

ORDINANCE NO. 130

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING NEW ADMINISTRATIVE PROCEDURES FOR THE PROCESSING OF PROJECT PERMIT APPLICATIONS AS REQUIRED BY THE REGULATORY REFORM ACT CHAPTER 36.70B RCW, ESTABLISHING A PROCESS FOR THE CONDUCT OF OPEN RECORD HEARINGS AND JUDICIAL REVIEW, TO IMPLEMENT THE ZONING CODE, SUBDIVISION CODE, SITE DEVELOPMENT REGULATIONS, STREETS DRAINAGE AND RIGHTS OF WAY REGULATIONS SHORELINE CODE AND CRITICAL AREAS REGULATIONS, ADDING A NEW ADMINISTRATIVE TITLE ____ TO THE UNIVERSITY PLACE MUNICIPAL CODE AND AMENDING THE ZONING CODE, SUBDIVISION CODE, SITE DEVELOPMENT REGULATIONS, STREETS DRAINAGE AND RIGHTS OF WAY REGULATIONS, SHORELINE CODE AND CRITICAL AREAS REGULATIONS AND REPEALING SECTIONS 12 THROUGH 16 INCLUSIVE OF ORDINANCE NO. 64

WHEREAS, to best serve the citizens of University Place and attract quality business and development, the City Council has expressed a desire to process project permit applications in a timely and professional manner; and

WHEREAS, the City Council has indicated the importance of involving the public in the project permit review process to the greatest extent possible; and

WHEREAS, the Regulatory Reform Act (Chapter 36.70B RCW) requires that the City establish a permit review process which among other things: (1) provides for the integrated and consolidated review and decision on two or more project permits relating to a proposed action; (2) combines the environmental review process, both procedural and substantive, with the procedure for the review of project permits; (3) provides for no more than one open record hearing and one closed record appeal on such permits, except for the appeal of a determination of significance; and (4) provides for the issuance of the City's final decision within one hundred twenty (120) days after submission of a complete land use application and (90) days after submission of a complete plat application;

WHEREAS, pursuant to WAC 197-11-800(20) the proposal or adoption of legislation, rules, regulations, resolutions, or ordinances or of any plan or program relating solely to governmental procedures and containing no substantive standards respecting use or modification of the environment is exempt from the State Environmental Protection Act;

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

Section 1. Adding a new title to the University Place Municipal Code. A new Title ____ is hereby added to the University Place Municipal Code to read as follows:

TITLE _____
ADMINISTRATION OF DEVELOPMENT REGULATIONS

Chapter ____	.01	Permit Processing
Chapter ____	.02	Open Public Hearings
Chapter ____	.03	Judicial Review

CHAPTER ____

PERMIT PROCESSING

____	.01.001	Purpose
____	.01.002	Definitions
____	.01.003	Applicability
____	.01.004	Pre-Application Requirements
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____	.01.006	Notice of Application
____	.01.007	Time Periods
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____	.01.009	Consistency With Development Regulations and SEPA/Consolidated Permit Review
____	.01.010	Permit Conditions
____	.01.011	Optional Consolidated Permit Processing
____	.01.012	Appeals of Administrative Decisions

____.01.001 Purpose. The purpose of this Title is to add an administrative chapter to the University Place Municipal Code to comply with the requirements of the Regulatory Reform Act.

____.01.002 Definitions. Unless the context clearly requires otherwise, the definitions in this Section apply throughout this Title.

A. “Closed record appeal” means an administrative appeal on the record to the Pierce County Superior Court, following an open record hearing on a project permit application when the appeal is on the record with no new evidence allowed to be submitted.

B. “Open record hearing” means a hearing, conducted by the Hearing Examiner, that creates the City’s record through testimony and submission of evidence and information, under the procedures prescribed herein. An open record hearing may be held prior to the City’s decision on a project permit to be known as an “open record predecision hearing.” An open record hearing may be held on an appeal, to be known as an “open record appeal hearing,” if no open record predecision hearing has been held on the project permit.

C. “Project permit” or “project permit application” means any land use or environmental permit or license required from the City for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area

ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

D. “Public meeting” or “community meeting” means an informal meeting, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the City’s decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or neighborhood meeting, or a scoping meeting on a draft environmental impact statement. Under RCW 36.70B.020(5), a public meeting is not an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government’s project permit application file.

.01.003 Applicability. This Title serves to implement the University Place Zoning Code, Subdivision Code, Shoreline Use Regulations, Critical Areas Regulations, Public Works Standards and the Site Development Regulations. The regulations identified in this Title apply to project permits falling into three categories or types. The three types of permit projects have differing provisions applicable to each type as follows:

A. Type I Permits

1. Administrative Review. Administrative review is used when processing applications for administrative permits including, but not limited to, Administrative Variance, Administrative Nonconforming, Minor Amendments, Home Occupation Permits, Sign Permits, Building and Construction Permits, Site Development Permits, Right-of Way Permits, Lot Combinations, Boundary Line Adjustments, and Code Interpretations.

2. Review Process. Unless otherwise stated, administrative review shall be subject to the Application Requirements, Complete Application, Notice of Application, Time Periods, Consolidated Permit Processing and the Notice of Decision provisions of this Ordinance. If an administrative decision is appealed, the Open Record Hearings, Notice of Public Hearings, Joint Public Hearings, and the Closed Record Appeal provisions of this Title shall apply.

B. Type II Permits

1. Administrative Plat Review. Administrative plat review is used when processing applications for Short Plats, Plat Alterations and Short Plat Amendments, Large Lot Subdivisions, and Binding Site Plans.

2. Review Process. Unless otherwise stated, administrative plat review shall be subject to the Application Requirements, Complete Application, Notice of Application, Consolidated Permit Processing and the Notice of Decision provisions of this Ordinance. Timing of the project permit review shall be in accordance with the University Place

Subdivision Code and Chapter 58.17 RCW. Binding Site Plans shall be processed utilizing the same time limits as Short Plats. If applicable, the Open Record Hearings, Notice of Public Hearings, Joint Public Hearings, and the Closed Record Appeal provisions of this Title shall apply.

C. Type III Permits

1. Hearing Examiner Review. Hearing examiner review is used when processing applications for project permits, including but not limited to, decisions rendered in accordance with Chapter 43.21C RCW, Conditional Use, Preliminary Subdivision, Nonconforming Use, Planned Development District, Major Amendments, Variances, Shoreline Substantial Development, Shoreline Conditional Use, Shoreline Nonconforming Use, Shoreline Variance, Critical Area Permits and Private Road Variances. An appeal of an administrative decision is also subject to hearing examiner review. Unless otherwise stated herein, hearing examiner review shall be subject to the City's Hearing Examiner Ordinance.

2. Review Process. Unless otherwise stated, hearing examiner review shall be subject to Application Requirements, Complete Application, Time Periods, Consistency with Development Regulations and SEPA, Permit Conditions, Consolidated Permit Processing, Open Record Hearings, Notice of Public Hearings, Joint Public Hearings, Notice of Decision, and the Closed Record Appeal provisions of this Title.

A matrix of the types of project permit applications is attached hereto as Exhibit "A." A matrix generally summarizing the procedures applicable to different types of project permit applications is attached hereto as Exhibit "B."

D. Exemptions. The following are exempt from the provisions of this Title unless otherwise specified:

1. Legislative decisions, including zoning code text and area wide zoning district amendments, adoption of development regulations and amendments, area wide rezones to implement new City policies, adoption of comprehensive plan and plan amendments, and annexations;
2. Final plat approval pursuant to RCW 58.17.170.
3. Landmark designations;
4. Street vacations;
5. Street Use Permits; and
6. Pursuant to RCW 36.70B.140(2), Administrative Appeals, Boundary Line Adjustments, Lot Combinations, Right-of-Way Permits, Plats, Building Permits, Site

Development Permits, Sign Permits, and other construction permits or similar administrative approvals which are categorically exempt from environmental review under the State Environmental Policy Act (SEPA) or permits/approvals for which environmental review has been completed in connection with other project permits, except short plats, are excluded from the following procedures:

- a. Determination of Completeness;
- b. Notice of Application;
- c. Optional Consolidated Project Permit Processing;
- d. Joint Public Hearings;
- e. Staff Reports;
- f. Notice of Decision; and
- g. Time Limitations.

.01.004 Pre-Application Requirements.

A. Technical Review Conference. The technical review conference is a process designed to define those items of Department review which, if not addressed at the conceptual plan stage, might result in substantial technical difficulties during the permit processing. Representatives from various departments and an applicant for a Project Permit will discuss the conceptual plan for the proposed project and the City's regulatory process. A technical review conference may be scheduled at the request of the applicant.

B. Pre-Application Meeting. The pre-application meeting is between Department staff and a potential applicant for a Type III Permit to discuss the application submittal requirements and pertinent fees. A pre-application meeting is required prior to submittal of an application for a Type III Permit.

C. Community Meeting. For Type III permits, following the pre-application meeting and before submitting an application, the applicant shall conduct a community meeting on a weekday evening to solicit input and suggestions from the community. A member of the planning staff shall attend. Notice of the community meeting shall be made by the applicant by sending a written notice, addressed through the United States mail, to the Cities designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than 2 parcels deep, around the exterior boundaries of the subject property. Notice of the community meetings shall be given at least fourteen (14) days prior to the meeting. Additional notice shall be given in accordance with _____.01.006 (C). Community meetings are not required for variances or, when waived by the Director, for Type III Permits which do not abut or have an impact on residential properties.

.01.005 Complete Applications.

A. Form and Content. The Department shall prescribe the form and content for complete applications made pursuant to this Title.

B. Checklist for Complete Application. Applications shall be considered complete when the Department determines that the application materials contain the following:

1. The correct number of completed Department master and supplemental application forms signed by the applicant;
2. The correct number of documents, plans or maps identified on the Department Submittal Standards form which are appropriate for the proposed project;
3. A completed State Environmental Policy Act (SEPA) checklist, if required; and
4. Payment of all applicable fees.

C. Time Limitations.

1. Within twenty-eight (28) days after receiving a project permit application, the Department shall provide a written determination to the applicant, stating either:

- a. The application is complete; or
- b. The application is incomplete and what information is necessary to make the application complete.

2. Within fourteen (14) days after an applicant has submitted the requested additional information, the Department shall notify the applicant whether the information submitted adequately responds to the Notice of Incomplete Application, thereby making the application complete, or what additional information is still necessary.

3. An application shall be deemed complete if the Department does not, within twenty-eight (28) days, provide a written determination to the applicant that the application is incomplete.

4. When the project permit is complete, the Department shall accept it and note the date of acceptance.

5. An application is complete for purposes of this section when it meets the procedural submission requirements of the Department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Department from requesting additional information or studies either at the time of the

Notice of Completeness or subsequently if new information is required or substantial changes in the proposed action occur.

D. Initiation of Review Process. The Department shall not start the review process of any application until the application is deemed complete.

E. Incomplete Applications. Failure of an applicant to submit information identified as required in the Notice of Incomplete Application, within sixty (60) days of the Department's mailing date, shall constitute grounds for deeming the application null and void. If all additional information identified in the Notice of Incomplete Application has not been received by the Department within one hundred twenty (120) days from the application submittal date, then the application shall be deemed null and void unless the applicant has been granted a time period extension. Time period extensions may be granted by the Director when applicants can demonstrate that unusual circumstances, beyond their control, have prevented them from being able to provide the additional information within the one hundred twenty (120) day time period.

F. Waiver of Requirements. The Director may waive specific submittal requirements that are determined to be unnecessary for review of an application.

G. Modifications. Proposed modifications to an application which has been deemed complete by the Department will be treated as follows:

1. Modifications proposed by the Department to a pending application shall not be considered a new application; and
2. Modifications proposed by the applicant to a pending application which would result in a substantial increase in a project's impacts, as determined by the Department, may be deemed a new application. The new application shall conform to the requirements of this section which are in effect at the time the new application is submitted.

H. Filing Fees. The schedule of fees for development permits is established in a separate City resolution.

I. Additional Application Requirements. In the interest of public health, safety or welfare, or to meet the requirements of the State Environmental Policy Act or other State requirements, the Department may request additional application information such as, but not limited to, geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis and transportation impact studies.

.01.006 Notice of Application.

A. Notice of Application. Once an application has been deemed complete, the Department shall provide public notice for the project. The Department shall send a written notice, addressed through the United States mail, to City designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than 2

parcels deep, around the exterior boundaries of the subject property. Such notice shall be mailed not more than fourteen (14) working days from the submittal of a complete application. Parties receiving notice shall be given at least fourteen (14) days, from the mailing date, to provide any comments to the Department.

B. Content of Notice of Application. At a minimum, public notice documents shall contain the following information:

1. The name and address of the applicant and/or agent;
2. The subject property location;
3. A description of the proposed project and a list of the project permits included in the application, and, if applicable, a list of studies requested under RCW 36.70B.070 or 36.70B.090;
4. A list of existing environmental documents that evaluate the proposed project and a location where such documents can be reviewed;
5. A preliminary determination, if available, of the applicable development regulations that will be used for project mitigation and of consistency with land use plans, policies and regulations;
6. The date of application, the date of the Notice of Completion of the application and the date of the Notice of the Application;
7. The written determination shall, to the extent known by the City, identify the local, state, and/or federal government agencies that may have jurisdiction over some aspects of the application;
8. A list of other permits not included in the application, to the extent known by the City;
9. The time periods for submitting comments. Comments shall be due not less than fourteen (14) days nor more than thirty (30) days following the date of Notice of Application, include a statement of the rights of any person to comment on the applications, receive notice of, participate in any hearings and request a copy of the decision once made. All public comment on the Notice of Application must be received by the Department by 5:00 p.m. on the last day of the comment period;
10. The date, time and place of the public hearing if applicable, as scheduled at the date of notice. Notice of an open record hearing shall be given at least fourteen (14) days prior to the hearing;
11. A right to appeal statement; and,

12. A department contact and telephone number.

C. **Public Notice Provisions and Publication.** Once an application has been deemed complete, the applicant shall provide posted public notice on the subject property in accordance with specifications provided by the Department. Notice of application shall also be published by the City in its official newspaper.

D. **Shoreline Use Regulations Notice.** The following exceptions apply to Notice of Shoreline Use Regulations Permits:

1. Comments may be submitted within twenty (20) days of the last date of the published notice. Each person responding to such notice shall receive a decision;
2. Notice of a hearing on Shoreline Use Regulation Permits shall include a statement that any person may submit oral or written comments on an application at the hearing; and
3. The public may obtain a copy of the decision within two (2) days following issuance (RCW 90.58.140), and the notice must state the manner in which the public may obtain a copy of the decision.

E. **Determination of Significance.** If a Determination of Significance has been made prior to the Notice of Application, the Notice of Application shall be combined with the Determination of Significance and Scoping Notice. The Determination of Significance and Scoping Notice may be issued prior to the Notice of Application.

F. **Determinations and Decisions.** Except for a Determination of Significance, the City shall not issue a threshold determination, nor issue a decision or recommendation on a project permit until the expiration of the public comment period on the Notice of Application.

.01.007 Time Periods.

A. The Director or Examiner shall issue a Notice of Decision on a Project Permit within one hundred twenty (120) days after the Department notifies the applicant that the application is deemed complete. The following time periods shall be excluded from the one hundred twenty (120) day time period requirement:

1. Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional required information, and a period of up to fourteen (14) days after the submittal of such to determine if the information satisfies the request;
2. Any period during which an Environmental Impact Statement (EIS) is being prepared in accordance with State law following a determination of significance pursuant to RCW 43.21C;

3. Any period for administrative appeals; and
4. Any extension of time mutually agreed upon in writing between the applicant and the Department.

B. The one hundred twenty (120) day time period established above shall not apply in the following situations:

1. If the permit requires an amendment to the Comprehensive Plan or a development regulation; or
2. If the permit requires approval of the siting of an essential public facility; or
3. If there are substantial revisions to the project proposal at the applicant's request, in which case the time period shall start from the date at which the revised project application is determined to be complete; or
4. If the application is for a subdivision, then the timelines set in RCW 58.17 shall apply.

C. The applicant shall designate a single person or entity to receive determinations and notices required by this Title.

D. If the City is unable to issue its final decision within the time limits provided for, the City shall provide written notice to the applicant stating the reasons why the time limits have not been met, including an estimate of the date for issuance of the Notice of Final Decision.

.01.008 Notice of Decision. The City shall provide a Notice of Decision that includes a statement of any threshold determination and the procedures for administrative appeal. The Notice of Decision may be a copy of the report or the decision on the project permit application. The notice shall be provided to the applicant and any person, who prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application.

.01.009 Consistency with Development Regulations and SEPA/Consolidated Permit Review.

A. During any project permit application review, the City shall determine whether the items in this subsection are defined in the development regulations applicable to the proposed project. In the absence of development regulations, the City shall determine whether the items listed in this subsection are defined in the City's adopted Comprehensive Plan. This Determination of Consistency shall include the following:

1. The type of land use permitted at the site, including uses that may be allowed under special circumstances, if the criteria for the approval have been satisfied;

2. The level of development, such as density of residential development, floor area ratios, or maximum floor areas; and

3. Character of the development and development standards.

B. The City shall also review the project permit application under the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, the SEPA rules, Chapter 197-11 WAC and the City Environmental Regulations Ordinance No. 32, and shall:

1. Determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts;

2. Determine if the applicable regulations require measures that adequately address such environmental impacts;

3. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures; and

4. Provide prompt and coordinated review by governmental agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan and development regulations level.

C. In its review of the project permit application, the City may determine that the requirements for environmental analysis, protection, and mitigation measures in the applicable development regulations, Comprehensive Plan, and or other applicable local, state, or federal laws provide adequate analysis of, and mitigation for, specific adverse environmental impacts of the application.

D. A Comprehensive Plan, development regulation or other applicable local, state, or federal law provides adequate analysis of, and mitigation for, the specific adverse environmental impact of an application when:

1. The impacts have been avoided or otherwise mitigated; or

2. The City has designated or accepted certain levels of service, land use designations, development standards, or other land use planning required or allowed by Chapter 36.70A RCW.

E. If the City bases or conditions its approval of the project permit application on compliance with the requirements or mitigation described in subsection "B" above, the City shall not impose additional mitigation under SEPA during project review.

F. In its decision whether the specific adverse environmental impact has been addressed by an existing rule or laws of another agency with jurisdiction and with environmental expertise

with regard to a specific environmental impact, the City shall consult orally or in writing with that agency and may expressly defer to that agency. In making a deferral, the City shall base or condition its project approval on compliance with these other existing rules or laws.

G. Nothing in this section limits the authority of the City in its review or mitigation of a project to adopt or otherwise rely on environmental analysis and requirements under other laws as provided by Chapter 43.12C RCW.

H. The City shall also review the application under the City Environmental Regulations Ordinance No. 32.

I. During project review, the City shall not reexamine alternatives to, or hear appeals on, the items identified in subsection "A," except for issues of code interpretation. Project review shall be used to identify specific project design and conditions relating to the character of the development, such as details or site plans, curb cuts, drainage swells, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.

.01.010 Permit Conditions.

A. Time Limitations. Within a period of two years following the approval of a special use permit or preliminary development plan by the Examiner, the applicant shall file with the planning department a final development plan. Unless extended, if no final development plan is filed within the time limits specified, the approval shall be void.

B. Extensions. The expiration time period for filing final development plans may be extended in the following situations:

1. If the applicant can demonstrate to the Director or Examiner, as appropriate, that there have been unusual circumstances beyond his/her control to cause delay in the project, the time period may be extended by one year.

C. Compliance With Conditions. Compliance with conditions established in a preliminary approval and final approved development plans is required. Any departure from the conditions of approval or approved plans constitutes a violation of this Title and shall be subject to enforcement actions and penalties.

.01.011 Optional Consolidated Permit Processing. An application that involves two or more procedures may be processed collectively under the highest type review procedure required for any part of the application or processed individually under each of the procedures identified in this Title. The applicant shall determine whether the application shall be processed collectively or individually. If the applications are processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. [36.70B.060(3) RCW 36.70B.120]

.01.012 Appeals of Administrative Decisions.

A. Time Limit. Appeals may be taken to the examiner by any aggrieved person or by any officer, department, board or commission of the City affected by a decision of an administrative

official in the administration of enforcement of this code. Such appeals shall be filed in writing on forms available at the City in duplicate with the Planning Department within fourteen (14) of the date of the action being appealed. Appeals must be accompanied by a fee set by a separate fee resolution.

CHAPTER ____ .02 OPEN RECORD HEARINGS

- ____.02.001 Purpose
- ____.02.002 Applicability
- ____.02.003 Responsibility of Director
- ____.02.004 Notice of Public Hearing
- ____.02.005 Order of Proceedings
- ____.02.006 Joint Public Hearing
- ____.02.007 Applicant's Request for a Joint Hearing
- ____.02.008 Examiner's Decision - Findings Required
- ____.02.009 Burden and Nature of Proof
- ____.02.010 Conflict of Interest, Ethics, Open Meetings, Appearance of Fairness
- ____.02.011 Ex-Parte Communications
- ____.02.012 Disqualifications
- ____.02.013 Optional Reconsideration by the Examiner

.02.001 Purpose. The purpose of this Chapter is to provide the procedures for open record public hearings.

