

ORDINANCE

744

CITY OF LACEY

AN ORDINANCE READOPTING TITLE 15 OF THE LACEY MUNICIPAL CODE AND EACH OF THE CHAPTERS WITHIN SAID TITLE RELATING TO THE SUBDIVIDING OF LAND WITHIN THE CITY, AND INCLUDING PROVISIONS FOR COMMUNITY FACILITIES RELATING TO PLATS WITHIN THE CITY

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting Title 15 of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said Title solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

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

Section 1. Title 15 of the Lacey Municipal Code is hereby readopted to read as follows:

Title 15SUBDIVISIONSChapters:

<u>15.04</u>	<u>General Provisions</u>
<u>15.08</u>	<u>Definitions</u>
<u>15.10</u>	<u>Design Standards</u>
<u>15.12</u>	<u>Preliminary Plat</u>
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<u>15.18</u>	<u>Dedications--Plats and Short Plats</u>
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Chapter 15.04GENERAL PROVISIONSSections:

15.04.010	Title.
15.04.020	Purpose.
15.04.030	General scope.
15.04.040	Specific exemptions.
15.04.050	Regulations mandatory.
15.04.070	Administration.

15.04.010 Title. This title shall be known as the city of Lacey platting and subdivision ordinance. (Ord. 349 §1.01, 1974).

15.04.020 Purpose. These regulations are for the purpose of regulating the subdivision of land and to promote the public health, safety and general welfare in accordance with established standards to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; promote the proper arrangement and provision of streets, lots, easements, pathways and other private or public ways; providing for adequate and convenient provision of open spaces, utilities, recreation and access for service and emergency vehicles; providing for adequate provision of water, drainage, sewer and other public facilities; to encourage the most appropriate use of land; to promote a coordination of development as land develops; to conserve and restore natural beauty and

other natural resources to maintain and perpetuate environmental quality; and to require uniform monumenting of land subdivisions and conveyance by accurate legal description. (Ord. 349 §1.02, 1974).

15.04.030 General scope. Subdivisions, resubdivisions, and short subdivisions created for the purpose of partitioning land shall be reviewed in accordance with these regulations. (Ord. 660 §1, 1982; Ord. 549 §4(part), 1979; Ord. 349 §1.03.01, 1974).

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

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions made by testamentary provisions or the laws of descent;

C. Assessor's plats made in compliance with RCW 58.18-.010, RCW 58.17.240, and RCW 58.17.250;

D. 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.

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 RCW Chapter 64.32 (condominiums) and for which a binding site plan has been approved pursuant to Chapter 16.84 of this 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 of this 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. (Ord. 660 §2, 1982: Ord. 349 §1.03.02, 1974).

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. (Ord. 660 §5, 1982).

15.04.070 Administration. The Lacey planning department, hereinafter referred to as the "planner" is vested with the duty of administering subdivision and platting regulations within the recorded limits of the city, and may prepare and require the use of such forms as are essential to the administration of this title. (Ord. 349 §1.05, 1974).

Chapter 15.08DEFINITIONSSections:

15.08.010 Construction.

15.08.020 Definitions.

15.08.010 Construction. For the purpose of this title certain words and terms are defined in this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular term shall include the plural and the plural the singular; the word "shall" is always mandatory and the word "may" denotes a use of discretion. (Ord. 349 Ch. 2(part), 1974).

15.08.020 Definitions. A. "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 lot, tract or parcel being less in width than the minimum lot width allowed under the applicable zoning.

B. "Alley" means a passage or way, having a width of not more than twenty feet, nor less than ten 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. "Auditor" means the auditor of Thurston County, Washington.

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

E. "Buildable lot" means a lot meeting all of the requirements of size, shape, frontage, sanitation, etc., conatined in this title and other ordinances of the city, for any specific type of development.

F. "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 hearings examiner when certain conditions exist which make special setbacks necessary.

G. "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. "City" means the city of Lacey, Washington.

I. City Officials. The word "council" means the Lacey city council. The word "planner" means the Lacey planning department. The word "city engineer" means the engineer or

director of public works of the city. "Health officer" means health officer of the Thurston County health department.

