

17.04.010 Title for citation.

This title shall be known and may be cited as the “Land Subdivision, Plats and Improvements Ordinance of the town of Eatonville”. (Ord. 92-9 § 3, 1992).

17.04.020 Purpose of provisions.

The purpose of this title includes, but is not limited to, regulating the division of land and furthering the public health, safety and general welfare by:

- A. Providing for the platting, division, dedication and recording of land;
- B. Providing for safe and adequate access;
- C. Providing for safe and adequate streets, utilities, parks, and recreation facilities, schools and other public facilities;
- D. Providing for minimum level of light, air and open space;
- E. Implementing the provisions and intent of the comprehensive plan and zoning code, as well as the other plans and policies of the town;
- F. Requiring uniform monumentation and description of divided land and conveyancing by accurate legal description;
- G. Providing for binding site plans, under certain conditions on land so regulated;
- H. Providing expeditious procedures for land subdivisions, building site plans, short subdivisions, large-lot subdivisions and boundary line adjustments;
- I. Providing for the housing and commercial land needs of the town;
- J. Providing for high-quality, attractive developments for which the long-term costs to the town are minimized and which enhance the town as a pleasant and attractive place for people to live and work;
- K. Providing for land dividers to pay their fair share of new capital improvements required by their impact so that existing town landowners are not burdened with the cost of these improvements;
- L. Provide standards of division and procedures for subdivision plats and their improvements. (Ord. 92-9 § 3, 1992).

17.04.030 Scope – Restrictions.

No land shall be divided for the purposes of sale, or development; and no land so divided shall be sold, conveyed or transferred until the owner of the land has fully complied with the provisions of this title. (Ord. 92-9 § 3, 1992).

17.04.040 General scope.

Land divisions, short subdivisions, binding site plans, lot line adjustments, [large-lot subdivision](#) and lot consolidations, or any redivisions thereof, shall be presented for review in accordance with the provisions of this title. (Ord. 92-9 § 3, 1992).

17.04.050 Exemptions.

The provisions of this title shall not apply to:

- A. Any cemetery or burial plan, while used for that purpose;
- B. Any division of land made by testamentary provisions, the laws of descent, or by court order;
- C. The subdivisions created by the lawful exercise of the power of eminent domain;
- D. A transfer of parcels of property for the purpose of straightening boundary lines, or correcting a legal description, or a similar need which does not create any additional lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum requirements for widths and are for a building site unless such insufficient area for building site is for town purposes and such site is dedicated to the town and accepted by the town; this shall be completed in accordance with the boundary line adjustment provisions;
- E. Apartments or other units of ownership established and regulated as condominiums pursuant to Chapter [64.32](#) RCW, Laws of the State of Washington;
- F. Offers or dispositions of any interest in oil, gas or other minerals, or any royalty interest therein, if the offers or dispositions of such interest are regulated as securities by the United States or by the Division of Securities of the Department of Licensing;
- G. Divisions of land into lots or tracts classified for industrial or commercial use when the city, town or county has approved a binding site plan for the use of the land in accordance with the town ordinance;
- H. A division for the purpose of lease when no residential structures other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town or county has approved a binding site plan for the use of the land in accordance with the town ordinance;

~~I. Any division of land into lots, tracts or parcels each of which is five acres or larger shall be divided in accordance with the large lot subdivision procedure;~~

J. A division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;

K. Any division of land used solely for the installation of electric power, telephone, water supply, sanitary sewer service, storm drainage service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans;

L. Assessor's plats made in accordance with RCW [58.18.010](#);

M. Deed releases, for the purpose of obtaining building financing, provided that a subdivision or short subdivision is required if the parcel is separately sold or if all land specified by the contract is not acquired;

N. Any division(s) of land for the sole purpose of enabling a municipal corporation to acquire land, either by outright purchase or exchange, for right-of-way purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot or lots are consistent with applicable land use regulations. (Ord. 92-9 § 3, 1992).

17.04.060 Administrative authority.

A. The director of public works or town engineer, or the mayor if there is no public works director, shall be charged with the responsibility of administering and coordinating regulations established by this title.

B. The planning commission shall conduct the public hearings on preliminary plats and make recommendation for approval, denial, or conditional approval of preliminary plats for the town council.

C. The town council shall be responsible for final approval of preliminary and final plats. (Ord. 92-9 § 3, 1992).

17.04.070 Building permit prohibition.

No building permit, septic tank permit or other development permit shall be issued for any lot, tract or parcel or land divided in violation of this title or any part thereof, unless the authority authorized to issue such permit, the public works director and the mayor find that the public interest will not be adversely affected thereby. (Ord. 92-9 § 3, 1992).