.02.002 Applicability. All type III project permits, appeals of administrative decisions and decisions made pursuant to Chapter 43.21C RCW shall be subject to not more than one open record public hearing, unless otherwise stated herein.

.02.003 Responsibility of Director. The Director shall:

- A. The Director shall schedule an application for public hearing or an appeal for public hearing:
 - 1. After receiving a complete application for a major variance, or
 - 2. Following the threshold determination on a Type III Permit subject to SEPA, or
 - 3. After receiving a complete application for an administrative appeal.
- B. The Director may schedule a public hearing either during the day or evening depending on public interest;
- C. Give notice of the hearing in accordance with this Title;
- D. Prepare a staff report on the application or appeal, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations of project permits in the consolidated permit process. The report shall state any mitigation required or

proposed under the development regulations or the City's authority under SEPA. If the threshold determination, other than a determination of significance, was not issued by the City, the report shall include or append this determination. The report shall be filed with the Examiner at least five (5) days prior to the scheduled public hearing date and copies thereof shall be mailed to the applicant and shall be made available for use by interested parties at the cost of reproduction; and

E. Prepare the Notice of Decision.

.02.004 Notice of Public Hearing.

A. Content of Public Notice Documents. At a minimum, public notice documents shall contain the following information:

1. The name and address of the applicant and/or agent;
2. The subject property location;
3. The nature of the proposed use, development, or appeal;
4. The date, time and place of the public hearing if applicable, as scheduled at the date of notice. Notice of an open record hearing shall be given at least fourteen (14) days prior to the hearing;
5. The sections of the code that are pertinent to the hearing procedure;
6. When information may be examined, and when and how written comments can be admitted; and,
7. A department contact and telephone number.

B. Notice of Hearing/Comment Period. Except in the case of a notice of an appeal for an administrative decision, the Department shall provide public notice for the public hearing. The Department shall send a written notice, addressed through the United States mail, to City designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than 2 parcels deep, around the exterior boundaries of the subject property. Such notice shall be mailed not more than fourteen (14) working days from the submittal of a complete application. Parties receiving notice shall be given fourteen (14) days, from the mailing date, to provide any comments to the Department. The property listing shall be supplied by the applicant with the application and based on the Pierce County Assessor's records.

C. Publish Notice. Except in the case of a notice of an appeal for an administrative decision, notice shall be published in a newspaper of general circulation in the City not less than fourteen (14) days before the date of the hearing, and such notice shall set the date, time, and place of the public hearing.

D. Appeal of Administrative Decisions Notice for an appeal of an administrative decision shall be mailed to the appellant, to the parties of record and to the officer who's decision is being appealed, together with a copy of the written appeal.

D. Shoreline Use Regulations Notice. The following exceptions apply to Notice of Shoreline Use Regulation Permits:

1. Comments may be submitted within twenty (20) days of the last date of the published notice. Each person responding to such notice shall receive a decision;
2. The comment period shall be at least twenty (20) days; and
3. The public may obtain a copy of the decision within two (2) days following issuance (RCW 90.58.140).

.02.005 Order of Proceedings.

A. Rules. The order of proceedings for a hearing will depend in part on the matter of the hearing. The Hearing Examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this section, to issue summons for and compel the appearance of witnesses, to administer oaths, and to preserve order. The privilege of cross examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the Examiner. The following shall be supplemented by administrative procedures as appropriate:

1. Before receiving information on the issue, the following shall be determined:
 - a. Any objections on jurisdictional grounds shall be noted on the record and if there is objection, the Examiner has the discretion to proceed or terminate; and
 - b. Any abstention or disqualification shall be determined;
2. The Examiner may take official notice of known information relating to the issue, including but not limited to:
 - a. A provision of any ordinance, resolution, rule, officially adopted development standard, or state law; and
 - b. Other public records and facts judicially noticeable by law;
3. Matters officially noted need not be established by evidence and may be considered by the Hearing Examiner in his or her determination. Parties requesting official notice of information shall do so on the record. The Hearing Examiner may take notice of matters listed in subsection 2 of this section if stated on the record. Any matter given official notice may be rebutted;
4. Information shall be received from the staff and from proponents and opponents. The Examiner may approve or deny a request from a person attending the hearing to ask a

question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony. Unless otherwise stated by the Hearing Examiner, the general order and time allotted each party shall be:

- a. City Staff shall be given fifteen (15) minutes to present the staff report to the Examiner;
 - b. The applicant shall be given fifteen (15) minutes to present the proposal;
 - c. The hearing shall be opened to the public, including any one in opposition or who has questions and concerns. Members of the public will have a maximum of 15 minutes each with the ability to assign their time to another individual; and
 - d. Following the initial hour, the Examiner shall indicate the order and times given for testimony.
5. The Hearing Examiner may view the area in dispute with or without notification to the parties, but shall place the time, manner, and circumstances of such view on the record.

.02.006 Joint Public Hearing. The Director or Examiner may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency on the proposed action so long as the requirements of section .02.007 below are met.

.02.007 Applicant's Request for a Joint Hearing. The applicant may request that the public hearings on a permit application be combined, as long as the joint hearing can be held within the time periods set forth in this Title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.

A. Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the City, as long as:

1. The other agency is not expressly prohibited by statute from doing so;
2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the City.

.02.008 Examiner's Decision - Findings Required.

A. Following the hearing, the Examiner shall, within twenty (20) working days, issue a decision. The Examiner may, approve, conditionally approve or deny the application. If the hearing is an appeal, the Examiner shall reverse or affirm wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as should be made. The Examiner shall have all the powers of the officer from whom the appeal is taken insofar as the decision on the particular issue is concerned and in making its determination the Examiner may hear any pertinent facts bearing on the case. When the Examiner renders a decision or recommendation, such Examiner shall make and enter written findings from the record and conclusions thereof which support such decision.

B. The finding and conclusions pertaining to land use regulatory matters shall set forth and demonstrate the manner in which the decision or recommendation carries out and helps to implement the goals and policies of the Comprehensive Plan, and the policies and standards set forth in the various policy documents and land use regulatory codes.

.02.009 Burden and Nature of Proof. The burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the City's development regulations, comprehensive plan, and that any significant adverse environmental impact has been adequately addressed.

.02.010 Conflict of Interest, Ethics, Open Meetings, Appearance of Fairness. The Hearing Examiner shall be subject to the codes of ethics (RCW 35A.42.020), prohibitions on conflict of interest (RCW 35A.42.020 and Chapter 42.23 RCW), open public meetings (Chapter 42.23 RCW), and appearance of fairness (Chapter 42.36 RCW), as the same now exist or may hereafter be amended.

.02.011 Ex-Parte Communications.

A. The Hearing Examiner may not communicate, directly or indirectly, regarding any issue in a proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate. Except as provided in this section:

1. The Hearing Examiner may receive advice from legal counsel; and
2. The Hearing Examiner may communicate with staff members (except where the proceedings relates to a code enforcement investigation or prosecution).

B. If, before serving as the Hearing Examiner in a quasi-judicial proceeding, the Examiner receives ex-parte communication of a type that could not properly be received while serving, the Examiner, promptly after starting to serve, shall disclose the communications as described in subsection "C" below.

C. If the Hearing Examiner receives an ex-parte communication in violation of this Section, he or she shall place on the record:

1. All written communications received;
2. All written responses to the communications;
3. State the substance of all oral communications received, and all responses made;
4. The identity of each person from whom the Examiner received any ex-parte communication.

D. The Hearing Examiner shall advise all parties that these matters have been placed on the record. Upon request made within ten (10) days after notice of the ex-parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

.02.012 Disqualification. The Hearing Examiner who is disqualified may do so only by making full disclosure to the audience, abstaining from voting on the proposal, vacating the seat on the hearing body and physically leaving the hearing.

.02.013 Optional Reconsideration by the Examiner. Provided an applicant agrees at the time of application, any aggrieved person including the applicant feeling that the decision of the Examiner is based on errors of procedure or fact may make a written request for review by the Examiner within seven (7) working days of the written decision. This request shall set forth the alleged errors, and the Examiner may, after review of the record take such further action as he deems proper and may render a revised decision. Only one (1) request for reconsideration may be filed by any one (1) person or party, even if the Examiner reverses or modifies his original decision or changes the language in the decision originally rendered. Agreement by the applicant to allow reconsideration extends the applicable time period in Section 01.007 of this Chapter by the time it takes to resolve the request for reconsideration.

CHAPTER .03 JUDICIAL REVIEW

- .03.001 Examiner's Decision Final
- .03.002 Judicial Review of Decision

.03.001 Examiner's Decision Final. The final action by the Examiner on any project permit(s) and/or appeal of an administrative decision within his/her jurisdiction is a final decision. There is no closed record appeal to the City Council.

.03.002 Judicial Review of Decision. Any court action to set-aside, enjoin, review, or otherwise challenge a final decision of the Hearing Examiner on the ground of noncompliance with the provisions of this Code shall be commenced within twenty-one (21) days of the final action pursuant to RCW 36.70C.040(3).

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. Conflict of Provisions. In the event that this Ordinance conflicts with any provision of any other existing ordinance, the terms of this Ordinance shall prevail.

Section 4. Repealing Sections 12 - 16 of Ordinance No. 64. Sections 12 - 16, inclusive, of Ordinance No. 64 are hereby repealed.

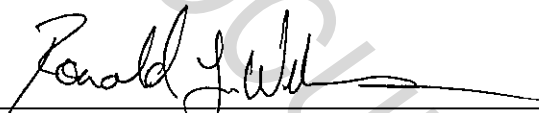
Section 5 Development Regulation Amendments. The University Place Zoning Code, Ordinance No. 79, the Subdivision Code Ordinance No. 61, the Critical Areas Ordinance No. 59 the Site Development Regulations Ordinance No. 62 and the Streets Drainage and Rights-of-Way Regulations Ordinance No. 63, are hereby amended as set forth in Exhibit A, B, C, D, and E respectively. These amendments serve to implement this ordinance entitled Administration of Development Regulations.

Section 6 Pierce County Shoreline Management Use Regulations. All references to permit processing procedure in the Shoreline Management Use Regulations is superseded by to this Ordinance entitled Administration of Development Regulations.

Section 7. 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.

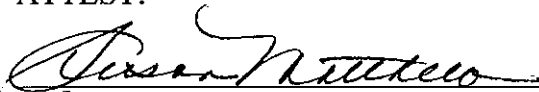
Section 8. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be in full force and effect five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON DECEMBER 16, 1996.



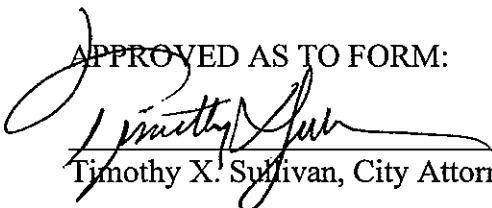
Ronald L. Williams, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: 12/26/96

Effective Date: 12/31/96

PROJECT PERMIT APPLICATION PROCESSES

	TYPE I	TYPE II	TYPE III
INITIAL PERMIT DECISION			
Made By: Hearing Examiner or Administration	Administration	Administration	See Open Record Hearing (Below)
Application Requirements	X	X	X
Determination of Completeness	Required Within 28 Days of Receiving Application	Required Within 28 Days of Receiving Application	Required Within 28 Days of Receiving Application
Notice of Application	Mailed Notice Required 14 Days After Determination of Completeness	Mailed Notice Required 14 Days After Determination of Completeness	Mailed Notice Required 14 Days After Determination of Completeness
Time Periods	120 Days After Determination of Completeness	Short Plats, Final Plats, and Binding Site Plans Must Be Processed Within 30 Days of Filing Thereof. RCW 58.17.140. Otherwise, Time Period For Processing is 120 Days.	Preliminary Plat of Any Proposed Subdivision or Dedication Must Be Processed Within 90 Days of Filing. RCW 58.17.140. Otherwise, Time Period For Processing is 120 Days
Consolidated Permit Process	X	X	X
Notice of Decision	X	X	Not Applicable
Consistency W/ Development Regs. & SEPA	X	X	X
Permit Conditions	X	X	X
OPEN RECORD HEARING (HE)			
Applicability	Appeals of Administrative Decisions to Hearing Examiner	Appeals of Administrative Decisions to Hearing Examiner	Initial Decision Made By Hearing Examiner After Open Record Hearing
Notice of Public Hearing	Public Notice Required 15 Days Prior to Open Record Hearing	Public Notice Required 15 Days Prior to Open Record Hearing	Public Notice Required 15 Days Prior to Open Record Hearing
Request for Joint Hearing	X	X	X
JUDICIAL REVIEW RCW 36.70C			
Applicability	Appeals of Hearing Examiner Decision	Appeals of Hearing Examiner Decision	Appeals of Hearing Examiner Decision

NOTE: Use of this matrix is for general summary purposes only. Any user of this matrix should refer to Title ___ for full explanations, as well as for exceptions to any of the above summarized information.

PROJECT PERMIT APPLICATION TYPES

TYPE I	TYPE II	TYPE III
Variance	Short Plats	Appeal of Administrative & SEPA Decisions
Nonconforming Use	Final Plats	
Minor Amendments	Plat Alterations	Conditional Use Permits
Home Occupation Permits		Preliminary Subdivision
Sign Permits	Amendments	Nonconforming Use (nonadministrative)
Building/Construction Permits	Large Lot Subdivisions	Planned Development District
Site Development Permits	Binding Site Plans	Major Amendments
Row Permits		Variances (nonadministrative)
Lot Combinations		Shoreline Substantial Development Permit
Boundary Line Adjustment		Shoreline Conditional Use
Code Interpretations		Shoreline Nonconforming Use
		Shoreline Variance
		Critical Area Permits
		Private Road Variances

EXHIBIT A
ORDINANCE 130

UNOFFICIAL DOCUMENT

CHAPTER 19.25

ZONE CLASSIFICATIONS AND USE TABLES

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19.25.010 Purpose. The purpose of this chapter is to list and describe the zone classifications and their purposes; provide interpretation of uses allowed in each zone classification; and classify uses according to a limited number of categories on the basis of common functional, product or compatibility characteristics.

19.25.020 List of Zone Classifications. Zones are grouped into Urban Classifications based on their locations inside of an urban growth boundary. See the table below for a list of zone classifications and their symbols. Descriptions and purposes can be found in Sections 19.25.100, Urban Zone Classifications and Use Table.

19.25.030 Zoning Map.

A. Map Established. The official zoning map used as a basis for this zoning regulation shall be maintained by the Department of Planning and Community Development. Each property in the City of University Place is classified under this code and is subject to the requirements of this code. Zoning classifications on the official zoning map shall use the symbols shown in Section 19.25.020, List of Zone Classifications.

B. Interpretation of Boundaries. When uncertainty regarding zone classification boundaries arises, the following rules shall apply:

1. Where zoning or urban growth boundaries are indicated as following the centerline of streets, alleys or highways, the right-of-way centerline shall be the boundary.
2. Where zoning or urban growth boundaries are indicated as following lot or tract lines, the lot or tract lines shall be the boundary.
3. Unmapped shorelands shall be considered to be within the same zoning classification or urban growth area designation as the adjacent upland.
4. Where a public street or alley is officially vacated or abandoned, the zone classification applicable to the property abutting the vacated portion, shall apply to the vacated or abandoned street or alley.
5. Where zoning or urban growth boundaries divide a parcel created prior to August 31, 1995. The entire parcel shall be considered to be within the classification of the majority of the parcel; i.e., the portion which is greater than 50% of the lot area.
6. Where these rules do not clarify a boundary issue, the Director shall make the determination. The Director's determination in these instances may be appealed according to ~~Section 19.85.050, Appeals.~~ Title _____
Administration of Development Regulations

19.25.050 Interpretation of Uses and Use Tables. Use tables are provided for urban zoning classifications in **Section 19.25.100.F**. Zoning classifications are shown across the horizontal axis and use category and type are shown down the vertical axis.

A. Use Categories, Types and Levels. Uses are grouped into eight (8) major categories: residential, civic, utilities, essential public facilities, office/business, commercial, industrial, and resource. Each use category includes a number of use types. Each use type may contain one or more levels. Each level indicates uses based on intensity or characteristics of the use. These use categories, types, and levels are shown on the use table. For a description of use categories, types, and levels see **Sections 19.25.250 to 19.25.330**.

1. **Typical Uses within Use Types.** The description of the use types and associated levels in this chapter contain examples of usual and customary uses. These uses are intended to be typical and are not intended to represent all possible uses.
2. **Organization of Uses.** In **Sections 19.25.260 through 19.25.330** uses are organized into use categories, use types and levels, which represent typical uses.

Example: Commercial Use Category
 Lodging Use Type
 Level 2 - Hotels as a typical use

Any use may have accessory uses subordinate to the permitted use.

B. Symbols. The following symbols are employed in the use tables:

1. A blank cell on the table indicates that the use type is not allowed in the zone listed at the top of the column.
2. A "P" in a cell on the table indicates that the use type is permitted outright in the zone listed at the top of the column.
3. A "C" in a cell on the table indicates that the use type is permitted subject to the Conditional Use provisions specified in **Section 19.75.030**, Conditional Use Permit.
4. An "A" in a cell on the table indicates that the use type is permitted subject to administrative review under the provision specified in **Section 19.75.020**, Administrative Use Permit.
5. A "PFP" in a cell on the table indicates that the use type is permitted subject to a Public Facilities Permit (**Section 19.75.060**, Public Facility Permit) if the use is provided by a governmental entity to serve a specific public need as identified in the adopted facility plan.
6. A number accompanying a "P", "C", "PFP", or "A" in a cell refers to the level of the use type allowed in the zone listed at the top of the column. If a letter is not accompanied by a number, all levels of that use type are permitted, subject to appropriate review. The description of levels for each use type is contained in **Sections 19.25.250 through 19.25.330**.

C. Interpretation by Director. Where there is a question regarding the inclusion or exclusion of a particular proposed use within a particular use category, use type, or use type level, the Director shall have the authority to make the final determination. The Director's determination in these instances may be appealable according to **Section 19.85.050**, Appeals. Title _____ Administration of Development Regulations

D. Establishing Use. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. A property may have uses that fall into one or more categories or use type. When more than one use category or use type level apply to one property, each use shall be classified separately.

E. Accessory Uses. Accessory uses are described and regulated in **Section 19.25.400**, Accessory Uses.

F. Temporary Uses. Temporary uses are described and regulated in **Section 19.95.040**, **19.25.500** Temporary Uses.

CHAPTER 19.45

SIGNS

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period. Upon failure to comply with the provisions of this Section, the Planning Director shall issue a notice to the owner to remove the sign within a ten (10) day period or be in violation of this Code.

19.45.460 Penalty for Violations.

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or sign structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.
- B. Any person, firm or corporation violating any of the provisions of this Code shall be subject to a ~~Class 1 civil infraction citation~~ civil violation as defined in the City's Enforcement Ordinance.

19.45.470 Severability.

If any provision of this Chapter or its application to any person or circumstance is invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected.

CHAPTER 19.75

DISCRETIONARY LAND USE PERMITS

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19.75.050 PLANNED DEVELOPMENT DISTRICTS

- A. Purpose
- B. Classifications of Planned Development Districts
- C. Initiation of a PDD
- D. PDD - Minimum Area Required
- E. PDD - Staging
- F. Redevelopment - Street Vacations
- G. Uses Permitted in a PDD
- H. Use Permit Exceptions
- I. PDD - Procedure for Approval
- J. PDD Approval - Findings Required
- K. Examiner's Actions - Appeals
- L. Motion - Effect
- M. Building Permits - Issuance
- N. Subdivisions
- O. Final Development Plan - Time Limitation
- P. Permissive Variation from Standard Requirements
- Q. Prior Existing Planned Unit Developments
- R. Parties Bound by PDD District

- A. **Purpose.** A PDD is intended to be a flexible zoning concept; it will provide the Examiner, ~~and if appealed the Council~~, a chance to mold a district so that it creates more desirable environments and results in better use of land than that produced through the limiting standards provided in the regular zone classifications. The uses within the PDD depend on the uses in the underlying zone. The residential densities within the PDD may vary depending upon how the land is developed with general aesthetics, natural areas, and open space being an incentive.
- B. **Classifications of Planned Development Districts.** Planned Developments shall be classified as one of two types: Residential or Non-Residential. A Residential PDD shall mean that the principal purpose of the PDD is to provide one or more types of housing at densities of dwellings the same as densities permitted by the underlying zone and where all other uses shall be considered accessory, supportive, or adjunct to housing. A Non-Residential PDD shall mean a development where the preponderance of uses are intended for purposes other than housing and shall include, but are not necessarily limited to: retail, service, industrial, and manufacturing, and where residential uses as are allowed by the underlying zone shall be minor and secondary in purpose to intended use of the district.
- C. **Initiation of a PDD.** An application for an amendment to the Official Map proposing a Planned Development District may be initiated by the property

- a. Condominiums and townhouses.
- b. Customary accessory uses and structures common to individual or group dwellings.
- c. Group residence.
- d. Incidental retail and service uses primarily for the convenience of and supported by the residences within the PDD containing not less than one hundred (100) acres or four hundred (400) dwelling units provided incidental retail or service uses may be authorized on a final development plan only upon completion and occupancy of at least fifty percent (50%) of the total dwelling units intended within the total group.
- e. Manufactured home subdivisions.
- f. Non-residential uses such as schools, churches, libraries as authorized in the PDD.

