

17.04.010 Purpose.

The purpose of this chapter is to:

- A. Regulate the division of land and promote the public health, safety and general welfare of the residents of Newport in accordance with standards established by the state to prevent the overcrowding of land;
- B. Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout Newport, with particular regard to the avoidance of congestion in the streets and highways, the provision of suitable ingress and egress, and the creation of safe and adequate pedestrian and traffic movements appropriate to the various uses of land and buildings;
- C. Protect the character and the social and economic stability of Newport and encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development;
- D. Ensure that public facilities, such as streets, water, sewerage, parks and recreation areas and other public services are sufficient and concurrent with development;
- E. Ensure proper legal descriptions and monumenting of divided land; and
- F. Provide for the expeditious review and approval of proposed subdivisions which conform to the comprehensive plan, zoning standards and local plans as adopted under the Growth Management Act. (Ord. 2104 § 1 (Exh. A), 2022)

17.04.020 Scope and compliance.

- A. Any division, redivision, platting or subdivision or any division of land containing a dedication of any part to any public purpose, such as a public street, highway, or public open space, shall comply with the provisions of this chapter.
- B. The provisions of this chapter shall not apply to the following:
 - 1. Cemeteries and burial plots while used for that purpose;
 - 2. Division of land into lots or tracts, each of which is one sixty-fourth of a section of land or larger, or 10 acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this

item which borders on a street or road, excluding limited-access streets or roads, 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 the centerline;

3. Divisions of land, which are the result of the actions of governmental agencies, such as condemnation for road construction purposes;

4. Division of land made by testamentary provisions, or the laws of descent;

5. 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 dimension to meet minimum requirements for width, depth, and area for a building site;

6. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with city regulations;

7. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are to be placed upon the land when a binding site plan has been approved for the use of the land;

8. A division 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 which contains insufficient area for a building site; and

9. Divisions of land into lots or tracts if:

a. The improvements constructed or to be constructed thereon will 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;

b. A city, town or county has approved a binding site plan for such land; and

c. The binding site plan contains thereunto the following statement:

All development of the land described herein shall be in accordance with the binding site plan, as it may be amended. Upon completion, the improvements on the land shall be included in one (1) 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.

(Ord. 2104 § 1 (Exh. A), 2022)

17.04.030 Lot line adjustments.

A. Purpose. A lot line adjustment allows an established lot line to be moved, without increasing the number of lots. The purpose of this chapter is to implement the authority granted to the city by Chapter [58.17](#) RCW and to conform to its provisions, which govern the platting and subdivision of land. (Ord. 2104 § 1 (Exh. A), 2022)

17.04.040 Short plats.

Short plats shall involve the division of land into nine or fewer parcels.

A. Prohibition on Further Division. Property in short plat subdivision shall not be further divided in any manner within a period of five years, except if the short plat contains fewer than [nine](#) lots. If the short plat contains fewer than [nine lots](#), the property owner may alter the short plat within the five-year period to create up to a total of [nine](#) lots within the original short plat boundaries. Under no circumstances may a short plat containing four lots be further divided. (Ord. 2104 § 1 (Exh. A), 2022)

17.04.050 Design standards.

A. Purpose. The purpose of design standards is to create land divisions that are efficient and safe and that fit within the overall pattern of the community.

B. General Provisions.

1. Land, which is found to be unsuitable due to bad drainage, slopes of more than 20 percent or land with rock or unstable soil conditions, shall not be subdivided unless the plans include the design and installation of devices necessary for correction or control of conditions.

2. If existing utilities are not adequate or cannot be practically installed, a proposed land division may be rejected until such time as necessary modifications to the

system(s) are made to allow for adequate service. As a condition of a land division approval, the city may require the costs of modification be borne by the developer.

3. The developer will be required to provide utilities to meet the minimum level of service established in the Newport comprehensive plan.

C. Streets.

1. The on-site street system shall be coordinated with existing, proposed, and anticipated streets beyond the land that is being divided into lots. The arrangement of streets shall provide for the continuation of principal streets ~~and adjacent properties~~ for the convenient movement of traffic, effective fire protection, efficient provision of utilities and conformance with the comprehensive plan. Improvements must meet construction standards adopted by city.

2. Whenever connections to anticipated or proposed surrounding streets are required, the street right-of-way shall be extended and the street developed to the property line of the subdivided property, or to the edge of the undeveloped portion of a single tract, at the point where the connection to the anticipated or proposed street is expected. In addition, the city may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles.

3. Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff and to conform as closely as practicable to the original topography.

4. All intersecting streets shall be arranged to intersect as nearly at right angles as possible.

5. Streets s jobs with centerlines offset by less than 100 feet shall not be allowed.

6. Clear visibility shall be provided for a minimum distance of 10 feet at intersections, as measured along the property line of the streets based on street alignment and gradients.

7. All streets will be designed by a professional engineer and meet construction standards.

8. The following design standards shall apply for dedicated right-of-way:

	Local or Residential	Collector	Arterial
Required Right-of-Way	60 feet	60 feet	60 feet
Required Pavement Width	36 feet	36 feet	36 feet
Design Speed	25 miles per hour	35 miles per hour	35 miles per hour
Minimum Diameter of Turnaround for Cul-de-Sacs	60 feet	Not allowed	Not allowed
Minimum Length of Cul-de-Sacs	300 feet	N/A	N/A
Street Grades Not to Exceed	6%	6%	6%

9. After sewer and water utilities have been installed, the developer shall construct streets to the widths prescribed above with the construction materials and methods in conformance with "Standards and Specifications for Municipal Public Works Construction" prepared by the American Public Works Association for Class B plant mix asphalt or better.

10. Streets not dedicated to the public must be clearly marked on the face of the plat.

D. Block Sizes.

1. Blocks shall have sufficient depth to provide for two tiers of lots, which meet the development standards of the district in which the property is located. The lengths, widths and shapes of blocks shall be such as are appropriate for the location but block lengths in residential zones shall not be less than 300 feet except where possible, block length, width, and layout shall be consistent with that of adjacent layouts unless topographical conditions justify variation.

2. The developer may be required to provide an easement through a block to create pedestrian connectivity at a mid-block point when determined to be essential to provide circulation or access to schools, parks, retail areas, or other destination points. Minimum width of a pedestrian walkway placed in the easement shall be four feet.

E. Access.

1. Every lot shall be provided with frontage on or access to a public street via a private street.

2. If access to the subdivision is required across land under the jurisdiction of another local government, the city may request assurance from the local government that access is legally established, and that the access road is adequately improved, or that a guarantee has been executed and is sufficient to assure the construction of the access road.

F. Lot Frontage.

1. All lots shall have a minimum lot frontage of 20 feet.

2. Flag lots shall not be approved unless the frontage and lot width standards are met. No more than two lots may be accessed from a single flag stem.

G. Lot Dimensions. If lots within a proposed short plat or preliminary subdivision plat are more than double the minimum required area for the zoning district, the city may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots.

H. Curbs, Sidewalks, and Planter Strips.

1. Concrete curbs and sidewalks shall be constructed in accordance with the American Public Works Association Standards or as required and approved by the city.

2. ADA-compliant ramps shall be provided in sidewalks at all intersections.

3. Curbs and sidewalks shall be constructed in accordance with the following:

a. Concrete curbs shall be six inches high or shall have a rolled profile as approved by the city.

b. Sidewalks and planter strips shall be included within the dedicated nonpavement right-of-way of all streets as follows:

i. Sidewalks in residential zones shall be a minimum of four feet in width, unless along a principal arterial where the sidewalk shall be five feet in width. In addition, a four-foot planter strip shall be provided between the curb and the sidewalk.

ii. Sidewalks in commercial zones shall be a minimum of 10 feet in width, unless otherwise specified by the city.

iii. Sidewalks in industrial zones shall be a minimum of five feet in width.

I. Street Amenities.

1. One street tree shall be planted within the planting strip of the public right-of-way for every 40 feet of lot frontage along the existing or proposed road. A waiver may be granted by the city council if:

a. There are trees growing along the right-of-way or on the abutting property, which, in the judgment of the city council, comply with this regulation; or

b. A finding is made that the planting of trees will adversely affect street pavement or sidewalks, underground utilities or otherwise adversely affect the public health and safety.

2. Streetlights shall be provided so as to provide a safe environment for the residents and visitors to the subdivision. The location and amount of lighting shall be approved by the city. The developer shall be responsible for the cost of installation of all required lights.

3. Before occupancy of any building, the city will install all required street signs. The developer shall be responsible for the cost of installation of all required signs.

J. Water Facilities.

1. All lots shall be connected to city water. The developer shall ensure that necessary improvements and extensions are made so as to provide water sufficient for domestic use and fire protection. All water extensions shall be approved by the city.

