CHAPTER 17.04

LAND DIVISION

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Section 17.04.010 - Purpose and Intent

A. The purpose of Chapter 17.04, Land Division, is to:

1. regulate the division of land and promote the public health, safety and general welfare of the residents of Kettle Falls in accordance with standards established by the state to prevent the overcrowding of land;

2. provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout Kettle Falls, with particular regard to the avoidance of congestion in the streets and highways, the provision of suitable ingress and egress, and the creation of safe and adequate pedestrian and traffic movements appropriate to the various uses of land and buildings;

3. protect the character and the social and economic stability of Kettle Falls and encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development;

4. ensure that public facilities, such as streets, water, sewerage, parks and recreation areas and other public services are sufficient and available concurrently with development;

5. ensure proper legal descriptions and monumenting of divided land; and

6. provide for the expeditious review and approval of proposed subdivisions which conform to the Comprehensive Plan, zoning standards and local plans as adopted under the Growth Management Act.

Section 17.04.020 - Scope and Compliance

A. Any division, redivision, platting or subdivision or any division of land containing a dedication of any part to any public purpose, such as a public street, highway, or public open space, shall comply with the provisions of this Chapter.

B. The provisions of this Chapter shall not apply to the following:

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

2. Division of land into lots or tracts, each of which is one sixty fourth (1/64) of a section of land or larger, or ten (10) acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, excluding limited-access streets or roads, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street, and the side lot lines of the lot running perpendicular to the centerline.

3. Divisions of land which are the result of the actions of governmental agencies, such as condemnation for road construction purposes.

4. Division of land made by testamentary provisions, or the laws of descent.

5. A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width, depth, and area for a building site.

Section 17.04.030 - Lot Line Adjustments

Lot Line Adjustments shall be processed in accordance with Sections 17.05.070 and 17.06.030.

Section 17.04.040 - Short Plats

Short Plats, which is the division of land into four (4) or fewer parcels, shall be processed in accordance with Sections 17.05.080 and 17.06.030.

17.04.041 - Prohibition on Further Division

Property in Short Plat subdivision shall not be further divided in any manner within a period of five (5) years, except if the Short Plat contains less than four (4) lots. If the Short Plat contains less than four lots, the property owner may alter the Short Plat within the five (5)-year period to create up to a total of four (4) lots within the original Short Plat boundaries.

Section 17.04.050 - Preliminary Subdivision Plats

Preliminary Subdivision Plats, which is the division of land into five (5) or more parcels, shall be processed in accordance with Sections 17.05.090 and 17.06.030.

Section 17.04.060 - Final Plats

Final plats, which is the final approval of a Preliminary Subdivision Plat, shall be processed in accordance with Sections 17.05.100 and 17.06.030.

Section 17.04.070 - Design Standards

17.04.071 - Purpose and Intent

The purpose of design standards is to create land divisions that are efficient and safe and that fit within the overall pattern of the community.

17.04.072 - General Provisions

A. Land which is found to be unsuitable due to bad drainage, slopes of more than 20 percent or land with rock or unstable soil conditions, shall not be subdivided unless the plans include the design and installation of devices necessary for correction or control of conditions.

B. If existing utilities are not adequate or cannot be practically installed, a proposed land division may be rejected until such time as necessary modifications to the system(s) are made to allow for adequate service. As a condition of a land division approval, the City may require the costs of modification be borne by the subdivider.

C. The subdivider may be required to provide utilities on-site and off-site to meet the minimum level of service established in the Kettle Falls Comprehensive Plan.

D. If a subdivider is required to install utilities that are greater than the minimum provided in this Article to implement the development of the Comprehensive Plan to serve areas other than the proposed subdivision, the City may reimburse the subdivider for the additional costs for the larger infrastructure.

17.04.073 - Streets

A. The on-site street system shall be coordinated with existing, proposed, and anticipated streets beyond the land that is being divided into lots. The arrangement of streets shall provide for the continuation of principal streets and adjacent properties for the convenient movement of traffic, effective fire protection, efficient provision of utilities and conformance with the Comprehensive Plan.