2. **Non-Residential:** Uses permitted by the underlying zone as authorized in the development plan.

H. Use Permit Exceptions. When a Special Use Permit or Administrative Use Permit is authorized as part of a development plan and when said uses are permitted by the underlying zone as requiring a permit from the Examiner, said procedure for obtaining the permit shall be waived.

I. PDD - Procedure for Approval. The approval of a PDD shall be considered an amendment to the Official Maps and, except as provided in this Section, shall be processed as ~~is any other amendment a Type III Permit with respect to notice, hearings, and appeals pursuant to this Code Title~~ Administration of Development Regulations. A two step procedure shall be followed in the approval of a PDD as follows:

- 1. The conditional approval of a preliminary development plan by the Examiner after public notice and hearing.
- 2. The conditional approval by the Examiner shall not become final and effective until the date the final development plan is approved by the Planning Director and at such date the final development plan shall be deemed to be adopted. The final development plan may be approved and adopted by stages but must be completed in the time set forth in the preliminary approval. The final development plan shall be approved by

J. PDD Approval - Findings Required. The action by the Examiner to approve a preliminary development plan for a proposed PDD with or without modifications shall be based upon the following findings listed below. If the Examiner cannot make such findings, the proposed PDD shall be denied.

1. That the proposed development is in substantial conformance with the City of University Place Comprehensive Plan.
2. That exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program. The design and amenities proposed and provided must be substantially greater than minimum requirements. The design should be exemplary.
3. That the proposal is in harmony with the surrounding area or its potential future use.
4. That the system of ownership and means of developing, preserving, and maintaining open space is suitable.
5. That the approval will result in a beneficial effect upon the area which could not be achieved under other zoning districts.
6. That the proposed development or units thereof will be pursued and completed in a conscientious and diligent manner.

K. Examiner's Actions - Appeals. The action of the Examiner in conditionally approving or denying a preliminary development plan shall be final and conclusive unless an ~~written~~ appeal is filed pursuant to the City's appeals procedures.

L. Motion - Effect. The conditional approval by the Examiner approving a preliminary development plan shall mean approval by the Examiner in principle with the PDD concept. The effective date of the amending action shall be the date that the Director approves the final development plan. When a part of the approval of a PDD, applications for change of zone or subdivision approval shall become effective on the date the final development plan is approved unless applied for jointly.

- M. Building Permits - Issuance.** Building Permits shall be issued for only those portions of a PDD for which a final development plan has been approved by the Planning Director.
- N. Subdivisions.** When it is the intention of an applicant to subdivide or resubdivide all or portions of property within a proposed PDD, application for approval of a preliminary subdivision may be filed and considered concurrently with an application for approval of a preliminary development plan. Subject to density of dwelling units, the minimum area, width, and yard requirements for subdivision lots proposed within a PDD may be less than the minimum specified in the underlying zone district if the design of the subdivision is in accordance with the intent and purpose of this Section. Except for necessary roads the balance of the total tract intended for subdivision shall be devoted to open space.
- O. Final Development Plan - Time Limitation.** Within three (3) years from the date of conditional approval of a preliminary development plan by the Examiner, the applicant shall submit a final development plan for the PDD ~~or a stage thereof for approval~~. When deemed reasonable and appropriate, the Examiner may grant not more than one (1) an extension of one (1) year for such submittal. ~~If, at the date of expiration of the time period provided herein, a final development plan has not been filed for approval or any time after a final plan has been approved it appears that the project is not progressing in a reasonable and consistent manner or the project has been abandoned, action may be initiated pursuant to Section 19.85.060 of this Code to revoke the PDD. If after a year since a Final Development Plan is approved the applicant has not applied for a building permit or the building permit has expired without construction the PDD approval shall become void unless associated with a subdivision. If the PDD is associated with a subdivision the time limits specified in the City Subdivision Code regarding expiration shall apply. When revocation has been enacted upon a PDD Once expired the land and the structures thereon may be used only for a lawful purpose permissible within the zone in which the PDD is located.~~
- P. Permissive Variation from Standard Requirements.** In considering a proposed development plan, the approval may involve modifications in the regulations, requirements, and standards of the underlying zone in which the project is located so as to appropriately accomplish the purpose of this Section. In making such modifications as are deemed appropriate, the following, except for item 1. which may not be exceeded, guidelines shall apply:
- 1. Off-street parking and loading:** The total required off-street parking facilities should not be less than the sum of the required parking facilities for the various uses computed separately.
 - 2. Height of buildings:** The height of buildings and structures within a PDD should be limited to the height permitted by the underlying zone, or as

CHAPTER 19.85

PROCEDURES

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~~19.85.020 APPLICATIONS, REVIEW PROCESS AND PERMITS~~

- ~~A. Purpose~~
- ~~B. Applicability~~
- ~~C. Application Requirements~~
- ~~D. Time Periods~~
- ~~E. Review Process~~
- ~~F. Permit Conditions~~
- ~~G. Time Computations~~

~~A. Purpose. The purpose of this section is to outline discretionary land use permit application requirements, review process and permit provisions.~~

~~B. Applicability. The regulations identified in this section apply to Discretionary Land Use Permits which are recognized by the Department. These include two types:~~

- ~~1. Administrative review includes but is not limited to, Administrative Variance, Short Plats, Large Lot Subdivisions, Lot Combinations, Boundary Line Adjustments, Binding Site Plans, Minor Amendments, and Home Occupations Permits.~~
- ~~2. Hearing Examiner review includes but is not limited to Conditional Use, Formal Subdivision, Planned Unit Development, Shoreline Substantial Development, Shoreline Conditional Use, Shoreline Nonconforming Use, Shoreline Variance, Variance, and Major Amendments.~~

~~C. Application Requirements:~~

- ~~1. Pre-Development Conference. The pre-development conference is a process designed to define those items of Department review which, if not addressed at the conceptual plan stage, are of such significance that continuation of the project might result in substantial technical difficulties during the permit processing. Representatives from various departments and an applicant for a Discretionary Land Use Permit will discuss the conceptual plan for the proposed project and the City's regulatory process. A pre-development conference may be scheduled at the request of the applicant.~~
- ~~2. Community Meeting. For land use actions that required approval by the Hearing Examiner following the pre-application meeting and before submitting an application, the applicant shall conduct a public meeting to solicit input and suggestions from the community. A member of the planning staff should attend. Notice of the public meeting shall be made in accordance with Section 85020(E)(2) (notice to neighbors) and held on a weekday evening. Community meetings are not required for variances, or when waived by the Director for Conditional permits which do not abut or have an impact on residential properties.~~

3. ~~Pre Application Meeting.~~ The pre-application meeting is a meeting between Department staff and a potential applicant for a Discretionary Land Use Permit to discuss the application submittal requirements and pertinent fees. A pre-application meeting is required prior to submittal of an application for a Discretionary Land Use Permit.

4. ~~Complete Applications.~~

a. ~~Form and Content.~~ The Department shall prescribe the form and content for complete applications made pursuant to this Code.

b. ~~Check for Complete Application.~~ Applications shall be considered complete when the Department determines application materials contain the following:

- (1) ~~the correct number of completed Department master and supplemental application forms signed by the applicant;~~
- (2) ~~the correct number of documents, plans or maps identified on the Department Submittal Standards form which are appropriate for the proposed project;~~
- (3) ~~a copy of the pre-development conference written summary, if applicable, along with the correct number of any items which were stated therein as additional requirements;~~
- (4) ~~a completed State Environmental Policy Act checklist, if required; and~~
- (5) ~~payment of all applicable fees.~~

c. ~~Initiation of Review Process.~~ The Department shall not commence the review process of any application set forth in ~~Section 19.85.020.F, Review Process,~~ until the application is deemed complete.

d. ~~Time Limitations.~~

- (1) ~~Within 28 days after receiving a development permit application, the Department shall provide a written determination to the applicant, stating either:~~
 - (a) ~~the application is complete; or~~
 - (b) ~~the application is incomplete and what information is necessary to make the application complete.~~
- (2) ~~An application shall be deemed complete if the Department does not, within 28 days, provide a written determination to the applicant that the application is incomplete.~~

- (3) — Within 14 days after an applicant has submitted the requested additional information, the Department shall notify the applicant whether the information submitted adequately responds to the notice of incomplete application, thereby making the application complete, or what additional information is still necessary.
- (4) — An application is complete for purposes of this section when it meets the procedural submission requirements of the Department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Department from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
5. — **Incomplete Applications.** Failure of an applicant to submit information identified as required in the notice of incomplete application, within 60 days of the Department's mailing date, shall constitute grounds for deeming the application null and void. If all additional information, identified in the notice of incomplete application, has not been received by the Department within 120 days from the application submittal date then the application shall be deemed null and void unless the applicant has been granted a time period extension. Time period extensions may be granted by the Director when the applicant can demonstrate that unusual circumstances, beyond their control, have prevented them from being able to provide the additional information within the 120 day time period.
6. — **Waiver of Requirements.** The Director may waive specific submittal requirements that are determined to be unnecessary for review of an application.
7. — **Modifications.** Proposed modifications to an application, which has been deemed complete by the Department, will be treated as follows:
- a. — Modifications proposed by the Department to a pending application shall not be considered a new application.
 - b. — Modifications proposed by the applicant to a pending application, which would result in a substantial increase in a project's impacts, as determined by the Department, may be deemed a new application. The new application shall conform to the requirements of this section which are in effect at the time the new application is submitted.
8. — **Filing Fees.** The schedule of fees for Development Permits is established in separate City Resolution.
9. — **Applications Part of Permanent Record.** Applications filed pursuant to this Code shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the agency to

which the application is made. Copies of all notices and orders; certificates and affidavits of posting, mailing or publication; plans, maps, and exhibits; and any other additional application information shall be filed together with the application in the permanent official records.

10. ~~Additional Application Requirements.~~ In the interest of public health, safety or welfare or to meet the requirements of the State Environmental Policy Act or other State requirements, the Department may request additional application information such as, but not limited to: geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis and transportation impact studies.

11. ~~Concurrent Processing of Applications.~~ Applications for more than one type of Discretionary Land Use Permit for a single project may be consolidated into one review process held before a single hearing body or officer. If the various applications require different review procedures, as set forth in ~~Section 19.85.020.E, Review Process~~, below, then the review procedure with the broadest public notice provision applies.

D. ~~Time Periods.~~

1. ~~The Director or Examiner shall issue their notice of final decision on a Discretionary Land Use Permit within 120 days after the Department notifies the applicant that the application is complete or is deemed complete as provided in Section 19.85.020.C.3 above. The following time periods shall be excluded from the 120 day time period requirement:~~

a. ~~Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional required information;~~

b. ~~Any period during which an EIS is being prepared in accordance with State law.~~

c. ~~Any period for administrative appeals of Discretionary Land use Permits; and~~

d. ~~Any extension of time mutually agreed upon in writing between the applicant and the Department.~~

2. ~~The 120 day time period established in Section 19.85.020.D.1 above shall not apply in the following situations:~~

a. ~~If the permit requires an amendment to the Comprehensive Plan or a development regulation;~~

b. ~~If the permit requires approval of the siting of an essential public facility;~~

c. ~~If there are substantial revisions to the project proposal at the applicants request, in which case the time period shall start from~~

the date at which the revised project application is determined to be complete per Section 19.85.020.C.3 above.

E. ~~Review Process.~~

1. ~~Administrative Review.~~ Administrative Review is utilized when processing applications for Administrative Permits including, but not limited to: ~~Administrative Variance, Administrative Nonconforming Use, Short Plats, Large Lot Subdivisions, Lot Combinations, Boundary Line Adjustments, Minor Amendments, Home Occupation Permits, and Binding Site Plans.~~ Administrative Review shall be subject to the following provisions:
 - a. ~~Content of Public Notice Documents.~~ At a minimum, public notice documents shall contain the following information:
 - (1) ~~subject property location;~~
 - (2) ~~name of the applicant;~~
 - (3) ~~nature of the request;~~
 - (4) ~~time periods for submitting comments and the date on which the Director will issue the decision;~~
 - (5) ~~right to appeal statement; and~~
 - (6) ~~Department contact and telephone number.~~
 - b. ~~Department Public Notice Provisions.~~ Once an application has been deemed complete, the Department shall provide public notice for the project. The Department shall send a written notice, addressed through the United States mail, to all property owners of record within a radius of 300 feet, but not less than 2 parcels deep, around the exterior boundaries of the subject property. Such notice shall be mailed not more than 3 working days from the submittal of a complete application. Parties receiving notice shall be given 14 days, from the mailing date, to provide any comments to the Department.
 - c. ~~Applicant Public Notice Provisions.~~ Once an application has been deemed complete, the applicant shall provide posted public notice on the subject property in accordance with specifications provided by the Department.
2. ~~Hearing Examiner Review.~~ Hearing Examiner Review is utilized when processing applications for Special Use Permits including, but not limited to: ~~Conditional Use, Formal Subdivision, NonConforming Use, Planned Unit Development, Shoreline Substantial Development, Shoreline Conditional Use, Shoreline Nonconforming Use, Shoreline Variance, and Variance.~~ Hearing Examiner Review shall be subject to the City's ~~Hearings Examiner Ordinance.~~

3. ~~Administrative Review.~~ Administrative Review is utilized when processing applications for Administrative Permits including, but not limited to: Administrative Variance, Administrative Nonconforming Use, Short Plats, Large Lot Subdivisions, Lot Combinations, Boundary Line Adjustments, Minor Amendments, Home Occupation Permits, and Binding Site Plans. Administrative Review shall be subject to the following provisions:

a. ~~Content of Public Notice Documents.~~ At a minimum, public notice documents shall contain the following information:

(1) subject property location;

(2) name of the applicant;

(3) nature of the request;

(4) time periods for submitting comments and the date on which the Director will issue the decision;

(5) right to appeal statement; and

(6) Department contact and telephone number.

b. ~~Department Public Notice Provisions.~~ Once an application has been deemed complete, the Department shall provide public notice for the project. The Department shall send a written notice, addressed through the United States mail, to all property owners of record within a radius of 300 feet, but not less than 2 parcels deep, around the exterior boundaries of the subject property. Such notice shall be mailed not more than 3 working days from the submittal of a complete application. Parties receiving notice shall be given 14 days, from the mailing date, to provide any comments to the Department.

c. ~~Applicant Public Notice Provisions.~~ Once an application has been deemed complete, the applicant shall provide posted public notice on the subject property in accordance with specifications provided by the Department.

d. ~~Publish Notice.~~ Notice shall be given by at least one publication in a newspaper of general circulation in the City not less than 10 days before the date of the hearing and such notice shall set the date, time, and place of the public hearing.

F. ~~Permit Conditions.~~

1. ~~Authority to Establish Time Limitations.~~ The Director or Examiner has the authority, as part of the approval of a Discretionary Land Use Permit, to establish a time limitation for filing and approving Final Development Plan(s).

~~2. Extensions. The expiration time period, outlined in Section 19.85.020.F.1 above, may be extended in the following situations:~~

- ~~a. If the applicant can demonstrate to the Director or Examiner, as appropriate, that there have been unusual circumstances beyond their control to cause delay in the project, the time period may be extended by one year; or~~
- ~~b. The Director or Examiner, which is determined based upon the original review process, has the authority to grant an extension time period greater than one year.~~

~~3. Compliance With Conditions. Compliance with conditions established in a preliminary approval and final approved development plans is required. Any departure from the conditions of approval or approved plans constitutes a violation of this Code and shall be subject to enforcement actions and penalties. See Section 19.85.060, Revocation and Expiration and Section 19.85.070, Enforcement and Penalties.~~

~~4. Relinquishment of Discretionary Land Use Approvals. A property owner may elect to relinquish a previously approved discretionary land use permit in order to obtain another use or density which is now permitted outright under a new zone classification. In recognition of the relinquishment, any use authorized by the discretionary land use permit shall cease, unless said use is allowed outright under the underlying zone classification. The petitioner for relinquishment shall follow the following process:~~

- ~~a. The property owner must submit in writing, to the Department, the request including the reasons for the relinquishment. Accompanying the request should be a copy of the original approval.~~
- ~~b. The request will be reviewed by staff to determine if any conditions of the original approval conflict with the request for relinquishment. If the conditions or terms of the discretionary land use permit conflict with the request, the request will be forwarded to the Director or Examiner, as appropriate to the original review procedure, for a decision.~~
- ~~c. The Department will respond in writing to the owner with a determination and provide the Examiner a copy of that determination.~~

~~G. Time Computations. Any reference to a time period, unless otherwise specifically stated, shall be calculated based upon calendar days.~~

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19.85.040 AMENDMENTS

- A. Purpose
- B. Amendment Standards - Administrative Permits
- C. Amendment Standards - Special Use Permits
- D. Amendment Standards - Development Regulations and Other Official Controls
- E. Amendment Standards - Comprehensive Plan

A. **Purpose.** The purpose of this section is to define types of amendments to the development regulations, comprehensive plan, and other official controls and to identify procedures for those actions.

B. **Amendment Standards - Administrative Permits.** This section is to provide the method for amending conditions of approval and final development plans that have received an administrative permit.

1. **Minor Amendments.** The following procedures shall be required for all minor amendments.

- a. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent.
- b. Minor amendment applications may be routed to any City division or any agency with jurisdiction. This distribution shall be at the discretion of the Department.
- c. Minor amendments may be approved or modified with conditions for approval by the Director provided all of the following requirements are met:
 - 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 by more than 5 percent of the original lot area.
 - 3. The proposal does not add more than 5 percent gross square footage of structures to the site.
 - 4. The proposal does not increase the overall impervious surface on the site by more than 5 percent.
 - 5. Any additions or expansions approved through minor amendments that cumulatively exceed the requirements in this section shall be reviewed as a major amendment.
- d. Minor amendment decisions shall be in writing and attached to the official file.
- e. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.
- f. Copies of the decision shall be mailed to all parties of record.

2. **Major Amendments.**

- a. Any modification exceeding the provisions of Section 19.85.040C.1.d, shall follow the same procedure required for ~~the initial~~ a new application.

- b. ~~Major Amendments shall be subject to the most current City codes. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.~~
- c. Any modification that requires a discretionary permit other than the type granted for the original application shall require the new permit type.

C. Amendment Standards - Special Use Permits. This section is to provide the method for amending conditions of approval and final development plans that have received a Special Use Permit from the Examiner.

1. Minor Amendment. The following procedures shall be required for all minor amendments.

- a. Request for minor amendments shall be in writing from the property owner or the owner's authorized agent.
- b. Minor amendment applications may be routed to any county division or agency with jurisdiction. This distribution shall be subject to the discretion of the Department.
- c. A copy of all applications and any Department recommendation for minor amendments shall be routed to the Examiner. The Examiner shall determine if the proposal is consistent with the original decision. Each minor amendment approval is subject to the consensus of the Examiner.
- d. Minor amendments may be approved or modified with conditions for approval by the Director provided all of the following requirements are met:
 - 1. The examiner does not object to the minor amendment.
 - 2. A change to a condition of approval does not modify the intent of the original condition.
 - 3. The perimeter boundaries of the original site shall not be extended by more than 5 percent of the original lot area.
 - 4. The proposal does not increase the overall residential density of a site.
 - 5. The proposal does not change or modify housing types.
 - 6. The proposal does not reduce the designated open space.
 - 7. The proposal does not add more than 5 percent gross square footage of structures to the site.
 - 8. The proposal does not increase the overall impervious surface on the site by more than 5 percent.
 - 9. Any conditions or expansions approved through minor amendments that cumulatively exceed the requirements in this section shall be reviewed as a major amendment.
- e. Minor amendment approvals shall be in writing and attached to the official file.
- f. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.
- g. Copies of the decision shall be mailed to all parties of record.

2. Major Amendments.

2. Major Amendments.

- a. Any modification exceeding the provisions of Section 19.85.040C.1.d, shall follow the same procedure required for ~~the initial~~ a new application.
- b. ~~Major Amendments shall be subject to the most current City codes. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required~~
- c. Any modification that requires a discretionary permit other than the type granted for the initial application shall require the new permit type.

D. Amendment Standards -Comprehensive Plan - Development Regulations and other Official Controls.

This subsection is to provide the method for adoption and amendment to the text and official map of this development regulation and other official controls. Request to change a regulatory zone affecting a parcel of land, or portion of a lot, are processed under Procedures for Amendments to the Comprehensive Plan.

1. Initiation of an Amendment. An amendment to the zoning code or other official controls may be initiated by:

- a. The Council requesting the planning Agency to set the matter for hearing and recommendation.
- b. The Planning Commission with concurrence of the Department.
- c. One or more owner's of property directory affected by the proposal may petition the Planning Commission to initiate an amendment.

2. Application Required.

- a. For the purpose of advising and informing an applicant of the procedural requirements and to insure that an application is in satisfactory form, the Department may require a prefiling conference.
- b. The Department shall provide the application forms and submittal requirements for amendments.
- c. No amendment shall be processed until the information necessary to review and decide upon the amendment is deemed complete by the Director.

3. Fees. See Resolution No. ____ Planning and Land Services Department Fees, for the filing fees adoption or amendment to the zoning code and other official controls.