J. "Development plan" means a plan adopted by the city council as a guide to the growth and improvement of the city, including modifications or refinements which may be made from time to time.

K. "County" means the county of Thurston, state of Washington.

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

M. "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 legal description of the tract being divided;
2. A survey map;
3. 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. "Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to 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. "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. "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. "Final plat" means the final drawing of the subdivision and the 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. "Flooding" means the inundation of an area of land that is not usually under water.

S. "Lot" means a fractional part of divided 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. "Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch or government, or any other group or combination acting as a unit.

V. "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. "Preliminary approval" means the official action 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. "Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

Y. "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. "Right-of-way" means the area between boundary lines of a street, alley or easement.

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

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

CC. "Short subdivision" means every division or resubdivision of contiguous land into four or less lots, tracts, parcels, sites, or subdivisions for the purpose of transfer of ownership, sale, or lease.

Chapter 15.10DESIGN STANDARDSSections:

- 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. (Ord. 660 §7(part), 1982).

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 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 shall be connected by a curve of at least one hundred feet radius for minor streets and at least three hundred feet radius for major streets. A tangent at least one hundred 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 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 feet shall be avoided.

H. Centerline offsets on opposite sides of arterial streets shall not be located between thirty feet and two hundred 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 on any street and not more than nine percent for arterial streets or twelve percent for collectors or fifteen percent for local access roads.

J. A street lying along the boundary of a subdivision may be dedicated one-half 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. (Ord. 660 §7(part), 1982).

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 alongside 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 feet wide, shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping center, transportation and other community facilities. (Ord. 660 §7(part), 1982).

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 ordinary block lengths shall not exceed fifteen hundred feet or be less than five hundred feet.

B. Except for reverse-frontage parcels, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed that is normally not less than two hundred feet for the sum of two lot depths. (Ord. 660 §7(part), 1982).

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 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 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. (Ord. 660 §7(part), 1982).

15.10.060 Open space/park. The minimum usable open space/park area for residential subdivisions shall be ten percent of the total site. (Ord. 660 §7(part), 1982).

15.10.070 Other standards. Street light, street sidewalk, curb and gutter, waterline, sewer line and storm drainage standards shall be developed as required in accordance with other provisions of this code. (Ord. 660 §7(part),

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. (Ord. 660 §9(part), 1982).

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 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-day period shall not include the time spent preparing and circulating the environmental impact statement. (Ord. 660 §9(part), 1982).

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. (Ord. 660 §9(part), 1982).

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. (Ord. 660 §9(part), 1982).

15.12.060 Specific requirements. A. 1. The preliminary plat shall show specifically and clearly all of the following features and information on one 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 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 feet to the inch, nor less than two hundred 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 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. 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. (Ord. 660 §9(part), 1982).

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 No. 3, one copy;
- D. Lacey parks and recreation department, one copy;
- E. North Thurston School District No. 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 feet of a county road right-of-way, one copy;
- K. State Department of Transportation, when such plats are located within three hundred 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. (Ord. 660 §9(part), 1982).

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 to the planning department through the United States mail not less than ten days prior to the date of hearing to the adjacent landowners within three hundred 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 days prior to the date of hearing;

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

D. Notice to the state Department of Transportation on every proposed subdivision located within three hundred 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 RCW Chapter 86.16;

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 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. (Ord. 660 §9(part), 1982).

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. (Ord. 660 §9 (part), 1982).

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 chapter, 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 non-motorized 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. (Ord. 660 §9(part), 1982).

15.12.110 Hearings examiner report to city council.

Not later than three 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. (Ord. 660 §9(part), 1982).

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 nor longer than twenty 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. (Ord. 660 §9(part), 1982).

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. (Ord. 660 §9(part), 1982).

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. (Ord. 660 §9(part), 1982).

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 days of said action. The action of the council shall be noted on two copies of the preliminary plat, including reference to any attached documents describing conditions imposed by the council. The planner shall return one copy to the subdivider and retain one copy for the permanent file. (Ord. 660 §9 (part), 1982).

15.12.160 Duration of approval. Approval of the preliminary plat shall be effective for three 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 days before the expiration of this three-year period, shall be granted a 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-year period.

