

TITLE 12 SUBDIVISION REGULATIONS

CHAPTER 1 INTRODUCTION

12-1-1: TITLE:

This title shall be known as the ORTING SUBDIVISION CODE.

12-1-2: PURPOSE:

The general purposes of this title are:

- A. To regulate the subdivision of land;
- B. To promote the public health, safety, and general welfare in accordance with standards established by the state including the growth management act ¹ and boundaries and plats²;
- C. To promote effective use of land;
- D. To facilitate adequate provision for water, ~~sewerage~~sewage, utilities, drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;
- E. To provide for proper ingress and egress;
- F. To provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans, minimum development standards and policies;
- G. ~~To require uniform monumenting of land subdivisions and conveying by accurate legal description.~~ To require that land subdivisions are uniformly monumented and are conveyed by accurate legal description.

Notes

- ¹ 1. RCW 36.70A et seq.
- ² 2. RCW 58.17 et seq.

12-1-3: AUTHORITY:

The city council delegates the responsibility for making final determinations on boundary line adjustments and short plats to the administrator. The city council shall have the authority to make final decisions on preliminary plats, final plats, preliminary planned

unit developments (PUDs), binding site plans, and final PUDs. The planning commission shall conduct public hearings and submit recommendations for approval or denial of preliminary plats, binding site plans, and PUDs to the city council for final decisions and shall make final decisions on final plat vacations and alterations. Further description of the land subdivision permit authorities is in title 15, chapter 4 of this code.

12-1-4: SCOPE:

Any division, redivision, platting, ~~or subdivision,~~ or any division of land containing a dedication of any part thereof to any public purpose (such as a public street or a highway), shall comply with the provisions of this title.

12-1-5: EXEMPTIONS:

This ~~chapter Title~~ shall not apply to divisions and activities described ~~in chapter 4 of this title or~~ in Revised Code of Washington 58.17.040; provided, that in order to determine whether a boundary line adjustment meets the requirements for an exempt action, approval must be received as set forth in section 12-3-3 of this title.

12-1-6: EFFECT OF FILING COMPLETED APPLICATION:

A. Ordinances In Effect: A proposed division or subdivision of land, as defined in chapter 2 of this title, shall be considered under the subdivision code; and zoning or other land use control ordinances in effect at the time ~~that~~ a fully completed application for preliminary plat approval or short plat approval of the subdivision has been submitted.

B. Restrictive Conditions Imposed: The limitations imposed by this section shall not restrict conditions imposed under the state environmental policy act ("SEPA"), Revised Code of Washington chapter 43.21C, and the city's SEPA regulations, ~~set forth in~~ title 15, chapter 14 of this code.

12-1-7: ~~REPEALED. PLANNED UNIT DEVELOPMENTS:~~

~~Title 13, zoning, provides for the concurrent processing of subdivisions and PUDs when applications are made submitted for the same site. Timing of permit review and approval of such proposals shall be dictated by the PUD procedures. See subsection 13-6-4 of this code.~~

CHAPTER 2 DEFINITIONS

12-2-1: GENERAL PROVISIONS:

As used in this title, unless ~~the context or subject matter clearly requires~~ otherwise specifically stated, the words or phrases defined in this chapter shall have the meanings indicated ~~below~~meanings.

12-2-2: A:

ADMINISTRATOR: The city administrator, chief supervisory staff person or his/her designee.

ALLEY: A minor public right of way used primarily for vehicular service access to the rear or side of properties.

APPLICANT: A person, party, firm, corporation, or other legal entity seeking development approval from the city by submitting an application for any of the activities covered by these regulations.

ARTERIAL: A street or highway of great continuity which serves or is intended to provide capacity for fast or heavy traffic.

12-2-3: B:

BINDING SITE PLAN: An alternative method of land division for the sale or lease of commercial or industrial properties, condominiums and manufactured home parks that is more flexible than traditional subdivision procedures.

BLOCK: A group of lots, tracts, or parcels within well defined and fixed boundaries.

BOUNDARY LINE ADJUSTMENT: The adjustment of a boundary line between existing lots which results in no more lots than existed before the adjustment.

~~BUFFER: A linear landscaped area with sufficient planting density to provide effective sight obscuring between incompatible land uses.~~

BUILDING: A structure having a roof for the shelter of persons or property.

BUILDING AREA, BUILDING SITE: An area within a lot upon which a building to accommodate the principal use of the lot could be practicably built, bound by the setbacks.

BUILDING COVERAGE: The total ground coverage of all buildings, structures, roof overhangs, and eaves measured from the outside edges, external walls, supporting members or roof edges.

BUILDING SETBACK LINE: The line indicating the minimum horizontal distance between the property line and the building.

Commented [A1]: The only use of the term buffer in this subdivision code is in the context of critical area buffers. AHBL suggests moving this definition to Title 13 where landscape requirements are located and landscape buffers are required.

Commented [A2]: Adding this here (same definition as in Title 13) because this term will be used for unit lot subdivisions).

12-2-4: C:

CITY: The city of Orting.

CITY COUNCIL: The city council ~~of the city~~ of Orting.

CLOSED RECORD APPEAL: An appeal to the city council based on the existing record.

Commented [A3]: AHBL suggests removing from this chapter since the term is not used in the Subdivision code. The term is also defined in Title 13.

COMMUNITY DEVELOPMENT DIRECTOR: The Director of the City of Orting's Department of Community Development.

CLOSED RECORD HEARING: A hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. A closed record hearing may be held prior to a local government's decision on a project permit to be known as a "closed record predecision hearing." A closed record hearing may be held on an appeal, to be known as a "closed record appeal hearing," if no closed record predecision hearing has been held on the project permit.

COMPREHENSIVE PLAN: The Orting comprehensive plan adopted in 1996, as amended.

CRITICAL AREAS: Areas of environmental sensitivity, which include the following areas and ecosystems: a) wetlands; b) areas with a critical recharging effect on aquifers used for potable water; c) fish and wildlife habitat conservation areas; d) frequently flooded areas; and e) "geologically hazardous areas", as defined by title 11 of this code.

CROSSWALK: A public right of way, ten feet (10') or more in width between property lines, which provides pedestrian access to adjacent properties.

CUL-DE-SAC: A short street intersecting with another street at one end and terminated by a vehicular turnaround at the other end.

12-2-5: D:

DEDICATION: The deliberate appropriation of land or rights in land by its owner for any general and public use, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city.

DESIGN STANDARDS: Dimensional and other quantitative standards, including, but not limited to, lot sizes and dimensions, setbacks, building placement and design requirements for improvements such as streets, sidewalks, storm drainage facilities and other standards used by the city to control physical development.

DEVELOPER: See definition of Applicant in this chapter.

DEVELOPMENT: Any land use permit or action regulated by this title and titles 13 and 15 of this code, including, but not limited to, subdivisions, planned unit developments, binding site plans, rezones, conditional use permits, or variances.

DEVELOPMENT CODE: Orting municipal code, this title and titles 13 and 15.

DWELLING, ATTACHED MULTIFAMILY: A dwelling unit constructed in a group of two or more units attached by common walls or walls in which each unit extends from foundation to roof.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one familyhousehold. Dwelling unit does not include recreation vehicles or mobile homes.

Commented [A4]: This definition provides clarity that in *Chapters 4-4-4 and 12-5-4A regarding Unit lot subdivisions* the codes apply to attached multifamily units (townhouses) and not stacked multifamily units.

