#### ORDINANCE NO. 500

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 16 OF THE UNIVERSITY PLACE MUNICIPAL CODE "SUBDIVISIONS" TO REFORMAT AND CONSOLIDATE GENERAL PROVISIONS, DEFINITION, PROCESS, AND LAND DIVISION CHAPTERS, TO ESTABLISH A THREE PHASE PROCEDURE FOR PROCESSING ALL LAND DIVISIONS, TO ADD NEW PROVISIONS REGARDING REQUIRED IMPROVEMENTS AND TO ADD TWO NEW CHAPTERS, "AMENDMENTS ALTERATIONS AND VACATIONS" AND "LOT COMBINATIONS"

WHEREAS, the University Place City Council adopted a GMA Comprehensive Plan on July 6, 1998 which became effective July 13, 1998 with amendments on May 1, 2000, August 4, 2003 and December 12, 2004, and

WHEREAS, the Revised Code of Washington 36.70A.040 requires the City to adopt development regulations which are consistent with and implement the comprehensive plan, and

WHEREAS, the City Council directed the Planning Commission to review the City's subdivision code for consistency with the City's vision and to ensure quality development occurs within the City consistent with Comprehensive Pan goals and policies, and

WHEREAS, the Planning Commission held several public meetings to review the City's Subdivision code including a public hearing on April 5, 2006, and

WHEREAS, the Planning Commission heard from representatives of the development industry, citizens and staff and dully considered those comments before unanimously recommending amendments to the City Council on April 5, 2006, and

WHEREAS, the required State agency 60-day review period on the proposed Subdivision Code amendments began on August 14, 2006 and concluded on October 12, 2006 without comment, and

WHEREAS, a Determination of Non-Significance (DNS) was issued on August 9, 2006 with a comment period ending on August 22, 2006, and

WHEREAS, the University Place City Council held a study session on April 2, 2007 to review the proposed amendment, and

WHEREAS, the City Council has determined that amending the City of University Place Subdivision Code is in the public interest and serves to implement comprehensive plan policies, NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:

**SECTION 1 TITLE 16 SUBDIVISIONS** of the University Place Municipal Code is hereby amended as set forth in Exhibit "A".

**SECTION 2 COPY TO BE AVAILABLE** One copy of this ordinance shall be available in the office of the City Clerk for use and examination by the public.

**SECTION 3 SEVERABILITY** If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

**SECTION 4 PUBLICATION AND EFFECTIVE DATE**. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JUNE 4, 2007

Gerald Gehring, Mayor

ATTEST:

Sarah Ortiz, CMC, City Clerk

APPROVED AS TO FORM:

Janean Parker, City Attorney

Published: 06/06/07 Effective Date: 06/11/07

#### **EXHIBIT A**

# Title 21 SUBDIVISION REGULATIONS

#### Chapters:

- 21.05 General Provisions
- 21.10 Definitions
- 21.15 Process
- 21.20 Preapplication 21.25 Preliminary Plat Filing and Review Procedures
- 21.30 Final Plat Filing and Review Procedures
- 21.35 Short Subdivisions
- 21.40 Binding Site Plan
- 21.45 Residential Condominium Binding Site Plan Review Process
- 21.50 Amendments, Alterations, and Vacations
- 21.55 Improvements
- 21.60 Boundary Line Adjustments21.65 Lot combinations
- **21.70** Penalties and Enforcement

# Appendix:

- A. Land Division Submittal Requirements
- **B. Land Division Terms**

# C. Chapter 21.05 GENERAL PROVISIONS\*

Sections: 21.05.010 Purpose.

21.05.020 Applicability.

21.05.030 Administration.

21.05.040 Administrative rules.

21.05.050 Fees.

21.05.060 Exemptions.

21.05.070 Division of land by streets or rights-of-way.

21.05.080 Names and numbers.

21.05.090 Control monuments.

21.05.100 Process in general.

21.05.110 Effect of approval.

21.05.120 Appeals.

21.05.130 Severability.

# 21.05.010 Purpose.

The purpose of this title is to regulate the division of land lying within the corporate limits of the city, to promote the public health, safety, and general welfare, and to:

- 1. Implement the goals, objectives, and policies of the comprehensive plan;
- Facilitate adequate provision for streets, water, sewerage, drainage, parks and recreational areas, sites for schools and school grounds, and other public requirements;
- 3. Prevent the overcrowding of land, lessen congestion, and promote safe and convenient travel by the public on streets and highways; and
- 4. Provide for the expeditious review and approval of proposed land divisions that comply with this title, the city development regulations, and Chapter  $\underline{58.17}$  RCW.

# 21.05.020 Applicability.

Every division of land including but not limited to subdivisions, short subdivisons, binding site plans, and boundary line adjustments shall comply with the provisions of Chapter 58.17 RCW, this Title, UPMC Title 22, and other applicable laws. After final plat or short plat approval, any subsequent division of land shall be in compliance with this Title and other applicable UPMC code provisions. To the maximum extent permitted by law the requirements of this Title shall be applicable to any plats or lots approved prior to the effective date of this Title.

#### 21.05.030 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 department, examiner, or council may refer the question to the city attorney's office for advice.(Ord. 423 § 100, 2004; Ord. 61 § 1, 1995).

<sup>\*</sup> Statutory references: Chapters 35.21, 35.22, 36.70, 58.17, and 64.32 RCW.

#### 21.05.040 Administrative rules.

The director may promulgate administrative rules and regulations to implement the provisions and the requirements of this Title.

(Ord. 61 § 1, 1995).

#### 21.05.050 Fees.

All application fees are set by separate resolution. (Ord. 61 § 1, 1995).

# 21.05.060 Exemptions.

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 made by testamentary provisions or by the laws of descent; provided, that each lot shall meet all applicable minimum lot size requirements.
- C. Divisions of land into lots or tracts classified for industrial or commercial use pursuant to a binding site plan that authorizes specific uses of land in accordance with this Title.
- D. A division of land for the purpose of leasing portions thereof if no residential structure, other than mobile homes or travel trailers, is placed upon the land and the city has approved a binding site plan.
- E. A division of land that is made by subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW, subsequent to the recording of a binding site plan for all such land and subject to the provisions of RCW 58.17.040(7).
- F. A division of land for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.
- G. A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed

(Ord. 423 § 75, 2004; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

21.05.070 Division of land by streets or rights-of-way.

A parcel is not divided into separate, legal lots by any of the following actions:

- 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.

(Ord. 61 § 1, 1995).

#### 21.05.080 Names and numbers.

- A. General. In order to promote an orderly and coherent street and property location system, names and numbers in subdivisions, short subdivisions and binding site plans shall be assigned in accordance with the procedures and guidelines established herein.
- B. Plat Names and Numbers. Names shall be chosen by the applicant subject to approval by the department. The department shall approve the proposed name if it is reasonably distinguishable from previously established names and consistent with established area place names. A number assigned by the auditor at the time of recording shall designate the legal identification of short plats.
- C. Street Names and Numbers. All public and private streets established by subdivision, short subdivision, or binding site plan shall have street names or numbers assigned and clearly shown on the plats prior to approval and recording. The director shall assign street names and numbers. Private streets shall be clearly labeled on the face of the plat.

(Ord. 423 § 86, 2004; Ord. 150 § 4, 1997; Ord. 61 § 1, 1995).

#### 21.05.090 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 city engineer shall determine the number and location of permanent control monuments within the plat, if any.

(Ord. 61 § 1, 1995).