Provided further, an applicant who files a written request with the planning department prior to the expiration of the one one-year time extension may be granted additional extension(s) for not more than one year at a time by the hearings examiner. If this additional extension of time is approved, the preliminary plat shall be subject to all new and amended regulations, requirements, policies or standards which are adopted or in effect at the time the additional extension is granted.

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, 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 or any prior extensions, whichever is applicable. (Ord. 683 §1, 1983; Ord. 660 §9(part), 1982).

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. (Ord. 660 §9 (part), 1982).

Chapter 15.16

FINAL PLAT

Sections:

- 15.16.010 Submission.
- 15.16.020 Specific requirements.
- 15.16.030 Permanent control monuments.
- 15.16.040 Survey of subdivision and preparation of plat.

Sections: (Continued)

- 15.16.050 Drafting standards.
- 15.16.060 Approval.
- 15.16.070 Plats within flood zone.
- 15.16.075 Plats containing private streets.
- 15.16.080 Filing for record.
- 15.16.090 Filing by subdivider.
- 15.16.100 Dedications--Requirements.
- 15.16.150 Composition.

15.16.010 Submission. Within three 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. Seven dark line prints shall be submitted to the planner. (Ord. 660 §10, 1982: Ord. 349 §4.01, 1974).

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 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. Names, addresses, and phone numbers of the owner, subdivider, engineer, and/or surveyor;
- C. A copy of any deed restrictions applicable to the subdivision;
- D. A copy of any dedication requiring separate documents;
- E. A certificate by the city engineer that the subdivider has complied with one of the following:
 - 1. 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. An agreement has been executed as provided for in Section 15.20.020 to assure completion of required improvements;
- F. The date, scale, north arrow, legend, controlling topography and existing features such as highways and railroads;
- G. Legal description of the tract boundaries;
- H. Reference points and lines of existing surveys identified, related to the plat as follows:
 - 1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision,

2. Adjoining corners of adjoining subdivisions,
3. City or county boundary lines when crossing or adjacent to the subdivision,
4. Section and donation land claim lines within and adjacent to the plat,
5. 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. All other monuments found or established in making the survey of this subdivision or required to be installed by provisions of this title;
 - I. Mathematical boundary closures of the subdivision showing the error of closure, if any;
 - J. The mathematical lot closures and street centerline closures, and square footage of each parcel;
 - K. The exact location and width of streets and easements intersecting the boundary of the tract;
 - L. 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 foot;
 - M. The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on 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. 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. 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. Land parcels to be dedicated for any purpose, public or private shall be distinguished from lots intended for sale;
 - Q. The following certificates may be combined where appropriate:
 1. 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. 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. A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map,

4. Other certifications now or hereafter required by law;

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

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

1. 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. 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 foot in five thousand feet.

3. Be acknowledged by the person filing the plat before the auditor, or any other officer who is authorized by law to take acknowledgement of deeds, and a certificate of the acknowledgement shall be enclosed or annexed to such plat and recorded therewith.

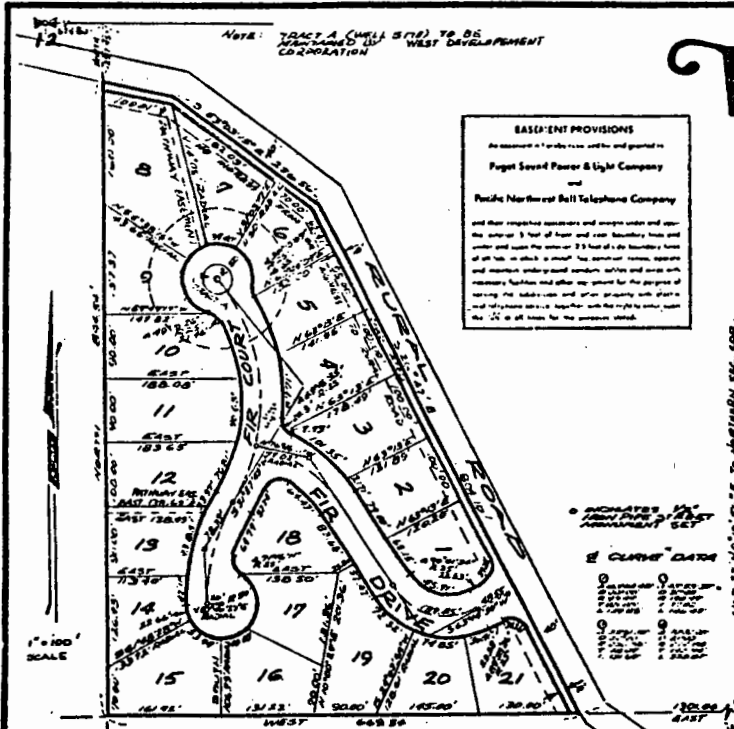
4. Contain a certification from the Thurston County treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged. (Ord. 660 §11, 1982; Ord. 349 §4.02, 1974).