4. Planning Department Report. The Department shall prepare a written report on each amendment pending before the Planning Commission. The report shall be transmitted to the Planning Commission and the applicant before the public hearing. Each report shall contain:

- a. Any factual finding of the City department proposing the amendment.
- b. Any comments from other City departments.
- c. The environmental assessment or copy of any environmental determination or final environmental impact statement.

4. **Planning Department Report.** The Department shall prepare a written report on each amendment pending before the Planning Commission. The report shall be transmitted to the Planning Commission and the applicant before the public hearing. Each report shall contain:
- a. Any factual finding of the City department proposing the amendment.
 - b. Any comments from other City departments.
 - c. The environmental assessment or copy of any environmental determination or final environmental impact statement.
 - d. The Planning Department's recommendations on the amendment if any are to be made.
5. **Public Hearing Required by Planning Commission.** The Planning Commission shall give notice and hold at least one public hearing prior to a recommendation for adoption or amendment of any official control. Alternatively the Planning Commission may hold a joint public hearing with the City Council
6. **Adoption Required by the Council.** An amendment to the development regulation or other official controls shall be adopted by the Council by ordinance after a public hearing and report from by the Planning Commission. The Council may hold a public hearing before adopting the ordinance.

19.85.050 — APPEALS AND RECONSIDERATIONS

- A. Purpose**
- B. Reconsideration by the Examiner**
- C. Appeals to the Council**
- D. Appeals and Administrative Decisions**

A. Purpose. The purpose of this section is to provide the procedures for appealing administrative decisions on land use proposals.

B. Reconsideration by the Examiner. Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or fact may make a written request for review by the Examiner within seven (7) working days of the written decision. This request shall set forth the alleged errors, and the Examiner may, after review of the record take such further action as he deems proper and may render a revised decision. Only one (1) request for reconsideration may be filed by any one (1) person or party, even if the Examiner reverses or modifies his original decision or changes the language in the decision originally rendered.

C. Appeals to the Council.

1. Appeal of Examiner's Decision. The final action by the Examiner on any land use matter within his jurisdiction may be appealed to the Council by an aggrieved person directly affected by the Examiner's decision. Said appeal procedure is as follows:

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

2. Council Action on Appeals.

- a. **General.** For Examiner decisions on which an appeal is properly filed, the Planning Department shall forthwith forward three (3) copies of the Examiner's decision plus a copy of the official file and the recorded record to the Clerk of the Council. The Clerk of the Council shall schedule a public meeting date for the Council on the appealed matter.
- b. **Public Notice on Appeals.** The Clerk of the Council shall cause written notice to be mailed to all "parties of record" and the Examiner to appraise

them of the meeting date before the Council. "Parties of record" are those persons who have (1) testified before the Examiner, or (2) listed their names on a sign up sheet which is available during the Examiner's hearings, or (3) advised the Planning Department in writing of their desire to be a party of record.

- e. Council Action on Appeals. Whenever a decision by the Examiner is reviewed by the Council pursuant to this Section, the appellant or other parties of record may submit written memoranda in support of their positions. The Council shall allow the appellant(s) or their representatives no more than a total of fifteen (15) minutes of oral presentation. No new evidence or testimony shall be presented to the Council during the oral presentation. The Council may view the site either individually or together, provided, that unless all parties of record are given reasonable notice of the time of the view, no one other than City staff can accompany the Council members during the view.
- d. Council Decision on Appeal. The Council's decision on an appeal of all land use matters may adopt, amend and adopt, reject, reverse, amend and reverse the findings, conclusion, and decision of the Examiner or remand the matter to the Examiner for further consideration. Any decision by the Council shall be based on the record of the hearing held by the Examiner; however, the Council may by motion, request additional information of the appellant or the Examiner.
- e. Amendment or Reversal Council to Prepare Separate Findings. If the action by the Council on an appeal of the decision of the Examiner is to amend or reverse the Examiner, the Council shall prepare a written decision giving their findings of fact and conclusions insofar as they may differ from those of the Examiner.
- f. Council Action is Final. The action of the Council, approving or rejecting a decision of the Examiner, is final and conclusive unless within thirty (30) days from the date of the action an aggrieved party or person files an appropriate action in Superior Court for purpose of review of the action taken, and serves all necessary parties. When such action has been taken, the effective date of the Council action shall be stayed until final resolution by the courts have been made.
- g. Appeals to Court: Cost of Preparing Transcript. The costs of transcription of all records ordered certified by the Court for such review, shall be borne by the appellant. If a court reporter has taken and preserved the record, then the appellant shall make arrangements with said reporter for transcriptions and payment thereof. When the County staff is required to transcribe any record, the actual transcribing cost shall be determined by the University Place Budget Director and shall be paid prior to said case being reviewed.

4. Remands to the examiner.

~~a. Remand Notice and Hearing Required.~~ Prior to taking action on any matter remanded by the Council, notice shall be given as in the first instance, and the Examiner shall conduct a public hearing. At the conclusion of the hearing on a remanded matter, the Examiner shall transmit notice sustaining the original decision or in the event of a changed or modified decision, the Examiner shall transmit additional amended findings.

~~b. Action by the Council Remanded Matters.~~ Upon receipt of a notice from the Examiner sustaining the original decision or amended findings and decision, notice shall be given in the same manner as for an appeal and the Council shall conduct a meeting and make a final decision.

~~5. Reconsideration by the Council.~~ Any aggrieved party or person affected by the action may, within seven (7) working days of the Council's oral decision, file with the Clerk of the Council a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:

- ~~a. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration.~~
- ~~b. Irregularity in the proceedings before the Council by which such party was prevented from having a fair hearing.~~
- ~~c. Clerical mistakes in the official file or record transmitted to the Council, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Council's decision on the matter.~~

~~Upon receipt of a request for reconsideration, the Council shall review said request and take such further action as the Council deems proper including, but not limited to, the right to deny said request for reconsideration without a hearing, or the right to rehear and render a revised decision on the matter if deemed appropriate by the Council. Only one (1) request for reconsideration may be filed by any one (1) person or party, even if the Council reverses or modifies its original decision or changes the language in the decision originally rendered.~~

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

~~D. Appeals of Administrative Decisions.~~

~~1. Time Limit.~~ Appeals may be taken to the examiner by any aggrieved person or by any officer, department, board or commission of the City affected by a decision of an administrative official in the administration or enforcement of this code. Such appeals shall be filed in writing on forms available at the City in duplicate with the Planning Department within twenty (20) days of the date of the action being appealed.

~~2. Notice.~~ Notice of the date, time, and place of the appeal shall be mailed to the appellant, to the parties of record and to the officer whose decision is being appealed, together with a copy of the written appeal. Such notice shall be mailed no less than ten (10) days prior to the date of the hearing.

~~3. Report.~~ Upon receiving notice of the appeal, the office for whom the appeal is being taken, shall submit to the examiner a copy of all records pertaining to the decision together with a written report as deemed pertinent.

~~4. Authority.~~ The examiner may, in conformance with this code, reverse or affirm wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as should be made and, to that end shall have all the powers of the officer from whom the appeal is taken insofar as the decision on the particular issue is concerned and in making its determination the examiner may hear any pertinent facts bearing on the case.

~~5. Appeals to the Council.~~ The decision of the Examiner on an appeal of an Administrative Decision may be further appealed to the Council in the same manner as appeals of land use decisions.

19.85.060 REVOCATION & EXPIRATION

- A. Purpose
- B. Examiner May Revoke Permits
- C. Initiation of an Action
- D. Public Hearing
- E. Grounds for Revocation, Modification, or Reclassification
- F. Expiration
- G. Time Computations
- H. Relinquishment of Discretionary Land Use Approvals

- A. **Purpose.** The purpose of this section is to provide the procedures for revocation, modification, or reclassification of permits.
- B. **Examiner May Revoke Permits.** The Examiner may revoke or modify any Special Use Permit or Administrative Use Permit.
- C. **Initiation of an Action.** An action to revoke, modify, or reclassify any matter set forth in **Subsection B.** may be initiated by:
 - 1. The City Council, upon its own motion to refer said matter to the Examiner; or
 - 2. The Planning Director; or
 - 3. ~~The petition of any aggrieved party directly affected by the project or use together with a filing fee as set by separate Resolution, filed with the Planning Department.~~
- D. **Public Hearing.** Prior to such revocation, or modification, or reclassification, a public hearing shall be held by the Examiner and the procedures concerning notice, reporting, and appeals shall be the same as required for the initial consideration in accordance with Title _____ Administration of Development Regulations thereof provided: that when any Conditional Use Permit is not exercised within the time specified in such Permit or, if no date is specified, within one (1) year from the date of approval of said Permit, said Permit shall automatically become null and void and no public hearing by the Examiner shall be required on the matter. ~~Refer to Section .85.02(E)(2) for notice requirements.~~
- E. **Grounds for Revocation, Modification, or Reclassification.** Such revocation or modification or reclassification shall be made on any one or more of the following grounds:
 - 1. That the approval was obtained by fraud;
 - 2. That the use for which such approval was granted is not being exercised;
 - 3. That the use for which such approval was granted has ceased to exist or has been suspended for one (1) year or more;
 - 4. That the Permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, resolution, code, law, or regulation.

F. **Expiration.** If no action is taken by the applicant on any application for a discretionary land use permit, special use permit, or administrative use for a period of none year, the application shall be deemed null and void, and the applicant will need to re-apply as required by this code unless otherwise permitted in writing by the Planning Director. This provision shall not apply to short plats.

G. **Time Computations.** Any reference to a time period, unless otherwise specifically stated, shall be calculated based upon calendar days

H. **Relinquishment of Discretionary Land Use Approvals.** A property owner may elect to relinquish a previously approved discretionary land use permit in order to obtain another use or density which is now permitted outright under a new zone classification. In recognition of the relinquishment, any use authorized by the discretionary land use permit shall cease, unless said use is allowed outright under the underlying zone classification. The petitioner for relinquishment shall follow the following process:

- a. The property owner must submit in writing, to the Department, the request including the reasons for the relinquishment. Accompanying the request should be a copy of the original approval.
- b. The request will be reviewed by staff to determine if any conditions of the original approval conflict with the request for relinquishment. If the conditions or terms of the discretionary land use permit conflict with the request, the request will be forwarded to the Director or Examiner, as appropriate to the original review procedure, for a decision.
- c. The Department will respond in writing to the owner with a determination and provide the Examiner a copy of that determination.

19.85.070 PERMITS, ENFORCEMENT & PENALTIES

- A. Purpose
- B. Applicability
- C. Permits and Licenses
- D. No Conflicting Licenses or Permits Shall be Issued
- E. Responsibility of Enforcement
- F. Penalties

A. **Purpose.** The purpose of this section is to provide guidelines for the enforcement of land use regulations.

B. **Applicability.** Any building or structure erected or maintained or any use of property contrary to the provisions of the Zoning Code shall be and is hereby declared to unlawful and a public nuisance.

C. **Permits and Licenses.**

1. **Building Permit.** To assure compliance with the provisions of this Code, a Building Permit shall be obtained from the Building Department as provided by City Code.

a. If the subject requiring a Building Permit is also required to secure a business license or any other evidence of authority required by law, such required Building Permit for such use may constitute a separately identified part of such permit, license, or other evidence, and shall be cleared through the Building Department as conforming, or not conforming, to the provisions of this Code before any other license or permit or authority may be issued.

b. Each Building Permit shall be issued only upon application signed by the authorized applicant, and shall contain over the signature of the applicant a correct statement of the use intended to be established, and such Building Permit may be issued only if such declared intended use conforms in every respect to the provisions of this Code. The term "use" as employed in this Section includes considerations of all of the applicable controls set forth herein.

2. **Model Home.** Building Permits may be issued for up to four (4) model home dwellings within an approved preliminary plat subject to the conditions of all applicable regulations.

D. **No Conflicting Licenses or Permits Shall be Issued.** All departments, officials, or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this Code. No license or permit for uses, buildings, or purposes where the same would be in conflict with the provisions of this Code shall be issued. Any license or permit, if issued in conflict with the provisions hereof, shall be null and void.

E. Responsibility of Enforcement. It shall be the duty of the Building Department to enforce the provisions of this Code pertaining to erection, construction, reconstruction, conversion, or alteration of buildings. It shall be the duty of the Sheriff and all officers charged with the enforcement of the law to enforce this Code and all provisions of same.

1. **Cease and Desist Orders.** The Building Official, Planning Department inspector, Code Enforcement Officer, or Police Chief are hereby authorized to issue a Cease and Desist Order when any person, firm, or corporation is violating this Code, or any permit issued or approval granted pursuant to this Code. Such orders shall be obeyed immediately and are final unless appealed. The order shall specify each violation by reference to this Code, chapter, and section or by reference to the approved land use Permit or Variance. The said order shall state that a hearing may be requested by an affected party by, within ten (10) days of the receipt of said order, sending a written request for a hearing to the ~~Hearing Examiner~~ City Clerk. Upon receiving a hearing request, the Hearing Examiner shall, as soon as practicable, hold a hearing on said matter. Reasonable notice to attend the hearing shall be given to all affected parties. After hearing said matter, said Examiner shall issue a decision upholding, revoking, or modifying the prior order. The decision of the Hearing Examiner is final and conclusive unless said matter is determined otherwise by the appropriate court.
2. **~~Civil Infractions~~ Violations.** In addition to any other sanction or penalty, or any remedial or administrative procedure available under the University Place Code or state law, violation of any provision of this Chapter or failure to comply with any permit or other written order or decision issue pursuant to this Chapter constitutes a ~~Class 2~~ civil infraction violation as defined in the City's Enforcement ~~Code Ordinance~~. Each day in which a violation of the Title continues is deemed a separate violation.
3. **Right of Entry.** (From Section 45.100) Upon proper presentation of credentials, the Planning Director, Building Official or duly authorized representative may enter at reasonable times any building, structure or premises within the city to perform the duties imposed on the officer by this code.

F. Penalties.

1. **Violators Punishable by Fine and Imprisonment.** Any person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and shall be punishable as provided by the Statutes of the State of Washington for the committing of a misdemeanor.
2. **Each Day a Separate Offense - Injunction.** Each person, firm, or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person, firm, or corporation and shall be punishable therefor as provided for in this Code; and any use, occupation, building, or structure maintained

EXHIBIT B
ORDINANCE 130

UNOFFICIAL DOCUMENT

Chapter __.02

GENERAL PROVISIONS

Sections:

- ___.02.010 Applicability.
- ___.02.015 Division of Land by Streets or Rights-of-Way.
- ___.02.020 Definitions.

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

___.02.010 **Applicability.** Every subdivision shall comply with the provisions of Chapter 58.17 Revised Code of Washington, this Title, Title _____ Adiministration of Development Regulations and all future amendments or other applicable Federal, State or local laws. After final plat or short plat approval, any subsequent division of platted or short platted lots, parcels, tracts, sites or divisions, shall be allowed only if the procedures of this Title ~~or the short plat ordinance~~ and Title _____ Adiministration of Development Regulations first followed, and these requirements shall be applicable to all plats approved prior to the effective date of this Title. Except for the large lot division procedure specified herein, the provisions of this Title shall not apply to the following:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions of land into lots or tracts each of which is one thirty-second (1/32) of a Section of land, or larger, or twenty (20) acres or larger if the land is not capable of description as a fraction of a Section of land; PROVIDED, the division meets the minimum lot size zoning requirements for the area involved and provided further, that for the purpose of computing the size of any lot under this item which borders on a street or street, the lot size shall be expanded to include that area which would be bounded by the center line of the street or street and the side lot lines of the lot running perpendicular to such center line;
- C. Divisions made by testamentary provisions or the laws of descent, provided that each lot shall meet all applicable minimum lot size requirements.
- D. Divisions of land into lots or tracts classified for industrial or commercial use when the City has approved a binding site plan which authorizes specific uses of said land in accord with the Chapter __.16. of this Code; PROVIDED, that when a binding site plan authorizes a sale or other transfer of ownership of a lot, parcel, or tract, the binding site plan shall be filed for record in the County Auditor's office on each lot, parcel, or tract created pursuant to the binding site plan; PROVIDED FURTHER, that the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of lot, parcel, or tract; AND PROVIDED FURTHER, that sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan

- E. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the City has approved a binding site plan in accordance with City Codes.
- F. The transfer of contiguous unplatted lots if:
 - 1. The lots were created in compliance with all applicable State and City subdivision regulations in effect at the time of the creation of said lots; or
 - 2. The lots transferred and remaining lots are improved with dwellings. Provided that transfers pursuant to item 1. or 2. shall not be effective until the proponent is issued a certificate of compliance from the Planning Department. A certificate shall be issued when the owner or applicant shows that the lot conforms to the criteria above.
- G. A division which is made by subjecting a portion of a parcel or tract of land to Chapter 64.32 ~~34~~ RCW, the ~~Horizontal Property Regimes Act (Condominiums)~~ the Condominium Act, if the City has approved a binding site plan for all of such land.

__02.015 Division of Land By Streets or Rights-of-Way.

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

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

__02.020 Definitions.

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

- A. "Binding Site Plan" means a drawing to a scale as specified by the Planning Department. The site plan shall:
 - 1. Identify and show the area and location of all streets, improvements, utilities, open space;

Chapter __.04

PRELIMINARY PLAT PROCEDURE - PREFILING APPLICATION PROCEDURE - SEPA

Sections:

- ~~__~~.04.010 ~~Explanation of Prefiling. Pre Application Meeting~~
- ~~__~~.04.020 ~~Plan Required. Community Meeting~~
- ~~__~~.04.030 ~~Recommendations on Street, Drainage, Sewer, Water and Fire Systems.~~

Cross-reference: Chapter 86. __ RCW

~~__~~.04.010 ~~Explanation of Prefiling. Pre Application Meeting~~

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

~~The pre-application meeting is between Department staff and a potential applicant for a Subdivision to discuss the application submittal requirements and pertinent fees. A pre-application meeting is required prior to submittal of an application for a Subdivision.~~

~~__~~.04.020 ~~Plan Required. Community Meeting~~

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

~~For Subdivisions, following the pre-application meeting and before submitting an application, the applicant shall conduct a public meeting on a weekday evening to solicit input and suggestions from the community. A member of the planning staff shall attend. Notice of the public meeting shall be made in accordance with Title __ Adiministration of Development Regulations~~

~~__~~.04.030 ~~Recommendations on Street, Drainage, Sewer, Water and Fire Systems.~~

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

Chapter __.06

PRELIMINARY PLAT PROCEDURE - FILING AND REVIEW PROCEDURES

Sections:

- ___.06.010 Fees.
- ___.06.020 Filing.
- ___.06.025 Preliminary Plat
- ___.06.030 Staff Procedure.
- ___.06.040 Notice.
- ___.06.050 ~~Determination of Completeness.~~ Examiner Review of Preliminary Plats
- ___.06.060 Required Findings and Determinations
- ___.06.070 Preliminary Plat Processing

___.06.010 Fees.

All application fees are set by separate Resolution.

___.06.020 Filing.

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

___.06.025 Preliminary Plat

- A. Application Submittal: Whenever it is possible to subdivide land into five (5) or more lots, tracts, sites or divisions, the applicant shall file with the City Planning Department one 8-1/2" x 11" clear plastic reduction and 7 legible paper copies of the preliminary plat map on sheets 18" x 24" in size. Preliminary plat maps shall include, or be accompanied by the following:
 - 1. A completed general application form and environmental checklist. Said form and checklist to be obtained from the Planning Department.

7. Profiles of all proposed streets within the proposed subdivision, showing grades to which the streets will be built, and the existing groundline of the proposed streets including the probable future extensions of any stub (dead-end) streets for a maximum distance of 150 feet beyond the proposed subdivision boundaries. As an alternative, the preliminary plat map may show topography in two foot (2') contours within 50 feet of each side of the centerline of all probable future extensions of any stub (dead-end) streets for a distance of 150 feet beyond the boundaries of the proposed subdivision. The contour information shall be certified by a registered engineer or surveyor.
8. Slope analysis indicating areas where existing grades within the subdivision exceed 15%, 25% and 40%. The percentage and area in square feet of the subdivision with slopes of 0 - 15%, 15 - 25%, 25 - 40% and 40% and above categories.
9. Such additional information as the Planning Director deems necessary.
10. Whenever it is essential for purposes of evaluating environmental or other concerns, the City Engineer may require the developer to submit certain concept drawings prior to preliminary plat approval

.06.030 Staff Procedure.

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

The Planning Department shall review the application for consistency with City codes and policies, review comments provided by other governmental agencies and interested parties, and make appropriate recommendations to the Examiner.

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

___.06.040 Notice.

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

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

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

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

___.06.050 Examiner Review of Preliminary Plat.

- A. The Examiner shall review all proposed preliminary plats and shall take such action thereon as to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the City. The approval of any preliminary plat may be conditioned upon the developer's obtaining proper Comprehensive Plan or zoning designation for the subdivision.

- B. The decision by the Examiner is a final and conclusive decision but said decision may be appealed to the Superior Court in accordance with Chapter ____ The Examiner's written decision on the preliminary plat shall include findings and conclusions, based on the record, to support the decision.

.06.060 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 shall determine:

1. If appropriate provisions are made for, but not limited to the public health, safety, and general welfare, for open spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
2. whether the public interest will be served by the subdivision and dedication.