# 21.05.100 Process in general.

Except as provided by this chapter, land divisions subject to this title shall be processed in accordance with UPMC Title 22, Administration of Development Regulations.

# 21.05.110 Effect of approval.

The approval of a land division 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.

# 21.05.120 Appeals.

Following a decision on a land division, any aggrieved person affected may appeal such decision in accordance with UPMC Title <u>22</u>, Administration of Development Regulations.

# 21.05.130 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.

(Ord. 61 § 1, 1995).

# Chapter 21.10 DEFINITIONS

Sections:

21.10.010 Definitions.

#### 21.10.010 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:

"Binding site plan" means a division of land for sale or lease of commercially or industrially zoned property as provided in RCW 58.17.040(4), divisions of property for lease as provided in RCW 58.17.040(5), and divisions of properties as provided for in RCW 58.17.040(7).

"Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

"City engineer" means a licensed professional engineer appointed by the city manager as the city engineer or authorized designee.

"Council" means the city council.

"County assessor-treasurer" means the Pierce County Assessor.

"County auditor" means the Pierce County Auditor.

"Dedication" is the deliberate appropriation of land by an owner for any general and public uses, reserving 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 City shall be evidenced by the appropriate governmental unit.

"Department" means the City of University Place community development department.

"Developer" shall mean the person, party, firm, or corporation who applies for approval of a subdivision, short plat, or large lot subdivision. "Development Regulations" means any of the city's regulations that specify how land can be developed and/or used, including but not limited to the zoning code, subdivision regulations, shoreline regulations, critical area regulations, building codes, and public works code.

"Director" means the Director of the City of University Place community development department or authorized designee or representative.

"Electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations.

"Examiner" means the land use hearings examiner who is herein authorized to approve subdivisions and hear appeals on short subdivisions, large lot divisions, and other administrative decisions.

"Final plat" is the final drawing of the subdivision and dedication drawn to a scale not smaller than one inch equals 100 feet unless approval of another scale is given by the director, on standard 18-inch by 24-inch 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.

"Improvement" shall mean anything or structure constructed for the benefit of all or some residents of a subdivision, short subdivision, or binding site plan or the general public such as but not limited to streets, alleys, storm drainage systems and ditches, sanitary sewer pipes or main lines, storm drainage containment facilities, and recreational facilities.

"Land Division" shall mean a subdivision, short subdivision, binding site plan, or boundary line adjustment.

"Lot" is a fractional part of divided lands having fixed boundaries, and of sufficient area and dimension to meet minimum zoning requirements for width and area. The term lot includes tracts or parcels. Lots shall also include those lots legally established prior to the effective date of this Title.

"Model home," means a dwelling unit(s) used to demonstrate a variety of housing designs together with all associated on-site improvements, e.g., landscaping, improved driveway, patios, etc.

"Original tract" means all contiguous units of land that the applicant(s) own(s), or in which the applicant(s) holds controlling ownership and all contiguous lands under separate ownership when said owners have a direct or indirect common property interest in the subdivision or where a husband and wife own contiguous lots in separate or community ownership.

"Personal wireless services" means any federally licensed personal wireless service. facility including unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

"Planning agency," means the development services division of the community development department or other such department designated by the City Manager.

"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.

"Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and the restrictive covenants applicable to a subdivision. A preliminary plat furnishes a basis for the approval or disapproval of the general layout of a subdivision.

"Short plat" is the map or representation of a short subdivision.

"Short subdivision" is any voluntary or involuntary division or redivision of land into nine or fewer lots, tracts, parcels, sites, or subdivisions for the purpose of sale, lease, or transfer of ownership provided a maximum of four lots can be used as residential building sites. Other lots, tracts, or parcels created by the short subdivision shall be used exclusively for roads, utilities, open space, or protection of critical areas including but not limited to wetlands.

"Subdivision" is any voluntary or involuntary division or re-division of land into five or more lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership.

Unlisted words and phases: The definition of any word or phrase not listed in this chapter that is in question when administering this regulation shall be defined from one of the following sources, which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from source A, but if it is not available there, then source B may be used and so on. The sources are as follows:

- A. City development regulations;
- B. Any city resolution, ordinance, code, or regulation;
- C. Any statute or regulation of the state of Washington (i.e., the most applicable);
- D. Legal definitions from case law or a law dictionary;
- E. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986). (Ord. 423 § 76, 2004; Ord. 61 § 1, 1995).

# Chapter 21.15 PROCESS

Sections:

21.15.010 Preapplication Meeting 21.15.020 Process. 21.15.030 Submittal Requirements

## 21.15.010 Preapplication meeting.

The preapplication meeting is a meeting between department staff and a potential applicant for a land division to discuss the application submittal requirements and pertinent fees. A preapplication meeting is required prior to submittal of an application for a land division.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.15.020 Process.

- A. In General. Applications for land divisions shall be processed in accordance with UPMC Title 22.
- B. Submittal. If an application complies with submittal requirements, the department shall issue a notice of complete application and commence the review process by forwarding copies of the land division application to appropriate governmental agencies for their review, including but not limited to the city engineer, other city departments, any affected utilities, the fire marshal, and the Tacoma-Pierce County Health Department.
- C. Phase I. During Phase I each department or commenting entity shall review the land division in accordance with the applicable Chapter of this Title and other development regulations of the city and other applicable laws and either recommend approval, disapproval, or indicate required changes or other requirements that must be completed before approval can be granted or, in the case of a Preliminary Plat, scheduled for a public hearing. If the land division is not in proper order or cannot be approved in its present form or, in the case of a Preliminary Plat, scheduled for a public hearing, a letter and, if applicable, a copy of the plan(s) noting where corrections or additions are needed before proceeding shall be sent to the applicant.
- D. Phase II. If returned for change or other requirements, the applicant or representative shall make the appropriate changes and/or fulfill the requirements within 180 days, after said notice of correction is given by the reviewing city department(s). Ten copies of the revised plan(s) shall be submitted when revisions are required. All revisions shall be submitted prior to the expiration of the time period. Should the applicant require an extension of time to satisfy the requirements that were requested in phase I, an additional 180 days shall be granted upon written request. All requests for extensions shall be made prior to the expiration of the time period. The applicant may request to extend the life of the application. The land division application may be put on hold for due cause. "Due cause" constitutes a situation that is beyond the applicant's control; 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. All such requests shall be in writing and specify in time how much of an extension is needed.

- E. The department may provide a second additional 180-day extension for cause. A fee shall be charged for the second time extension.
- F. Phase III. Once all revisions and applicable requirements are met, the applicant shall submit for approval as follows:
- 1. For Short Plat, Binding Site Plans, and Boundary Line Adjustments the applicant shall submit six prints and a reproducible copy of the land division to the department. The submittal shall be considered the "final review" and all previous extensions granted to the applicant shall be considered void. Within 30 days of receiving the final review submittal the reviewing department director shall either approve or deny the land division. Once recorded with the County Auditor, the applicant shall submit a recorded copy to the City.
- 2. For subdivisions, the applicant shall submit at least 10 copies of the Preliminary Plat and revised subdivision application for consideration by the Hearing Examiner in accordance with Titles 2 and 22.
- G. Phase IV Final Plat. Provided the preliminary plat is approved by the Hearing Examiner, the final plat shall be submitted and reviewed in accordance with Chapter 21.30 of this Title.

# 21.15.030 Submittal Requirements

Submittal requirements for land divisions and other actions administered by this Title are found in Appendices A and B at the end of this Title.



