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**ORDINANCE NO. 833**

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING CHAPTER 15.09 CMC LOCAL PROJECTS REVIEW; ESTABLISHING PROCEDURES AND STANDARDS GOVERNING THE EXPIRATION OF PROJECT PERMIT APPLICATIONS; AMENDING CHAPTER 15.16 CMC SUBDIVISION; DEFINING THE ROLE OF THE CITY MANAGER IN THE SUBDIVISION REVIEW AND APPROVAL PROCESS; AMENDING CHAPTER 15.18 CMC LAND USE APPROVALS; CLARIFYING THE SUBMITTAL REQUIREMENTS FOR BOUNDARY LINE ADJUSTMENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City desires to update and amend its codified regulations governing local project review and administration; and

WHEREAS, adoption of the updated regulations set forth in this ordinance will serve the public interest by clarifying the administrative role of the City Manager in the subdivision review process, clearly demarking property boundaries following a boundary line adjustment, and ensuring that permit applications will be pursued by project applicants with reasonable diligence; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the above recitals as findings in support of the regulations set forth in this ordinance, together with the following:

A. The City is authorized by State law, including but not limited to Chapter 35A.11 RCW, Chapter 58.17 RCW, Chapter 35A.63 RCW and Chapter 36.70B RCW, to enact local regulations governing the processing, review and approval of land use permits.

B. The Planning Board conducted a public hearing on the substance of this ordinance on May 28, 2013, and recommended adoption by the City Council. The City Council held a public hearing on this ordinance on July 2, 2013.

C. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.

D. All relevant requirements of SEPA have been satisfied with respect to this ordinance.

E. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy, the review criteria codified at CMC 15.100.030(E).

F. The regulations set forth in this ordinance will advance the public health, safety and welfare.

Section 2. Amendment of Chapter 15.09 CMC. Chapter 15.09 of the Carnation Municipal Code is hereby amended by the addition of a new Section 15.09.135 to provide in its entirety as follows:

**15.09.135 Expiration of applications.**

Where a determination of completeness has been issued for an application but the applicant subsequently fails to submit information, studies or other items necessary to obtain final project permit approval, the application shall become null and void one year after registered notice is mailed to the applicant and property owner.

The city may provide such notice after four years have lapsed from the date of application submittal. A one time, one year time extension may be granted by the Hearing Examiner after a public

hearing if the extension request is submitted within thirty days prior to the date of expiration provided for in the Notice and the applicant has demonstrated due diligence and reasonable reliance towards project completion. In considering due diligence and reasonable reliance, the Examiner shall consider the following:

- A. Date of initial application;
- B. Time period the applicant had to submit required studies;
- C. Availability of necessary information;
- D. Potential to provide necessary information within one year;
- E. Applicant's rationale or purpose for delay; and
- F. Applicant's ability to show reliance together with an expectation that the application would not expire.

If the provisions of this section irreconcilably conflict with any provision of state or federal law with respect to a particular category of permit application, the state or federal provision shall control to the extent of such conflict.

Section 3. Amendment of CMC 15.16.160. Section 15.16.160 of the Carnation

Municipal Code is hereby amended to provide in its entirety as follows:

**15.16.160 Final short plat submittal requirements.**

A. All short subdivisions shall meet the following provisions prior to recording:

1. All final short subdivisions shall be surveyed and the final recording forms shall be prepared by a licensed land surveyor.

2. Surveys shall include those items prescribed by RCW 58.09.060, Records of Survey, Contents--Record of Corner, Information.

3. Plat certificates or owner's duplicate certificates for land registered pursuant to Chapter 65.12 RCW, Registration of Land Titles, shall be obtained and provided by the owners of any approved short subdivision.

4. A supplemental plat certificate shall be

provided if the final short plat is not recorded within thirty days of the original certificate or supplemental certificate date.

5. All required improvements must be constructed, installed and approved, or adequate security given for the proper construction and installation of the improvements as specified for site improvements in this title.