12-2-6: E:

EASEMENT: A grant by the owner of land, to others, of the use of a portion of the land for specific purposes.

EFFECTIVE DATE: The date a final decision becomes effective.

Commented [A5]: This specific term is not used in this Title. Consider removing.

12-2-7: F:

FINAL DECISION: The final action by the administrator, city board~~planning commission~~, hearing examiner, or city council.

FINAL PLAT: See definition of Plat, Final in this chapter.

12-2-8: G:

12-2-9: H:

HEARING EXAMINER: The official appointed by the mayor to adjudicate land use decisions as set forth in this code.

12-2-10: I:

IMPROVEMENTS, PUBLIC: Any sanitary sewer, storm sewer, drainage ditch, permanent best management practice (BMP) for stormwater treatment or control, water main, roadway, parkway strip, sidewalk, planting strip, crosswalk, off street parking area, or other facility for which the city may ultimately assume the responsibility for ownership, maintenance, and operation.

12-2-11: J:

12-2-12: K:

12-2-13: L:

LOT: A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

LOT, CORNER: A lot situated at the junction of and bordered by two (2) intersecting city streets, alleys and driveways are not considered public streets for the purposes of determining corner lots.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot line(s).

LOT, FLAG OR PIPESTEM: A large lot not meeting minimum street frontage requirements where access to the street is provided by a narrow, private driveway. Development on flag lot created after November 1, 2005, shall be subject to review and approval standards.

LOT, INTERIOR: A lot located within a group of lots other than on intersecting streets having only one street frontage.

LOT LINE ADJUSTMENT: See definition of Boundary Line Adjustment in this chapter.

LOT LINE, FRONT: The line separating any lot or parcel of land from a street right of way. On a through lot, the line abutting the street providing primary access to the lot. In the case of a corner lot, the front line shall be considered to be along both street lot lines.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line, and in the case of a triangular, irregular or other odd shaped lot, the line bordering the lot, generally parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line not a front lot line or a rear lot line.

LOT LINES OR PROPERTY LINES: The boundary lines of a parcel of land.

LOT OF RECORD: An area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, or which is described by metes and bounds or as a fraction of a section.

[LOT, PARENT: Legal lot which establishes the exterior boundary of a unit lot subdivision.](#)

LOT, THROUGH: A lot fronting on two (2) streets that is not a corner lot.

[LOT, UNIT: Portion of a parent parcel, the fee of which may be independently transferred upon recording of a unit lot subdivision.](#)

[LOT WIDTH: The mean horizontal distance separating side lot lines of an individual lot. The distance between the side lot lines measured at right angles to the line establishing](#)

the lot depth at a point midway between the front lot line and the rear lot line. Any area used as an access easement shall be excluded from the computation of the lot width.

Commented [A6]: This is intended to provide a definitive way to measure lot width for odd shaped lots, such as Pie shaped lots on a cul-de-sac. This can be very helpful to developers that may wonder "how will the city assess lot width standards?" and are seeking clarity, consistency.

LOT, ZERO LINE: The common property line separating two (2) lots upon which the dwelling on one of the lots may be located without a setback providing a proper firewall rating is utilized. All other aspects are the same as in conventional development. When lots are proposed for this type of development, site plan approval shall be required as part of a subdivision approval.

12-2-14: M:

MITIGATION CONTRIBUTION: A cash donation or other valuable consideration offered by the applicant in lieu of: a) a required dedication of land for public park, recreation, open space, public facilities, or schools; or b) road improvements needed to maintain adopted levels of service or to ameliorate identified impacts and accepted on the public's behalf as a condition of approval of a subdivision, plat or binding site plan. Voluntary contributions may be accepted by the city.

Commented [A7]: This specific term is not used in this title.

12-2-15: N:

NONCONFORMING LOT: A lawfully established lot which does not conform to the current provisions of the development code.

12-2-16: O:

12-2-17: P:

PARTY OF RECORD: Any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the city with a complete address.

PERSON: Any person, firm, business, corporation, partnership or other association or organization, marital community, municipal corporation, or governmental agency.

PLAN, FINAL: The final drawing of a subdivision and dedication, containing all elements and requirements set forth in this title for approval by the city and recording by the county auditor.

PLANNING COMMISSION: The Orting city planning commission as appointed by the city council.

PLAT: A scale drawing of a subdivision showing lots, blocks, streets or tracts or other divisions or dedications of land to be subdivided.

PLAT, FINAL: A precise drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of preliminary approval and meets the requirements of the Pierce County auditor for recording.

PLAT, FINAL SHORT: A precise drawing of a short subdivision and dedications which conforms to the approved preliminary short plat, meets all the conditions of approval and meets the requirements of the Pierce County auditor for recording.

PLAT, PRELIMINARY: A neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal.

PLAT, PRELIMINARY SHORT: A neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal.

PLAT, SHORT: The plat of a short subdivision.

PRIVATE DRIVEWAY: A paved or graveled surface a minimum of 15 feet in width that provides access to a lot from a public or private right-of-way.

PUBLIC FACILITIES AND UTILITIES: Land or structures owned or operated for the benefit of the public use and necessity, including, but not limited to, public facilities defined in Revised Code of Washington 36.70A.030, as amended.

PUBLIC HEARING, OPEN RECORD: An open or closed record hearing at which evidence is presented and testimony is taken.

PUBLIC OPEN SPACE: Any publicly owned land, including, but not limited to, parks, playgrounds, waterways, and trails.

PUBLIC WORKS STANDARDS: Those specifications and standard design details, as adopted and amended by the City Department of Public Works, that are intended to regulate the construction of public works, or improvements that will be dedicated to the public, that are associated with public and private development within the City.

12-2-18: Q:

12-2-19: R:

ROADWAY: The portion of a street available for vehicular traffic; where curbs are laid, the portion between curbs; where no curbs are laid, that portion between the edges of the shoulder.

ROADWAY BUFFER/CUTTING PRESERVE: A greenbelt lying outside and adjacent to the right-of-way line of collector and arterial roadways. Roadway buffers/cutting preserves shall be separate, designated tracts and depicted on the face of a plat or binding site plan as required by the City as a condition of approval.

12-2-20: S:

SHORT PLAT: See definition of Subdivision, Short in this chapter.

SIDEWALK: The portion of a street or crosswalk, paved or otherwise surfaced, intended for pedestrian use only.

Commented [A8]: This proposed definition we have provided here is similar to what is being used in another small Pierce County city. This additional definition is needed as we identified the need to: "Update the definition and add to the definition section of Title 13 as well, where it is regulated. Include a definition of a private driveway if that description is kept and what the minimum street frontage is. Update regulations for development on existing flag lots. There is no minimum street frontage listed anywhere which is what creates the "flag lot" ** We are checking with JC at Parametrix to see if he agrees to the 15 foot minimum.

Commented [A9]: This definition is currently provided in Title 13 however the term is not used anywhere in the code. Suggest defining here and adding to the approval criteria for subdivisions.
NOTE: According to OMC 13-2-19, the term has not been altered since 2004 and may be antiquated and unnecessary.

Commented [A10R9]: Added to chapter 9 and 11 for criteria for approval for BSP and subdivisions.

SITE PLAN: A scale drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces and other principal development features for a specific parcel of property.