# Chapter 21.20 PRELIMINARY PLAT – FILING AND REVIEW PROCEDURES

#### Sections:

21.20.010 Hearing Examiner Authorized

21.205.20 Filing.

21.20.030 Review criteria.

21.20.040 Notice.

21.20.050 Examiner review of preliminary plats.

21.20.060 Required written findings and determinations.

21.20.070 Record of proceedings.

# 21.20.010 Hearing Examiner Authorized

The Hearing Examiner rather than the Planning Commission shall hear and issue decisions for preliminary plat approval. The Examiner's decision on a preliminary plat is considered a final decision and may be appealed in accordance with Title 22. The Examiner's decision shall be in writing and shall include finings and conclusions based on the record to support the decision. Unless a longer period is mutually agreed to by the applicant and the hearing examiner, the decision shall be rendered within 10 days following conclusion of all testimony and hearings.

# 21.20.020 Filing.

A preliminary plat of a proposed subdivision shall be submitted for approval by filing a complete application with the department, and paying the application fee .See appendixes A and B for Preliminary Plat application submittal requirements.

(Ord. 423 § 77, 2004; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995). (Ord. 423 § 78, 2004; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.20.040 Review criteria.

If a preliminary plat application complies with submittal requirements, the department shall issue a notice of complete application and commence the review process by forwarding copies of the preliminary plat application to appropriate governmental agencies for their review.

The department shall review the application for consistency with the comprehensive plan, city development regulations, RCW 58.17 and review comments provided by other governmental agencies, utilities, and interested parties, and make appropriate recommendations to the examiner.

The department shall review the SEPA environmental checklist and other available information and issue an appropriate SEPA threshold decision. The threshold decision may require mitigation measures to mitigate any significant adverse environmental impact.

The city engineer shall review the subdivision for compliance with the public work code, including but not limited to the adequacy of the proposed street system and

improvements and storm drainage system, and shall make appropriate recommendations to the examiner.

The fire marshal shall review the proposed subdivision for fire protection issues, including but not limited to fire hydrant location and emergency vehicle access, and shall make appropriate recommendations to the examiner.

The recommendations of the department, city engineer, and the fire marshal shall become part of the record and shall be included with the examiner's decision.

(Ord. 423 § 79, 2004; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.20.040 Notice.

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

- A. When a proposed subdivision contemplates the use of any utilities, notice shall be given to the utility.
- B. Notice shall be given to the appropriate school district(s) within which the subdivision is proposed.
- C. When the proposed subdivision lies within a designated flood control zone pursuant to Chapter 86.21 RCW, notification shall be given to the Department of Ecology (DoE) of the state of Washington, or its successor.
- D. When the proposed subdivision is adjoining the municipal boundaries of a city, town, or county or includes the use of any city, town, or county utility, notice shall be given to the appropriate city, town, or county authorities.
- E. Notice of the application shall be provided to property owners within 300 feet and two properties in depth in accordance with UPMC Title 22.

(Ord. 423 § 80, 2004; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

## 21.20.050 Examiner review of preliminary plats.

- A. The examiner shall review all proposed preliminary plats. The examiner shall assure conformance of the proposed subdivision with the comprehensive plan and development regulations of the city.
- B. The decision by the examiner on a preliminary plat application is a final and conclusive decision but said decision may be appealed to the superior court in accordance with RCW 36.70C. The examiner's written decision on the preliminary plat shall include findings of fact and conclusions of law, based on the record, to support the decision.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.20.060 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 may approve an application for a subdivision, approve the subdivision subject to conditions, or deny the subdivision. In making the decision, the examiner shall determine and make written findings whether the Examiner finds:

- 1. The proposed subdivision is consistent with the Comprehensive Plan;
- 2. The proposed subdivision complies with or can be reasonably conditioned to comply with the city's development regulations;
  - 3. All significant adverse environmental impacts can be mitigated;
- 4. That appropriate provisions are made for, but not limited to, the public health, safety, and general welfare for open spaces, drainageways, 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
- 5. Whether the public interest will be served by the subdivision and dedication.
- B. The proposed subdivision and dedication(s) shall not be approved unless the examiner makes written findings that:
  - 1. The proposed subdivision is consistent with the Comprehensive Plan;
- 2. The Proposed Subdivision complies with or can be reasonably conditioned to comply with the city's development regulations;
  - 3. All significant adverse environmental impacts can be mitigated;
- 4. Appropriate provisions are made for the public health, safety, and general welfare for open spaces, drainageways, 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
- 5. 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.
- C. Should the preceding findings regarding appropriate provisions be amended in state law, the amended findings shall be used by the examiner.

(Ord. 130 § 5 Exh. B, 1996).

# 21.20.070 Record of proceedings.

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

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

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

# Chapter 21.25 FINAL PLAT – FILING AND REVIEW PROCEDURES\*

#### Sections:

21.25.010 Time limitations.

21.25.020 Requirement for each final plat filed for record.

<u>21.25.030</u> Certificate giving description, statement of owners, and dedication requirements.

21.25.040 Review criteria.

2125.050. Council review.

#### 21.250.010 Time limitations.

A. In General. A final plat meeting all of the requirements of law shall be submitted to the city within five years of city approval of the preliminary plat. The approval of a preliminary plat shall expire and be automatically null and void without any further action by the city if final plat approval is not obtained within the time limitations specified herein.

#### B. Extensions.

- 1. Time for Filing. The hearings examiner may grant a single, one-year time extension. A written application for any extension of time under the provisions of this section shall be filed with the department at least 30 days prior to expiration of the preliminary plat approval. Each application shall be accompanied by payment of a filing fee established by the city council.
- 2. 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 involved in the preliminary plat approval. If any comment requests the alteration or addition of conditions of approval, the applicant shall be provided with a copy of such comments and shall have 10 working days to file objections, if any, and/or request a public 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. Hearings Examiner Hearing. If the applicant requests a hearing or if substantial issues are raised concerning the application for extension, the examiner shall schedule a public hearing per UPMC Title 22. The examiner shall issue a decision together with findings and conclusions in support of the decision within 10 working days of the hearing.
- C. Phasing. If a developer seeks to develop a subdivision in phases, all phases or divisions must be approved within the time limits specified herein.
- D. Each final plat submitted shall be forwarded to the city council for approval or denial or returned to the applicant within 30 days of filing unless the applicant agrees to an extension of time.

(Ord. 423 § 81, 2004; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

<sup>\*</sup> Statutory references: RCW 58.17.110, 58.24.040.

# 21.250.020 Requirement for each final plat filed for record.

Each and every final 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 engineer as to the construction of all streets and associated storm drainage systems. Streets not dedicated to the public shall be clearly denoted on the face of the plat and the plat shall contain adequate provisions for the maintenance of the private streets.
- 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 department indicating that the plat meets the requirements for final plats and all conditions necessary for approval have been satisfied.
- I. Contain a certification from the fire marshal indicating the plat is in compliance with fire code.
- J. Contain a signature block for the Mayor of the City of University Place indicating the final plat has received final approval.
- K. 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.
- L. See appendixes A and B for Final Plat application submittal requirements. A complete application shall be submitted to the department using forms provided by the department together with a filing fee.
- (Ord. 423 §§ 82, 83, 2004; Ord. 150 § 2, 1997; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).
- 21.250.030 Certificate giving description, statement of owners, and dedication requirements.

Every final plat filed for record must contain a certificate that gives 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, easements, open space, or other parcels or tracts to be dedicated to the public or other specifically noted entity or organization, as shown on the plat document. If the subdivision includes a dedication, the final plat shall include a waiver of all claims for damages against any governmental authority that 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.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.30.040 Review criteria.