B. Whenever access to adjacent un-subdivided property or connections to anticipated or proposed surrounding streets are required, the street right-of-way shall be extended and the street developed to the property line of the subdivided property, or to the edge of the undeveloped portion of a single tract, at the point where the connection to the anticipated or proposed street is expected. In addition, the City may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles.

The City may waive these requirements if one of the following criteria is met:

1. Topography or other physical condition makes it impracticable to provide access to adjacent un-subdivided property.
2. Adequate public access is otherwise available to the adjacent unsubdivided property.
3. The adjoining un-subdivided property is under a conservation easement or other legally restrictive covenants. (Ord. 1687, 2009)

C. Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff and to conform as closely as practicable to the original topography.

D. Streets shall be laid out so as to intersect as nearly as possible at right angles. Clear visibility shall be provided for a minimum distance of ten (10) feet at intersections, as measured along the property line of the streets, or as approved by the City Engineer based on street alignment and gradients. (Ord. 1687, 2009)

E. The following design standards shall apply for dedicated rights-of-way:

	Local or Residential	Collector	Arterial
Required Right-of-Way	60 feet	60 feet	80 - 100 feet
Required Pavement Width	20 feet (28 with parking)	24 feet (36 with parking)	60 feet
Design Speed	25 miles per hour	35 miles per hour	35 miles per hour
Maximum Length of Cul-de-Sacs	180 feet	Not allowed	Not allowed
Minimum Radius of Turn-Around for Cul-de-Sacs	75 feet	Not allowed	Not allowed

F. After sewer and water utilities have been installed, the subdivider shall construct streets to the widths prescribed above with the construction materials and methods in conformance with "Standards and Specifications for Municipal Public Works Construction" prepared by the American Public Works Association for Class B plant mix asphalt or better.

G. Streets not dedicated to the public must be clearly marked on the face of the plat.

H. Shared Driveways. No more than two parcels may be served by a shared private driveway which shall comply with the following standards:

1. A shared driveway shall be owned and maintained by the owner(s) of the parcels or lots sharing access on the driveway;
2. No more than two single family or multi-family units may access a shared driveway;
3. A shared driveway shall be at least 12 feet (12') wide and not longer than one hundred and fifty feet (150');
4. No parking is allowed on the shared driveway; and
5. Each lot sharing access on the driveway must provide on-site parking spaces as per KFMC 17.03.014. (Ord. 1687, 2009)

I. Fire equipment access must be provided for every building located more than one hundred fifty feet (150') from an approved public way. Fire equipment access may be provided by a driveway providing vehicular access to structures on no more than two parcels. (Ord. 1687, 2009)

J. Second or Emergency Access: To facilitate traffic, the provision of emergency services, and the placement of utility easements, the subdivider shall provide all subdivisions of 20 lots or more with a second means of access consisting of a dedicated public right-of-way developed to the standards in this Section and connecting to a public road at a minimum of three hundred feet (300') from any other intersection of a public road. If, in the judgment of the Council, a second dedicated right-of-way cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency access with the following standards:

1. Minimum easement width forty feet (40');
2. Minimum twenty foot (20') unobstructed travel way with all-weather surface. All-weather surface is defined as a paved road surface which emergency and passenger vehicles can pass at all times;
3. Connection to a public road at a minimum of three hundred feet (300') from any other intersection of a public road;
4. Signage clearly visible and legible indentifying the emergency access;
5. Obstructing an emergency access road is prohibited. Signage may be required stipulating this provision; and

6. A recorded road maintenance agreement is required. It must be demonstrated that upkeep is provided for the entire length of the road being used as emergency access to improved properties. The agreement must state that the City is not responsible for constructing, improving, maintaining, repairing, providing drainage or snow removal on the private road providing emergency access. (Ord. 1687, 2009)

K. All streets, lanes, driveways, and emergency access roads shall have unobstructed vertical clearance from trees, power lines and other utilities, entry gates, etc. of not less than thirteen feet six inches (13'6"). (Ord. 1687, 2009)