- B. A proposed subdivision and dedication shall not be approved unless the Examiner makes written findings that:

1. Appropriate provisions are made for the public health, safety, and general welfare, for open spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
2. The public use and interest will be served by the platting of such subdivision and dedication. If the Examiner finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the Examiner shall approve the proposed subdivision and dedication.

.06.050.070 Determination of Completeness- Preliminary Plat Processing

Within 28 days of receiving an application for preliminary plat approval containing all information required by Section __.06.020 of this Code, the Planning Department shall issue a determination of completeness or incompleteness as required by RCW 36.70.A.440. The Planning Department is responsible for complying with all other requirements of RCW 36.70.A.440

Except as provided by this chapter, a Preliminary Plat shall be processing in accordance with Title _____ Adiministration of Development Regulations

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Chapter __.08

~~PRELIMINARY FINAL PLAT PROCEDURE - FILING AND REVIEW PROCEDURE~~

Sections:

- ~~__ .08.010 Notice of Hearing.~~
- ~~__ .08.020 Review of Preliminary Plat.~~
- ~~__ .08.030 Required Written Findings and Determinations.~~
- ~~__ .08.040 .010 Time Limitations.~~
- ~~__ .08.050 Reconsideration.~~
- ~~__ .08.060 Appeal of Examiner's Decision.~~
- ~~__ .08.070 Council Action on Appeals.~~
- ~~__ .08.080 .020 Requirement for Each Plat Filed for Record.~~
- ~~__ .08.090 .030 Certificate Giving Description, Statement of Owners, and Dedication Requirements.~~
- ~~__ .08.100 .040 Review of Final Plats.~~
- ~~__ .08.110 .050 Council Review of Final Plats.~~

Cross-references: RCW 58.17.110, 58.24.040

- ~~__ .08.010 Notice of Hearing.~~
 - ~~_____ A. General. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of a vicinity location sketch or a location description in non-legal language.~~
 - ~~_____ B. Newspaper Notice. Upon receipt of an application for preliminary plat and after completion of a Final Environmental Impact Statement, if necessary, or Negative Declaration, the Planning Department staff shall set a date for a public hearing before the Examiner and shall give notice by arranging publication of at least one (1) notice not less than ten (10) days prior to the hearing in the newspaper of general circulation in the City.~~
 - ~~_____ C. Notice to Adjacent Ownership. The Planning Department shall notify by letter, the persons who own or are contract purchasers of the real property, as shown by the records of the County Assessor-Treasurer, located within three hundred (300) feet, but not less than two (2) parcels deep, around the perimeter of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within three hundred (300) feet, but not less than two (2) parcels deep, around the perimeter of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. Said notice shall specify the particulars of the initial hearing on the proposed subdivision and~~

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

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

~~.08.020 Review of Preliminary Plat.~~

~~A. The Examiner shall review all proposed preliminary plats and shall take such action thereon as to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the City. The approval of any preliminary plat may be conditioned upon the developer's obtaining proper Comprehensive Plan or zoning designation for the subdivision.~~

~~B. The decision by the Examiner is a final and conclusive decision but said decision may be appealed to the Council as specified herein. The Examiner's written decision on the preliminary plat shall include findings and conclusions, based on the record, to support the decision. Each final decision of the Examiner, unless a longer period is mutually agreed to by the applicant and the Examiner, shall be rendered within ten (10) working days following the conclusion of all testimony and hearings.~~

~~.08.030 Required Written Findings and Determinations.~~

~~A. The Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Examiner shall determine:~~

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

.08.040 .010 Time Limitations.

- A. In General. A final plat meeting all of the requirements of law shall be submitted to the City within five (5) years of the date upon which the approval of the preliminary plat is final. The approval of a preliminary plat shall be automatically null and void without any further action by the city if final plat approval is not obtained within the time limitations specified herein.
- B. Procedure. Extensions
1. Time for Filing. A single, one (1) year time extensions may be granted by the Hearing Examiner. A written application for any extension of time under the provisions of this Section shall be filed with the Planning Department at least thirty (30) days prior to the expiration of the existing period of approval currently applicable. The applicable time period shall be tolled from the date of filing the application for extension until the date of the final decision by the City. Each application shall be accompanied by payment of a filing fee in an amount established by the City Council in a fee resolution ~~separate resolution.~~

2. ~~Additional Extensions-Changed Conditions.~~ Upon filing of an application for extension, a copy shall be sent to each party of record together with governmental departments or agencies as were involved in the process of preliminary plat approval. ~~By letter, the Examiner shall request that written comments, if any, be delivered to the Examiner's office within ten (10) working days of the date of the Examiner's letter.~~ If any comment requests the alteration or expansion of conditions of approval, the applicant shall be provided with a copy of such proposal and a period of ten (10) working days in which to file objections, if any, and/or a request for formal hearing. In the absence of such objection, the Examiner may conclude that the proposed change in conditions is acceptable to the applicant and proceed to a decision in accordance with procedures set forth in this Section.
3. ~~Hearing Examiner-Hearing.~~ If, in the opinion of the Examiner, substantial issues have been raised concerning the application for extension, the Examiner may schedule a public hearing. ~~In the case of a request for extensions of time beyond the initial one (1) year period, if a proposal is made to alter or expand the conditions of approval, a public hearing shall be held upon written request by the applicant or any party of record upon a determination by the Hearing Examiner that there are substantial issues which necessitate a public hearing.~~
4. Hearing Examiner-Decision.
- a. With hearing. If a public hearing is held under the provisions of Section D.3 above, the Examiner shall issue a decision together with findings and conclusions in support thereof within ten (10) working days of the date of the hearing.
 - b. Without hearing. If no public hearing is held, the Examiner shall issue his decision with ten (10) working days of the date upon which written comments were to be filed with the Examiner.
5. Hearing Examiner-Decision-Appeal. The decision of the Examiner to grant or deny extensions of time shall be final unless appealed under the provisions of Sections 08.050, 08.060, and 08.070. in accordance with Title
Administration of Development Regulations

- C. Stages. If the developer desires to develop said subdivision in stages, each stage or division must be approved within the time limits specified herein.

~~08.050~~ **Reconsideration.**

~~Any aggrieved person feeling that the decision of the Examiner is based on errors of procedures or errors or misinterpretation of fact may make a written request for review by~~

request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as the Examiner deems proper and may render a revised decision. Only one request for reconsideration may be filed by any one person or party even if the Examiner reverses or modifies his or her original decision or changes the language in the decision originally rendered.

~~__~~.08.060 ~~Appeal of Examiner's Decision.~~

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

- ~~_____~~ A. The appellant must file written notice of appeal with the Planning Department and the appeal fee within ten (10) working days of the date of mailing of the Examiner's final decision; provided, that if the Examiner was requested to reconsider the decision, then the appeal must be filed within ten (10) working days of the mailing of the Examiner's final order or decision on the reconsideration request.
- ~~_____~~ B. The notice of appeal shall concisely specify such error and/or issue which the Council is asked to consider on appeal.
- ~~_____~~ C. Upon the filing of an appeal, the Planning Department shall forward to the Council the original tape containing a verbatim record of the proceedings before the Examiner. An appeal shall stay the effective date of the Examiner's decision until final resolution has been made by the Council.
- ~~_____~~ D. The approval of a final plat is strictly limited to the questions of whether the final plat is consistent with the findings, conclusions and conditions specified for the preliminary plat. Environmental considerations and satisfaction of review criteria specified by Section __.08.030 and RCW 58.17.110 which are not relevant to the findings, conclusions or decision for the preliminary plat cannot be raised during the review of a final plat but must be raised at the time for reviewing the preliminary plat or they are waived.

~~__~~.08.070 ~~Council Action on Appeals.~~

- ~~_____~~ A. General. For Examiner decisions which an appeal is properly filed, the Planning Department shall forthwith forward nine (9) copies of the Examiner's decision plus nine (9) copies of the official file and the recorded record to the Clerk of the Council. The Clerk of the Council shall schedule a public meeting date for the Council on the appealed matter.
- ~~_____~~ B. Public Notice on Appeals. The Clerk of the Council shall cause written notice to be mailed to all "parties of record" and the Examiner to apprise them of the meeting date before the Council. Parties of record are those persons who have:

- ~~1. Testified before the Examiner, or~~
 - ~~2. Listed their names on a sign up sheet which is available during the Examiner's hearings, or~~
 - ~~3. Advised the Planning Department in writing of their desire to be a party of record.~~
- ~~C. Council Action on Appeals. Whenever a decision by the Examiner is reviewed by the Council pursuant to this Section, the appellant or other parties of record may submit written memoranda in support of their positions. The Council may impose a time limit on oral presentations. No new evidence or testimony shall be presented to the Council during the oral presentation. The Council may view the site either individually or together, provided that unless all parties of record are given reasonable notice of the time of the view, no one other than City staff can accompany the Council members during the view.~~
- ~~D. Council Decision on Appeal.~~
- ~~1. The Council's decision on any appeal from the Examiner shall be based on the record of the hearing held by the Examiner. The Council may not accept or consider any additional factual information or testimony;~~
 - ~~2. The Council shall consider whether each of the findings of fact entered by the Examiner are supported by substantial evidence in the record. The Council may reverse any finding which is not so supported. Beyond this, the Council may not enter its own findings of fact;~~
 - ~~3. The Council shall consider issues of law *de nova* in making its decision;~~
 - ~~4. The Council may affirm or reverse the decision of the Examiner or remand the matter to the Examiner for further consideration. Any decision by the Council shall be supported by adequate findings of fact based on the record and by conclusions of law.~~
- ~~E. Council Action is Final. The action of the Council, approving or rejecting a decision of the Examiner, is final and conclusive unless within thirty (30) days from the date of the action an aggrieved party or person files an appropriate action in Superior Court for the purpose of reviewing the action taken, and serves all necessary parties.~~
- ~~F. Reconsideration by the Council. Any aggrieved party or person affected by the action may, within seven (7) working days of the Council's oral decision, file with~~

~~the Clerk of Council a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:~~

- ~~1. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration.~~
- ~~2. Irregularity in the proceedings before the Council by which such party was prevented from having a fair hearing.~~
- ~~3. Clerical mistakes in the official file or record transmitted to the Council, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Council's decision on the matter.~~

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

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

.08.080 .030 Requirement for Each Plat Filed for Record.

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

- A. Contain a legal description of the plat which shall match the description on the title insurance report.
- B. Contain a dedication for all streets, easements, open space, tracts, or other parcels to be dedicated to the public or other specifically noted entities or organizations.
- C. Be acknowledged by the person filing the plat before the County Auditor or any other officer who is authorized by law to take acknowledgment of deeds, and certificate of said acknowledgment shall be enclosed or annexed to such plat and recorded therewith.
- D. Contain certification from the Assessor-Treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

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

.08.090-.040 Certificate Giving Description, Statement of Owners, and Dedication Requirements.

Every formal subdivision, short subdivision or large lot subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat drawing, including a statement that the subdivision of property has been made with the free consent and in accordance with the desires of the owner(s) or contractor purchasers. If the subdivision of property includes a dedication, the certification shall also contain the dedication of all streets and other areas to the public, and

individual or individuals, religious society or societies or to any corporation, public or private, as shown on the plat document and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said street. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

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

.08.100.050 Review of Final Plats.

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

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

.08.120 Council Review of Final Plats

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

- A. The plat conforms to all terms of preliminary plat approval;

Chapter __.10

IMPROVEMENTS

Sections:

- ___.10.010 Dedications.
- ___.10.020 Improvements Required.
- ___.10.030 Names and Numbers of Subdivisions, Streets, Blocks and Lots.
- ___.10.040 Control Monuments.
- ___.10.050 Bonds-Construction and Guarantee.

Cross-references: RCW 58.17.040, Chapter 86. __ RCW

___.10.010 Dedications.

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

___.10.020 Improvements Required.

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

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

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

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

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

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

__10.040 Control Monuments.

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

__10.050 Bonds-Construction and Guarantee.

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

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

The City shall require a bond to guarantee that the developer will correct any defect in a dedicated improvement caused by faulty design, construction or other reason as determined by the City Engineer. Said bond shall be in an amount equal to 110% 125% of the estimated cost of the City completing the improvements, as determined by the Engineer, and shall extend for a period of eighteen months after City acceptance of said improvement.

SHORT SUBDIVISIONS-LARGE LOT DIVISIONS

Sections:

- ___.12.010 Applicability.
- ___.12.020 Filing Procedure and Fee.
- ___.12.025 ~~Short Plat Approval.~~
- ___.12.030 Owner's Free Consent.
- ___.12.035 ~~Posting Requirements.~~
- ___.12.040 Survey.
- ___.12.045 Short Plat/Large Lot Processing
- ___.12.050 Departmental Review.
- ___.12.060 Review Criteria.
- ___.12.070 Summary Approval.
- ___.12.080 Notice.
- ___.12.090 Appeal Procedure.
- ___.12.100 Amendments.
- ___.12.110 Large Lot Division.

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

___.12.010 Applicability.

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

A. Exemptions. The provisions of this Chapter are not applicable to the following:

1. All exemptions listed in Section __.02.010.
2. Deed releases, for the purpose of obtaining building financing, provided that a short plat is required if said parcel is separately sold or if all land specified by the contract is not acquired.
3. Divisions which were surveyed in accordance with the Survey Recording Act and are recorded with the Auditor prior to August 13, 1974.
4. Up to four Model Homes may be established on a single tract of land without short platting provided the City has approved a preliminary subdivision which includes the specific lots upon which the Model Homes are to be located.
5. Divisions made by court order; provided, that this exemption shall not apply to land divided pursuant to dissolution or any partition proceedings.

6. Any division of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.
 7. Any division or divisions of land for the sole purpose of enabling the City 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 (5) years from the date said approved short plat is recorded with the Auditor without the filing of a final plat on the land which is proposed to be further divided, except that when the short plat contains fewer than four parcels, the owner who filed the short plat may file an alteration with the five (5) year period to create a total of up to four (4) lots within the original short plat boundary. This requirement shall be stated on the face of the short plat.

.12.020 Filing Procedure and Fee.

The Department shall prescribe the form and content for complete applications made pursuant to this Code . In addition to the contents of a complete application prescribed by the Planning Department a complete application for a short plat, or large lot division must contain the information and documents required by the following:

1. A completed general application form and if applicable an environmental checklist. Said forms and checklist to be obtained from the Planning Department.
2. A filing fee required pursuant to the City ordinance adopting building and development related permit fees schedule, and in accordance with the fee schedule available from the Planning Department.
3. Names and addresses of all property owners within 300 feet of the subject property, available from the County Assessor's Office.
4. Such additional information as the Planning Director deems necessary
4. Eleven paper prints of a proposed short plat shall be filed with the Planning Department ~~along with a non-refundable application fee as set forth in separate Resolution. For purposes~~

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

A short plat shall meet the following standards:

- A. Drawn in ink to a scale not smaller than one inch equals one hundred feet (1" = 100') or other approved scale or mylar, a sheet size of 18" x 24".
- B. The Plat shall show the boundary and dimensions of the "original tract" including its Assessor's parcel number, section, township and range, and all adjoining public or private streets and identifying names as such.
- C. A vicinity map drawn to a scale of four inches equals one mile (4"= 1 mile) or other approved scale of sufficient detail to orient the location of the original tract.
- D. Name and address of the owner of record of the "original tract," scale of the drawing, and north directional arrow.
- E. All lots shall be identified by numerical designation. The dimensions of each lot shall be shown.
- F. Width and location of access to all short platted lots.
- G. The location and use of all buildings on the original tract.
- H. Space on a second 18" x 24" mylar sheet shall be reserved for comments and appropriate City signatures.
- I. Where a survey is required, the form of the plat shall be as required by the Survey Recording Act. (Chapter 50 Washington Laws of 1973, or as amended.)

~~___~~**.12.025 Short Plat Approval.**

~~Within 28 days of receiving an application for preliminary plat approval containing all information required by Section ___ .12.020 of this Code, the Planning Department shall issue a determination of completeness or incompleteness as required by RCW 36.70.A.440. The Planning Department is responsible for complying with all other requirements of RCW 36.70.A.440~~

~~___~~**.12.030 Owner's Free Consent.**

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

~~12.035 Posting Requirements.~~

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

.12.045 Short Plat/Large Lot Processing

Except as provided by this chapter, a Short Plat or large Lot Subdivision shall be processed in accordance with Chapter _____

.12.050 Departmental Review.

- A. The City Engineer's Office shall review a short plat for adequacy of access, storm water drainage facilities, public sewer system, survey accuracy, feasibility for building sites.
- B. The Planning Department shall review the proposed short plat for conformance with zoning laws, the comprehensive plan, subdivision code, critical areas ordinance and shoreline management use regulations, and review comments provided by other governmental agencies and/or interested parties.
- C. The Health Department shall review the proposed short plat for adequacy of water supply, and septic tank conditions.
- D. The Fire Chief shall review the proposed short plat for adequacy of the fire protection water system and access for fire fighting equipment.

.12.060 Review Criteria.

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

2. Whether the public interest will be served by the short subdivision and dedication.
- C. A proposed short subdivision and dedication shall not be approved unless the Director or designee makes written findings that:
1. Appropriate provisions are made for the public health, safety, and general welfare, for open spaces, drainage ways, streets or streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
 2. The public use and interest will be served by the platting of such subdivision and dedication. If the Director or designee finds that the proposed short subdivision make such appropriate provisions and that the public use and interest will be served, then the Director or designee shall approve the proposed short subdivision and dedication.
- D. Notice of Return to Applicant for Cause. If a short plat is not in proper order or cannot be approved in its present form, a letter accompanied by said print, postmarked prior to the expiration of said thirty-day period, shall be sent to the applicant (by the disapproving department) to notify him of why approval cannot be given in its present form.
- E. Effect of Approval. The approval of a short plat shall not be a guarantee that future permits will be granted for any structures or development within said area and a notation to this effect shall be stated on the face of the short plat.

 .12.080 **Notice.**

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

 .12.090 **Appeal Procedure.**

~~Within fourteen (14) days~~ Following the City Planning Director's decision on a short plat, any person directly affected may appeal such decision to the Examiner. The appeal shall be filed in accordance with Chapter _____ ~~be accomplished by the filing of a written request and paying an appeal fee as set forth in by separate Resolution of the City Council. Said notice of appeal shall briefly specify the issues of the case. Decisions not~~

~~appealed are deemed final and conclusive. The appeal procedure is the same as set forth in the City Zoning Code for appeals of an Administrative Decision.~~

~~A request for reconsideration following a decision by the Examiner shall be accomplished by the filing of a written request and paying a reconsideration fee as set by separate Resolution with the Planning Department. The reconsideration procedure is the same as set forth in section __.08.050.~~

.12.100 Amendments.

Amendments to short plats may be approved by the Planning Department by approving an amendment note which states to the effect that this amended short plat supersedes "Short Plat No. ____." The note must specify the changes and before the Planning 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 Planning Department), said department or agency will be notified of the change and be given the opportunity to comment before the Planning Department approves the amendment. In addition, any amendment involving public dedication must be processed as provided in RCW 00.17.212 or 58.17.215. A fee as set forth in separate Resolution shall be paid the Planning 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.

.12.110 Large Lot Division.

- A. Departmental Review. Large lot divisions shall be reviewed by all departments and agencies herein specified for short plats and in accordance with procedures herein specified for short plats, provided that approval shall not be automatic.
- B. Approval Standards. Large lot divisions shall be subject to the same review criteria as herein specified for short plats. Approvals shall comply with 58.17.060 and 58.17.110 RCW.
- ~~C. Posting Requirements. After acceptance of a large lot application, notice of application shall be posted by the applicant on the property at its principal entry point to the nearest right of way, as determined by the Department of Planning. Notice will be posted on a 1 1/2' x 2' waterproof sign. The sign shall be made of corrugated plastic to specifications provided by the City (see drawing No 1, Appendix A). If desired, a sign may be purchased from The City at cost to be determined by the manufacturing cost at the time of purchase. The sign(s) shall be~~

Chapter .14

PRIVATE STREET PLATS

Sections:

- ___ .14.010 Conditions Permitting Private Streets.**
- ___ .14.020 Conformance With Code-Exception.**
- ___ .14.030 Standards For Modification Of Code By Department Of Parks,
Planning And Resources Community Development**
- ___ .14.040 Improvements-Right Of City To Enter And Install-Bond.**
- ___ .14.050 Owners To Maintain Streets, Easements Guarantee
Maintenance And Assessment Of Costs.**

.14.010 Conditions Permitting Private Streets.

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

.14.020 Conformance with code - Exception.

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

__14.030 Standards for modification of code by Ddepartment of parks, Planning and resources Community Development

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

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

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

All pavements, sanitary sewers, water mains, culverts, grading, planting, fencing and any other improvements which are made a part of the approval of the plat shall be completed at the expense

Chapter __.16

BINDING SITE PLAN

Sections:

- ___.16.010 Purpose.
- ___.16.020 Applicability.
- ___.16.030 Complete application.
- ___.16.040 ~~Determination of Completeness.~~ Binding Site Plan Processing
- ___.16.045 Approval.
- ___.16.050 Recording and binding effect.
- ___.16.060 Amendment, modification and vacation.
- ___.16.070 Administrative rules.
- ___.16.010 Purpose.
- ___.16.010 Purpose.