The director shall review applications for the proposed final plat and shall recommend the subdivision for approval if 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. The final plat meets the conditions of preliminary plat approval and city code;
- D. A title insurance report furnished by the applicant confirms the title of the land in the proposed subdivision and is vested in the name of the owners whose signatures appear on the plat's certificate;
- E. The facilities and improvements required to be provided by the developer have been completed or, alternatively, that the developer has provided an assignment(s) of funds, surety bonds, or other forms of financial security acceptable to the city.; provided further, that the assignment of funds, bond, or other security, as hereinabove required, shall be filed with the city 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:
- F. Appropriate maintenance and defect financial guaranties have been approved to ensure the design, workmanship, maintenance, and operation of improvements

including but not limited to streets, landscaping, and drainage facilities that have been approved by the city.

(Ord. 423 § 84, 2004; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.30.050 Council review.

- A. When the director finds that the plat complies with this chapter, the director shall forward the final plat to the city council for approval. The city council shall review final plats in accordance with Chapter 58.17 RCW and this Title.
- B. After the city council approves the plat, the department shall forward the original to the applicant. The applicant shall have the original plat recorded with the county auditor and shall provide two reproducible copies to the department and one paper copy to the county assessor-treasurer.

(Ord. 423 § 85, 2004; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

# Chapter 21.35 SHORT SUBDIVISIONS\*

#### Sections:

21.35.010 Applicability.

21.35.020 Filing procedures and fee.

21.35.030 Owner's free consent.

21.35.040 Survey.

21.35.050 Review criteria.

21,35,060 Decisions.

21.35.070 Notice.

# 21.35.010 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 UPMC 21.05.040.
- 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 that 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 that 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 of University Place 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 years from the date said approved short plat is recorded with the auditor without the filing of a final plat on the land that is proposed to be further

<sup>\*</sup> Statutory references: Chapter 58.09 RCW, Chapter 332-130 WAC.

divided, except that when the short plat contains fewer than four residential building lots, the owner who filed the short plat may file an alteration within the five-year period to create a total of up to four lots within the original short plat boundary. This requirement shall be stated on the face of the short plat.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

# 21.35.020 Filing procedures and fee.

See appendixes A and B for short subdivision application submittal requirements. A complete application shall be submitted to the department using forms provided by the department together with a filing fee.

(Ord. 423 § 87, 2004; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.35.030 Owner's free consent.

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

(Ord. 423 § 88, 2004; Ord. 61 § 1, 1995).

# 21.35.040 Survey.

Recordable surveys shall be required for all short plats and short subdivisions. All surveys shall be accomplished as required by Chapter 332-130 WAC and the "Survey Recording Act" (Chapter 58.09 RCW), 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 that 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 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 one-sixteenth 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 rightof-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.

# (Ord. 61 § 1, 1995).21.35.050 Review criteria.

- A. The department shall review the application for consistency with the comprehensive plan, city development regulations, RCW 58.17, and review comments provided by other governmental agencies, utilities, and interested parties, and require appropriate modifications or conditions.
- B. If applicable the department shall review the environmental checklist and other available information and issue an appropriate threshold decision. The threshold decision may require mitigation measures to mitigate any significant adverse environmental impact.
- C. The department shall contact the Tacoma-Pierce County Health Department or the appropriate sewer purveyor to review the short subdivision for potential septic or sewer adequacy.
- D. The department shall review proposed lots sites that are known or suspected to be poor building sites because of geological hazard, flooding, poor drainage or swamp conditions, mud slides or avalanche, and such may be noted on the face of the short plat.
- E. The city engineer shall review the short subdivision for compliance with the public work code, including but not limited to the adequacy of the proposed street and storm drainage systems.
- F. The fire marshal shall review the proposed short subdivision for fire protection issues, including but not limited to fire hydrant location and emergency vehicle access.
- G. 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:
  - 1. Maintain the intent and purpose of this title;
- 2. Assure that a degree of compatibility shall be maintained with respect to properties and existing or potential uses within the general area; and
  - 3. Preserve the public health, safety, morals, and general welfare.

The recommendations of the department, city engineer, and the fire marshal shall become part of the record.

#### 21.35.060 Decisions.

A. The director may approve, approve with conditions, or deny a short subdivision.

- B. If the short subdivision meets the requirements of 21.35.050(A-G) above the director shall approve the short subdivision by signing the department certificate on the face of the short plat and issuing a written decision in accordance with RCW 58.17.060.
- C. If the short subdivision meets the requirements of 21.35.050(A-G) above subject to conditions, those conditions shall be noted on the face of the short subdivision prior to approval.
- D. If the short subdivision is unable to comply with the requirements of subsections 21.35.050(A-G) the short subdivision shall be denied.
- E. Effect of Approval. The approval of a short subdivision 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.

(Ord. 423 §§ 89, 90, 2004; Ord. 150 § 5, 1997; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

(Ord. 150 § 6, 1997; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.35.070 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.

(Ord. 61 § 1, 1995).

# Chapter 21.40 BINDING SITE PLAN

#### Sections:

21.40.010 Purpose.

21.40.020 Applicability.

21.40.030 Filing.

21.40.040 Review criteria.

21.40.50 Decisions.

21.40.060 Recording and binding effect.

## 21.40.010 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 that 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.

(Ord. 61 § 1, 1995).

# 21.40.020 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 Chapter 58.17 RCW and as required by this chapter.

- B. The site that is subject to the binding site plan shall consist of one or more contiguous lots legally created.
- C. The site that is subject to the binding site plan may be reviewed independently for fully developed sites, or concurrently with a development permit application for undeveloped land.
- 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. (Ord. 61 § 1, 1995).

#### 21.40.030 Filing.

See appendixes A and B for binding site plan application submittal requirements. A complete application shall be submitted to the department using forms provided by the department together with a filing fee.

#### 21.40.040 Review criteria.

- A. The department shall review the application for consistency with the comprehensive plan, city development regulations, RCW 58.17, and review comments provided by other governmental agencies, utilities, and interested parties, and require appropriate modifications or conditions.
  - B. The department shall review newly created lots to ensure the lots:
- 1. will continue to function and operate as one site, for fully developed sites; or
- 2. the lots conform to an approved development plan including any adopted rules and regulations or required conditions as represented in an approved development plan or associated approval document, if the binding site plan is being considered with a development plan.
- C. If applicable, the department shall review the environmental checklist and other available information and issue an appropriate threshold decision. The threshold decision may require measures to mitigate any significant adverse environmental impact.
- D. The department shall contact the Tacoma-Pierce County Health Department or the appropriate sewer purveyor to review the short subdivision for potential septic or sewer adequacy.
- E. The department shall review proposed lot sites that are known or suspected to be poor building sites because of geological hazard, flooding, poor drainage or swamp conditions, mud slides, or avalanche, and such may be noted on the face of the site plan.
- F. The city engineer shall review the site plan for compliance with the public work code, including but not limited to the adequacy of the proposed street and storm drainage systems.
- G. The fire marshal shall review the proposed site plan for fire protection issues, including but not limited to fire hydrant location and emergency vehicle access.
- H. In addition to other standards required by this title, the department may require additional standards and conditions or it may modify the standards and conditions in such a manner as is necessary to:
  - 1. Maintain the intent and purpose of this title;
- 2. Assure that a degree of compatibility shall be maintained with respect to properties and existing or potential uses within the general area, and
  - 3. Preserve the public health, safety, morals, and general welfare.

I. The recommendations of the department, city engineer, and the fire marshal shall become part of the record.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.40.050 Decisions.

