



# PLAT AMENDMENT APPLICATION

City of Ferndale Community Development Department  
2095 Main Street/ PO Box 936  
Ferndale, WA 98248 (360) 384-4006  
[www.cityofferndale.org](http://www.cityofferndale.org)

- An Appointment is Required to Submit Your Application
- A Master Development Application is Also Required

## SUPPLEMENTAL

### PURPOSE:

A plat amendment is processed when a property owner desires to “alter” an approved subdivision (long plat) in any way. Common examples of Plat Amendments are re-subdivision of a parcel in an existing plat, and the extinguishment of easements within an existing plat. The City subdivision code states that Plat Amendments are to be processed using the procedure and requirements under Washington State law (RCW 58.17.215).

### PROCESS OVERVIEW:

- 1. Informal Pre-Application Meeting:** This is a suggested but not required step in which the applicant meets one or more times with City staff to discuss City development standards, permit application procedures and any other information that may be pertinent to assist the applicant in filing an application.
- 2. Property Owner Consent:** Prior to submitting the Application, the Applicant is required to gather signatures showing support of the proposal by a majority (over 50%) of the property owners within the plat, using instructions and forms provided by the City. The City will not accept any application unless the petition contains signatures of a majority of the property owners within the plat.
- 3. Application Submittal:** The applicant submits complete plans, forms, environmental checklists, and appropriate fees to City staff. The specific information that must be submitted is listed in the “Application Submittal Requirements” section, below. Applications lacking the required information will not be accepted. After Community Development staff has accepted and logged-in the application, the applicant pays the City Cashier. **NOTE:** You must call ahead of time and schedule an appointment to submit your application. Appointments can usually be scheduled within 3 days of the date of your appointment request.
- 4. Determination of Completeness:** Staff will have 28 days to assess the application materials more thoroughly and send the applicant a written Determination of Completeness. The Determination will state whether the application has been deemed to be complete, or incomplete. If determined to be incomplete, the letter will identify any specific information required to complete the application. Staff may, at any time throughout the review process, request additional materials from the applicant deemed necessary to properly review the application.
- 5. Notice of Application:** After the application is determined to be complete, staff will prepare a Notice of Application for the purpose of notifying the public that an application has been filed with the City. The Public Notice period can range between 14 and 30 days. If a SEPA Environmental Review is being processed concurrently, this Notice is sometimes combined with the SEPA notice. The applicant will be provided with a copy of the Notice together with instructions as to how to process the Notice.
- 6. Environmental Review (if applicable):** The City staff issues a determination under the provisions of the SEPA (State Environmental Policy Act). If a determination of significance is made, an EIS (Environmental Impact Statement) must be written and the application process will not move forward until the EIS is complete. If a Determination of Non-Significance (DNS or MDNS) is made, an EIS is not required and the application can move forward to a public hearing. A public notice of the SEPA determination will be prepared by staff and distributed by the applicant prior to the public hearing. The applicant will be provided with a copy of the Notice together with instructions as to how to process the Notice.



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7. **Public Hearing Notice:** The City will prepare a Public Hearing Notice to be distributed by the applicant. The applicant will be provided with a copy of the Notice together with instructions as to how to process the Notice.
8. **Staff Report:** Planning Staff prepares a written report summarizing the request and provides a copy to the Hearing Examiner and the Applicant the week before the hearing.
9. **Hearing Examiner Public Hearing:** The Hearing Examiner conducts an open-record public hearing. This is the opportunity for the public or applicant to make verbal testimony for the record. All written comments received during the notice of application and notice of public hearing comment period will be made a part of the record. The Hearing Examiner will render a recommendation within 10 days of the date of the Public Hearing. A written notice of decision is mailed to the applicant and all parties of record.
10. **City Council Final Decision:** After receiving a copy of the Hearing Examiner's written recommendation, staff report, and the full public record, the City Council will hold a closed-record public hearing and make a final decision on the proposal. There is no opportunity for additional public testimony at this hearing unless the Council chooses to request clarification of an item from the applicant or other party. The City Council's decision is final. A written notice of decision is mailed to the applicant and all parties of record.
11. **Appeal:** Any aggrieved party of record may appeal a decision of the City Council to the Whatcom County Superior Court.
12. **Revision to Plat:** The Plat Amendment (if approved) must be formalized in a timely manner through the review, approval, and recording of a revised plat drawing that reflects the changes approved by the City. All costs associated with surveying, preparation of drawings (checkprints and mylars), and recording of the document are the responsibility of the Applicant. The information required to be on the drawing shall be the same as that required for a Final Plat, or as otherwise determined by Staff. After review and approval of the checkprint drawings by the City, the Applicant will prepare mylars, which must be signed by all applicable legal parties and submitted to the City for signatures. The Applicant will be contacted when all City signatures have been obtained, and be responsible for recording of the document(s), after which one set of original mylars, 3 paper copies of such, and a copy of the drawing in digital format must be submitted to the City within 2 days of recording.



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### APPLICATION FEE:

The City's Fee code does not specifically list a fee for a "Plat Amendment". The procedure, however, is very similar to that of a *Preliminary Plat* in terms of staff time necessary to review and process the application. Therefore, the application fee is the same as that of a Preliminary Plat – currently \$1,300 (plus \$40 per lot, when subdivision is proposed) or as otherwise required in the City's current Fee Schedule. Application fees go to pay for staff time spent processing the application and cannot be refunded, regardless of the City's final decision.

