

ORDINANCE NO. 660

AN ORDINANCE RELATING TO SUBDIVISIONS AND AMENDING SECTIONS 15.04.030, 15.04.040, 15.08.020, 15.16.010, 15.16.020, 15.16.030, 15.16.050, 15.16.080, 15.20.010, 15.20.020, AND 15.36.030; ADDING NEW SECTIONS 15.04.050, 15.16.075 AND 15.36.020; REPEALING SECTIONS 15.04.050, 15.04.060, 15.16.100, 15.16.110, 15.16.120, 15.16.130, 15.16.140 AND 15.36.020; REPEALING CHAPTERS 15.12, 15.24 AND 15.32; AND ADDING NEW CHAPTERS 15.10, 15.12, 15.18 AND 15.32 TO THE LACEY MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 15.04.030 of the Lacey Municipal Code is hereby amended to read as follows:

15.04.030 General Scope. Subdivision, resubdivisions, plats, and short subdivisions ~~and streets or ways~~ created for the purpose of partitioning land shall be reviewed ~~by the land use Hearings Examiner and approved by the Lacey City Council~~ in accordance with these regulations.

Section 2. Section 15.04.040 of the Lacey Municipal Code is hereby amended to read as follows:

15.04.040 Specific Exemptions. The provisions of this title shall not apply to the following:

A. ~~{1}~~ Cemeteries and other burial plots while used for that purpose.

B. ~~{2}~~ Divisions made by testamentary provisions or the laws of descent.

C. ~~{3}~~ Assessor's plats made in compliance with RCW 58.18.010, RCW 58.17.240 and RCW 58.17.250.

(4) ~~Divisions of land into lots or tracts each of which is five acres or 1/128th of a section or larger if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline. Provided, that roads created for the purpose of partitioning land and serving more than four parcels shall be reviewed in accordance with Chapter 15.24 of this title.~~

D. ~~5- A division for the purpose of lease when the land is to be developed as a mobile home park and a binding site plan has been approved pursuant to Chapter 16.84, Lacey Municipal Code. no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land and the planning commission has approved a binding site plan for the use of the land in accordance with the Lacey Municipal Code. The term "site plan" means a drawing to a scale specified by a local ordinance and which:~~

~~(a) Identifies and shows the area and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by local regulations; and~~

~~(b) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site~~

~~plan. --- A site plan approved by the planning commission shall not be "binding" under this subsection unless development in conformity to the site plan is enforceable under the Lacey Municipal Code.~~

E. Contiguous Lots: The transfer of ownership of contiguous platted or unplatted lots if

1. the lots were created after June 9, 1937, or  
2. the lots transferred and remaining lots are developed,  
provided that transfers pursuant to this subsection 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 of this subsection.

F. Condominiums: A division which is made by subjecting a portion of the land to Chapter 64.32 RCW (condominiums) and for which a binding site plan has been approved pursuant to Chapter 16.84, Lacey Municipal Code.

G. Industrial and Commercial Site Plans: A division for which a binding site plan is approved when the site plan

1. Limits the use of the land to industrial or commercial use;  
2. Is approved pursuant to Chapter 16.84, Lacey Municipal  
Code; and

3. Contains a legal description of the portions to be sold or transferred, prepared and certified by a registered land surveyor or title company, and is filed for record in the county auditor's office by the planning department.

H. Boundary Line Adjustments: A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site, provided

1. The proponent has filed an application which includes:  
a. An adjusted legal description of the lots affected by the adjustment prepared and certified by a registered land surveyor or title company,  
b. A scale drawing of the lots affected by the adjustment,  
c. Notarized declaration that the transferor consents to the proposed adjustment, and

2. The proponent is issued a boundary line adjustment certificate from the Planning Department verifying that the proposed division conforms to the requirements of this subsection. The certificate, legal description, scale drawing and notarized declaration will be recorded with the Auditor by the Planning Department.

Section 3. Section 15.04.050 of the Lacey Municipal Code is hereby repealed.

Section 4. Section 15.04.060 of the Lacey Municipal Code is hereby repealed.

Section 5. There is hereby added to the Lacey Municipal Code a new section, 15.04.050, to read as follows:

15.04.050 Regulations Mandatory. Any map, plat, replat or plan hereafter made of a proposed division of land pursuant to this title or any

part thereof shall be presented for approval and be recorded as prescribed by this title. No such map, plat, replat or plan shall be recorded or have any validity unless or until it is approved as may be required by this title. No person shall sell, lease, transfer or offer to sell, lease or transfer any lot, tract or parcel subject to the requirement of this title without first receiving approval hereunder and filing a map of the approved division with the Auditor, provided that if performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land is expressly conditioned on the recording of the plat containing the lot, tract, or parcel, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 and does not violate any provision of this title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the plat is recorded.

Section 6. Section 15.08.020 of the Lacey Municipal Code is hereby amended to read as follows:

15.08.020 Definitions.

A.{1} "Access panhandle" means a strip of land having a width narrower than that of the lot, tract or parcel to be served thereby and designed for the purpose of providing access to the lot, tract or parcel, being less in width than the minimum lot width allowed under the applicable zoning.

B.{2} "Alley" means a passage or way, having a width of not more than twenty (20) feet nor less than ten (10) feet, which affords a secondary access to abutting property and is not intended for primary access from a dedicated street, and is not intended for general traffic circulation.

C.{3} "Auditor" means the auditor of Thurston County, Washington.

D.{4} "Block" means a group of lots, tracts or parcels within well-defined and fixed boundaries.

E.{5} "Buildable lot" means a lot meeting all of the requirements of size, shape, frontage, sanitation, etc., contained in this title and other ordinances of the City of Lacey, for any specific type of development.

F.{6} "Building line" means a line on a plat indicating the limit beyond which any portion of a building, structure, septic tank, etc., may not be placed. This may be applied by the subdivider or required by the Planning Commission Hearings Examiner when certain conditions exist which make special setbacks necessary.

G.{7} "Building site" means a parcel of land occupied or intended to be occupied by one main building and its accessory buildings, together with all of the required yards and open space and setbacks.

H.{8} "City" means the City of Lacey, Washington.

I.{9} City officials. The word "Council" means the Lacey City Council. The word "Planner" means the Lacey Planning Department. The word "City Engineer" means engineer or director of public works of the City of Lacey. "Health Officer" means health officer of the Thurston County Health Department.

J.{10} "Comprehensive Development plan" means a plan adopted by the City Council as a guide to the growth and improvement of City of Lacey, including modifications or refinements which may be made from time to time.

K.{11} "County" means the County of Thurston, State of Washington.

L.{12} "Cul-de-sac" (dead-end street) means a street, closed at one end by an area of sufficient size for turning vehicles around.

M.{13} "Declaration of short subdivision" is a document signed by all persons having any real interest in the land being subdivided and acknowledged before a notary that they signed the same as their free act and deed. The declaration shall as a minimum contain the elements of:

1.(a) A legal description of the tract being divided and all parcels contained therein;

2.(b) A illustrative survey map;

3.(c) Any restrictive covenants;

4. A statement by the signatory that he is in fact the owner of the property being subdivided;

5. An agreement by the signatory to indemnify the City for all costs or damages including attorney's fees incurred by or charged against the City as a result of the signatory not being the owner of the property being subdivided;

6. A statement by the owner that the short subdivision is made with his free consent; and

7. A title report or plat certificate.

N.{14} "Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat 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 appropriate governmental unit.