- A. The director may approve, approve with conditions, or deny a binding site plan.
- B. If the site plan meets the requirements of 21.40.040(A-L) above, the director shall approve the binding site plan by signing the department certificate on the face of the binding site plan.
- C. The binding site plan shall contain applicable descriptions 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.
- 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. Effect of Approval. The approval of a binding site plan 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 binding site plan.
- F. If the binding site plan is unable to comply with the requirements of subsections 21.40.050(A-G) the binding site plan shall be denied.
  - G. The decision of the director shall be final.

# 21.40.060 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 city engineer; and
  - 7. Approval of the director.
- C. 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.

(Ord. 61 § 1, 1995).

# Chapter 21.45 RESIDENTIAL CONDOMINIUM BINDING SITE PLAN REVIEW PROCESS

#### Sections:

21.45.010 Applicability.

21.45.020 Filing.

21.45.030 Review criteria.

21.45.040 Decision.

21.45.050 Planned development districts.

21.45.060 Building permits.

21.45.070 Recording.

## 21.45.010 Applicability.

A. This process may be used to divide land by the owner of any legal lot that is to be developed for residential condominiums pursuant to Chapter 64.32 or 64.34 RCW, whichever is applicable. A binding site plan for a residential condominium project shall be based on either a recorded final planned development district, or a building permit issued for the entire project.

B. This process is separate from the planned development district provisions of the zoning code, and shall not be construed to substitute for the requirements of such processes. (Ord. 61 § 1, 1995).

# 21.45.020 Filing.

The filing requirements for a residential condominium binding site plan shall be the same as for a binding site plan set forth in UPMC 21.40.

#### 21.45.030 Review criteria.

The review criteria for a residential condominium binding site plan shall be the same as for a binding site plan set forth in UPMC 21.40.

#### 21.45.040 Decision.

The decision provisions for a residential condominium binding site plan shall be the same as for a binding site plan set forth in UPMC 21.40.

#### 21.45.050 Planned development districts.

Whenever a binding site plan for a residential condominium development is proposed on a parcel for which a final planned development district has been approved, a copy of the planned development district site plan shall be recorded as part of 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 development district site plan.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

# 21.45.060 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 that 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 city engineer. (Ord. 61 § 1, 1995).

#### 21.45.070 Recording.

The binding site plan approved by the director shall be recorded with the records and elections division within 30 days of approval. Upon recording, the site plan shall be binding on the owner(s), his or her 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 provisions of Chapter 64.32 or 64.34 RCW, whichever is applicable; provided, the structure or structures, road and parking systems, and related facilities substantially conform to the recorded binding site plan.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

# Chapter 21.50 AMENDMENTS, ALTERATIONS, AND VACATIONS

#### Sections:

21.50.010 Purpose.

21.50.020 Preliminary plat amendments.

21.50.030 Plat alterations.

21.50.040 Short subdivision amendments.

21.50.050 Binding site plan amendments and vacation.

21.50.060 Residential condominium binding site plan amendments and rescissions.

21.50.070 Plat vacations.

## 21.50.010 Purpose.

The Purpose of this Chapter is to provide the procedures to amend preliminary plats and short subdivisions, alter subdivisions, amend binding site plans, and vacate plats and binding site plans.

## 21.50.020 Preliminary plat amendments.

An application for an amendment to a preliminary plat shall be considered either a minor or major amendment in accordance with the following criteria:

- A. An amendment shall be considered minor if changes to the preliminary plat and any improvements are generally consistent with the original approval. Minor amendments shall meet all of the following requirements:
  - 1. A change to a condition of approval does not modify the intent of the original condition.
  - 2. The perimeter boundaries of the original site shall not be extended.
  - 3. The proposal does not increase the overall residential density of a site.
  - 4. The proposal does not change or modify housing types.
  - 5. The proposal does not reduce the designated open space.
  - 6. The proposal does not increase the overall impervious surface on the site by more than five percent.
  - Any conditions or expansions approved through minor amendments that cumulatively exceed the requirements in this section shall be reviewed as a major amendment.
- B. Filing: Ten copies of the following procedures shall be required for all minor amendments:
  - 1. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent and shall fully describe the amendments requested and the reasons therefore.
  - 2. Minor amendment applications may be routed to any city division and to any agency with jurisdiction at the director's discretion.

- 3. Burden of Proof. The applicant has the burden of proving by a preponderance of the evidence that the proposed amendment meets all of the criteria in subsection (1) of this section.
- 4. Approval. The director may approve an application for a minor amendment, approve with additional conditions, or require modification of the proposal to comply with specified requirements or determine that the application shall be processed as a major amendment.
- 5. Denial. The Director shall deny an application for amendment if the proposal does not meet or cannot be conditioned to meet subsection (1)(c) of this section.
- 6. The Director's decision may be appealed as provided in Title 22.

## C. Major Amendments.

- 1. Any modification exceeding the provisions of subsection (1) of this section shall be considered a major amendment and shall follow the same procedure required for a new application and fee.
- 2. Major amendments shall be subject to the most current city codes including density requirements.

#### 21.50.030 Plat alterations.

A. Plat Alteration: Once a subdivision becomes a final plat, alteration is required to amend the plat and/or notes and conditions.

#### B. Submittal Requirements:

- 1. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, that person shall submit an application to the city and pay the application fee. The application shall also be accompanied by a drawing showing the details of the alteration. The application shall contain signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants that were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
- State Environmental Policy Act: If the original subdivision was not subject to review pursuant to the State Environmental Policy Act, a SEPA checklist and threshold determination will be required prior to approval.
- C. Notice: Notice shall be provided to all owners within the subdivision and to property owners within 300 feet and two properties deep from the

subdivision or portion thereof being altered in accordance with UPMC Title 22.

D. Public Hearing: The department or anyone receiving a notice may request a public hearing within 14 days of receipt of the notice. If a public hearing is requested or required an additional fee will be required.

#### E. Decision:

- If a hearing is requested or required the hearing examiner shall conduct a public hearing pursuant UPMC Title 22; otherwise the decision shall be rendered by the director.
- 2. The decision maker shall determine if the proposed alteration complies with city codes and state regulations governing subdivisions and may approve or deny the alteration.
- F. Assessments: If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts or be levied equitably on the lots resulting from the alteration.
- G. Revised Plat Drawing: After approval the applicant shall produce a revised plat drawing titled "Alteration of (insert subdivision name)" showing the entire subdivision or portion thereof being altered. The altered plat shall include a note indicating the nature of the alteration. The new plat drawing shall be prepared in accordance with Chapter 21.30.020 and submitted to the City for signatures. After recording the applicant shall submit a copy of the recorded alteration drawing to the city.

#### 21.50,040 Short subdivision amendments.

Amendments to short plats may be approved by the department by approving an amendment note that states to the effect that the amended short plat supersedes "Short Plat No. \_\_\_\_." The note must specify the changes, and before the 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 department), said department or agency will be notified of the change and be given the opportunity to comment before the department approves the amendment. In addition, any amendment involving public dedication must be processed as provided in RCW 58.17.212 or 58.17.215. A fee as set forth in separate resolution shall be paid the 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. After recording the applicant shall provide a copy of the recorded short plat to the city. (Ord. 423 § 93, 2004; Ord. 61 § 1, 1995).

## 21.50.040 Binding site plan amendment and vacation.

Except as provided in UPMC <u>21.08.010</u>, 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 lot unless the property is subsequently divided by an approved subdivision or short subdivision.

(Ord. 61 § 1, 1995).