L. Private lanes shall not be permitted inside city limits. Existing private lanes: Boise-Sanders Lane, Honey Bee Lane, Morley Lane, and Walker Way shall be grandfathered. Any further land divisions or annexations affecting Boise-Sanders Lane, Honey Bee Lane, Morley Lane, or Walker Way will require that these lanes be improved or other streets be established to meet the standards of this Section. (Ord. 1687, 2009)

M. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of this Section and where the City finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract being subdivided, the other half of the street shall be included as a part of the subdivision. (Ord. 1687, 2009)

17.04.074 - Block Sizes

A. Blocks shall have sufficient depth to provide for two (2) tiers of lots which meet the development standards of the district in which the property is located. The lengths, widths and shapes of blocks shall be such as are appropriate for the location but block lengths in residential zones shall not be less than 300 feet except that block lengths with frontage on major arterials should not be less than 500 feet. (Ord. 1687, 2009)

B. Where possible, block length, width, and layout shall be consistent with that of adjacent layouts unless topographical conditions justify variation.

C. The subdivider may be required to provide an easement through a block to create pedestrian connectivity at a mid-block point when determined to be essential to provide circulation or access to schools, parks, retail areas, or other destination points. Minimum width of a pedestrian walkway placed in the easement shall be four (4) feet.

D. The subdivider may be required to provide an easement or an alley through the block to accommodate utilities or drainage. Minimum widths of easements, for sewer, water or storm drain facilities shall be fifteen (15) feet with provisions for vehicular access. (Ord. 1687, 2009)

17.04.075 - Access

A. Every lot shall be provided with frontage on or access to a public street via a private street.

B. If access to the subdivision is required across land under the jurisdiction of another local government, the Planning Commission may request assurance from the local government that access is legally established, and that the access road is adequately improved, or that a guarantee has been executed and is sufficient to assure the construction of the access road.

17.04.076 - Lot Frontage

A. All lots shall have a minimum lot frontage of 20 feet.

B. Flag lots shall not be approved unless the frontage and lot width standards are met. No more than two (2) lots may be accessed from a single flag stem.

17.04.077 - Lot Dimensions

If lots within a proposed short plat or preliminary subdivision plat are more than double the minimum required area for the zoning district, the Planning Commission may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots.

17.04.078 - Curbs, Sidewalks, and Planter Strips

A. Concrete curbs and sidewalks shall be constructed in accordance with the American Public Works Association Standards or as required and approved by the City Superintendent.

B. Handicap ramps shall be provided in sidewalks at all intersections.

C. Curbs and sidewalks shall be constructed in accordance with the following:

D. Concrete curbs shall be six (6) inches high.

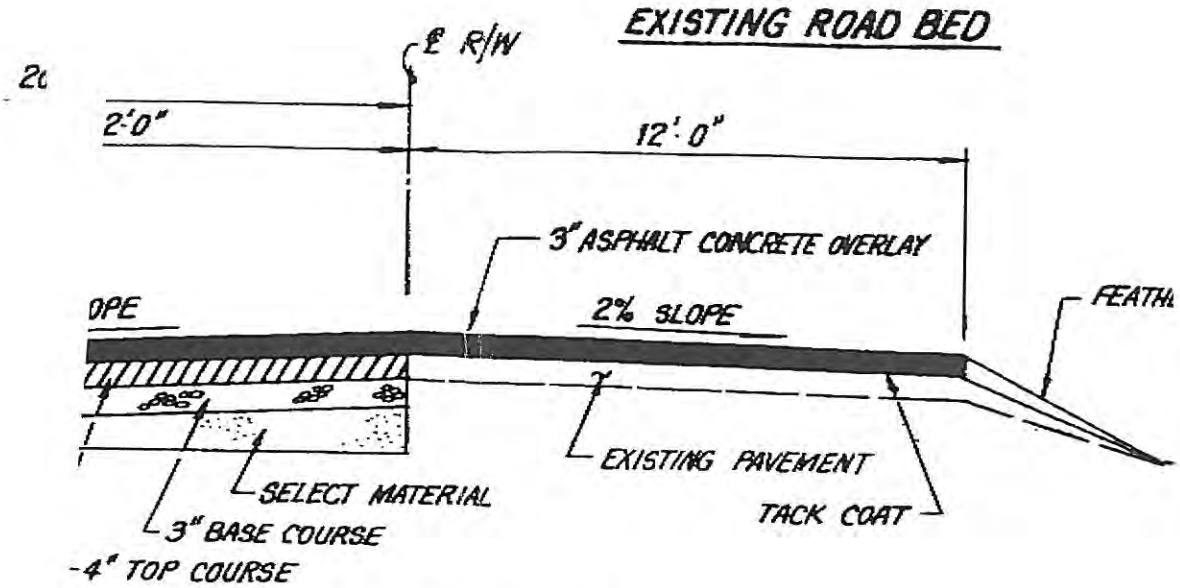
E. Sidewalks and planter strips shall be included within the dedicated nonpavement right-of-way of all streets as follows:

1. Sidewalks in residential zones shall be a minimum of four (4) feet in width, unless along a principal arterial where the sidewalk shall be five (5) feet in width. In addition, a four (4) foot planter strip shall be provided between the curb and the sidewalk.

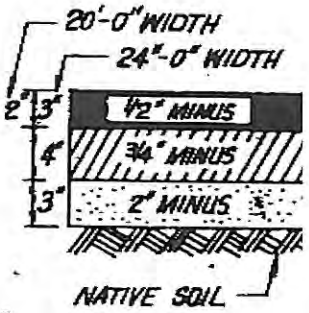
2. Sidewalks in commercial zones shall be a minimum of ten (10) feet in width.

3. Sidewalks in industrial zones shall be a minimum of five (5) feet in width.

F. The requirement for curbs and sidewalks may be waived upon approval of City Council and City Superintendent provided the elimination of sidewalks will not result in a hazardous environment for pedestrians in the area.



HALT CONCRETE FOR 24' ROAD WIDTH
HALT CONCRETE FOR 20' ROAD WIDTH



24'-0" ROAD CROSS SECTION

SCALE: 1" = 4'

17.04.079 - Street Amenities

A. One (1) street tree shall be planted within the planting strip of the public right-of-way for every 40 feet of lot frontage along the existing or proposed road. A waiver may be granted by the City Council if there are trees growing along the right-of-way or on the abutting property which, in the judgment of the City Council, comply with this regulation.

B. Street lights shall be provided so as to provide a safe environment for the residents and visitors to the subdivision. The location and amount of lighting shall be approved by the City Superintendent. The subdivider shall be responsible for the cost of installation of all required lights.

C. Before occupancy of any building, the City will install all required signs. The subdivider shall be responsible for the cost of installation of all required signs.

17.04.080 - Water Facilities

A. All lots shall be connected to City water. The subdivider shall ensure that necessary improvements and extensions are made so as to provide water sufficient for domestic use and fire protection. All water extensions shall be approved by the City Superintendent.

B. All water utility installations including fire hydrants, shall be designed in accordance with the American Public Works Association Standards or as required by the City Superintendent. All materials shall be American Water Works Association approved.

C. Any water main shall be a minimum of six (6) inches in diameter. In deciding the size of a new water line, the size shown in the Water System Master Plan and the planned growth of the surrounding area shall be considered.

D. Fire hydrants are required in all subdivisions. They shall be spaced at distances not to exceed 600 feet in single family residential areas and at distances not to exceed 300 feet in all other areas.

17.04.081 - Drainage and Storm Sewers

A. Lots shall be graded so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the proposed storm drain pattern of the area. Stormwater runoff from individual lots shall be detained and treated on-site, so that the general storm drainage pattern in the area will not be disrupted.

B. In areas where on-site stormwater detention and/or treatment system are not possible, an adequate storm sewer system including necessary pipes, culverts, catch basins and any other necessary appurtenances shall be provided for the proper drainage of surface water. The inflow of storm waters into sanitary sewers shall be prohibited.

