

Ordinance No. 00060

[\(Council Minutes 96/02/20\)](#)

ORDINANCE NO. 60

AN ORDINANCE of the City Council of the City of Lakewood, Washington, approving and authorizing the Interim City of Lakewood Subdivision Regulations

WHEREAS, pursuant to statutes and regulatory requirements of the State statute, the City of Lakewood would be responsible for the development, adoption and enforcement of regulations to address subdivision development occurring within the City, so as to provide consistent, safe and orderly development beneficial to the citizens and businesses of the City; and,

WHEREAS, because the City of Lakewood is a newly incorporated City it needs additional time to develop and adopt final subdivision regulations to address long term needs of the City, however, in order to address the subdivision needs of the City pending completion of its final subdivision regulations, it would be appropriate and advantageous for the City to have in place Interim Subdivision Regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That the Interim City of Lakewood Subdivision Regulations, a copy of which is attached hereto marked as Exhibit AA@ and incorporated herein by this reference, be, and the same hereby is approved and adopted as the Interim Subdivision Regulations for the City of Lakewood and that a copy of the Interim Subdivision Regulations shall be kept on file with the office of the City Clerk.

Section 2. That if any portion of this Ordinance including the attached Exhibit, or its application to any person or circumstance is held to be invalid, the remainder and its application to any other persons or circumstances shall be unaffected.

Section 3. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary and on February 28, 1996.

ADOPTED by the City Council this 20th day of February, 1996.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

.....

**CITY OF
LAKEWOOD**

**INTERIM
SUBDIVISION
REGULATIONS**

ADOPTED

FEBRUARY 20, 1996

ACKNOWLEDGMENTS

CITY COUNCIL

Bill Harrison, Mayor
Claudia Thomas, Deputy Mayor
Ann Kirk Davis
Sherri K. Thomas
Jose Palmas
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Chapter 17.02

GENERAL PROVISIONS

Sections:

- 17.02.010 Title**
- 17.02.015 Authority**
- 17.02.020 Purpose**
- 17.02.025 Applicability.**
- 17.02.030 Division of Land by Streets or Rights-of-Way.**
- 17.02.035 Definitions.**

Cross-references: Chapters 35.21, 35.22, 36.70, 58.17, and 64.32 RCW

17.02.010 Title. This title shall be known as the City of Lakewood Interim Subdivision Regulations, hereafter referred to as "this Title".

17.02.015 Authority. This Title is adopted by the City of Lakewood Ordinance No. 60, pursuant to Chapter 58.17 of the Revised Code of Washington (RCW).

17.02.020 Purpose. The intent of this section is to provide criteria, regulations and standards to govern the subdividing of land within the City and to:

- (a). Promote the public health, safety and general welfare in accordance with standards established by the State and the City;
- (b). To implement the Comprehensive Plan;
- (c). Promote effective use of land by preventing the overcrowding or scattered development which would injure health, safety or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation, parks and recreation areas, or other public services, or excessive expenditure of public funds for such services;
- (d). Avoid congestion and promote safe and convenient travel by the public on streets and highways through the coordination of streets within a subdivision with existing and planned streets;
- (e). Provide for adequate light and air;
- (f). Provide for proper ingress and egress;
- (g). Provide for the housing and commercial needs of the community;
- (h). Provide uniform monumenting of land divisions and conveyance of accurate legal descriptions; and
- (i). Protect environmentally sensitive areas;
- (j). Encourage the conservation of non-renewable energy resources.

17.02.025 Applicability. Every subdivision shall comply with the provisions of Chapter 58.17 Revised Code of Washington, this Title and all future amendments or applicable Federal, State or local laws. After final plat or short plat approval, any subsequent division of platted or short platted lots, parcels, tracts, sites or divisions, shall

be allowed only if the procedures of this Title or the short plat ordinance are first followed, and these requirements shall be applicable to all plats approved prior to the effective date of this Title. Except for the large lot division procedure specified herein, the provisions of this Title shall not apply to the following:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions of land into lots or tracts each of which is one thirty-second (1/32) of a Section of land, or larger, or twenty (20) acres or larger if the land is not capable of description as a fraction of a Section of land; PROVIDED, the division meets the minimum lot size zoning requirements for the area involved and provided further, that for the purpose of computing the size of any lot under this item which borders on a street or street, the lot size shall be expanded to include that area which would be bounded by the center line of the street or street and the side lot lines of the lot running perpendicular to such center line;
- C. Divisions made by testamentary provisions or the laws of descent, provided that each lot shall meet all applicable minimum lot size requirements.
- D. Divisions of land into lots or tracts classified for industrial or commercial use when the City has approved a binding site plan which authorizes specific uses of said land in accord with the Chapter 17.30. of this Code; PROVIDED, that when a binding site plan authorizes a sale or other transfer of ownership of a lot, parcel, or tract, the binding site plan shall be filed for record in the County Auditor's office on each lot, parcel, or tract created pursuant to the binding site plan; PROVIDED FURTHER, that the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of lot, parcel, or tract; AND PROVIDED FURTHER, that sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW;
- E. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the City has approved a binding site plan in accordance with City Codes.
- F. The transfer of contiguous unplatted lots if:
 - 1. The lots were created in compliance with all applicable State and City subdivision regulations in effect at the time of the creation of said lots; or
 - 2. The lots transferred and remaining lots are improved with dwellings. Provided that transfers pursuant to item 1. or 2. shall not be effective until the proponent is issued a certificate of compliance from the Community Development Department. A certificate shall be issued when the owner or applicant shows that the lot conforms to the criteria above.

- G. A division which is made by subjecting a portion of a parcel or tract of land to Chapter 64.32 RCW, the Horizontal Property Regimes Act (Condominiums), if the City has approved a binding site plan for all of such land.

17.02.030 Division of Land By Streets or Rights-of-Way.

The City declares that a parcel has NOT been divided into separate, legal lots by any one of the following:

- A. a State or Federal road or highway; or
- B. a City street that has been adopted as part of the City street system; or
- C. a City street right-of-way that has been acquired or accepted by the City but is an unopened City street as defined in Section 2.00 of the City Site Development Regulations, or as amended.

17.02.035 Definitions.

As used in this Title, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

- A. **"Binding Site Plan"** means a drawing to a scale as specified by the Community Development Department. The site plan shall:
 - 1. Identify and show the area and location of all streets, improvements, utilities, open space;
 - 2. Contain inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City Hearing Examiner or other appropriate City Department or government body having authority to approve the site plan;
 - 3. Contain provisions requiring that all development occurring within the proposal's boundaries be in conformity with the site plan.
- B. **"Block"** is a group of lots, tracts or parcels within well defined and fixed boundaries.
- C. **"Council"** means the City Council.
- D. **"County Assessor-Treasurer"** shall be as defined in the Pierce County Charter.
- E. **"County Auditor"** shall be as defined in the Pierce County Charter.

- F. **"City Engineer"** shall be the person appointed by the City Manager as the City Engineering Manager.
- G. **"Dedication"** is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or large lot subdivision showing the dedication thereon; and, the acceptance by the public shall be evidenced by the owner by the presentment for filing of a final plat, short plat or large lot subdivision showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.
- H. **"Developer"** shall mean the person, party, firm or corporation who applies for approval of a subdivision, short plat or large lot subdivision.
- I. **"Examiner"** means the land use hearing examiner who is herein authorized to approve subdivisions, and hear appeals on short subdivisions and large lot divisions.
- J. **"Final Plat"** is the final drawing of the subdivision and dedication drawn to a scale not smaller than one inch equals one hundred feet (1" = 100') unless approval of another scale is given by the Community Development Director, on standard 18" x 24" sheet size, prepared for filing for record with the County Auditor and containing all elements and requirements set forth in State law and in this Title.
- K. **"Geological Hazard"** means any hazard caused by natural or artificial causes which may damage persons or property and which would include but not be limited to slides, slippage or instability of earth, rock and soil.
- L. **"Improvement"** shall mean any thing or structure constructed for the benefit of all or some residents of the subdivision or the general public such as but not limited to streets, alleys, storm drainage systems and ditches, sanitary sewer pipes or main lines, and storm drainage containment facilities.
- M. **"Large Lot Divisions"** means any number of divisions of land into lots, tracts or parcels for any purpose, the smallest lot size of which is five (5) acres or larger or one-one hundred twenty-eighth (1/128) of a Section or larger, except those divisions exempted by Section 17.02.010 of this Code.
- N. **"Lot"** is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

- O. **"Model Home."** A model home for the purpose of this Code shall be defined as a dwelling in accordance with the City Zoning Code.
- P. **"Original Tract"** means a unit of land which the applicant holds under single or unified ownership, or in which the applicant holds controlling ownership and the configuration of which may be determined by the fact that all land abutting said tract is separately owned by others, not including the applicant or applicants; PROVIDED, that where a husband and wife own contiguous lots in separate or community ownership, said contiguous lots shall constitute the original tract.
- Q. **"Planning Agency"** means the City Community Development Department together with the Planning Commission.
- R. **"Planning Commission"** means that body as defined in Chapter 35A.63 RCW as designated by the Council to perform a planning function, or if the Council does not appoint a Planning Commission, the Council shall act as the Planning Commission.
- S. **"Plat"** is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.
- T. **"Preliminary Plat"** is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and restrictive covenants to be applicable to the subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.
- U. **"Reserved Street Area"** means a defined area of land within the short plat or subdivision which is required by the City Engineering Manager to be reserved for a future street, and said area shall be dedicated to the City at the time of approval, but the street need not be constructed by the applicant or developer until such time as stated in the ordinance. Setbacks shall be established as if the reserved street area were dedicated.
- V. **"Short Plat"** is the map or representation of a short subdivision.
- W. **"Short Subdivision"** is any voluntary or involuntary division or redivision of land into four (4) or fewer lots, tracts, parcels, sites or subdivisions for the purpose of sale, lease or transfer of ownership.
- X. **"Subdivision"** is any voluntary or involuntary division or redivision of land into five (5) or more lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership except as provided in Subsection M. of this Section.

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Chapter 17.06

PRELIMINARY PLAT PROCEDURE - PREFILING PROCEDURE - SEPA

Sections:

17.06.010 Explanation of Prefiling.

17.06.020 Plan Required.

17.06.030 Recommendations on Street, Drainage, Sewer, Water and Fire Systems.

Cross-reference: Chapter 86. RCW

17.06.010 Explanation of Prefiling.

Certain steps are required of the developer and of the City prior to the actual filing date of the preliminary plat. These steps include the developer's completion of the Environmental Checklist and submitting nine (9) copies of the proposed preliminary plat to the Community Development Department and eight (8) copies of the Environmental Checklist.