# 21.50.060 Residential condominium binding site plan amendments and rescissions.

- 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 that 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 that are not altered by an amendment(s) or rescission are not required on the amended binding site plan or application for rescission.

  (Ord. 61 § 1, 1995).

#### 21.50.070 Plat Vacations.

- A. Vacations: When the vacation requested is specifically for a street, the procedures for street vacation in UPMC Chapter 13.15 shall be utilized. When the request is for the vacation of the plat together with the streets, the procedure for vacation in this section shall be used. Vacations of streets may not be made that are prohibited under RCW 35.79.030 and RCW 36.87.130.
- B. Submittal Requirements: Whenever any person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the city and pay an application fee.
- C. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants that were filed at the time of the approval of the subdivision, and the

application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

- D. Notice: Notice shall be provided to all owners within the subdivision and in accordance with UPMC Chapter 21.25.040.
- E. Public Hearing: The Hearing Examiner shall hold a public hearing on the vacation in accordance with UPMC Title 22 and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision.
- F. Dedications: If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city, town, or county unless the city sets forth findings that the public use would not be served in retaining title to those lands.
- G. Title: Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city.

When the road or street that is to be vacated is contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

## Chapter 21.55 IMPROVEMENTS\*

#### Sections:

21.55.010 Purpose.

21.55.020 Improvements required.

21.55.030 Critical areas.

21.55.040 Dedications.

21.55.050 Private streets.

21.55.060 Financial guarantees.

21.55.070 Model homes.

## 21.55.010 Purpose.

The purpose of this Chapter is to implement the city's comprehensive plan and ensure that necessary improvements are made to promote public health, safety, and welfare by providing provisions for public facilities and services including but not limited to schools, parks, and recreation facilities, for potable water, stormwater, sanitary wastes, streets, sidewalks and other frontage improvements, for transit and for open space, trails and shoreline access.

## 21.55.020 Improvements required.

Any land division may be subject to the following improvement requirements to accomplish the purpose of this chapter and the requirements of RCW 58.17: All improvements including but not limited to streets, bridges, drains, culverts and related structures, and facilities shall be designed and constructed in accordance with city standards.

A. Parks and Open Space: In new residential land divisions of 10 or more lots, a minimum of seven percent of the property shall be set aside as an open space or park area. This area shall be improved, landscaped, and include recreational equipment such as but not limited to a big toy, sport court, picnic area, and/or provide trail connections. The open space or park area shall be in a relatively flat area suitable for recreational activity and outside any critical areas such as steep slopes and wetlands. The location of the open space or park area shall be convenient to residents in the development.

B. Potable Water: Each building lot approved subject to this chapter shall be served by an approved water system. The water system shall be adequate to serve the domestic water needs of future residents of the land division.

<sup>\*</sup> Statutory references: RCW 58.17.040, Chapter 86.21 RCW.

- C. Fire Protection. The developer shall provide water sources and/or facilities as required by law. Land divisions shall provide fire hydrants (or other adequate means) with adequate capacity and spacing to provide for fire protection as required by the city.
- D. Stormwater: The city shall, as a condition of approval of any land division, require the developer to construct storm drainage facilities in conformance with the city's Public Works Code.

## E. Sanitary Sewers:

- 1. All new subdivisions shall hook up to sanitary sewers.
  - 2. All other land divisions shall hook up to sanitary sewers if sewer lines are located within 300 feet of the development. In those cases where sewer lines are not located within 300 feet of the development, the city may permit such development to use interim septic on-site systems and dry sewer facilities.
  - 3. A sanitary sewer system shall be considered available when the boundary of the land division is within the specified distance from the sewer line by way of a public right-of-way or private utility easement between the boundary of the land division and the existing sewer line.
  - 4. If the sanitary sewer system is not available or if an exception has been granted, the director shall approve an interim on-site septic system subject to the following conditions:
    - A note shall be placed on the plat, short plat, or binding site plan indicating that connection shall be required at such time as the system becomes available and
    - b. A title notification shall be recorded stating: "At such time as sanitary sewer becomes available as defined in the University Place Municipal Code, the property owner shall be required to hook up to the sewer line in accordance with the provisions of the University Place Municipal Code."
    - c. A no protest to the formation of any future ULID for extension of a sewer system that would serve the property shall be recorded on the property.
    - d. The developer shall install dry sewer facilities.

#### 5. Leach Creek Area Exception:

- a. The Leach Creek Area includes all properties zoned R2 within the area bounded by 44th Street West to the north, Orchard Street to the east, Cirque Drive to the south, and Alameda Avenue to the west.
- b. Within this area, development more intense than a single-family dwelling on an existing lot as of July 13, 1998, shall be required to hook up to sanitary sewer regardless of distance to existing and available sewers.

- F. Streets and Access. All land divisions shall be served by a public or private street or driveway. Such streets and driveways shall be provided and constructed in compliance with Title 13 University Place Public Works Code. All new residential lots shall access off internal plat, short plat, or binding site plan roads, except as authorized by the director.
- G. Street Frontage Improvements. All plats, short plats, and binding site plans shall install street frontage improvements at the time of construction as required by the city's Public Works Code (Title 13 UPMC). Frontage improvements along exterior streets shall be constructed and approved prior to issuance of building permits. Such improvements shall include curb and gutter, sidewalk, bus stops, street storm drainage, street lighting system, traffic signal modification, relocation or installation, utility relocation, landscaping and irrigation, and street widening all per the code. Plans shall be prepared and signed by a licensed civil engineer registered in the State of Washington. All frontage improvements shall be made across full frontage of property from the centerline of the constructed street facility to the outside limit of the improvements. Additional right-of-way may be required for frontage improvements.
- H. Access to Shorelines. Short Subdivisions, Subdivisions, and Binding Site Plans containing land adjacent to publicly owned or controlled bodies of water shall include a dedication of at least one public access to, around, or beside such bodies of water unless the examiner or director 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 or director and shall be established when the plat, short plat, or binding site plan is approved.
- I. Trails: Short Subdivisions, Subdivisions, and Binding Site Plans located along or adjacent to a trail corridor identified in the comprehensive plan or parks, recreation, and open space plan shall provide a public pedestrian easement to extend the trail along its planned alignment and provide a trail from an internal or abutting roadway to the trail.
- J. Common Areas and Facilities: Common areas and facilities shall conform to the following:
- 1. Facilities benefiting more than one property owner shall be considered common area/facilities, designated by easement or separate tract, and corresponding dedication statements included on the face of the final plat specifying the use for which the easement or tract is created, and assigning ownership and use interest;
- 2. Common areas/facilities that primarily benefit the residents/property owners within the development such as entrance signage landscape treatment, open space, fences, and private parks and recreation facilities shall be considered "private" common areas/facilities

and the primary ownership and responsibility for maintenance assigned to said residents/property owners;