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 city shall determine the number and location of permanent control monuments within the plat, if any. (Ord. 660 §12, 1982: Ord. 349 §4.03, 1974).

15.16.040 Survey of subdivision and preparation of plat.
The survey of the proposed subdivision and preparation of the

Woodsfir Acres



BASIS-ENT PROVISIONS
 An easement in fee simple and fee granted to
 Puget Sound Power & Light Company
 and
 Pacific Northwest Bell Telephone Company
 and their respective successors and assigns under and upon
 the surface 5 feet of base and one foot below the top
 corner and upon the surface of 12 feet of the boundary line
 of all lots in which a street, highway, tunnel, aqueduct
 and various other public utilities and service
 conduits, facilities and other appurtenances for the purpose of
 serving the public use and interest with electric
 and telephone service together with the right to install, maintain
 and use all lines for the purposes stated.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, JOHN DOE, PRESIDENT, AND JOE SMITH, VICE PRESIDENT, OF WOODSFIR ACRES, A WASHINGTON CORPORATION, OWNER IN FEE SIMPLE OF THE LAND HEREBY PLATTED HEREBY DEDICATE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES, DRIVES, COURTS, ETC. SHOWN ON THIS PLAT FOR ANY AND ALL PUBLIC PURPOSES CONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES; ALSO, THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS OR FILLS UPON THE LOTS SHOWN ON THIS PLAT IN THE REASONABLE ORIGINAL GRADINGS OF ALL STREETS, AVENUES, DRIVES, COURTS, ETC. SHOWN HEREOF.

COVENANTS AND RESTRICTIONS ARE HEREBY IMPOSED UPON THE ENTIRE TRACT OF LAND HEREBY PLATTED AS SAPE ARE RECORDED UNDER AUDITOR'S FILE NUMBER _____ RECORDS OF THURSTON COUNTY, WASHINGTON.

IN WITNESS WHEREOF WE HAVE SET OUR HANDS THIS _____ DAY OF _____, A.D. 19____.

 JOHN DOE, PRESIDENT JOE SMITH, VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF WASHINGTON S.S.
 COUNTY OF THURSTON

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, A.D. 19____, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED JOHN DOE AND JOE SMITH, TO BE KNOWN TO BE PRESIDENT AND VICE-PRESIDENT RESPECTIVELY OF WOODSFIR ACRES, A CORPORATION, THE CORPORATION THAT EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT SAID DEDICATION IS THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED AND ON OATH STATED THAT THEY WERE AUTHORIZED TO EXECUTE SAID DEDICATION.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

 NOTARY PUBLIC IN AND FOR THE STATE OF
 WASHINGTON RESIDING IN _____

APPROVALS

SIGNED AND APPROVED:

_____	DATE: _____
THURSTON COUNTY ENGINEER	_____
_____	DATE: _____
THURSTON COUNTY HEALTH OFFICER	_____
_____	DATE: _____
THURSTON COUNTY JESSEOR	_____
I HEREBY CERTIFY THAT ALL TAXES ON THE PROPERTY SHOWN HEREOF HAVE BEEN PAID, SIGNED AND APPROVED THIS _____ DAY OF _____, A.D. 19____.	
_____	THURSTON COUNTY TREASURER
_____	DATE: _____
THURSTON COUNTY PLANNING DIRECTOR	_____
_____	DATE: _____
CHAIRMAN, BOARD OF THURSTON COUNTY COMMISSIONERS	_____