17.06.020 Plan Required.

Whenever it is essential for purposes of evaluating environmental or other concern, the City Engineering Manager may require the developer to submit certain concept drawings prior to preliminary plat approval.

17.06.030 Recommendations on Street, Drainage, Sewer, Water and Fire Systems.

The City Engineering Manager, the County Health Officer and the Fire Chief shall review and certify to the Examiner, their respective recommendations as to the adequacy of the proposed street system and storm drainage system, the proposed sewage disposal and water supply systems, and fire protection services for the subdivision. The recommendations of the City Engineering Manager, the County Health Officer and the Fire Chief shall become part of the record and shall be included with the Examiner's decision, if said matter is appealed to the Council.

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Chapter 17.10

PRELIMINARY PLAT PROCEDURE - FILING PROCEDURE

Sections:

- 17.10.010 Fees.**
- 17.10.020 Filing.**
- 17.10.025 Preliminary Plat**
- 17.10.030 Staff Procedure.**
- 17.10.040 Notice.**
- 17.10.050 Determination of Completeness.**

17.10.010 Fees.

All application fees are set by separate Resolution.

17.10.020 Filing.

A preliminary plat of a proposed subdivision and/or dedication of land located in the City shall be submitted for approval by the Examiner by filing with the City Community Development Department, a completed application, paying the application fee, filing sixteen (16) copies and one (1) reproducible copy of the proposed preliminary plat, submitting a list of adjacent landowners as specified herein, submitting an approved Environmental Checklist and when appropriate, an application for a Comprehensive Plan or zone amendment. Said application for Comprehensive Plan or zone amendment may be considered with the application for preliminary plat approval. For purposes of RCW 58.17.033, a complete application for preliminary plat approval must contain the information and documents required by the following section.

17.10.025 Preliminary Plat

- A. Application Submittal:** Whenever it is possible to subdivide land into five (5) or more lots, tracts, sites or divisions, the applicant shall file with the City Community Development Department one 8-1/2" x 11" clear plastic reduction and 7 legible paper copies of the preliminary plat map on sheets 18" x 24" in size. Preliminary plat maps shall include, or be accompanied by the following:
1. A completed general application form and environmental checklist. Said form and checklist to be obtained from the Community Development Department.
 2. The filing fee required pursuant to the City ordinance adopting building and development related permit fees schedule, and in accordance with the fee schedule available from the Community Development Department.
 3. Names and addresses of all property owners within 300 feet of the subject property, available from the County Assessor's Office.

4. A vicinity map extending at least 800 feet in each direction from the proposed subdivision, or further if necessary to assist in locating the subdivision. The vicinity map shall be drawn to a scale of one inch equals 800 feet (1":800'). The vicinity map shall show the following:
 - a. Street layout in the subdivision;
 - b. Existing and tentatively approved street layout within 800 feet of the subdivision;
 - c. Zoning designations within, and adjacent to, the subdivision;
 - d. All property lines within 800 feet of the subdivision;
 - e. Streams or watercourses, and public facilities such as schools and parks;
 - f. All 100-year floodplain and designated shoreline boundaries in, and within 800 feet of, the proposed subdivision;
 - g. Any other pertinent information that will assist in locating the proposed subdivision.

5. A title block in the lower right corner of the preliminary plat map, showing:
 - a. The proposed name of the subdivision;
 - b. The scale of the drawing;
 - c. The date of the drawing;
 - d. The name and address of the engineer, surveyor or other individual responsible for laying-out the subdivision.

6. A detailed plan of the proposed subdivision drawn to the scale of one inch equals 100 feet (1":100') or larger, with the provision that for subdivisions of 50 acres or more the Community Development Director may authorize a smaller scale, when an entire subdivision cannot be shown on a single sheet. The detailed plan shall clearly show the following information:
 - a. North arrow;
 - b. The location, names and right-of-way widths of all existing and proposed streets and driveways within 250 feet of the boundaries of the proposed subdivision;
 - c. The location, names and right-of-way widths of all proposed streets and their proposed paved width;
 - d. Lot layout with lot line dimensions, the area in the square feet contained in each lot;
 - e. The location and use of all existing buildings within the proposed subdivision, indicating which buildings are to remain and which are to be removed;
 - f. The use and approximate location of all buildings within 150 feet of the boundaries of the proposed subdivision;
 - g. The location, size and use of all contemplated and existing public areas within the proposed subdivision, and a description of the adaptability of the area for uses contemplated;

- h. The location, size and kind of public utilities in and adjacent to the proposed subdivision, indicating those utilities which will provide service to the proposed development and their planned location within the subdivision;
 - i. Location and disposition of any wells, creeks, drainage courses, drainageways, septic tanks, drainfields, 100-year floodplain boundaries and easements in or within 200 feet of the proposed subdivision;
 - j. Topography and five-foot contours certified by the engineer or surveyor within the proposed subdivision; or, as an alternative in the case of a partition of one (one) acre or less, elevations at each existing and proposed property corner. One foot or two foot contours may be required, at the Community Development Director's discretion;
 - k. Topography and at least ten foot contours outside, but within 200 feet of, the proposed subdivision. The base for such information shall be the National Geodetic Survey (U.S.G.S.), or other survey approved by the Community Development Director;
 - l. The location of all significant trees (as defined in the Lakewood Zoning Code) within the proposed subdivision, and for 150 feet beyond the terminus of all dead-end streets (Individual trees in a stand of five trees or more need not be shown, but the area covered by the stand dripline shall be shown. For trees outside the subdivision boundaries, the location of said trees may be based on aerial photographs or other methods acceptable to the Community Development Director, and which do not require the applicant to trespass on adjacent property;
 - m. For all 100-year floodplain boundaries shown on the vicinity map, the elevation of the 100-year flood at the point immediately upstream from the subdivision, and the direction and distance to said point;
 - n. The location of identified hazards or development limitation areas identified by the City of Lakewood Critical Areas Map;
 - o. The location of any state shorelines and associated wetlands within the subdivision, as defined by State law and the City of Lakewood Shoreline Master Program.
7. Profiles of all proposed streets within the proposed subdivision, showing grades to which the streets will be built, and the existing groundline of the proposed streets including the probable future extensions of any stub (dead-end) streets for a maximum distance of 150 feet beyond the proposed subdivision boundaries. As an alternative, the preliminary plat map may show topography in two foot (2') contours within 50 feet of each side of the centerline of all probable future extensions of any stub (dead-end) streets for a distance of 150 feet beyond the boundaries of the

proposed subdivision. The contour information shall be certified by a registered engineer or surveyor.

8. Slope analysis indicating areas where existing grades within the subdivision exceed 15%, 25% and 40%. The percentage and area in square feet of the subdivision with slopes of 0 - 15%, 15 - 25%, 25 - 40% and 40% and above categories.
9. Such additional information as the Community Development Director deems necessary.

17.10.030 Staff Procedure.

If the preliminary plat, as filed, is in conformance with all of the City's land use codes and is otherwise acceptable in form and substance, the Community Development Department shall receive the application and shall promptly forward copies of the preliminary plan to appropriate governmental agencies for their review.

17.10.040 Notice.

A. Notice of Filing. Notice of the filing of a preliminary plat shall be given to the State, municipalities, public utilities and school districts in the following cases and manner:

1. When a proposed subdivision which contemplates the use of any public utilities, notice shall be given to the public utilities governing body.
2. When a proposed subdivision which is to be located adjacent to the right-of-way of a State highway, notice shall be given to the State Department of Highways or its successor.
3. Notice shall be given to the school district within which the subdivision is proposed.
4. When the proposed subdivision lies within a designated flood control zone pursuant to Chapter 86. RCW, notification shall be given to the Department of Ecology of the State of Washington, or its successor.

Notice of filing as above required, shall be accomplished by the Community Development Director or his authorized assistant's notifying the proper agencies by letter of the proposed subdivision filing, which letter shall include its legal description, a small map showing location, subdivision acreage, number of home or building lots, and the hour and location of the first hearing on the preliminary plat. Said letter shall be mailed or delivered at least fourteen (14) days before the date for the initial hearing.

- B. List of Adjacent Landowners.** The developer shall obtain and submit to the Community Development Department Director, the names and addresses of all persons of record, who own or who are contract purchasers of the real property to within 300 feet of the exterior boundary of the proposed subdivision site and outside of the developer's ownership or partial ownership. The names and addresses herein required shall be obtained from the Assessor-Treasurer's records.

17.10.050 Determination of Completeness.

Within 28 days of receiving an application for preliminary plat approval containing all information required by Section 17.10.020 of this Code, the Community Development Department shall issue a determination of completeness or incompleteness as required by RCW 36.70.A.440. The Community Development Department is responsible for complying with all other requirements of RCW 36.70.A.440

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Chapter 17.14

PRELIMINARY PLAT PROCEDURE - REVIEW PROCEDURE

Sections:

- 17.14.010 **Notice of Hearing.**
- 17.14.020 **Review of Preliminary Plat.**
- 17.14.030 **Required Written Findings and Determinations.**
- 17.14.040 **Time Limitations.**
- 17.14.050 **Reconsideration.**
- 17.14.060 **Appeal of Examiner's Decision.**
- 17.14.070 **Council Action on Appeals.**
- 17.14.080 **Requirement for Each Plat Filed for Record.**
- 17.14.090 **Certificate Giving Description, Statement of Owners, and Dedication Requirements.**
- 17.14.100 **Review of Final Plats.**
- 17.14.110 **Council Review of Final Plats.**

Cross-references: RCW 58.17.110, 58.24.040

17.14.010 Notice of Hearing.

- A. **General.** All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of a vicinity location sketch or a location description in non-legal language.
- B. **Newspaper Notice.** Upon receipt of an application for preliminary plat and after completion of a Final Environmental Impact Statement, if necessary, or Negative Declaration, the Community Development Department staff shall set a date for a public hearing before the Examiner and shall give notice by arranging publication of at least one (1) notice not less than ten (10) days prior to the hearing in the newspaper of general circulation in the City.
- C. **Notice to Adjacent Ownership.** The Community Development Department shall notify by letter, the persons who own or are contract purchasers of the real property, as shown by the records of the County Assessor-Treasurer, located within three hundred (300) feet, but not less than two (2) parcels deep, around the perimeter of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within three hundred (300) feet, but not less than two (2) parcels deep, around the perimeter of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. Said notice shall specify the particulars of the initial hearing on the proposed subdivision and

shall include a description of the location of the proposed subdivision in non-legal language or a vicinity location sketch and shall be mailed not less than twenty-one (21) days before said hearing.