SITE PLAN, BINDING: A site plan reviewed and approved pursuant to title 13 of this code, containing the inscriptions or attachments setting forth the limitations and conditions of use for a specific parcel of property and meeting the requirements of the Pierce County auditor for recording.

STREET, COMMUNITY ARTERIAL: A street used to collect and distribute traffic from higher capacity arterials to local access streets.

STREET, LOCAL COMMERCIAL ACCESS: A street used to provide access to properties in commercial or industrial areas.

STREET, LOCAL RESIDENTIAL ACCESS: A street used to provide access to residential property.

STREET, NEIGHBORHOOD COLLECTOR: A street used to collect and distribute traffic from residential access streets within residential neighborhoods.

STREET, PRIMARY ARTERIAL: A street or highway used to expedite through traffic between communities.

SUBDIVISION: The division or redivision of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, including resubdivision of previously subdivided land, except as provided in this title.

SUBDIVISION, SHORT: The division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in this title.

12-2-21: T:

TRACT OR PARCEL: A portion of a subdivision having fixed boundaries, not including a lot.

12-2-22: U:

UNIT LOT SUBDIVISION: The division of a parent parcel (the initial parcel from which unit lots are subdivided) into several unit lots (one of the individual divisions created from the subdivision of a parent lot). Sites developed or proposed to be developed with single family, townhouses, rowhouses, and cottage housing may be subdivided into individual unit lots to allow the separate ownership of each residential unit (together with the land below it), as permitted in the applicable zones.

12-2-23: V:

12-2-24: W:

12-2-25: X:

12-2-26: Y:

YARD: The lot area between lot lines and the building area.

YARD, FRONT: The area between the front lot line and the building line extending the full width of the lot. On a through lot, the front yard shall be the area between the front lot line from which primary access is taken and the building setback line. On a corner lot there shall be two (2) front yards.

YARD, REAR: The area between the rear lot line and the building area extending the full width of the lot. ~~The rear setback area.~~

YARD, SIDE: The side setback area between the side lot lines and the building area, extending the full length of the building area. On corner lots the side yard is that which is opposite from the front yard, except when a corner lot is also a through lot, then the side yard shall be the area along the interior side lot line.

12-2-27: Z:

ZONE, ZONE DISTRICT: A defined area of the city within which the use of land is regulated and certain uses are permitted and other uses are excluded as set forth in title 13 of this code.

CHAPTER 3 BOUNDARY LINE ADJUSTMENTS

12-3-1: REQUIREMENTS FOR COMPLETE APPLICATION:

An applicant for a boundary line adjustment shall submit the following:

A. Map; Scale: ~~Five (5) paper copies of a~~ A map at a scale of not less than one inch equal to ~~one hundred fifty~~ feet (1" = ~~400'50'~~), which depicts the existing property configuration, including all lot line dimensions. ~~Applicants are also encouraged to provide one digital copy on a CD. Digitally submitted plans shall be in a CAD program compatible with AutoCad or ArcView; a digital portable document file (PDF).~~

~~B. Mylar Map: A Mylar map which depicts the proposed property configuration, including all lot line dimensions and existing improvements.~~

~~BC.~~ Legal Description: ~~Five (5) paper copies of a~~ A legal description of the existing property configuration and proposed property configuration, prepared by a licensed professional land surveyor.

~~CD.~~ Application: ~~Five (5) paper copies of a~~ A completed application form, as described in title 15 of this code.

12-3-2: TYPE OF APPLICATION:

A boundary line adjustment is an administrative decision, made by the administrator. The application shall be processed as set forth in title 15, chapter 9 of this code.

12-3-3: CRITERIA FOR APPROVAL:

The administrator shall approve an application for a boundary line adjustment if it is determined that:

A. Additional Lot Or Division: No additional lot, tract, parcel, site or division ~~will~~ shall be created by the proposed adjustment;

B. Insufficient Area And Dimensions: No lot is ~~created or~~ modified which contains insufficient area and dimensions to meet the minimum requirements of the zone in which the affected lots are situated;

C. Drainage; Utilities: No lot is created or modified which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection, and no existing easement in favor of the public is rendered impractical to serve its purpose;

D. Consistent With Zoning Regulations: The boundary line adjustment is consistent with the applicable provisions of title 13 of this code;

E. Straight Line: The adjusted boundary line shall run in a straight line over its entire length except when natural boundaries, existing structures, or existing rights of way preclude such a straight line.

Commented [A11]: Unnecessary language - lots can't be created through a BLA

12-3-4: RECORDING:

The applicant shall be responsible for recording the boundary line adjustment with the Pierce County auditor.

CHAPTER 4 SHORT SUBDIVISIONS (PLATS)

12-4-1: REQUIREMENTS FOR COMPLETE APPLICATION:

A. ~~Number Of Copies~~ Short Plat drawing: ~~One original Mylar and three (3) copies.~~ Standard drawing size is eighteen inches by ~~twenty twenty~~ four inches (18" x 24"). ~~Digitally submitted plans shall. Applicants are also encouraged to provide one digital copy in a CAD program compatible with AutoCad or ArcView be a portable document file (PDF).~~

B. Pertinent Data: A proposed short plat must include pertinent survey data compiled as a result of a survey made by or under the supervision of a [professional](#) land surveyor registered in the state and engaged in land surveying.

C. Application Contents: In addition to the requirements for a completed application set forth in Title 15 of this code, an applicant for a short plat shall submit the following:

1. A sketch or map using a scale of ~~not less than one inch equal to one~~ [hundredfifty](#) feet ~~to one inch (100' = 1" = 50')~~ or larger of the entire contiguous tract owned by the applicant which shall show:

a. The owners of adjacent land and the names of any adjacent parcels or subdivisions;

b. Lines marking the boundaries of the proposed lots;

c. Approximate locations of existing streets and ways or easements for such streets and ways within and adjacent to the tract and other improvements on and adjacent to the subject parcel;

d. Legal description of the tract and legal descriptions of any proposed lots;

e. Name and address of the owner(s) of the ~~parcels and/or tracts~~ [tract](#);

2. A certificate giving full and complete description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with free consent and in accordance with the desires of the owner(s). If the short plat includes a dedication, the certificate shall also contain the dedication of any streets and other areas to the public, and individual(s), religious society or societies or to any corporation, public or private, as shown on the short plat 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 the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

3. All short plats ~~containing a dedication~~ must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owner signing the certificate. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face

of the plat shall be considered to all intents and purposes as a quitclaim deed to the donee(s), grantee(s) for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

12-4-2: TYPE OF APPLICATION:

A short plat is a Type 2 (Administrator) decision, with the final decision being made by the administrator. The application shall be processed with procedures for such applications as set forth in Title 15, Chapter 9 of this code.

12-4-3: CRITERIA FOR APPROVAL:

The administrator shall [only](#) approve the short subdivision and short plat after making a determination of:

A. Compliance: Whether the application complies with Chapter 8 of this Title and Title 15 of this code;

B. Specific Provisions: If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainageways, streets or roads, 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;

C. Extension Agreement: A developer extension agreement, in accordance with Title 9, Chapter 4 of this code, has been executed;

D. Public Interest: Whether the public interest will be served by the subdivision and dedication; and

E. Development Agreement: As part of the approval, the city and the applicant may enter into a development agreement in accordance with Title 15, Chapter 15 of this code.