C. Detention basins shall be designed to be in character with the existing landscape and topography so as to blend in with the visual landscape.

D. The requirements for installation of storm sewer drainage may be waived upon approval by the City Council and City Superintendent.

17.04.082 - Sanitary Sewer Facilities

A. The subdivider shall install sanitary sewer facilities to all lots in accordance with the American Public Works Association Standards or as required and approved by the City Superintendent.

B. Sanitary sewers shall be installed to serve every lot. No individual disposal systems or treatment plants shall be permitted, except by variance approved by the Planning Commission and City Council.

C. No sewer main shall be less than eight (8) inches in diameter unless justified and approved by the City Superintendent and the Washington State Department of Ecology. In deciding the size of a new sewer main, the planned growth of the surrounding area, as shown in the Comprehensive Plan, shall be analyzed.

17.04.083 - Public Utilities and Easements

A. All existing and proposed utilities and easements shall be shown on the preliminary plat.

B. All new utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground.

C. Underground service connections to the property line of each platted lot shall be installed by the subdivider. The subdivider shall coordinate with the City and utility companies for the establishment of easements within the subdivision.

71.04.084 - Dedication of Public Park

A. Land within a short plat or preliminary subdivision that is indicated in the Comprehensive Plan as public open space may be required to be reserved by the subdivider for purchase by the public within a one year period of time after final subdivision approval.

B. If the preliminary plat includes a dedication of a public park with an area of less than two (2) acres and the donor has designated that the park be named in honor of a deceased individual of good character, the City Council shall adopt the designated name.

17.04.085 - Naming of Divided Land

The proposed name of a short plat or subdivision shall not duplicate, or closely approximate phonetically, the name of any other division of land.

17.04.086 - Protective Covenants

If a property owner has covenants or deed restrictions on a proposed short plat or subdivision, the recording date of said covenants or deed restrictions shall be on the face of the plat.

17.08.087 - Solar Access

The lots and building pads shall be oriented to maintain solar access to properties within the adjacent to the subdivision,

17.04.088 - Flood, Inundation or Swamp Conditions

A proposed plat may be denied because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without the prior written approval of the State Department of Ecology.

17.04.089 - Fire Hydrants

A. Hydrants must be placed to serve a four hundred foot (400') radius. A proposed land division or plat may be denied if the area is not served by a fire hydrant. The cost of installing a hydrant is borne by the developer. (Ord. 1687, 2009)

B. Minimum standards for fire hydrants shall conform to WAC 246-293-650. (Ord. 1687, 2009)

Section 17.04.090 - Plat Vacation and Alteration

A. A Plat Vacation or Alteration shall be processed in accordance with Sections 5.1100 and 6.0100.

B. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner(s), unless the plat or other document creating the dedicated easement provides for an alternative method(s) to vacate or alter the easement.

C. After approval of an alteration, the applicant shall produce a final drawing of the approved alteration which shall be filed with the County auditor to become the lawful plat of the property.

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

E. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.

Section 17.04.100 - Bonds

A. In lieu of the completion of the actual construction of any required improvements or monumentation prior to approval of a short or final plat, the Administrator or Council may accept a bond, approved as to form by the City Attorney, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the City the actual construction and installation of such improvements within a period specified by the City and expressed in the bonds. In addition, the City may require the posting of a bond securing to the City the successful operation of improvements for up to two (2) years after final approval.

B. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of the improvements.

Section 17.04.110 - Monumentation

A. All front and rear corners shall be set with monuments, except as provided in Subsection B.

B. All monuments for the exterior boundaries of the subdivision shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within 90 days of final subdivision construction inspection by the City, and if the developer guarantees and certifies the interior monumentation.

Section 17.04.120 - As Built Drawings

Upon completion of the installation of all infrastructure improvements, two copies of infrastructure as built plans shall be filed with the City Superintendent. The maps shall show information required by the City Superintendent, but not limited to location of all utilities, sewer grades, manholes, fire hydrants, storm sewer main size and location, and catch basin location. The City shall withhold final acceptance of the utility installation until the as built drawings are filed.