O.{15} "Easement" means a right granted by a property owner to specifically named parties or to the general public for the use of certain areas or strips of land for particular purposes. Where appropriate to the context, "easement" may also refer to the land covered by the grant. This may include pedestrian paths, bicycle paths, utility easements, drainage, open space, etc.

P.{16} "Final approval" means the final official action taken by the City Council on the proposed plat, subdivision or dedication or portion thereof as previously received preliminary approval.

Q.{17} "Final plat" means the final drawing of the subdivision and dedication prepared for filing for record with the Auditor and containing all elements and requirements set forth in RCW Chapter 58.17 and in this title adopted pursuant thereto.

R.{18} "Flooding" means the inundation of an area of land that is not usually under water.

S.{19} "Lot" means a fractional part of subdivided land having fixed boundaries being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. The term shall not include land divided for purposes of financing or taxation.

T. "Owner" means the owner of record, as determined by the records of the Auditor, provided that the owner under a real estate contract is the purchaser-vendee and the owner of mortgaged property is the mortgagor.

U.{21} "Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

~~{21} "Planned unit development" means a unified development in which the subdivision and/or zoning regulations apply to the project as a~~

whole rather than to its individual lots; in order to gain a more advantageous use of the land.

V.{22} "Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions or dedications.

W.{23} "Preliminary approval" means the official action ~~taken on the preliminary plat, subdivision or dedication, by the City Council subsequent to the Hearings Examiner's recommendation~~ approving a proposed division of land when provision of improvements or fulfillment of conditions are to occur prior to final approval. The applicant shall be entitled to final approval when the conditions are met or improvements are provided.

X.{24} "Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and ~~restrictive covenants to be applicable to the subdivision~~, and other elements of a ~~plat or subdivision~~ consistent with the requirements of this title which shall furnish a. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

Y.{25} "Reserve strip" means a parcel of ground located usually at the edge of a subdivision for the purpose of restricting access from the end or side of a street.

Z.{27} "Right-of-way" means the area between boundary lines of a street, alley or easement.

AA.{28} "Roadway" means that portion of a right-of-way that is improved and maintained for vehicular and/or pedestrian traffic.

BB.{28} "Short plat" means the map or representation of a short subdivision containing all of the pertinent information as required by this title.

CC.{29} "Short subdivision" means ~~the~~ every division or redivision of contiguous land into four (4) or less lots, tracts, parcels, sites or subdivisions for the purpose of transfer of ownership sale or lease.

DD.{30} "Street" means a right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley. A right-of-way twenty (20) feet or less shall not be recognized as a street.

1.{a} Collector. Collector streets provide for movement within the smaller areas, which are often definable neighborhoods, and may be bounded by higher class arterials. Collector streets serve very little "through" traffic, but serve a high proportion of local traffic requiring direct access to abutting land uses.

2.{b} "Interstate and primary arterial" means arterial highways having only limited access. They may or may not be divided. Traffic moves at a high rate of speed with as little interference as possible.

3.{c} Local Streets. These provide direct access to properties.

4.{d} Major Arterial. Major arterials provide for movement across and between large subparts of an urban region and serve predominantly "through" trips with minimum direct service to abutting land uses.

5.{e} Secondary Arterial. Secondary arterials provide for movement within the large subparts and may also serve "through traffic" but provide more direct service to abutting land uses than do major arterials.

EE.{31} "Subdivider" means a person who undertakes the subdividing of a parcel of land also referred to as the applicant.

FF.{32} "Subdivision" means the division or redivision of land into five (5) or more lots, tracts, parcels, sites or divisions, whether immediate or

future, for the purpose of sale, or lease and shall include all resubdivision of land or transfer of ownership. The division of land shall be accumulative over any period of time. This definition applies whether or not there is a dedication involved.

GG. "Treasurer" means the Treasurer of Thurston County, Washington.

HH. ~~(34)~~ "Utilities easements" means rights-of-way which may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone and television cable, for the construction, operation, maintenance, alteration and repair of their respective facilities.

Section 7. There is hereby added to the Lacey Municipal Code a new chapter, 15.10, to read as follows:

#### "Chapter 15.10

#### DESIGN STANDARDS

##### Sections:

- 15.10.010 General Standards
- 15.10.020 Streets
- 15.10.030 Lots
- 15.10.040 Blocks
- 15.10.050 Easements
- 15.10.060 Open Space/Park
- 15.10.070 Other Standards

##### 15.10.010 General Standards.

A. The design and development of a subdivision shall conform with the Lacey Development Plan, Zoning Ordinance and other regulations and resolutions adopted by the City Council.

B. The design and development of subdivisions shall, insofar as it is possible, preserve or enhance the natural terrain, natural drainage, trees and other natural vegetation.

##### 15.10.020 Streets.

A. The alignment of major streets shall conform as nearly as possible with that shown on the development plan of the City.

B. The layout of streets shall provide for the continuation of principal streets existing in adjoining subdivision or of their proper projection when adjoining property is not subdivided. The layout shall also provide for future projection of streets into areas which presently are not subdivided.

C. Collector and local streets which serve primarily to provide access to abutting property only shall be designed to discourage through traffic.

D. Residential streets designed to have one end permanently closed or in the form of a cul-de-sac shall be provided at the closed end with a turn-around having a minimum right-of-way radius, of not less than fifty (50) feet, or with "Y" or "T" permitting comparable ease of turning.

E. Connecting street centerlines deflecting from each other at any one point more than ten degrees (10°) shall be connected by a curve of at least one hundred (100) feet radius for minor streets and at least three



hundred (300) feet radius for major streets. A tangent at least one hundred (100) feet long shall be introduced between curves on arterial streets.

F. Street intersections shall be as nearly at right angles as is practicable. When the most feasible plan entails an intersection angle that deviates more than fifteen degrees (15°) from a right angle, curves of suitable radius and lengths shall be provided.

G. Street jogs with centerline off-sets of less than one hundred twenty-five (125) feet shall be avoided.

H. Centerline offsets on opposite sides of arterial streets shall not be located between thirty (30) feet and two hundred (200) feet of each other unless specific design and construction provisions are made to the satisfaction of the Director of Public Works.

I. Streets shall conform as much as possible to the natural contour. However, in any case, the grades shall not be less than one-half percent (0.50%) on any street and not more than nine percent (9%) for arterial streets or twelve percent (12%) for collectors or fifteen percent (15%) for local access roads.

J. A street lying along the boundary of a subdivision may be dedicated one-half ( $\frac{1}{2}$ ) the required width if it is practical to acquire the dedication of the other half when the adjoining property is subdivided; and, whenever there exists a dedicated half-street of an adjoining plat, the other half shall be dedicated on the proposed plat to make the street complete.

K. Where a subdivision abuts or contains an existing or proposed arterial or collector street, the subdivision may be required to provide marginal access streets, reserve frontage with a reservation prohibiting access along the rear property line, screen planting, or such other treatment as may be necessary for protection of residential properties and to afford separation of through and local traffic.

