Chapter 18.04
General Provisions

Sections:

18.04.010 Short Title
18.04.020 Purpose of provisions
18.04.030 Administration
18.04.040 Applicability
18.04.050 Approval required

18.04.010 Short Title

The ordinance codified in this title shall be known as the “subdivision ordinance” of the City.

18.04.020 Purpose of provisions

The purpose of this title is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards set forth in this title and by the State of Washington to prevent the overcrowding of land; to lessen congestion in streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide adequate space, light and air; to assure adequate provision for water and sewer facilities, fire protection, park and recreation areas, and other public requirements; to provide proper ingress and egress; and to require uniform monumentation of land subdivisions and conveying by accurate legal description.

18.04.030 Administration

The Planning Director, referred to in this title as “the Director,” is vested with the duty of administering subdivision and filing regulations within the city, and may prepare and require the use of such forms as are essential to the administration of such regulations.

18.04.040 Applicability.

This title shall regulate all divisions of land, except as provided below:

a. Cemeteries and other burial plots while used for that purpose;
b. Divisions of land made by testamentary provision or the law of descent;
c. A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum zoning requirements.
d. Divisions of land into 4 or fewer lots, tracts, or parcels by the City of Lynden for public purposes such as parks, trails, open space, drainage, flood control, street, and utility purposes; provided that, a mylar depicting the division shall be recorded with the County Auditor. Development on
the remaining lot(s) shall comply with all applicable City ordinances. Non-residential structures constructed for public purposes shall be allowed on lots created for the City of Lynden.

18.04.050 Approval Required

Except where specified otherwise within this title, all applications for short subdivision, subdivision, or binding site plan shall follow the review and approval process specified within Title 17 – Land Development Process – of the Lynden Municipal Code (“LMC”).
Chapter 18.06
General Requirements for Subdivision Approval

Sections:
18.06.010 General Requirements for Approval of Subdivision
18.06.020 Certificate to Accompany Final Plat or Short Plat
18.06.030 General Requirements for Filing Final Plat for Record
18.06.040 Compliance with City's Public Works Standards
18.06.050 Deposits required

18.06.010 General Requirements for Approval of Subdivisions.

In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the following general requirements in order to be approved:

1. **Zoning and Comprehensive Plans.** No subdivision may be approved unless written findings of fact are made that the proposed subdivision or proposed short subdivision is in conformity with any applicable zoning ordinance, comprehensive plan or other existing land use controls.

2. **Dedications, generally.**
   a. Roads not dedicated to the public must be clearly marked on the face of the plat.
   b. Any dedication, donation or grant as shown on the face of the plat shall warrant good and sufficient title by the donor(s) or grantor(s) for the property dedicated, donated, or granted. The scope of any such dedication, donation, or grant shall be as stated in the conveyance and if not expressly stated shall be consistent with the intent of the parties.
   c. If the plat or 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 as shown on the plat or short plat, and a waiver of all claims for damages 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.
   d. Every plat and short plat containing a dedication filed for record must be accompanied by 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.
   e. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. No dedication, provision of public improvements or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property.
3. **Dedication of Public Park**

   a. It shall be the sole decision of the City of Lynden whether to accept the dedication of property to meet the requirements of Chapter 3.40 LMC in lieu of the payment required under that chapter. This decision will be based on the criteria within Chapter 3.40 LMC and as listed within the Park and Trail Master Plan.

   b. If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has requested that the park be named in honor of a deceased individual of good character, the City Council shall consider the name.

4. **Flood, Inundation or Swamp Conditions.** A proposed subdivision may be disapproved because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a floodway or flood control zone unless development of all lots intended for building may be accomplished consistent with the requirements of the national flood insurance program, Chapter 86.16 RCW, and Chapter 16.12 LMC.

5. **Performance Bonds.** In lieu of the completion of the actual construction of any required improvements not specifically exempted from bonding under 18.18.010(G) LMC, prior to the approval of a short or final plat, the City may accept a bond with surety and conditions satisfactory to it or other secure instrument such as an assignment of savings or an irrevocable letter of credit, approved as to form by the City Attorney, providing for and securing to the City the actual construction and installation of such improvements within a period specified by the City and expressed in the bond or instrument. Said bond or other instrument shall be in the amount of one hundred fifty percent of the engineer’s estimate for the completion of required improvement and in no case shall be less than one thousand dollars. The estimate shall be provided by the subdivider’s engineer and approved by the City. All bonded or secured improvements shall be designed and certified by a registered civil engineer prior to the acceptance of such improvements.

6. **Maintenance Bond.** In addition, the City will require the posting of a bond securing to the City the successful operation of public improvements for a minimum of two years after final approval. All bonded improvements shall be designed and certified by a registered civil engineer prior to the acceptance of such improvements. Said maintenance bond shall be in the amount of ten percent of the actual cost of improvements required for the subdivision. The estimate shall be provided by the subdivider’s engineer and approved by the City.
18.06.020 Certificate to accompany final plat or short plat.

Every final plat or short plat of a subdivision or a short subdivision filed for record must contain a certificate giving full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner(s).

18.06.030 General Requirements for Filing Plat for Record.

Each and every plat or replat of any property filed for record shall:

1. Contain a statement of approval from the Public Works Director as to the layout of streets, alleys and other rights of way, design of bridges, sewage and water systems, and other structures;

2. Contain a statement of approval from the Planning Director as to the conformity with the zoning and subdivision requirements of the City of Lynden;

3. A plat certificate.

4. The surveyor shall certify on the plat that it is a true and correct representation of the lands actually surveyed. Primary control points, approved by the Public Works Director and "ties" to two monuments, or reference to previous ties, on Lynden’s Survey Control Network, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;

5. Be acknowledged by the person filing the plat before the auditor of the county in which the land is located, or any other officer who is authorized by law to take acknowledgement of deeds, and a certificate of said acknowledgement shall be enclosed or annexed to such plat and recorded therewith;

6. Contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged;

7. Contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner or owners;

8. Show the lot numbers and lot sizes on the short subdivisions and subdivisions at the time of approval.

18.06.040 Compliance with Public Works Standards and Utility Comprehensive Plans.

Construction of all improvements in all applications shall be designed by a professional engineer to comply with the City's adopted Project Manual for Engineering Design and Development Standards unless specifically varied under Chapter 17.17 LMC. All improvements shall also be in conformance with the adopted utility plans for water, sanitary sewer and stormwater management.
18.06.050 Deposits required

The applicant shall be responsible for the costs associated with the review of all civil plans and for the inspection of improvements. Upon submitting plans for construction approval, an applicant will be responsible for making a deposit with the City in an amount set by resolution of the City Council. Once that deposit has been used, additional funds will be required to complete the review and inspection based on an estimate provided by the City. No final plat approval will be given until the costs for review and inspection are paid in full.