17.04.080 Who may apply for land subdivision.

Only the property owner or his/her authorized agent, as authorized in writing, may apply for any land subdivisions. Prior to approval of any land subdivision, the owner or his/her agent shall provide a title report showing the land owner or a certification of ownership by a title company doing business and licensed in the state of Washington. (Ord. 92-9 § 3, 1992).

17.04.090 Property access.

The owner applying for land subdivision approval shall permit free access to the land being divided to all agencies considering the plat or plan, for the period of time extending from the time of application to the time of final action. (Ord. 92-9 § 3, 1992).

17.04.100 Regulations supplementary to state law.

The regulations prescribed by this title shall be considered as supplementary to Chapter [58.17](#) RCW. No map, plat, replat or plan or a proposed land division or plan shall be recorded or have any validity unless it conforms with the requirements of Chapter [58.17](#) RCW. (Ord. 92-9 § 3, 1992).

17.04.110 Model homes.

One model home may be established on a single tract of land without an approved subdivision, provided the town has approved a preliminary short plat or preliminary subdivision which includes the specific lots upon which the model home is to be located, and that all utilities are in place; and provided, further, that the ownership of the model home shall remain with the property owner until a final short plat or final subdivision has been approved and recorded. Building and related permits shall be issued only to the property owner or a licensed contractor acting on the owner's behalf. (Ord. 92-9 § 3, 1992).

17.04.120 Planned residential and planned unit developments.

Planned residential and planned unit developments which include the division of land shall be processed subject to the provisions of this title. No requirements related only to planned residential and planned unit developments are included in this title. The division of land within these projects, if required, can be processed simultaneously with the zoning approval of such projects. (Ord. 92-9 § 3, 1992).

17.04.130 Appeal of administrative decision.

An applicant or other affected party (or parties) may appeal an administrative decision under this title to the town council by filing a written notice of appeal with the public works director within 14 calendar days of the decision being appealed. (Ord. 92-9 § 3, 1992).

17.04.140 Time for commencement of action.

Any action to set aside, enjoin, review or otherwise challenge any amendment to this title must be commenced within 30 calendar days from the date of adoption of the amendment. (Ord. 92-9 § 3, 1992).

17.04.150 Fees.

Fees for the review and processing of land use applications for approval pursuant to this title shall be set by resolution on the officially adopted fee schedule for the town as it may be amended from time to time by resolution. (Ord. 92-9 § 3, 1992).

17.04.160 Time computation.

In computing any period of time prescribed by this title, the day of the act from which the designated period of time begins to run shall be included, unless it is a Saturday, Sunday or a town legal holiday, in which event the period starts the next day which is neither a Saturday, Sunday or a town legal holiday. (Ord. 92-9 § 3, 1992).

17.04.170 Town plans, policies and ordinances.

All subdivisions and binding site plans shall be in accordance with all written and adopted plans, policies and ordinances of the town of Eatonville including but not limited to:

- A. Capital facilities plan;
- B. The comprehensive plan;
- C. Developmental standards;
- D. Economic development plan;
- E. The parks plan;
- F. Sewer plan;
- G. Stormwater plan and storm drainage manual;
- H. Street plan;
- I. The transportation plan;
- J. Water plan;
- K. Zoning ordinance;
- L. Sensitive and critical area ordinances. (Ord. 92-9 § 3, 1992).

17.04.180 Prohibition against sale or transfer of property.

No person shall sell, or offer to sell or transfer any lot, tract or parcel subject to the requirements of this title without first receiving approval by the town hereunder and filing a map of the approved division with the county auditor; provided, that if performance of an offer of agreement to sell, or otherwise transfer a lot, tract or parcel of land is expressly conditioned on the recording of the plat, short plat, large-lot subdivision or binding site plan containing the lot, tract or parcel, the 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 plat or plan is recorded. (Ord. 92-9 § 3, 1992).

17.04.190 Administrative duty.

The director of public works, or the town engineer if there is no public works director, and/or the mayor and his/her staff, is responsible for administering this title and may prepare and require the use of such additional forms which are necessary to effectuate the provisions hereof. (Ord. 92-9 § 3, 1992).

17.04.200 General design standards.

The general design standards shall be as set forth in Chapter [17.18](#) EMC. (Ord. 92-9 § 3, 1992).

17.04.210 Specific design standards.

The specific design standards shall be as set forth in Chapter [17.19](#) EMC. (Ord. 92-9 § 3, 1992).

17.04.220 Violation – Penalties.

Any violations of any of the provisions of EMC Title [17](#) shall constitute a misdemeanor and be subject to the general penalty ordinance adopted by the town. Each violation shall be deemed separate and distinct offense. (Ord. 92-9 § 3, 1992).