L. All streets within a subdivision shall either be dedicated to the public or be private streets to be owned and maintained by an approved property owners' association. Public and private streets shall be subject to the same design and construction requirements.

#### 15.10.030 Lots.

A. Lot size, width, shape and orientation shall be appropriate for the location and contemplated use of the subdivision. Each lot shall contain a satisfactory building site and shall conform to zoning code and development plan.

B. Each lot shall be provided with satisfactory access by means of a public street connecting to an existing public highway or by some other legally sufficient right-of-access which is permanent and inseparable from the lot served.

C. Lot widths and lot areas shall conform with the zoning restrictions applicable to the area within which the property is located, except that corner lots for which side yards are required shall have sufficient width to permit appropriate setback from and orientation to both streets.

D. Side lot lines shall be substantially at right angles or radial to street lines.

E. Double frontage and reverse-frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. For such lots, there shall be a reserve strip designated along side the lot lines abutting such a traffic arterial to which there shall be no right-of-access.

F. Rights-of-way for pedestrian walks, not less than ten (10) feet wide, shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping center, transportation and other community facilities.

15.10.040 Blocks.

A. Blocks shall be as long as is reasonably possible consistent with the topography and the needs for convenient access, circulation, control and safety of street traffic, and type of land use proposed, but ordinarily, block lengths shall not exceed fifteen hundred (1,500) feet or be less than five hundred (500) feet.

B. Except for reverse-frontage parcels, the width of blocks shall ordinarily be sufficient to allow for two (2) tiers of lots of depths consistent with the type of land use proposed, that is normally not less than two hundred (200) feet for the sum of two (2) lot depths.

15.10.050 Easements.

A. Easements for public utilities shall be provided on each side of all rear lot lines and side lot lines where necessary. Such easements shall not be less than five (5) feet wide on the half-width that is reserved from the rear of each of the adjacent lots. Insofar as possible, the easements shall be continuous and aligned from block to block within the subdivision and with adjoining subdivisions. Easements for existing or future utility lines which do not lie along rear or side lot lines shall be at least ten (10) feet wide.

B. Easements for unusual facilities such as high-voltage electrical lines, shall be of such widths as is adequate for the purpose, including any necessary maintenance roads.

15.10.060 Open Space/Park. The minimum usable open space/park area for residential subdivisions shall be ten percent (10%) of the total site.

15.10.070 Other Standards. Street light, street sign, sidewalk, curb and gutter, waterline, sewer line and storm drainage standards shall be developed as required in accordance with other provisions of this Code."

Section 8. Chapter 15.12 of the Lacey Municipal Code is hereby repealed.

Section 9. There is hereby added to the Lacey Municipal Code a new chapter, 15.12, to read as follows:

"Chapter 15.12

PRELIMINARY PLAT

Sections:

- 15.12.010 Presubmission Conference
- 15.12.020 Submission
- 15.12.030 Time Limit for Action
- 15.12.040 Consent to Access
- 15.12.050 Environmental Checklist and Impact Statement



- 15.12.060 Specific Requirements
- 15.12.070 Distribution
- 15.12.080 Hearing--Notice Procedure
- 15.12.090 Hearing--Public Record
- 15.12.100 Hearings Examiner Review Procedure
- 15.12.110 Hearings Examiner Report to City Council
- 15.12.120 City Council--Procedure
- 15.12.130 Council Hearing--Notice
- 15.12.140 Council Record
- 15.12.150 Notification of Action
- 15.12.160 Duration of Approval
- 15.12.170 Alterations

15.12.010 Presubmission Conference. Prior to the submission of the preliminary plat, the subdivider or a representative of the subdivider shall meet with the Planning and the engineering staffs to discuss preliminary studies or sketches. At this time staff shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to eliminate as many potential problems as possible in order for the preliminary plat to be processed without delay. The conference should take place prior to detailed work by an engineer or surveyor. Discussion topics at this time would include such things as the development plan, street plan, shoreline master plan, zoning, availability of sewer and water, development concepts, other city requirements and permits, and the environmental impact of the plat. If the applicant owns adjacent land, the possibilities of future development shall be discussed.

15.12.020 Submission.

A. Subsequent to the presubmission conference, the subdivider shall submit a preliminary plat application accompanied by an environmental checklist. Information required on preliminary plat applications is specified in 15.12.060 and shall be submitted on forms provided by the Planning Department, accompanied by twenty-four (24) copies of the plat map folded to a maximum size of eighteen (18) inches by twenty-four (24) inches.

B. The planning staff shall inform the applicant immediately of any deficiencies found in the plat.

C. The Planning Department shall assign the subdivision a permanent file number.

15.12.030 Time Limit for Action. Preliminary plats of any proposed subdivision shall be approved, disapproved or returned to the applicant for modification or correction within ninety (90) days from date of filing thereof unless the applicant consents to an extension of such time period: Provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety (90) day period shall not include the time spent preparing and circulating the environmental impact statement.

15.12.040 Consent to Access. The subdivider shall permit free access to the land being divided to all agencies considering the subdivision for the period of time extending from the time of application to the time of final action.

15.12.050 Environmental Checklist and Impact Statement. Each and every preliminary plat submitted to the planner for filing shall be accompanied

by an environmental checklist. If it is determined that an environmental impact statement is required to be completed, then the plat shall not be considered as filed until the final environmental impact statement has been completed. No public hearing on the preliminary plat shall be held until the final environmental impact statement (if required) has been completed and been made available for the general public.

15.12.060 Specific Requirements.

A. 1. The preliminary plat shall show specifically and clearly all of the following features and information on one (1) or more maps, drawings or application forms. Specific items may be waived if it is the opinion of both the planner and city engineer that they are not necessary.

2. Accuracy for all data and information submitted on or with a preliminary plat shall be the responsibility of the applicant. Any proposed plat found to be inaccurate or misleading so as to hamper the decision of the Hearings Examiner and/or Council shall be returned to the applicant with a letter stating that the plat must be corrected and returned to the staff. A fee of twenty-five dollars (\$25.00) will be charged if this procedure becomes necessary.

B. Scale and Size. The preliminary plat shall be at a scale of not more than fifty (50) feet to the inch, nor less than two hundred (200) feet to the inch.

C. General Information Required.

1. Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in Thurston County and shall be approved by the Hearings Examiner.

2. The names and addresses of all landowners within the proposed subdivision, the developer if other than the owners, the land surveyor and/or the professional registered engineer responsible for laying out the plat.

3. The names and addresses of landowners as required by Section 15.12.080.

4. The legal description of all lands included in the proposed subdivision.

5. The plat scale, datum, north arrow and date.

6. The boundary lines of the tract to be divided.

D. Existing Conditions.

1. A vicinity sketch indicating the boundary lines and names of adjacent subdivisions, streets and boundary lines of adjacent parcels, and the relationship of the proposed subdivision to major highways, schools, parks, shopping centers and similar facilities.

2. Replats. If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown with dotted lines in their proper positions in relation to the new arrangement of the plat; the new plat being so clearly shown in solid lines so as to avoid ambiguity, all as required by RCW 58.12.

