

## Title 16 SUBDIVISIONS

### Chapter 16.02 GENERAL PROVISIONS

#### 16.02.010 Short title.

This title shall be known as the "Subdivision Ordinance."

(Ord. No. 386, § 1, 11-2-2009)

#### 16.02.020 Authority.

~~Refer to MMC Section 14.12.025, Applications / Project Classification Types and Review Process for reference to the review authority for recommendations and decisions on all of the types of land division applications and the review process consistent with and The planning commission is designated and assigned the administrative responsibilities as set forth in this title,~~ pursuant to the laws of the state of Washington, RCW Chapter 58.17, as hereafter amended, ~~such responsibilities to include the holding of hearings, and recommendations to the city council for approval or disapproval of preliminary plats of proposed subdivisions. Sole authority to approve preliminary and final plats and to adopt or amend platting ordinances shall reside in the city council.~~

(Ord. No. 386, § 1, 11-2-2009)

#### 16.02.025 Purpose.

The purpose of this chapter is to regulate the subdivision of land and to ~~ensure city land division approvals and dedications make written findings that "appropriate provisions" have been made for the public health, safety, and general welfare and that the public use and interest will be served by the platting of such subdivision and dedication, promote the public health, safety and general welfare~~ in accordance with standards established by the city and the state of Washington:

- ~~1A.~~ To prevent the overcrowding of land;
- ~~2B.~~ To lessen congestion in the streets and highways;
- ~~3C.~~ To promote effective and efficient use of land;
- ~~4D.~~ To promote safe and convenient travel by the public on streets, alleys, and highways, and other public ways;
- ~~5E.~~ To provide for adequate light and air;
- ~~6F.~~ To facilitate adequate provisions for potable water, sanitary sewerage, drainageways, transit stops, parks, open space, and recreation areas, sites for schools and school grounds, and all other relevant factors, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and other public requirements;
- ~~7G.~~ To provide for proper ingress and egress;

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- ~~8~~H. To provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and plans and policies of the city;
  - ~~9~~I. To adequately provide for the housing and commercial needs of the citizens of Millwood; and
  - ~~10~~J. To require uniform monumenting of land subdivisions and conveyancing by accurate legal description.
  - K. Other items related to the public health, safety, and general welfare per WAC 365-196-820(1).

(Ord. No. 386, § 1, 11-2-2009)

### **16.02.030 Planning commission—Failure to act.**

If the planning commission fails to act or carry out its responsibilities according to the regulations set forth in this title, the city council shall assume all the duties of the planning commission relating to the specific application of this title.

(Ord. No. 386, § 1, 11-2-2009)

### **16.02.040 Territorial limits of regulations.**

These rules and regulations governing plats, subdivisions and other land divisions or dedications of land apply within the corporate limits of the city of Millwood.

(Ord. No. 386, § 1, 11-2-2009)

### **16.02.045 Vesting of rights.**

- A. A proposed division of land, as defined in this title, including subdivisions, short subdivisions, unit lot subdivisions, administrative lot splits, and binding site plans, shall be considered under the subdivision, short subdivision or binding site plan land division ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, preliminary unit lot subdivision, preliminary short plat, ~~or preliminary~~ binding site plan, or administrative lot split request has been submitted to and acknowledged in writing as complete per requirements for a Determination of Completeness, as outlined in Chapter 14.12 by the planning director / city planner or designee, ~~public works director, fire chief, building official, city engineer, and city attorney.~~
- B. The requirements for a fully completed application shall be as defined by this title.
- C. The limitations imposed by this section shall not restrict conditions imposed under RCW Chapter 43.21C.

(Ord. No. 386, § 1, 11-2-2009)

### **16.02.050 Exemptions.**

Pursuant to RCW 58.17 exemptions, ~~the~~ provisions of this title shall not apply to:

- ~~1~~A. Cemeteries and other burial plots while used for that purpose;
- ~~2~~B. Divisions of land into lots or tracts each of which is one 1/128th of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of any lot under this subsection which borders on a street or road,

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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 such centerline;

- ~~3C.~~ Divisions made by testamentary provisions or the laws of descent;
- ~~4D.~~ Division of land into lots or tracts classified for industrial or commercial use when the city ~~council~~ has approved a binding site plan for the use of the land in accordance with this title and such other regulations adopted by city council, and For the purposes of this section, commercially zoned property includes property that is zoned to permit or conditionally permit any multifamily residential uses;
- ~~5E.~~ A division for the purpose of lease when no residential structure other than mobile homes, manufactured homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city ~~council~~ has approved a binding site plan for the use of the land in accordance with this chapter;
- ~~6F.~~ A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division ~~which that~~ contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and
- ~~7G. a- \_\_\_\_\_~~ Divisions of land into lots or tracts if:
  - ~~i1.~~ Such division is the result of subjecting a portion of a parcel or tract of land to either RCW Chapter 64.32 or 64.34 subsequent to the recording of a binding site plan for all such land;
  - ~~ii2.~~ The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to 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;
  - ~~iii3.~~ The city ~~council~~ has approved the binding site plan for all such land;
  - ~~iv4.~~ Such approved binding site plan is recorded with the county auditor; and
  - ~~v5.~~ ~~Such-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 Millwood, and in accordance with such other governmental 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 owner's' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now ~~and-or~~ hereafter having any interest in the land described herein."
  - ~~b. \_\_\_\_\_~~ The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either RCW Chapter 64.32 or ~~64.3234.~~
  - ~~c. \_\_\_\_\_~~ ~~The binding site plan~~ A site plan shall be deemed to have been approved if the binding site plan was approved by the city ~~council~~:
    - ~~i-a~~ In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or
    - ~~ii b.~~ In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or

~~iii.c.~~ If not approved pursuant to ~~subsections 7-(C)~~(i) and (ii) of this ~~subsection (7) (e)~~, then pursuant to such other procedures as the city may have established for the approval of a binding site plan.

~~8H.~~ A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

"Personal wireless services" means any federally licensed personal wireless service.

"Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

~~9I.~~ A division of land into lots or tracts of less than three acres that is recorded in accordance with RCW Chapter 58.09 and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.

~~J.~~ A division of land caused by the acquisition of a portion of an existing lot or tract by a regional transit authority as defined in chapter 81.112 RCW that is acquiring land to build facilities as defined in RCW 81.112.020.

(Ord. No. 386, § 1, 11-2-2009)

## 16.02.060 Time limitations.

### A. Preliminary Plat.

~~1.~~ Preliminary plats of any proposed subdivision and dedication shall be ~~approved, disapproved, or returned to the applicant for modification or correction processed in accordance with MMC 14.12.025 Applications / Project Classification Types and Review Process within ninety (90) days from date of filing thereof,~~ unless the ~~applicant consents to an extension of such time period or the ninety daytime~~ limitation is extended to include up to twenty-one (21) days as specified under RCW Chapter 58.17.095(3) and Title ~~1018~~, Environmental Regulations, of this code; provided that if an environmental impact statement is required as provided in RCW Chapter 43.21C.030, the ~~ninety-daytime~~ period shall not include the time spent preparing and circulating the environmental impact statement by the city.

~~2.~~ ~~The planning commission's recommendations shall be submitted to the city council not later than fourteen (14) days following action by the planning commission.~~

~~3.~~ ~~Upon receipt of the planning commission's recommendation on any preliminary plat, the city council shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the planning commission.~~

### B. Preliminary Short Plat.

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Preliminary short plats of any proposed short subdivision and dedication shall be processed in accordance with MMC 14.12.025 Applications / Project Classification Types and Review Process.

BC. Final plats and short plats (including unit lot subdivisions) shall be approved, disapproved, or returned to the applicant for modification within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.

CD. A final plat meeting all requirements of this title shall be submitted to the city council for approval within five-seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. A final plat meeting all requirements of this chapter shall be submitted to the city for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007. An applicant who files a written request to the planning commission city at least thirty-sixty (360) days before the expiration of the preliminary plat this five-year period shall be granted no more than two, one-year extensions upon a showing that the applicant has attempted in good faith to submit the final plat within the five-year applicable approval period. Extension of time request approvals, may or may not contain additional or altered conditions based on review by the city and applicable agencies.

1. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of seven years from the date of filing if the date of filing is on or before December 31, 2014, and for a period of five years from the date of filing if the date of filing is on or after January 1, 2015.

2. 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 ten years after final plat approval if the project is not subject to requirements adopted under RCW 90.58, the Shoreline Management Act, and the date of final plat approval is on or before December 31, 2007, unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

E. A final short plat meeting all requirements of this title shall be submitted to the city for approval within five years of the date of preliminary short plat approval. An applicant who files a written request to the city at least sixty (60) days prior to the expiration of the preliminary short plat shall be granted no more than two, one-year extensions upon a showing that the applicant has attempted in good faith to submit the final short plat within the five-year approval period. Extension of time request approvals, may or may not contain additional or altered conditions based on review by the city and applicable agencies.

F. Refer to MMC Section 14.12.025, Applications / Project Classification Types and Review Process for reference to the review authority for recommendations and decisions on all of the types of land division applications.

(Ord. No. 386, § 1, 11-2-2009)

## **16.02.070 Amendments.**

Amendments to this title may be made following the procedures contained in this section outlined in Section 14.12.150 Amendments to Development Regulations.

1. The planning commission shall hold a public hearing on proposals to adopt, amend, or repeal the subdivision ordinance. Notice for the public hearing shall be published not less than ten days prior to the hearing in a newspaper of general circulation with the city, and notice shall also be given to

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~~individuals and organizations which have submitted requests for notice. Following the public hearing, the planning commission shall submit its recommendations in writing to the city council.~~

~~2. If after considering the planning commission's recommendations at a public meeting, the city council deems a change in the planning commission's recommendation is necessary, the city council shall conduct a public hearing and thereupon adopt its own recommendations and approve or disapprove the proposed amendment. Notice of any such hearing shall be given as provided in subsection 1. of this section.~~

~~3. Any interested person, including applicants, citizens, and staff of other agencies may suggest amendments to this subdivision code. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW Chapter 36.70A.130.~~

(Ord. No. 386, § 1, 11-2-2009)

### **16.02.080 Severability.**

If any provision of this title, or any application to any person or circumstance is held invalid, the remainder of this title, or the application of the provision to other persons or circumstances is not affected.

(Ord. No. 386, § 1, 11-2-2009)

## **Chapter 16.04 SHORT SUBDIVISIONS**

### **16.04.010 General provisions adopted by reference.**

Pursuant to RCW 58.17.060, the city adopts the following short subdivision ordinance codified in this chapter. The purpose, definitions, provisions and exemptions contained in RCW Chapter 58.17 regarding short subdivisions and short plats are adopted by this reference.

The purpose of this ordinance is to provide a process to divide land into ~~four~~ nine (9) or fewer lots, tract, parcels, sites or divisions with a level of review that is proportional to the effect these lots may have on the surrounding area.

Any person seeking to divide or redivide land situated within the city of Millwood into nine (9) ~~four~~ or fewer lots for the purpose of sale, lease or transfer of ownership, unless exempted under the provisions of MMC 16.04.100, shall submit an application for approval of a short subdivision to the city together with the appropriate application fee.

(Ord. 321 (part), 2002; Ord. 226 (part), 1993)

### **16.04.015 General design.**

The design of short subdivisions shall conform to the requirements of all applicable city plans and standards, and any other official control relating to land use, which has been adopted to implement the Millwood comprehensive plan. In addition:

- A. The design, shape, size, and orientation of the lots shall be appropriate for the use for which the divisions are intended, and the character of the area in which they are located. Each lot shall meet the conditions and restrictions of the city's zoning ordinance and comprehensive plan codified in Title 17.

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- B. Block dimensions shall reflect due regard to the needs of convenient access, public safety, emergency vehicle access, topography, road maintenance, and the provisions of suitable sites for the land use planned.
  - C. Road alignments shall be designed with appropriate consideration for existing and planned roads, anticipated traffic patterns, topographic and drainage conditions, public safety, and the proposed use of the land so divided and in accordance with the requirements of the Millwood public works department.
  - D. When a tract is short subdivided into lots of one acre or more in size, the subdivision administrator may require an arrangement of the lots and roads, such as to permit a subsequent redivision in conformity with roads or plans adopted by the city.
  - E. No lot shall be divided by the boundary of any jurisdiction, zoning designation, or public right-of-way. All structures, buildings, septic tanks, drainfields, wells or other improvements, on all lots shall conform to the requirements of all applicable city plans and standards, and any other official control relating to land use, which has been adopted to implement the Millwood comprehensive plan.
  - F. Every lot shall have direct access to a public road or other appropriate access as outlined in MMC 17.18.010.
  - G. Prior to filing the final short subdivision, the applicant shall improve or make appropriate provisions for the construction of the public road and sidewalks, as applicable and other improvements identified in the conditions of approval, as applicable, consistent with Millwood standards or any other standard as deemed acceptable by the Millwood public works department and the applicant shall dedicate such public roads to the city of Millwood.
  - H. Provisions for adequate sewage disposal shall be in compliance [with] the Millwood Sanitary Sewer Ordinance, and any other regulating agency's regulations.
  - I. Provisions for an adequate domestic water supply and/or fire protection shall be in compliance with current Millwood regulations.
  - J. Provisions for storm water runoff shall be in compliance with the zoning requirements of the city.
  - K. Easements for electric, water, sewer, gas and similar utilities shall be illustrated on the final short subdivision. The utility purveyors shall indicate to the subdivision administrator in writing any necessary easement and such easements shall be dedicated to the appropriate utility purveyor.
  - L. When the density of a proposed subdivision meets or exceeds three lots per gross acre within the exterior boundaries, the subdivision shall provide underground utilities with public rights-of-way, alleys or utility easements including, but not limited to, those for electricity, communication, and street lighting. When conditions make underground installation impractical, the subdivision administrator may waive the requirement for underground utilities.

(Ord. 321 (part), 2002)

#### **16.04.020 Administrator.**

The city planner, or in the absence of a planner, the city clerk, is designated the short subdivision administrator (hereinafter administrator).

(Ord. 321 (part), 2002; Ord. 256, 1995; Ord. 226 (part), 1993)

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#### 16.04.025 Application packet and fees.

Prior to filing an application with the city, the applicant shall have a pre-application conference with the planning department and applicable agencies to obtain application forms and receive general information regarding the short subdivision process. Following the pre-application conference, the applicant may submit a preliminary short subdivision application for review by the city and appropriate agencies.