DESCRIPTION
 LOT 4 OF THE PLAT OF AHD CITY AS RECORDED IN VOLUME 3 OF PLATS AT PAGE 43, RECORDS OF THURSTON COUNTY

CERTIFICATE OF SURVEYOR

I, JOHN G. SURVEYOR, HEREBY CERTIFY THAT THIS PLAT OF WOODSFIR ACRES IS BASED UPON AN ACTUAL FIELD SURVEY IN SECTION 17, TOWNSHIP 13 NORTH, RANGE 1 WEST, WILLMETTE MERIDIAN, THAT THE COURSES AND DISTANCES SHOWN HEREON ARE CORRECT, THAT THE MONUMENTS HAVE BEEN SET AND LOT CORNERS SET ON THE GROUND WITH IRON PIPES.

DATE: _____
 JOHN G. SURVEYOR, REGISTERED PROFESSIONAL LAND SURVEYOR

FILED FOR RECORD AT THE REQUEST OF _____ THIS _____ DAY OF _____, A.D. 19____, AT _____ MINUTES PAST _____ O'CLOCK _____, A.M. RECORDED IN VOLUME _____ OF PLATE AT PAGE _____, RECORDS OF THURSTON COUNTY, WASHINGTON.

 THURSTON COUNTY AUDITOR BY: _____ DEPUTY

plat shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. (Ord. 349 §4.04, 1974).

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

A. The final plat shall be clearly and legibly drawn in permanent black ink upon mylar.

B. The scale of the plat shall be not less than one inch equals two hundred 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. The size of each sheet shall be eighteen by twenty-four inches.

D. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of three inches on the left side, and one-half inch on each of the other three sides.

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

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

G. All signatures placed on the final plat shall be original signatures written in permanent black ink. (Ord. 660 §13, 1982; Ord. 349 §4.05, 1974).

15.16.060 Approval. 1. Upon receipt of the final plat and accompanying data, the staff of the planning and engineering and health departments shall review the final map and documents to determine that the plan conforms with the approved preliminary plat, and that there is compliance with provisions of the law and of this title. The staff may make checks in the field to verify that the map is sufficiently correct on the ground, and may enter the property for this purpose.

2. If the city engineer and planner and health department determine that the final plat conforms fully with all applicable regulations and standards, they shall then affix their signatures thereto.

3. After being approved as required above, the final plat shall be presented to the city council. After finding that the final plat has been completed in accordance with the provisions of this title, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the mayor shall sign the final

plat accepting such dedications and easements as may be included thereon, and the final plat shall be returned to the applicant for filing for record with the county auditor as provided in Section 15.16.070.

4. Final plats shall be approved, disapproved or returned to the applicant within thirty days from the date of filing with the planner thereof, unless the applicant consents to an extension of such time period. (Ord. 349 §4.06, 1974).

15.16.070 Plats within flood zone. No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without the proper written approval of the Department of Ecology, state of Washington. (Ord. 349 §4.07, 1974).

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." (Ord. 660 §14, 1982).

15.16.080 Filing for record. The original of the final plat shall be filed for record with the auditor. One reproducible copy 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 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 and 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. (Ord. 660 §15, 1982: Ord. 349 §4.08, 1974).

15.16.090 Filing by subdivider. Approval of the final plat shall be null and void if the plat is not recorded within thirty days after the date the last required signature has been obtained. (Ord. 349 §4.08.01, 1974).

15.16.150 Composition. a. Dedication. The completed plat ~~must contain a dedication~~ which shall read as follows; or as approved by the planner.

"Know all men by these presents that we, the under-
signed, _____, owners in fee simple of
the land hereby platted, hereby declare this plat and dedi-
cate to the use of the public forever, all streets, avenues,
places and sewer easements or whatever public property there
is shown on plat and the use thereof for any and all public
purposes not inconsistent with the use thereof for public
highway purposes; also, the right to make all necessary
slopes for cuts or fills upon the lots, blocks, tracts,
etc., shown on this plat in the reasonable original grading
of all streets, avenues, places, etc., shown thereon."

"IN WITNESS WHEREOF we have set our hands and seals
this _____ day of _____, 19____.