- D. Posting Requirements.** After acceptance of a preliminary plat application, notice of application shall be posted by the applicant on the property at its principal entry point to the nearest right-of-way, as determined by the Community Development Department. Notice shall be posted on a 3 foot by 4 foot waterproof sign. The sign shall be made of corrugated plastic to specifications provided by the City (see drawing No. 1, appendix A) If desired, a sign may be purchased from the City at a cost to be determined by the manufacturing cost at the time of purchase. The sign(s) shall be located so as to be easily visible from the abutting street. When more than one street abuts the property, the sign(s) shall be easily visible from each street. When a proposal is within an existing subdivision, planned development district or planned unit development, an additional sign shall be posted at each major street entrance to the development as determined by the Community Development Department. When the sign(s) is posted, the applicant shall complete and return a notarized affidavit of posting to the Community Development Department. The sign(s) shall be erected and maintained by the applicant for a minimum of thirty (30) days prior to the public hearing and until a decision is rendered on the application or appeal. The sign(s) shall be removed by the applicant within one (1) week following the decision by the Hearing Examiner or City Council.

17.14.020 Review of Preliminary Plat.

- A. The Examiner shall review all proposed preliminary plats and shall take such action thereon as to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the City. The approval of any preliminary plat may be conditioned upon the developer's obtaining proper Comprehensive Plan or zoning designation for the subdivision.
- B. The decision by the Examiner is a final and conclusive decision but said decision may be appealed to the Council as specified herein. The Examiner's written decision on the preliminary plat shall include findings and conclusions, based on the record, to support the decision. Each final decision of the Examiner, unless a longer period is mutually agreed to by the applicant and the Examiner, shall be rendered within ten (10) working days following the conclusion of all testimony and hearings.

17.14.030 Required Written Findings and Determinations.

- A. The Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Examiner shall determine:
 - 1. If appropriate provisions are made for, but not limited to the public health, safety, and general welfare, for open spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
 - 2. whether the public interest will be served by the subdivision and dedication.
- B. A proposed subdivision and dedication shall not be approved unless the Examiner makes written findings that:
 - 1. Appropriate provisions are made for the public health, safety, and general welfare, for open spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
 - 2. The public use and interest will be served by the platting of such subdivision and dedication. If the Examiner finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the Examiner shall approve the proposed subdivision and dedication.

17.14.040 Time Limitations.

- A. In General. A final plat meeting all of the requirements of law shall be submitted to the City within five (5) years of the date upon which the approval of the preliminary plat is final. The approval of a preliminary plat shall be automatically null and void if final plat approval is not obtained within the time limitations specified herein.
- B. Procedure.
 - 1. Time for Filing. A written application for any extension of time under the provisions of this Section shall be filed with the Community Development Department

at least thirty (30) days prior to the expiration of the existing period of approval currently applicable. The applicable time period shall be tolled from the date of filing the application for extension until the date of the final decision by the City. Each application shall be accompanied by payment of a filing fee in an amount established by separate Resolution.

2. **Additional Extensions-Changed Conditions.** Upon filing of an application for extension, a copy shall be sent to each party of record together with governmental departments or agencies as were involved in the process of preliminary plat approval. By letter, the Examiner shall request that written comments, if any, be delivered to the Examiner's office within ten (10) working days of the date of the Examiner's letter. If any comment requests the alteration or expansion of conditions of approval, the applicant shall be provided with a copy of such proposal and a period of ten (10) working days in which to file objections, if any, and/or a request for formal hearing. In the absence of such objection, the Examiner may conclude that the proposed change in conditions is acceptable to the applicant and proceed to a decision in accordance with procedures set forth in this Section.
 3. **Hearing Examiner-Hearing.** If, in the opinion of the Examiner, substantial issues have been raised concerning the application for extension, the Examiner may schedule a public hearing. In the case of a request for extensions of time beyond the initial one (1) year period, if a proposal is made to alter or expand the conditions of approval, a public hearing shall be held upon written request by the applicant or any party of record upon a determination by the Hearing Examiner that there are substantial issues which necessitate a public hearing.
 4. **Hearing Examiner-Decision.**
 - a. **With hearing.** If a public hearing is held under the provisions of Section D.3 above, the Examiner shall issue a decision together with findings and conclusions in support thereof within ten (10) working days of the date of the hearing.
 - b. **Without hearing.** If no public hearing is held, the Examiner shall issue his decision with ten (10) working days of the date upon which written comments were to be filed with the Examiner.
 5. **Hearing Examiner-Decision-Appeal.** The decision of the Examiner to grant or deny extensions of time shall be final unless appealed under the provisions of **Sections 17.14.050, 17.14.060, and 17.14.070.**
- C. **Stages.** If the developer desires to develop said subdivision in stages, each stage or division must be approved within the time limits specified herein.

17.14.050 Reconsideration.

Any aggrieved person feeling that the decision of the Examiner is based on errors of procedures or errors or misinterpretation of fact may make a written request for review by the Examiner within seven (7) working days of the date of the written decision. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as the Examiner deems proper and may render a revised decision. Only one request for reconsideration may be filed by any one person or party even if the Examiner reverses or modifies his or her original decision or changes the language in the decision originally rendered.

17.14.060 Appeal of Examiner's Decision.

The final decision by the Examiner on a preliminary plat may be appealed to the Council, by any aggrieved person directly affected by the Examiner's decision. Said appeal procedure is as follows:

- A. The appellant must file written notice of appeal with the Community Development Department and the appeal fee within ten (10) working days of the date of mailing of the Examiner's final decision; provided, that if the Examiner was requested to reconsider the decision, then the appeal must be filed within ten (10) working days of the mailing of the Examiner's final order or decision on the reconsideration request.
- B. The notice of appeal shall concisely specify such error and/or issue which the Council is asked to consider on appeal.
- C. Upon the filing of an appeal, the Community Development Department shall forward to the Council the original tape containing a verbatim record of the proceedings before the Examiner. An appeal shall stay the effective date of the Examiner's decision until final resolution has been made by the Council.

17.14.070 Council Action on Appeals.

- A. General. For Examiner decisions which an appeal is properly filed, the Community Development Department shall forthwith forward nine (9) copies of the Examiner's decision plus nine (9) copies of the official file and the recorded record to the Clerk of the Council. The Clerk of the Council shall schedule a public meeting date for the Council on the appealed matter.

- B. Public Notice on Appeals. The Clerk of the Council shall cause written notice to be mailed to all "parties of record" and the Examiner to apprise them of the meeting date before the Council. Parties of record are those persons who have:
 - 1. Testified before the Examiner, or
 - 2. Listed their names on a sign up sheet which is available during the Examiner's hearings, or
 - 3. Advised the Community Development Department in writing of their desire to be a party of record.

- C. Council Action on Appeals. Whenever a decision by the Examiner is reviewed by the Council pursuant to this Section, the appellant or other parties of record may submit written memoranda in support of their positions. The Council may impose a time limit on oral presentations. No new evidence or testimony shall be presented to the Council during the oral presentation. The Council may view the site either individually or together, provided that unless all parties of record are given reasonable notice of the time of the view, no one other than City staff can accompany the Council members during the view.

- D. Council Decision on Appeal.
 - 1. The Council's decision on any appeal from the Examiner shall be based on the record of the hearing held by the Examiner. The Council may not accept or consider any additional factual information or testimony;
 - 2. The Council shall consider whether each of the findings of fact entered by the Examiner are supported by substantial evidence in the record. The Council may reverse any finding which is not so supported. Beyond this, the Council may not enter its own findings of fact;
 - 3. The Council shall consider issues of law *de nova* in making its decision;
 - 4. The Council may affirm or reverse the decision of the Examiner or remand the matter to the Examiner for further consideration. Any decision

by the Council shall be supported by adequate findings of fact based on the record and by conclusions of law.

- E. Council Action is Final. The action of the Council, approving or rejecting a decision of the Examiner, is final and conclusive unless within thirty (30) days from the date of the action an aggrieved party or person files an appropriate action in Superior Court for the purpose of reviewing the action taken, and serves all necessary parties.
- F. Reconsideration by the Council. Any aggrieved party or person affected by the action may, within seven (7) working days of the Council's oral decision, file with the Clerk of Council a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:
 - 1. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration.
 - 2. Irregularity in the proceedings before the Council by which such party was prevented from having a fair hearing.
 - 3. Clerical mistakes in the official file or record transmitted to the Council, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Council's decision on the matter.

Upon receipt of a request for reconsideration, the Council shall review said request and take such further action as the Council deems proper, including, but not limited to, the right to deny said request for reconsideration without a hearing, or the right to rehear and render a revised decision on the matter if deemed appropriate by the Council. Only one request for reconsideration may be filed by any one person or party, even if the Council reverses or modifies its original decision or changes the language in the decision originally rendered.

In the event that a request for reconsideration is filed with the Council, the thirty (30) day appeal period to Superior Court as set forth in this Title shall be deemed to commence on the date of the Council's final action relative to the request for reconsideration.

17.14.080 Requirement for Each Plat Filed for Record.

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

- A. Contain a legal description of the plat which shall match the description on the title insurance report.
- B. Contain a dedication for all streets, easements, open space, tracts, or other parcels to be dedicated to the public or other specifically noted entities or organizations.

- C. Be acknowledged by the person filing the plat before the County Auditor or any other officer who is authorized by law to take acknowledgment of deeds, and certificate of said acknowledgment shall be enclosed or annexed to such plat and recorded therewith.
- D. Contain certification from the Assessor-Treasurer 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.
- E. Contain a statement of approval from the City Engineering Manager as to the construction of all streets and associated storm drainage systems for public streets. Streets not dedicated to the public shall be clearly denoted on the face of the plat and the plat shall contain a provision for maintenance of the private streets by the individual lot owners.
- F. Contain a certification from the sewerage provider as to the means of sewage disposal for the lots if required.
- G. Contain a certification from the County Health Department as to the means of sewage disposal and water availability if required.
- H. Contain a certification from the Community Development Department approving the plat and stating that the platting fee has been paid.
- I. Be accompanied by a complete survey of the section or sections in which the plat or re-plat is located with all survey work being done in compliance with RCW 58.24.040. The final plat shall follow the format as shown on the City Formal Plat Standards as now enacted or hereafter amended.
- J. Be submitted to the City Community Development Department along with the following:
 - 1. Twelve (12) paper prints.
 - 2. Two (2) copies of a title report, prepared not more than thirty (30) days prior to the date of written approval by the Director of the Community Development Department, from a title insurance company containing the complete and correct legal description of the plat, listing all easements of record which affect the property and confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the dedication.
 - 3. Final Plat Land Use Breakdown sheet.
 - 4. One (1) copy of the plat boundary, individual lots and street centerline computer closures for the plat.