- A. Anyone requesting a short subdivision shall submit a written preliminary short subdivision application, as provided by the city, in pdf and hard copy, to the administrator containing:
1. ~~The~~ applicant's name, address, email, and phone number;
  2. ~~The~~ name, address, email, and phone number of the legal owner if different than that of the applicant; ~~and~~
  3. The names, addresses, emails, and telephone numbers of all persons, firms or corporations having an interest in any manner in the property proposed to be subdivided and the contiguous property, if any, by reason of ownership, contract for purchase, earnest money agreement or option; the name, address and phone number of any person or company having an encumbrance on the property
  4. The notarized signatures of all parties;
  5. The existing zoning classifications and comprehensive plan designations for the property proposed to be short platted and contiguous property;
  6. The source of water supply;
  7. The source of sewage disposal;
  8. Any other information deemed appropriate by the city planner. Every preliminary short subdivision application packet shall consist of the preliminary short subdivision application, applicable fees and the following:
- aB. ~~Three copies of a~~ A subdivision title certificate in pdf and hard copy, issued by a title insurance company doing business in Spokane County, showing interest of the person(s) signing the short plat and showing all restrictions encumbering the land.
- bC. Legal description of proposal site in pdf and hard copy, with the source of the legal description clearly indicated.
- eD. ~~A minimum of six copies of the~~ The preliminary short subdivision map in pdf and hard copy, which shall be a legibly drawn map, eighteen (18) by twenty-four (24) inches in size, and with a scale of 1"=50' or 1"=100'. The preliminary short subdivision map, prepared by a licensed land surveyor, shall contain the following:
1. Name, address, and telephone number of the owner and the person with whom official contact should be made;
  2. Location of the site by section, township, range;
  3. A statement covering the gross acreage, net acreage minus any right-of-way, number of lots proposed, the proposed use of lots, method of domestic water supply, and sanitary disposal of sewage;
  4. Vicinity map which shall indicate the property to be subdivided;
  5. North arrow, scale, and the boundary of the proposed short subdivision;

6. Datum, benchmarks, and metes and bounds description of the site;
  7. Certification of registered land surveyor;
  8. Approximate boundaries of all blocks, the designation of lots, lot lines, lot size, and dimensions with lot numbers and block numbers;
  9. The location, names, and widths of all existing and proposed streets, roads, alleys, driveways / access easements, and sidewalks within the proposed short subdivision and within 100 feet thereof;
  10. All existing or proposed easements, divisions, or sites to be reserved or proposed to be dedicated for any public purpose, including parks and playgrounds that will be available for use;
  11. Approximate location of any natural, permanent, or topographic features such as shorelines, critical areas, drainage ways, wooded areas, wetlands, unique soils, railroad rights-of-way, utility rights-of-way, subsurface conditions;
  12. Exact location of existing buildings, septic tanks, drainfields, wells or other improvements (indicate if they will remain or be removed);
  13. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short subdivision is the subdivision of a portion of an existing subdivision, the approximate lines of the existing subdivision are to be shown and a copy of the existing subdivision, along with any and all recorded easements and covenants;
  14. Ground elevations, with five-foot contours if land slope is regular; more detailed mapping may be requested for uneven land. Any topographic information that needs to be measured or collected must be collected by, or under the direction of a licensed land surveyor;
  15. A list containing each dedication and encumbrance on the property;
  16. A legal description for each proposed lot.
  17. A vicinity sketch at a scale of not more than one thousand (1,000) feet to the inch showing all adjacent subdivisions, streets, tract lines, bordering lines of adjacent parcels and showing how the streets and alleys in the proposed short subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions and unplatted property to produce an advantageous development of the entire neighborhood, as applicable.
- dE. One reduced to scale hard copy of the preliminary short subdivision in eleven (11) by seventeen (17) inches in size.
- eF. ~~Two copies of the~~ The Spokane County Assessor's map in pdf and hard copy, showing the location of and the existing parcel number of all abutting-properties within 250 feet of the subject property. The approximate location of the subject property shall be clearly marked.
- G. A list of each property identified on the Spokane County Assessor's map and 9"x12" envelopes with affixed address labels prepared per the applicable notification instructions, for each of the identified properties. Completed certification forms contained in the applicable notification instructions must also be submitted.
- fH. Environmental Checklist, if the division of land is not exempt under the Millwood Environmental Ordinance and MMC 16.04.040.
- gl. A utility plan showing existing and proposed utilities and easements adjacent to the property being subdivided, the vertical scale of street and sewer profiles shown shall be at ten (10) feet or less to the inch, with a horizontal scale of four hundred (400) feet or less to the inch. Letters from each utility provider indicating whether easements are necessary, and if necessary, a description of the easement.

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J. Completed Agreement to Pay Fees form.

K. Letters in pdf and hard copy, from each utility provider indicating whether easements are necessary, and if necessary, a description of the easement.

The preliminary Short Subdivision map shall contain the following:

- a. Name, address, and telephone number of the owner and the person with whom official contact should be made regarding the short subdivision;
- b. Location of the site by section, cityship, range;
- c. A statement covering the number of lots, proposed use of lots, method of domestic water supply, and sanitary disposal of sewage;
- d. Vicinity map which shall indicate the property to be subdivided;
- e. North arrow, scale, and the boundary of the proposed short subdivision;
- f. Approximate boundaries of all blocks, the designation of lots, lot lines, and dimensions;
- g. The location, names and widths of all existing and proposed streets and roads within the proposed short subdivision and within 100 feet thereof;
- h. All existing or proposed easements or divisions proposed to be dedicated for any public purpose;
- i. Approximate location of any natural features such as critical areas, drainage ways, wooded areas, and wetlands;
- j. Exact location of existing buildings, septic tanks, drainfields, wells or other improvements (indicate if they will remain or be removed);
- k. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short subdivision is the subdivision of a portion of an existing subdivision, the approximate lines of the existing subdivision are to be shown and a copy of the existing subdivision, along with any and all recorded easements and covenants;
- l. Topographic information, at ten foot intervals, if any slopes exceed ten percent. Any topographic information that needs to be measured or collected must be collected by, or under the direction of a professional land surveyor;
- m. A list containing each dedication and encumbrance on the property;
- n. A legal description for each proposed lot.

Said application shall be accompanied by an application fee as set forth by resolution of the city council. The applicant shall also pay for all professional services or city personnel costs incurred by the city in evaluating the application, reviewing submittals and inspecting any improvements required as a condition of approval, which costs shall be paid before final approval of the short subdivision.

(Ord. 321 (part), 2002)

#### **16.04.030 Notice—Review—Conditions of approval—Notification to applicant.**

If the city determines that the application is complete and that the preliminary short subdivision contains sufficient elements and data to furnish a basis for its approval or disapproval, the city shall assign a file number to the preliminary short subdivision, deposit the application fees, and issue a receipt. Preliminary short subdivisions shall be processed in accordance with Chapter 14.12 with the classification and review process as defined in MMC Section 14.12.025, Applications / Project Classification Types and Review Process.

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The city shall provide, or shall cause public notice of the application to be given by the applicant in accordance with adopted procedures in the MMC and shall include notice to city departments and affected agencies to provide opportunity for comments, recommendations, and recommended conditions. ~~A copy of the decision approving or denying the proposal will be provided to those parties who submit written comments, or who submit a written request for such decision, to the city in accordance with the notice of application. Public notice shall be made in accordance with adopted procedures in the MMC. A copy of the decision approving or denying the proposal will be provided to those parties who submit written comments, or who submit a written request for such decision, to the city in accordance with the notice of application.~~

~~The city shall distribute copies of the preliminary short subdivision to affected agencies. In addition, the administrator shall notify the city's engineer, the city's planning commission, the city's maintenance supervisor, the city's fire chief and the city's attorney who shall advise the administrator of any condition, restrictions, improvements or dedications to be imposed as a condition of approval of the short subdivision. The affected agencies and city staff shall review the preliminary short subdivision, and within ten working days or less, furnish their recommendation and any recommended conditions, if any, for approval or disapproval of the preliminary short subdivision to the city. The planning department and reviewing agencies may request additional information during the review process in order to process the application.~~

The administrator shall determine and make written findings that appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for utilities including electric, and gas, and telephone, for fire safety, open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts including sidewalks and other planning features that ensure safe walking conditions for students who walk to and from school; and whether the public interest will be served by the short subdivision and any dedications.

Short subdivisions may be approved if the city makes a formal written finding of fact that the proposed short subdivision is in conformity with the above factors and with the adopted comprehensive plan, all applicable zoning codes, chapter 58.17 RCW, and other land use controls, which are known to exist.

~~Applications for preliminary short subdivisions shall either be approved, approved with conditions, or denied within thirty (30) calendar days of the issuance of a determination of completeness, unless the applicant gives written consent to an extension of time, or unless additional environmental information is required under SEPA.~~

Approval of a preliminary short subdivision shall ~~automatically expire five years from the date of approval~~ follow Section 16.02.060 Time Limitations.

(Ord. 321 (part), 2002; Ord. 226 (part), 1993)

#### **16.04.040 Environmental checklist.**

The applicant shall not be required to prepare an environmental checklist or file an environmental impact statement unless the property is located in an environmentally sensitive area as defined by statute or WAC.

(Ord. 321 (part), 2002; Ord. 226 (part), 1993)

#### **16.04.045 Final short subdivision.**

Applicant shall be responsible to address and fulfill those factors identified and required by the administrator and pay the cost and expense thereof, including the cost of completing improvements required thereby, whether on-site or off-site, prior to final approval of the short subdivision. All applicable improvements shall be dedicated to the city for public use and shall be constructed based on civil plans approved by the city engineer in accordance with Chapter 16.16 Minimum Improvements and Chapter 16.24 Design Standards, as applicable. An approval

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subject to conditions shall not be deemed a final approval until all conditions and improvements have been completed and approved by the administrator. No lots may be sold or transferred or building permits issued for any lot in the short subdivision until all of the improvements are completed to the administrator's satisfaction, the administrator has approved the short subdivision, and it has been recorded with the Spokane County auditor.

The preparation of all final short subdivisions shall be made by or under the supervision of a ~~professional licensed~~ land surveyor who shall certify on the final short subdivision that it is a true and correct representation of the lands actually surveyed. A survey is required on all final short subdivisions. All surveys shall comply with the Survey Recording Act (RCW 58.09) and Survey and Land Descriptions (WAS 332-130).

Monumentation shall be established including permanent metal corner survey stakes (with an iron rod or iron pipe marked in a permanent manner with the registration number or the ~~professional licensed~~ land surveyor in charge of the survey) for the boundaries of each lot within the short subdivision and right-of-way monuments.

Submittal of final short subdivision shall be made within the timeline outlined in Section 16.02.060 Time Limitations~~within five years of the date of preliminary approval~~. The final short subdivision shall incorporate all conditions of approval imposed by the subdivision administrator. The final short subdivision application package shall include:

- A. ~~Three copies of a~~ A subdivision plat certificate in pdf and hard copy that is less than 30 days old at time of submittal.
- B. Certification that all taxes and delinquent assessments for the property have been paid.
- ~~BC. A minimum of nine copies of t~~The proposed final short subdivision map in pdf and hard copy, which shall be legibly drawn, printed, or reproduced permanent map, eighteen (18) by twenty-four (24) inches. A two inch margin shall be provided on the left edge, and one-half inch margin shall be provided at the other edges of the subdivision. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

Mapping Requirements:

1. Final short subdivision maps must include:
  - a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto;
  - b. Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map and north arrow;
  - c. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown;
  - d. Ties to adjoining surveys of record.
2. The allowable error of mathematical closure for the final ~~short~~ subdivision map shall not exceed one foot in eighty thousand (80,000) feet or 0.04 foot, whichever is greater.
3. Bearing and lengths are to be shown for all lines; no ditto marks are to be used.
4. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist.
5. Subdivision boundary and street monument lines having curves shall show radius, arc, central angle, and tangent for each curve and radial bearings where curve is intersected by a nontangent line. Spiral curves shall show chord bearing and length.

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6. Lots along curves shall show arc length along curve and radial bearings at lot corners. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius. Radial bearings along lot lines will not be required.
  7. All dimensions shall be shown in feet and hundredth of a foot. All bearings and angles shall be shown in degrees, minutes and seconds.
  8. When elevations are needed on the final short subdivision, permanent benchmarks shall be shown on the final short subdivision in a location and on a datum plane approved by the city.
  9. The final short subdivision shall indicate the actual net area for each subdivided lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.
  10. Final short plat maps shall be consistent with the approved preliminary short plat and identify the final short plat name and City of Millwood file number.
  11. The final short subdivision map shall also contain:
    - 1a. Name, address, and telephone number of the owner and the person with whom official contact should be made regarding the short subdivision;
    - 2b. Location of the site by section, cityship township, range;
    - 3c. A statement covering the gross acreage, net acreage minus any right-of-way, number of lots, proposed use of lots, method of domestic water supply, and sanitary disposal of sewage;
    - 4d. Vicinity map which shall indicate the property to be subdivided;
    - 5e. North arrow, scale, and the boundary of the proposed short subdivision;
    - 6f. Approximate boundaries of all blocks, the designation of lots, lot lines, lot size, and dimensions with lot numbers and block numbers;
    - 7g. The location, names and widths of all existing and proposed streets, and roads, alleys, driveways / access easements, and sidewalks within the proposed short subdivision and within one hundred (100) feet thereof;
    - 8h. All existing or proposed easements or divisions proposed to be dedicated for any public purpose, including parks and playgrounds that will be available for use;
    - 9i. Approximate location of any natural, permanent, or topographic features such as shorelines, critical areas, drainage ways, wooded areas, and wetlands, unique soils, railroad rights-of-way, utility rights-of-way, subsurface conditions;
    - 10j. Exact location of existing buildings, septic tanks, drainfields, wells or other improvements (indicate if they will remain or be removed);
    - 11k. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short subdivision is the subdivision of a portion of an existing subdivision, the lines of the existing subdivision are to be shown and a copy of the existing subdivision, along with any and all recorded easements and covenants;
    - 12l. Topographic information, at ten-foot intervals, if any slopes exceed ten percent. Any topographic information that needs to be measured or collected must be collected by, or under the direction of a professional-licensed land surveyor;
    - 13m. A list containing each dedication and encumbrance on the property;

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~~14n.~~ A legal description for each proposed lot;

~~o.~~ A certificate giving full and correct description of the lands divided as they appear on the plat;

~~p.~~ A statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners;

~~q.~~ A setback detail or setbacks identified on each lot;

~~r.~~ House numbers assigned by the city shall be shown for each lot, as determined applicable by the planning director;

~~s.~~ In accordance with RCW 58.17.165, if the short plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies, or to any corporation, public or private as shown on the short plat and a waiver of all claims for damage against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

~~t.~~ Other information determined necessary by the planning director.

~~D.~~ A completed final short subdivision application and the package shall be accompanied by a fee as set forth by resolution of the city council. The applicant shall also pay for all professional services or city personnel costs incurred by the city in evaluating the final short subdivision package, reviewing submittals, and inspecting any improvements required as a condition of approval, which costs shall be paid before approval of the final short subdivision.