"Signed and sealed in the presence of

"

b. Acknowledgement. The completed plat must show an
acknowledgement in the following form, or as approved
by the planner.

STATE OF WASHINGTON)
COUNTY OF THURSTON) ss

This is to certify that on this _____ day of _____
A.D., 19__ before me, the undersigned, a
Notary Public, personally appeared _____
to me known to be the person who executed the fore-
going dedication and acknowledged to me that _____
signed and sealed the same as _____ free and voluntary
act and deed for uses and purposes therein mentioned.

Witness my hand and official seal the day and year
first above written.

(S E A L)

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

c. Certificate--Land Surveyor. The completed plat
must show certificate from engineer or land surveyor who
platted the property in the following form, or as approved
by the planner.

"I hereby certify that the plat of _____ is
based upon an actual survey and subdivision of a portion of
Section _____, Twp _____, Range _____ E or W, W.M.;
that the distances and courses shown thereon are correct;
that the monuments have been set and lot and block corners
staked on the ground."

1. Certificate--City Engineer.

Examined and Approved this _____ day of _____ A.D.,
19____.

City Engineer

2. Certificate--Health Officer.

Examined and Approved this _____ day of _____ A.D.,
19____.

Title

3. Certificate--Assessor.

Examined and Approved this _____ day of _____ A.D.,
19____.

Thurston County Assessor

4. Certificate--Treasurer.

I hereby certify that all taxes on the land described hereon have been fully paid to and including the year _____.

Treasurer, Thurston County

5. Certificate--Planning Director.

Examined and Approved this _____ day of _____ A.D., 19____.

Planning Director

6. Certificate--Mayor for Lacey City Council.

Examined and Approved this _____ day of _____ A.D., 19____.

Lacey City Council
By _____
Mayor

ATTEST:

County Auditor and Ex-Officio
Clerk of County Commissioners

7. Certificate--County Auditor.

Filed for record at the request of this _____ day of _____, 19____ at _____ minutes past _____ o'clock _____ M, and recorded in Volume _____ of Plats, on Page _____, records of Thurston County, Washington.

Thurston County Auditor

Deputy Auditor

(Ord. 349 \$4.10, 1974).

Chapter 15.18DEDICATIONS--PLATS AND SHORT PLATSSections:

- 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. (Ord. 660 §17(part), 1982).

15.18.020 Shown on plat. All dedications of land shall be clearly and precisely indicated on the face of the plat. (Ord. 660 §17(part), 1982).

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. (Ord. 660 §17(part), 1982).

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 land to be conveyed to a homeowners' association or similar non-profit 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." (Ord. 660 §17(part), 1982).

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. (Ord. 660 §17(part), 1982).

Chapter 15.20

IMPROVEMENTS

Sections:

- 15.20.010 Agreement.
- 15.20.020 Bond.

15.20.010 Agreement. A. Before council approval is certified on the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or execute and file with the city an agreement between 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. (Ord. 660 §18, 1982: Ord. 349 Ch. 5(part), 1974).

15.20.020 Bond. A. The subdivider shall file with the agreement to assure full and faithful performance thereof, one of the following:

1. 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. A personal bond approved by the city attorney co-signed 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. Cash;

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

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

C. 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. (Ord. 660 §19, 1982: Ord. 349 §5.01, 1974).

Chapter 15.28

FEES, VARIANCES, EXCEPTIONS AND ENFORCEMENT

Sections:

- 15.28.010 Fees.
- 15.28.020 Variance--Determination.
- 15.28.030 Variance--Land use hearing examiner action.
- 15.28.040 Variance--Council action.
- 15.28.050 Restrictions on other permits.

15.28.010 Fees. The fees to be paid to the city at the time of submission of plats for approval shall be established by resolution of the city council. All fees paid shall be nonrefundable. (Ord. 666 §36, 1982: Ord. 516 §4, 1979: Ord. 349 §7.01, 1974).

15.28.020 Variance--Determination. The city council, upon recommendation of the land use hearing examiner, may grant conditional variances to the requirements of this title. Application for a variance to this title shall be made by petition by the subdivider, stating fully the necessity of the variance and the specific requirements for which the

variance is requested. Before a variance may be granted, it shall first be determined:

A. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same district and that literal interpretation of the provisions of this title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title.