12-4-4: ~~[RESERVED]~~ SPECIAL REQUIREMENTS FOR UNIT LOT SUBDIVISION

A. Purpose. This subsection complies with RCW 58.17.060 as amended by the state legislature in 2023 and sets out procedures for unit lot short subdivisions. These procedures allow the division of a parent lot into nine (9) or fewer separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots. A unit lot short subdivision provides for fee-simple ownership of lots of which dwellings are placed which can advance affordable housing opportunities and increase housing options.

B. Applicability. The process for a unit lot short subdivision can be used for existing development including duplexes, cottage developments, multifamily attached

dwelling such as townhouse developments, or a combination thereof. The provisions of this section apply exclusively to the unit lot short subdivision of land proposed to be developed with dwellings in which the proposed building type and use is permitted. In all instances, unit lot short subdivisions shall apply to the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

C. General Requirements.

1. Unit lots shall be subject to all applicable requirements of the Titles 11 and 13 of this code, except as otherwise modified by this section.
2. Development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area, minimum density, or dimensional requirements, provided, however, that any structure located upon a unit lot shall comply with the maximum building height requirements; provided further that unit lot short subdivisions shall comply with the dimensional standards set forth in OMC 12-4-4(D)(2). The overall development of the parent parcel shall meet the development and design standards of the underlying Land Use District.
3. Setbacks or buffers shall be required from any critical area or shoreline features per Title 11 of this code.
4. Within the parent parcel, required parking for an attached multifamily dwelling unit may be provided on a different unit lot than the lot with the dwelling unit if the right to use that parking is formalized by an easement or covenant recorded with the Pierce County auditor.
5. A unit lot subdivision shall make adequate provisions through easements for ingress, egress, emergency services, and utilities access to and from each unit lot created by reserving such common areas or other areas over, under, and across the parent parcel as necessary to comply with all applicable development standards. Such easements shall be recorded with the Pierce County auditor.
6. Access easements, joint use agreements, covenants, and maintenance agreements identifying the rights and responsibilities of property owners and any homeowners association shall be established for the use and maintenance of common garage, parking, and vehicle access areas, landscaping, underground utilities, common open space, exterior building facades and roofs, any portions of the parent parcel not subdivided for individual unit lots, and other similar features, and shall be recorded with the Pierce County auditor.

D. Requirements and limitations for Unit Lot Short Subdivision Plats.

1. Notes shall be included on the short plat recorded with the Pierce County auditor as follows:

- a. The short plat shall be clearly labeled with the phrase “Unit Lot Short Subdivision.”
 - b. The individual unit lots are not separate buildable sites. Additional development of the individual unit lots may be limited per the development standards applicable to the parent parcel.
 - c. Approval of the design and layout of the development was granted through review of the development of the parent parcel.
 - d. Subsequent platting, additions, or modifications to buildings or appurtenant structures and uses may not create a nonconformity of the parent parcel.
2. A unit lot short subdivision shall comply with the following:
- a. The parent parcel of a unit lot short subdivision shall comply with all applicable standards of the underlying zoning district.
 - b. All duplexes shall comply with OMC 13-5-1(H).
 - c. All cottage housing development shall comply with OMC 13-6-5.
 - d. Maximum impervious area of all combined buildings and other hard surfaces located on the parent parcel shall not exceed the maximum building coverage and maximum hard surface coverage permitted by the underlying zone.
 - e. Structures abutting the perimeter lot lines of the parent parcel are subject to the setback requirements of OMC 13-5-1 Table 1 as measured from the parent parcel lot line.
 - f. Setbacks between structures on the parent parcel shall meet building code separation requirements.

E. Type of Approval. Unit lot short subdivisions shall be administered following the same process as short plats or short subdivisions, set forth as a Type 2 process in Title 15 of this code.

12-4-5: CONSTRUCTION OF IMPROVEMENTS:

An approved short plat shall not be filed for record until the applicant has constructed or bonded for all improvements required by the city in the final decision on the short plat.

12-4-6: PROHIBITION ON FURTHER DIVISION:

Property in short subdivisions may not be further divided in any manner within a period of five (5) years without the filing of a final subdivision, except that when the short plat contains less than nine (9) parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five (5) year period to create up to a total of nine (9) lots within the original short plat boundaries. This requirement shall be stated on the face of the short plat.

12-4-7: TIME FRAME FOR APPROVAL:

The administrator shall make a decision on approval or denial of a short plat application within thirty (30) days of the determination that the application is complete unless the applicant consents to an extension of time. This thirty (30) day period excludes time required to comply with Chapter 43.21C RCW and Title 15, Chapter 14 of this code.

12-4-8: RECORDING:

Upon final approval of the short plat, which shall be shown by affixing the signatures of the ~~chair of the administrator~~community development director, the city engineer and fire chief, the ~~Mylar~~ drawing shall be recorded with the clerk of Pierce County at the expense of the applicant.

CHAPTER 5 PRELIMINARY PLATS

12-5-1: REQUIREMENTS FOR COMPLETED APPLICATION:

A. ~~Number Of Copies~~Preliminary Plats: ~~One original Mylar and twenty (20) copies.~~ Standard drawing sheet size is ~~twenty~~ twenty-four inches by thirty six inches (24" x 36"). ~~Digitally submitted plans shall be a portable document file (PDF). Applicants are also encouraged to provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView.~~

B. Application Contents: In addition to the requirements for a completed application as set forth in title 15 of this code, an applicant for a preliminary plat shall submit the following:

1. Map; Scale: A map or sketch using a scale ~~of not less than one inch to fifty feet~~ one hundred feet to one inch (100' = 1" = 50') or larger, showing:

a. Topographical and other data depicting:

(1) Boundary lines, including bearing and distance;

(2) Easements, including location, width and purpose;

(3) Streets on and adjacent to the tract, including name and right of way width and location; type, width and elevation of surfacing, walks, curbs, gutters, culverts, etc.;

(4) Ground elevations on the tract, based on a datum plane approved by the city engineer; for land that slopes less than approximately two percent (2%), show spot elevations at all breaks in grade, along all drainage channels or swales, and all selected points not more than one hundred feet (100') apart in all directions; for land that slopes more than approximately two percent (2%), either show contours with an interval of not more than five feet (5') if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet (2') if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;

(5) Other conditions on adjacent land, including approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nonresidential land uses or platted land within three hundred feet (300') of the subject property. Refer to subdivision plat by name, recording date, volume and page number, and show lot size, and dwelling units;

b. Utilities on and adjacent to the ~~tract~~ parcel, including location and size of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and streetlights. If water mains and sewers are not on or adjacent to the ~~tract~~ parcel, indicate the direction and distance to, and size of nearest ones;

- c. Other conditions on the [tract-parcel](#) including watercourses, marshes, rock outcrop and critical areas;
 - d. Zoning district designations, on and adjacent to the [tractparcel](#);
 - e. Proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the [tractparcel](#);
 - f. Vicinity [map](#) showing location of the [tractparcel](#);
 - g. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses;
 - h. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other proposed uses exclusive of single-family dwellings;
 - i. Minimum building setback lines;
 - j. Site data, including number of residential lots, typical lot size, and acres in parks, etc.;
 - k. Plat name, scale, north arrow and date;
 - l. Typical cross sections of the proposed grading, roadway and sidewalk;
 - m. Proposed sanitary, storm water and water systems plan with points of connection and sizes indicated;
2. Title And Certificates: Title and certificates, including a legal description according to official records in the office of the [county-Pierce County](#) auditor; pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying which contains notation stating acreage, scale, north arrow, datum, bench marks, certification of registered civil engineer or surveyor, date of survey;
3. Covenants: Draft of proposed covenants, if any.
4. [SEPA environmental checklist.](#)

12-5-2: TYPE OF APPROVAL:

A preliminary plat is approved, [approved with conditions, or denied](#) by the city council based on the recommendation of the planning commission.