~~The original reproducible final short subdivision map and application package shall be submitted to the planning department for review. The administrator shall approve the short subdivision by signing an approval on the final short subdivision map.~~

~~E.~~ After approval of the final short plat, the administrator shall indicate said approval by signing the original and all copies of the final short plat map, provided the subdivider furnishes the following:

~~1.~~ Tax Statement. A certificate from the county treasurer indicating that all taxes and assessments on said property included in the final short plat have been paid.

~~2.~~ Filing Fees. A check payable to the county auditor for the full amount of filing / recording fees according to the provisions of RCW § 36.18.010, as thereafter amended, unless the city requests that the applicant complete the filing / recording.

~~3.~~ A title report confirming that the title of the lands as described and shown on said short plat is in the name of the owners signing the certificate or instrument of dedication shall be furnished before acceptance of short plat.

~~4.~~ Protective covenants, if any, in form for recording.

~~5.~~ The subdivider shall provide the original of the short plat for recording, and a reproducible copy for the city. The original shall be on a material acceptable to the county auditor. The city may also require that the short plat be provided in a specific electronic format for use in the city's computer aided drafting system.

~~F.~~ The following signatures, as applicable, shall be on the face of the final short plat.

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1. Property owners of record

2. Spokane County Auditor's Certificate

3. Surveyor's Certificate

4. Spokane County Assessor

5. Spokane County Treasurer

6. City of Millwood Planning Department:

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Millwood Planning Director

7. City of Millwood Engineer:

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Millwood Engineer

8. City of Millwood Public Works Department:

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Millwood Public Works / Utilities Director

Upon final approval by the administrator, and once all required signatures have been affixed or approval letters have been obtained, the ~~applicant shall file the~~ final short subdivision map shall be filed with the Spokane County auditor along with a title notice prepared by the city that references the conditions of approval, as applicable and ~~request~~ appropriate tax segregations from the Spokane County assessor. The applicant shall be responsible to pay the fee to Spokane County to record the final short subdivision map and title notice. A short subdivision is not deemed approved until all of these conditions have been met including filing the final short subdivision map with the Spokane County auditor. Documents must be recorded within sixty (60) days of approval by the city.

(Ord. 321 (part), 2002)

#### **16.04.050 Granting of final approval before completion of improvements upon posting of bond or security.**

Final approval may be obtained before the improvements are completed provided the applicant posts a bond or other security acceptable to the administrator to insure that the improvements will be completed within a time period acceptable to the administrator.

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(Ord. 226 (part), 1993)

#### **16.04.060 Imposition of conditions and requirements—Denial—Appeal—City council shall render decision.**

If the administrator imposes any condition, requirements for improvements or denies the short subdivision application, the administrator shall state the reasons therefore in writing and the applicant shall have a right to appeal the decision ~~in conformance with MMC 14.12.140 to the city council. Such appeal shall be filed with the city clerk treasurer in writing within twenty one (21) days of the administrator's denial of the application and the city council shall render a decision within sixty (60) days of the filing of the appeal.~~

(Ord. 321 (part), 2002; Ord. 275 (part), 1996; Ord. 226 (part), 1993)

#### **16.04.070 Division of short subdivision—Condition—Exception.**

Land within a short subdivision may not be further divided in any manner within a five-year period immediately following filing of a final short subdivision unless such division is approved in accordance with the provision of the subdivision ordinance, except that when the short subdivision contains fewer than ~~four~~ the maximum number of parcels, nothing in this ordinance shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of ~~four~~ nine (9) lots with in the original short subdivision boundaries. Alterations to create additional lots shall be processed under the provisions of this ordinance.

(Ord. 321 (part), 2002; Ord. 226 (part), 1993)

#### **16.04.080 Reserved.**

Editor's note(s)—Ord. No. 386, § 2, adopted Nov. 2, 2009, repealed § 16.04.080, which pertained to amendment to chapter and derived from Ord. No. 226 (part), 1993.

#### **16.04.090 Violation—Penalty.**

Refer to Chapter 16.32 for enforcement and penalty for violations.

~~A violation of this chapter shall be a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment in jail for a period not to exceed ninety (90) days, or both such fine and imprisonment. The city may also seek injunctive relief enjoining the violator from selling or transferring any lots or constructing improvements on any lots and the city's costs and attorney's fees of such action shall be assessed against the applicant. Each violation shall constitute a separate offense.~~

(Ord. 226 (part), 1993)

#### **16.04.100 Exemptions.**

An applicant that requests a segregation of property that had been previously aggregated may be exempt from this chapter if each of the following conditions are satisfied:

- A. The new division reestablished the original property lines;
- B. The reestablished lots conform with the city's zoning and development regulations in effect at the time of the requested segregation, or any Washington State laws or regulations;

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- C. Easements and other encumbrances must be revealed by the applicant and taken into consideration by the administrator;
  - D. A fee as set forth by resolution of the city council ~~A fee of fifty dollars (\$50.00)~~ is paid to the city by the applicant for review and approval of the segregation by the city planner, or in the absence of a planner, the city clerk ~~clerk treasurer~~.

(Ord. 275 (part), 1996)

## **Chapter 16.06 UNIT LOT SUBDIVISIONS (ULS) AND ADMINISTRATIVE LOT SPLITS**

### **16.06.010 Unit Lot Subdivision (ULS)**

- A. A lot may be divided into separately owned unit lots and common areas, provided the following standards are met.
  - 1. Process. Unit lot subdivisions shall follow the application, review, and approval procedures, as applicable, for a short subdivision or subdivision, depending on the number of lots.
    - a. Nothing prohibits the city from applying public health, safety, building code, and environmental permitting requirements to a development project that is subject to or integrated with a unit lot subdivision process.
    - b. Nothing requires the city to authorize a development project or a unit lot subdivision in a location where development is restricted under other laws, rules or ordinances, such as in locations where development is limited as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.
  - 2. Applicability. A lot to be developed with attached or detached housing allowed per MMC Chapter 17.06, Table of Permitted Uses including middle housing or multiple detached single-family residences, in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual unit lots as provided herein, in order to allow for individual ownership of each dwelling.
    - a. A condominium process (as outlined in RCW 64.90, as amended) and ULS can be combined in cases where a unit lot has or will have stacked units and separate unit ownership is desired.
  - 3. Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable design and development standards.
  - 4. Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.
  - 5. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.
  - 6. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

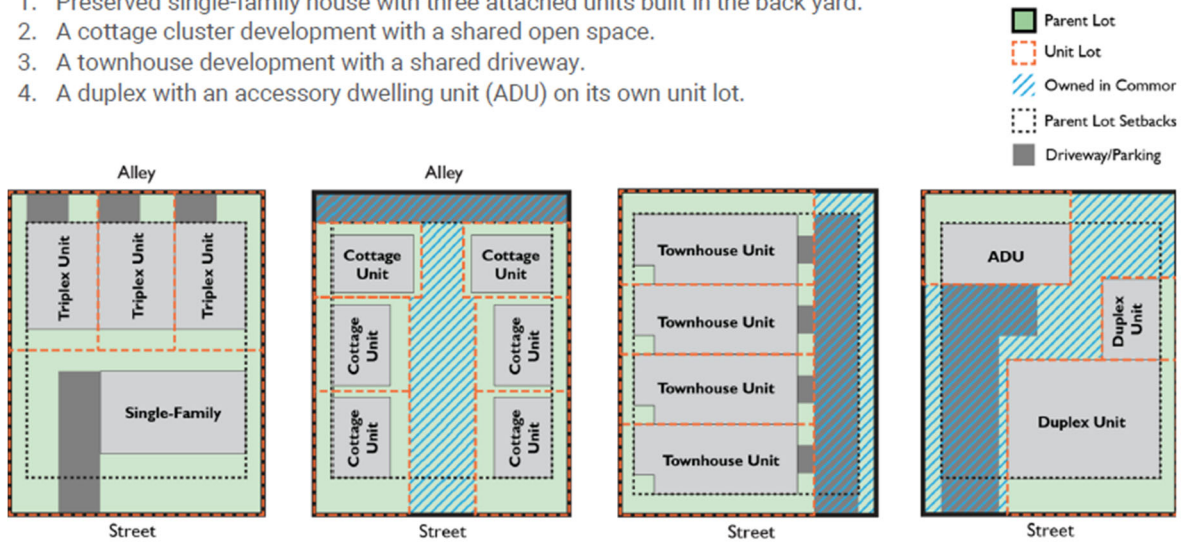
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7. Notes shall be prominently placed on the face of the plat or short plat as recorded with the county auditor to state the following:
    - a. The title of the plat shall include the phrase "Unit Lot Subdivision."
    - b. Approval of the development (design and layout) on each unit lot was granted by the review of the development, as a whole, on the parent lot under file # \_\_\_\_\_.
    - c. Subsequent subdivision actions, additions, or modifications to the unit lot housing development, including all structures, may not create or increase any nonconformity of the parent lot as a whole, and shall conform to the approved unit lot housing development project or to the land use and development standards in effect at the time of the proposed actions, additions, or modifications.
    - d. If a structure or portion of a structure within the unit lot housing development project has been damaged or destroyed, any repair, reconstruction, or replacement of any structure shall conform to the approved unit lot housing development project or to the land use and development standards in effect at the time the proposed repair, reconstruction, or replacement project's permit application becomes vested.
    - e. Additional development or redevelopment of the individual unit lots may be limited as a result of the application of development standards to the parent lot.
  8. Effect of Preliminary Approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the city. All development shall be subject to any conditions imposed by the city on the preliminary approval.
    - a. All unit lot subdivisions shall require notification to purchasers of their legal status as further described in RCW 58.17.060 and identified under 16.06.010(A)(7).
  9. Revision and Expiration. Unit lot subdivisions follow the revision and expiration procedures for a short subdivision or subdivision, as applicable based on the number of lots. Refer to Section 16.02.060 Time limitations.
  10. Definitions. Refer to Chapter 16.08.
  11. Process procedures. ULS shall be processed in accordance with Chapter 14.12 with the classification and review process as defined in MMC Section 14.12.025, Applications / Project Classification Types and Review Process.
    - a. No public pre-decision meeting or hearing, nor any design review other than administrative design review, except for those required to comply with state law, including chapter 90.58 RCW, the Shoreline Management Act, when applicable.
    - b. All property owners and the community within 250 feet of the unit lot subdivision shall be provided notice, consistent with RCW 36.70B.110, including through notice posted on the closest public sidewalk or roadway. of how to provide written comments to the administrative decision maker,
    - c. The review and approval of a unit lot subdivision shall be logically integrated with the application, review and approval procedures for the underlying housing development project, to the greatest extent feasible and apply only clear and objective design and development standards.
    - d. Review of a unit lot subdivision shall be subject to the maximum time period for local government actions as set forth in RCW 36.70B.080, unless extended pursuant to project-

specific mutual agreement as permitted by RCW 36.70B.080 (refer to MMC Section 14.12.025).

**B. ULS Examples**

The following examples illustrate how setbacks apply to a parent lot and unit lots.

1. Preserved single-family house with three attached units built in the back yard.
2. A cottage cluster development with a shared open space.
3. A townhouse development with a shared driveway.
4. A duplex with an accessory dwelling unit (ADU) on its own unit lot.



**16.06.020 Administrative Lot Splits (RCW 58.17.145)**

**A. Purpose.**

Per the Washington State Legislature, administrative lot splits are an administrative process whereby an existing residential lot can be split to create a new residential lot through a simple, administrative process that can offer many advantages to both the existing homeowner and to prospective homebuyers. Administrative lot splitting can provide current owners the opportunity to maintain homeownership in changing life circumstances while facilitating development of middle housing to provide homebuyers, including first-time homebuyers, with more affordable ownership opportunities. Administrative lot splitting can be combined with the review of a residential building permit application to create a single integrated process benefiting both homeowners and cities. Therefore, it is the intent of the legislature to ease restrictions on, and expand opportunities for, lot splitting in cities.

B. An applicant can seek review and approval of an administrative lot split, which may be combined with concurrent review of a residential building permit to create new middle housing, as defined in RCW 36.70A.030, or single-family housing, consistent with housing allowed per MMC Chapter 17.06, Table of Permitted Uses.

C. The application process for a residential lot to be split may require only an administrative decision, through which the application is reviewed, approved, or denied by the planning director or other designee based on applicable clear and objective development standards, with neither a predecision public hearing, nor any design review other than administrative design review.

D. A new buildable residential lot and residential building permit or permits must be administratively approved and are not subject to administrative appeal if they comply with applicable development standards and the following conditions are met:

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1. No more than one newly created lot is created through the administrative lot split;
  2. Both the parent lot and the newly created lot meet the minimum lot size allowed under MMC 17.08.010, which is consistent with the city's adopted Bulk Density Standards in the Millwood Comprehensive Plan and utilization of lot width/depth, setbacks, and maximum building/lot coverage to define lot sizes;
  3. The parent lot was not created through the splitting of a residential lot authorized by this section;
  4. The parent lot is located in a residential zone and not in an exclusively nonresidential zone including, but not limited to, zones that are exclusively commercial, retail, agricultural, or industrial;
  5. If the lot split would require demolition or alteration of any existing housing that would displace a renter, the applicant must recommend a displacement mitigation strategy that may include, but is not limited to, relocation assistance;
  6. The applicable sewer and water purveyors have issued certificates of availability to serve the newly created lot and dwelling units;
  7. Access and utility rights are granted or conveyed as necessary, on or before recording of the lot split survey, to provide access for the maximum number of dwelling units that could be developed on the newly created lot (unless fewer are contemplated as part of the development)
    - a. Such access rights may be reduced consistent with adopted codes, regulations, or design standards as applicable through review of a subsequent application for a building permit, unit lot subdivision, subdivision application, or short subdivision if less than the maximum number of dwelling units are built on the newly created lot;
  8. The planning director or other designee determines that the application follows all applicable development regulations; and
  9. The lot split survey has been approved by the planning director or other designee and includes a condition on the face of the survey that further lot splits of the parent lot and newly created lot are not authorized by this section. After approval, the lot split survey must be recorded with the county auditor.
- E. A proposed lot split may be conditioned upon dedication of right-of-way on the parent lot to the extent such dedication is required under applicable codes, regulations, and design standards for the development, short plat, or subdivision of the parent lot absent an administrative lot split.
- F. Development of dwelling units on the newly created lot may be conditioned upon construction of frontage improvements to a right-of-way adjacent to either the parent lot or the newly created lot to the extent required under applicable codes, regulations, and design standards.
- G. Any construction on the newly created lot is subject to all existing state and local laws including those specified in this section. Nothing in this section modifies the requirements for approval of residential building permits in RCW Chapter 19.27.
- H. The city may not impose a limit on the total number of dwelling units allowed on the parent lot or newly created lot that is less than the number of dwelling units allowed by the underlying zoning of the parent lot prior to the administrative lot split.
- I. Notwithstanding the provisions of this section, lots that are not buildable according to locally adopted development regulations including, but not limited to, critical areas, shorelines, stormwater, setbacks, impervious surface areas, and building coverage standards, are not eligible for a lot split under this section.