B. That the special conditions and circumstances do not result from the actions of the applicant.

C. That granting of the variance requested will not confer a special privilege to subject property that is denied other lands in the same district.

D. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.

E. A finding shall further be made that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land.

F. A finding shall further be made that the granting of the variance will be in harmony with the general purpose and intent of this title and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

G. The fact that property may be utilized more profitably will not be an element of consideration.

H. Before granting any variance, appropriate conditions and safeguards may be prescribed that will ensure that the purpose and intent of this title shall not be violated. Violation of such conditions and safeguards when made part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under Chapter 1.12.

If a variance is in conjunction with a preliminary plat, it shall be so stated in the public notice of hearing. A separate hearing shall be held for all other requests for variances. (Ord. 549 §4(part), 1979: Ord. 349 §7.02, 1974).

15.28.030 Variance--Land use hearing examiner action. In recommending a variance, the land use hearing examiner shall make a written record of findings and shall specifically describe the variance and any conditions which the examiner may designate. The hearing examiner shall keep the findings on file as a matter of public record. (Ord. 549 §4(part), 1979: Ord. 349 §7.02.01, 1974).

15.28.040 Variance--Council action. Upon receipt of the recommendation of the land use hearing examiner, the council shall act upon the variance in the same manner as authorized in Section 15.12.110. (Ord. 549 §4(part), 1979; Ord. 349 §7.02.02, 1974).

15.28.050 Restrictions on other permits. 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 Chapter 58.17 RCW or this title unless the official authorized to issue such permit finds that the public interest shall not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. (Ord. 349 §7.03, 1974).

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 Certificates.
- 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 Appeal to the hearings examiner.
- 15.32.250 Revocation procedure.

15.32.010 Applicability. Every division of contiguous land for the purpose of lease, sale or development into two or more but less than five lots within the incorporated area of the city shall proceed in compliance with this chapter. (Ord. 660 §22(part), 1982).

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. (Ord. 660 §22(part), 1982).

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 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. (Ord. 660 §22(part), 1982).

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. (Ord. 660 §22(part), 1982).

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. (Ord. 660 §22(part), 1982).

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. 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 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.

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. (Ord. 660 §22(part), 1982).

15.32.070 Application. A. Seven 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. (Ord. 660 §22(part), 1982).

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 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. (Ord. 660 §22(part), 1982).

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 inches by fourteen inches or eighteen inches by twenty-four 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. (Ord. 660 §22(part), 1982).

15.32.100 Distribution. A. The planning department shall distribute one 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 No. 3.

B. The planning department shall set a date for return of findings and recommendations from each relevant agency, the date to be ten working days from the date of the application. (Ord. 660 §22(part), 1982).

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. (Ord. 660 §22(part), 1982).

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. (Ord. 660 §22(part), 1982).

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 days. (Ord. 660 §22(part), 1982).

15.32.140 Defining of land included in short subdivisions. Where a subdivider owns not less than one-eighth of a section or eighty acres, the boundaries may be defined to include not less than one-sixteenth of a section or forty acres; provided, that no increment of land containing less than one-sixteenth of a section or forty acres, remains; and provided further, the definition provides proper access to the remaining parcel. (Ord. 660 §22(part), 1982).

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. (Ord. 660 §22(part), 1982).

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 months, then upon application within the time period and upon good cause shown, the approving body may grant one six-month time period. (Ord. 660 §22(part), 1982).

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 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. (Ord. 660 §22(part), 1982).

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. (Ord. 660 §22(part), 1982).

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.

(Ord. 660 §22(part), 1982).

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. (Ord. 660 §22(part), 1982).

15.32.210 Redivisions. Land within a short subdivision, the short plat of which has been approved within five 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 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. (Ord. 660 §22 (part), 1982).

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 years from the effective date of final approval. (Ord. 660 §22(part), 1982).

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 working days from the date the planning department's written decision is made. (Ord. 660 §22(part), 1982).

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 days or more than thirty 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. (Ord. 660 §22(part), 1982).

