### Title 18 – Subdivisions
Adopted by City Council Ordinance 1194 on January 5, 2004

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Chapter 18.04
General Provisions

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18.04.010 Short Title
18.04.020 Purpose of provisions
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18.04.040 Applicability
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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.
Chapter 18.08
Lot Line Adjustments

Sections:
18.08.010 Requirements for a complete application
18.08.020 Administrative Approval Process
18.08.030 Criteria for approval

18.08.010 Requirements for a complete application

An applicant for a lot line adjustment shall submit two (2) copies of the following:

1. A map at a scale of not less than one inch equal to one hundred feet which depicts the existing property configuration, including all lot line dimensions;
2. A map that depicts the proposed property configuration, including all lot line dimensions.
3. A legal description of the existing property configuration and the proposed property configuration prepared by a professional land surveyor.
4. Completed application form provided by the Planning Director.
5. Items 1-3 may be shown on a single map, provided that all dimensions are clearly marked and changes are clearly identified.
6. A plat certificate will be required for final approval.

18.08.020 Administrative Approval Process

A lot line adjustment is an administrative approval and the Planning Director shall make the final decision, subject to appeal under Chapter 17.11 LMC. The application shall be processed under the provisions of 17.09.010 LMC.

18.08.030 Criteria for approval

The Planning Director shall approve an application for a lot line adjustment pursuant to 17.09.010 LMC if it is determined that:

1. No additional lot, tract, parcel, site or division will be created by the proposed adjustment;
2. No lot is created or modified that contains insufficient area and dimensions to meet the requirements of the zone in which the affected lots are situated; provided however, that this criteria should not prevent approval of a lot line adjustment where at least one of the lots are non-conforming as to size prior to the lot line adjustment, and the proposed adjustment does not increase the overall degree of non-conformity;
3. No lot is created or modified that leaves any existing building in violation of the zoning ordinance after the adjustment; provided however, that this criteria should not prevent approval of a lot line adjustment where an existing building is non-conforming under the zoning ordinance prior to the lot line adjustment, and the proposed adjustment does not increase the overall degree of non-conformity.
4. No lot is created or modified that diminishes the availability of city utilities or results in a violation of the City’s Project Manual for Engineering Design and Development Standards.
Chapter 18.12
Short Plats

18.12.010 Approval required.

Any action which will result in a short subdivision of any lot, tract, parcel or plot of land for any reason not exempted by RCW 58.17.040 and 18.04.040 LMC shall be subject to approval by the Planning Director, subject to appeal under Chapter 17.11 LMC. Approval shall be based on the standards and conditions set forth in this title. For the purposes of this chapter, a short subdivision will be the subdivision of any parcel into four or fewer lots.

18.12.020 Requirements for a complete application

All applications for a short subdivision shall be accompanied by the following information:

1. Proof of ownership by the applicant or an affidavit by the property owner authorizing the application;

2. An accurate legal description of the area to be involved in the subdivision, in the event the boundaries are described by metes and bounds, the accuracy of the description shall be attested to and signed by a professional land surveyor.

3. Listing of names and addresses of all property owners within three hundred feet of the subject property.

4. Six (6) copies of an accurately scaled and dimensioned drawing of the proposed subdivision prepared by a professional land surveyor showing the following details:

   a. The total property owned by the applicant which is contiguous to the property proposed for subdivision;

   b. All adjacent property owners and zoning;

   c. All existing buildings, fences, or other encroachments on the property being proposed for subdivision must be accurately dimensioned to the property lines;
d. All streets, easements, common areas, waterways, drainage corridors or other critical areas defined by Chapter 16.16 LMC.

e. All existing and proposed utility corridors.

f. The dimensions and area for each proposed lot.

18.12.030 Criteria for approval

In order to grant approval of any short subdivision application, the Planning Director shall make written findings that the application meets the following criteria:

1. The application complies with Chapter 18.06 of this Title, General Requirements for Subdivision Approval;

2. The application complies with lot and plat design standards as required under Chapter 18.14 of this Title, unless specifically varied through the process outlined in Chapter 17.17 LMC.

3. The application complies with the development standards and requirements listed under this title and the Project Manual for Engineering Design and Development Standards, unless specifically varied through the process outlined in Chapter 17.17 LMC.

4. The application complies with all other applicable provisions of the Lynden Municipal Code, including Chapter 17.15 LMC.

5. Appropriate provisions are made for, but not limited to; the public health, safety and general welfare, for open spaces and drainage ways, for roads, streets, alleys and transit stops, for potable water supply, sanitary sewer, parks and recreation, and shall consider all other relevant facts including sidewalks and other pedestrian corridors, and amenities that improve the quality of the neighborhood;

6. That the subdivision and dedication will serve the public interest.

In the event the above criteria are not satisfied, the application must be denied.

18.12.040 Re-subdivision restrictions and requirements

Property in short subdivisions may not be further divided in any manner within a period of five years without submission and approval of a final plat done in accordance with the requirements of Chapter 18.16 LMC; except that, When the short plat contains less than four lots, nothing in this section shall prevent the owner who filed the short plat from filing an amendment within the five-year period to create up to a total of four lots within the original short plat boundaries.