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- J. If a lot split results in a lot of a size that would allow for further land division, the lot is not eligible for a lot split but may be divided under other applicable land subdivision processes.
  - K. The newly created lot must meet any locally adopted minimum density requirements.
    - 1. Lots created through the administrative lot split process are exempt from the detailed middle housing requirements of RCW 36.70A.635 (including the requirement that the city allow for a minimum of 2 units per residential lot).
  - L. Review of an administrative lot split shall be subject to the maximum time period for local government actions as set forth in RCW 36.70B.080, unless extended pursuant to project-specific mutual agreement as permitted by RCW 36.70B.080 (refer to MMC Section 14.12.025).
  - M. Ordinances adopted to comply with RCW 58.17.145 are not subject to administrative or judicial appeal under chapter 43.21C RCW and the city is immune from any liability, loss, or other damage suffered by another that is related to the city's approval of a lot split under chapter 301, Laws of 2025, including if the lot split creates a lot that is later determined to not be buildable.

## Chapter 16.08 DEFINITIONS

Unless the context clearly requires otherwise, the definitions in this chapter apply throughout this title. Additional definitions are contained within Title 17 Appendix A.

### ~~16.08.005 Adequate public facilities.~~

"Adequate public facilities" means facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the city council based upon specific levels of service.

"Administrator" of the planning commission means the director of the Millwood Planning Department.

(Ord. No. 386, § 3, 11-2-2009)

### ~~16.08.005.1 Alley.~~

"Alley" means a strip of land, up to twenty (20) feet in width, dedicated and open to public use and providing vehicular and pedestrian access to the rear and/or side of properties which abut and have access to a road.

(Ord. No. 386, § 3, 11-2-2009)

### ~~16.08.006 Block.~~

"Block" means a group of lots, tracts, or parcels within well defined and fixed boundaries.

(Ord. No. 386, § 3, 11-2-2009)

### ~~16.08.007 Bond.~~

"Bond" means a satisfactory security to insure performance and/or warranty.

(Ord. No. 386, § 3, 11-2-2009)

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### **16.08.009 Capital improvement.**

"Capital improvement" means a public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the city.

"Capital improvements plan" means a plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of five to twenty (20) years.

"Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

(Ord. No. 386, § 3, 11-2-2009)

### **16.08.009.1 Certificate of exemption.**

~~"Certificate of exemption" means a document issued by the planning department which formally exempts a division of land from full compliance with certain state and local land development laws and regulations as identified in the exemption provisions of this title.~~

"Clear and objective design and development standards" means locally adopted development regulations that involve no personal or subjective judgment by a public official, and are ascertainable by reference to measurable written or graphic criteria available and knowable to the permit applicant, the public, and public officials prior to submittal.

(Ord. No. 386, § 3, 11-2-2009)

### **16.08.010 Comprehensive plan.**

"Comprehensive plan" means the City of Millwood Comprehensive Plan which is the official document adopted by the city council as a guide for decisions relating to future physical development and public resources.

(Ord. No. 386, § 3, 11-2-2009)

### **16.08.011 Capital improvements plan.**

~~"Capital improvements plan" means a plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service areas for such public facilities over a period of five to twenty (20) years.~~

~~"Capital improvements program" may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.~~

(Ord. No. 386, § 3, 11-2-2009)

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**~~16.08.013 Concurrency.~~**

"Concurrency" means a requirement that development applications demonstrate that adequate public facilities be available at prescribed levels of service concurrent with the impact or occupancy of development units.

"Concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by RCW 36.70A.070(6)(b) must begin after full payment of all impact fees is due to the city.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.015 Contiguous property.~~**

"Contiguous property" means land adjoining and touching other land, not previously platted, and having the same owner, regardless of whether or not portions of the parcels have separate tax lot numbers or were purchased at different times, lie in different sections, different government lots, or are separated from each other by private road or private rights-of-way.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.017 Construction plan.~~**

"Construction plan" means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commissioncity as a condition of the approval of the plat.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.018 Credit.~~**

"Credit" means the amount of the reduction of an impact fee or fees, payments or charges for the same type of capital improvement for which the fee has been charged.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.019 Critical areas.~~**

"Critical areas" means areas as defined in the Millwood critical areas ordinance.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.020 Dedication.~~**

"Dedication" means the deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit. A dedication

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of an area of less than two acres for use as a public park may include a designation of a name for the park, in ~~honor~~honor of a deceased individual of good character.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.021 Dedicatory statement.~~**

"Dedicatory statement" means a statement or illustration on the final plat of those conditions and restrictions required to appear on the face of the final plat as a condition of preliminary plat approval.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.021.1 Department.~~**

"Department" means the Millwood Planning Department.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.022 Development agreement.~~**

"Development agreement" means an agreement between the city council and developer through which the city council agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current community regulations.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.025 Division of land.~~**

"Division of land," for the purposes of this title, is any conveyance, not otherwise exempt or provided for in this title, which alters or affects the shape, size or legal description of any part of an owner's original tract.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.030 Final plat/final short plat.~~**

"Final plat/final short plat" means final drawing of the subdivision or dedication prepared for filing for record with the Spokane County auditor and containing those elements and requirements set forth in this ~~chapter~~chapter title and in local regulations adopted under this ~~chapter~~chapter title.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.036 Impact fees.~~**

"Impact fees" means a fee imposed on new development by the local government pursuant to the city's comprehensive plan in order to mitigate impacts on community facilities created by the demand for capital improvements by the new development.

(Ord. No. 386, § 3, 11-2-2009)

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### **16.06.037 Lot.**

"Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

"Lot, parent" means a residential lot that is subdivided into unit lots through the unit lot subdivision process.

"Lot split" means the administrative process of dividing an existing lot into two lots for the purpose of sale, lease, or transfer of ownership pursuant to RCW 58.17.145.

"Lot split survey" means the final survey prepared for filing for record with the county auditor and containing all elements and requirements for a lot split under RCW 58.17.145 and any local regulations (refer to Section 16.06.020 Administrative Lot Split).

"Lot, unit" means a subdivided lot within a residential development as created from a parent lot and approved through the unit lot subdivision process.

(Ord. No. 386, § 3, 11-2-2009)

### **16.08.039 Money in lieu of land.**

"Money-in-lieu-of land" means payment of money into a city fund to provide for acquisition of facilities off-site in place of dedicating land or providing such facility on site.

"New development" means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to this title, the issuance of a building permit, or connection to the city's water or sanitary sewer system.

"Newly created lot" means a lot that was created by a lot split under RCW 58.17.145 and MMC Section 16.06.020 Administrative Lot Split.

(Ord. No. 386, § 3, 11-2-2009)

### **16.08.040 Planning commission.**

~~"Planning commission" means that body as defined in RCW Chapter 35A.63 as designated by the city council to perform a planning function.~~

(Ord. No. 386, § 3, 11-2-2009)

### **16.08.042 New development.**

~~"New development" means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to this title, the issuance of a building permit, or connection to the city's water or sanitary sewer system.~~

(Ord. No. 386, § 3, 11-2-2009)

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**~~16.08.048 Off-site.~~**

"Off-site" means any improvements not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.050 Official plans.~~**

"Official plans" means those official maps or map, development plans or portions thereof, adopted by the city council as provided in Chapter 44, Section 6, Laws of 1935, as amended.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.055 Original tract.~~**

"Original tract" means a unit of land which the owner holds under single or unified ownership, or in which the owner holds controlling interest on the effective date of the ordinance, configuration of which may be determined by the fact that all land abutting a tract is separately owned by others not related to or associated by business partnership with the owner.

"Parent lot" means a lot that is subjected to a lot split under RCW 58.17.145 and MMC Section 16.06.020 Administrative Lot Split.

"Planning commission" means that body as defined in RCW Chapter 35A.63 as designated by the city council to perform a planning function.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.058 Plat.~~**

"Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.058.1 Plat certificate.~~**

"Plat certificate" means a title report prepared by a title company for the property contained in a proposed subdivision or short subdivision, to include, as a minimum, all owners of record, easements and encumbrances effecting said property.

"Preliminary approval" means the official favorable action taken on the proposed short plat, plat, subdivision, or dedication by the city council meeting in official session decision body as outlined in this code.

(Ord. No. 386, § 3, 11-2-2009)

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**~~16.08.059 Preliminary plat.~~**

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements set forth in this title and in RCW Chapter 58.17. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.060 Proposed plat.~~**

"Proposed plat" means a preliminary plan of the plat, subdivision or dedication containing the elements and requirements set forth in ~~Sections 16.12.070 and 16.12.080~~Chapter 16.12 of this code.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.071 Public improvement.~~**

"Public improvement" means any structure or work constructed including but not necessarily limited to roads; alleys; sidewalks, storm drainage systems and ditches and dikes; sanitary sewage facilities or main lines, and storm drainage containment facilities; and all other subgrade utility services such as telephone, gas and water.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.072 Public roads.~~**

"Public roads" means the free and public roads, ways, alleys and streets which every person has the right to use and shall include community arterials, neighborhood streets and residential streets, some of which may or may not be portions of the primary or secondary highway system of the state of Washington.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.075 Short plat.~~**

"Short plat" means the map or representation of the short subdivision.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.076 Short plat administrator.~~**

"Short plat administrator" means the director of the planning department, or ~~his/her~~ designee.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.077 Short subdivision.~~**

"Short subdivision" means the division or redivision of land into ~~four~~nine (9) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

(Ord. No. 386, § 3, 11-2-2009)

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**~~16.08.080 Subdivider.~~**

"Subdivider" means a person who undertakes to create a subdivision.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.090 Subdivision.~~**

"Subdivision" means the division or redivision of land into five-ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

"Unit lot subdivision" means a subdivision or short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested, but which may result in development on one or more individual unit lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual unit lot.

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.100 Preliminary approval.~~**

~~"Preliminary approval" means the official favorable action taken on the proposed plat, subdivision, or dedication by the city council meeting in official session.~~

(Ord. No. 386, § 3, 11-2-2009)

**~~16.08.110 Administrator.~~**

~~"Administrator" of the planning commission means the director of the Millwood Planning Department.~~

(Ord. No. 386, § 3, 11-2-2009)

## **Chapter 16.10 BINDING SITE PLAN (BSP)**

Approval of a general binding site plan for industrial or commercial divisions shall follow the processing and review procedures for a preliminary short plat, in accordance with Chapter 16.04 and MMC Section 14.12.025, Applications / Project Classification Types and Review Process, with allowance for approval of an overall BSP boundary with specific lots created subsequent to the general binding site plan approval. BSPs shall be allowed pursuant to Section 16.02.050.

The final binding site plan, after approval, and/or when specific lots are administratively approved, shall be filed with the county auditor via a record of survey, along with a title notice prepared by the city that references the conditions of approval, as applicable. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. The number of lots, tracts, parcels, sites, or divisions shall not exceed the number of lots allowed by Millwood zoning and development regulations and as defined in the general binding site plan approval. Conditions of approval shall be met prior to filing the final BSP / record(s) of survey. Documents must be recorded within sixty (60) days of approval by the city.

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.

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 in addition to the MMC and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW.

## Chapter 16.12 PRELIMINARY PLAT

### 16.12.005 Preliminary plat of subdivisions and dedications—Submission for approval— Procedure.

A. A preliminary plat of proposed subdivisions and dedications of land shall be reviewed in accordance with the following chapters within Title 16 in addition to other applicable portions of the MMC:

1. Chapter 16.02 General Provisions;
2. Chapter 16.08 Definitions;
3. Chapter 16.12 Preliminary Plat;
4. Chapter 16.16 Minimum Improvements; and
5. Chapter 16.24 Design Standards;

~~submitted for approval to the city council.~~

B. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

C. Preliminary plats shall be processed in accordance with Chapter 14.12 with the classification and review process as defined in MMC Section 14.12.025, Applications / Project Classification Types and Review Process. The city shall provide or shall cause public notice of the application to be given by the applicant in accordance with adopted procedures in the MMC and shall include notice to city departments and affected agencies to provide opportunity for comments, recommendations, and recommended conditions.

(Ord. No. 386, § 4, 11-2-2009)

### 16.12.010 Approval required.

No person, firm or corporation having made or making a plat, subdivision or dedication containing ~~five-ten~~ (10) or more lots, plots, tracts or other subdivision or dedication of land within the territorial limits of this city shall enter into any contract for the sale of, or shall offer to sell the subdivision or any part thereof or shall proceed with any construction work in the proposed subdivision until he has obtained ~~from the city council~~ final approval in accordance with this title; providing, however, that construction work on proposed rights-of-way, including grading and utilities, may be commenced at any time after the approval of the preliminary plat.

(Ord. No. 386, § 4, 11-2-2009)

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## 16.12.015 Processing with other applications.

[Reserved]

(Ord. No. 386, § 4, 11-2-2009)

## 16.12.020 General procedure.

~~Prior to filing an application with the city, the applicant shall have a pre-application conference with the planning department and applicable agencies to obtain application forms and receive general information regarding the subdivision process. Following the pre-conference, the applicant may submit a preliminary plat application for review. The subdivider may consult with the planning commission or the planning department freely and without prejudice in developing a proposal for a subdivision, before making formal application for approval.~~ The general procedure is as follows:

- ~~1A.~~ The subdivider, ~~his~~ land surveyor, or ~~his~~ agent, while the proposed plat is in sketch form and before application is made ~~for approval by the planning commission~~, shall meet with the planning department ~~and applicable agencies~~ to determine the proposed site's current designation under the city's zoning code and comprehensive plan as well as any regulations relating to the development of the site, and the process of obtaining preliminary and final plat approval. Nothing contained in this meeting shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees, or agents for any injury or damage resulting from the failure to comply with city regulations, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of said regulations, or by reason of any action or inaction on the part of the city related in any manner of the enforcement of these regulations by its officers, employees, or agents.
- ~~2B.~~ The applicant shall make written application in accordance with Section 16.12.025; ~~and~~ pay the city an application processing fee as established by the city council; ~~and provide six copies of the preliminary plat to the planning department. The applicant shall also file a copy of the environmental checklist, if necessary, and pay a SEPA review fee as established by city council.~~
- ~~3C.~~ In accordance with MMC Section 14.12.025, ~~T~~he planning department will review the application and within twenty-eight (28) days will notify the applicant as to its completeness. If the application is deemed incomplete, the planning department will notify the applicant and specify what is required to complete the application.
- ~~4D.~~ Within fourteen (14) days of receiving a completed application, ~~the city will make a~~ public notice will be issued, stating that the application has been received. The public will then have not less than fourteen (14) days and not more than thirty (30) days to review the application and make comments. A notice of public hearing may also is issued concurrently with a notice of application.
- ~~5E.~~ The preliminary plat application, ~~development plan, and SEPA checklist packet~~ will also be internally circulated and reviewed by city departments for comment, ~~and~~ recommended environmental threshold determination, ~~and~~ possible mitigation measures and conditions of approval, as applicable.
- ~~6F.~~ The planning department will inform the applicant, in writing, of the SEPA threshold determination and of any changes or mitigation measures that will be required of the project.
- ~~7G.~~ ~~Once an approved development plan has been accepted, T~~he planning department will schedule a public hearing ~~before the planning commission~~ and distribute all pertinent information to the ~~planning commission~~ hearing body before the public hearing is held.