17.14.090 Certificate Giving Description, Statement of Owners, and Dedication Requirements.

Every formal subdivision, short subdivision or large lot subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat drawing, including a statement that the subdivision of property has been made with the free consent and in accordance with the desires of the owner(s) or contractor purchasers. If the subdivision of property includes a dedication, the certification shall also contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private, as shown on the plat document 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 street. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quit-claim deed to the said donee or donees and/or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

17.14.100 Review of Final Plats.

The City Community Development Director or authorized assistant shall review applications for the proposed final plat and be satisfied that the following conditions exist:

- A. The final plat meets all standards established by State law and this Title relating to final plats;
- B. The proposed final plat bears the certificates and statements of approval required by this Title and State law;
- C. A title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat's certificate;
- D. The facilities and improvements required to be provided by the developer have been completed or, alternatively, that the developer has provided a performance bond, or cash deposit in lieu thereof, or other security commonly used by banking and lending institutions; provided further that the bond, cash deposit, or other security, as hereinabove required, shall be filed with the Engineering Manager and shall be in a form acceptable to the City Attorney and in an amount and with sureties commensurate with improvements remaining to be completed and securing to the City the construction and installation of the improvements within a fixed time.

17.14.110 Council Review of Final Plats

The City Council shall review final plats in accordance with Chapter 58.17 RCW. When the Engineering Manager finds that the subdivision meets the following criteria, he or she shall recommend approval the proposed final plat if:

- A. The plat conforms to all terms of preliminary plat approval;
- B. The bond, if there is one, by its essential terms assures completion of improvements;
- C. The plat meets the requirements of State law and this Title in effect at the time of preliminary plat approval.

The approval of a final plat is strictly limited to the questions of whether the final plat is consistent with the findings, conclusions and conditions specified for the preliminary plat. Environmental considerations and satisfaction of review criteria specified by Section 17.14.030 and RCW 58.17.110 which are not relevant to the findings, conclusions or decision for the preliminary plat cannot be raised during the review of a final plat but must be raised at the time for reviewing the preliminary plat or they are waived.

After the City Council approves the plat, the Community Development Department shall forward the original to the County Auditor for filing, who shall, after recording, forward two reproducible copies thereof to the Engineering Manager and one paper copy to the County Assessor-Treasurer.

Chapter 17.18

IMPROVEMENTS

Sections:

- 17.18.010 Dedications.**
- 17.18.020 Improvements Required.**
- 17.18.030 Names and Numbers of Subdivisions, Streets, Blocks and Lots.**
- 17.18.040 Control Monuments.**
- 17.18.050 Bonds-Construction and Guarantee.**

Cross-references: RCW 58.17.040, Chapter 86. RCW

17.18.010 Dedications.

- A. General. All dedications shall be clearly and precisely indicated on the face of the plat as approved by the City. Improvements and easements to maintain such improvements may be required to be dedicated.
- B. Access to Public Waters. Plats of subdivisions containing land adjacent to publicly owned or controlled bodies of water shall contain dedications of public access to, around or beside such bodies of water unless the Examiner determines the public use and interest will not be served thereby. Such dedications shall be of a size and nature as determined by the Examiner and shall be established when the preliminary plat is approved. Such dedications may be required only when in compliance with all standards governing regulatory takings.
- C. Constructed to City Standards. All streets, bridges, drains, culverts and related structures and facilities which are dedicated, shall be designed and constructed in accordance with current standards promulgated by the Engineering Manager and in effect at the time of construction.

17.18.020 Improvements Required.

- A. Plan and profiles required. Prior to the construction of an improvement, the developer shall submit to the Engineering Manager, two (2) copies of the plan, profiles and specifications for said streets, drainage, utilities and other proposed improvements to be constructed in the proposed subdivision. Plans and profiles shall be drawn upon standard 22" x 36" Federal Aid Plan profile sheets or such other sheets as may be acceptable to the Engineering Manager. Prior to construction, the construction plans for any dedicated improvement must be approved by the Engineering Manager and construction plans for other improvements may be required to be approved.
- B. Flood or Geological Hazard. If any portion of the land within the boundaries shown on any map or plat of a division of land whether formal plat or short plat or

large lot division plat, is subject to flood hazard, inundation, geological hazard, mud slides or avalanches, as such conditions may be, but need not be, indicated in the most recent national flood insurance program, flood hazard boundary map (FHBM) for Pierce County, Washington or other authoritative data, and the probable use of the property will require structures thereon or nearby, the Examiner or departmental reviewer may disapprove the subdivision, short subdivision or large lot division or that portion of the subdivision, short subdivision or large lot division so affected, and/or require protective improvements to be constructed as approved by the City, as a condition precedent to approval of the subdivision, short subdivision or large lot division. If any portion of a lot or parcel of a subdivision is subject to flood hazard, inundation, geological hazard, mud slides or avalanches, such fact and portion shall be clearly shown on the final map or parcel map by a prominent note on each sheet of such map whereon any portion is shown. No subdivision, short subdivision or large lot division shall be approved by the Examiner or departmental reviewer which is situated wholly or partially within a flood control zone as provided in Chapter 86.16 RCW without the prior written approval of the Department of Ecology.

- C. Storm Drainage Containment. The City shall, as a condition of approval of any division of land, whether formal subdivision or short subdivision or large lot division, require the developer to construct storm drainage facilities in conformance with the City's surface water design standards.
- D. Fire Protection. The developer shall provide water sources and/or facilities as required by law. Subdivisions shall provide fire hydrants (or other adequate means) with adequate capacity and spacing to provide for fire protection.
- E. Sanitary Sewer Pipe Installations. The City may condition the approval of any plat upon the developer's installation of sanitary sewer connections and pipes properly constructed according to City standards.

17.18.030 Names and Numbers of Subdivisions, Streets, Blocks and Lots.

- A. General. In order to promote an orderly and coherent street and property location system, names and numbers in subdivisions, short subdivisions and large lot divisions shall be assigned in accordance with the procedures and guidelines established herein.
- B. Subdivision Names and Numbers. Subdivision names shall be chosen by the applicant subject to approval by the Community Development Department. The Community Development Department shall approve the proposed name if it is reasonably distinguishable from previously established subdivision names. The legal identification of short plats and large lots, if any, shall be designated by number and assigned by the Auditor at the time of recording.

- C. Street Names and Numbers. All public and private streets established by subdivision, short subdivision or large lot division shall have street names or numbers assigned and clearly shown on the plats prior to approval and recording. Street names and numbers shall be assigned by the Community Development Director. Private streets shall be clearly labeled on the face of the plat.
- D. Blocks and Lots. Blocks and lots established for purposes of legal description of subdivided property shall be named and numbered in accordance with procedures and guidelines established by the Engineering Manager.

17.18.040 Control Monuments.

Except for subdivisions excluded under the provisions of RCW 58.17.040, as now or hereafter amended, and this Title, permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The Engineering Manager shall determine the number and location of permanent control monuments within the plat, if any. All control monuments shall be tied to the State Coordinate System.

17.18.050 Bonds-Construction and Guarantee.

The City, in lieu of actual construction of any improvement by the developer of any formal subdivision, short subdivision or large lot division, shall require a bond in an amount and with surety and conditions satisfactory to it or other secure methods providing for and securing to the City, the actual construction and installation of such improvements within a two year period. All improvements such as structures, streets, sewers, drainage facilities and water systems shall be designed and the construction certified by, or under the supervision of, a registered civil engineer prior to the acceptance of such improvements.

The developer shall be responsible for correcting any defect in an improvement for a period of eighteen months after acceptance by the Engineering Manager.

The City shall require a bond to guarantee that the developer will correct any defect in a dedicated improvement caused by faulty design, construction or other reason as determined by the Engineering Manager. Said bond shall be in an amount equal to 125% of the estimated cost of the City completing the improvements, as determined by the Engineer, and shall extend for a period of eighteen months after City acceptance of said improvement.

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Chapter 17.22

SHORT SUBDIVISIONS-LARGE LOT DIVISIONS

Sections:

- 17.22.010** **Applicability.**
- 17.22.020** **Filing Procedure and Fee.**
- 17.22.025** **Short Plat Approval.**
- 17.22.030** **Owner's Free Consent.**
- 17.22.035** **Posting Requirements.**
- 17.22.040** **Survey.**
- 17.22.050** **Departmental Review.**
- 17.22.060** **Review Criteria.**
- 17.22.070** **Summary Approval.**
- 17.22.080** **Notice.**
- 17.22.090** **Appeal Procedure.**
- 17.22.100** **Amendments.**
- 17.22.110** **Large Lot Division.**

Cross-references: Chapter 58.09 RCW, Chapter 332-130 WAC

17.22.010 Applicability.

Every short plat and short subdivision shall comply with the provisions of this Chapter.

- A. Exemptions. The provisions of this Chapter are not applicable to the following:
 - 1. All exemptions listed in Section 17.02.010.
 - 2. Deed releases, for the purpose of obtaining building financing, provided that a short plat is required if said parcel is separately sold or if all land specified by the contract is not acquired.
 - 3. Divisions which were surveyed in accordance with the Survey Recording Act and are recorded with the Auditor prior to August 13, 1974.
 - 4. Up to four Model Homes may be established on a single tract of land without short platting provided the City has approved a preliminary subdivision which includes the specific lots upon which the Model Homes are to be located.
 - 5. Divisions made by court order; provided, that this exemption shall not apply to land divided pursuant to dissolution or any partition proceedings.
 - 6. Any division of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or

related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.

7. Any division or divisions of land for the sole purpose of enabling the City or other public agency to acquire land, either by outright purchase or exchange, for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.
- B. The entire original tract (except adjacent platted or short platted land) shall be included within one short plat application.
 - C. Further divisions. Land within a short subdivision shall not be further divided in any manner for a period of five (5) years from the date said approved short plat is recorded with the Auditor without the filing of a final plat on the land which is proposed to be further divided, except that when the short plat contains fewer than four parcels, the owner who filed the short plat may file an alteration with the five (5) year period to create a total of up to four (4) lots within the original short plat boundary. This requirement shall be stated on the face of the short plat.