18.12.050 Time limits for completion.
Any application for a short subdivision which is not completed by final approval and filing with the County Auditor within twelve months of the date of Council approval shall be considered abandoned unless the time limit is extended for one year by the City Council for good cause, then it shall be considered abandoned if not so approved and filed by the extended deadline set by Council. Only one such extension shall be approved and no action shall be taken on an abandoned short subdivision application without resubmission.
Chapter 18.14
Plat Design (LMC)

Sections:

18.14.010 Lot width
18.14.020 Right-of-way requirements
18.14.030 Pipe stem lots
18.14.040 Division resulting in minimum lot sizes
18.14.050 Flood prone and bad drainage conditions
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18.14.010 Lot width

A. No lots shall be created deeper than three times its width unless specifically varied under the provisions of Chapter 17.17 LMC.

B. No lots shall be created that have less than fifty feet of frontage, except where approved by Council in a planned residential development.

C. A lot located on a cul-de-sac may have forty feet of frontage width; provided however, that the lot shall meet the minimum frontage requirement listed above at the line of the minimum front yard setback.

18.14.020 Right-of-way requirements

All lots shall abut on a dedicated street with right-of-way that meets the City’s standards for width. In the event the abutting street does not meet said standards, additional right-of-way shall be required prior to the approval of a subdivision or short subdivision, unless specifically varied through the process described in Chapter 17.17 LMC.

18.14.030 Pipe stem lots

A pipe stem lot is defined as a lot having a narrow entrance to a wide lot that is behind another lot. A maximum of one pipe stem lot may be permitted per short plat or one
pipe stem lot per 25 lots or portion thereof of a long plat, so long as the following standards are met:

A. There shall be a minimum of twenty four feet of frontage on a dedicated right-of-way; and
B. The stem shall be no longer than one hundred fifty feet in length; and
C. The lot stem shall not be included in the calculation for building or zoning purposes; and
D. The address is clearly marked at the street for emergency location.

18.14.040 Division resulting in below minimum lots sizes for dedication

Within subdivision, the City may consider the required dedication of right-of-way in the minimum lot size; provided that the resulting lot after dedication (exclusive of dedicated area) shall not be less than ninety-five percent of the required lot size.

18.14.050 Flood prone and bad drainage conditions

Land which has been found to be unsuitable due to flooding, bad drainage or high water table conditions that are harmful to the health, safety and general welfare of the future residents, shall not be subdivided unless:

A. A mitigation plan demonstrates adequate means of flood control, consistent with the City’s stormwater management plan, the Puget Sound Manual for Best Stormwater Management Practices, Chapter 86.16 RCW, and Chapters 16.12 LMC (Floodplain Management Ordinance) and 16.16 LMC (Critical Areas Ordinance), now or as hereafter amended; and
B. The design and mitigation plan has been reviewed and recommended by the Technical Review Committee; and
C. The City Council approves the proposed mitigation plan

18.14.060 Slope and unstable soil conditions

In the event the land to be subdivided has a slope or slopes of more than twenty percent and/or has rock or other unstable soil conditions, the subdivider shall provide soils data to the City as required by the City’s Critical Areas Ordinance, codified in Title 16. A qualified professional as required under that title shall prepare this information.

A. Land which has topographical conditions that are hazardous to the health, safety and general welfare of the persons or properties, in or near the proposed subdivision shall not be subdivided unless the construction of protective improvements shall eliminate the hazards or unless the land subject to the hazard is reserved for those uses which will not expose persons or property to the hazard.
B. If conditions warrant control measures to correct slide, erosion, or other similar problems, the subdivider shall be responsible for the design, installation, and expense of any devise or corrective measures.

C. Protective improvements and restrictions on uses shall be clearly noted on the face of the final plat and recorded as a covenant on the deed for each affected parcel.

18.14.070 Access Easements

A. Easements serving up to three lots, or a multi-family development, may be permitted under the following conditions:

i. The easement area must be a hardened surface, a minimum of twenty-four feet in width;

ii. The easement area shall be paved for a minimum of fifty feet from the street and must be paved the entire length of the driveway when serving multi-family development; and

iii. The proponents shall have a signed and recorded maintenance agreement filed with the City and the County Auditor. This agreement shall be referenced by the Auditor’s file number on the face of the plat.

iv. An existing easement shall not be expanded to serve additional lots without the written and recorded permission of the grantors or current owners of the property over which the easement runs; and

v. The location and configuration of the parcel will be considered when allowing an easement to serve more than a single lot.

B. All easements must meet the minimum standards for the Uniform Fire Code and Project Manual for Engineering Design and Development Standards for the City of Lynden for access and driving surfaces.

18.14.075 Utility Easements

A five-foot utility easement shall be placed on the interior property line of all lots for the installation and maintenance of utilities. This easement provision does not restrict the property owner from placing fences or landscaping within the easement area.

18.14.080 Cul-de-sac Design

A. Cul-de-sac streets shall be designed so as to provide a circular turnaround at the closed end that has a minimum radius as required by the City’s Project Manual for Engineering Design and Development Standards.
B. A hammerhead may be permitted, by the Planning Commission and City Council under certain circumstances and such hammerhead must meet the requirements of the Project Manual for Engineering Design and Development Standards and the Uniform Fire Code.