- 3. All private common areas shall be of a size sufficient to accommodate associated facilities;
- 4. Adequate provisions for ownership and maintenance in the form of statements of easement; conditions, covenants and restrictions; and/or creation of a homeowner's association shall be specified at the time of platting. The documents shall address continued ownership interest, right of use, responsibility for maintenance, remedies in the event any of the responsible parties fail to perform, and procedures for modification or vacation of easements or tracts and associated facilities not required as a condition of plat approval. The documents shall also include an adequate funding mechanism for those areas/facilities requiring regular maintenance; and
- 5. Common areas/facilities that are determined by the city to primarily benefit the general public or are considered part of a city facility such as storm water detention/retention ponds and bioswales shall be delineated as a separate tract and may be dedicated to the public for future ownership and maintenance at the City's discretion.
- K. Undergrounding of Utilities: All new or replacement of existing overhead utilities such as telephone, power, cable TV, etc., designed to serve the subdivision and located within the boundaries of the tract, shall be installed underground. Under-grounding of existing telephone, power distribution, and cable TV lines may be exempt from this requirement if the cost of undergrounding the existing line is more than twice the cost of undergrounding service and distribution lines needed to serve the subdivision.
  - L. Fences and Walls: Fences and Walls shall conform to the following:
- Fences and walls shall not encroach into any street right-of-way, and shall be set back a minimum of one foot from the edges of any sidewalk;
- 2. Fences and walls shall comply with all clear vision area requirements at street and driveway intersections;
- 3. Required perimeter landscaping shall be retained or installed between the public right-of-way and any fence or wall to reduce the appearance of a long continuous wall and reduce "hard" surfaces that may attract graffiti:
- 4. Fencing or walls shall not encroach into any critical area or associated buffer, and all fencing and walls within five feet of a critical area or buffer shall be non-sight obscuring;
- 5. Materials. Fences shall be constructed of wood, wrought iron, brick, stone or slit face concrete block (CMU). When using CMU the split face side must be visible to the public. Other materials which have the general appearance and visual quality of approved fence materials may

be approved by the director. However, the use of plywood or composition sheeting as a fence material is not permitted. Fences shall not be made of chain link except to enclose a storm water or utility facility in which case only black, dark brown or other dark-toned, vinyl-coated chain link is permitted.

6. Barbed, razor wire fences and electrified fences are prohibited.

#### 21.55.030 Critical areas.

- A. Flood or Geological Hazard. If any portion of the land where structures will be permitted within the boundaries of a land division, whether a plat, short plat, or binding site plan is subject to flood or geological hazard, the examiner or director may disapprove the land division or that portion of the land division so affected. In making such decision, the examiner or director shall use the most recent National Flood Insurance Program, Flood Hazard Boundary Map (FHBM) for Pierce County, Washington, or other authoritative data. Alternatively, the examiner or director may require protective improvements to be constructed as a condition of approval.
- B. If any portion of a land division is subject to flood or geological hazard, such area shall be clearly shown on the plat, short plat, or binding site plan by a prominent note on each sheet of such map whereon any portion is shown.
- C. No land division shall be approved by the examiner or director that 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.

#### 21.55.040 Dedications.

The dedication of property, improvements, and easements including but not limited to roads, sidewalks, storm water facilities, and public open space may be required. All such dedications and easements shall be clearly and precisely indicated on the face of the short plat, plat, or binding site plan as approved by the city.

(Ord. 61 § 1, 1995). (Ord. 150 § 3, 1997; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.55.050 Private streets.

- A. Private streets shall only be permitted in short plats or binding site plans serving four or fewer building lots and shall be constructed as required by the city's Public Works Code. (Ord. 150 § 7, 1997; Ord. 61 § 1, 1995).
- B. 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 ensure the continued good repair, the following must be demonstrated to the department prior to the recording of the plat:

- 1. There is a workable organization to guarantee maintenance that has a committee or group to administer the organizational functions;
- 2. There is a means for assessing maintenance costs equitably to property owners served by the private streets, easements, community utilities, and properties; and
- 3. There are legally enforceable covenants recorded with the land division that ensure the continuing maintenance and management of these facilities. (Ord. 61 § 1, 1995).

### 21.55.060 Financial guaranties.

The city, in lieu of actual construction of any improvement, except street frontage improvements, by the developer of any formal subdivision, short subdivision, or binding site plan, shall require a performance guarantee in an amount and with surety and conditions satisfactory to it or other secure methods acceptable to the city 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, frontage improvements, and storm water facilities 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 24 months after acceptance by the director.

Prior to releasing the performance guarantee the city shall require a maintenance guarantee sufficient to correct any defect in a dedicated improvement caused by faulty design, construction, or other reason as determined by the director. Said performance guarantee shall be in compliance with Title 13 or Title 19 UPMC depending on the type of improvement.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.55.070 Model homes.

Up to four detached or attached dwellings within a preliminary subdivision that has been approved in accordance with all existing plans and regulations may be constructed prior to final plat approval. 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 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.
- 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.
- 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. (Ord. 61 § 1, 1995).

# Chapter 21.60 BOUNDARY LINE ADJUSTMENTS

#### Sections:

21.60.010 Purpose.

21.60.020 Scope.

21.60.030 Application.

21.60.035 Processing.

21.60.040 Administrative review.

### 21.60.010 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. This chapter is also intended to ensure compliance with the Survey Recording Act. (Ord. 61 § 1, 1995).

## 21.60.020 Scope.

The boundary lines separating two or more platted or unplatted 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 that change or impair conditions or requirements imposed by previous land division decisions must be accomplished pursuant to this Chapter.

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. 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 that 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 nonconformities 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 or create a non-conforming lot from a conforming one.
- F. Replat, alter (except as provided in RCW 58.17.140), or vacate a plat or short subdivision; or
- G. Amend the conditions of approval for previously platted property. (Ord. 150 § 12, 1997; Ord. 61 § 1, 1995).

### 21.60.030 Application.

- A. See appendixes A and B for boundary line adjustment application submittal requirements. A complete application shall be submitted to the department using forms provided by the department together with a filing fee.
  - B. Record of Survey for Boundary Line Adjustments.
- 1. The boundary line adjustment shall be submitted on a reproducible medium such as mylar and 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 Chapter 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:

THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND CHAPTER 332-130 WAC.

- C. Boundary line adjustment applications shall be submitted to the department with a preliminary title report on forms approved by the department, with liability for errors not to exceed the value of the affected lots, as determined by the assessed value on the date of approval. The preliminary title report shall set forth all persons having an interest in the lots affected by the boundary line adjustment. The preliminary title report must be dated no more than 30 days prior to application without cost to the city.
- D. The mylar for recording in the auditor's office shall contain all survey information required for a record of survey under the "Survey Recording Act," Chapter 58.09 RCW and Chapter 332-130 WAC, together with the following additional signature blocks, which shall be fully executed before approval:

## SURVEYOR'S CERTIFICATE

direction in	rrectly represents a sur conformance with the ct at the request of	requirements of the	
Surveyor	Certificate Numbe	prDate	<del>_</del>
D	EVELOPMENT SERVIC	ES DEPARTMENT	
Director		Date	
	ASSESSOR-TR	EASURER	
the property	fy that all state and city described hereon, accor , have been fully paid.		
Deputy Asse	ssor-Treasurer	Date	<del></del> !
Reviewed for	Segregation		
Deputy Asse	ssor-Treasurer	Date	3
nylar. This shal llack ink, by all	sent statement, as sho If be signed and notarize parties having interest tered below the signatu	ed, prior to submittal, in in the property. Own	permaner ers' name
	ned agree that the bou de with the free conse owners.		
Owner			
	tify that the above indiv ct and deed for the		

Given under my hand and seal this			day of			, 20		
, NOTARY	PUBLIC,	in	and	for	the	State	of	
Washington, residing at								

F. An application for a boundary line adjustment shall be accompanied by a nonrefundable review fee as set forth in separate resolution. (Ord. 423 § 96, 2004; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

### 21.60.035 Processing.

Except as provided by this chapter, a boundary line adjustment shall be processed in accordance with UPMC Title <u>22</u>, Administration of Development Regulations. (Ord. 130 § 5 Exh. B, 1996).