12-5-3: CRITERIA FOR APPROVAL:

The planning commission shall make an inquiry into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, shall hold an open record public hearing, and shall consider:

A. Conformity: Whether the preliminary plat conforms to chapter 8 of this title and with title 15 of this code;

B. Specific Provisions: If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainageways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and

C. Public Interest: Whether the public interest will be served by the subdivision and dedication.

12-5-4A: SPECIAL REQUIREMENTS FOR UNIT LOT SUBDIVISION

A. Purpose. This subsection sets out procedures for unit lot subdivisions. These procedures allow the division of a parent lot into ten (10) or more separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots. A unit lot subdivision provides for fee-simple ownership of lots of which dwellings are place which can advance affordable housing opportunities and increase housing options.

B. Applicability. The process for a unit lot subdivision can be used for existing development including duplexes, cottage developments, multifamily attached dwellings such as townhouse developments, or a combination thereof. The provisions of this section apply exclusively to the unit lot short subdivision of land proposed to be developed with dwellings in which the proposed building type and use is permitted. In all instances, unit short subdivisions shall apply to the division or redivision of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

C. General Requirements.

1. Unit lots shall be subject to all applicable requirements of the Titles 11 and 13 of this code, except as otherwise modified by this section.
2. Development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area, minimum density, or dimensional requirements, provided, however, that any structure located upon a unit lot shall comply with the maximum building height requirements; provided further that unit lot ~~short~~ subdivisions shall comply with the dimensional standards set forth in OMC 12-54-4A(D)(2). The overall development of the parent parcel shall meet the development and design standards of the underlying Land Use District.
3. Setbacks or buffers shall be required from any critical area or shoreline features per Title 11 of this code.

4. Within the parent parcel, required parking for an attached multifamily dwelling unit may be provided on a different unit lot than the lot with the dwelling unit if the right to use that parking is formalized by an easement or covenant recorded with the Pierce County auditor.
5. A unit lot subdivision shall make adequate provisions through easements for ingress, egress, emergency services, and utilities access to and from each unit lot created by reserving such common areas or other areas over, under, and across the parent parcel as necessary to comply with all applicable development standards. Such easements shall be recorded with the Pierce County auditor.
6. Access easements, joint use agreements, covenants, and maintenance agreements identifying the rights and responsibilities of property owners and any homeowners association shall be established for the use and maintenance of common garage, parking, and vehicle access areas, landscaping, underground utilities, common open space, exterior building facades and roofs, any portions of the parent parcel not subdivided for individual unit lots, and other similar features, and shall be recorded with the Pierce County auditor.

D. Requirements and limitations for Unit Lot Subdivision Plats.

1. Notes shall be included on the ~~short~~ plat recorded with the Pierce County auditor as follows:
 - a. The ~~short~~ plat shall be clearly labeled with the phrase "Unit Lot ~~Short~~ Subdivision."
 - b. The individual unit lots are not separate buildable sites. Additional development of the individual unit lots may be limited per the development standards applicable to the parent parcel.
 - c. Approval of the design and layout of the development was granted through review of the development of the parent parcel.
 - d. Subsequent platting, additions, or modifications to buildings or appurtenant structures and uses may not create a nonconformity of the parent parcel.
2. A unit lot ~~short~~ subdivision shall comply with the following:
 - a. The parent parcel of a unit lot ~~short~~ subdivision shall comply with all applicable standards of the underlying zoning district.
 - b. All duplexes shall comply with OMC 13-5-1(H).
 - c. All cottage housing development shall comply with OMC 13-6-5.
 - d. Maximum impervious area of all combined buildings and other hard surfaces located on the parent parcel shall not exceed the

maximum building coverage and maximum hard surface coverage permitted by the underlying zone.

e. Structures abutting the perimeter lot lines of the parent parcel are subject to the setback requirements of OMC 13-5-1 Table 1 as measured from the parent parcel lot line.

f. Setbacks between structures on the parent parcel shall meet building code separation requirements.

E. Type of Approval. Unit lot ~~short~~ subdivisions shall be administered following the same process as ~~short~~ plats or ~~short~~ subdivisions, set forth as a Type ~~24~~ process in Title 15 of this code.

Commented [OU12]: If Planning Commission recommends changing this to a Type 2 process, we'll need to change this back. For now though, it's a Type 4.

12-5-4: FINDINGS AND CONCLUSIONS:

The city council shall conduct a closed record hearing to review the planning commission recommendation and ~~then shall~~ approve, approve with conditions, or deny the preliminary plat with written findings showing that:

A. Conformity: The preliminary plat conforms to chapter 8 of this title and title 15 of this code;

B. Specific Provisions: Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainageways, streets or roads, alleys, other public ways, transit stops, potable water supplies, ~~sanitary wastes~~ sanitary sewage disposal, 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;

C. Extension Agreement: A developer extension agreement, in accordance with title 9, chapter 4 of this code, has been executed;

D. Public Interest: The public use and interest will be served by the platting of such subdivision and dedication; and

E. Development Agreement: As part of the approval, the city and the applicant may enter into a development agreement in accordance with title 15, chapter 15 of this code.

F. Option to remand: The city council may also elect to return the application to the planning commission for additional review and recommendations if, during the closed record hearing, the council finds that the record is incomplete or does not provide sufficient basis for approval or denial.

12-5-5: TIME FRAME FOR APPROVAL:

The city shall make a decision on approval or denial of a preliminary plat application within ninety (90) days of the determination that the application is complete, except when the subdivision proposal is combined with a preliminary planned unit

development, [or in cases when the applicant consents to an extension of time. This ninety \(90\) day period excludes time required to comply with Chapter 43.21C RCW and Title 15, Chapter 14 of this code.](#)

CHAPTER 6 FINAL PLATS

12-6-1: REQUIREMENTS FOR COMPLETED APPLICATION:

A. Construction Drawings: ~~Five (5) copies of Submittal of~~ as built construction drawings. Digitally submitted plans shall be digital portable file document (PDF). ~~Applicants are also encouraged to provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView.~~

B. Certification Of City Work: Certification of work done by city in connection with the checking, computing and correcting of the plat, and for plan checking, inspecting, and testing of plat improvements, including water lines, sanitary sewer lines, stormwater retention and drainage systems, streets, curbs, gutters and sidewalks.