17.22.020 Filing Procedure and Fee.

Eleven paper prints of a proposed short plat shall be filed with the Community Development Department along with a non-refundable application fee as set forth in separate Resolution.

For purposes of RCW 58.17.033, a complete application for short plat approval must contain the information and documents required by this section.

A short plat shall meet the following standards:

- A. Drawn in ink to a scale not smaller than one inch equals one hundred feet (1" = 100') or other approved scale or mylar, a sheet size of 18" x 24".
- B. The Plat shall show the boundary and dimensions of the "original tract" including its Assessor's parcel number, section, township and range, and all adjoining public or private streets and identifying names as such.
- C. A vicinity map drawn to a scale of four inches equals one mile (4"= 1 mile) or other approved scale of sufficient detail to orient the location of the original tract.
- D. Name and address of the owner of record of the "original tract," scale of the drawing, and north directional arrow.
- E. All lots shall be identified by numerical designation. The dimensions of each lot shall be shown.

- F. Width and location of access to all short platted lots.
- G. The location and use of all buildings on the original tract.
- H. Space on a second 18" x 24" mylar sheet shall be reserved for comments and appropriate City signatures.
- I. Where a survey is required, the form of the plat shall be as required by the Survey Recording Act. (Chapter 50 Washington Laws of 1973, or as amended.)

17.22.025 Short Plat Approval.

Within 28 days of receiving an application for preliminary plat approval containing all information required by Section 17.22.020 of this Code, the Community Development Department shall issue a determination of completeness or incompleteness as required by RCW 36.70.A.440. The Community Development Department is responsible for complying with all other requirements of RCW 36.70.A.440

17.22.030 Owner's Free Consent.

The contract purchasers shall sign a statement prescribed by the Community Development Department signifying that the plat is made with their free consent and in accordance with the desires of the owners.

17.22.035 Posting Requirements.

After acceptance of a short plat application, notice of application shall be posted by the applicant on the property at its principal entry point to the nearest right-of-way, as determined by the Community Development Department. Notice will be posted on a 1-1/2' x 2' waterproof sign (see drawing #16 in Appendix A). The sign shall be made of corrugated plastic to specifications provided by the City. If desired, a sign may be purchased from the City at a cost to be determined by the manufacturing cost at the time of purchase. The sign(s) shall be located so as to be easily visible from the abutting street. When more than one street abuts the property, the sign(s) shall be easily visible from each street. When a proposal is within an existing subdivision, planned development district or planned unit development, an additional sign shall be posted at each major street entrance to the development as determined by the Community Development Department. When the sign(s) is posted, the applicant shall complete and return a notarized affidavit of posting to the Community Development Department. The sign(s) shall be erected and maintained by the applicant for a minimum of thirty (30) days prior to the public hearing and until a decision is rendered on the application or appeal. The sign(s) shall be removed by the applicant within one (1) week following the decision by the Hearing Examiner or City Council.

17.22.040 Survey.

Recordable surveys shall be required for all short plats and short subdivisions. All surveys shall be accomplished as required by WAC 332-130 and the "Survey Recording Act," (RCW 58.09), except an additional recording will not be required for the "Survey Recording Act."

All lot staking shall be completed by the certifying professional land surveyor prior to the recording of the short plat.

All short plat corners, including interior lot corners, shall be staked with steel rebar or metal pipe with a cap which permanently bears the land surveyor's registration number. When the plat corner(s) or lot corner(s) falls in a body of water, over the edge of a steep slope or other inaccessible area, an offset corner will be permitted. When the boundary line of a short plat follows a meandering line, corners shall be set as directed by the City.

A pre-submittal meeting with City staff to discuss corner locations is recommended.

When the legal description of the short plat utilizes a partial or complete section subdivisional breakdown to establish the short plat boundaries, section subdivision survey information in accordance with the requirements of WAC 332-130-030 shall be shown on the short plat mylar.

All reference monuments used in the establishment of the short plat corners shall be identified, described, and noted as set or found on the short plat mylar. When appropriate, the short plat survey shall reference the recorded or previous survey that was the basis for the short plat survey.

When the short plat is adjacent to a constructed City street and the short plat corner(s) or its offset represents a 1/16th corner, quarter corner, section corner, or donation land claim corner that is not of record or is lost or obliterated, a City standard monument(s) shall be placed in the City street. In cases where a monument of record is found, the existing corner does not have to be replaced.

Whenever a short plat is adjacent to an existing City street and/or right-of-way, the centerline of that street shall be located on the short plat drawing. If the existing constructed City street or maintained street section falls outside of the documented right-of-way, the surveyor shall identify the existing edge of pavement and limits of the maintained street section on the short plat drawing and show its relationship to said centerline.

17.22.050 Departmental Review.

- A. The Engineering Manager's Office shall review a short plat for adequacy of access, storm water drainage facilities, public sewer system, survey accuracy, feasibility for building sites.
- B. The Community Development Department shall review the proposed short plat for conformance with zoning laws, the comprehensive plan and subdivision code.
- C. The Health Department shall review the proposed short plat for adequacy of water supply, and septic tank conditions.
- D. The Fire Chief shall review the proposed short plat for adequacy of the fire protection water system and access for fire fighting equipment.

17.22.060 Review Criteria.

- A. Access.
 - 1. General. The proposed short plat shall be reviewed for adequate ingress and egress to all proposed lots. Extension of streets or access rights from property line to property line of the short subdivision land may be required so that the street may be extended in the future. If there is other reasonable access available, the Engineering Manager may limit the location of direct access to City arterials or other City streets. When an adjoining landowner will be obligated to construct or maintain a future street, a note to this effect shall be stated on the face of the short plat.
 - 2. Street Reserved Areas. Where a City arterial may, or is being planned for a short subdivision land area, the Engineering Manager may require that a sixty foot (60') wide right-of-way area be reserved as a street reserved area for a future street, if all legal requirements or such addication are met.
 - 3. Private Streets. Unless the City has existing plans, maps, sketches or studies for a City arterial on the properties in issue, the Engineering Manager shall approve private streets if all persons and their successors, who own the land adjoining the street within the short plat, have equal legal rights to use said private street area. Said developer and/or adjoining landowners and their successors shall bear the expense of constructing and maintain said street and a note to this effect shall be made on the face of the short plat. Where the short plat or land beyond the short plat have the potential of being divided into twenty (20) or more lots, then said private street shall be required to have a right-of-way width equivalent to City standards.

- B. **Drainage.** The proposed short plat shall be reviewed for adequate drainage facilities. Requirements for any necessary facilities may be required to be on the face of the short plat mylar.
- C. **Sewers or Septic Tanks.** The proposed short plat shall be reviewed for potential sewer or septic tank adequacy. If known local conditions exist which may affect future building sites, these conditions may be stated on the face of the short plat.
- D. **Feasibility for Building Sites.** Areas which are known or suspected to be poor building sites because of geological hazard, flooding, poor drainage or swamp conditions, mud slides or avalanche, may be noted on the face of the short plat.
- E. **Water Supply and Fire Protection.** The proposed plat shall be reviewed for potential adequacy of water supply and fire protection. Items A through E above may be considered as criteria for which a short plat may be denied. Existing City standards shall be used during the review process.

17.22.070 Summary Approval.

- A. **Procedure.**
 - 1. The Community Development Department shall forward two paper prints to the Engineering Manager and/or Public Works Director, any affected public utility agencies, the Fire Chief, and the Tacoma-County Health Department. The initial review by the departments/agencies of the proposed short plat shall be completed within thirty days after the short plat is filed, unless, upon the request of the Community Development Department, the applicant consents to an extension of such time period.
 - 2. Each department or official shall either recommend approval, disapproval, or return of the short plat for change within the thirty day initial review period. The Community Development Director shall have the final authority to approve, approve with conditions or deny a short plat application.
 - 3. If returned for change, the applicant or representative shall submit six prints and the mylar to the Community Development Department reflecting the required changes within one hundred eighty days, after said notice of correction is given by the reviewing City departments. Should the applicant require an extension of time to satisfy the requirements that were requested during the initial thirty-day review, an additional one hundred eighty days shall be granted upon written request.
 - 4. Due to the complexity of the proposal, the applicant may desire to request the following to extend the life of the application.

- a. Request in writing from the applicant that the application for the proposed short plat be placed on hold for due cause. "Due cause" would constitute a situation that was beyond the applicant's controls; i.e., required environmental checklist, Health Department requirement for viewing high water table on the site prior to review for waste disposal, and/or water availability report required by the State. The request shall be accompanied by an estimated time line for completion of the required additional material, studies, or review. The hold will be placed upon the application for a specified period of time.
 - b. Request in writing by the applicant that a time extension would be necessary to provide the reviewing departments the necessary material, documents, and studies, as requested in the initial thirty-day City review. The Community Development Department may provide a second additional one hundred eighty day extension. A fee would be charged for the extended time, per the fee schedule.
5. The applicant is required to submit the revisions as requested, at the expiration of the allowable time line, along with six prints and the mylar to the Community Development Department. The submittal shall be considered the "FINAL REVIEW" and all previous extensions that were granted to the applicant shall be considered void. The reviewing departments shall have a thirty-day review period. At the conclusion of the review period, the reviewing department directors or authorized representative shall approve or deny the short plat.
- B. Required Written Findings for Short Subdivisions. The Director or designee shall inquire into the public use and interest proposed to be served by the establishment of the short subdivision and dedication. The Director or designee shall determine:
1. If appropriate provisions are made for, but not limited to the public health, safety, and general welfare, for open spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
 2. Whether the public interest will be served by the short subdivision and dedication.
- C. A proposed short subdivision and dedication shall not be approved unless the Director or designee makes written findings that:
1. Appropriate provisions are made for the public health, safety, and general welfare, for open spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and

recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

2. The public use and interest will be served by the platting of such subdivision and dedication. If the Director or designee finds that the proposed short subdivision make such appropriate provisions and that the public use and interest will be served, then the Director or designee shall approve the proposed short subdivision and dedication.
- D. Notice of Return to Applicant for Cause. If a short plat is not in proper order or cannot be approved in its present form, a letter accompanied by said print, postmarked prior to the expiration of said thirty-day period, shall be sent to the applicant (by the disapproving department) to notify him of why approval cannot be given in its present form.
- E. Effect of Approval. The approval of a short plat shall not be a guarantee that future permits will be granted for any structures or development within said area and a notation to this effect shall be stated on the face of the short plat.