3. The location and direction of all watercourses, lakes and streams and the location of all areas subject to flooding. Watercourses and drainage ways shall be located within an easement which reserves to the City the right to enter such properties for the purpose of flood control or maintenance.

4. Natural features such as rock outcroppings, marshes, wooded areas.

5. Existing uses on the property, including location of all existing structures to remain on the property after platting.

6. Existing zoning on the land to be platted and also on the surrounding land for a distance of three hundred (300) feet.

7. The location and size of all pertinent existing sewers, watermains, culverts, and other public or private underground installations within the subdivision and immediately adjacent thereto and elevations of sewers at points of probable connections.

8. The location, widths and names of both unopened and open streets, easements and other ways within or adjacent to the proposed development. The location of other important features such as the general outline of permanent buildings, water sources, power lines, telephone lines, railroads, City boundaries, section lines and section corners.

9. Contours of sufficient intervals to indicate the topography of the entire tract for a sufficient distance beyond the boundaries of the proposed subdivision as follows:

a. Up to five percent (5%) slope: Two (2) foot contours

b. Five percent (5%) and over slopes: Five (5) foot contours

Datum shall be City of Lacey datum.

10. The existing monuments or other such identifying markers as required by the Engineering Department.

E. Proposed Plan of Partitioning.

1. The location, width, name and approximate grade and radii of curves of streets. The relationship of streets to any projected streets as shown on any comprehensive plan or street plan that has been adopted or as may be suggested by the Planning Commission in order to assure adequate traffic circulation.

2. Sites, if any, allocated for purposes other than single-family dwellings.

3. Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.

4. A proposal for domestic water supply stating the source and a preliminary distribution system layout.

5. Proposals for sewage disposal, storm water drainage and flood control.

6. If lot areas are to be substantially graded, a plan showing the nature of cuts and fills and information on the character of the soil.

7. Proposals for other improvements such as electric utilities and boat docks, pathways, recreation facilities, etc.

8. The layout of proposed street rights-of-way, alleys, easements, lots and blocks, and the approximate dimensions of each.

9. All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for common use of the property owners in the subdivision with the purpose, conditions, or limitations of such dedications or reservations clearly indicated.

10. Trees and natural features which are to be preserved in the subdivision.

F. Partial Development. If the proposed plat pertains to only part of the tract owned or controlled by the subdivider, a sketch showing the

tentative layout for streets and contemplated land use in the unsubdivided portion shall be submitted.

G. Additional Information. The subdivider shall supply any additional information as may be required by the staff.

15.12.070 Distribution. The planner shall distribute copies of the preliminary plat and pertinent information to the following:

- A. Public Works Department, two copies;
- B. Thurston County Health Department, one copy;
- C. Thurston County Fire District #3, one copy;
- D. Lacey Parks and Recreation Department, one copy;
- E. North Thurston School District #3, one copy;
- F. Pacific Northwest Bell Telephone Company, one copy;
- G. Puget Sound Power and Light Company, one copy;
- H. Washington Natural Gas Company, one copy;
- I. Thurston County Assessor, one copy;
- J. Thurston County Director of Public works, when such plats are located within three hundred (300) feet of a county road right-of-way, one copy;
- K. State Department of Transportation, when such plats are located within three hundred (300) feet of a state highway right-of-way, one copy;
- L. Intercity Transit; one copy;
- M. Other public officials and agencies as the staff may deem appropriate.

15.12.080 Hearing--Notice Procedure. Upon receipt of a preliminary plat and all required data, the planner shall set a date for public hearing before the Hearings Examiner. Notice of the date, time and place of the public hearing before the Hearings Examiner shall be given as follows:

A. Notice of the hearing shall be sent by the Planning Department through the United States mail not less than ten (10) days prior to the date of hearing to the adjacent landowners within three hundred feet (300) feet of the exterior boundary of the proposed plat. If the applicant owns adjoining land, the distance of notification shall be measured from the outside of the applicant's ownership. Names and addresses for such property owners shall be as shown on the latest records of the Assessor, and shall be supplied to the planner by the applicant. Failure of the person to receive the notice shall not invalidate the hearing.

B. Notice of such hearing shall be given by publication in a newspaper of general circulation within the City of Lacey at least once, not less than ten (10) days prior to the date of hearing.

C. Notice to any town, city or county whose boundaries are adjacent to or within one (1) mile of the proposed subdivision.

D. Notice to the State Department of Transportation on every proposed subdivision located within three hundred (300) feet of the right-of-way of a state highway.

E. Notice to the State Department of Ecology, Division of Water Resources, if the land is situated in a floodplain or flood control zone as provided in Chapter 86.16 RCW.

F. Notice to any city or town whose utilities are contemplated to be used by the proposed subdivision.

G. Posting of the notice on or near the property in at least three (3) conspicuous places. The notice must be viewable from a public right-of-way.

H. Notice to other federal, state or local agencies as may be relevant to determine if the public use and interest may be served by the proposed subdivision.

All hearing notices shall include a legal description of the location of the proposed subdivision and either a vicinity location sketch or a locational description in non-legal language.

15.12.090 Hearing--Public Record. All hearings shall be public. Records of the Hearings Examiner hearings on preliminary plats shall be kept by the Planning Department and shall be made available to the public upon request.

15.12.100 Hearings Examiner Review Procedure. At the public hearing the Hearings Examiner shall consider all relevant evidence to determine whether to recommend that the preliminary plat be approved or disapproved by the City Council. Any hearing may be continued at the discretion of the Hearings Examiner within the time limits allowed by law. The Hearings Examiner's obligation to review the preliminary plat shall be as follows:

A. To assure conformance of the proposed subdivision to the general purposes of this ordinance, the comprehensive plan and to the planning standards, specifications and policies adopted by the City Council.

B. To inquire into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, the Examiner shall determine if appropriate provisions are made for, but not limited to, the following:

1. Prevention of Overcrowding. Consideration should be given to the physical characteristics of the land in relation to the number of persons, buildings or sites proposed to be located thereon, and also to the availability of public facilities such as water, sewers, fire protection, streets, schools, parks, etc., if not adequately provided for within the subdivision.

2. Facilitate Traffic Circulation on the Streets and Highways. Proposed streets must be aligned or built in such a way as to best facilitate the movement of traffic and reduce the possibility of accidents. This may consider alignment of intersections, width and surfacing of streets, proper curbs, sidewalks or paths, radii of curves and sight vision at intersections, hills and private easements.

3. Providing Adequate Light and Air. Assurance that the plat is arranged in such a way that all lots have adequate light and air.

4. Proper Arrangement and Provision of Easements and Pathways and Other Bicycle-Pedestrian Paths, Etc. Assurance of conformance with existing layout of ways and streets and also to adopted plans for such. Adequate provisions for pathways connecting various parts of a subdivision should be considered in such a way that most of the pedestrian and nonmotorized vehicular traffic is diverted away from streets. Providing trail systems in areas conducive to such (along creeks, rivers, scenic areas, etc.).

5. Provision of Adequate Recreation and Open Space or Buffers. Is there sufficient amount of guaranteed open space and recreational areas to adequately serve the subdivision? If it is determined that there is not adequate open space and recreational areas to adequately

serve the subdivision, then it will be recommended that additional area as determined by the Hearings Examiner will be provided for these purposes.