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

___.16.020 Applicability.

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

.16.030 ~~Complete Application~~ Filing.

A proposed binding site plan shall be considered under the zoning and other land use control ordinances in effect on the land at the time a fully completed application is filed with the department. The Department shall prescribe the form and content for complete applications made pursuant to this Code. In general a complete application for binding site plan application shall consist of;

- A. A completed application form provided by the department, signed by all property owners or their authorized agents, with supporting documents as required below and which contains sufficient information to determine compliance with adopted rules and regulations including, but not limited to RCW 43.21C, SEPA as implemented by WAC 197-11; Surface Water Management; Roads Standards; Fire Code; City Environmental Procedures; Zoning; Shoreline Management; Critical Areas; and administrative rules adopted to implement any such code or ordinance provision; Pierce County Board of health rules and regulations; City approved utility comprehensive plans;
- B. An approved commercial site development permit; or, a proposed site plan prepared by a professional land surveyor, license in the State of Washington, in a form prescribed by the Director. At a minimum, the proposed site plan shall include:
 - 1. the location and size of all proposed lots;
 - 2. proposed and existing structures including elevations and floor plans as known, (plans which show building envelopes rather than footprints must include post-construction treatment of unoccupied areas of the binding envelopes);
 - 3. all proposed or existing uses;
 - 4. the location of proposed or existing open space including any required landscaped areas.
 - 5. the location and identification of critical areas;
 - 6. the layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles;
 - 7. the number and location of proposed or existing parking spaces on and off the site;
 - 8. a drainage plan which will accommodate the maximum proposed square footage of impervious surface and the maximum proposed

subject to the requirements of City's Surface Water Design Manual;

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

- K. The Director may waive specific submittal requirements determined to be unnecessary for review of the application, or may require additional material as deemed necessary.

~~___16.040___~~ **~~Determination of Completeness.~~**

~~Within 28 days of receiving an application for binding site plan approval containing all information required by Section ___06.030 of this Code, the Planning Department shall issue a determination of completeness or incompleteness as required by RCW 36.70.A.440. The Planning Department is responsible for complying with all other requirements of RCW 36.70.A.440~~

___16.040 **Binding Site Plan Processing**

Except as provided by this Chapter, a Binding Site Plan shall be processed in accordance with Title ___ Administration of Development Regulations.

___16.045 **Approval.**

- A. The Director shall consider and base a decision to approve with or without conditions, deny or return the application for modifications, based on:
1. a finding that the newly created lots will continue to function and operate as one site, for fully developed sites; or
 2. conformity of the proposed site plan with the adopted rules and regulations listed in Section ___16.030 as represented in the approved site development plan, if the binding site plan is being considered with a site development plan.
- B. The binding site plan shall contain applicable ~~inscriptions~~ 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.
- C. The Director may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the City.
- D. The Director may authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified on the binding site plan and enforced by covenants, easements or other similar mechanisms.

Chapter __.18

RESIDENTIAL CONDOMINIUM BINDING SITE PLAN REVIEW PROCESS

Sections:

- __18.010 **Applicability.**
- __18.020 **Planned ~~unit~~ developments ~~districts~~.**
- __18.030 **Building permits.**
- __18.035 **~~Determination of Completeness.~~ Residential Condominiums Binding Site Plan Processing**
- __18.040 **Conceptual plans.**
- __18.050 **Appeal.**
- __18.060 **Recording.**
- __18.070 **Amendments and Rescindment**
- __18.010 **Applicability**

- A. This process may be used to divide land by the owner of any legal lot which is to be developed for residential condominiums pursuant to RCW 64.32.34. A binding site plan for a residential condominium project shall be based on either a recorded final planned unit development, a building permit issued for the entire project, or a conceptual site plan as set forth in Section __.18.040 of this chapter.
- B. This process is separate from other site plan review processes including the mobile home park plan, the planned unit development, and the manufacturing park site plan provisions of the Zoning Code, and shall not be construed to substitute for the requirements of such processes.

__18.020 **Planned ~~unit~~ developments. districts**

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

__18.030 **Building permits**

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

- A. A plan shall be prepared in a form prescribed by the Director which is adequate for permanent retention by the Pierce County records and elections division.

- B. The plan must be prepared by a registered land surveyor or civil engineer.
- C. The plan must substantially reflect the site plan approved for the building permit. Specific details not relevant to the division of land may be omitted.
- D. The plan must be verified by the director for compliance with the approved building permit. The Director may require dedication of additional right-of-way for public streets.
- E. The legal description and map must be verified by the City Engineer.

~~__18.035 Determination of Completeness.~~

~~Within 28 days of receiving an application for binding site plan approval containing all information required by Section __18.030 of this Code, the Planning Department shall issue a determination of completeness or incompleteness as required by RCW 36.70.A.440. The Planning Department is responsible for complying with all other requirements of RCW 36.70.A.440~~

__18.035 Residential Condominiums Binding Site Plan Processing

Except as provided by this Chapter, a Residential Condominium Binding Site Plan shall be processed in accordance with Title _____ Administration of Development Regulations.

__18.040 Conceptual plans.

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

- A. A conceptual site plan shall be prepared in a form prescribed by the Director which includes the following information:
 - 1. Maximum number of dwelling units permitted.
 - 2. Approximate size and location of all proposed buildings.
 - 3. Approximate layout of an internal vehicular circulation system, including proposed ingress and egress.
 - 4. Approximate location of proposed open space, including required landscaped areas, if any.
 - 5. Approximate location of proposed parking areas.

__18.050 Appeal.

Any decision of the Director shall be final unless appealed to the Hearings Examiner in accordance with Title _____ Administration of Development Regulations .

__18.060 Recording.

The proposed binding site plan approved by the Director shall be recorded with the Records and Elections Division within thirty days of approval. Upon recording, the site plan shall be binding on the owner, his heirs and assigns, and shall permit the division of land within the site.

Divisions shall only be permitted upon the filing of a declaration under the Horizontal Regimes Condominium Act, Chapter 64.32 34 RCW, provided the structure or structures, road and parking systems, and related facilities substantially conform to the recorded binding site plan.

__18.070 Amendments and Rescindment.

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

Chapter __.20

BOUNDARY LINE ADJUSTMENTS

Sections:

- ___.20.010 Purpose.
- ___.20.020 Scope.
- ___.20.030 Application.
- ___.20.035 Boundary Line Adjustments Processing
- ___.20.040 Administrative Review.

___.20.010 Purpose.

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

___.20.020 Scope.

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

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

- E. Increase the nonconforming aspects of an existing nonconforming lot;
- F. Replat, alter, or vacate a plat or short subdivision; or
- G. Amend the conditions of approval for previously-platted property.

___20.030 Application.

- A. The Department shall prescribe the form and content for complete applications made pursuant to this Code. Applications for boundary line adjustments shall be made on forms provided by the City Planning Department and shall be submitted to the Planning Department with one original and five copies of a Mylar plan signed and stamped by a professional land surveyor, drawn to scale with accurate dimensions, clearly showing the following information:
 - 1. The proposed lines for all affected lots, indicated by heavy solid lines;
 - 2. The existing lot lines proposed to be changed, indicated by heavy broken lines;
 - 3. The location and dimensions of all structures/improvements existing upon the affected lots and the distance between structure/improvements and the proposed lot/boundary lines;
 - 4. The original legal description of the entire property together with new separate legal descriptions for each parcel, labeling them specifically as Parcel A, Parcel B, etc.;
 - 5. The position of Rebar and caps set at each new property corner;
 - 6. All parcel numbers of affected lots;
 - 7. The location of the property to Quarter/Quarter Section;
 - 8. The location and dimensions of any drain field, easement, or right-of-way existing within or adjacent to any affected lots;
 - 9. The area and dimensions of each lot following the proposed adjustment;
 - 10. The existing, and if applicable, proposed future method of sewage disposal for each affected lot.
- B. Record of Survey for Boundary Line Adjustments.

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

RECORD OF SURVEY FOR
BOUNDARY LINE ADJUSTMENT

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

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

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

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

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

- C. Boundary line adjustment applications shall be submitted to the Planning Department with a preliminary title report on forms approved by Planning, 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 and must be updated to the date of boundary line adjustment approval, 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 332-130 WAC, together with the following additional signature blocks, which shall be fully executed before approval:

- B. A copy of the proposed boundary line adjustment shall be forwarded to the Assessor-Treasurer's Office. The Assessor-Treasurer's Office shall review the boundary line adjustment for accuracy of legal description, ownership, lot dimensions, and improvements on the lots.
- C. The Departments shall review the proposed boundary line adjustment against the purpose and scope described in __.20.010 and __.20.020 respectively and submit any comments to the Planning Department no later than 30 days of date of application.
- D. If the Department of Planning determines that an application for boundary line adjustment may impair drainage, water supply, existing sanitary sewage disposal, access or easement for vehicles, utilities, or fire protection for any lot, tract parcel, site, or decision, it shall refer the application to the appropriate department for review.
- E. Following receipt of the comments of consulted departments under Subsection A. above, but in no case later than 30 days from receipt of completed application, the Director or his/her designee shall approve or deny the requested adjustments.
- F. After approval, the applicant's surveyor must record the survey of boundary line adjustment, together with deeds of conveyance signed by parties disclosed in the title report when the adjusted boundary separates different ownership. If the record of survey and required deeds of conveyance have not been recorded within 30 days of boundary line approval, the boundary line adjustment shall be null and void.
- G. The approval of a boundary line adjustment shall not be a guarantee that future permits will be granted for any structure or development within a lot affected by the boundary line adjustment.
- H. An aggrieved person may appeal the Director's decision on a boundary line adjustments to the Hearing Examiner, in accordance with procedures described in ~~City Codes. The Hearing Examiner's decision shall be final unless appealed to the City Council.~~ Title Administration of Development Regulations

Chapter __.22

MISCELLANEOUS, REVIEW, PENALTIES AND SEVERABILITY

Sections:

- ___.22.010 Record of Proceedings.
- ___.22.020 Penalties.
- ___.22.030 Enforcement.
- ___.22.040 Model Home.
- ___.22.050 Administration.
- ___.22.060 Land Surveys and Recording Fees.
- ___.22.070 Severability.

- ___.22.010 Record of Proceedings.

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

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

___.22.020 Penalties.

- A. Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this Title adopted pursuant to State law, relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this Title shall be deemed a separate and distinct offense.
- B. Any person who violates any court order or injunction issued pursuant to this Title or State law shall be subject to a fine of not more than five thousand dollars (\$5,000.00) or imprisonment for not more than ninety (90) days or both.
- C. Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this Title or any permit or written order or decision issued pursuant to this Title shall be subject to a ~~Class 1~~ civil violation ~~infraction~~ citation as defined in the City's civil violation ~~infractions~~ ordinance.
- D. If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this Chapter, the offer or agreement is not subject to the penalties above and does not violate any provision of this Chapter. All payments on account of an offer or

EXHIBIT C
ORDINANCE 130

UNOFFICIAL DOCUMENT

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Chapter __.01

CRITICAL AREAS AND NATURAL RESOURCE LANDS AUTHORITY AND PURPOSE

Sections:

- ___.01.010 Authority and Title.
- ___.01.020 Purpose and Goals.
- ___.01.030 Intent.
- ___.01.040 Interpretation.
- ___.01.050 Severability.

___.01.010 Authority and Title.

This Title is established pursuant to the requirements of the Growth Management Act (RCW 36.70A.060) and the State Environmental Protection Act (RCW 43.21C).

This Title shall be known as "Critical Areas and Natural Resource Lands."

___.01.020 Purpose and Goals.

This Title establishes interim regulations pertaining to the development of critical areas and natural resource lands.

The regulations established in this Title are intended to protect critical areas and conserve natural resource land features in the City of University Place . By regulating development within and adjacent to or abutting critical areas and natural resource lands this Title seeks to implement the following goals.

- A. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.
- B. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- C. Avoid or in appropriate circumstances, to minimize, rectify, reduce or compensate for impacts arising from land development and other activities affecting wetlands, and to maintain and enhance the biological and physical functions and values of wetlands with respect to water quality maintenance, stormwater and floodwater storage and conveyance, fish and wildlife habitat, primary productivity, recreation, education, and historic and cultural preservation. When avoiding impacts is not reasonable, mitigation should be implemented to achieve no net loss of wetlands in terms of acreage, function and value.

Chapter __.10

**CRITICAL AREAS AND NATURAL RESOURCE LANDS
GENERAL REQUIREMENTS****Sections:**

- ___.10.010 Purpose.
- ___.10.020 Definitions.
- ___.10.030 Applicability.
- ___.10.040 Permitted Uses.
- ___.10.050 Regulated Uses/Activities.
- ___.10.060 Exemptions.
- ___.10.070 Reasonable Use Exception.
- ___.10.080 Process.
- ___.10.090 Variance.
- ___.10.095 Current Use Assessment.
- ___.10.100 Compliance Provisions.
- ___.10.110 Fees.
- ___.10.115 Title and Plat Notification.
- ___.10.120 Appeals.
- ___.10.130 Severability.

___.10.010 Purpose

This Chapter establishes general requirements and regulations for the protection of critical areas and the conservation of natural resource lands which shall apply throughout this Title.

___.10.020 Definitions.

For the purpose of this Title, the following definitions shall apply:

- A. "Abutting" means bordering upon, to touch upon, in physical contact with. Sites are considered abutting even though the area of contact may be only a point.
- B. "Applicant" means a person, party, firm, corporation, or other legal entity that proposes a development on a site.
- C. "Aquifer" means a saturated geologic formation which will yield a sufficient quantity of water to serve as a private or public water supply.
- D. "Aquifer recharge area" means areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of ground-water resources or contribute significantly to the replenishment of groundwater.

__10.080 Process.

- A. The Department shall perform a critical areas and natural resource lands review of any City permit or approval requested for any regulated activity including, but not limited to, those set forth in Section __10.050, on a site which includes or is adjacent to or abutting one or more natural resource lands or critical areas unless otherwise provided in this Title.
- B. As part of all development applications:
 - 1. The Department shall review the information submitted by the applicant to:
 - a. Confirm the nature and type of the natural resource land and/or critical area and evaluate any required studies;
 - b. Determine whether the development proposal is consistent with this Title;
 - c. Determine whether any proposed alterations to the site containing natural resource lands or critical areas are necessary;
 - d. Determine if the mitigation and monitoring plans proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes, objectives and requirements of this Title.
- C. A threshold determination may not be made prior to Departmental review of any special studies or technical reports required by this Title, except where the applicant requests a declaration of significance so that environmental review is required.
- D. The City may approve, approve with conditions, or deny any development proposal in order to comply with the requirements and carry out the goals, purposes, objectives and requirements of this Title.
- E. Approval of a development proposal does not discharge the obligation of the applicant to comply with the provisions of this Title.
- F. Unless otherwise specified in this Chapter critical area permits shall be processed in accordance with Title ____ Administration of Development Regulations

__10.090 Variance.

Variance applications shall be considered by the City according to Variance procedures in Title ____ Administration of Development Regulations ~~the City Zoning Code~~.

a warrant.

2. The Department shall have the authority to order restoration, rehabilitation or replacement measures to compensate for the destruction or degradation of critical areas or natural resource lands at the owner's expense.
3. Any person, party, firm, corporation or other legal entity convicted of violating any of the provisions of this Title, shall be guilty of a misdemeanor. Each day or portion of a day during which a violation of this Title is continued, committed, or permitted shall constitute a separate offense. Any development carried out contrary to the provisions of this Title shall constitute a public nuisance and may be enjoined as provided by the Statutes of the State of Washington.
4. In addition to any other sanction or penalty, or any remedial or administrative procedure available under the City Code or state law, violation of any provision of this Chapter or failure to comply with any permit or other written order or decision issued pursuant to this Chapter constitutes a civil ~~infraction-violation.~~

__10.110 Fees.

The City shall establish an appropriate fee structure for administrative and technical review by separate resolution.

__10.115 Title and Plat Notification.

If more than one critical areas/resource lands exist on the site subject to the provisions of this Title, then one notice which addresses all of the critical areas/resource lands shall be sufficient.

__10.120 Appeals.

Appeals of a decision issued under this Title shall be considered ~~by the City in accordance with according to procedures in City Zoning Code.~~ Title Administration of Development Regulations

__10.130 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.

Chapter __.16

AQUIFER RECHARGE AREA

Sections:

- .010 Purpose.
- .020 Definitions.
- .030 Applicability.
- .040 Severability.

___.16.010 Purpose.

The intent of this Chapter is to protect important water supplies from additional degradation or depletion originating from land use activities. Due to the exceptional vulnerability and susceptibility of the aquifer recharge areas to further contamination, it is the intent of this Chapter to safeguard groundwater resources in the aquifer system from hazardous substance and hazardous waste pollution by controlling or abating future pollution from new land uses or activities.

___.16.020 Definitions.

- A. "Animal Containment Area" means a site where two or more animal units of large animals per acre or .75 of an animal unit of small animals per acre are kept, and where a high volume of waste material is deposited in quantities capable of impacting groundwater resources.
- B. "Animal Unit" means the equivalent of 1000 pounds of animal.
- C. "Aquifer" means a saturated geologic formation which will yield a sufficient quantity of water to serve as a private or public water supply.
- D. "Aquifer recharge area" means areas where the prevailing geologic conditions allow infiltration rates which create a high potential for contamination of groundwater resources or contribute significantly to the replenishment of groundwater.
- E. "Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally or occurs at concentrations and duration as to be injurious to human health or welfare or shown to be ecologically damaging.
- F. "DRASTIC" means a model developed by the National Water Well Association and Environmental Protection Agency used to measure aquifer susceptibility.

- (3) Subdivision of land as defined in ~~PCC 16.02.020 X~~. University Place Code Section .02.020;
- (4) Residential structures housing three units or more and utilizing an on-site septic system;
- (5) All commercial and industrial sites except
 - (a) those under 8,000 square feet which do not store or handle hazardous waste and
 - (b) those that are on the public sewer system;
- (6) Sludge land application sites categorized as S-3, S-4 and S-5, as defined above;
- (7) Animal Containment Area;
- (8) Landfills.

b. The hydrogeologic assessment shall include, but is not limited to:

- (1) Information sources;
- (2) Geologic Setting-Include well logs or borings used to identify information;
- (3) Background water quality;
- (4) Groundwater elevations;
- (5) Location/Depth to perched water tables;
- (6) Recharge potential of facility site (permeability/transmissivity);
- (7) Groundwater flow direction and gradient;
- (8) Currently available data on wells located within 1,000 feet of site;
- (9) Currently available data on any spring within 1,000 feet of site;
- (10) Surface water location and recharge potential;
- (11) Water source supply to facility (e.g. high capacity well);

- (12) Any sampling schedules necessary;
 - (13) Discussion of the effects of the proposed project on the groundwater resource;
 - (14) Other information as required by the TPCHD.
- c. The hydrogeologic assessment may be submitted by a geologist/hydrologist or by a soils scientist with a strong background in geology as demonstrated by coursework from an accredited college or university; or by an environmental scientist with a strong background in geology and physical sciences as demonstrated by coursework from an accredited college or university. Persons who believe they are qualified to conduct a hydrogeologic assessment may petition the TPCHD for consent.
 - d. Uses requiring a hydrogeologic assessment may be conditioned or denied based upon the TPCHD's evaluation of the hydrogeologic assessment. Any project denied a permit based upon the Tacoma-Pierce County Health Department's evaluation of the hydrogeologic assessment shall receive a written explanation of the reason(s) for denial and an explanation of measures required, if any, to comply with these regulations.

5. Storage Tank Permits.

The Fire Marshal specifically regulates and authorizes permits for underground storage tanks, pursuant to the Uniform Fire Code (Article 79) and this Chapter. The Washington Department of Ecology also regulates and authorizes permits for underground storage tanks (WAC --3-360). The TPCHD regulates and authorizes permits for the removal of underground storage tanks (~~Pierce County Code, Chapter 8.34~~).

- a. Facilities with underground tanks. New Underground Tanks.
 - 1. All new underground storage facilities used or to be used for the underground storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - 2. Prevent releases due to corrosion or structural failure for the operational life of the tank;
 - 3. Be protected against corrosion, constructed of non-corrosive material, steel clad with a noncorrosive material, or designed to include

Chapter __.18

FISH AND WILDLIFE HABITAT AREAS

Sections:

- .010 Purpose and Intent.
- .015 General Requirements and Reasonable Use Exception.
- .020 Definitions.
- .025 Exemptions.
- .030 Applicability and Scope.
- .040 Point Locations and Habitat Distances.
- .050 Habitat Protection Procedures.
- .055 Title and Plat Notification.
- .060 Habitat Protection for Rivers and Streams.
- ~~.062 Habitat Protection for Lakes.~~
- .065 Habitat Protection for Ponds and Puget Sound.
- .067 Provisions for Buffers, Where Required.
- .069 Variances from Buffer Requirements.
- .070 Appendices.
 - A. Endangered, Threatened, Sensitive Candidate and Monitored Species Recorded in Pierce County, January 1992.
 - B. Diagrams Illustrating Distances from Habitat Areas and Point Locations of Species.
 - ~~C. Fish Species Identified by the Tribes as Being of Critical Importance~~
- 075 Assessment Relief.
- 090 Severability.