17.22.080 Notice.

Prior to the sale, lease or contract to sell of any lot, parcel or tract within a short subdivision, a copy of the approved short plat shall be given to the prospective purchaser or lessee by the owner, owner's agent, or any person, firm or corporation who closes or escrows the transaction.

17.22.090 Appeal Procedure.

Within fourteen (14) days following the City Community Development Director's decision on a short plat, any person directly affected may appeal such decision to the Examiner. The appeal shall be accomplished by the filing of a written request and paying an appeal fee as set forth in by separate Resolution of the City Council. Said notice of appeal shall briefly specify the issues of the case. Decisions not appealed are deemed final and conclusive. The appeal procedure is the same as set forth in the City Zoning Code for appeals of an Administrative Decision.

A request for reconsideration following a decision by the Examiner shall be accomplished by the filing of a written request and paying a reconsideration fee as set by separate Resolution with the Community Development Department. The reconsideration procedure is the same as set forth in section 17.14.050.

17.22.100 Amendments.

Amendments to short plats may be approved by the Community Development Department by approving an amendment note which states to the effect that this amended short plat supersedes "Short Plat No. ____." The note must specify the changes and before the Community Development Department can approve the amended short plat, all City requirements and conditions stated on the original short plat, must be stated on the amended short plat.

If any City department's or other agency's previous approval may be affected by the amendment (as determined by the Community Development Department), said department or agency will be notified of the change and be given the opportunity to comment before the Community Development Department approves the amendment. In addition, any amendment involving public dedication must be processed as provided in RCW 00.17.212 or 58.17.215. A fee as set forth in separate Resolution shall be paid the Community Development Department for the processing of an amended short plat.

The Assessor-Treasurer's Office must again signify that the current real estate taxes are paid before the amended short plat is recorded. Upon recording, the amended short plat is deemed approved by City.

17.22.110 Large Lot Division.

- A. Departmental Review. Large lot divisions shall be reviewed by all departments and agencies herein specified for short plats and in accordance with procedures herein specified for short plats, provided that approval shall not be automatic.
- B. Approval Standards. Large lot divisions shall be subject to the same review criteria as herein specified for short plats. Approvals shall comply with 58.17.060 and 58.17.110 RCW.
- C. Posting Requirements. After acceptance of a large lot application, notice of application shall be posted by the applicant on the property at its principal entry point to the nearest right-of-way, as determined by the Department of Community Development. Notice will be posted on a 1-1/2' x 2' waterproof sign. The sign shall be made of corrugated plastic to specifications provided by the City (see drawing No 1, Appendix A). If desired, a sign may be purchased from The City at cost to be determined by the manufacturing cost at the time of purchase. The sign(s) shall be located so as to be easily visible from the abutting street. When more than one street abuts the property, the sign(s) shall be easily visible from each street. When a proposal is within an existing subdivision, planned development district or planned unit development, an additional sign shall be posted at each major street entrance to the development as determined by the Department of Community Development. When the sign(s) is posted, the applicant shall complete and return a notarized affidavit of posting to the Department of Community Development. The

sign(s) shall be erected and maintained by the applicant within seven (7) days of the date of application and continue through the appeal period or until a decision is rendered on the appeal. The sign(s) shall be removed by the applicant within one (1) week following the decision on the application or appeal.

- D. Preparation. Large Lot divisions shall be drawn and shall meet the drafting standards as herein specified for short plats.
- E. Recording of Surveyed Divisions. After obtaining the reviewing authorities' approval, the County Assessor-Treasurer's Office approval must be obtained to verify that the real estate taxes are current. After obtaining said approvals all large lot divisions shall be recorded with the County Auditor and the Auditor shall collect the applicable recording fee. Each lot within the large lot division shall be numbered. Thus, future legal descriptions of a certain recorded large lot division may be referred to as "Lot ___ of Large Lot Division No. ___." The latter blank space will be the description assigned to the large lot division by the Auditor.
- F. Fees, Appeals and Amendments. A non-refundable filing fee, as set forth by separate Resolution, shall accompany a large lot division when it is filed for approval with the Community Development Department. Appeals of any reviewing decision on a large lot division may be made by the Examiner. The appeal procedure and fee is the same as that herein set forth for short plats. Amendments to a large lot division shall be processed in the same manner as that herein set forth for short plats.
- G. Five-Year Short Plat Restriction. Large lot divisions, or any portion thereof, shall not be further divided by short subdivision within five (5) years of the date of large lot division approval.

Chapter 17.26

PRIVATE STREET PLATS

Sections:

- 17.26.010 Conditions Permitting Private Streets.**
- 17.26.020 Conformance With Code-Exception.**
- 17.26.030 Standards For Modification Of Code By Department Community Development**
- 17.26.040 Improvements-Right Of City To Enter And Install-Bond.**
- 17.26.050 Owners To Maintain Streets, Easements Guarantee Maintenance And Assessment Of Costs.**

17.26.010 Conditions Permitting Private Streets.

Private streets shall not normally be permitted. However, if the department determines that the most logical development of land requires that the lots be served by private streets or easements, and that the land cannot be adequately served by streets dedicated to the public, private streets or easements may be approved upon compliance with the provisions of this chapter.

17.26.020 Conformance with code - Exception.

Plats with private streets shall conform in all ways to this title and follow the procedures outlined herein unless greater or lesser requirements are explicitly specified in this chapter or by the Department.

17.26.030 Standards for modification of code by Department of Community Development

In addition to other standards required by this title, the Department may require such additional standards and conditions or it may modify the standards and conditions in such a manner as is necessary to:

- A. Maintain the intent and purpose of this title;
- B. Assure that a degree of compatibility shall be maintained with respect to properties and existing or potential uses within the general area;
- C. Preserve the public health, safety, morals and general welfare.

17.26.040 Improvements - Right of city to enter and install - Bond.

All pavements, sanitary sewers, water mains, culverts, grading, planting, fencing and any other improvements which are made a part of the approval of the plat shall be completed at the expense of the plattor prior to the recording of the plat; provided, that in the event the plattor shall be

unable to install the improvements prior to the time of the recording of the plat, the plat may be recorded without such improvements being installed provided the following conditions are complied with:

- A. The platlor shall grant to the City by proper instrument duly recorded the right to enter upon the property to be platted and install the improvements;
- B. The platlor shall furnish to the City a good and sufficient performance bond to cover the cost of installing the improvements. This bond shall provide that the platlor agrees to faithfully perform the conditions thereof, which conditions shall include an agreement to construct and install all the improvements within the time specified by this title, and further that upon the failure of the platlor to do so, such bond shall be forfeited in favor of the City or in the alternative to the above required bond, the Director may accept other secure methods providing for and securing to the City the actual construction and installation of such improvements within a one-year period and on the terms identical to the herein described bond.

17.26.050 Owners to maintain streets, easements and utilities - Organization required to guarantee maintenance and assessment of costs.

All private streets, easements, community utilities and properties shall be maintained by the owners of property served by them and kept in good repair at all times. In order to insure the continued good repair, it must be demonstrated to the Department prior to the recording of the plat that:

- A. There is a workable organization to guarantee maintenance with a committee or group to administer the organizational functions; and
- B. There is a means for assessing maintenance costs equitably to property owners served by the private streets, easements, community utilities and properties.

Chapter 17.30

BINDING SITE PLAN

Sections:

- 17.30.010 Purpose.**
- 17.30.020 Applicability.**
- 17.30.030 Complete application.**
- 17.30.040 Determination of Completeness.**
- 17.30.045 Approval.**
- 17.30.050 Recording and binding effect.**
- 17.30.060 Amendment, modification and vacation.**
- 17.30.070 Administrative rules.**

17.30.010 Purpose.

The purpose of this chapter is to create a permit for dividing commercially and industrially zoned property, as authorized by RCW 58.17.035. On sites which are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access; interior circulation; open space; landscaping and drainage; facility maintenance; and coordinated parking.

17.30.020 Applicability.

- A. Any person seeking the use of a binding site plan to divide the person's property for the purpose of sale, lease or transfer of ownership of commercially or industrially zoned property is required to apply for, complete and have approved a binding site plan prior to any property division, as provided in RCW 58.17 and as required by this chapter.
- B. The site which is subject to the binding site plan shall consist of one (1) or more contiguous lots legally created.
- C. The site which is subject to the binding site plan may be reviewed independently for fully developed sites; or, concurrently with a commercial site development permit application for undeveloped land; or in conjunction with a valid commercial site development permit.
- D. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

17.30.030 Complete Application.

A proposed binding site plan shall be considered under the zoning and other land use control ordinances in effect on the land at the time a fully completed application is filed with the department. A complete application for binding site plan application shall consist of;

- A. A completed application form provided by the department, signed by all property owners or their authorized agents, with supporting documents as required below and which contains sufficient information to determine compliance with adopted rules and regulations including, but not limited to RCW 43.21C, SEPA as implemented by WAC 197-11; Surface Water Management; Roads Standards; Fire Code; City Environmental Procedures; Zoning; Shoreline Management; and administrative rules adopted to implement any such code or ordinance provision; Pierce County Board of health rules and regulations; City approved utility comprehensive plans;

- B. An approved commercial site development permit; or, a proposed site plan prepared by a professional land surveyor, license in the State of Washington, in a form prescribed by the Director. At a minimum, the proposed site plan shall include:
 - 1. the location and size of all proposed lots;
 - 2. proposed and existing structures including elevations and floor plans as known, (plans which show building envelopes rather than footprints must include post-construction treatment of unoccupied areas of the binding envelopes);
 - 3. all proposed or existing uses;
 - 4. the location of proposed or existing open space including any required landscaped areas.
 - 5. the location and identification of critical areas;
 - 6. the layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles;
 - 7. the number and location of proposed or existing parking spaces on and off the site;
 - 8. a drainage plan which will accommodate the maximum proposed square footage of impervious surface and the maximum proposed square footage of impervious surface exposed to vehicular use,

subject to the requirements of City's Surface Water Design Manual or other city surface water design standards.

9. the location and size of utility trunk lines serving the site;
 10. the location and size of water bodies and drainage features, both natural and manmade;
 11. a grading plan showing proposed clearing and tree retention and the existing and proposed topography, detailed to five-foot contours, unless smaller contour intervals are otherwise required by the City Code or rules and regulations promulgated thereunder;
 12. a layout of sewers and the proposed water distribution system;
 13. proposed easements and access; and
- C. a completed environmental checklist, if required by the State Environmental Policy Act and implementing ordinances;
 - D. a downstream drainage analysis or any other requirement specified in the City's Surface Water Design Manual, Site Development Regulations or Surface Water Policy Ordinance;
 - E. all covenants, easements, maintenance agreements or other documents regarding mutual use of parking and access;
 - F. copies of all easements, deed restrictions or other encumbrances restricting the use of the site;
 - G. a phasing plan and time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years;
 - H. documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;
 - I. a list of any other development permits or permit applications having been filed for the same site; and
 - J. the payment of fees;
 - K. The Director may waive specific submittal requirements determined to be unnecessary for review of the application.