C. Cul-de-sac streets shall not exceed four hundred fifty feet in length unless specifically varied through the process described in Chapter 17.17 LMC.

D. Plats with opposing cul-de-sacs, or cul-de-sacs backing onto an adjoining property, shall provide for a minimum fifteen feet sidewalk or trail easement through the cul-de-sac to provide more efficient pedestrian circulation patterns.

18.14.090 Lot Design

A. Residential lots shall access residential access or collector streets rather than arterial streets. This access restriction shall be noted on the face of the plat and does not exempt the subdivision from any off-site improvement requirements.

B. Lots shall be designed to provide a building site that meets the minimum zoning standards after the consideration of building orientation, setbacks, drainage and other critical areas.

C. No residential lots shall have street frontage along two opposite boundaries, unless topographical features or the need to provide access separation of lots from arterials, railways, commercial activities, or industrial activities justify designing of double frontage lots.

18.14.095 Lot Averaging

As long as the subject property has sufficient land area to subdivide and meet the lot area requirements as specified in the zoning ordinance, a lot averaging mechanism may be utilized for the creation of more functional and desirable lot design as determined by the City. This mechanism may be permitted if all the following conditions are met:

A. No lot less than the required size may be placed adjacent to previously developed lots meeting the minimum lot size requirements.

B. Lots shall not be less than ninety percent of the minimum area required; except that, up to five percent of the total number of lots may be reduced to seventy percent of the minimum required lot size.

C. The average size of all lots within the subdivision must meet the minimum lot size required by that zone.

18.14.100 Circulation System Design

A. The street system within a subdivision shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and
future populations; to have a simple and logical pattern; to respect natural features and topography.

B. Every lot shall be provided with convenient vehicular access by a public street connected to an existing public street or highway. Access should be designed first to access streets, then to collector streets, then to arterial streets and highways.

C. Access may be granted by permanent appurtenant easement as allowed in 18.14.070 for a maximum of one easement per short plat or one lot per 25 lots or portion thereof of a long plat.

D. In residential subdivisions, the street system shall be designed to serve the needs of the neighborhood and to discourage use of residential access streets by through traffic.

18.14.110 Conformity to Comprehensive Plan and all Utility Plans

A. The proposed subdivision shall conform to the policies reflected by the Comprehensive Plan, including the Transportation Element, and shall provide for such requirements as are contained in the implementation of the plan in part by the zoning and subdivision ordinances. Natural features such as trees, ridgelines, hilltops and views shall be preserved and kept in a natural state to the extent possible.

B. All utility extensions shall be designed and developed in conformance with the adopted plans for that utility. This shall include water, sanitary sewer and stormwater management.

18.14.120 Street Trees Required

A. Street trees shall be provided by the subdivider in all subdivisions within the dedicated public utility easements adjacent to the street; preferably between the curb and the sidewalk. There shall be a minimum of one tree per lot with a maximum of one hundred feet between trees, and street trees shall be selected, installed, and maintained in accordance with the standard engineering specifications. Trees shall be placed on the property with consideration of potential driveway cuts and utility services.

B. Maintenance of street trees shall be the responsibility of the adjoining property owner and shall be done in accordance with the City’s Engineering Design and Development Standards.

18.14.130 Street Naming

A. No street within a new subdivision shall be approved which bears a name using a word that is the same as, similar to or pronounced the same as a word in the name of any other street within the City. All subdividers shall present their proposed street names to the Lynden Technical Review Committee to reduce the
duplication of names within the City and throughout the County. The City shall solicit comment from dispatching agencies prior to giving final approval of the street names.

B. Streets extended or continuing across a street perpendicular to it shall bear the same name as the previously existing street segment.

18.14.140 Compliance with Development Standards – Generally

All plans for improvements listed below shall be designed and stamped by a professional engineer.

A. Easements for electric, telephone, telecommunications, water, sanitary and storm sewer, gas and similar utilities shall be a minimum of ten feet to assure future maintenance.

B. Subdivisions shall provide underground utility lines, including, but not limited to those for electricity, communications, cable TV and street lighting.

C. All streets, curbs, gutters, sidewalks, bridges, drains, culverts, and related structures and facilities shall be constructed in accordance with the City’s Project Manual for Engineering Design and Development Standards and applicable state and federal requirements.

D. All streets shall be constructed in accordance with the City’s Project Manual for Engineering Design and Development Standards.

E. Water supply facilities adequate to provide potable water from a public supply to each lot within a subdivision shall be installed in conformity with the City’s Project Manual for Engineering Design and Development Standards. Each lot shall be provided with a connection to the City’s sanitary sewer, water and stormwater system in conformity with the City’s Project Manual for Engineering Design and Development Standards.

F. Prior to construction of any structures within the subdivision, all public utilities shall be installed in conformance with the City’s Project Manual for Engineering Design and Development Standards.