C. To consider the physical characteristics of the proposed subdivision site and may recommend disapproval because of flood, inundation or swamp conditions. The Hearings Examiner may recommend the construction of protective improvements be required as a condition of approval, with such improvements to be noted on the final plat in order to assure that:

1. All such proposals are consistent with the need to minimize flood damage;

2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

The Hearings Examiner shall give due consideration to all of the above items. Written findings of fact on each item considered shall be submitted to the City Council with the preliminary plat.

15.12.110 Hearings Examiner Report to City Council. Not later than three (3) working days following the rendering of a written decision by the Hearings Examiner, the Hearings Examiner shall submit such written decision and findings of fact and recommendations to the City Council. The Hearings Examiner may recommend that the proposed plat be approved, conditionally approved or disapproved. In the event that a decision cannot be reached by the Hearings Examiner, the preliminary plat shall be forwarded to the City Council with no recommendation.

15.12.120 City Council--Procedure. Upon receipt of the recommendations on any preliminary plat, the City Council shall, at a public meeting held no sooner than ten (10) no longer than twenty (20) working days from the date of the Hearings Examiner's decision, adopt or reject the Hearings Examiner's recommendations.

The City Council shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and shall consider all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. If it finds that the proposed plat makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. If it finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the City Council may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat.

15.12.130 Council Hearing--Notice. If the Council determines to hold a public hearing, notice of such hearing shall be advertised in the same manner as the hearing before the Hearings Examiner.



15.12.140 Council Record. A record of all public meetings and public hearings of the Council shall be kept by the City Clerk and shall be made available to the public upon request.

15.12.150 Notification of Action. Upon approval, disapproval or modification of the preliminary plat by the Council, the planner shall so notify the applicant by mail within ten (10) days of said action. The action of the Council shall be noted on two (2) copies of the preliminary plat, including reference to any attached documents describing conditions imposed by the Council. The planner shall return one (1) copy to the subdivider and retain one (1) copy for the permanent file.

15.12.160 Duration of Approval. Approval of the preliminary plat shall be effective for three (3) years from the date of approval by the City Council during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed.

An applicant who files a written request with the Planning Department at least thirty (30) days before the expiration of this three (3) years period, shall be granted a one (1) one-year time extension by the Hearings Examiner upon showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period.

Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The City shall not be held accountable for notification notice, although it may notify an applicant of date of expiration. All requests for an extension of time must be submitted prior to expiration of the preliminary plat.

15.12.170 Alterations. Once the preliminary plat has been submitted it shall not be altered unless approved by both the planner and city engineer. If the alteration is felt to be of a substantial nature by the planner and city engineer, then it shall be required that the plat be resubmitted in compliance with these regulations.

Section 10. Section 15.16.010 of the Lacey Municipal Code is hereby amended to read as follows:

15.16.010 Submission. Within ~~thirty-six months~~ three (3) years after approval or extension of the preliminary plat, the subdivider shall prepare a final plat in conformance with the preliminary plat (or portion thereof) as approved, and submit it to the office of the planner. ~~{if an extension has been given, the final plat shall reflect any new requirements as mentioned in Section 15.22.230. The number of Seven dark line prints shall to be submitted shall be determined by to the planner.~~

Section 11. Section 15.16.020 of the Lacey Municipal Code is hereby amended to read as follows:

15.16.020 Specific Requirements. The following shall be shown or accompany the final plat at the time it is submitted to the planner:

A.++ A certificate of title by a recognized title insurance company, dated not to exceed thirty (30) days prior to submitting a plat for final approval, showing the names of all persons whose consent is necessary to dedicate roads, streets and other easements shown upon the map.

B.{2} Names, addresses and phone numbers of the owner, subdivider, engineer and/or surveyor.

C.{3} A copy of any deed restrictions applicable to the subdivision.

D.{4} A copy of any dedication requiring separate documents.

E.{5} A certificate by the city engineer that the subdivider has complied with one of the following:

1.{a} All improvements have been installed in accordance with the requirements of these regulations and with the action of the Council giving conditional approval with approval of the preliminary plat.

2.{b} An agreement has been executed as provided for in Section 15.20.020 to assure completion of required improvements.

~~In--addition--to--that--otherwise--specified--by--law,--the--following information shall be shown on or accompanying the final plat:~~

F.{6} The date, scale, north arrow, legend, controlling topography and existing features such as highways and railroads.

G.{7} Legal description of the tract boundaries.

H.{8} Reference points and lines of existing surveys identified, related to the plat as follows:

1.{a} Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.

2.{b} Adjoining corners of adjoining subdivisions.

3.{c} City or county boundary lines when crossing or adjacent to the subdivision.

4.{d} Section and donation land claim lines within and adjacent to the plat.

5.{e} Whenever the county or a city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset.

6.{f} All other monuments found or established in making the survey of this subdivision or required to be installed by provisions of this title.

I.{9} Mathematical boundary closures of the subdivision showing the error of closure, if any.

J.{10} The mathematical lot closures and street centerline closures and square footage of each parcel.

K.{11} The exact location and width of streets and easements intersecting the boundary of the tract.

L.{12} Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth (1/100) foot.

M.{13} The width of the portion of streets being dedicated, the width of any existing right-of-way and the width of each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated.

N.{14} Easements denoted by fine dotted lines, clearly identified, and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

O.{15} Lot numbers beginning with number "1" and numbered consecutively without omission or duplication throughout the plat. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

P.{16} Land parcels to be dedicated for any purpose, public or private, shall be distinguished from lots intended for sale.

Q.{17} The following certificates may be combined where appropriate:

1.{a} A certificate signed and acknowledged by all parties with any record title interest in the land subdivided, consenting to the preparation and recording of the plat.

2.{b} A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for any public use except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

3.{c} A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map.

4.{d} Other certifications now or hereafter required by law.

R.{18} Lots containing one acre or more shall show net acreage to nearest hundredth, whenever possible.

S.{19} Each and every plat or replat of any property filed for record shall:

1.{a} Contain a statement of approval from the city engineer or by a licensed engineer acting on behalf of the City as to the survey data, the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems and other structures. No engineer who is connected in any way with the subdividing and platting of the land for which subdivision approval is sought shall examine and approve such plats on behalf of the City.

2.{b} Be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or reestablished corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one (1) foot in five thousand (5,000) feet.

3.{c} 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 acknowledgment of deeds, and a certificate of the acknowledgment shall be enclosed or annexed to such plat and recorded therewith.

4.{d} Contain a certification from the proper office Thurston County Treasurer 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.

~~{20} The layout of the plat shall be generally as shown on the example attached.~~

Section 12. Section 15.16.030 of the Lacey Municipal Code is hereby amended to read as follows:

15.16.030 Permanent Control Monuments. Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The ~~local authority~~ City shall determine the number and location of permanent control monuments within the plat, if any.

Section 13. Section 15.16.050 of the Lacey Municipal Code is hereby amended to read as follows:

15.16.050 Drafting Standards. All final plats shall be drawn in accordance with the following:

A.{1} The final plat shall be clearly and legibly drawn in permanent black ink ~~upon a stable base polyester film mylar.~~

B.{2} The scale of the plat shall be not less than one (1) inch equals ~~two~~ hundred (200) feet. Lettering shall be at least three-thirty-seconds inch high. The perimeter of the plat or subdivision being recorded shall be depicted with heavier lines wider than the remaining portion of the plat or subdivision.