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- ~~8H.~~ Reports of all officials concerned shall be reviewed at the hearing, and final form agreed upon, with or without modification of original proposal. When the final form is presented, the preliminary plat is recommended for approval or disapproval by the ~~planning commission~~hearing body.
- ~~9I.~~ After approval of the preliminary plat has been recommended by the ~~planning commission~~hearing body, the recommendation shall be submitted to city council for action, unless the hearing body also renders the decision. Refer to MMC Section 14.12.025, Applications / Project Classification Types and Review Process.
- ~~10J.~~ The preliminary approval of the proposed plat shall be effective for ~~five years from the date of approval by the city council~~a period of time outlined in Section 16.02.060 Time Limitations, unless an extension of time is approved. unless extended by the planning commission. All requests for an extension must be in writing, ~~and signed by the applicant. Two one-year extensions may be granted by the planning commission, and processed in accordance with Section 16.02.060 Time Limitations.~~
- ~~11K.~~ The subdivider completes minimum improvements as specified in the conditions of preliminary plat approval, consistent with Chapter 16.16, and any required SEPA mitigation.
- ~~12L.~~ The applicant files for final plat approval, in accordance with the timeline outlined in Section 16.02.060 Time Limitations and Chapter 16.20, Final Plats.

(Ord. No. 386, § 4, 11-2-2009)

#### **16.12.025 Application packet and fees.**

- A. Anyone requesting a subdivision shall submit a written preliminary subdivision application, as provided by the city, in pdf and hard copy, to the planning department containing:
1. The applicant's name, address, email, and phone number;
  2. The name, address, email, and phone number of the legal owner if different than that of the applicant;
  3. The names, addresses, emails, and telephone numbers of all persons, firms or corporations having an interest in any manner in the property proposed to be subdivided and the contiguous property, if any, by reason of ownership, contract for purchase, earnest money agreement or option;
  4. The notarized signatures of all parties;
  5. The existing zoning classifications and comprehensive plan designations for the property proposed to be platted and contiguous property;
  6. The source of water supply;
  7. The source of sewage disposal;
  8. Any other information deemed appropriate by the city planner.
- B. A title certificate in pdf and hard copy, issued by a title insurance company doing business in Spokane County, showing interest of the person(s) signing the short plat and showing all restrictions encumbering the land.
- C. Legal description of proposal site in pdf and hard copy, with the source of the legal description clearly indicated.

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D. The preliminary subdivision map in pdf and hard copy, which shall be a legibly drawn map, twenty-four (24) inches by thirty-six (36) inches in size, and with a scale of 1"=100'. The preliminary subdivision map, prepared by a licensed land surveyor, shall contain the following:

1. Name, address, and telephone number of the owner and the person with whom official contact should be made;
2. Location of the site by section, township, range;
3. A statement covering the gross acreage, net acreage minus any right-of-way, number of lots proposed, the proposed use of lots, method of domestic water supply, and sanitary disposal of sewage;
4. Vicinity map which shall indicate the property to be subdivided;
5. North arrow, scale, and the boundary of the proposed subdivision;
6. Datum, benchmarks, and metes and bounds description of the site;
7. Certification of registered land surveyor;
8. Approximate boundaries of all blocks, the designation of lots, lot lines, lot size, and dimensions with lot numbers and block numbers;
9. The location, names, and widths of all existing and proposed streets, roads, alleys, driveways / access easements, and sidewalks within the proposed subdivision and within 100 feet thereof;
10. All existing or proposed easements, divisions, or sites to be reserved or proposed to be dedicated for any public purpose, including parks and playgrounds that will be available for use;
11. Approximate location of any natural, permanent, or topographic features such as shorelines, critical areas, drainage ways, wooded areas, wetlands, unique soils, railroad rights-of-way, utility rights-of-way, subsurface conditions;
12. Exact location of existing buildings, septic tanks, drainfields, wells or other improvements (indicate if they will remain or be removed);
13. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short subdivision is the subdivision of a portion of an existing subdivision, the approximate lines of the existing subdivision are to be shown and a copy of the existing subdivision, along with any and all recorded easements and covenants;
14. Ground elevations, with five-foot contours if land slope is regular; more detailed mapping may be requested for uneven land. Any topographic information that needs to be measured or collected must be collected by, or under the direction of a licensed land surveyor;
15. A list containing each dedication and encumbrance on the property;
16. A legal description for each proposed lot.
17. A vicinity sketch at a scale of not more than one thousand (1,000) feet to the inch showing all adjacent subdivisions, streets, tract lines, bordering lines of adjacent parcels and showing how the streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions and unplatted property to produce an advantageous development of the entire neighborhood, as applicable.

E. One reduced to scale hard copy of the preliminary subdivision in eleven (11) by seventeen (17) inches in size.

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- F. The Spokane County Assessor's map in pdf and hard copy, showing the location of and the existing parcel number of all properties within 250 feet of the subject property. The approximate location of the subject property shall be clearly marked.
  - G. A list of each property identified on the Spokane County Assessor's map and 9"x12" envelopes with affixed address labels prepared per the applicable notification instructions, for each of the identified properties. Completed certification forms contained in the applicable notification instructions must also be submitted.
  - H. Environmental Checklist and SEPA fee, if the division of land is not exempt under the Millwood Environmental Ordinance.
  - I. A utility plan showing existing and proposed utilities and easements adjacent to the property being subdivided, the vertical scale of street and sewer profiles shown shall be at ten (10) feet or less to the inch, with a horizontal scale of four hundred (400) feet or less to the inch.
  - J. Completed Agreement to Pay Fees form.
  - K. Letters in pdf and hard copy, from each utility provider indicating whether easements are necessary, and if necessary, a description of the easement.

Said application shall be accompanied by an application fee as set forth by resolution of the city council. The applicant shall also pay for all professional services or city personnel costs incurred by the city in evaluating the application, reviewing submittals and inspecting any improvements required as a condition of approval, which costs shall be paid before final approval of the short subdivision.

#### **16.12.030 Preparation and copies.**

The preliminary plat, ~~subdivision or dedication~~ shall be prepared by the developer, or ~~his~~their land surveyor according to the requirements as set forth in Sections 16.12.025 and 16.12.070, ~~16.12.080~~.

~~Six copies shall be submitted to the planning commission's administrator, accompanied by an application prepared by the subdivider, requesting approval of the proposed plat.~~

~~The planning commission's administrator shall submit one copy of the subdivider's application to the Spokane County auditor, one copy to the city engineer and one copy to the subdivider. A fourth copy shall be retained by the planning commission for its files. The planning commission's administrator shall submit copies of the preliminary plat to the city engineer, department heads, and others, as may be prescribed by resolution of the planning commission, or necessary for specific plat.~~

(Ord. No. 386, § 4, 11-2-2009)

#### **16.12.040 Conformance and recommendations.**

The ~~planning commission~~ planning director or designee shall check the preliminary plat to make certain that it conforms to the requirements of this code and the official comprehensive plan or any portions thereof, as applicable.

The city engineer and other officials concerned with the proposal within the scope of their municipal functions, shall make their respective recommendations in written report form to the ~~planning commission~~ hearing body at the time of the hearing, or shall submit their recommendations to the ~~planning commission's administrator~~ planning director or designee, prior to the hearing.

(Ord. No. 386, § 4, 11-2-2009)

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### 16.12.050 Notice of Application and Notice of Hearinghearing.

Refer to MMC Section Chapter 14.12 for information on the Notice of Application and Notice of Hearing in addition to Section 14.12.025, Applications / Project Classification Types and Review Process.

- A. ~~Upon receipt of a complete application for preliminary plat approval, the planning director shall provide public notice and set a date for a public hearing at an official meeting of the planning commission. Except as provided in RCW § 36.70B.110, at a minimum, notice of the hearing shall be given in the following manner:~~
- ~~1. Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the city;~~
  - ~~2. Notice shall be posted not less than ten days prior to the hearing in at least two conspicuous places on or adjacent to the property to be platted;~~
  - ~~3. Notice of the hearing shall be sent not less than ten days prior to the hearing by way of the U.S. mail to all owners of real property, as shown by the records of the county assessor, located within three hundred (300) feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within three hundred (300) feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided;~~
  - ~~4. Notice for the hearing for a preliminary plat located adjoining the municipal boundary shall be given to the county planning director, and for a preliminary plat located adjoining to a county road to the county engineer, at least twenty (20) days prior to the hearing date;~~
  - ~~5. Notice for the hearing for a preliminary plat located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the Washington State Secretary of Transportation.~~
- B. ~~All hearings on the proposed plat shall be public.~~
- C. ~~All hearing notices shall include a description of the location of the proposed subdivision, and the time, date, and location of the hearing. The description of the location of the proposed subdivision may be in the form of either a vicinity location sketch or a written description other than a legal description. Notices to the Washington State Department of Transportation shall include a legal description of the subdivision and a location map.~~

~~(Ord. No. 386, § 4, 11-2-2009)~~

### 16.12.055 Public notice—Identification of affected property.

Any notice made under this chapter that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch or other reasonable means.

(Ord. No. 386, § 4, 11-2-2009)

### 16.12.060 Approval or rejection.

- A. The ~~planning commission~~hearing body shall review all preliminary plats and make recommendations thereon to the city council, unless the hearing body also renders the decision. Refer to MMC Section

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14.12.025, Applications / Project Classification Types and Review Process. ~~to assure~~ Recommendations and approvals must assure conformance of the proposed subdivision to the general purposes of the comprehensive plan, and to any applicable zoning ordinance or other land use controls which may exist, and to such planning standards and specifications as may have been adopted by the city council. ~~Reports of the planning commission~~ When decisions are rendered by the city council, ~~recommendations of the hearing body shall be advisory only. Such recommendation shall be submitted to the city council not later than fourteen (14) days following action by the planning commission.~~

~~B1.~~ Upon receipt of the recommendation on any preliminary plat, the ~~city council shall at its next public meeting set the~~ date for the public meeting where ~~the city council #~~ shall consider the recommendations of the ~~planning commission~~ hearing body shall be set. ~~and The city council may~~ adopt or reject the recommendations of the ~~planning commission~~ hearing body based on the record established at the open record public hearing. If after considering the matter at ~~a the~~ closed record public meeting, the city council deems a change in the ~~planning commission~~ hearing body's recommendation approving or disapproving any preliminary plat is necessary, the city council shall adopt its own written recommendations and approve or disapprove the preliminary plat.

2. A special meeting of the hearing body and/or the city council may need to be held in order to meet the deadline for review of a preliminary plat in accordance with MMC Section 14.12.025 and RCW 58.17.

~~C.B.~~ Every decision or recommendation made under this chapter shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation. A record of all public meetings and public hearings shall be kept in the office of the city clerk, and shall be open to public inspection.

(Ord. No. 386, § 4, 11-2-2009)

### **16.12.070 General requirements.**

The preliminary plat, containing all the information specified in this chapter, shall be prepared and mapped by a professional land surveyor ~~or professional engineer~~ licensed in the state of Washington, within an accuracy of two percent. All mapped information shall be prepared in a neat and legible manner in pencil or ink, and on high grade paper.

(Ord. No. 386, § 4, 11-2-2009)

### **16.12.080 Application.**

~~The application for preliminary plat, subdivision, or dedication shall consist of: a complete application form, six copies of the preliminary plat map, and supporting documents.~~

- ~~1. The application form shall be provided by the planning department and shall contain the following information:~~
  - ~~a. The name, address and telephone numbers of the owner(s) of the property to be subdivided;~~
  - ~~b. The names, addresses and telephone numbers of all persons, firms or corporations having an interest in any manner in the property proposed to be subdivided and the contiguous property, if any, by reason of ownership, contract for purchase, earnest money agreement or option;~~

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- c. ~~The existing zoning classifications and comprehensive plan designations for the property proposed to be platted and contiguous property;~~
  - d. ~~The square footage computation for each lot or parcel sufficiently accurate to show that each lot or parcel contains at least sufficient footage to meet minimum zoning requirements as outlined in Section 21.44.010 of this code;~~
  - e. ~~The source of water supply, if any;~~
  - f. ~~The source of sewage disposal, if any;~~
  - g. ~~Signatures of the owner(s) and date signed; and~~
  - h. ~~Notary public stamp.~~
2. ~~The preliminary plat map shall be prepared by or under the direction of a professional land surveyor or professional engineer licensed in the state of Washington, on paper twenty four (24) inches by thirty six (36) inches in size, and shall clearly show the following features and information on one or more maps or drawings:~~
- a. ~~Horizontal scale of the preliminary plat, one hundred (100) feet to the inch;~~
  - b. ~~Present and proposed tract designation;~~
  - c. ~~Notation stating acreage;~~
  - d. ~~North arrow;~~
  - e. ~~Datum and benchmarks;~~
  - f. ~~Certification of registered land surveyor;~~
  - g. ~~Boundary lines and distances of the property to be subdivided, of each lot and block contained therein, and of original tract or contiguous land;~~
  - h. ~~Easements, roads and rights of way, existing and proposed, with their location, width and purpose within the area to be subdivided and within one hundred (100) feet thereof;~~
    - (i) ~~Any street access locations shown on the final plat are subject to granting of a valid street access permit;~~
  - i. ~~Streets and alleys on and adjacent to the tract; name and right of way width and location; type, width and elevation of surfacing; any legally established centerline culverts, gutters, etc., with appropriate grade and gradients; street names;~~
  - j. ~~The location of permanent and topographic features which will have an impact upon the subdivision including but not limited to water courses, wetlands, unique soils, railroad rights of way, utility rights of way, and subsurface conditions;~~
  - k. ~~Ground elevations, with five foot contours if land slope is regular; more detailed mapping may be requested for uneven land;~~
  - l. ~~Lot lines, lot numbers and block numbers;~~
  - m. ~~Metes and bounds description;~~
  - n. ~~Sites, if any, to be reserved, dedicated, or offered for sale for parks, playgrounds, or other public uses;~~
  - o. ~~Building setback lines;~~

~~p. Sites, if any, to be reserved, dedicated, or offered for sale for parks, playgrounds, or other public uses;~~

~~q. A vicinity sketch at a scale of not more than one thousand (1,000) feet to the inch shall accompany the preliminary plat. The vicinity sketch shall show all adjacent subdivisions, streets and tract lines and bordering lines of adjacent parcels. It shall show how the streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions and unplatted property to produce an advantageous development of the entire neighborhood.~~

~~3. Supporting Documents:~~

~~a. A utility plan showing utilities and easements adjacent to the property being subdivided, existing and proposed; the vertical scale of street and sewer profiles shown shall be at ten feet or less to the inch, with a horizontal scale of four hundred (400) or less feet to the inch;~~

~~b. Draft of protective covenants to be imposed upon the use of the land, if any;~~

~~c. A current title certificate from a recognized title company, showing interest of the person(s) signing the plat and showing all restrictions encumbering the land;~~

~~d. A current list obtained from the county assessor of the names and addresses of property owners of each lot or parcel of property located within three hundred (300) feet of the property proposed to be subdivided.~~

(Ord. No. 386, § 4, 11-2-2009)

**16.12.090-080 Factors to be considered.**

- A. The city ~~council~~ shall ~~inquire into~~interview the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine:
1. If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for utilities including electric and gas, for fire safety, open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water suppliers, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
  2. Whether the public interest will be served by the subdivision and dedication;
  3. Whether all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such condition;
  4. Whether the proposed subdivision would not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;
  5. Whether the subdivider has taken every effort to mitigate the impact of the proposed subdivision regarding public health, safety, and welfare. If the city ~~council~~ determines that these impacts are not mitigated, it may disapprove the preliminary plat even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the comprehensive plan, in accordance with Washington State law.