18.14.150 Street and Utility Extensions Required

All streets and utility extensions required by the City shall be made to the furthest extent of the property or the edge of the subdivision except where there is no expectation of extension of the street or utilities or the service of additional lots.
Chapter 18.16
Preliminary Long Plats

Sections:

18.16.010 Requirements for a Completed Application
18.16.020 Criteria for Approval
18.16.030 Time Frame for Approval
18.16.040 Revocation of Preliminary Plat

18.16.010 Requirements for a Completed Application.
A. Application contents: An applicant for a preliminary plat shall submit the following:

1. Title and certificates, including a legal description according to official records in the office of the County Auditor; pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying which contains notation stating acreage, scale, north arrow, datum, bench marks, certification of registered civil engineer or surveyor, date of survey;
2. The names and addresses of all persons, firms and corporations holding interest in such lands, including easement rights, and drainage structures;
3. The names and addresses of all owners of property within three hundred feet of the subject property.
4. A vicinity map showing location of the tract;
5. Environmental Checklist as required by SEPA;
6. Six (6) copies of one or more maps using a scale of 100 feet to one inch or larger, showing:
   i. Plat name, scale, north arrow and date;
   ii. Boundary lines of proposed subdivision including bearing and distance;
   iii. Boundary lines of any existing local improvement districts and the proposed segregation of assessments.
   iv. Location of any existing streets, buildings, and all general features on the property.
   v. All easements either across or serving the subject property, including location, width and purpose;
   vi. Streets on and adjacent to the tract, including name and right-of-way width and location;
   vii. Zoning district designations, on and adjacent to the tract;
   viii. Site data, including number of residential lots, lot size, proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, and lots.
   ix. Minimum building setback lines;
   x. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses;
xi. Phasing plan for proposed subdivision and improvements should the project be proposed for development in phases or divisions. If the construction of utilities is also proposed for phasing, plans showing the provisions for public health and safety must be included;

xii. Topographical and other data: ground elevations on the tract, based on the City’s adopted survey control network; for land that slopes less than approximately two percent, show spot elevations at all breaks in grade, along all drainage channels or swales, for land that slopes more than approximately two percent, either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;

xiii. Other conditions on adjacent land. Refer to subdivision plat by name, recording date, volume and page number, and show lot size, and dwelling units;

xiv. Utilities on and adjacent to the tract, including location, size and invert elevation of sanitary, storm; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the proposed connections to existing facilities;

xv. Proposed public improvements, including highways or other major improvements planned for future construction on or near the tract;

xvi. Typical cross-sections of the proposed grading, roadway and sidewalk;

xvii. Proposed sanitary, stormwater and water systems plan with points of connection, indicated.

18.16.020 Criteria for Approval
The Planning Commission and Council shall make an inquiry into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication. In order to grant approval of any subdivision application, the City shall make written findings that the application meets the following criteria:

A. The application complies with Chapter 18.06 of this Title, General Requirements for Subdivision Approval;

B. The application complies with lot and plat design standards as required under Chapter 18.14 of this Title, unless specifically varied through the process outlined in Chapter 17.17 LMC.

C. The application complies with the development standards and requirements listed under this title and the Project Manual for Engineering Design and Development
Standards, unless specifically varied through the process outlined in Chapter 17.17 LMC.

D. The application complies with all other applicable provisions of the Lynden Municipal Code, including Chapter 17.15 LMC.

E. Appropriate provisions are made for, but not limited to; the public health, safety and general welfare, for open spaces and drainage ways, for roads, streets, alleys and transit stops, for potable water supply, sanitary sewer, parks and recreation, and shall consider all other relevant facts including sidewalks and other pedestrian corridors, and amenities that improve the quality of the neighborhood.

In the event the above criteria are not satisfied, the application must be denied.

18.16.030 Time Frame for Approval.

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from the date the application is determined to be complete, unless the applicant agrees to an extension of such time period. PROVIDED, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency, nor shall it include the time spent by an applicant preparing additional information or modifying an application that has previously been determined complete.

18.16.040 Revocation of Preliminary Plat

Any short plat, or preliminary plat approval may be revoked by the City Council following a public hearing and a finding that:

A. An applicant has not complied with a material condition of the approval; or

B. There was a material, substantial and prejudicial irregularity in the procedure by which approval was obtained; or

C. A material misrepresentation or failure to disclose significant facts bearing on the criteria for approval occurred on the side of the applicant, which was not discovered until after approval was granted.

Notice of the time, date, place and purpose of the hearing shall be mailed to the applicant and any known successor in interest to the applicant by certified mail at least ten days prior to the hearing. Any revocation of the plat shall be by resolution of the City Council and recorded by the County Auditor, specifying the reasons for the revocation.
Chapter 18.18
Final Plats

Sections:
18.18.010 Requirements for a Completed Application
18.18.020 Time Frame for Submission of Final Plat
18.18.030 Recommendation as Prerequisites for Final Plat Approval
18.18.040 Criteria for Approval
18.18.050 Effect of Final Plat Approval
18.18.060 Time Frame for Approval
18.18.070 After recording – copies required

18.18.010 Requirements for a Completed Application
A. Payment for all work done by City in connection with the checking, computing and correcting of the plat, and for plan checking, inspecting, and testing as to all plat improvements including water lines, sanitary sewer lines, storm water retention and drainage systems, streets, curbs, gutters and sidewalks.

