially.

Section 17.05.070 - Lot Line Adjustments

17.05.071 - Purpose and Intent

The purpose of a lot line adjustment is to allow for minor changes in the configuration of property lines.

17.05.072 - Review Process

A. Any person, firm, or corporation may make application for Lot Line Adjustment. A Lot Line Adjustment application shall include the following and shall be submitted to the Administrator.

1. A map which clearly depicts the existing (heavy broken line) and proposed property (heavy solid line) configuration, including all lot line dimensions and distances to all existing structures. (Ord. 1667, 2007).

2. A legal description of the existing and proposed property configuration.

3. A complete application with applicable fees in accordance with the fee schedule adopted by the City Council.

4. Written authorization by the owners of all property directly affected by the proposed adjustment.

17.05.073 - Action by Review Authority

A. A Lot Line Adjustment shall be subject to a Type I review consistent with Section 17.06.037 of this Title.

B. The City Administrator may approve a Lot Line Adjustment without a public hearing, with or without conditions, if all of the following findings of fact can be made in an affirmative manner: (Ord. 1557, 1998; Ord. 1681, 2008)

1. No new lot shall be created by the proposed lot line adjustment.

2. Any lot changed by the lot line adjustment shall comply with all of the applicable development standards, such as lot area, lot dimensions, and setbacks in the district in which the property is located. In addition, off-street parking on any lot affected by the lot line adjustment shall not be reduced below the required number of spaces for the use located on the lot.

Section 17.05.080 - Short Plat

17.05.081 - Purpose and Intent

The purpose of a Short Plat is to provide a simplified process to divide property into four (4) or fewer lots with a level of review that is proportional to the effect those lots may have on the surrounding area.

17.05.082 - Review Process

A. Any person, firm, or corporation may make application for a Short Plat. A Short Plat application shall include the following and shall be submitted to the Administrator.

1. Six (6) copies of the short plat survey, clearly and legibly drawn on Mylar Polyester film 18" x 24" (or larger) by a licensed surveyor which clearly indicates the proposed short plat, drawn to a scale of which 100 feet to the inch, with north arrow, date, existing topography, location of critical areas, buildings and easements and the proposed configuration, and dedications. In addition, each plat map shall contain the following information:

   a. Auditor's certificate;
   b. Surveyor's certificate;
   c. Owner's acknowledgment and notary block;
   d. Statement of approval by City Superintendent:
   e. Statement of approval by Fire Chief;
   f. Statement of approval by City Planner
   Ord. 1667, 2007)

2. A legal description of the property, indicating new lots. In the event that the boundaries are described by metes and bounds, the accuracy of the description shall be attested to and signed by a registered land surveyor. In addition, the map shall contain the name of the Short Plat Subdivision, Kettle Falls Short Plat No. _____ (The number will be established by the administrator at the time of filing), total acreage of each resulting lot. (Ord. 1667, 2007)

3. The total property owned by the applicant which is contiguous to the parcel being subdivided shall be accurately indicated on the drawing.

4. All adjacent property and owners shall be clearly shown on the drawing.

5. Completed environmental checklist or documentation, if applicable.

6. A complete application, signed by the owner(s) of the property that is subject of the short plat application, with applicable fees in accordance with the fee resolution adopted by the City Council. (Ord. 1667, 2007)

7. Authorization from the owner(s) of the property that is the subject of the short plat application.

8. Other information as determined necessary by the administrator. (Ord. 1667, 2007)

B. A preliminary title report showing the names of anyone with an interest in the land being subdivided. (Ord. 1582, § 1, 1998)

17.05.83 - Action by Review Authority

A. A Short Plat shall be subject to a Type II review consistent with Section 17.06.038 this Title. (Ord. 1681, 2008)

a. The Planning Commission may approve a Short Plat, with or without conditions, if all of the following findings of fact can be made in an affirmative manner: (Ord. 1551, 1998; Ord. 1681, 2008))

1. The proposed Short Plat is in compliance with the Kettle Falls Comprehensive Plan, any requirements of the N.E. Tri-County Health District, and any other such plans developed pursuant to law. In addition, if the property, in part or total, abuts a state highway, the proposed Short Plat is in compliance with any rules of Washington State Department of Transportation.

2. The physical characteristics of the site, including but not limited to topography, soil conditions, or unique natural features such as susceptibility to flooding, wildlife habitat, or wetlands, have been considered in the project design.

3. The proposed Short Plat is in compliance with all applicable standards in the Unified Development Ordinance.

4. The appropriate provisions have been made for dedications, easements, and reservations.

5. The public use and interest will be served by the subdivision.

6. The following facilities are adequate to serve the proposed short plat before or concurrent with development of the preliminary plat:

a. public and private streets and roads;

b. water;
c. stormwater drainage;
d. sanitary sewage collection and treatment;
e. schools and educational services;
f. fire and police service; and
g. pedestrian and bicycle facilities

7. If applicable, the terms and conditions of the approved subdivision, within which the short plat is located, have been met.