C.{3} The size of each sheet shall be eighteen (18) by twenty-four (24) inches.

D.{4} A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of three (3) inches on the left side and one-half ( $\frac{1}{2}$ ) inch on each of the other three (3) sides.

E.{5} If more than two (2) sheets are used, an index of the entire subdivision showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.

F.{6} The plat title, date, scale and north arrow shall be shown on each appropriate sheet of the final plat.

G.{7} All signatures placed on the final plat shall be original signatures written in permanent black ~~India~~ ink.

Section 14. There is hereby added to the Lacey Municipal Code a new section 15.16.075, to read as follows:

"15.16.075 Plats Containing Private Streets. If the plat contains a private road, there shall be inscribed on the face of the plat the following language:

Notice: The City of Lacey has no responsibility to build, improve, maintain or otherwise service the private roads within or providing access to property described in this plat."

Section 15. Section 15.16.080 of the Lacey Municipal Code is hereby amended to read as follows:

15.16.080 Filing for Record. The original of the final plat shall be filed for record with the County Auditor. One reproducible copy ~~of a stable base material on mylar~~ shall be furnished to the city engineer. One paper copy shall be filed with the Assessor, Planning Department, Health Department, Building Department, city engineer and the fire chief. All required paper copies shall bear the Auditor's recording data.

The Auditor ~~of Thurston County~~ shall refuse to accept any plat for filing and recording until approval of the plat has been given by the Council. Should a plat or dedication be filed or recorded without such approval, the Prosecuting Attorney shall apply for writ of mandate in the name of an on

behalf of the City Council directing the Auditor and Assessor to remove from their files or records the unapproved plat or dedication of record.

Section 16. Sections 15.16.100, 15.16.110, 15.16.120, 15.16.130 and 15.16.140 of the Lacey Municipal Code are hereby repealed.

Section 17. There is hereby added to the Lacey Municipal Code a new chapter, 15.18, to read as follows:

"Chapter 15.18

DEDICATIONS--PLATS AND SHORT PLATS

Sections:

- 15.18.010 Requirements
- 15.18.020 Shown on Plat
- 15.18.030 Access to Lots
- 15.18.040 Exemption Conveyance to Corporation
- 15.18.050 Exemption, Corporate Membership and Responsibilities  
Conditions

15.18.010 Requirements.

A. All streets, highways and parcels of land shown on the final map and intended for any public use shall be offered for dedication for public use, except where the provisions of this title provide for private streets.

B. Streets intended for future use as access to adjoining properties must be dedicated and constructed even though their immediate use is not required.

C. Easements being dedicated shall be so indicated in the certificate of dedication and on the face of the plat.

D. Every final plat or short plat of a subdivision or 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 or owners. If the plat or short plat includes a dedication, the certificate 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 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 shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

E. 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.

F. 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 local authorities as a condition of approval. Roads not dedicated to the public

must be clearly marked on the face of the plat. Any dedications, 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, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

15.18.020 Shown on Plat. All dedications of land shall be clearly and precisely indicated on the face of the plat.

15.18.030 Access to Lots. Convenient access to every lot shall be provided by a dedicated road unless served by a private road approved in accordance with this title.

15.18.040 Exemption, Conveyance to Corporation.

A. If the Council concludes that the public interest will be served thereby, the Council may, in lieu of requiring the dedication of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks, playgrounds, recreational, community or other general purposes, allow the said land to be conveyed to a homeowners' association or similar nonprofit corporation.

B. When park, playground, recreational, community or other general purpose areas are conveyed to a homeowners' association or similar nonprofit corporation, the following shall be placed on the face of the final plat:

1. "Community area(s) (as identified on the map) shall be designated as community open space to be owned and maintained in common for the benefit of all lot owners."

2. "The ownership interest in the community area(s) (as identified on the map) shall be stated in the deed to each lot."

C. A statement similar to the following shall be placed on the face of the final plat when park, playground, recreational, community or other general purpose areas have specific restrictive uses attached by the City Council:

"Community area(s) (as identified on the map) shall be left in a substantially natural state. No clearing, grading, filling or construction shall occur within the tract(s) other than that specifically authorized by the City of Lacey and the (Name of Plat) homeowners' association."

15.18.050 Exemption, Corporate Membership and Responsibilities, Conditions. A subdivider who wishes to make a conveyance as permitted by Section 15.18.040, shall, at or prior to the time of filing a final plat for approval, supply the City with copies of the grantee organization's articles of incorporation and bylaws, and with evidence of the conveyance of a binding commitment to convey. The articles of incorporation shall be appurtenant to ownership of land in the subdivision; that the corporation is empowered to assess said land for costs of construction and maintenance of the improvements and property owned by the corporation; and that such assessments shall be a lien upon the land. The City may impose such other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained."

Section 18. Section 15.20.010 of the Lacey Municipal Code is hereby amended to read as follows:



15.20.010 Agreement.

A. (1) Before Council approval is certified on the final plat, the subdivider shall either install required improvements and repair any existing streets and other public facilities damaged in the development of the subdivision; or execute and file with the City an agreement between himself the subdivider and the City specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, including any extensions of time authorized by the Council, the City may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. In addition, the agreement must contain a provision whereby the subdivider will be responsible for the successful operation of all repairs to the improvements for a one-year period following their installation.

Section 19. Section 15.20.020 of the Lacey Municipal Code is hereby amended to read as follows:

15.20.020 Bond.

A. (1) The subdivider shall file with the agreement to assure his full and faithful performance thereof, one of the following:

1. (a) A surety bond executed by a surety company authorized to transact business in the State of Washington in a form approved by the city attorney.

2. (b) A personal bond approved by the city attorney cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.

3. (c) Cash.

4. (d) Letter of credit approved by the city attorney from a financial institution stating that the money is held for the purpose of development of the stated project.

B. (2) Such assurance of full and faithful performance shall be for a sum determined by the appropriate city engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses

C. (3) If the subdivider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

Section 20. Chapter 15.24 of the Lacey Municipal Code is hereby repealed.

Section 21. Chapter 15.32 of the Lacey Municipal Code is hereby repealed.

Section 22. There is hereby added to the Lacey Municipal Code a new chapter, 15.32, to read as follows:

"Chapter 15.32

SHORT PLAT

Sections:

- 15.32.010 Applicability
- 15.32.020 Exemptions
- 15.32.030 Informal Review
- 15.32.040 Consent to Access
- 15.32.050 Environmental Impact
- 15.32.060 Minimum Standards
- 15.32.070 Application
- 15.32.080 Supporting Documents
- 15.32.090 Preliminary and Final Maps
- 15.32.100 Distribution
- 15.32.110 Identification Marker Posting
- 15.32.120 Posting of Other Data and Markers
- 15.32.130 Time for Preliminary Action
- 15.32.140 Defining of Land Included in Short Subdivisions
- 15.32.150 Department Action
- 15.32.160 Conditional Approvals
- 15.32.170 Final Approval and Recording
- 15.32.180 Certificate
- 15.32.190 Certification
- 15.32.200 Treasurer's Certification
- 15.32.210 Redivisions
- 15.32.220 Zoning Effect of Final Approval
- 15.32.230 Hearings Examiner--Review
- 15.32.250 Revocation Procedure

15.32.010 Applicability. Every division of contiguous land for the purpose of lease, sale or development into two (2) or more but less than five (5) lots within the incorporated area of the City shall proceed in compliance with this Chapter.