B. The applicant shall submit the final plat showing the following:
1. Plat name, scale, north arrow, date and legend of symbols.
2. Primary control points 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;
3. Boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings, and radii, arcs, central angles of all curves arcs;
4. Name and right-of-way width of each street or other right-of-way;
5. Location, dimensions and purpose of any easement;
6. Lot number to identify each lot or site;
7. Lot size in square footage on all lots and other sites;
8. Purpose for which sites other than residential lots, are dedicated or reserved;
9. Location and description of monuments by symbol;
10. Reference to plats of adjoining land by their recorded name, date, volume and page number;
11. Certification by a professional land surveyor licensed to practice within Washington State
12. A certificate giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner(s). If the plat contains a dedication, the certificate shall also contain the dedication of all streets and other areas to the public as shown on the plat and a waiver of all claims for damages against any the city which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of the road. The certificate shall be signed and
acknowledged before a notary public by all parties having any interest in the lands subdivided.

C. Every plat filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the certificate;

D. 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. Roads not dedicated to the public must be clearly so marked on the face of the plat;

E. As-built plans and profiles of all utilities and street improvements showing certification of the design by a professional engineers. The City shall receive one mylar copy, two paper copies and in a digital format specified by the City;

F. Calculated lot closures showing all lots and blocks close within an arc of one foot within five thousand feet;

G. Certificate of completion of one of the following alternatives shall accompany the final plat:
   1. All improvements have been installed in accord with the requirements of the City of Lynden;
   2. That approved plans are on file with the Public Works Director for all required utilities and street improvements along with a bond or other acceptable instrument as provided in Chapter 18.06.010(5) LMC. However, notwithstanding any other provision herein, the City will NOT accept bonding or other security instruments in lieu of substantial completion of the following improvements:
      i. Water mains;
      ii. Sanitary sewer mains and pump stations;
      iii. Stormwater detention facilities;
      iv. Sidewalks, curbs and gutters;
      v. Streetlights; and
      vi. First lift of asphalt for street construction.

H. Draft covenants, if applicable, to review for advisory purposes only.

18.18.020 Time Frame for Submission of Final Plat.

1. A final plat meeting all requirements of Chapter 58.17 RCW and this Title 18 shall be submitted to the City for approval within five years of the date of preliminary plat approval. The City Council may extend the time limit for one year at a time and only two such extensions shall be approved. If the final plat is not submitted or completed by the end of all approved extensions, then it shall be considered abandoned. No action shall be taken on an abandoned subdivision application without resubmission.

2. For subdivisions with an approved phasing plan, submission of final plat for all phases must be completed within five years, unless the approval specifies a longer period.
18.18.030 Recommendations as Prerequisites for Final Plat Approval.
Each final plat application shall be accompanied by the following recommendations:
A. The Planning Director's recommendation as to compliance with all of the terms of preliminary plat approval of the proposed plat or subdivision and consistency with zoning and the Comprehensive Plan.
B. The Public Works Director’s recommendation as to the compliance with all the Engineering Design and Development Standards adopted by the City of Lynden

18.18.040 Criteria for Approval.
A final plat application shall be approved if the subdivision proposed for approval:
A. Meets all requirements for plats and plat approval as set forth in this Title 18 LMC that were in effect at the time of preliminary plat approval; and
B. Conforms to all terms and conditions of the preliminary plat approval; and
C. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, and any other applicable City ordinances that were in effect at the time of preliminary plat approval.
The City Council shall make written findings of fact relating to its decision on the final plat.

18.18.050 Effect of Final Plat 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. 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 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.

18.18.060 Time Frame for Approval.
As required under RCW 58.17.140, final plats shall be approved, disapproved or returned to the applicant within thirty (30) days after the application has been determined to be complete, unless the applicant consents to an extension of such time period.

18.18.070 After recording - Copies required
No building permits will be issued within a subdivision until the City receives one mylar copy and two paper copies of the recorded plat.
Chapter 18.20
Monuments and Surveys*

Sections:

18.20.010  Survey – Requirements generally.
18.20.020  Survey – Lot corner marking requirements.
18.20.030  Survey – Contiguous to water - Requirements.
18.20.040 Permanent control monuments - Required where
18.20.050 Permanent control monuments – Within streets – Requirements.

18.20.010  Survey – Requirements generally.
A survey of every proposed subdivision and the preparation of preliminary and final plats thereof shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standard practices and principles for land surveying.

18.20.020  Survey – Lot corner marking requirements. Each lot corner, including all controlling corners on the boundaries of the parcel of land being subdivided, shall be marked by a rebar, twenty-four inches in length, or approved equivalent, driven into the ground and capped with the name and license number of the surveyor setting the corner.

18.20.030  Survey – Contiguous to water – Requirements. If any land in a subdivision is contiguous to a body of water, offset points may be set on the side property lines at a safe distance back from the ordinary high-water mark. Property lying beyond the offset points shall be defined by distance along the side property lines extended from the offset points to the thread of the stream. If the thread of a stream lies within a subdivision and forms the boundary of a subdivision or lot, such thread shall be defined by bearings and distances as it exists at the time of the survey or a line shall be shown and dimensioned joining the ends of the side property lines.