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- B. A proposed subdivision and dedication shall not be approved unless the city ~~council~~ makes a written finding that appropriate provisions are made for the factors to be considered contained in subsection (A) of this section.
  - C. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the city ~~council~~ shall approve the proposed subdivision and dedication.
  - D. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed by the city ~~council~~ under RCW Chapters 82.02.050 through 82.02.~~09-100~~ may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees shall be allowed that constitutes an unconstitutional taking of private property or is inconsistent with Washington State law.
  - E. The city ~~council~~ shall not as a condition to the approval of any subdivision, require a release from damages to be procured from other property owners.

(Ord. No. 386, § 4, 11-2-2009)

#### **16.12.~~100-090~~ Public improvements.**

- A. The ~~planning commission~~city shall require the applicant to indicate on the plat all roads and public improvements that are to be dedicated, all utility improvements which shall be required to be established or extended, and any other special requirements deemed necessary by the ~~planning commission~~city.
- B. If the city ~~council~~ does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat by the mayor, the city ~~council~~ shall require that the applicant execute a subdivision improvement agreement and provide security for the agreement as provided in Chapter 16.16.

(Ord. No. 386, § 4, 11-2-2009)

#### **16.12.~~110-100~~ Flood, inundation or swamp conditions.**

- A. The city ~~council~~ shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat 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.
- B. No plat shall be approved by the city ~~council~~ covering any land situated in a flood control zone as provided in RCW Chapter 86.16 and MMC Title 18, without the prior written approval of the Department of Ecology of the State of Washington.

(Ord. No. 386, § 4, 11-2-2009)

#### **16.12.~~120-110~~ Appeal of decision.**

Any final decision of the city ~~council~~ approving or disapproving any plat shall be reviewable under the provisions of RCW Chapter 36.70(c).

(Ord. No. 386, § 4, 11-2-2009)

## Chapter 16.16 MINIMUM IMPROVEMENTS

### 16.16.010 Methods.

If the preliminary plat is approved by the city ~~council~~, the subdivider, before requesting final approval, shall carry out minimum improvements in accordance with the provision of this chapter by one of the following methods:

- ~~1A.~~ By furnishing the city with a performance bond or other form of surety in lieu of actual construction of improvements, satisfactory to the city attorney, in which assurance is given the city that the actual construction and installation of the minimum improvements will be carried out as provided in this chapter and other city ordinances, and according to the specifications of the city engineer, within two years from the date the final plat is filed for record with the county auditor.
- ~~2B.~~ By actual construction and installation of minimum improvements in accordance with the provisions of this chapter and in accordance with the installation requirements and under the supervision of the city engineer.
- ~~3C.~~ By a combination of these methods.

(Ord. No. 386, § 5, 11-2-2009)

### 16.16.020 Notice of method.

The subdivider shall give written notice of the method he/she elects to carry out minimum improvements to the planning department.

(Ord. No. 386, § 5, 11-2-2009)

### 16.16.030 Inspection.

After completing all minimum improvements, the subdivider shall make written request to the public works department for inspection by the city engineer. After finding that all improvements have been completed in accordance with the installation standards, the city engineer shall so certify to the planning department.

(Ord. No. 386, § 5, 11-2-2009)

### ~~{16.16.040} Preparation of standards.~~

The city engineer or designee shall prepare minimum installation materials, design, and construction standards appropriate to the locality, topography, soil conditions and geology of the area in which the proposed plat, subdivision, or dedication is to be developed or improved. Said standards shall be made available to the subdivider, or ~~his~~ their surveyors, as soon as practicable. The minimum improvements shall be as specified in the conditions of preliminary plat approval, consistent with this Chapter, and any required SEPA mitigation shall include those set forth in Sections 16.20.020 through 16.20.130.

(Ord. No. 386, § 5, 11-2-2009)

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### 16.16.050 Clearing.

All streets shall have all standing timber and brush removed from the right-of-way, and all stumps, down timber and snags cleared and removed within the confines of said street.

(Ord. No. 386, § 5, 11-2-2009)

### 16.16.060 Grubbing.

All streets shall be grubbed by the removal of all large rocks, roots, snags, logs, brush, etc., upon the surface of the ground and refilling all excavations and holes left by said removal within the confines of said street.

(Ord. No. 386, § 5, 11-2-2009)

### 16.16.070 Grading, surfacing and drainage.

All streets, alleys, driveways, and lots encompassed in the plat shall meet the following minimum requirements:

- A. Streets shall meet the minimum right-of-way specifications as outlined under Section 16.24.030 of this title.
- B. If any alleys are platted, they must be improved by grading, ballasting with three inches of one and one-quarter-inch crushed surfacing and three inches of five-eighths-inch crushed surfacing and then application of a bituminous surface treatment according to the standards and specifications of the city engineer. All improvements described in this paragraph shall be made to a width of twenty (20) feet.
- C. If any cul-de-sac or dead-end streets are platted, they must be improved in accordance with the design standards of Section 16.24.030 to the type of street it will eventually be and join.
- D. Established grade must be approved by the city engineer.
- E. Minimum compacted thickness of crushed rock laid full width of roadway shall comply with the following specifications:

	Arterials	Residential	Cul-de-sac
Base Rock	1-¼ in. or 1-½—7 inches	3 inches	3 inches
Top Rock	¾ in. or ¾—3 inches	3 inches	3 inches

- F. Apply two-inch asphaltic concrete according to specifications determined by the city engineer.
- G. Install storm sewer lines in accordance with the specifications and requirements of the city engineer.
- H. All water, sanitary sewer, storm sewer, gas, electrical, telephone and other underground utilities involving streets or alleys must be installed and stubbed to property lines of each lot before final grading of the subgrade of each street ~~or~~, alley, or shared driveway access / utility easement.
- I. Where required by adjoining terrain, side or cross drainage facilities will be installed to the specifications of the city engineer.
- J. Rough grade all lots in conformity with a subdivision slope-control map to be furnished by the developer and approved by the city engineer.

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- K. Install curbs and sidewalks, as well as driveway approaches and shared driveway access / utility easements, in accordance with the city of Millwood specifications. Shared driveway access / utility easements shall be at least ten (10) feet wide in order to separate wet and dry utilities.
  - L. A pdf and six copies of the "as built" plan of all utilities shall be filed with the city of Millwood within ten days after completion of the utility installation. An electronic format such .dwg, as required by the city engineer, shall also be supplied.
  - M. The subdivider shall pay to the city of Millwood and/or applicable utility provider, two hundred fifty dollars (\$250.00)a per lot deposit for the installation of underground ~~electric~~ utilities, and upon payment of such charges, the city shall cause or direct the same to be installed within a reasonable time thereafter.

(Ord. No. 386, § 5, 11-2-2009)

### **16.16.080 Drains.**

Metal or concrete pipe drains across roads where required by the city engineer and roadside ditches sufficient to carry normal runoff, irrigation wastewater, or floodwaters characteristic to the area included in the proposed plat, subdivision or dedication.

(Ord. No. 386, § 5, 11-2-2009)

### **16.16.090 Culverts or trestles.**

All culverts or trestles over waterways, draws or gulches, when over four feet in height, shall conform to the city engineer's specifications and shall be provided with guardrails. Where streets or roads of the subdivision connect to or intersect existing roadways, there shall be installed drains of metal or concrete pipe of not less than twelve (12) inches in diameter.

(Ord. No. 386, § 5, 11-2-2009)

### **16.16.100 Monuments.**

Monuments shall be placed at all street intersections, boundary angle points, points of curves in streets, and at such intermediate points as required by the city engineer. The monuments shall be concrete filled iron pipe weighing at least fifty (50) pounds, capped with standard markers furnished by the city engineer. Street monuments shall be set between six inches and one foot below official furnished street grades and in paved streets shall be enclosed in standard monument case.

(Ord. No. 386, § 5, 11-2-2009)

### **16.16.110 Water mains.**

The subdivider shall install all water and sewer lines and connect the same with nearest city lines of adequate capacity as indicated in overall city plan, and certified by the city engineer. The subdivider shall provide fire hydrants, valves, and other fittings in connection therewith as required by the city engineer. Services for all water and sewer to each lot shall be constructed to and stubbed at the property line.

Water mains to be connected into the city system must comply with city ordinances. In no case shall the diameter of the water main be less than six inches unless a smaller diameter is approved by the city engineer in writing, before the plat is submitted and the specific location of the pipe is indicated on a copy of the plat.

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(Ord. No. 386, § 5, 11-2-2009)

### **16.16.120 Sewer lines.**

Sewer lines shall be tied in to the city sewer system and must comply with city ordinances. A detailed plan profile of the proposed sewer system showing pipe diameter, pipe location, grade, and manhole location shall be submitted to the city engineer and approved by him before the final plat is submitted.

(Ord. No. 386, § 5, 11-2-2009)

### **16.16.130 Curbs and sidewalks.**

Install concrete curbs and sidewalks in accordance with city standards. [Also refer to MMC Chapter 17.38 General Provisions.](#)

(Ord. No. 386, § 5, 11-2-2009)

### **16.16.140 Approval by city engineer.**

When the subdivider installs pavement, curbs, sidewalks, storm sewers, water supply lines, electrical utilities, and other improvements, all such improvements shall be carried out according to the general sign and installation standards approved by the city engineer.

(Ord. No. 386, § 5, 11-2-2009)

## **Chapter 16.20 FINAL PLAT**

### **16.20.010 Preparation.**

On receipt of the certification as set forth in Section 16.16.030, the ~~planning commission or its administrator~~city shall advise the subdivider to prepare and submit a final plat for that portion of the area contained in the preliminary plat, subdivision, or dedication in which minimum improvements have been installed or concerning which a performance bond has been posted. [A final plat may begin review concurrently with improvement installation.](#)

(Ord. No. 386, § 6, 11-2-2009)

### **16.20.020 Submission for approval.**

- A. The subdivider shall submit the final plat in pdf and hard copy, prepared in accordance with the provisions of this chapter, ~~together with nine copies and~~ payment to the city, for a final plat fee, as established by the city council, a plat certificate in pdf and hard copy that is less than 30 days old at time of submittal, and a completed final plat application. The planning department shall give written and date acknowledgment of receipt to the subdivider, and distribute the final plat for review by the city engineer, public works director, fire chief, and other officials whose approval is required. After these officials have signed the final plat, the planning department shall forward the entire record of final plat to city council for final approval.

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- B. When the city council finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of this title and such other development regulations adopted by the city council, other applicable state laws, and any local ordinances adopted under RCW Ch. 58.17, which were in effect at the time of application for preliminary plat approval, it shall approve the final plat.
- C. After approval, the final plat shall be signed in accordance with Section 16.20.070 and filed for record by the city with the county auditor along with a title notice prepared by the city that references the conditions of approval, as applicable. Documents must be recorded within sixty (60) days of approval by the city.

(Ord. No. 386, § 6, 11-2-2009)

### **16.20.030 Approval or rejection.**

Final plats shall be ~~approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof unless the applicant consents to an extension of such time period, processed in accordance with Section 16.02.060 Time Limitations.~~ If approval is withheld, the original copy of the final plat, together with a list of suggested modifications, prepared in accordance with the provisions of this title and such other development regulations adopted by city council, shall be returned to the subdivider. The city council shall retain a duplicate set of suggested modifications for its files.

(Ord. No. 386, § 6, 11-2-2009)

### **16.20.040 Additional requirements for approval.**

- A. After approval of the final plat, subdivision, or dedication by the city council, the mayor shall indicate said approval by signing the original and all copies, provided the subdivider furnishes the following:
1. Tax Statement. A certificate from the county treasurer indicating that all taxes and assessments on said property included in the final plat, subdivision, or dedication have been paid according to the provisions of RCW §§ 58.08.030 and 58.08.040, as thereafter amended.
  2. Filing Fees. A check payable to the county auditor for the full amount of filing / recording fees according to the provisions of RCW § 36.18.010, as thereafter amended; unless the city requests that the applicant complete the filing / recording.
  3. A title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication shall be furnished before acceptance of plat.
  4. Protective covenants, if any, in form for recording.
  5. The subdivider shall provide the original of the plat for recording, and a reproducible copy for the city. The original shall be on a material acceptable to the county auditor. The city may also require that the plat be provided in a specific electronic format for use in the city's computer aided drafting system.

(Ord. No. 386, § 6, 11-2-2009)

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### 16.20.050 General requirements.

The map of the final plat, subdivision, or dedication shall be submitted to the planning department, in the form herewith prescribed:

- 1A. The final plat, containing all the information specified in this chapter shall be prepared in a neat and legible manner in drawing ink and on high-grade paper.
- 2B. All documents, maps, and survey notes shall contain the name of the subdivision, the name(s) of the subdivider(s), and the name of the registered land surveyor responsible to the subdivider(s).
- 3C. The trimmed size of the final plat shall be twenty-four (24) inches by thirty-six (36) inches, and the final plat shall be recorded on two or more sheets if the scale necessary to accommodate the map on one sheet would unduly congest the drawing.
- D. The final subdivision shall indicate the actual net area for each subdivided lot exclusive of the right-of-way. Lots one acre and over shall be shown to the closest hundredth of an acre, and all other lots shall be shown in square feet.
- E. Final plat maps must be consistent with approved preliminary plat and identify the final plat name and City of Millwood file number.