17.30.040 Determination of Completeness.

Within 28 days of receiving an application for binding site plan approval containing all information required by Section 17.06.030 of this Code, the Community Development Department shall issue a determination of completeness or incompleteness as required by RCW 36.70.A.440. The Community Development Department is responsible for complying with all other requirements of RCW 36.70.A.440

17.30.045 Approval.

- A. The Director shall consider and base a decision to approve with or without conditions, deny or return the application for modifications, based on:
 - 1. a finding that the newly crated lots will continue to function and operate as one site, for fully developed sites; or
 - 2. conformity of the proposed site plan with the adopted rules and regulations listed in Section 17.30.030 as represented in the approved site development plan, if the binding site plan is being considered with a site development plan.
- B. The binding site plan shall contain applicable inscriptions or attachments setting forth limitations and conditions to which the plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site shall be in conformity with the approved site plan.
- C. The Director may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the City.
- D. The Director may authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified on the binding site plan and enforced by covenants, easements or other similar mechanisms.
- E. The decision of the Director shall be final.

17.30.050 Recording and Binding Effect.

- A. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the state of Washington. Surveys shall include those items prescribed by RCW 58.09.060, records of survey, contents - record of corner, information;

- B. The approved binding site plan recording forms shall include the following, in the format prescribed by the Director:
1. Lots designated by number on the binding site plan within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose;
 2. Signature and stamp of the land surveyor who prepared the binding site plan;
 3. Reference to the recording number of the completed survey as required by this section if the boundaries have been previously surveyed;
 4. Reference to all agreements or covenants required as a condition of approval;
 5. Notarized signatures of all persons having an ownership or security interest in the land being divided;
 6. Approval of the Engineering Manager;
 7. Approval of the Director.
- C. The Director shall examine and sign the approved binding site plan if it conforms with the commercial site development permit or the approved sit plan and all conditions of approval. Binding site plans shall be recorded with the Pierce County Records and Elections Division with a record of survey.
- D. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.
- E. Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW.

17.30.060 Amendment, Modifications and Vacation.

Except as provided in Chapter 17.14.010, amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. If a portion of a binding site plan is vacated, the property subject to the vacated portion

shall constitute one (1) lot unless the property is subsequently divided by an approved subdivision or short subdivision.

17.30.070 Administrative Rules.

The Director may promulgate administrative rules and regulations to implement the provision and the requirements of this chapter.

Chapter 17.34

RESIDENTIAL CONDOMINIUM BINDING SITE PLAN REVIEW PROCESS

Sections:

- 17.34.010** **Applicability.**
- 17.34.020** **Planned unit developments.**
- 17.34.030** **Building permits.**
- 17.34.035** **Determination of Completeness.**
- 17.34.040** **Conceptual plans.**
- 17.34.050** **Appeal.**
- 17.34.060** **Recording.**
- 17.34.070** **Amendments and rescindment**

17.34.010 **Applicability**

- A. This process may be used to divide land by the owner of any legal lot which is to be developed for residential condominiums pursuant to RCW 64.32. A binding site plan for a residential condominium project shall be based on either a recorded final planned unit development, a building permit issued for the entire project, or a conceptual site plan as set forth in Section 17.34.040 of this chapter.
- B. This process is separate from other site plan review processes including the mobile home park plan, the planned unit development, and the manufacturing park site plan provisions of the Zoning Code, and shall not be construed to substitute for the requirements of such processes.

17.34.020 **Planned unit developments.**

Whenever a binding site plan for a residential condominium development is proposed on a parcel for which a final planned unit development has been recorded, a copy of the planned unit development site plan shall be recorded as the binding site plan upon verification by the Director that the binding site plan is the same as or contains the relevant details of the planned unit development site plan.

17.34.030 **Building permits**

Whenever a binding site plan for a residential condominium development is proposed on a parcel of land for which a building permit has been issued for the entire project, the following must be satisfied prior to recording:

- A. A plan shall be prepared in a form prescribed by the Director which is adequate for permanent retention by the Pierce County records and elections division.
- B. The plan must be prepared by a registered land surveyor or civil engineer.

- C. The plan must substantially reflect the site plan approved for the building permit. Specific details not relevant to the division of land may be omitted.
- D. The plan must be verified by the director for compliance with the approved building permit. The Director may require dedication of additional right-of-way for public streets.
- E. The legal description and map must be verified by the Engineering Manager.

17.34.035 Determination of Completeness.

Within 28 days of receiving an application for binding site plan approval containing all information required by Section 17.34.030 of this Code, the Community Development Department shall issue a determination of completeness or incompleteness as required by RCW 36.70.A.440. The Community Development Department is responsible for complying with all other requirements of RCW 36.70.A.440

17.34.040 Conceptual plans.

Whenever a binding site plan for a residential condominium project is proposed on a parcel of land for which neither a planned unit development nor a building permit has been approved for the entire parcel, the following must be satisfied prior to recording:

- A. A conceptual site plan shall be prepared in a form prescribed by the Director which includes the following information:
 - 1. Maximum number of dwelling units permitted.
 - 2. Approximate size and location of all proposed buildings.
 - 3. Approximate layout of an internal vehicular circulation system, including proposed ingress and egress.
 - 4. Approximate location of proposed open space, including required landscaped areas, if any.
 - 5. Approximate location of proposed parking areas.
 - 6. Location and size of utility trunk lines serving the site.
 - 7. Topography detailed to five-foot contours.
- B. Upon application the Director shall distribute copies to public agencies having pertinent expertise or jurisdiction for review and comment.

- C. The Director shall consider, and base his decision to approve with or without conditions, deny or return the application on the following:
 - 1. Conformance of the proposed site plan with any approved building permit or planned unit development and any conditions on a portion of the site, and with any applicable codes and ordinances, of the State of Washington and the City. The Director shall identify, to the extent feasible, conditions likely to be imposed on building permits related to dedication of right-of-way or open space, and tracts, easements or limitations which may be proposed or required for utilities, access, drainage controls, sanitation, water supply, protection of sensitive areas or other unique conditions or features which may warrant protection of the public health, safety, and welfare. Such preliminary conditions shall not be binding at the time of building permit approval.
 - 2. The recommendations and comments of agencies having pertinent expertise or jurisdiction.
 - 3. The Director may require dedication of additional road right-of-way pursuant to city ordinance.
- D. Additional documents shall be submitted as necessary for review and approval which may include a plat certificate, boundary survey, agreements, easements and covenants.
- E. The plan must be approved and signed by the Engineering Manager.
- F. Prior to recording, the Director shall verify the final plan and any attachments to determine whether the binding site plan is accurate and complete and complies with any conditions or approval. Approval of a conceptual plan does not give the applicant a vested right to build without regard to subsequent changes in zoning or building codes or other applicable land use regulations prior to application for a building permit on the subject property.

17.34.050 Appeal.

Any decision of the Director shall be final unless appealed to the Hearings examiner.

17.34.060 Recording.

The proposed binding site plan approved by the Director shall be recorded with the Records and Elections Division within thirty days of approval. Upon recording, the site plan shall be binding on the owner, his heirs and assigns, and shall permit the division of land within the site. Divisions shall only be permitted upon the filing of a declaration under the Horizontal Regimes Act, Chapter 64.32 RCW, provided the structure or structures, road and parking systems, and related facilities substantially conform to the recorded binding site plan.

17.34.070 Amendments and rescindment.

- A. Amendment of a recorded residential condominium binding site plan shall be accomplished by following the same process as required for a new application as set forth in this chapter.
- B. Upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan the Director shall rescind all or a portion of a binding site plan, provided that any portion of a binding site plan which is rescinded shall be considered to be one lot unless divided by an approved subdivision or short division.
- C. Signatures of owners of portions of a binding site plan which are not altered by an amendments or rescission are not required on the amended binding site plan or application for rescission.

Chapter 17.38**BOUNDARY LINE ADJUSTMENTS****Sections:**

- 17.38.010 Purpose.**
- 17.38.020 Scope.**
- 17.38.030 Application.**
- 17.38.040 Administrative Review.**

17.38.010 Purpose.

The purpose of this Chapter is to clearly delineate the criteria used by City departments to review boundary line adjustments. Boundary line adjustments provide a procedure for minor or insignificant changes in property lines. A boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a boundary line, or to remedy adverse topographical features. A boundary line adjustment does not apply to boundary changes that would result in increased development or density otherwise regulated by applicable City land use codes and regulations, or to actions requiring replat, amendment, alteration, or vacation of a plat or short subdivision. This Chapter is also intended to insure compliance with the Survey Recording Act.

17.38.020 Scope.

The boundary lines separating two lots of record may only be adjusted under the provisions of this Chapter. Extinguishing such lot lines is not a boundary line adjustment subject to the requirements of this Chapter. Actions which change or impair conditions or requirements imposed by previous platting decisions must be accomplished pursuant to the Subdivision Regulations. Boundary line adjustments shall not:

- A. Create any additional lot, tract, parcel, site, or division;
- B. Result in a lot, tract, parcel, site, or division which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension as set forth in the land use and health codes and regulations. This provision shall not be construed to require correction or remedy of pre-existing non-conformities or substandard conditions;
- C. Diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site, or division;
- D. Create or diminish any easement or deprive any parcel of access or utilities;
- E. Increase the nonconforming aspects of an existing nonconforming lot;

- F. Replat, alter, or vacate a plat or short subdivision; or
- G. Amend the conditions of approval for previously-platted property.