18.20.040  Permanent control monuments --Required where
Permanent control monuments shall be established at:
   a. The intersection of centerlines of roads within the subdivisions;
   b. The beginning and ends of curves on centerlines;

18.20.050  Permanent control monuments – Within streets – Requirements.
Permanent control monuments within the streets shall be set after the streets are graded. In the event a final plat is approved before streets are graded, the surety deposited to secure grading shall be sufficient to pay the costs estimated by the city engineer of settling such monuments.

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2 For statutory provisions on surveys and permanent monuments in subdivisions, see RCW 58.17.240 --.
250.
Chapter 18.22
Mobile/Manufactured Home Park and Subdivision Standards

Sections:

18.22.010 Purpose
18.22.020 Definitions
18.22.030 Requirements for a Completed Application
18.22.040 Type of Approval Required
18.22.050 Siting Criteria
18.22.060 Development Standards

18.22.010 Purpose.

The purpose of this chapter is to establish the standards and criteria by which mobile/manufactured home subdivisions and parks may be sited and developed within the City. These standards are necessary to ensure the uniform, coordinated development of the community and to assure the general health, welfare and safety of the occupants of the mobile/manufactured homes that are located within a subdivision or park developed under these standards.

18.22.020 Definitions.

A. "Mobile/manufactured home park" means a tract of land under single ownership or control upon which two or more mobile/manufactured homes occupied as dwellings may be located.

B. "Mobile/manufactured home subdivision" means two or more mobile/manufactured homes on separate lots developed under the provisions of Title 18 LMC where mobile/manufactured homes are permanently installed for residential use on individually owned lots.

C. "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

D. "Mobile Home" means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior
space, but do not include bay windows. This term includes all structures that meet the above requirements and with respect to which the manufacturer voluntarily complies with the standards set forth in Part 3280 by HUD. WAC 296-150B-015(28).

18.22.030 Requirements for a Completed Application.

An application must submit the information as stated in 18.16.010 LMC for Preliminary Plats.

18.22.040 Type of Approval Required.

A. All mobile home parks shall be processed in the same manner as a binding site plan.
B. All mobile/manufactured home subdivisions shall be processed in the same manner as subdivisions in this Title.

18.22.050 Siting Criteria.

The following minimum criteria apply to the siting of mobile/manufactured home parks and subdivisions.
A. Minimum site development area: 5 acres
B. Maximum site development area: 20 acres
C. Minimum perimeter buffer: 30 feet of Type V landscape buffer.
D. Minimum unit site area: 4,200 square feet.
E. Minimum common open space area: 10% of gross site area. Common open space consists of either an active or passive recreational area accessible and useable to all tenants within the park. Common open space is exclusive of the required perimeter buffers.
F. Maximum density: 6 units per acre.
G. Unit type: Double or triple wide configuration, including modular units.

18.22.060 Development Standards.

All plans for improvements listed below shall be designed and stamped by a professional engineer.
A. Easements for electric, telephone, telecommunications, water, storm and sanitary sewer, gas and similar utilities shall be a minimum of ten feet to assure future maintenance.
B. Subdivisions shall provide underground utility lines, including, but not limited to those for electricity, communications, cable TV and street lighting.
C. All streets, curbs, gutters, sidewalks, bridges, drains, culverts, and related structures and facilities shall be constructed in accordance with the City’s Project Manual for Engineering Design and Development Standards and applicable state and federal requirements; provided however:
1. Private Roads within a mobile/manufactured home park shall be privately owned. Interior roads must have a minimum surface width of twenty-four (24) feet with a rolled edge curb on both sides of the street. Interior roads must meet the construction requirements of the Project Manual for Engineering Design and Development Standards for the street section. All streets must have a minimum easement width of thirty (30) feet. No on-street parking will be permitted.

2. Public Roads. Roads within a mobile/manufactured home subdivision must be public streets, meeting the requirements of the in accordance with the City of Lynden Project Manual for Engineering Design and Development Standards for a residential access street.

D. Water supply facilities adequate to provide potable water from a public supply to each lot within a subdivision shall be installed in conformity with the City’s Project Manual for Engineering Design and Development Standards. Each lot shall be provided with a connection to the City’s sanitary sewer, water and stormwater system in conformity with the City’s Project Manual for Engineering Design and Development Standards.

E. Prior to construction of any structures within the subdivision, all public utilities shall be installed in conformance with the City’s Manual for Engineering Design and Development Standards.

H. Parking. Parking shall be as required per Chapter 19.51 LMC. One additional off-street parking space will be required for every five mobile/manufactured home site within a mobile/manufactured home park. These parking areas shall be spaced through the park conveniently to the homes they are intended to serve.

I. Outdoor Lighting. Outdoor lighting shall be provided to adequately illuminate pedestrian walkways as required in the Project Manual for Engineering Design and Development Standards. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise.