__18.010 Purpose and Intent.

Many land use activities can impact the habitats of fish and wildlife. Where areas of critical fish and wildlife habitat are subject to development pressure, land use should be managed to protect critical habitats. Managing land use to protect critical habitats is intended to allow proposed development to occur in a manner that is sensitive to the habitat needs of critical fish and wildlife species.

As a necessary first step in achieving the necessary protection of critical fish and wildlife species, it is the intent of this Chapter to:

- A. identify critical fish and wildlife species and habitats;
- B. emphasize and encourage education, information and voluntary action to enhance, protect, rehabilitate, and restore critical fish and wildlife species and habitats;
- C. rely primarily upon existing procedures and laws, such as the State Environmental Policy Act, RCW 43. __ C, ~~Chapter __08 PCC University Place Ordinance No.32~~ and the Shorelines Management Act, RCW 90.58, ~~Title 20 PCC, University Place Ordinance No. __~~ that directly or indirectly, protect fish and wildlife species and habitats; and
- D. establish buffers adjacent to rivers and streams to protect critical fish and wildlife habitats.

It is not intended that this Chapter repeal, abrogate, or impair any existing law or regulations. If the buffering provisions of this Chapter conflict with any existing City law or regulation, the more stringent shall apply.

__18.015 General Requirements and Reasonable Use Exception.

- A. The general requirement provisions of Section PCC __.10 of this code apply throughout this Title, including this Chapter (~~PCC __.18~~) pertaining to fish and wildlife habitat areas.
- B. The reasonable use exception provisions of Section PCC __.10.070 of this code apply throughout this Title, including this Chapter (~~PCC __.18~~) pertaining to fish and wildlife habitat areas.

__18.020 Definitions.

- A. "Buffer" means an area contiguous with a critical area that is required for the integrity, maintenance, function, and structural stability of the critical area.

species are found. Many of these sites have been identified and mapped by the Washington Department of Wildlife. The procedure for identifying whether proposed regulated activities are in the vicinity of species or habitat areas is as set forth below and illustrated in Appendix B.

- a. For endangered, threatened, sensitive, candidate and monitored species (___18.030 B.1.a and b), the distance is as follows:
- b. For commercial and recreational shellfish areas; and kelp and eelgrass beds and herring and smelt spawning areas (___18.030 B.1.c. and d.) the distance is within 200 feet of the habitat area.

___18.050 Habitat Protection Procedures.

A. Education and Information.

A voluntary education program to explain the need for and methods of habitat management will provide for long-term protection and enhancement of critical fish and wildlife habitat areas. By informing citizens of the declining populations of several fish and wildlife species in Pierce County, the diminishing animal habitat available, and the management techniques that individuals can use to preserve and restore fish and wildlife habitat areas, the City can foster good stewardship of the land by property owners.

1. The department will provide educational materials and lists of additional sources of information to applicants proposing regulated activities in the vicinity of critical fish and wildlife habitat areas. Materials will be selected from a variety of state and local resources.
2. The department will accumulate information on the number of proposed activities associated with fish and wildlife habitat areas as identified by this Chapter and indicated by County maps to be in the vicinity of identified critical fish and wildlife habitats pursuant to ___18.040. Information shall include the number of single family residences and other development occurring in the vicinity of critical fish and wildlife areas. Based on this information, additional regulations may be developed.

B. Use of Existing Procedures and Laws.

The primary procedures used to implement this Chapter shall be the State Environmental Policy Act (RCW 43.21C), the City's Environmental Regulations Shorelines Management Act (RCW 90.58), and the City's Shoreline Management Regulations, and Title Administration of Development Regulations

B. Critical Fishery Rivers and Streams Requiring Buffers. The following river and stream (segments) have been identified by the various Indian tribes, particularly the Puyallup Tribe, as being critical to anadromous fish and, therefore, requiring a larger buffer protection. Specific salmon species identified by the Tribes in March 1992 are listed in Appendix C. Critical fishery rivers and streams include:

	<u>Buffer Width</u>	<u>Tribe</u>	
<u>Stream Name</u>	<u>WRIA #</u>	<u>In Feet</u>	<u>Identifying</u>
South Prairie Creek	10.0429	150	Puyallup
Carbon River	10.0414	150	Puyallup
Clearwater River	10.0080	150	Puyallup
Puyallup River	10.00__	150	Puyallup
White River	10.0031	150	Puyallup
West Fork White River	10.0186	150	Puyallup
Green Water River	10.0122	150	Puyallup
Voights Creek	10.0414	150	Puyallup
Huckleberry Creek	10.0253	150	Puyallup
Chambers Creek	12.0007	150	Puyallup
Nisqually River	11.0008	150	Nisqually
Mashel River	11.0101	150	Nisqually

C. Other Rivers and Streams Requiring Buffers. For rivers and streams not governed by 18.060 B above, the buffer width shall be as follows:

<u>DNR Water Type</u>	<u>Buffer Width in Feet</u>
1 through 5	35

18.062 ~~Habitat Protection for Lakes.~~

- ~~A. Regulated activities proposed on lakes that are urban in character will not be subject to the buffering requirements of this Chapter. The following lakes are urban in character:~~

~~American~~
~~Clear~~
~~Crescent~~
~~Gravelly~~
~~Louise~~
~~Steilacoom~~
~~Tanwax~~
~~Tapps~~
~~Ohop~~
~~Spanaway~~
~~Stansberry (Holiday)~~
~~Whitman~~

~~For proposed single family residences on lakes that are urban in character, habitat protection shall be provided through education and/or voluntary agreements. However, existing law, as referenced in __.18.050, may affect such proposals.~~

~~For proposed regulated activities other than single family residences, on lakes that are urban in character, habitat protection shall be provided through education, voluntary agreements, and existing laws as referenced in __.18.050.~~

- ~~B. Regulated activities proposed on lakes that are not urban in character shall be subject to a 35 foot buffer requirement. The buffer, consisting of undisturbed natural vegetation, shall extend landward from the ordinary high water mark of the water body. Buffers may be altered only as provided in Sections __.18.067 and __.18.069.~~

__18.065 Habitat Protection for Ponds and Puget Sound.

Regulated activities proposed on ponds and Puget Sound will not be subject to the buffering requirements of this Chapter. Habitat protection for ponds and Puget Sound shall be provided through education, voluntary agreements and existing laws as referenced in __.18.050.

__18.067 Provisions for Buffers, Where Required.

- A. Building Setback and Construction near Buffer. A minimum setback of 8 feet from the buffer shall be required for construction of any impervious surface(s) greater than 120 square feet of base coverage. Clearing, grading, and filling within eight feet of the buffer shall only be allowed when the applicant can demonstrate that vegetation within the buffer will not be damaged.
- B. Marking of the Buffer Area. The edge of the buffer area shall be clearly staked, flagged, and fenced prior to and through completion of construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground.
- C. Fencing from Farm Animals. Permanent fencing shall be required from the buffer when farm animals are introduced on a site.
- D. Enhancements to natural buffers consistent with the education program (such as revegetation or nest boxes) are allowed.
- E. Allowable Activities Within Buffers. The following activities may occur within the buffer after notification to the Department, provided that any other required permits are obtained.

1. Removal of diseased trees and trees that present a threat to properties.
2. Repair of existing fences.
3. Construction, reconstruction, remodeling, or maintenance of docks and bulkheads as authorized and pursuant to (Shoreline Management Regulations).
4. Construction of a pervious path for purposes of private access to the shoreline.
5. Trimming of vegetation for purposes of providing view corridors, provided that trimming shall be limited to view corridors of 20 feet or less and provided that benefits of the buffer to fish and wildlife habitat are not reduced. Trimming shall be limited to pruning of branches and vegetation. Trimming shall not include felling or removal of trees.
6. Construction of public trails.
7. Roadways, bridges, rights-of-way, and utility lines where no feasible alternative exists, and where the development minimizes impacts on the stream and buffer area.

__18.069 Variances from Buffer Requirements.

The Examiner shall have the authority to grant a variance from the buffer width provisions of this Chapter. In order to grant a buffer width variance, the applicant must demonstrate and the Examiner must find that the requested buffer width modification preserves adequate vegetation to: (1) maintain proper water temperature, (2) minimize sedimentation, and (3) provide food and cover for critical fish species. Variance applications shall be considered according to the variance procedures in the City Zoning Code Title _____ Administration of Development Regulations

APPENDIX C

Fish Species Identified by the Tribes as Being of Critical Importance.

<u>Species</u>	<u>Tribe</u>
White River Spring Chinook	Muckleshoot
Puyallup River Pink Salmon	Puyallup
Puyallup River Fall Chinook	Puyallup
Puyallup River Wild Coho	Puyallup
Puyallup River Wild Chum	Puyallup
Nisqually River Wild Native Steelhead Trout	Nisqually
Mashel River Wild Native Steelhead Trout	Nisqually
Nisqually River Late Timed Wild Chum Salmon	Nisqually
Muck Creek Late Timed Wild Chum Salmon	Nisqually

Protection of these species shall be by education and information according to ____18.050 A. and by buffers according to ____18.060.

__18.075 Assessment Relief.

- A. The assessment provisions of PCC __10.095 apply through this Title, including this Chapter (PCC __.18) pertaining to fish and wildlife habitat areas.
- B. The Assessor-Treasurer's Office shall consider buffering requirements of this Chapter in determining the fair market value of land. Any owner of an undeveloped buffer which has been placed in a separate buffer tract, protective easement, public or private land trust dedication, or other similarly preserved areas shall have that portion of the land assessed consistent with these restrictions.

__18.090 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of this regulation or the application of the provision to other persons or circumstances shall not be affected.

CHAPTER __.22

WETLANDS AREAS

Sections:

- __ .22.010 Purpose.
- __ .22.020 Definitions.
- __ .22.030 Wetland Categories.
- __ .22.040 Regulated Activities.
- __ .22.050 Exemptions.
- __ .22.060 Delineation and Wetland Analysis Requirements.
- __ .22.070 Establishing Buffers.
- __ .22.080 Standards for Allowing Regulated Activities in Wetlands and Buffers, Including a Reasonable Use Exception.
- __ .22.090 Mitigation.
- __ .22.100 On-site Density Transfer.
- __ .22.110 Transfer of Development Rights.
- __ .22.220 One-Family Dwellings Procedures and Reasonable Use Exception.
- __ .22.130 New Agricultural Activities.
- __ .22.135 Alternative Review Process, Corps of Engineers Section 404 Individual Permits.
- __ .22.140 Wetland Application Procedure and Fees.
- __ .22.150 Reconsideration and Appeal Procedures.
- __ .22.160 Wetland Variances.
- __ .22.170 Suspension and Revocation.
- __ .22.175 Financial Guarantees.
- __ .22.180 Compliance Provisions.
- __ .22.185 Nonconforming Uses.
- __ .22.190 Administrative Procedures and Technical Criteria.
- __ .22.195 Assessment Relief.
- __ .22.210 Appendices.
 - A. Wetland Categories.
 - B. Information to be Included in a Wetland Analysis Report.
 - C. Mitigation Plan for Regulated Activities in Buffers.
 - D. Compensatory Mitigation Plan for Regulated Activities in Wetlands, Conceptual Phase.
 - E. Compensatory Mitigation Plan for Regulated Activities in Wetlands, Detailed Phase.
- __ .22.220 Severability.

7. The proposed activities comply with all state, local and federal laws, including, but not limited to, those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal; and
8. Any and all regulated activities in wetlands and buffers will be mitigated according to Section __.22.090; and
9. There will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and
10. The inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this Chapter.

E. Reasonable Use Provision, Categories III and IV Wetlands: If an applicant for regulated activity on a Category III or IV wetland and/or associated buffer cannot obtain permission through the procedures described in __.22.080 A. and __.22.080 C., the activity may be allowed if, following a public hearing, the Hearing Examiner determines the criteria of __.22.080 D. are met.

F. The procedure to obtain a Reasonable Use Exemption are contained in Title Administration of Development Regulations

__22.090 Mitigation.

- A. All activities in wetlands and/or buffers shall be mitigated according to this Section. Usually, mitigation is considered in order of preference; there may be circumstances when an alternative mitigation strategy is preferable.

The order of preference for mitigation is:

1. Avoiding the impact altogether by not taking a certain action or parts of actions;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to reduce impacts;
3. The following types of mitigation (no order of preference):
 - a. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - b. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

segregating or dividing the property after the effective date of this Chapter.

7. The procedure to obtain a Reasonable Use Exemption are contained in Title
Administration of Development Regulations

__22.130 New Agricultural Activities.

An applicant may use the following procedure to initiate agricultural activities:

- A. Where the Department determines that a regulated wetland may be present within 150 feet of the proposed activity, the applicant shall select one of the following options:

1. The applicant shall provide the Department with a report prepared by a wetland specialist which recommends the appropriate wetland category and includes rationale for the recommendation. The Department will review and approve the wetland category and buffer as follows:

Wetland Category	Buffer
I	150 feet
II	100 feet
III	50 feet
IV	25 feet

2. Alternatively, the Department, upon request, shall determine the appropriate wetland category. The buffer width shall be according to the table in __22.130.

- B. The Department will determine whether the activity would intrude into the buffer, the wetland, or both.

1. If the Department determines that the proposed activity may intrude into the wetland and/or buffer, the applicant shall prepare a delineation report subject to approval by the Department; or
2. If the Department determines that the proposed activity may intrude only into the buffer, the Department, upon request, shall delineate the wetland.

- C. Following approval of the delineation report or the Department's completion of the delineation, the applicant shall place permanent, clearly visible markers on-site at the edge of the buffer. Placement of markers by a licensed surveyor is not required. No regulated activities shall occur within the wetland and/or buffer except as allowed in __22.130 D. Temporary intrusion into the buffer necessary for construction activities may be allowed if the buffer can be adequately restored.

1. The applicant shall notify the Department when the applicant applies for the Section 404 permit or contacts the Corps concerning a specific project. The applicant shall apprise the Department of the Corps' permitting process, including notifying the Department of all hearings or meetings scheduled to discuss the applicant's project, potential mitigation or approval. The review process of the Corps will substitute for the review process outlined in Section __.22.140. The City participation in the Corps' review process does not constitute approval of the applicant's project by the City. The substantive provisions of this Chapter are still applicable and a wetland permit will be approved or denied by the Department based upon those provisions. However, the Department shall consider the mitigation requirements as set forth by the commenting agencies during the Corps' review process and shall concur with that mitigation, if it is functionally equivalent with the requirements of this Chapter.
2. The applicant shall submit the information specified in Section __.22.060 and __.22.140 to the Department when filing for the Corps permit. The Department may also require the submittal of any additional information deemed necessary.
3. Notice of Application: A notice of application will be required as provided for in Section __.22.140.

__22.140 Wetland Application Procedure and Fees.

- A. The Department shall, ~~to the extent reasonable~~, consolidate the processing of related aspects of other the City regulatory programs which affect activities in wetlands, such as subdivision, site development, floodplain and environmentally sensitive areas, with the wetland approval process established herein so as to provide a timely and coordinated review process.
- B. When the Department determines that a regulated wetland is on the site or may be within 150 feet of the site, an application containing the following shall be submitted to the Department:
 1. The City Master Application;
 2. Wetland Application;
 3. Wetland Analysis Report;
 4. Fees: Each applicable fee, as set forth in ~~Chapter 2.05~~, a separate fee resolution shall be payable at the time the applicant submits the document

to which the fee applies. Site inspection fees shall be payable prior to the staff site visit.

- C. ~~**Notice.** Upon City acceptance of a completed application for Wetland Approval, notice of application shall be posted by the applicant on the property at its principal entry point to the nearest right-of-way, as determined by the Department. The applicant shall verify by notarized affidavit to the Department that such notice was posted. Notice will be posted on a 1 1/2' x 2' waterproof sign. The sign shall be made of corrugated plastic to specifications provided by the City. If desired, a sign may be purchased from the City at a cost to be determined by the manufacturing cost at the time of purchase. The sign(s) shall be located so as to be easily visible from the abutting road. When more than one road abuts the property, the sign(s) shall be easily visible from the road having the greatest traffic volume as determined by the Department. When a proposal is within an existing subdivision, planned development district or planned unit development, an additional sign shall be posted at each major roadway entrance to the development as determined by the Department. The sign(s) shall be erected and maintained by the applicant for a minimum of thirty (30) days before a decision is rendered on the application, and shall be removed by the applicant within one (1) week following the decision by the Department.~~

Procedure. The procedure to obtain a wetland approval shall be in accordance with Title _____ Administration of Development Regulations

- A. **Notice on Title.** When the City determines that activities not exempt from this Chapter are proposed, the property owner shall file for record with the Pierce County Auditor a notice approved by the Department in a form substantially as set forth below. The notice shall provide notice in the public record of the presence of a wetland or buffer, the application of this Chapter to the property, and that limitations on actions in or affecting such wetlands and buffers may exist. The notice shall be notarized and shall be recorded prior to approval of any land use proposal for the site.

Notice on title is not required for utility line easements on lands not owned by the jurisdiction conducting the regulated activity.

Form of notice:

WETLAND AND/OR WETLAND BUFFER NOTICE

Tax Parcel Number:

Name:

Address:

Legal Description:

extension, the Department may require updated studies if, in its judgment, the original intent of the approval is altered or enlarged by the renewal, if the circumstances relevant to the review and issuance of the original permit have changed substantially, or if the applicant failed to abide by the terms of the original approval.

__22.150 Reconsideration and Appeal Procedures.

Requests for ~~Reconsideration and~~ Appeals of a decision issued under this Chapter shall be considered by the City according to procedures in ~~the City Zoning Code~~ Title Administration of Development Regulations

__22.160 Wetland Variances.

- A. Wetland Variance Applications shall be considered by the City according to Variance procedures in ~~the City Zoning Code~~, Title Administration of Development Regulations, except that required criteria for a Wetland Variance shall be as set forth in __22.160 C.
- B. To apply for a Wetland Variance the applicant shall submit six (6) copies of a complete Wetland Variance Application. The Variance Application shall include a City Master Application, a wetland application, a wetland analysis report, a site plan, and a cover letter addressing the required criteria for a variance, and appropriate fees.
- C. The Hearing Examiner shall have the authority to grant a Wetland Variance from the requirements of this Chapter, when, in the opinion of the Examiner, the following criteria have been met.
 1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to other properties; and
 2. The Wetland Variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and
 3. Granting the Wetland Variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and
 4. Granting the Wetland Variance will not violate, abrogate or ignore the goals, objectives or policies of the City Wetland Management Policies.

- B. Enforcement actions shall include civil ~~infractions-violations~~, administrative orders, and actions for damages and restoration.
1. The Department may bring appropriate actions at law or equity, including actions for injunctive relief, to ensure that no uses are made of regulated wetlands or buffers which are inconsistent with this Chapter.
 2. The Department may serve a cease and desist order when any person makes or partakes in any use of land, development or any activity on regulated wetlands and/or buffers in violation of this Chapter. The order shall include the following:
 - a. A description of the specific nature, extent and time of violation. The order may include the damage or potential damage resulting from the violation.
 - b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty may be issued with the order.
 - c. Effective date. The cease and desist order issued under this Section shall become effective immediately upon receipt by the person to whom the order is directed.
 - d. Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.
 - e. The order may include specific corrective measures to be taken to mitigate environmental damage.
 - f. ~~The order shall state that a hearing may be requested by an affected party by sending a written request for a hearing to the Hearing Examiner within ten (10) days of the receipt of said order.~~
 3. Any person who undertakes any activity within a regulated wetland or buffer without first obtaining an approval required by this Chapter, or any person who violates one or more conditions of any approval required by this Chapter or of any cease and desist order issued under this Chapter shall be subject to a Class 1 civil violation infraction-citation. Each violation and, in the case of a continuing violation, each violation and each day of activity without a required approval shall be a separate and distinct violation. The civil penalty shall be assessed at a rate of ~~two~~ five hundred ~~fifty~~ dollars per day per violation. ~~The penalty provided shall be appealable as provided in fee Resolution.~~

Chapter __.34

MINERAL RESOURCE LANDS

Sections:

- __34.010 Purpose.
- __34.020 Definitions.
- __34.030 Applicability.
- __34.040 Title Notification.
- __34.050 Plat Notification.
- __34.060 Regulated Activities Notification.
- __34.070 Severability.

__34.010 Purpose.

The purpose of this Chapter is to promote the conservation of mineral resource lands through inclusion of known deposits of minerals and materials; to assure that undeveloped mineral and material resources will not be forever lost by prior development of the land for other purposes; and to allow for the necessary processing to convert such minerals and materials to marketable products.

__34.020 Definitions.

- A. "Minerals" include gravel, sand, and valuable metallic substances.
- B. "Mineral resource lands" means lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

__34.030 Applicability.

- A. **General.** Mineral resource lands are lands that have long-term significance for the extraction of minerals.
- B. **Classification.**

1. Any area under this Chapter presently operating under a valid Washington State Department of Natural Resources (DNR) surface mining permit.