15.32.020 Exemptions. The provisions of this Chapter shall not apply to:

A. Divisions of land due to condemnation or sale under threat thereof, by any agency or division of government vested with the power of condemnation.

B. 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.

15.32.030 Informal Review. Before making an application for short subdivision approval, the applicant may arrange to have the proposal reviewed informally by submitting one (1) copy of the proposal to the planner for a presubmission conference. The proposal should include the information required for submission of a preliminary short plat as described in Section 15.32.090.

15.32.040 Consent to Access. The subdivider shall permit free access to the land being subdivided to all agencies considering the short subdivision for the period of time extending from the time of application to the time of final action.

15.32.050 Environmental Impact. If an environmental impact statement is required on any short plat, then that plat shall not be considered as filed with the Planning Department until the final environmental impact statement has been completed.

15.32.060 Minimum Standards. Upon the following subject matters, the public use and interest shall be deemed to require as a minimum the standards set out below:

A. That each lot shall contain sufficient square footage to meet minimum zoning and health requirements.

B. Bridges and storm drainage facilities shall be subject to the approval of the city engineer.

C. Where any abutting city or county street has insufficient width to conform to minimum road width standards for the City, sufficient additional right-of-way shall be deeded to the City, if required, to conform the abutting half to such standards.

D. If the lots are to be served by septic tanks, soil data and percolation rates may be required by the Thurston County Health Department. Notations regarding the conditions for Health Department approval may be required to be inscribed upon the short plat.

E. Lots within a short subdivision shall be designed so that lots adjacent to primary and secondary arterial streets are not allowed direct access. The Public Works Director may approve access as an exception to the above requirement provided that:

1. Sight distance is proven adequate utilizing the posted speed plus ten (10) miles per hour to calculate the safe stopping distance.

2. The safety of the travelling public is not likely to be jeopardized.

3. The applicant is able to show to the satisfaction of the Director that a hardship would exist if access is not approved.

F. Access to the boundary of all short subdivisions shall be provided by an opened, constructed and maintained city street or county road.

G. The maximum number of lots that may be served by a private road shall be four (4).

H. If the subdivider uses a private street, each lot having access thereto shall have a responsibility for maintenance of such private road. Any private road shall also contain a drainage and utilities easement.

15.32.070 Application.

A. Seven (7) copies of the proposed short plat shall be submitted to the Planning Department upon forms furnished by said body who shall affix thereto a file number and the date of receipt.

B. The application shall contain the following information:

1. The name, address and telephone number of the subdivider.

2. A certification showing the entire contiguous land in which there is an interest by reason of ownership, contract for purchase, earnest money or agreement, or option by any person, firm or corporation in

any manner connected with the development, and the names, addresses and telephone numbers of all such persons, firms or corporations.

3. The existing zoning classifications.

4. The square footage computation of each lot or parcel sufficiently accurate to show that each such lot or parcel contains at least sufficient footage to meet minimum zoning and health requirements. The square footage of land contained in access panhandles shall not be included in the lot size computation.

5. The source of water supply, if any, and, if a public system is used, the name of the supplier.

6. The method of sewage disposal and, if sanitary sewer is used, then the name of the district having management over the system.

7. The names and addresses of all adjacent property owners as shown on the records of the Assessor.

15.32.080 Supporting Documents. The following documentation shall accompany each application for approval of a short plat:

A. A vicinity sketch clearly identifying the location of the property being short subdivided, the sketch having a scale of not less than three (3) inches to the mile.

B. Copies of restrictions, if any, presently encumbering the land.

C. Copies of restrictions, if any, proposed to be imposed upon the use of the land. Such restrictions, if required by the City, must be recorded either prior to or simultaneously with the moment the short plat becomes effective.

D. In any short subdivision where lots are served or to be served by a private road, the subdivider shall furnish copies of such further covenants or documents that will result in:

1. Each lot owner having access thereto having responsibility for maintenance of any private road contained within the short subdivision; and

2. Such covenants or documents shall obligate any seller to give actual notice to any prospective purchase of the method of maintenance of the private road, which notice shall be caused to be included in any deeds or contracts relating to such sale, and such covenants or documents shall be recorded either prior to or simultaneously with the moment with the short subdivision becomes effective.

E. Be accompanied by a plat certificate from a title company showing interest of the persons signing the declaration of short subdivision and showing restrictions encumbering the land.

15.32.090 Preliminary and Final Maps. A preliminary map of the proposed short plat shall be submitted for preliminary short plat approval. The preliminary map need not be based upon a survey and may be of either of the following dimensions: eight and one-half (8½) inches by fourteen (14) inches or eighteen (18) inches by twenty-four (24) inches. A final short plat map shall be prepared in accordance with the standards contained by or under the supervision of a registered land surveyor. The final and preliminary map shall contain the following information:

A. A description of the boundaries of the tract, including the objects that fix the corners, the length and direction of the lines, and the area of the tract. Also included shall be a description of the lots, tracts or parcels together with the legal description of the private roads and easement therein, all prepared or approved and sealed by a registered land surveyor.

In addition, where it differs from the description of the short subdivision, a legal description of the contiguous land owned by the subdivider.

B. The date, scale and north arrow.

C. The boundary lines to scale of the tract to be subdivided and each lot contained therein.

D. The number assigned to each lot.

E. The location and widths of any easements and rights-of-way for public services or utilities within the area contained within the short subdivision.

F. The boundaries of all lands reserved in the deeds for the common use of the property owners of the short subdivision.

G. The location of permanent features outside the land to be subdivided which will have an impact upon the short subdivision, such as all existing or platted streets and roads adjacent to the short subdivision, watercourse, railroad rights-of-way, all utility rights-of-way, township lines and section lines.

H. The location of existing houses and outbuildings, with notation as to type of structure, sufficiently accurate to ensure compliance with setback requirements.

15.32.100 Distribution.

A. The Planning Department shall distribute one (1) copy of the short plat to each of the following:

1. Thurston County Health Department;
2. Public Works Department;
3. Thurston County Assessor's Office;

4. Any other federal, state or local agencies as may be relevant;

5. Thurston County Fire District #3.

B. The Planning Department shall set a date for return of findings and recommendations from each relevant agency, the date to be ten (10) working days from the date of the application.

15.32.110 Identification Marker Posting. The subdivider shall, for identification purposes only, cause markers of a type approved by the Planning Department to be placed upon each of the approximate road frontage corners of the subject land and maintain them thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks of the proposed short subdivision.

15.32.120 Posting of Other Data and Markers. Where other data or where identification markers are found necessary by any relevant agency to assist it in making its determination, such data and markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies.

15.32.130 Time for Preliminary Action. When the planner has received a complete application, the planner shall approve, disapprove or return the application to the applicant for modification or correction within thirty (30) days.