J. Landscaping. Landscaping shall be as provided in Chapter 19.61 LMC for mobile home parks or subdivisions.
Chapter 18.24
Binding Site Plans

Sections:
18.24.010  Applicability
18.24.020  Purpose
18.24.030  Binding Site Plan Review Procedures
18.24.040  General Binding Site Plan Submission Requirements
18.24.050  General Binding Site Plan Review Procedure
18.24.060  Time Limitation
18.24.070  Specific Binding Site Plan Submission Requirements
18.24.080  Specific Binding Site Plan Review Procedure
18.24.090  Certifications and Dedication
18.24.100  Infrastructure Improvements
18.24.110  Modifications

18.24.010  Applicability

The division of commercial or industrial zoned land for sale or lease when used for commercial or industrial purposes; the division of land for lease when used as a mobile home park, recreational vehicle park, or trailer court; or the division of land into lots or tracts pursuant to RCW 58.17.040(7).

18.24.020  Purpose

The purpose of this section is to provide an alternative to the traditional platting process for the division of land for commercial or industrial purposes or the division of land for lease when used as a mobile home park, and to allow flexibility where appropriate in the timing of required infrastructure improvements.

18.24.030  Binding Site Plan Review Procedures

The review and approval of a binding site plan is a two step process: General and Specific. No sale of land divided through a binding site plan process shall be allowed prior to final approval of a specific binding site plan providing for such sale.

18.24.040  General Binding Site Plan Submission Requirements

The applicant shall submit six (6) copies of the general binding site plan, or more upon request by the City. The plan shall be prepared by a registered land surveyor who shall certify that the general binding site plan is a true and correct representation of the survey or record information. Each general binding site plan shall have a distinct name and a number assigned by the City. The plan shall clearly show the following information:

A. An accurate and complete legal description with area in acres together with a plat certificate or subdivision guarantee dated within seven days of the submittal of the general binding site plan. Copies of all deeds and easements referred to in the plat certificate shall be furnished with the submittal;
B. The name address and telephone number of the owner and the professional land surveyor preparing the plan;
C. The topography of the site at five foot contour intervals (based on City datum), identification of the existing drainage pattern and any creeks or other drainage facilities;
D. All existing and proposed rights-of-way which provide primary access to the site, easements, utilities, and other existing and proposed public improvements;
E. All parcels of land intended to be dedicated or reserved for public use;
F. The location and dimension of all common areas adjacent to and on the subject site, and a description of the purpose of the common area;
G. The proposed landscape plan meeting the requirements of Chapter 19.61 LMC;
H. The map shall include the property in the proposed plan and adjacent lands for a distance of three hundred feet;
I. If the general binding site plan contains a dedication, a certificate or separate written instrument shall provide wording for the dedication of the street and/or other areas shown on the site plan to the public;
J. A completed environmental checklist.

18.24.050 General Binding Site Plan Review Procedure

A. The purpose is to establish the necessary requirements for site development which will include but are not limited to:
   1. Allowed range of uses and approximate number of tenants;
   2. Required infrastructure improvements and phasing of improvements;
   3. Identification of potential critical areas.
B. After review of the general binding site plan and the recommendations of the Planning Commission, the City Council shall consider approval of a development contract that includes the following details:
   1. Legal Description of the property to be bound by the contract;
   2. Infrastructure requirements;
   3. Special building restrictions;
   4. General land use regulations;
5. A phasing plan with appropriate provisions for known parcels not abutting a public street;

6. Buffers and/or setback requirements;

7. Minimum levels of service and access requirements that must be in place prior to approval of a specific binding site plan.

C. Upon approval of the contract by the developer and the City, the applicant shall complete the general binding site plan consistent with the requirements of this chapter and the contract. This site plan must be prepared and stamped by a registered land surveyor who shall certify that the general binding site plan is a true and correct representation of the land surveyed and stamped by a professional engineer that all infrastructure improvements required under the general binding site plan can be constructed.

D. Both the general binding site plan and the contract shall be filed and recorded with the County Auditor’s office.

18.24.060 Time Limitation

If no specific binding site plans have been approved within five years of the date of recording of the general binding site plan and contract, the general binding site plan and contract shall expire. The City Council may extend the time limit for one year at a time and only two such extensions shall be approved. If all specific binding site plans are not submitted or completed by the end of all approved extensions (maximum of seven years), then it shall be considered abandoned. No action shall be taken on an abandoned site plan without resubmission.

18.24.070 Specific Binding Site Plan Submission Requirements

A. Each specific binding site plan shall include a map prepared by a professional land surveyor based on a complete survey. The applicant shall submit six (6) copies of the specific binding site plan, or more upon request by the city, which clearly shows all items set forth below:

1. An accurate and complete legal description with area in acres together with a plat certificate or subdivision guarantee dated within seven days of the submittal of the general binding site plan. Copies of all deeds and easements referred to in the plat certificate shall be furnished with the submittal;

2. The name address and telephone number of the owner and the professional land surveyor preparing the plan;

3. Topographical and other data: ground elevations on the tract, based on the City’s adopted survey control network; for land that slopes less than approximately two percent, show spot elevations at all breaks in grade,
along all drainage channels or swales, for land that slopes more than approximately two percent, either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;

4. All existing and proposed rights-of-way that provide primary access to the site, easements, utilities, and other existing and proposed public improvements. All proposed improvements must be designed by a professional engineer and conform to the requirements of the Project Manual for Engineering Design and Development Standards;