C. Application Contents: In addition to the requirements for a completed application set forth in title 15 of this code, the applicant shall submit the following:

1. Final plat on ~~reproducible mylar or equivalent~~, ~~twenty-two~~ four inches wide by ~~thirty-three~~ six inches long (24" x 36"), scale of ~~one hundred feet to one inch~~ to fifty feet (~~400' = 1" = 50'~~) or larger (~~preferred scale 50 feet to 1 inch~~). Digitally submitted plans shall be a portable file document (PDF). ~~Applicants are also encouraged to provide one digital copy on a CD in a CAD program compatible with AutoCad or ArcView.~~ The plat must contain:

- a. Primary control points, approved by the city engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
- b. ~~Tract-Parcel~~ boundary lines, right of way lines of streets, easements and other rights of way, and property lines of residential lots and other sites tracts, with accurate dimensions, bearings, and radii, arcs, central angles of all curved arcs;
- c. Name and right of way width of each street or other right of way;
- d. Location, dimensions and purpose of any easement or tract;
- e. Parcel or Tract-tract number to identify each lot or site tract;
- f. Purpose for which sites tracts, other than residential lots, are dedicated or reserved;
- g. Minimum building setback line on all lots and other sites tracts;
- h. Location and description of monuments by symbol. Unless otherwise approved, monuments shall be placed at street intersections, centers of cul-de-sacs, and points of curve and tangency in curvilinear streets;
- i. Reference to plats of adjoining land by their recorded name, date, volume and page number;

j. Certification by licensed land surveyor or licensed professional civil engineer substantially giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner(s). If the plat contains a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual(s), religious society or societies or to any corporation, public or private, as shown on the plat 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 the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

2. Every plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the certificate.

3. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by the city as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the recipient or recipients, grantee or grantees for his, her, or their use for the purpose intended by the donors or grantors as aforesaid.

4. Plat name, scale, north arrow, date and legend of symbols.

5. Plans and profiles of all utilities and street improvements showing approval of the design by the city engineer.

6. Certificate of completion of one of the following alternatives, as directed by the city, shall accompany the final plat:

a. All improvements have been installed in accord with the requirements of these regulations and accepted by the city upon the recommendation of the city engineer as certified by the city clerk;

b. Approved plans are on file with the city engineer for all required utilities and street improvements and a cash or surety bond as required in section 12-8-1 of this title has been posted with the City Clerk and deposited with the City Clerk.

7. Signatures as applicable of the County Treasurer, City Clerk, City Engineer, Community Development Director, Planning Commission Chair, and Mayor.

12-6-2: TYPE OF APPLICATION:

A final plat is a decision made by the City Council as specified by title 15 of this Code.

12-6-3: TIME FRAME FOR SUBMISSION OF FINAL PLAT:

A final plat meeting all requirements of this chapter shall be submitted to the City for approval within seven (7) years of the date of preliminary plat approval if the date of

Commented [A13]: Does the planning commission support changing this?
The process has changed in Washington. All final plats were previously required to go to a legislative body. However, the state now specifies that a City Council may delegate that authority to "an established planning commission or agency, or to such other administrative personnel in accordance with state law or local charter" by ordinance (RCW 58.17.100).

Per MSRC: *The final plat approval is in the nature of a ministerial, non-discretionary process; that is, if the applicant meets the terms of preliminary approval and the plan conforms with state law and local ordinances, final approval must be granted (RCW 58.17.170). There is no public hearing for a final plat approval.*

City staff suggests the process be amended to a Type 2 (administrative) process.

~~preliminary plat approval is on or before December 31, 2014, and within five (5) years of the date of preliminary plat approval if the date of this preliminary plat approval is on or after January 1, 2015. A final development plan meeting all requirements of this chapter shall be submitted to the City for approval within ten (10) years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 Revised Code of Washington and the date of preliminary plat approval is on or before December 31, 2007.~~ Portions of the preliminary plat may be submitted for final approval after the expiration of said ~~seven (7)-year~~ time period provided that the original preliminary plat was proposed as a phased development with specific divisions identified and, after administrative review, it has been found that significant progress has taken place on the plat and that the requirements of section 12-6-9 of this chapter have been met.

Nothing contained in this section shall act to prevent the City from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements. When deemed reasonable and appropriate, the City Administrator may grant an extension of one year for such submittal. If at the date of expiration of the time period provided herein, a final ~~development plan~~ plat has not been filed for approval, the preliminary ~~planned unit developments~~ plat approval shall expire ~~and the applicant shall be required to resubmit an application for preliminary approval to reinstate the project.~~

12-6-4: RECOMMENDATIONS AS PREREQUISITES FOR FINAL PLAT APPROVAL:

Each preliminary plat submitted for final approval shall be accompanied by the following recommendations:

- A. ~~Planning Commission's~~ City Administrator's recommendation as to compliance with the terms of preliminary approval of the proposed plat or subdivision;
- B. City Engineer.

Commented [A14]: Being that this is a ministerial process it is unnecessary to bring a final plat to the planning Commission. It should be reviewed by the City Administrator (typically via the CD director as staff to the administrator).

~~Except as provided in Revised Code of Washington 58.17.140, an agency or person issuing a recommendation for subsequent approval under subsections A and B of this section shall not modify the terms of its recommendations without the consent of the applicant.~~

12-6-5: CRITERIA FOR APPROVAL:

A final plat application shall be approved if ~~it~~ the subdivision proposed for approval:

- A. Meets Plat Approval Requirements: Meets all general requirements for plat approval as set forth in chapter 8 of this title;
- B. Conforms To Preliminary Plat Approval: Conforms to all terms of the preliminary plat approval; and
- C. Meets Other Applicable Requirements: Meets the requirements of Revised Code of Washington chapter 58.17, other applicable State laws, this title, title 9, chapter 4 of

this Code, and any other applicable City ordinances which were in effect at the time of preliminary plat approval.

D. Approval And Inscription: The ~~City Council~~[City Administrator](#) shall make written findings of fact relating to its decision on the final plat, and if approved, shall suitably inscribe and execute its written approval on the face of the plat.

12-6-6: EFFECT OF FINAL PLAT APPROVAL:

Any lots in a final plat filed for record shall be a valid land use, notwithstanding any change in zoning laws for a period of five (5) years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of approval under Revised Code of Washington 58.17.150(1) and (3) for a period of five (5) years after final plat approval unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

12-6-7: TIME FRAME FOR APPROVAL:

The final plat, or portion thereof, shall be approved, ~~disapproved~~[approved with conditions, denied](#), or returned to [the](#) applicant by the City within thirty (30) days from the date of the application.

12-6-8: RECORDING:

The final plat, in the form specified in this chapter, shall be recorded with the County Clerk by the applicant. If the final plat is not recorded within twelve (12) months of the date of the ~~City Council~~[city](#) approval, said approval shall be null and void.

12-6-9: PHASED DEVELOPMENT:

A. Portions of an approved preliminary plat may be processed for approval and recording in phased divisions, provided that the divisions were identified in the approved preliminary plat, or an amendment thereto, and that approval and recording of the divisions is consistent with the conditions of the preliminary plat approval and will substantially meet all of the requirements for final approval even if the subsequent divisions are not finished. Prior to the final approval of a division of a preliminary plat, the City may require additional conditions such as a bond for the construction of a required improvement in a subsequent division, if it finds that such improvement is necessary to ensure that the division being approved meets all the conditions of the preliminary plat even though subsequent divisions are never finished.

B. Any phase of a preliminary plat that has not been completed and accepted by the City within five (5) years of [the](#) date of its preliminary approval may be subject to the most current development codes. The doctrine of vested rights shall not apply to said plat phases.