15.32.140 Defining of Land Included in Short Subdivisions. Where a subdivider owns not less than one-eighth (1/8) of a section or eighty (80)

acres, the boundaries may be defined to include not less than one-sixteenth (1/16) of a section or forty (40) acres; provided, that no increment of land containing less than one-sixteenth (1/16) of a section or forty (40) acres, remains; and provided further, the definition provides proper access to the remaining parcel.

15.32.150 Department Action.

A. The Planning Department shall consider and review the proposed short subdivision with regard to:

1. Its conformance to the general purposes of the Development Plan and planning standards and specifications as adopted by the laws of the State of Washington and the City of Lacey.

2. Whether appropriate provisions are made for: Drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes.

3. The physical characteristics of the short subdivision site and may disapprove because of flood, inundation or swamp conditions. Construction of protective improvements as a condition of approval may be required.

4. All other relevant facts to determine whether the public use and interest will be served by the short subdivision.

B. The Planning Department may:

1. Approve the preliminary short plat with or without conditions; or

2. Return the short plat to the applicant for correction or for applicant's construction of improvements in a manner consistent with the department findings; or

3. Disapprove the short subdivision and the short plat thereof; or

4. Submit the proposed short plat to the Hearings Examiner for consideration.

15.32.160 Conditional Approvals. When the adopted recommendations require the meeting of conditions, construction of improvements or corrections, or time is necessary for improvements or corrections, or time is necessary for the obtaining of required certifications, then the approval action shall be conditional approval which shall, at the option of the approving body, be conditioned upon fulfillment prior to the final approval of a building permit or upon fulfillment within six (6) months, then upon application within the time period and upon good cause shown, the approving body may grant one six (6) month time period.

15.32.170 Final Approval and Recording. When the short plat meets all the requirements thereof and will serve the public use and interest and the subdivider has provided all of the required documentation and certification, then written approval shall be inscribed upon the face of the short plat. The action approving a short plat shall become effective if, within five (5) working days, the applicant shall have filed for record with the Auditor a declaration of short subdivision. The original declaration of short plat upon recording shall be processed in accordance with procedures established regarding plats.

15.32.180 Certificates. The following declarations and certificates must be obtained prior to final approval of the short subdivision:

A. A declaration of short subdivision.



B. Certification of approval by the Planning Department given when it finds the short plat serves a public use and interest and complies with all adopted recommendations for approval.

15.32.190 Certification. The written approval of the Planning Department or the Hearings Examiner, if the Examiner renders the decision, shall be inscribed on the face of the final short plat. The plat shall also contain the inscription of the surveyor that the map correctly represents a survey made by or under his supervision. If the short plat contains a private road, there shall also be inscribed on the face of the short plat the following language:

NOTICE: The City of Lacey has no responsibility to build, improve, maintain or otherwise service the private roads within or providing access to the property described in this short plat.

15.32.200 Treasurer's Certification. No final short plat shall be filed with the Auditor until the Treasurer has certified that all delinquent taxes and assessments on the property as of the date of filing have been paid.

15.32.210 Redivisions. Land within a short subdivision, the short plat of which has been approved within five (5) years immediately preceding, may not be further divided in any manner until a final plat thereof has been approved and filed for record pursuant to the regulations concerning the subdivision of property into five (5) or more lots, tracts or parcels.

Where there have been no sales of any lots in a short subdivision, nothing contained in this section shall prohibit a subdivider from completely withdrawing the entire short plat and thereafter presenting a new application.

15.32.220 Zoning Effect of Final Approval. Any lots in a short subdivision shall be a valid land use notwithstanding any change in zoning laws for a period of five (5) years from the effective date of final approval.

15.32.230 Appeal to the Hearings Examiner. Any person aggrieved by the decision of the Planning Department may request a review of that decision by the Hearings Examiner. Such request must be made in writing within ten (10) working days from the date the Planning Department's written decision is made.

15.32.250 Revocation Procedure. Prior to the revocation of any approved short plat, notice will be mailed to the subdivider at the address listed on the application form setting a date and time not less than fifteen (15) days or more than thirty (30) days after date of mailing where the matter will be considered by the City Council. Issuance of or final approvals of any building permits may be withheld until action on the proposed revocation is completed. Appropriate administrative or legal action may be taken after the meeting date provided for herein. If it is determined that such is necessary to prevent imminent sales, legal action may be instituted without notice by the City."

Section 23. Section 15.36.020 of the Lacey Municipal Code is hereby repealed:

Section 24. Section 15.36.020 of the Lacey Municipal Code is hereby added:

15.36.020 Purpose.

A. The City Council finds that storm water control facilities within subdivisions of the City must be adequately maintained and in some circumstances improved in order to protect property and persons within the subdivisions and also to protect property and persons outside of the subdivision from the effect of storm, flood or surplus storm and surface waters. The City currently requires the construction of adequate storm water control facilities in accordance with the standards of the City but existing means of enforcing maintenance and adequate operation of said facilities by private property owners or homeowners' associations within subdivisions are not sufficient to accomplish this purpose.

B. The City Council also finds that open space, park and recreation facilities within subdivisions of the City must be adequately maintained and operated in a manner which will be a benefit of residents within their subdivisions as well as all residents of the City to promote public health and safety. The City currently requires open space, park and recreation facilities to be set aside and constructed as part of subdivision approval by the City and such requirements are necessary in order to provide for the recreational development and leisure time activities of members of the community and to provide for the preservation of natural resources and aesthetic attributes of subdivisions, but existing means of maintenance of said facilities by private homeowners and homeowners' associations are not sufficient to accomplish this purpose.

Section 25. Section 15.36.030 of the Lacey Municipal Code is hereby amended to read as follows:

15.36.030 Community Facilities Committee. There is established within the City a community facilities committee consisting of a director of parks and recreation, the director of public works and the Lacey staff planner. The powers and functions of said committee shall be as follows:

A.{1} The committee shall review the preliminary plat of each proposed subdivision and advise the ~~Planning Commission and~~ City Council as to whether the community facilities proposed in said subdivision are acceptable for inclusion within a community facilities district; what changes, if any, will be necessary to make the proposed facilities acceptable for inclusion; and any additional facilities which should be constructed or reserved within the subdivision for inclusion in a community facilities district.

B.{2} The committee shall review all applications from homeowners' associations or a majority of the lot owners in subdivisions which existed prior to July 8, 1979, for the inclusion of community facilities within said subdivisions in a community facilities district and recommend to the City Council whether or not such facilities should be accepted by the City for inclusion in a community facilities district.

C.{3} The committee shall, subject to the legislative policy of the City Council and the administrative policy of the city manager, make all necessary decisions regarding existing community facilities districts including, but not limited to, the frequency and amount of maintenance required for said facilities, the improvement or expansion of said facilities, and the recommended rates and charges to be paid by the property owners within said districts for the costs of such maintenance, operation and improvement.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,  
WASHINGTON, this 28<sup>th</sup> day of October, 1982.

CITY COUNCIL

By MDB  
Mayor

ATTEST:

Timothy McGinnis  
City Clerk

APPROVED AS TO FORM:

Ray  
City Attorney

Passed: 10-28-82

Published: 11-3-82