B. Final plat recording forms shall include the following signatures, approvals, or information in the format prescribed by the director:

1. Name of the subdivision;
2. Location by section, township and range, or by other legal description;
3. The name and seal of the registered engineer or the registered land surveyor;
4. Scale shown graphically, datum and northpoint. The scale of the final site plan shall be such that all distances and bearing can be clearly and legibly shown thereon in their proper proportions. Site plans unduly cramped and whose essential data cannot be clearly read will not be approved;
5. Boundary of plat based on an accurate traverse, with angular and lineal dimension;
6. Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalkways. The name of a street shall not duplicate that of any existing street in the city. Proposed street names shall be checked with the proper officials;
7. True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat;
8. Municipal, township, county or section lines accurately tied to the lines of the development by distance and courses;
9. Radii, internal angles, points of curvature, tangent bearings and lengths of all areas;

10. All easements for rights-of-way provided for public service or utilities;

11. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;

12. Accurate location of all monuments, which shall be concrete and four inches by four inches at top, six inches by six inches at bottom and twenty-four inches long with a metal marker cast in the center. One such monument shall be placed at each street intersection, and at a location to complete a continuous line of sight and at such other locations as required by the city engineer;

13. All plat meander lines or reference lines along bodies of water shall be established above the ordinary high water mark;

14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and any areas to be reserved by deed covenant for common uses of all property owners;

15. Building setback lines accurately shown with dimensions;

16. Notarized signatures of all persons having an ownership or security interest in the land being subdivided;

17. Approval of the city engineer;

18. Approval of the public works director;

19. Approval of the city planner;

20. Approval of the city manager

21. One mylar of the final plat;

22. One electronic copy of the final plat as approved, shall be submitted to the public works director in a format specified by the director;

23. Payment of any application fees and deposits imposed by the city.

Section 4. Amendment of CMC 15.16.350. Section 15.16.350 of the Carnation

Municipal Code is hereby amended to provide in its entirety as follows:

**15.16.350 Final plat approval.**

A. All subdivisions shall meet the following provisions prior to recording:

1. All final subdivisions shall be surveyed and the final recording forms shall be prepared by a licensed land surveyor;
2. Surveys shall include those items prescribed by RCW 58.09.060, Records of Survey, Contents--Record of Corner, Information;
3. Plat certificates or owner's duplicate certificates for land registered pursuant to Chapter 65.12 RCW, Registration of Land Titles, shall be obtained and provided by the owners of any approved subdivision;
4. A supplemental plat certificate shall be provided if the final short plat is not recorded within thirty days of the original certificate or supplemental certificate date;
5. All required improvements must be constructed, installed and approved, or adequate security given for the proper construction and installation of the improvements as specified for site improvements in this title.

B. Final plat recording forms shall include the following signatures, approvals, or information in the format prescribed by the director:

1. Name of the subdivision;
2. Location by section, township and range, or by other legal description;
3. The name and seal of the registered engineer or the registered land surveyor;
4. Scale shown graphically, datum and northpoint. The scale of the final site plan shall be such that all distances and bearing can be clearly and legibly shown thereon in their proper proportions. Site plans unduly cramped and whose

essential data cannot be clearly read will not be approved;

5. Boundary of plat based on an accurate traverse, with angular and lineal dimension;

6. Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalkways. The name of a street shall not duplicate that of any existing street in the city. Proposed street names shall be checked with the proper officials;

7. True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat;

8. Municipal, township, county or section lines accurately tied to the lines of the development by distance and courses;

9. Radii, internal angles, points of curvature, tangent bearings and lengths of all areas;

10. All easements for rights-of-way provided for public service or utilities;

11. Lots designated by number on the binding site plan within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;

12. Accurate location of all monuments, which shall be concrete and four inches by four inches at top, six inches by six inches at bottom and twenty-four inches long with a metal marker cast in the center. One such monument shall be placed at each street intersection, and at a location to complete a continuous line of sight and at such other locations as required by the city engineer;

13. All plat meander lines or reference lines along bodies of water shall be established above the ordinary high water mark;

14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and any areas to be reserved by deed covenant for common uses of all property owners;

15. Building setback lines accurately shown with dimensions;
16. Notarized signatures of all persons having an ownership or security interest in the land being subdivided;
17. Approval of the city engineer;
18. Approval by the public works director;
19. Approval of the city planner;
20. Approval of the city manager
21. Approval of the mayor;
22. One mylar copy of the final plat as approved;
23. One electronic copy of the final plat as approved shall be submitted to the public works director of the department in a format specified by the director;
24. Payment of any application fees and deposits imposed by the city.

Section 5. Amendment of CMC 15.16.560. Section 15.16.560 of the Carnation

Municipal Code is hereby amended to provide in its entirety as follows:

**15.16.560 Recording and binding effect.**

A. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor licensed in the state of Washington. Surveys shall include those items prescribed by RCW 58.09.060, Records of survey, contents--Record of corner, information.