(Ord. No. 386, § 6, 11-2-2009)

### 16.20.060 Specific requirements.

- A. The final plat shall clearly show the following information:
  - 1. The lines and names of all streets, alleys, driveways / access easements, and sidewalks or other public ways, parks, playgrounds, or easements intended to be dedicated for public use or granted for use of inhabitants of the subdivision.
  - 2. The lines and names of all existing or platted streets, alleys, driveways / access easements, and sidewalks or other public ways, parks, playgrounds, and easements adjacent to the final plat, subdivision, or dedication, including municipal boundaries, township lines, and section lines.
    - a. Any street access locations shown on the final plat are subject to granting of a valid street access permit.
  - 3. The lengths and bearings of all straight lines, curve radii, arcs, and semi-tangents of all curves.
  - 4. All dimensions along the lines of each lot, with the true bearings and also any other data necessary for the location of any lot lines in the field as well as lot size labeled.
  - 5. Suitable primary control points, approved by the city engineer or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred.
  - 6. The locations of all permanent monuments.
  - 7. The names of all subdivisions immediately adjacent thereof.
  - 8. The date, true north point, scale, datum plane, and date of survey.
  - 9. The boundary of the tract, with courses and distances marked thereon, as determined by a complete field survey of the section or sections in which the plat is located made by a

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~~professional-licensed~~ land surveyor licensed in the state of Washington and to close with an error of not more than one foot in four thousand (4,000).

10. The elevations of all corners on the boundaries of the subdivided tract, and contours as required by Section 16.12.080-2(K)025 and shall be similarly referenced.
  11. The profiles of all street centerlines to the vertical scale of ten feet to the inch, and horizontal scale of one hundred (100) feet to the inch, submitted on a separate four-by-twenty plate standard profile tracing cloth.
  12. Sewer and water profiles to the same scale and on the same sheet as street profiles and the plan of all sewer and/or water lines, including "T's" and "Y's", and other intersections on a separate sheet.
  13. Street names.
  14. Certification by a licensed professional land surveyor that the plat and survey are true and accurate representations of the lands surveyed.
  15. Statement by owner dedicating streets, right-of-ways, and any sites for public use. Streets not dedicated to the public must be clearly marked on the face of the plat.
  16. All linear dimensions shall be given in feet and decimals of a foot to the nearest hundredth.
  17. The scale of the final plat shall be minimum of one hundred (100) feet to the inch.
  18. If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown by dashed lines in their proper positions in relation to the new arrangement of the plat, the new plat being so clearly shown in solid lines as to avoid any ambiguity.
  19. The final plat shall be accompanied by other sheets showing all utility grades, and based on a datum plane approved by the city engineer.
  20. A certificate giving a full and correct description of the lands divided as they appear on the plat.
  21. A statement that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
  22. Lots and blocks clearly identified by numbers according to a numbering system approved by the planning department.
  23. House numbers assigned by the city building department shall be shown for each lot, as determined applicable by the planning director.
  24. A setback detail or setbacks identified on each lot.
  25. A statement covering the gross acreage, net acreage minus any right-of-way, number of lots, proposed use of lots, method of domestic water supply, and sanitary disposal of sewerage.
  26. Other information determined necessary by the planning director.
- B. In accordance with RCW 58.17.165, if the plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies, or to any corporation, public or private as shown on the plat ~~or short plat~~ and a waiver of all claims for damage against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

- C. A written statement from the following agencies recommending approval or disapproval of the ~~preliminary-final~~ plat is required:
  - 1. The public works department as to the adequacy of the proposed means of sewage disposal, water supply, and storm water management;
  - 2. The planning department as to compliance with all terms of the preliminary approval of the proposed plat, subdivision, or dedication; and
  - 3. The city engineer. Each and every plat, or replat of any property filed for record shall contain a statement of approval from the city engineer as to the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems, and other structures;
- D. ~~Except as provided in Section 16.02.065 of this title,~~ Except as provided in RCW 58.17.140 for time extensions and as referenced in Section 16.02.060, an agency or person issuing a recommendation for subsequent approval under subsections (C)(1) and (C)(3) of this section shall not modify the terms of its recommendations without the consent of the applicant.

(Ord. No. 386, § 6, 11-2-2009)

**16.20.070 Dedication, acknowledgment and endorsement.**

A. The following signatures, as applicable, shall be on the face of the final plat.

- 1. Property owners of record (refer to 16.20.070, subsection B)
- 2. Spokane County Auditor’s Certificate (refer to 16.20.070, subsection B)
- 3. Surveyor’s Certificate (refer to 16.20.070, subsection B)
- 4. Spokane County Assessor (refer to 16.20.070, subsection B)
- 5. Spokane County Treasurer (refer to 16.20.070, subsection B)
- 6. CITY OF MILLWOOD PLANNING DEPARTMENT:

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Millwood Planning Director

- 7. CITY OF MILLWOOD ENGINEER:

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Millwood Engineer

- 8. CITY OF MILLWOOD PUBLIC WORKS DEPARTMENT:

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City of Millwood Public Works / Utilities Director

9. CITY OF MILLWOOD CITY COUNCIL:

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Mayor, City of Millwood

B. The legal description of the plat and the following information shall appear in the following sequences on the final plat, lettered in ink either by hand or mechanical device, with wording to be updated as needed to reflect current best practices:

Know all men by these presents that \_\_\_\_\_, the undersigned \_\_\_\_\_ owner \_\_\_\_\_ in fee simple, and encumbrances of the land hereby platted, hereby declare this plat and dedicate(s) to the use of the public forever, all streets and easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 1920\_\_\_\_\_.

Signed and sealed \_\_\_\_\_.

STATE OF WASHINGTON)

) ss/

COUNTY OF SPOKANE)

THIS IS TO CERTIFY THAT on this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 1920\_\_\_\_\_, before me the undersigned, a Notary Public, personally appeared \_\_\_\_\_, to me known to be the person(s) who executed the foregoing dedication and acknowledgment to me that \_\_\_\_\_ signed and sealed the same as \_\_\_\_\_ free and voluntary act and deed for the uses and purposes mentioned.

WITNESS my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington,

Residing at \_\_\_\_\_

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SURVEYOR'S CERTIFICATE

I hereby certify that the plat of \_\_\_\_\_ is based on actual survey and subdivision of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ E.W.M., that the distances and courses and angles are shown thereon correctly; that proper monuments have been set and lot block corners staked on the ground.

Signed \_\_\_\_\_ (Seal)

Licensed Land Surveyor

EXAMINED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_\_.

\_\_\_\_\_  
City Engineer

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Spokane County Assessor

By \_\_\_\_\_  
Deputy

I do hereby certify that ~~the required~~ all taxes which have been levied and become chargeable against the land on the herein platted land shown within this map have been fully paid the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Spokane County Treasurer

By \_\_\_\_\_  
Deputy

EXAMINED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19 \_\_\_\_\_.

\_\_\_\_\_  
City of Millwood Planning Commission

EXAMINED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_\_.

CITY COUNCIL  
CITY OF MILLWOOD

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

SPokane County Auditor's Certificate

Filed for record at the request of the City of Millwood this \_\_\_\_\_ day of \_\_\_\_\_, A.D., ~~19-20~~, at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock, \_\_\_\_\_ M., and recorded in Volume \_\_\_\_\_ of Plats, on Page \_\_\_\_\_, Records of Spokane County, Washington.

\_\_\_\_\_  
Spokane County Auditor

\_\_\_\_\_  
Deputy County Auditor

(Ord. No. 386, § 6, 11-2-2009)

**16.20.080 Dedications.**

An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by the city as a condition of

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approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

(Ord. No. 386, § 6, 11-2-2009)

### **16.20.090 Effect of approval.**

Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing ~~or as outlined in Section 16.02.060(D)(1) and (2)~~. A subdivision shall be governed by the terms of approval of the final plat, and statutes, ordinances, and regulations in effect at the time of approval under RCW Chapter 58.17.150 ~~(1)~~ and ~~(3)~~ for a period of five years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

(Ord. No. 386, § 6, 11-2-2009)

## **Chapter 16.24 DESIGN STANDARDS**

### **16.24.010 Comprehensive plan.**

- A. Land which the ~~planning commission~~city has found to be unsuitable for subdivision due to flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the safety and general health of the future residents, and which the ~~planning commission~~city considers inappropriate for subdivision, shall not be subdivided, unless adequate methods approved by the city engineer, are planned for overcoming these conditions.
- B. Those areas of the city that have been identified as being critical areas such as wildlife habitat, frequently flooded areas, wetlands, and areas where topographical slopes are twenty (20) percent or more shall be subdivided in conformance with any additional requirements, which the planning department shall provide to any subdivider within ten days after receipt of ~~his~~the request for such information. Such additional requirements shall be secured from the appropriate departments by the planning department. The proposed subdivision shall provide for such requirements in the official plans or portions thereof for the city.
- C. The subdivider shall dedicate to or make available, for public acquisition or purchase, lands in the area to be subdivided as are designated by the official comprehensive plan for educational and recreational ~~or open space~~ purposes, if there are any such lying within the proposed subdivision.

(Ord. No. 386, § 7, 11-2-2009)

### **16.24.020 Street block layout.**

- ~~1A.~~ Street layout shall conform to the most advantageous development of adjoining areas, and the entire neighborhood, and shall provide for the following:
  - ~~a1.~~ Continuity of appropriate streets and arterials;
  - ~~b2.~~ Streets to boundaries of tract;
  - ~~c3.~~ Streets generally following contour lines;

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- ~~d~~4. Streets intersecting at right angles or as nearly as possible;
- ~~e~~5. Maximum offset distance of twenty-five (25) feet;
- ~~f~~6. Nothing less than full width streets except boundary streets on the tract in which the plat is located required to provide right-of-way for streets and arterials designated by the official comprehensive plan or portions thereof;
- ~~g~~7. Alleys in business district, at least twenty (20) feet wide;
- ~~h~~8. Alleys, other than in business district, a minimum of twenty (20) feet wide;
- ~~i~~9. Driveway access / Utility easements ~~twenty (20)~~ at least ten (10) feet wide, will be permitted in lieu of alleys in residential areas; however, alleys are required if water lines, and/or sewer lines, and/or utility lines, are in or proposed to be installed at rear of lots.
- 10. Individual lot or unit access can be provided by access easements / driveways or private streets that connect to public streets for infill development.
- ~~2~~B. Blocks shall have sufficient width and depth to provide for two tiers of lots, ~~each of which shall have a minimum depth of one hundred (100) usable feet.~~
  - ~~a~~1. The length of blocks shall not exceed one thousand three hundred twenty (1,320) feet where the average size of lots does not exceed two acres in area;
  - ~~b~~2. In any block exceeding six hundred sixty (660) feet in length, ~~crosswalks or pedestrian ways shall be required, when essential to provide circulation or access to schools and parks. Playground, shopping centers, etc., the right of way of which shall be at least twenty (20) feet in width, except as provided in Section 16.28.020(b);~~
  - ~~c~~3. The number of intersecting streets with major arterials of all classes shall be held to a minimum.

(Ord. No. 386, § 7, 11-2-2009)

### 16.24.030 Street right-of-way requirements.

The minimum right-of-way and curb-to-curb pavements widths, minimum sidewalks widths, and maximum grades of all rights-of-way, public roads, roads, streets, and alleys shall be determined by the following table, unless otherwise specified by the comprehensive plan or portions thereof or as determined by the city engineer:

	Minimum right-of-way widths* (feet)	Minimum curb-to-curb pavement widths** (feet)	Minimum sidewalk widths*** (feet)	Maximum grades** (percent)
a. Urban minor arterials	80	60	<u>Consistent with existing city sidewalks; however no sidewalk shall be narrower than 4 feet wide. To conform with CMC 12.20.060</u>	5
b. Urban collector	60	46	<u>Consistent with existing city</u>	5

			<del>sidewalks; however no sidewalk shall be narrower than 4 feet wide. To conform with CMC 12.20.060</del>	
c. Local access street	50	36	<del>Consistent with existing city sidewalks; however no sidewalk shall be narrower than 4 feet wide. To conform with CMC 12.20.060</del>	10

Note(s)—\* Unless additional width is deemed necessary by the city engineer to provide Bicycle & Pedestrian Infrastructure (Active Transportation) and meet level of service standards in accordance with the Millwood Comprehensive Plan and MMC Chapter 17.38.005(J) for level of service under General Provisions, or unless otherwise approved by the city engineer.

Note(s)—\*\* Unless otherwise approved by the city engineer.

Note(s)—\*\*\* Type B asphalt pavement shall be applied as necessary to provide continuity between the pre-existing edge of the asphalt to the curb installed in accordance with the width requirements specified herein for any curb and sidewalk installed along any city street. Final determination of sidewalk width shall be approved by city engineer.

(Ord. No. 386, § 7, 11-2-2009)

**16.24.040 Lots.**

The following provisions shall apply to lots:

- A. Every lot shall abut on a street unless individual lot or unit access is provided by access easements / driveways or private streets that connect to public streets for infill development.
- B. Lots shall ~~be a minimum of one hundred (100) usable feet in depth~~ conform to the development standards of the applicable zone and must be large enough in size to meet the city’s adopted Bulk Density Standards contained in the Millwood Comprehensive Plan. Per the development standards, the lot width/depth, setbacks, and maximum building/lot coverage will be utilized to define minimum lot sizes necessary; however, the density of each lot shall not exceed the adopted Bulk Density Standards for each new lot in a short plat or plat, or the parent lot overall shall comply with the adopted Bulk Density Standards for unit lot subdivisions and administrative lot splits.
- C. ~~Lots shall be a minimum of sixty five (65) feet in width at the building lines.~~
- D. ~~The ratio of the depth of any lot to its width shall not be greater than two and one-half to one.~~

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- ~~E. Residential lots shall have a minimum area of seven thousand (7,000) square feet unless otherwise specified.~~
  - ~~F. Corner lots shall be a minimum of seventy-five (75) feet in width, and ten percent greater area than minimum required.~~
  - ~~G. Lots having frontage on two streets shall be avoided wherever possible.~~
  - ~~H. Residential lots fronting on community arterials shall be at least one hundred twenty (120) feet in depth.~~
  - ~~C. Side lot lines shall be within twenty (20) degrees of perpendicular to the centerline of the street in which the lot faces, as applicable and whenever possible.~~
  - ~~D. Side and rear lot lines shall be straight or composed of straight line elements, whenever possible.~~
  - ~~K. Building setback lines in conformance with existing ordinances shall be clearly designated on the proposed plat, unless excused by the planning commission.~~

(Ord. No. 386, § 7, 11-2-2009)

### **16.24.050 Roads/streets.**

#### **A. General Procedures.**

1. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street, an existing state highway or county road, or a street shown upon a plat approved by the city council and recorded with the county auditor. Such street or highway must be suitably improved as required by city regulations and specifications, or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations. Wherever the area to be subdivided is to utilize existing road frontage, the road shall be suitably improved as provided above. An exception to the street front requirement is allowed for individual lot or unit access that can be provided by access easements / driveways or private streets that connect to public streets for infill development.
2. No development shall be approved if such development, at full occupancy, will result in or increase traffic on an arterial or collector so that the street does not function at or above a minimum level of service as described in the Millwood comprehensive plan and MMC Chapter 17.38.005(J) for level of service under General Provisions. The applicant may propose and construct approved traffic mitigation measures to provide adequate roadway capacity for the proposed development, consistent with MMC 14.12.055 Concurrency. The applicant for any development projected to generate more than one thousand (1,000) vehicle trip ends per day shall submit a traffic impact analysis prepared by a competent transportation planning professional.
3. Roads/streets shall be graded and improved and conform to the road construction standards and specifications and shall be approved as to design and specifications by the director of public works and the city engineer, in accordance with the construction plans required to be submitted prior to final plat approval.
4. All roads/streets shall be classified as either principal arterial, minor arterial, collector, or local access streets. In classifying roads, the city shall consider projected traffic demands after twenty (20) years of development.