17.38.030 Application.

- A. Applications for boundary line adjustments shall be made on forms provided by the City Community Development Department and shall be submitted to the Community Development Department with one original and five copies of a Mylar plan signed and stamped by a professional land surveyor, drawn to scale with accurate dimensions, clearly showing the following information:
 - 1. The proposed lines for all affected lots, indicated by heavy solid lines;
 - 2. The existing lot lines proposed to be changed, indicated by heavy broken lines;
 - 3. The location and dimensions of all structures/improvements existing upon the affected lots and the distance between structure/improvements and the proposed lot/boundary lines;
 - 4. The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them specifically as Parcel A, Parcel B, etc.;
 - 5. The position of Rebar and caps set at each new property corner;
 - 6. All parcel numbers of affected lots;
 - 7. The location of the property to Quarter/Quarter Section;
 - 8. The location and dimensions of any drain field, easement, or right-of-way existing within or adjacent to any affected lots;
 - 9. The area and dimensions of each lot following the proposed adjustment;
 - 10. The existing, and if applicable, proposed future method of sewage disposal for each affected lot.
- B. Zoning Designations shall follow boundary lines of separate lots and parcels. Where a zoning map or comprehensive plan map appears to reflect a division of a separate lot or parcel into two zoning districts, the zoning district covering the majority of the lot or parcel shall control and shall be the zoning district for the entire parcel.
- C. Where a boundary line adjustment is sought to facilitate development of the affected property, the City shall be entitled to require compliance with the

subdivision, zoning, and site development standards of the City as a condition of approval of the boundary line adjustment.

- D. The total change(s) in lot size resulting from one or more boundary line adjustments shall not produce a lot smaller than the minimum developable lot size for the zoning district in which the lot is located as of the time of the completion of the boundary line adjustment(s); nor shall such boundary line adjustment(s) produce a cumulative enlargement of any lot or parcel by more than 25% of its size as of February 28, 1996 unless the boundary line adjustment as well as the resulting zoning, comprehensive plan and mapping changes have been approved by the City Council and adopted through appropriate Ordinances.
- E. Where a boundary line adjustment is sought to facilitate development of the affected property, the City shall be entitled to require compliance with the subdivision, zoning, and site development standards of the City as a condition of approval of the boundary line adjustment.
- F. The total change(s) in lot size resulting from one or more boundary line adjustments shall not produce a lot smaller than the minimum developable lot size for the zoning district in which the lot is located as of the time of the completion of the boundary line adjustment(s); nor shall such boundary line adjustment(s) produce a cumulative enlargement of any lot or parcel by more than 25% of its size as of February 28, 1996 unless the boundary line adjustment as well as the resulting zoning, comprehensive plan and mapping changes have been approved by the City Council and adopted through appropriate Ordinances.
- G. Record of Survey for Boundary Line Adjustments.

- 1. The Mylar shall be titled on the top of the page, in large capital letters, as follows:

**RECORD OF SURVEY FOR
BOUNDARY LINE ADJUSTMENT**

- 2. A note shall be placed on the Mylar that reads as follows:

**THIS BOUNDARY LINE ADJUSTMENT IS NOT A PLAT, REPLAT, OR
SUBDIVISION.**

**APPROVAL OF A BOUNDARY LINE ADJUSTMENT IS NOT A
GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED FOR
ANY STRUCTURE OR DEVELOPMENT WITHIN A LOT AFFECTED
BY A BOUNDARY LINE ADJUSTMENT.**

- 3. All requirements of Chapter 58.09 RCW and 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed on the Mylar that reads as follows:

CITY ASSESSOR-TREASURER

I hereby certify that all state and city taxes heretofore levied against the property described hereon, according to the books and records of my offices, have been fully paid.

Deputy Assessor/Treasurer

Date

Reviewed for Segregation

Deputy Assessor/Treasurer

Date

- J. A Free Consent Statement, as shown below, shall be inked on the Mylar. This shall be signed and notarized, prior to submittal, in permanent black ink, by all parties having interest in the property. Owners' names shall also be lettered below the signatures.

The undersigned agree that the boundary line adjustment set forth herein is made Black In with the free consent and in accordance Seal with the desires of the owners.

*(Paper Press
Seals Will Not
Be Accepted)* _____

Notary Seal

I hereby certify that the above individual(s) signed as a free and voluntary act and deed for the uses and purposes herein mentioned.

Given under my hand and seal this ____ day of _____, 199__.

_____, *NOTARY PUBLIC, in and for the State of Washington,*
residing at _____.

- K. An application for a boundary line adjustment shall be accompanied by a non-refundable Planning review fee as set forth in separate Resolution.

17.38.040 Administrative Review.

A completed application for a boundary line adjustment shall be approved, returned to the applicant for modifications, or denied within 30 days of its receipt by the Community Development Department. The Department shall not be considered to be in receipt of a complete application unless and until such time as the applicant meets the requirements of Section 17.38.030, as determined by the Community Development Director or his/her designee.

- A. The Community Development Department may forward a copy of the proposed boundary line adjustment to the Engineering/Public Works Department, to the Fire Chief, and to the Tacoma-Pierce Health Department or to any other County Department or Division which may be affected.
- B. A copy of the proposed boundary line adjustment shall be forwarded to the Assessor-Treasurer's Office. The Assessor-Treasurer's Office shall review the boundary line adjustment for accuracy of legal description, ownership, lot dimensions, and improvements on the lots.
- C. The Departments shall review the proposed boundary line adjustment against the purpose and scope described in 17.38.010 and 17.38.020 respectively and submit any comments to the Community Development Department no later than 30 days of date of application.
- D. If the Department of Community Development determines that an application for boundary line adjustment may impair drainage, water supply, existing sanitary sewage disposal, access or easement for vehicles, utilities, or fire protection for any lot, tract parcel, site, or decision, it shall refer the application to the appropriate department for review.
- E. Following receipt of the comments of consulted departments under Subsection A. above, but in no case later than 30 days from receipt of completed application, the Director or his/her designee shall approve or deny the requested adjustments.
- F. After approval, the applicant's surveyor must record the survey of boundary line adjustment, together with deeds of conveyance signed by parties disclosed in the title report when the adjusted boundary separates different ownerships. If the record of survey and required deeds of conveyance have not been recorded within 30 days of boundary line approval, the boundary line adjustment shall be null and void.

- G. The approval of a boundary line adjustment shall not be a guarantee that future permits will be granted for any structure or development within a lot affected by the boundary line adjustment.
- H. An aggrieved person may appeal the Director's decision on a boundary line adjustments to the Hearing Examiner, in accordance with procedures described in City Codes. The Hearing Examiner's decision shall be final unless appealed to the City Council.

Chapter 17.42

MISCELLANEOUS, REVIEW, PENALTIES AND SEVERABILITY

Sections:

- 17.42.010 Record of Proceedings.**
- 17.42.020 Penalties.**
- 17.42.030 Enforcement.**
- 17.42.040 Model Home.**
- 17.42.050 Administration.**
- 17.42.060 Land Surveys and Recording Fees.**
- 17.42.070 Severability.**

17.42.010 Record of Proceedings.

A summary of all hearings and public meetings before the Examiner and the Council shall be preserved in a reasonable manner which may include a tape recorded record.

The appellant shall be responsible for paying all reasonable costs for transcribing the record of relevant hearings or meetings.

17.42.020 Penalties.

- A. Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this Title adopted pursuant to State law, relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this Title shall be deemed a separate and distinct offense.
- B. Any person who violates any court order or injunction issued pursuant to this Title or State law shall be subject to a fine of not more than five thousand dollars (\$5,000.00) or imprisonment for not more than ninety (90) days or both.
- C. Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this Title or any permit or written order or decision issued pursuant to this Title shall be subject to a Class 2 civil infraction citation as defined in the City's civil infractions ordinance.
- D. If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this Chapter, the offer or agreement is not subject to the penalties above and does not violate any provision of this Chapter. All payments on account of an offer or agreement conditioned as provided in this Section shall be deposited in an escrow

or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

17.42.030 Enforcement.

All City staff shall submit all suspected violations of this Title to the City Attorney.

- A. Assessor-Treasurer. The County Assessor-Treasurer, when requested to segregate any parcel of land which appears to be in violation of this Title, shall notify the City Attorney.
- B. Building Inspection and Permits Department. All applicants for building permits shall show by instrument of conveyance and an affidavit from his vendor, grantor or the applicant, that their building lot is not a division from an original tract or that they or their predecessors have complied with or are exempt from this Title. Building permits shall be denied to any applicant whose parcel, lot or tract is not in compliance with this Title. No building permit shall be issued for any lot within a plat or short plat until final approval is obtained from the appropriate City authority except as provided herein for Model Homes.

Building permits except as provided herein shall not be issued to any applicant until his site plan includes any required or mentioned element noted on the final plat, short plat or large lot division, including but not limited to building site location, access, drainage, sewers or septic tank and water system. An occupancy certificate shall not be issued until all such required or mentioned elements are satisfied.

- C. Health Department. Septic tank permits may be denied to any applicant whose parcel, lot or tract is not divided in compliance with this Title.
- D. Assessor-Treasurer. A one percent (1%) real estate excise tax affidavit shall be filed in the County Assessor-Treasurer's Office for all transfers of real property within the City. The affidavit shall include a parcel number or numbers of the current tax account or accounts involved in the sale. If there is a separation of said tax account, the total acreage or square footage of said tax account shall be stated therein and a rough diagram of the original parcel and the divided parcel shall be drawn thereon. Said diagram shall identify the section, township, range, quarter section and placement of existing buildings.

At the determination of the Assessor-Treasurer that the parcel sold is less than twenty (20) acres and is a segregation from the original parcel, he/she shall require that said affidavit be approved by the City Community Development Department before he may place the excise stamp on the conveying instrument for the real property.

17.42.040 Model Home.

It shall be the purpose and intent of this Chapter to allow up to four (4) detached or attached dwellings within a preliminary subdivision which has been approved in accordance with all existing plans and regulations. The purpose of said dwellings shall be to demonstrate a variety of housing designs together with all associated on-site improvements, e.g., landscaping, improved driveway, patios, etc.

Model Homes when proposed shall be established subject to the following criteria:

- A. Model Homes must meet the requirement of the City Building Codes with respect to being certified for use occupancy.
- B. Only one Model Home may be occupied as a temporary real estate office pursuant to the Zoning Code.
- C. Model Homes may be sold, however the sale shall not be considered final until such time as the preliminary plat has been approved and recorded as a final plat except as otherwise provided herein by this regulation.
- D. All public and private roads providing access to the Model Homes shall be improved and maintained in a dust-free condition until such time as the permanent streets are established within the final plat.

17.42.050 Administration.

The Community Development Department is the primary City department responsible for administering this regulation, however, other City departments are delegated specific duties. In the event a legal question is involved, only the Community Development Department, Examiner or Council may refer the question to the City Attorney's Office for advice.

17.42.060 Land Surveys and Recording Fees.

(NOTE: Please check with the Auditor's Office for the proper fee amount.)

17.42.070 Severability.

If any provision of this Title or its application to any person or legal entity or circumstances is held invalid, the remainder of the Title, or the application of the provision to other persons or legal entities or circumstances shall not be affected.