17.05.084 - Time Limit on Approval of a Short Plat

Approval of a Short Plat shall be valid for five years, during which time all conditions shall be satisfied and the map shall be recorded at the County Department of records.

Section 17.05.090 - Preliminary Subdivision Plat

17.05.091 Purpose and Intent.

The purpose of this chapter is to provide procedures for the division of land into five (5) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership within the city of Kettle Falls and to ensure that all conditions of the Preliminary Short Plat or Preliminary Subdivision Plat approvals have been satisfied prior to the recordation of the map. (Ord. 1586, §4, 1999)

17.05.092 Pre-Application Conference.

A. A prospective subdivider shall request a pre-application meeting with the Planning Commission. The pre-application conference shall be accompanied by sufficient information as to define the applicant's intent. (Ord. 1586, §4, 1999)

17.05.093 Application.

A. Any person, firm, corporation or other entity desiring to divide or redivide land in the City into five (5) or more lots, tracts, parcels, sites or division for the purpose of sale, lease or transfer of ownership shall submit a complete preliminary subdivision application to the Planning Commission.

B. The application shall be accompanied by fees in accordance with the fee schedule established by ordinance of the City Council.

1. Six (6) copies of the preliminary plat drawn to a scale of which 100 feet to the inch by a licensed surveyor, which clearly indicates the proposed preliminary subdivision plat, with north arrow, date, existing topography, location of critical areas, buildings, monuments, markers, boundary lines and easements and the proposed lot configuration, infrastructure, easements and dedications. The following shall be shown on the preliminary plat drawing:

   a. Auditor's certificate;
   b. Surveyor's certificate;
   c. Owner's acknowledgment and notary block;
   d. Statement of approval by City Superintendent:
   e. Statement of approval by Fire Chief;
   f. Statement of approval by City Planner
   (Ord. 1667, 2007)

2. The name of the proposed subdivision, the name of subdivider, and the name of the person preparing the preliminary plat; (Ord. 1667, 2007)

3. The legal description of the property, including new lots in the proposed subdivision; (Ord. 1667, 2007)

4. All land which the applicant proposes to subdivide, and all land immediately adjacent extending 100 feet in all directions from the proposed plat perimeter;

5. All adjacent land owned by the applicant in which future additional plat applications may be submitted, together with general information as to the location and estimated extent of each additional plat which may be submitted;

6. Locations of existing features such as roads, streets, railroads, buildings, bodies of water, utilities, and utility easements, and other pertinent information;

7. The location of the existing monuments, markers, and boundary lines of the tract to be subdivided;

8. Location of adjacent and adjoining platted areas and subdivisions showing relationships and match to all connecting streets, rights-of-way, utilities and easements;

9. Contours of sufficient interval to show the topography of the entire tract, and tentative percent of grades of proposed roads, streets, alleys and easements;

10. Location of all critical resource areas, including wetlands, flood hazard areas, slopes greater than forty percent, fish and wildlife habitat areas, and critical aquifer recharge areas;

11. Layout and approximate dimensions of proposed blocks, lots, roads, streets, alleys and other proposed elements, together with the location of any portions to be set aside for recreation areas, parks, or other and semipublic uses;

12. Location of existing and proposed utility clearly indicating the distribution of each utility system;

13. Should the application involve the redivision of any or all of an existing platted area, the original plat shall be shown with dotted lines in their relationship with the new arrangements to the proposed plat;

14. Name, address and telephone number of all persons, firms or corporations holding an interest in the property;

15. Names and addresses of all property owners within 300 feet of the boundaries of the property proposed for subdivision, as those names appear on the records of the Stevens County Assessor;

16. Copies of any proposed restrictive covenants;

17. Title report on the property proposed for subdivision;

18. A petition for each variance from the provisions of this title which is anticipated by applicant;

19. Mitigation proposed for any adverse impacts to identified critical resource areas.

20. Other information as determined necessary by the administrator. (Ord. 1667, 2007)

C. An environmental checklist or an environmental assessment in accordance with prevailing standards and procedures established under the State Environmental Policy Act (SEPA) and associated guidelines. Environmental checklists shall be accompanied by a fee in a amount established by ordinance of the city council to cover costs. (Ord. 1586, §4, 1999)

17.05.094 Review Process

A. A Preliminary Subdivision Plat shall be subject to a Type III review consistent with Section 17.06.039 of this Title.

B. The Planning Commission upon review at a public hearing may recommend a Preliminary Subdivision Plat to the City Council, with or without conditions, if all of the following findings of fact can be made in an affirmative manner: (Ord. 1557, 1998; Ord. 1681, 2008)

1. The proposed Preliminary Subdivision is in compliance with the Kettle Falls Comprehensive Plan, any requirements of the NE Tri-County Health District, and any other such plans developed pursuant to law. In addition, if the property in part or total, abuts a state highway, the proposed Preliminary Subdivision is in compliance with any rules of Washington State Department of Transportation.

2. The physical characteristics of the site, including but not limited to topography, soil conditions, or unique natural features such as susceptibility to flooding, wildlife habitat, or wetlands, have been considered in the project design.