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5. Roads/streets shall be related appropriately to the topography. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain as many building sites as possible at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
  6. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the comprehensive plan.
  7. Minor or local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
  8. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the city engineer such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks.
  9. The development plan, as submitted, shall indicate any and all names for proposed streets. Names shall be sufficiently different in sound and spelling from other road names in the city and within Spokane County, as applicable, so as not to cause confusion. A road which is (or is planned as) a continuation of an existing road shall bear the same name.
  10. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where the continuation is in accordance with the comprehensive plan. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary T- or L-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The director of public works may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
  11. Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the planning commissioncity for access to adjoining property, the planning commissioncity may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.

- B. Design Standards. After sewer and water utilities have been installed by the developer, the developer shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. All surfacing shall be of a character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the city engineer. Adequate provision shall be made for culverts and drains. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by city council, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

(Ord. No. 386, § 7, 11-2-2009)

## Chapter 16.28 VARIANCE

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### 16.28.010 Procedure and authority for granting.

There is established a procedure for modifying or varying the regulations set forth in this title.

- ~~1A.~~ Any subdivider can make application to the ~~planning commission~~city for a variation or modification of any provision in this title due to preexisting, topographic, or other physical conditions characteristic of the land included in the preliminary plat, ~~subdivision preliminary short plat,~~ or ~~dedication~~binding site plan.
- ~~2B.~~ The application shall include any and all details necessary to support the application provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the ~~planning commission~~city shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case. ~~Refer to Section 17.44.065 to apply for a Variance from the requirements of this title.~~
- ~~3C.~~ The ~~application and variance~~ request must be received concurrently with the preliminary plat, ~~subdivision preliminary short plat,~~ or ~~dedication~~binding site plan application; and must conform with the following provisions:
  - ~~a.~~ The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property.
  - ~~b.~~ The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.
  - ~~c.~~ Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
  - ~~d.~~ The relief sought will not in any manner vary the provisions of the zoning ordinance, comprehensive plan, or official map, except that those documents may be amended in the manner prescribed by law.
  - ~~e.~~ That the hearing held thereon is open to the public and notice of the hearing included with the notice as prescribed in Section 16.12.100.
- ~~4.~~ The planning commission, after the public hearing, shall submit its recommendation together with its finding of facts in each case to the city council along with its recommendation for the preliminary plat. The city council shall approve or disapprove the variance.

(Ord. No. 386, § 8, 11-2-2009)

### 16.28.020 Exceptions.

The ~~planning commission~~city, after it receives the preliminary plat, subdivision or dedication from the subdivider, may make exceptions to the provisions as set forth in this title by requiring any or all of the following:

- ~~1A.~~ A realignment of an officially mapped street, as shown on the official street map or comprehensive plan, to permit better arrangement of lots, residential streets, and other public ways, parks and playgrounds.
- ~~2B.~~ The elimination of crosswalks where topographic grades are twelve (12) percent or greater.

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- 3C. Reduction of centerline radii of curvature or tangent distances where natural flood channels would otherwise seriously reduce lot sizes of the total number of lots of the preliminary plat, subdivision or dedication.

(Ord. No. 386, § 8, 11-2-2009)

## **Chapter 16.32 COMPLIANCE WITH THIS TITLE—ENFORCEMENT AND PENALTY FOR VIOLATIONS**

### **16.32.010 Penalty for violations.**

Any person, firm, corporation, or association who violates any provision of this title relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease, or transfer of each separate lot, tract, or parcel of land in violation of any provision of this title shall be deemed a separate and distinct offense.

A violation of this title or conditions of approval imposed shall be deemed to be a civil violation subject to the enforcement and penalty provisions of Section 17.44.160 of the Millwood Municipal Code, or as amended. The city may also seek injunctive relief enjoining the violator from selling or transferring any lots or constructing improvements on any lots and the city's costs and attorney's fees of such action shall be assessed against the applicant.

(Ord. No. 386, § 9, 11-2-2009)

### **16.32.020 Land divided in violation.**

No building permit, septic tank permit, or other development permit, shall be issued for any lot, tract, or parcel of land divided in violation of this title unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with provisions of this chapter and each purchaser or transferee may recover ~~his~~ damages from any person, firm, corporation or agent selling or transferring land in violation of this title, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter as well as cost of investigation, suit, and reasonable attorneys' fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming ~~his~~their property to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorneys' fees occasioned thereby.

(Ord. No. 386, § 9, 11-2-2009)

### **16.32.030 Injunctive action where final plat not filed.**

See RCW § 58.17.200.

(Ord. No. 386, § 9, 11-2-2009)

### **16.32.040 Assurance of discontinuance of violation.**

See RCW § 58.17.230.

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(Ord. No. 386, § 9, 11-2-2009)

### **16.32.050 Compliance enforcement action.**

See RCW § 58.17.320.

(Ord. No. 386, § 9, 11-2-2009)

## **Chapter 16.34 ALTERATION**

### **16.34.010 Alteration.**

When an alteration of a plat or binding site plan involves a public dedication, the alteration shall be processed as provided in this chapter.

(Ord. No. 386, § 10, 11-2-2009)

### **16.34.020 Application.**

When a person is interested in the alteration of any subdivision or binding site plan or the altering of any portion thereof, except as provided in Section 16.02.050(~~6F~~), that person shall submit an application and required review fee to request alteration to the city council.

- 1A. The application shall contain the signatures of the majority of the persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or binding site plan or portion to be altered. If the subdivision or binding site plan is subject to restrictive covenants which were filed at the time of the approval of the subdivision or binding site plan, and the application for alteration would result in the violation of the covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or binding site plan or portion thereof.
- 2B. Upon receipt of an application for alteration, the city council shall conduct a public hearing on the application. Notice establishing a date for the hearing shall be made to all owners of property within the subdivision or binding site plan, and as provided for preliminary plats in Section 14.12.025~~Section 16.12.100~~.
- 3C. The city council shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing in the subdivision, such land may be altered and divided equitably between the adjacent properties.
- 4D. After approval of the alteration, the city council shall order the applicant to produce a revised drawing of the approved alteration of the final plat or binding site plan, which after signature of the city council, shall be filed with the county auditor to become the lawful plat of the property, consistent with requirements for a final plat or binding site plan.
- E. All requirements of RCW 58.17 for alterations shall be met through the alteration review process.

(Ord. No. 386, § 10, 11-2-2009)

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(Supp. No. 21)

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## Chapter 16.36 VACATION

### 16.36.010 Vacation.

Whenever any person is interested in the vacation of any subdivision or binding site plan or portion thereof or any area designated or dedicated for public use, that person shall file an application for vacation along with the required review fee, with the city council.

(Ord. No. 386, § 11, 11-2-2009)

### 16.36.020 Application.

- A. The application for vacation of a subdivision or binding site plan or portion thereof shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision or binding site plan subject to vacation. If the subdivision or binding site plan is subject to restrictive covenants which were filed at the time of the approval of the subdivision or binding site plan, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or binding site plan or portion thereof.
- B. Upon receipt of an application for vacation, the city council shall conduct a public hearing on the application. Notice establishing a date for the hearing shall be made to all owners of property within the subdivision or binding site plan, and as provided for preliminary plats in Section 14.12.025
- C. The city council shall determine the public use and interest in the proposed vacation and may deny or approve the application for vacation. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council adopts findings that the public use would not be served in retaining title to those lands.
- D. After approval of the vacation, the city council shall order the applicant to provide a revised drawing of the approved vacation of the final plat or binding site plan, which after signature of the city council, shall be filed with the county auditor, consistent with requirements for a final plat or binding site plan.
- E. All requirements of RCW 58.17 for vacations shall be met through the vacation review process.

(Ord. No. 386, § 11, 11-2-2009)

### 16.36.030 Vacation where streets are involved.

When the vacation application is specifically for a city street, the procedures for street vacation in ~~Chapter 12.50 of this code and~~ RCW Chapter 35.79 shall be utilized for the street vacation. When the application is for the vacation of the plat together with the streets, the procedure for vacation in this chapter shall be used but vacations of streets may not be made that are prohibited under RCW Chapter 35.79. ~~035030~~.

(Ord. No. 386, § 11, 11-2-2009)

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### **16.36.040 Hearing and notice.**

~~The city council shall give notice as provided in Section 16.12.055 and shall conduct a public hearing on the application for a vacation of a subdivision or binding site plan, and may approve or deny the application for vacation after determining the public use and interest to be served by the vacation. If any portion of the land contained in the subdivision or binding site plan was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city council shall set forth findings that the public use would not be served in retaining title to those lands.~~

~~(Ord. No. 386, § 11, 11-2-2009)~~

### **16.36.050-040 Vesting of ownership.**

Title to the vacated property shall vest with the rightful owner as shown in the county records.

- ~~1A.~~ If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council.
- ~~2B.~~ When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of the property contained within the vacated subdivision.

(Ord. No. 386, § 11, 11-2-2009)

## **Chapter 16.38 BOUNDARY LINE ADJUSTMENTS/ELIMINATIONS**

### **16.38.010 Scope.**

Boundary line adjustments shall be a minor alteration in the location of lot or parcel boundaries on existing lots or parcels. In this section "lot" shall mean a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by section, township, and range, and be of sufficient area to meet minimum zoning requirements. The purpose of the boundary line elimination process is to remove interior lot lines of a parcel comprised of two or more separate lots with contiguous ownership. Boundary line adjustments must be consistent with the following:

- A. Such alteration shall not increase the number of lots nor diminish in size open space or other protected environments;
- B. Such alteration shall not diminish the size of any lot so as to result in a lot of less square footage than prescribed in the zoning regulations;
- C. Such alteration shall not result in a building setback violation or site coverage to less than prescribed by the zoning regulations; and
- D. All lots resulting from the boundary line alteration shall be in conformance with the design standards of this chapter.

(Ord. No. 386, § 12, 11-2-2009)

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### 16.38.020 Review process.

Boundary line adjustments and eliminations are approved administratively by the planning director in accordance with the land use permit review process contained in MMC Section 14.12.025, Applications / Project Classification Types and Review Process, Chapter 14.12.

(Ord. No. 386, § 12, 11-2-2009)

### 16.38.030 Application and drawing requirements.

Application for a boundary line adjustment or elimination shall be made on forms provided by the planning department and shall provide the following information:

- A. Existing Conditions Site Plan. Produce a to-scale site plan on an eight-and-one-half-inch (8.5") by eleven-inch (11") sheet with one-inch margins on all sides showing the following information:
  1. The existing dimensions and square footage of the existing property(ies) involved;
  2. The location and setbacks of any permanent improvements (i.e., structures, septic systems, etc.) from all property lines;
  3. The identification, location and dimension of all access and utility easements; and
  4. The location, dimensions and names of public and/or private streets abutting the property(ies); and
  5. North arrow and scale shall be noted.
- B. Proposed Adjustment/Elimination Site Plan. Produce a to-scale plan on an eight-and-one-half-inch (8.5") by eleven-inch (11") sheet with one-inch margins on all sides showing the following information:
  1. The location and setbacks of any permanent improvements (i.e., structures, septic systems, etc.) after the proposed boundary line adjustment or elimination from the new property lines;
  2. The identification, location and dimension of any access or utility easements after the proposed boundary line adjustment or elimination;
  3. The location, dimensions and names of public and/or private streets abutting the property(ies) after the proposed boundary line adjustment or elimination;
  4. Indicate the existing property lines to be revised with a dashed line and the proposed property lines with a solid line if applicable; and
  5. North arrow and scale shall be noted.
- C. On a separate sheet of paper (eight and one-half by eleven inches) a written legal description for the existing parcel(s) and the proposed adjusted or eliminated parcel(s) with one-inch margins on all sides.
- D. One copy each of all involved property owners' recorded deeds, verifying current ownership of the subject property(ies).
- E. If available, submit a copy of an original plat for the subject property. A copy of the general land office plat is not required.
- F. A record of survey of the property shall be completed for boundary line adjustments to show distances from the existing improvements to the new property line. The survey must be completed by a professional-licensed land surveyor licensed in the state of Washington.

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A fee set by city council is paid to the city by the applicant for review of the boundary line adjustment / elimination by the planning director.

(Ord. No. 386, § 12, 11-2-2009)

### **16.38.040 Recordation.**

The department shall ~~record~~have approved boundary line adjustments and eliminations ~~packets recorded~~ with the Spokane County auditor's office and submit copies of the recorded documents to the Spokane County assessor's office. The approved record of survey shall also be recorded concurrently with the approved packet. All fees for such recording shall be paid by the applicant prior to or at the time of recording. Documents must be recorded within sixty (60) days of approval by the city.

(Ord. No. 386, § 12, 11-2-2009)

### **16.38.050 Reinstatement of previously platted lot line.**

An applicant that requests a segregation of property that had been previously aggregated may be ~~exempt from this chapter~~allowed to utilize the boundary line adjustments / eliminations process in lieu of a short plat or administrative lot split process, if each of the following conditions is satisfied:

- A. The new division reestablished the original property lines;
- B. The reestablished lots conform with the city's zoning and development regulations in effect at the time of the requested segregation, or any Washington State laws or regulations;
- C. Easements and other encumbrances must be revealed by the applicant and taken into consideration by the administrator;
- D. A fee set by city council is paid to the city by the applicant for review ~~and approval~~ of the segregation by the ~~city clerk~~planning director.

(Ord. No. 386, § 12, 11-2-2009)