B. The approved binding site plan recording forms shall include the following, in the format prescribed by the director:

1. Name of binding site plan;
2. Location by section, township and range, or by other legal description;

3. The name and seal of the registered engineer or the registered land surveyor;

4. Scale shown graphically, datum and northpoint. The scale of the final site plan shall be such that all distances and bearings can be clearly and legibly shown thereon in their proper proportions. Site plans unduly cramped and whose essential data cannot be clearly read will not be approved;

5. Boundary of binding site plan based on an accurate traverse, with angular and lineal dimension;

6. Exact location, width, and name of all streets within and adjoining the binding site plan, and the exact location and widths of all alleys and crosswalkways. The name of a street shall not duplicate that of any existing street in the city. Proposed street names shall be checked with the proper officials;

7. True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the binding site plan;

8. Municipal, township, county or section lines accurately tied to the lines of the development by distance and courses;

9. Radii, internal angles, points of curvature, tangent bearings and lengths of all areas;

10. All easements for rights-of-way provided for public service or utilities;

11. Lots designated by number on the binding site plan within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;

12. Accurate location of all monuments, which shall be concrete and four inches by four inches at top, six inches by six inches at bottom and twenty-four inches long with a metal marker cast in the center. One such monument shall be placed at each street intersection, and at locations to complete a continuous line of sight and at such other locations as required by the city engineer;

13. All plat meander lines or reference lines along

bodies of water shall be established above the ordinary high water mark;

14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and any areas to be reserved by deed covenant for common uses of all property owners;

15. Building setback lines accurately shown with dimensions;

16. Notarized signatures of all persons having an ownership or security interest in the land;

17. Approval of the city engineer;

18. Approval of the public works director;

19. Approval of the city planner;

20. Approval of the city manager;

21. One electronic copy of the final binding site plan, as approved by the city planner, shall be submitted to the public works director in a format specified by the director;

22. Payment of any application fees and deposits imposed by the city.

D. The city planner shall examine and sign the approved binding site plan if it conforms with the approved binding site plan and all conditions of approval. Binding site plan record of survey shall be recorded with the King County records and elections department.

E. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. 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.

F. 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.

Section 6. Amendment of CMC 15.18.110. Section 15.18.110 of the Carnation

Municipal Code is hereby amended to provide in its entirety as follows:

**15.18.110 General procedure.**

A. An application for a boundary line adjustment shall include and show the following:

1. The name, address, and phone number of all owners of all parcels involved in the boundary line adjustment;

2. Existing legal descriptions for all parcels involved and the proposed legal descriptions for all parcels involved upon completion of the boundary line adjustment; and

3. A legible scale drawing prepared by a registered land surveyor of the properties involved in the adjustment showing at a minimum the following:

a. The existing dimensions of all properties and proposed new boundary line adjustment,

b. Identify adjacent streets, drainage channels, sewer and water lines,

c. Dimensioned existing and proposed easements, if any,

d. Existing structures, distance to property lines, and proposed property lines,

e. Indicate north,

f. The position of monumentation set at each new property corner;

g. Identify parcels as Lot A, Lot B, etc.,  
and

h. Such other information as reasonably

requested by the city.

B. Owners of all parcels involved in the adjustment must sign the application.

C. A copy of a current title report for all properties involved shall be attached to the application.

D. Applicant shall provide proof that all past-due property taxes and/or LID assessments have been paid.

E. The application shall be reviewed the city planner to determine its adequacy and accuracy. The city planner, upon determination that the application is complete and accurate, and that the fee has been paid, shall approve or deny the application in accordance with those procedures for a Type I land use application set forth in Chapter 15.09 CMC.

Section 7. Copy to CTED. Pursuant to RCW 36.70A.106, the Planning Director is hereby authorized and directed to provide a copy of this ordinance to the State Department of Community, Trade and Economic Development within 10 days of adoption.

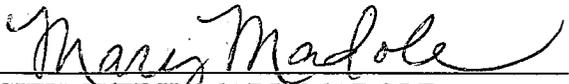
Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Carnation City Council this 2nd day of July, 2013.

  
MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:

  
CITY CLERK, MARY MADOLE

FILED WITH THE CITY CLERK: ..... 05/03/2013  
PASSED BY THE CITY COUNCIL: ... 07/02/2013  
PUBLISHED: ..... 07/10/2013  
EFFECTIVE DATE: ..... 07/15/2013  
ORDINANCE NO. .... 833