2. All water utility installations including fire hydrants shall be designed in accordance with the American Public Works Association Standards or as required by the city. All materials shall be American Water Works Association approved.

3. Any water main shall be a minimum of eight inches in diameter. In deciding the size of a new water line, the size shown in the Newport water system plan and the planned growth of the surrounding area shall be considered.

4. Fire hydrants are required in all subdivisions. They shall be spaced at distances not to exceed 500 feet in single-family residential areas and at distances not to exceed 300 feet in all other areas, per International Fire Code.

K. Drainage and Storm Sewers.

1. Lots shall be graded so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the proposed storm drain pattern of the area. Storm water runoff from individual lots shall be detained and treated on site, so that the general storm drainage pattern in the area will not be disrupted.

2. A drainage plan will be prepared by a professional engineer.

3. Drainage control and storm water easements shall be provided for in the proper locations, with sufficient width in accordance with professional engineering standards.

L. Sanitary Sewer Facilities.

1. The developer shall install sanitary sewer facilities to all lots in accordance with the American Public Works Association Standards or as required and approved by the city.

2. Sanitary sewers shall be installed to serve every lot. No individual disposal systems or treatment plants shall be permitted.

3. No gravity sewer main shall be less than eight inches in diameter unless justified and approved by the city and the Washington State Department of Ecology.

M. Public Utilities and Easements.

1. All existing and proposed utilities and easements shall be shown on the preliminary plat.

2. All new utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground.

3. Underground service connections to the property line of each platted lot shall be installed by the developer. The developer shall coordinate with the city and utility companies for the establishment of easements within the subdivision.

N. Dedication of Public Parks. If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city council may adopt the designated name.

O. Naming of Divided Land. The proposed name of a short plat or subdivision shall not duplicate, or closely approximate phonetically, the name of any other division of land.

P. Protective Covenants. If a property owner has covenants or deed restrictions on a proposed short plat or subdivision, the recording date of said covenants or deed restrictions shall be on the face of the plat.

Q. Solar Access. The lots and building pads shall be oriented to maintain solar access to properties within and adjacent to the subdivision.

R. Flood, Inundation or Swamp Conditions. A proposed plat may be denied 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 flood control zone as provided in Chapter [86.16](#) RCW without the prior written approval of the State Department of Ecology. (Ord. 2104 § 1 (Exh. A), 2022)

17.04.060 Plat vacation and alteration.

A plat vacation or alteration shall be processed in accordance with NMC [17.05.120](#).

A. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner(s), unless the plat or other document creating the dedicated easement provides for an alternative method(s) to vacate or alter the easement.

B. After approval of an alternation, the applicant shall produce a final drawing of the approved alteration which shall be filed with the county auditor to become the lawful plat of the property.

C. If any land within the alteration is part of an assessment district, any outstanding assessment shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.

D. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. (Ord. 2104 § 1 (Exh. A), 2022)

17.04.070 Bonds.

A. In lieu of the completion of the actual construction of any required improvements or monumentation, prior to the approval of a short or final plat, the city may accept a bond, approved as to form by the city attorney, in an amount and with surety and conditions satisfactory to it, or other secure method, 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 bonds. In addition, the city may require the posting of a bond securing to the city the successful operation of improvements for up to two years after final approval.

B. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of the improvements. (Ord. 2104 § 1 (Exh. A), 2022)

[C. Fee in Lieu of Improvements every year Council will adopt a cost for linear foot of improvements. Applicants may apply this cost to required improvements if approved by administration.](#)

17.04.080 Monumentation.

A. All front and rear corners shall be set with monuments, except as provided in subsection B of this section.

B. All monuments for the exterior boundaries of the subdivision shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within 90 days of final subdivision construction inspection by the city, and if the developer guarantees and certifies the interior monumentation. (Ord. 2104 § 1 (Exh. A), 2022)

17.04.090 As-built drawings.

Upon completion of the installation of all infrastructure improvements, two paper copies and one electronic copy of infrastructure as-built plans shall be filed with the city administrator. The maps shall show information required by the city, but not be limited to location of all utilities, sewer grades, manholes, fire hydrants, storm sewer main size and location, and catch basin location. The city shall withhold final acceptance of the utility installation until the as-built drawings are filed.

Commented [RG1]: Abby do we want to add your cash in leui of frontage?