5. Street names in accordance with 18.14.130 LMC and right-of-way widths shall be shown. If street dedications or additional right-of-way purchases have been made after the original binding site plan filing date, the Auditor’s file number shall be shown in the area of the affected street right-of-way. If the binding site plan includes a portion of a vacated street, the City Vacation Ordinance number shall be shown within the vacated portion of the street;

6. All parcels of land intended to be dedicated or reserved for public use;

7. The location and dimension of all common areas adjacent to and on the subject site, and a description of the purpose of the common area;

8. A statement on the face of the map that requires all construction to conform with the requirements of the general binding site plan contract;

9. Certification that the specific binding site plan is a true and correct representation of the land actually surveyed; and that permanent control monuments have been established at each controlling corner of the parcel;

10. The County Auditor’s file number of the applicable general binding site plan.

B. In addition to the map or maps, every application for specific binding site plan shall include the following information:

1. A general stormwater management plan completed by a professional engineer including, but not limited to stormwater quality and quantity management and erosion and sedimentation control;

2. A completed Environmental Checklist and/or additional environmental review if required under the provisions of a Phased SEPA review initiated in the review of the general binding site plan;
3. Attachment of covenants, conditions, or restrictions. A copy of any and all covenants, conditions and restrictions that are drafted in conjunction with, or as a result of a binding site plan shall accompany the binding site plan. Said covenants, conditions and restrictions shall either be shown on the face of the plan, or shall be recorded at the County Auditor’s office with the binding site plan.

**18.24.080 Specific Binding Site Plan Review Procedure**

A. The purpose of the specific binding site plan is to provide a timely staff review of site plan divisions; ensure appropriate conditions and requirements have been met; and provide proper recording of divisions for sale or transfer. No occupancy permit or use of the parcel or lease area(s) being created by a specific binding site plan shall be issued or allowed until all necessary improvements and requirements specified by this title and general binding site plan contract have been met.

B. Upon receipt of a complete specific binding site plan application, the Planning Director shall forward the information to the Technical Review Committee for their review. A Technical Review Committee meeting shall be scheduled with the applicant to note what changes, corrections, additions, or deletions, if any, should be made to the plan.

C. Upon compliance with the recommendations of Technical Review Committee and all conditions of the general binding site plan contract, the specific binding site plan shall be signed by the owners and the others noted in 18.24.090 LMC below. Once signed, the specific binding site plan shall be filed for record with the County Auditor’s office.

**18.24.090 Infrastructure Improvements**

It is the intent of this section to allow the required infrastructure improvements to be installed prior to building construction:

A. Before approval may be granted for any specific binding site plan, the following improvements have provided or will be provided at the time of building construction under the conditions specified in the binding site plan contract:
   1. Street improvements;
   2. Stormwater management;
   3. City Water;
   4. Sanitary Sewer;
   5. Appropriate dedications or easements as required;
   6. All applicable private utilities.

B. If the development of the site is to be done in phases, the applicant shall submit a schedule of installation of the required improvements to coincide with the development phasing. Such improvement schedule is subject to approval of the Public Works Director.
C. A professional engineer shall design all improvements in accordance with the City’s Project Manual for Engineering Design and Development Standards and the appropriate utility comprehensive plans.

D. Security covering construction performance and guaranteeing the construction shall be required in accordance with 18.06.010 (5) and (6) LMC.

18.24.100 Certifications and Dedications

The following certificates and information shall appear on every binding site plan:

A. Land Surveyor Certification

I hereby certify that this binding site plan was prepared under my direction, and is based on an actual field survey at the request of ________________ on ________________, 20__.; that the technical data is correctly shown thereon, and that all required monuments and/or parcel corner markers will be set at the designated points shown on the plan prior to issuance of any and all building permits.

________________________
(Name printed) PLS Number
(seal to be affixed)

B. Department of Public Works

I hereby certify that this binding site plan has been examined and that all the requirements of the City of Lynden have been provided for and is hereby approved by the Department of Public Works this __ day of _____________, 20__.

________________________
Public Works Director

C. Planning Department

I hereby certify that this binding site plan has been examined for conformance with applicable state statues and City ordinances, together with a review of the technical information shown thereon and is hereby approved by the Planning Department this __ day of _____________, 20__.

________________________
Planning Director

D. Covenants, Conditions and Restrictions

All parcels within this binding site plan are subject to the restrictive covenants, limitations and conditions as recorded in the County Auditor’s Office, Volume __ ______ of ___, at page ___.

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18.24.110 Modifications

1. The Technical Review Committee shall consider any modifications to a general or specific binding site plan. The Technical Review Committee may allow minor modifications to the contract without modifying said instrument. A minor modification is defined as a modification that meets the following provisions:
   a. The modification does not violate any provisions of this chapter;
   b. The lot area requirements are not varied by more than ten percent;
   c. The common open space and/or useable open space is not reduced by more than ten percent;
   d. The total ground area covered by buildings is not increased more than five percent;

2. All other modifications shall require amendment to the general binding site plan contract. An amendment shall be processed in the same manner as the original application.