3. The proposed Subdivision is in compliance with all applicable standards in the Unified Development Ordinance.

4. The appropriate provisions have been made for dedications, easements, and reservations.

5. The public use and interest will be served by the subdivision.

6. The following facilities are adequate to serve the proposed subdivision before or will be improved concurrent with development of the preliminary plat: (Ord. 1667, 2007)

   a. public and private streets and roads;
   b. water;
   c. drainage;
   d. sanitary waste collection and treatment;
   e. schools and educational services;
   f. fire and police service; and
   g. pedestrian and bike facilities

7. If phasing is proposed:

   a. the phasing plan includes all land within the preliminary plat;
   b. each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire plat; and
   c. all road improvements requirements are assured

C. Upon receipt of the Planning Commission's recommendation for approval on any preliminary plat, the City Council shall conduct a closed record public hearing based on the record established. If the city council deems a change in the planning commission's recommendation is necessary, the city council shall adopt its own recommendation and approve or disapprove the preliminary plat. (Ord. 1586, §4, 1999; Ord. 1667, 2007; Ord. 1681, 2008)

17.05.095 Time Limit on Approval of a Preliminary Subdivision.

A. Approval of a Preliminary Subdivision Plat shall be valid for five (5) years, during which time an application for a Final Subdivision meeting all the requirements of Chapter 17.04 and of the Preliminary Subdivision approval shall be made.

B. The applicant may request a one (1) year extension prior to the expiration of the Preliminary approval. The request for extension may be granted by the Planning Commission provided that an attempt in good faith has been made to submit the Final Plat within the five (5) year period and that there have been no significant changes to the City's policies or development code. (Ord. 1586, §4, 1999; Ord. 1667, 2007)

C. If an appeal is received on a SEPA determination, the appeal and the subject application shall be considered by the City Council at the same hearing.

17.05.096 Agreements to Transfer Land Conditioned on Final Plat Approval

If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land following preliminary plat approval is expressly conditioned on the agreement does not violate any provisions of this title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded. (Ord. 1586, §4, 1999)

17.05.100 Final Plat

17.05.101 Purpose and Intent

The purpose of a Final Plat is to ensure that all conditions of the Preliminary Short Plat or Preliminary Subdivision Plat approvals have been satisfied prior to the recordation of the map.

17.05.102 - Review Process

A. Every final plat document shall include an accurate map of the divided land, based upon a complete survey, including the following information:

1. All section, including quarter section and quarter section, township, municipal and county lines lying within or adjacent to the land.

2. The location of all monuments, found or set, or other evidence used as ties to establish the subdivision boundaries. The location of all monuments found and established within the subdivision.

3. The boundary of the divided land with complete hearings and lineal dimensions.

4. The length of each block and lot line, together with bearings and other data necessary for the location of any block or lot line in the field.

5. The location, width and center line of all streets and alleys within and adjoining the subdivision.

6. The location and width, shown with broken lines, and description of all easements, including a statement of their designated use.

7. Lot areas in square feet and lot and block numbers where applicable

8. Location of all adjoining and adjacent existing plats and unplatted property, indicated by broken lines, together with recording data.

17.05.103 - Action by Review Authority

A. A Final Plat shall be subject to a Type II review consistent with Section 17.06.038 of this Title.

B. The Planning Commission shall approve the Final Plat at a public hearing if all of the following findings of fact can be made in an affirmative manner. (Ord. 1681, 2008)

   1. The Final Plat meets the requirements of Chapter 58.17 RCW, other applicable state laws, and all requirements for plat approval in this title.

   2. The Final Plat has met all the conditions and conforms to all terms of the preliminary approval.

   3. The Stevens County Treasurer certifies that all taxes and delinquent assessments for which the property may be liable have been duly paid, satisfied and discharged.

17.05.104 - Approval and Recordation

A. A subdivision shall be governed by the terms of approval of the Final Plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five (5) years after Final Plat approval unless City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

B. The final plat shall be filed with the County department of records upon receipt of the County's filing fee from the applicant.

Section 17.05.110 - Vacation and Alteration

17.05.111 - Purpose and Intent

The purpose of a Vacation and alteration procedure is to allow for the deletion or alteration of a dedicated right-of-way or easement.

17.05.112 - Action by Review Authority

A. A Vacation shall be subject to a Type III review consistent with Section 17.06.039 of this Title.

B. The Planning Commission at an open record public hearing may recommend approval to City Council of a Vacation and Alteration request, with or without conditions, if all of the following findings of fact can be made in an affirmative manner: (Ord. 1681, 2008)

1. The alteration to the previously approved subdivision is in compliance with the Kettle Falls Comprehensive Plan and the Unified Development Ordinance.

2. The public use will be served by the alteration to the previously approved subdivision.

C. The City Council at a closed record hearing may approve a Vacation and Alteration request, with or without conditions. (Ord. 1681, 2008)

17.05.113 - Approval and Recordation

After approval of the alteration request, a revised plat shall be filed with the County department of records upon receipt of the County's filing fee from the applicant.

*Appendix A & Appendix B are enclosed in the actual ordinance in the Municipal Code Book.