2. ~~Any other area shall be classified Mineral Resource Lands when:~~

- ~~a. a surface mining permit is granted by the DNR; and~~
- ~~b. an Unclassified Use Permit is granted by the City of University Place, pursuant to the City Zoning Code, provided;~~

1. ~~The site does not contain prime agricultural soils, and~~
2. ~~the site is not a registered or designated historic or archeological site, and~~
3. ~~the site is not within a Shoreline of the State or State-wide Significance designated Natural.~~

.34.040 Title Notification.

The owner of any site within this designation, for which an application for a regulated activity is submitted, shall record a title notice with the Pierce County Auditor. The notice shall be notarized and shall be recorded prior to approval of any development proposal for the site. Such notification shall be in the form as set forth below.

MINERAL RESOURCE LANDS AREA TITLE NOTIFICATION

Parcel Number: _____

Parcel Address: _____

Notice: This parcel lies within an area of land designated mineral resource lands by the City. A variety of commercial mineral extraction activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of heavy equipment, chemicals, and spraying which may generate dust, smoke, and noise associated with the extraction of mineral resources. The City has established mineral resource extraction as a priority use on productive mineral resource lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary mineral resource extraction operations.

Signature of Owner

Signature of Owner

(NOTARY ACKNOWLEDGEMENT)

EXHIBIT D
ORDINANCE 130

UNOFFICIAL DOCUMENT

Chapter 20.01

SITE DEVELOPMENT REGULATIONS

Sections:

- 20.01.010 Applicability and Compliance with the Ordinance**
- 20.01.020 Violation of Regulations Constitutes a Misdemeanor**
- 20.01.030 Ordinance Available at Development Center**
- 20.01.040 Administration of Development Regulations**

20.01.010 Applicability and Compliance with the Ordinance

All requirements contained in the Pierce County Site Development Ordinance, identified as Exhibit "A" to this Ordinance, must be complied with prior to the approval of any proposed development in the City of University Place.

20.01.020 Violation of Regulations Constitutes a Misdemeanor

Violation of any of the provisions of these Regulations by an Applicant or Engineer shall be a misdemeanor. Each day or portion of a day during which a violation of these Regulations is continued, committed or permitted shall constitute a separate offense. Any work carried out contrary to these provisions shall constitute a public nuisance and may be enjoined as provided by the Statutes of the State of Washington.

20.01.030 Ordinance Available at Development Center

The City of University Place Site Development Ordinance shall be available for inspection or purchase at the City's Planning Department during normal business hours.

20.01.040 Administration of Development Regulations

Except as provided by this Chapter all site development permits shall be processed in accordance with Title Administration of Development Regulations

20.60 SITE DEVELOPMENT PERMITS**A. Permits**

Issuance of a permit by the City of University Place does not, in any way, imply or signify that the proposal complies with the requirements of or is allowed by other City ordinances, regulations, or requirements, or State or Federal laws. The Applicant is in no way relieved of responsibility and liability for compliance with all State, Federal, and local rules, requirements, laws, ordinances, and regulations.

B. Permit Required

Unless exempt per section ~~3.02.A.1.02.~~, no person, party, firm, corporation, or entity shall do any grading, filling, cutting and clearing, excavating, or ditching, or create an impervious surface, unless the work is in accordance with a valid permit from the City issued pursuant to the provisions of these Regulations. Each site must have a separate permit.

All forested land within the City of University Place is designated "likely to be converted," or is to be preserved in it's natural state as greenbelts, parks, or open space. Therefore, only Class IV DNR permits shall be issued within the city limits. All DNR permits will require an additional city clearing and grading permit. The City Engineer may require the posting of security to assure compliance with requirements of this permit, which may include but are not limited to provisions for minimizing off-site soil erosion, noise disturbance, and fire danger. The City clearing permit will not be issued until a development plan has been approved, and the applicant has demonstrated that he/she has the financial resources to proceed with the development project. Any cutting or removal of timber without a clearing permit will be subject to the penalties outlined in this code.

Short plats, large lots, formal plats, mobile home parks, and other development projects that indicate new roads to be developed are required to obtain a permit unless exempt per Section 1.02 and 4.05 . The permit issuance, payment of fees, and plan review must be completed prior to plat approval or issuance of building permits.

C. Application For a Permit

1. An application for a permit shall be made with the City of University Place Planning Department and will be valid for 210 days from date of application.
2. The application must be accompanied by the appropriate number of site development plans as requested by the City such as grading plans, erosion and

sedimentation control plans, storm drainage plans, and a site development report.

3. When work occurs on a site not under control or ownership of the Applicant, the property owner must sign the application and agree to be responsible for all work that occurs on the property.
4. The applicant may provide additional information, as appropriate, to identify the scope of the work.
5. Comments regarding the application and requirements for additional studies, plans, information, or reports will be sent by the City to the Applicant within thirty days after proper submittal is made to the City of University Place Planning Department.
6. Site Development Permits shall be processed in accordance with Title _____ Administration of Development Regulations

D. Permit Issuance

1. The City shall review the submitted information to determine if it complies with the provisions of these Regulations. If the proposed work, as identified by the application and plans, complies with the provisions herein or as imposed by the City pursuant to these Regulations or if they are corrected or amended to comply within the specified time limit, the City shall issue a permit to the Applicant.
2. The permit must be signed by the Applicant and, if applicable the property owner, before issuance by the City and is not transferable.
3. Site Development Permits cannot be issued until after the environmental and/or Hearing Examiner's decision is final, i.e., the appeal periods have expired, ~~and~~ or no appeals have been filed.
4. Upon receiving Hearing Examiner approval (if required) and after the expiration of the appeal period, site development permits may be issued for clearing, site grading, road construction, and installation of storm drainage facilities individually or under one site development permit. If separate applications are submitted, they must be accompanied by the pertinent plans and reports.
5. A Determination of Non-Significance (DNS), Mitigated Determination of Non-Significant (MDNS) or a Final Environmental Impact Statement (FEIS)

EXHIBIT E
ORDINANCE 130

UNOFFICIAL DOCUMENT

Chapter __.03

STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

Sections:

- ___.03.010 Applicability.
- ___.03.020 Introduction.
- ___.03.030 Design Elements.
- ___.03.040 Functional Classification Elements.
- ___.03.050 Access Control.
- ___.03.060 Administration, Plans, Specifications and Construction.
- ___.03.070 References and Abbreviations.
- ___.03.080 Standard Details.

___.03.010 Applicability.

~~All requirements contained in the City Street Standards, together with any and all amendments thereto, are~~ These standards apply-applicable to all design and construction within City rights-of-way and rights-of-way that will be dedicated to the City.

___.03.020 Introduction.

~~The purpose of t~~These street standards are meant is to ensure that minimum public safety requirements are met as well as and to provide the ~~most~~ effective and appropriate design elements ~~for considering~~ the function each streetway serves. The ~~a~~Appropriate design elements should address, safety, welfare, appearance, and economics of a streetway design. and Design elements should be consistent with the City Transportation Plan and City Comprehensive Plan policies.

~~These s~~Street standards are intended to serve as guidelines to ~~direct~~ for the appropriate design features of the streetway to be built along City streets. The standards are to be followed by and are intended to assist professional engineers, planners, and developers to apply their skills and professional judgments in the design of better quality and cost effective streets. The City Engineer will make administrative decisions to be the final authority in resolving disputes concerning questions of fact in connection with work not specifically covered by these Street Standards.

This document is organized into seven major sections:

- A. Introduction
- B. Design Elements
- C. Functional Classification Elements
- D. Access Control
- E. Administration, Plans, Specifications and Construction

allow for inflation and engineering administration expenses should the City have to complete the project.

- b. The applicant will be allowed a 2-year time period from the acceptance of the financial guarantee in which to complete the work after which the financial guarantee is subject to default to The City who will complete the work and use the guarantee for reimbursement. The Applicant shall remain financially responsible for any and all costs exceeding the amount of the original financial guarantee.
- c. Final approval of the street construction plans will not be given or a construction permit issued until a financial guarantee is submitted an the amount necessary when so required by the City.

E. Submittal Standards.

1. Submittal Procedure. Plans for proposed street construction shall be submitted to the City with a Right of Way Application on forms provided by the City transmittal letter. The City shall prescribe the form and content for complete applications made pursunat to this Chapter

- a. For proposed street and drainage construction by a developer, complete street plans and profile, together with drainage calculations supporting topography mapping, contributing areas, etc., and shall be signed, stamped and submitted by the Applicant's engineer to the City for review.
- b. Review fees, if applicable, shall be paid by the Applicant concurrently with the plan submittals.
- c. Plans shall be reviewed by the City according to the date they were submitted. Previously approved plans submitted to the City for a revisions shall be considered a new submittal. Approved plans under construction will be considered a resubmittal and will be reviewed prior to new submittals.
- d. Except as provided by this Chapter all Right -of - Way Permits shall be processed in accordance with Title _____ Administration of Degelopment Regulations.

2. Time Limitation of Approval. The approval of street construction plans shall be valid for a time period of two (2) years from the date of approval by the City. Plans not implemented within this time period shall be submitted to the City for review and any revisions or modifications necessary to meet the current Standards shall be made before the plans are approved by the City.

For variances other than from Geometric Design Criteria, the City Hearing Examiner shall have the authority to grant a variance from the provisions of this Chapter, when, in the opinion of the City Hearing Examiner, the conditions as set forth in 03.100.4.a below have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this Chapter so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.

Prior to the public hearing on any proposed variance, the ~~Hearing Examiner~~ City shall notify the fire district in which the variance is located of the hearing and request comments and concerns that the fire district may have about the variance.

- a. Required Showings for a Variance. Before any variance may be granted, it shall be shown:
 - (1) That there are special circumstances applicable to the subject property such as shape, topography, location, or surroundings that do not apply generally to the other property in the same vicinity;
 - (2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity but which because of special circumstances is denied to the property in question;
 - (3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity in which the subject property is located;
 - (4) That such variance is based on sound engineering judgment, and that requirements for safety, function, and maintainability are fully met. The City may grant a variance to this Chapter only upon submittal of additional information, plans and/or design data by an engineer showing that the requested variance is safe, in the best interest of the public, and will not impose undue maintenance costs on City maintenance forces, if applicable.
- b. The City Hearing Examiner May Impose Conditions on Variances. When granting a variance, the City Hearing Examiner shall determine that the circumstances do exist as required by Subsection 03.100.4.a of this Section, and attach specific conditions to the variance which will serve to accomplish the standards, criteria, and policies established by this Chapter.

Varinaces shall be processed in accordance with Chapter
Administration of Development Regulations

5. **Appeals.** Any person aggrieved by any Administrative decision of the City under this Chapter may appeal to the City Hearing Examiner pursuant to the provisions of ~~the City Appeals Ordinance~~, Title Administration of Development Regulations as now enacted or hereafter amended.

Any person aggrieved by any act or decision of the Examiner under this Chapter may appeal to ~~the City Council~~ Superior Court pursuant to the provisions of ~~City Appeals Ordinance~~, Title Administration of Development Regulations as now enacted or hereafter amended.

6. **Severability.** If any part of these Design Standards and Specifications, as established by ordinance, shall be found invalid, all other parts shall remain in effect.

7. **Penalties.**

- a. Failure to comply with these Standards will be cause for withholding or withdrawing approval of plans, forfeiture of bond or non-acceptance of the work by the City.
- b. Any person, firm, or corporation who fails to obtain the necessary permit(s) as required by this Chapter shall be deemed guilty of a misdemeanor, and such violation shall be punishable by a fine of ~~\$250.00~~ \$500.00 for each offense and up to ninety (90) days in jail. Each person, firm, or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted by such person, firm, or corporation and shall be punishable therefore as provided for in this Chapter.

.03.070 **References and Abbreviations.**

- A. **Default Standards.** When the "City Street Standards" do not address a design standard, the following documents will serve, in the order presented, as the street standards.

1. AASHTO
2. WSDOT
3. LAG
4. UAB
5. City and County Design Standards
6. Accepted engineering practice

Chapter __.06

PRIVATE STREET STANDARDS

Sections:

PART I - PRIVATE STREET STANDARDS

- __ .06.010 Purpose.
- __ .06.020 Applicability.
- __ .06.030 Environmental Considerations.
- __ .06.040 Definitions.
- __ .06.050 Severability.
- __ .06.060 Street Types, Geometrics and Design Parameters.
- __ .06.070 Signs.
- __ .06.080 Driveways to City Streets.
- __ .06.090 Compliance
- __ .06.100 Maintenance.
- __ .06.110 Conditions of Recording.
- __ .06.120 Private to Public Street Dedication.
- __ .06.130 General Plan Formatting.
- __ .06.140 Administration.
- __ .06.150 Vesting.

PART II - EMERGENCY VEHICLE ACCESS

- __ .06.210 Purpose.
- __ .06.220 Administration.
- __ .06.230 EV Access Requirements.

PART III - CHARTS

- __ .06.300 Chart 1., pg. 80
- __ .06.310 Chart 2., pg. 81
- Appendices., pg. 71

11. All miscellaneous details such as drainage basins, pipe details, construction details, etc.

D. Profile Elements. Profile elements shall include the following:

1. Original ground line at 100-foot stations and at significant ground breaks and topographic features, with accuracy to within 0.2 feet on unpaved surface and 0.10 feet on paved surface.
2. Final street and storm drain profile with stationing the same as the horizontal plan, preferably reading from left to right, to show stationing of points of curve, tangent, and intersection of vertical curves, with elevations to 0.10 feet for each street in the project.
3. Street grade and vertical curve data; street to be measured at centerline.
4. Datum and all bench mark information must use established United States Coast and Geodetic Survey control or City bench marks when there is an existing bench mark within one-half (1/2) mile of the project.
5. Vertical scale 1" = 5'. Clarifying details may be done to a convenient scale. Use 1" = 10' for vertical scale when horizontal plans are at 1" = 100'.

___.06.140 Administration.

A. Plan Submittal Procedure. Plans for proposed street construction shall be submitted to the City with a transmittal letter.

1. For proposed street and drainage construction by a developer, complete street plans and profile, together with drainage calculations supporting topography mapping, contributing areas, etc., shall be signed, stamped and submitted by the Applicant's engineer to the City for review.
2. Plans shall be reviewed-processed by the City ~~in order of the date they were submitted in accordance with Title _____ Administration of Development Regulations~~. Previously-accepted plans submitted to the City for a revision shall be considered as new submittals. Accepted plans requiring modifications which are under construction shall be considered as resubmittals, and shall be reviewed prior to new submittals.
3. First submittal: Two sets of prints of street plans, profiles, and detail sheets, including two sets of prints of drainage area plans and drainage calculations. When required, the erosion and sedimentation control plans shall be submitted at this time.

2. **City Hearings Examiner May Impose Conditions on Variances.** When granting a variance, the City Hearings Examiner shall determine that the circumstances do exist as required by subsection C.1. of this section, and attach specific conditions to the variance which will serve to accomplish the standards, criteria, and policies established by this Chapter.

3. **Procedures.** Variances shall be processed in accordance with Title _____
Administration of Development Regulations

- D. **Appeals.** Any person aggrieved by any act or decision of the Examiner under this Chapter may appeal to the Council Superior Court pursuant to the provisions of City Appeals Ordinance, Title _____ Administration of Development Regulations as now enacted or hereafter amended.

- E. **Inspections.** The City reserves the right to enter onto the property during construction to inspect the clearing and grading operation as authorized by the latest version of the City "Site Development Regulations".

The City reserves the right to periodically inspect all private streets for fire and emergency vehicle access.

- F. **No Protest R.I.D. Covenant.** The Applicant must form a homeowners' association and execute a "No Protest R.I.D. Covenant" (Declaration of Covenant and Irrevocable Power of Attorney) as contained in the Appendix 1. If the association fails to maintain the street, the City reserves the right to execute the "No Protest R.I.D. Covenant" which will allow the City to assess the members of the homeowners' association the monies necessary to construct the street to City standards.

Upon completion of the street construction to City standards and dedication of rights-of-way, the City will accept the street into the City street system for maintenance.

- G. **Enforcement.**

1. The Public Works Department shall have authority to enforce this Chapter. The Department is authorized to issue notices of civil ~~infraction~~ violation pursuant to the provisions of the City's Enforcement Ordinance, and/or institute legal actions in any court of competent jurisdiction. Recourse to any single remedy shall not preclude recourse to any of the other remedies.

Each violation of this Chapter, approval or order issued pursuant to this Chapter, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator.

2. Enforcement actions shall include ~~civil infractions~~ violation and actions for damages and restoration.

- a. The Department may bring appropriate actions at law or equity, including actions for injunctive relief.
- b. Any person, firm or corporation who violates any provision of this Chapter shall be subject to a ~~Class 1 civil infraction citation~~ violation. A person found to have committed a ~~Class 1 civil infraction~~ violation shall be assessed a monetary penalty at a maximum of ~~two hundred fifty~~ five hundred dollars per day per violation.
- c. Notice of Civil ~~Infraction~~ Violation: ~~Civil infractions~~ violation shall be initiated by issuance, service, and filing of a notice of civil violation ~~infraction~~ pursuant to the provisions of the City's Enforcement Ordinance.

3. Any person, firm, or corporation found to have violated any provision of this Chapter shall be guilty of a misdemeanor. Any person, firm, or corporation who knowingly makes a false statement, representation or certification in any application, record or other document filed or required to be maintained under this ordinance or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, record or methodology required to be maintained pursuant to this Chapter shall be guilty of a misdemeanor.

H. Financial Guarantees. Financial guarantees will be held by the City until the letter of compliance as specified in Section __.06.090 A. has been received by the City.

Financial guarantees less than \$5,000.00 must be by assignment of funds.

Standard forms are available from the City.

All financial guarantees must remain valid until released by the City and shall not be subject to an expiration or cancellation date.

I. Reimbursement by Other Property Owners. The City hereby adopts RCW 35.72, "Contracts for Street Projects." When the City requires the Applicant to make off-site street improvements and an adjacent property owner benefits from the improvement, reimbursement to the applicant making the improvement or participating in the cost thereof shall be in accordance with RCW 35.72.

The City is authorized to retain administrative and overhead costs from the reimbursement cost, not to exceed ten (10) percent of the total funds. The Applicant must notify the City that the project is to be administered in accordance

PART II - EMERGENCY VEHICLE ACCESS

.06.210 Purpose.

Emergency vehicle access shall be provided from a public or private street to a parcel(s) of land that has a structure(s) on it. This access is exempt from any normal setbacks established for public or private streets. Emergency vehicle access shall be provided and maintained in accordance with the provisions of these Standards.

- A. **Abbreviated Designation.** Emergency vehicle access will be cited routinely in the text as the "EV Access."
- B. **Applicability.** EV Access shall be required for every building hereafter constructed or installed when any portion of an exterior wall of the first story is located more than one hundred fifty (150) feet from the edge of the driving surface of the private or public street providing access to the parcel(s) of land on which that building is located as measured by an approved route around the exterior of the building.
- C. **Exemptions.**
 - 1. When buildings are protected with an approved automatic fire sprinkler system, the provisions of this section may be modified by the City after conferring with the local fire chief.
 - 2. When an EV Access cannot be installed in conformance with these Standards due to topography, waterways, nonnegotiable grades, or other similar conditions, the City, after conferring with the local fire chief, may allow an exemption to these Standards by requiring additional fire protection as specified in Section 10.301(b) of the most current edition of the Uniform Fire Code as adopted by the City.
 - 3. All common residential accessory buildings similar to Group M-1 occupancies (private garages, carports, sheds, some agricultural buildings, tanks, towers and fences over six feet tall) as defined by the most current edition of the Uniform Building Code as adopted by the City.
 - 4. A one-time expansion, remodel, or alteration of existing uses or structures if the proposed change does not exceed twenty-five percent (25%) of the floor area of the existing use or structure.
- D. **Environmental Considerations.** When an environmental checklist is required, it shall be submitted to the City Environmental Official for the work shown on the EV Access construction plans. Before the project plans are given final approval by

- a. That there are special circumstances applicable to the subject property such as shape, topography, location, or surroundings that do not apply generally to the other property in the same vicinity;
- b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity but which because of special circumstances is denied to the property in question;
- c. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity in which the subject property is located;
- d. That such variance is based on sound engineering judgment, and that requirements for safety, function, and maintainability are fully met. The City may grant a variance to this Chapter only upon submittal of additional information, plans and/or design data by an engineer showing that the requested variance is safe, in the best interest of the public, and will not impose undo maintenance costs on City maintenance forces, if applicable.

2. City Hearings Examiner May Impose Conditions on Variances.

When granting a variance, the City Hearings Examiner shall determine that the circumstances do exist as required by Subsection 06.220.C.1 of this section, and attach specific conditions to the variance which will serve to accomplish the standards, criteria, and policies established by this Chapter.

3. Procedures. Variances shall be processed in accordance with Title _____ Administration of Development Regulations

D. Appeals. Any person aggrieved by any act or decision of the Examiner under this Chapter may appeal to ~~the Council~~ Superior Court pursuant to the provisions of ~~City Appeals Ordinance~~, Title _____ Administration of Development Regulations as now enacted or hereafter amended.

E. Inspections. The City reserves the right to enter onto the property during construction and after completion of the EV Access to inspect it for compliance with the conditions of the permit.

The City reserves the right to periodically inspect all EV Accesses.

F. Enforcement. The Applicant must have the EV Access constructed in compliance with the conditions of the permit before the project will receive final inspection approval.