#### 21.60.040 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 department.

- A. The department may forward a copy of the proposed boundary line adjustment to the city engineer, to the fire chief, the Tacoma-Pierce County health department, or to any other department or division.
- 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 department shall review the proposed boundary line adjustment against the purpose and scope described in UPMC <u>21.20.010</u> and <u>21.20.020</u> respectively with in 30 days of date of application.
- D. If the department 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 or return the adjustment for corrections.
- 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 adjustment to the hearings examiner, in accordance with procedures described in UPMC Title <u>22</u>, Administration of Development Regulations.

(Ord. 423 § 97, 2004; Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

### 21.65 LOT COMBINATIONS

Sections

21.65.010 Purpose

21.65.020 Scope

21.65.030 Application

21.65.040 Processing

21.65.050 Administrative Review

21.65.060 Recording

21.65.070 Expiration

### 21.65.010 Purpose:

The purpose of a lot combination is to remove interior lot lines of a parcel comprised of two or more separate lots with contiguous ownership.

### 21.65.020 Scope

The combination of two or more contiguous parcels can only be accomplished under the provisions of this chapter except as provided under RCW 58.17.040. Contiguous parcels may be combined for purposes of ownership, development or redevelopment. These provisions do not apply to combination or consolidation of tax parcels for taxing purposes (Segregation) only as approved by the county assessor. Parcel combinations are distinguished from boundary line adjustments which retain portions of the original parcels as separate lots or tracts, or short plats, subdivisions or replats, which result in the creations of more than one parcel, lot or tract.

## 21.65.030 Application.

See appendixes A and B for lot combination application submittal requirements. A complete application shall be submitted to the department using forms provided by the department together with a filing fee.

### 21.65.040 Processing.

Except as provided by this chapter, a lot combinations shall be processed in accordance with UPMC Title <u>22</u>, Administration of Development Regulations.

#### 21.65.050 Administrative review.

Lot combinations may be approved provided it does not result in one or more of the following:

- (1) Create any additional lot, tract, parcel, site or division;
- (2) 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.:

- (3) 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;
- (4) Diminish any easement or deprive any parcel of access or utilities, unless alternate easements, access or utilities can be satisfactorily provided;
- (5) Replat or vacate a plat or short subdivision;
- (6) Amend the conditions of approval for previously platted property; or
- (7) Includes property currently not annexed to the city.

## 19.60.060 Recording.

All approved lot combinations shall be recorded with the Pierce County auditor following approval by the city and compliance with Pierce County requirements.

## 19.60.070 Expiration.

An approved lot combination shall be recorded within 30 days of city approval, or the lot combination or consolidation shall be null and void.

# Chapter 21.70 PENALTIES AND ENFORCEMENT

Sections: 21.70.010 Penalties. 21.70.020 Enforcement.

#### 21.70.010 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 \$5,000 or imprisonment for not more than 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 civil violation citation as defined in the city's civil violation 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.

(Ord. 130 § 5 Exh. B, 1996; Ord. 61 § 1, 1995).

#### 21.70.020 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 that appears to be in violation of this Title, shall notify the city attorney.

B. Building Inspection and Permits. All applicants for building permits shall show by instrument of conveyance and an affidavit from the 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 the site plan includes any required or mentioned element noted on the final plat, short plat, or binding site plan, 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 real estate excise tax affidavit shall be filed in the city 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.

(Ord. 423 §§ 98, 99, 2004; Ord. 61 § 1, 1995).

## Exhibit A

# APPENDIX A LAND DIVISION SUBMITTAL REQUIREMENTS

Submittal Standards	y Plat	_	Short Plat	Binding Site Plan	Condominium	Boundary Line Adjustment	n		Plat Amendment	Plat Vacations
Land Use Application	X	X	X	X		X	X	X	X	X
		X	X	X		X	X		X	
Petition								X		X
Fee	X	X	X	X		X	X	X	X	X
SEPA Checklist	X		1	1	1			1	1	
Plat	X	X	X	X		X	X	0	X	
Reduced Site Plan	X						-	X	X	
Survey	X	X	X	X		X	X	0	X	
Vicinity Map	X		X	X				X	X	X
Notification Map & Labels			X	X				X	X	X
Landscape Plans	X	X	X	X			}			
Tree Preservation Plan			X	X						
Water Certificate			X	X						
Health Department	X		X	X			١			
Letter										
Title Report		X								X
Lot Closures		X							0	
Codes, Covenants and		X						X	X	X
Restrictions								ļ		
Grading Plan							-			
Phasing Plan	0									
Parking Plan				X	X					
Wetland Report	1		1	1	1			0	0	
Habitat Report			1	1	1			0	0	
Geotechnical Report			1	1	1			0	0	
Traffic Impact										
Analysis	<u> </u>			-						

X = Required

O = Optional depending on nature of request.

Note: In addition to the submittal requirements for a complete application, additional information may be required prior to approval.

<sup>1 =</sup> Required if a critical area is present and for re-plats and plat alterations without prior SEPA

Plat Requirements

All plats shall comply with RCW 58 the Survey Recording Act and the following:

The plat shall be drawn to the scale of one inch equals 100 feet or larger

The boundary and dimensions of the "original tract" including its assessor's parcel number, section, township and range, and all ad The lot and tract layout with lot and tract line dimensions, the area in square feet contained in each lot and tract; a number identifyi

The location, names, and right-of-way widths of all proposed streets

The location, names, and right-of-way widths of all existing and proposed streets and driveways within 250 feet of the boundaries of Drawn on a sheet size of 18-inch by 24-inch (preliminary plats shall be on drawn on a 24-inch x 36-inch sheet)

The location, size, and use of all proposed and existing common and public areas and a description of uses contemplated;

The location and use of all existing buildings within the proposed land division, indicating which buildings are to remain and which are location, width, and a description of all existing easements in the land division including notes regarding and proposed easem

The location of any state shorelines and associated wetlands within the subdivision;

A title block listing the proposed name of the land division

A title block including name and address of the original tract owner, the name, address, and phone number of the applicant, the r individual responsible for laying out the land division, a north arrow, the scale of the drawing, and the date of the drawing;

The location in or within 200 feet of the land division of any springs, creeks, drainage courses, drainage ways, wetlands, and w including the elevation of the 100-year flood at the point immediately upstream from the land division;

An information block containing the original tract size in acres; gross density; net density (gross minus roads, un-buildable critical roads, critical areas by type, and open spaces; the number of lots; the number of tracts; the minimum lot size; the average lot size; The use and approximate location of all buildings within 50 feet of the boundaries of the proposed land division;

The location and disposition of any wells, septic tanks, and/or drain fields in or within 50 feet of the proposed land division;

The location, size, and type of utilities in and adjacent to the proposed subdivision, indicating those utilities which will provide serv subdivision;

Topography in not less than five-foot contour intervals certified by the engineer or surveyor within the proposed subdivision and subdivision;

A vicinity map drawn to a scale of four inches equals one mile or other approved scale of sufficient detail to orient the location of the location of any public facilities such as schools and parks within 200 feet of the proposed subdivision;

Zoning designations within and adjacent to the subdivision

Space or a second 18-inch by 24-inch mylar sheet shall be reserved for comments, conditions, and appropriate city signatures.

The layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles;

The number and location of proposed or existing parking spaces on and off the site;

Include elevations and floor plans as known.

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 w

The proposed lines for all affected lots, indicated by heavy solid lines;

The existing lot lines proposed to be changed, indicated by heavy broken lines;

The location and dimensions of all structures/improvements existing upon the affected lots and the distance between structures/im

The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them spe

The position of rebar and caps set at each new property corner