Chapter 15.36

COMMUNITY FACILITIES

Sections:

- 15.36.010 Definitions.
- 15.36.020 Purpose.
- 15.36.030 Community facilities committee.
- 15.36.040 Form of statement required on plats in community facilities districts.

Sections: (Continued)

- 15.36.050 Existing subdivisions and planned unit developments.
- 15.36.060 Advisory committees.
- 15.36.070 Service fees and charges.
- 15.36.080 Lien for delinquent service fees and charges.

15.36.010 Definitions. The following words and phrases, when used in this chapter, have the meanings as set out in this section:

A. "Community facility" or "community facilities" means stormwater control facilities or open space, park and recreation facilities, or any combination thereof.

B. "Open space, park and recreation facilities" means any public facility, improvement, development, property or right or interest therein for public park, recreational, greenbelt, arboretum, athletic, historic, scenic viewpoint, aesthetic, ornamental or natural resource preservation purposes and shall include the surface land over interim common sewerage facilities.

C. "Planned unit development" includes planned residential developments in accordance with Chapter 16.56 and similar developments of a nonresidential nature.

D. "Stormwater control facilities" means any facility, improvement, development, property or interest therein, made, constructed or acquired for the purpose of controlling or protecting life or property from any storm, waste, flood or surplus waters wherever located. (Ord. 535 §1(part), 1979).

15.36.020 Purpose. A. The city council finds that stormwater 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 stormwater 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. (Ord. 660 §24, 1982).

15.36.030 Community facilities committee. There is established within the city a community facilities committee consisting of the 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. The committee shall review the preliminary plat of each proposed subdivision and advise the 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. 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. 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. (Ord. 660 §25, 1982: Ord. 535 §1(part), 1979).

15.36.040 Form of statement required on plats in community facilities districts. All final plats filed after July 8, 1979, where the city council has required community facilities therein to be part of a community facilities district shall contain on the face of the plat in a manner which will bind all property owners and future property owners of land within the plat a statement substantially as follows:

"All land area within the boundaries of this plat is within a Community Facilities District of the City of Lacey and all saleable lots are subject to all service fees and charges which may be levied by the City of Lacey for the maintenance, operation and improvement of community facilities and for liens for any unpaid service fees or charges." (Ord. 535 §1(part), 1979).

15.36.050 Existing subdivisions and planned unit developments. The city council may establish by ordinance a community facilities district within a subdivision or planned unit development which existed prior to July 8, 1979, after receiving recommendations from the community facilities committee and holding a public hearing upon application of a homeowners' association or other regularly constituted body representing the property owners within the affected area or upon the receipt of an application signed by the owners of more than 50 percent of the lots within a subdivision. (Ord. 535 §1(part), 1979).

15.36.060 Advisory committees. The property owners within a subdivision or planned unit development which contains a community facilities district may elect or appoint an advisory committee. The duty of such advisory committee shall be to advise the community facilities committee as to the wishes and needs of residents of the subdivision or planned unit development regarding maintenance, operation and improvement of community facilities within their subject area. (Ord. 535 §1(part), 1979).

15.36.070 Service fees and charges. The city council shall fix service fee rates and charges for the furnishing of maintenance and operation services and for the making of improvements for all community facilities within each community facilities district after receiving recommendation of such fees and charges from the community facilities committee. In fixing rates and charges, the council may consider services furnished or to be furnished, benefits received or to be received, the improvements made or to be made, and in the case of stormwater control facilities, the water run-off characteristics of the land within the district and the cost to control said water after it leaves the district and any other matters which present a reasonable basis for

setting rates or present a reasonable difference as grounds for distinction in setting the rates for one district in relationship to other districts. (Ord. 535 §1(part), 1979).

15.36.080 Lien for delinquent service fees and charges.

The city shall have a lien for delinquent service charges, including interest thereon, against any property against which they were levied pursuant to this chapter, which liens shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such liens shall be effective and shall be enforced and foreclosed in the same manner as city charges for water and sewerage service. (Ord. 535 §1(part), 1979).

Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Title 15 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON this 28th day of March, 1985.

CITY COUNCIL

BY M. Brown
Mayor

Attest:

Timothy McGuire
City Clerk

Approved as to form:

[Signature]
City Attorney

Posted: March 29, 1985