CHAPTER 7

PLAT VACATION AND ALTERATION

12-7-1: REQUIREMENTS FOR COMPLETE PLAT VACATION APPLICATION:

A. Application Contents: In addition to the requirements for a completed application as set forth in title 15 of this code, an applicant for a plat vacation shall submit the following:

1. The reasons for the proposed vacation;
2. Signatures of all parties having an ownership interest in that portion of the subdivision proposed to be vacated;
3. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;
4. A copy of the approved plat sought to be vacated, together with all plat amendments recorded since the date of the original approval.

12-7-2: TYPE OF APPROVAL AND CRITERIA FOR APPROVAL OF PLAT VACATION:

- A. Type Of Approval: A plat vacation is a planning commission decision.
- B. Criteria For Approval: The plat vacation may be approved or denied after a written determination is made whether the public use and interest will be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city shall set forth findings that the public use would not be served in retaining title to those lands.
- C. Vacation Of Streets: When the vacation application is specifically for a city street vacation, the city's street vacation procedures shall be utilized. When the application is for the vacation of a plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under Revised Code of Washington chapter 35.70 or the city's street vacation ordinance.
- D. Easements: Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

12-7-3: REQUIREMENTS FOR COMPLETE PLAT ALTERATION APPLICATION:

A. Application Contents: In addition to the requirements for a completed application as set forth in title 15 of this code, an applicant for a plat alteration shall submit the following:

1. Signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered;
2. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
3. A copy of the approved plat sought to be vacated, together with all plat amendments recorded.

12-7-4: TYPE OF AND CRITERIA FOR APPROVAL OF PLAT ALTERATION:

A. Type Of Approval: A plat alteration is a planning commission decision.

B. Criteria For Approval: The plat alteration may be approved, [approved with conditions](#), or denied after a written determination is made whether the public use will be served by the alteration of the subdivision. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. A plat alteration must also be consistent with subsection 12-7-2D of this chapter.

C. Revised Plat: After approval of the alteration, the city council shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the mayor, shall be filed with the county auditor to become the lawful plat of the property.

CHAPTER 8

GENERAL REQUIREMENTS FOR SUBDIVISION APPROVAL

12-8-1: GENERAL REQUIREMENTS FOR APPROVAL OF SUBDIVISION:

In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the following general requirements in order to be approved:

A. Land Use Controls: No subdivision may be approved unless written findings of fact are made that the proposed subdivision or short subdivision is in conformity with any applicable zoning ordinance, comprehensive plan or other existing land use controls.

1. Flag (Pipestem) Lots: Generally, flag lots are discouraged. In cases where there are no alternatives, flag lots may be allowed under the following conditions:

a. The driveway portion of the lot shall be wide enough to meet city access and public safety standards;

b. The area of the driveway portion of the lot shall not be used to meet the minimum required lot size per zoning;

c. All utilities serving the flag lot shall be underground;

d. All property lines of the flag lot abutting adjoining lots shall be screened with fencing or landscaping;

e. Where multiple adjacent flag lots are proposed, shared driveways shall be required.

2. Flag Lots In The RU Zone: In addition to the provisions of subsection A1 of this section, the creation of new flag lots in the RU zone shall meet the following criteria:

a. The size and configuration of the flag lot shall meet the density and dimension standards of the zone as provided in section 13-5-1 of this code.

b. The siting and design of all buildings on the flag lot shall be subject to site plan review and approval as provided in title 15, chapter 4 of this code.

B. Dedications; Generally:

1. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. The city may require such waiver as a condition of approval.

2. Roads not dedicated to the public must be clearly marked "private" on the face of the plat.

3. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee(s) or grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).

4. If the plat or short plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the plat or short plat, 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 road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

5. Every plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

6. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under Revised Code of Washington 82.02.050 through 82.02.090 shall be required as a condition of subdivision approval. No dedication, provision of public improvements or impact fees imposed under Revised Code of Washington 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property.

C. Dedication Of Public Park: The planning commission shall recommend naming of streets and parks within proposed subdivisions. If preliminary plats include dedication of land for public parks with areas greater than required for subdivision approval and the proponents request commemorative names, the planning commission shall consider such requests. The city council shall adopt the names as part of final plat approval.

D. Release From Damages: The city shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

E. Flood, Inundation Or Swamp Conditions: A proposed subdivision may be disapproved because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. ~~No plat shall be approved covering any land situated in a floodway as provided in Revised Code of Washington chapter 86.16 without the prior written approval of the state department of ecology.~~

Commented [A15]: RCW 86.16 was amended and no longer requires that Ecology give prior written approval (likely due to the use of Critical Area Ordinances which cover floodplain review). They can provide technical assistance as needed.

F. Bonds: In lieu of ~~the completion of completing~~ the actual construction of any required improvements prior to the approval of a short or final plat, the planning commission or city council may accept a bond, approved as to form by the city attorney, in an amount and with surety and conditions satisfactory to it, or other secure method, ~~providing for and securing to the city the provided that~~ actual construction and installation of such improvements ~~will be completed~~ within a period specified by the city and ~~is~~ expressed in the bonds. In addition, the city may require the posting of a bond securing to the city the successful operation of improvements for up to two (2) years after final approval. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

G. Roadway buffers/cutting preserves shall be separate, designated tracts and depicted on the face of a plat or binding site plan as required by the City as a condition of approval.

Commented [A16]: This definition is currently provided in Title 13 however the term is not used anywhere in the code. Suggest defining here and adding to the approval criteria for subdivisions.

NOTE: According to OMC 13-2-19, the term has not been altered since 2004 and may be antiquated and unnecessary.

12-8-2: CERTIFICATE TO ACCOMPANY FINAL PLAT OR SHORT PLAT:

Every final plat or short plat of a subdivision or a short subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner(s).

12-8-3: GENERAL REQUIREMENTS FOR FILING PLAT OF RECORD:

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

A. Statement Of Approval: Contain a statement of approval from the city engineer as to the layout of streets, alleys and other rights of way, design of bridges, sewage and water systems, and other structures;

B. Survey: Be accompanied by a complete survey of the section or sections in which the plat or replat is located, made to surveying standards adopted by the division of engineering services of the department of natural resources pursuant to Revised Code of Washington 58.24.040. The surveyor shall certify on the plat that it is a true and correct representation of the lands actually surveyed;

C. Acknowledgement: Be acknowledged by the person filing the plat before the auditor of the county in which the land is located, or any other officer who is authorized by law to take acknowledgement of deeds, and a certificate of said acknowledgement shall be enclosed or annexed to such plat and recorded therewith;

D. Certificate Of Paid Taxes: Contain a certification from the proper officer or officers in charge of tax collections 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. Description Of Lands: Contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner(s) ~~or owners~~;

F. Monuments: Show the permanent control monuments established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The city shall determine the number and location of permanent control monuments within the plat, if any;

G. Lot Numbers, House Addresses: Show the lot numbers and house addresses on the short subdivisions and subdivisions at the time of approval;

H. Fees And Charges; Responsibility: All plat recording fees and charges shall be the responsibility of the applicant.

12-8-4: COMPLIANCE WITH PUBLIC WORKS STANDARDS:

Construction of improvements in all applications shall comply with the city's adopted public works special provisions and details.

CHAPTER 9 ENFORCEMENT AND APPEALS

12-9-1: ISSUANCE OF PERMIT ON ILLEGALLY DIVIDED LAND:

No building permit, septic tank permit, or other development permit shall be issued for any lot, tract or parcel of land divided in violation of Revised Code of Washington chapter 58.17 or this title, unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.