A Hearing Examiner deposit in the amount of \$750, or as otherwise required in the City's current Fee Schedule and must also be submitted concurrently with the application submittal. This fee pays for the cost of the Hearing Examiner's time spent conducting the hearing and reviewing and making a decision or recommendation on the application request. This amount is based on average processing costs. The actual cost to the applicant could be more or less than \$750. The applicant will be refunded or charged based on the actual amount that the Hearing Examiner bills to the City.

### REVIEW CRITERIA:

The City Code does not have any specifically listed review criteria, or findings that must be made in order to approve or deny a request for a Plat Amendment. Washington State law (RCW 58.17.215) simply states: "The legislative body shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration." As a means of assessing the impacts to the public use and interest, it is likely the review criteria for a Preliminary Plat may be used as a means of evaluating the proposed Plat Amendment.



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## APPLICATION SUBMITTAL REQUIREMENTS:

- 1. A completed Master Application Form
- 2. A completed Plat Amendment Application Form (attached)
- 3. A notarized "Affidavit of Petition Circulation" (attached)
- 4. A copy of records from the Whatcom County Assessor's office showing the current legal owners of each property within the subdivision (for staff verification of legal owners/signatures on petition)
- 5. Recent Plat Certificate/Title Report (less than 30 days old)
- 6. Two (2) 24" x 24" preliminary checkprint drawings of the proposal and twelve (12) reductions of the same on 11" x 17" sheets, prepared by a licensed surveyor, clearly showing existing and proposed lot configurations, containing the following information:
  - a. The name of the proposed Plat Amendment.
  - b. Vicinity Map, True and Magnetic North Points, and Scale.
  - c. Complete Legal Description.
  - d. Lot numbers, dimensions, Area (sq ft), and street addresses.
  - e. Location and dimensions of all existing or proposed streets and easements contiguous to the land involved in the Plat Amendment. Show street names, and identify the purpose and grantee of all easements.
  - f. In the case of subdivision, the outer perimeter of all lots involved in the proposed Plat Amendment, marked with bold lines.
  - g. Location and dimensions of all existing buildings on the land in the Plat Amendment.
  - h. A certificate by a surveyor certifying that the Plat Amendment shown is based upon an actual survey in accordance with the requirements of the Survey Recording Act regarding the distances, courses and angles.
  - i. Any other information necessary to show the nature and details of the Plat Amendment, including any explanatory notes, if necessary.

Plat Amendment proposals vary greatly in their nature and can become complex in terms of the legal requirements in order to carry out the intent of the Plat Amendment. It is possible that additional documents in addition, or in lieu of the above may be necessary. Check with Community Development Staff to ensure the above submittal requirements are appropriate for your proposal.



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## Application Form

### CONTACT INFORMATION:

Property Owner:  Applicant  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Other Contact:  Applicant  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

### PROPERTY INFORMATION

Site Address: \_\_\_\_\_  
Tax Parcel Number(s): \_\_\_\_\_  
Legal Description(s): \_\_\_\_\_  
Zoning: \_\_\_\_\_

### PROJECT INFORMATION

Name of Plat Being Amended: \_\_\_\_\_  
Number of Lots within Plat: \_\_\_\_\_  
Number of Signatures gathered on Petition: \_\_\_\_\_  
Attach a Summary of your proposal on a separate sheet or letter, including any maps/attachments.

### CERTIFICATION

I CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION AND EXHIBITS SUBMITTED HERewith ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND, FURTHER, THAT I AM AUTHORIZED BY THE OWNER OF THE ABOVE PREMISES TO PERFORM WORK FOR WHICH PERMIT APPLICATION IS MADE. I UNDERSTAND THAT I AM CONSENTING TO ALLOW THE CITY STAFF INVOLVED IN THIS APPLICATION OR THEIR DESIGNEES TO ENTER ONTO AND INSPECT THE SUBJECT PROPERTY FOR THE SOLE PURPOSE OF MAKING ANY EXAMINATION OF THE PROPERTY WHICH IS NECESSARY TO PROCESS THIS APPLICATION.

#### OWNER

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### APPLICANT (if different than Owner, above)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_





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**Affidavit of Petition Circulation: Plat Amendment**  
(To be completed by the Applicant)

I, \_\_\_\_\_, being first duly sworn on oath, depose and say that on the following dates: \_\_\_\_\_, I circulated the attached "Petition for Property Owner Consent to File Plat Amendment Application" to property owners within the following plat (name of plat) \_\_\_\_\_.

I further declare that I showed a copy of the attached exhibit to each individual who was asked to sign the petition, prior to their consent, and that each party clearly understood the nature, extent, and location of the Plat Amendment request.

Furthermore, the following items are attached to the Affidavit (check and attach):

- Petition for Property Owner Consent to File Plat Amendment Application
- Any maps or other exhibit(s) that were shown

\_\_\_\_\_  
(Signature of Person who collected Petition Signatures)

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Washington

Residing at: \_\_\_\_\_  
My Commission Expires on: \_\_\_\_\_