12-9-2: VIOLATIONS:

Violations of this title shall be enforced as set forth in title 15 of this code.

12-9-3: APPEALS:

Any decision approving or disapproving any plat may be appealed as set forth in title 15 of this code.

CHAPTER 10 BINDING SITE PLANS

12-10-1: PURPOSE:

- A. Specify the criteria used by the city of Orting to review and approve binding site plans.
- B. Provide an alternative method of land division for the sale or lease of commercial or industrial zoned properties, condominiums and manufactured home parks as provided for in Revised Code Of Washington 58.17.035 that is more flexible than traditional subdivision procedures.
- C. Provide for the site planning and regulation of nonresidential site development not requiring land division.

12-10-2: APPLICABILITY:

The binding site plan process may be used for:

- A. The division of land for the purpose of sale or lease of lots for commercial or industrial purposes.
- B. The division of land for the purpose of developing residential condominiums or manufactured home parks.

12-10-3: APPLICATION SUBMITTAL:

~~Each application for binding site plan approval shall contain five (5) copies of all complete application forms, plans and reports.~~ A complete application [for a binding site plan](#) must include:

- A. Fees. The applicant shall pay the required fees as set forth in the city's fee schedule or other applicable resolutions or ordinances when submitting a binding site plan;
- B. Application form and declaration of ownership;
- C. Title report (dated within the last 30 days);
- D. Vicinity map of the area where the site is located;
- E. [SEPA](#) Environmental checklist;
- F. Landscape plan to reflect landscaping requirements related to site plans and landscaping associated with permanent [best management practices \(BMPs\) for stormwater treatment and control](#);
- G. A preliminary site plan to a scale of thirty feet to one inch (30' = 1"), stamped and signed by a registered engineer, architect or land surveyor illustrating the proposed development of the property and including, but not limited to, the following:

1. Name or title of the proposed binding site plan;
2. Date, scale and north arrow;
3. Boundary lines and dimensions including any platted lot lines within the property;
4. Total acreage;
5. Property legal description;
6. Existing zoning;
7. Location and dimensions of all existing and proposed:
 - a. Buildings, including height in stories and feet and including total square feet of ground area coverage;
 - b. Parking stalls, access aisles, and total area of lot coverage of all parking areas;
 - c. Off street loading area(s);
 - d. Driveways and entrances; ~~and~~
 - e. Common open spaces, yards, permanent [best management practices \(BMPs\) for stormwater treatment and control](#), and other areas intended for the use of all owners; and
 - f. [Major manmade or natural features, i.e., streams, creeks, drainage ditches, railroad tracks, utility lines, etc.](#)
8. Proposed building setbacks in feet;
9. Location of any regulated sensitive areas such as wetlands, steep slopes, wildlife habitat or floodplain and required buffers;
10. Location and height of fences, walls (including retaining walls), and the type or kind of building materials or planting proposed to be used;
11. Location of any proposed monument signs;
12. Proposed [best management practices \(BMPs\) for stormwater treatment and control](#);
13. Location of all easements and uses indicated;
14. Location of existing and proposed utility service;
15. Existing and proposed grades shown in five foot (5') interval topographic contour lines;
16. Fire hydrant location; and

H. Any other information as required by the city shall be furnished, including, but not limited to, traffic studies, wetland reports, stormwater site plans, elevations, profiles, and perspectives, to determine that the application is in compliance with this code.

~~Digitally submitted plans shall be in a portable document format (PDF). Applicants are also encouraged to provide one digital copy on a CD in a CAD program compatible with AutoCAD or ArcView.~~

The city may waive selected requirements for certain site plan features listed in subsection G of this section upon review and approval of a written request by the applicant. The determination that such a waiver is justified will be made if the strict application of the requirements would create a hardship for the applicant; and if the proposed site design is consistent with the intent of the comprehensive plan.

12-10-4: TYPE OF APPROVAL:

A binding site plan is ~~approved by the city council based on a recommendation from the planning commission following a public hearing a Type 42 action.~~

12-10-5: CRITERIA FOR APPROVAL:

A. Standards For Review Of A Binding Site Plan: The city shall review the proposed binding site plan to determine whether it meets the following criteria:

1. Conformance with the comprehensive plan.
2. Conformance with all applicable performance standards and zoning regulations.
3. Design sensitivity to the topography, drainage, vegetation, soils and any other relevant physical elements of the site.
4. Availability of public services and utilities.
5. Conformance with SEPA requirements.

6. Conformance with roadway buffers/cutting preserves. Roadway buffers/cutting preserves shall be separate, designated tracts and depicted on the face of a plat or binding site plan as required by the City as a condition of approval.

B. Condominium Standards: Development of condominiums including residential units or structures shall meet either the standards set out in subsection B1 or B2 of this section:

1. All lots and developments shall meet the minimum requirements of this code. Phase or lot lines shall be used as lot lines for setback purposes under the zoning code.
2. Condominiums may be developed in phases where ownership of the property is unitary but some structures are to be completed at different times or with different lenders financing separate structures or areas of the property. The following conditions shall apply to phased condominiums:

- a. By a joint obligation to maintain any and all accessways. The city shall have no obligation to maintain such accessways.
- b. The city shall require easements for access to the property to allow for emergency services and utility inspections as defined in the development agreement.
- c. Reciprocal easements for parking shall be provided to all tenants and owners.
- d. The applicant must submit a binding site plan schedule for completion of all phases.
- e. Phase lines must be treated as lot lines for setback purposes under the zoning code unless the property owner will place a covenant on the BSP that the setback areas for built phases, contained in all unbuilt phases, shall become common areas and owned by the owners of existing units in the built portions of the condominium upon the expiration of the completion schedule.
- f. All public improvements shall be guaranteed by bond or other security satisfactory to the city.
- g. All built phases in a condominium BSP shall have a joint and ~~several-separate~~ obligations to maintain landscaping through covenants ~~and/or~~ easements ~~or both~~ to assure that the responsibility is shared among the various owners.

12-10-6: BINDING SITE PLAN COMPONENTS:

- A. A binding site plan means a record of survey and a development agreement, if required.
- B. The development agreement shall incorporate the conditions of approval for the binding site plan.

12-10-7: RECORDING REQUIREMENTS:

When the proposed binding site plan receives final approval, the applicant shall record the binding site plan and development agreement, if required, with the Pierce County auditor. The applicant shall furnish the city with three (3) copies and a digital copy of the recorded binding site plan within five (5) working days of recording, and the Pierce County assessor shall be furnished one paper copy.

12-10-8: DEVELOPMENT REQUIREMENTS:

~~Said lots~~ All lots included in the binding site plan shall not be sold or transferred unless the binding site plan and a record of survey map, which is prepared in compliance with Revised Code Of Washington 58.09 and which includes a legal description of each lot being created, is approved by the city and filed for record in the Pierce County auditor's office. The binding site plan and ~~all of its~~ all associated requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract.

All development must be in conformance with the recorded binding site plan. Any development, use or density which fails to substantially conform to the site plan as approved constitutes a violation of this chapter.

12-10-9: AMENDMENT, MODIFICATION AND VACATION:

Amendment, modification and vacation of a binding site plan shall follow the same procedures and satisfy ~~shall be accomplished by following the same procedure and satisfying~~ the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. The vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short plat division.