

*Title 18F*

*DEVELOPMENT REGULATIONS – LAND DIVISIONS AND BOUNDARY CHANGES*

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## *Chapter 18F.10*

### **GENERAL PROVISIONS**

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#### **18F.10.010 Purpose.**

The purpose of this Title is to regulate the division of land and to promote the public health, safety and general welfare in accordance with standards established by the State to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other regulatory requirements; to provide for proper ingress and egress; to promote conformance with comprehensive plan policies and development regulations; to adequately provide for housing and commercial needs of the citizens of unincorporated Pierce County; and to require uniform monumenting of land division actions and conveyance by accurate legal description. (Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.10.020 Applicability.**

Unless otherwise expressly granted an exemption or exception under this Chapter or otherwise provided by law, any division or redivision of land, boundary line adjustment, amendment or alteration to previously granted approvals covered by this Title shall require County approval and shall comply with the provisions of Chapter 58.17 RCW and this Title. (Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.10.040 Administration.**

The primary authority designated to administer this Title is the Department of Planning and Land Services. It is recognized that there are various County departments and other agencies with expertise in certain fields. Departments or agencies with review responsibility shall forward their respective recommendation(s) to the Director or Examiner as appropriate. All approvals, disapprovals, modifications, and recommendations shall be in writing, signed and dated. (Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.10.050 Application Filing, Review and Final Decision.**

##### **A. Application Requirements.**

1. **Preliminary Review.** The provisions for conducting a preliminary review of any application filed pursuant to this Title are set forth in Chapter 18.40, Application Filing.

2. **Application Filing.**
  - a. Applications filed pursuant to this Title shall be reviewed for completeness in accordance with Department Submittal Standards Checklists and pursuant to Chapter 18.40, Application Filing.
  - b. All drawings submitted with an application for a land division action shall be prepared in accordance with Chapter 18F.20, Plat and Survey Preparation.
  - c. After application filing, the applicant may be required to submit conceptual drawings of the plan, profiles and specifications for the streets, drainage, utilities and other proposed improvements to be constructed in conjunction with the proposed land division action.
3. **Vesting.** The provisions established in Chapter 18.160, Vesting, shall govern vesting of all applications filed pursuant to this Title.
- B. **Public Notice.** Public notice provisions pursuant to this Title are outlined in Chapter 18.80, Notice.
- C. **Review.**
  1. **Circulation.** The Planning and Land Services (Planning) Department shall route an application to each County department or state agency that has review responsibility.
  2. **Initial Review.** All reviewing departments shall conduct an initial review of any application filed pursuant to this Title in accordance with the provisions outlined in Chapter 18.60, Review Process.
  3. **Review Responsibility.** The following list includes examples of jurisdictional areas for various County departments and divisions typically involved in the review and administration of this regulation:
    - a. Planning and Land Services: Planning Department verifies compliance with the Pierce County Comprehensive Plan, applicable community plans and Development Regulations such as, but not limited to, zoning, critical areas, natural resource lands, shoreline management, design review and potential environmental impacts; Development Engineering reviews for drainage, erosion control, site development, flood, survey, landslide and erosion hazard, lot dimensions and road standards; Cartography reviews road names and addresses;
    - b. Public Works and Utilities: Transportation Services reviews for traffic; Sewer Utility Services reviews for sanitary sewer service;
    - c. Fire Prevention Bureau reviews for emergency vehicle access and fire flow;
    - d. Tacoma-Pierce County Health Department reviews for waste water disposal and potable water; and
    - e. Assessor-Treasurer's Office reviews for tax segregation, depiction of record description, improvements, property ownership.
  4. **Review Criteria.** The following regulations and policies shall be used during the review process including but not limited to:
    - a. Pierce County development regulations and construction and infrastructure regulations;
    - b. Pierce County Comprehensive Plan and applicable community plans;
    - c. Applicable state statutes; and
    - d. All applicable notes on related previously recorded County documents.
  5. **Compliance with Environmental Regulations.** Any application filed pursuant to this Title shall comply with provisions as set forth in Chapter 43.21C RCW, the State Environmental Policy Act (SEPA); Chapter 197-11 WAC, SEPA Rules; and Title 18D, Development Regulations-Environmental.

6. Each department or division shall have the authority to require that conditions, standards, and requirements are noted or depicted on the face of the plat.
- D. **Approval.** Approval shall be granted by either the Director or Examiner as indicated in each Chapter and Section of this Title. Approvals shall be in writing and attached to the official file.
- E. **Denial.** Noncompliance with any review criteria may be considered grounds for denial of the application.
- F. **Burden of Proof.** The applicant has the burden of proving that the application meets all of the requirements of state law and this Title.
- G. **Time Period for Final Decision.** The provisions for issuing a notice of final decision on any application filed pursuant to this Title are set forth in Chapter 18.100, Time Period for Final Decision.

(Ord. 2007-6 § 4 (part), 2007; Ord. 2005-11s2 § 1 (part), 2005)

### **18F.10.060 Exemptions and Exclusions.**

- A. **Exemptions.** The following land division actions are exempt from the provisions of this Title:
  1. Cemeteries and other burial plots while used for that purpose;
  2. Divisions of land into lots or tracts each of which is 100 acres or larger;
  3. Divisions of land within the boundaries of an approved Planned Unit Development, Planned Development District, Master Planned Community, or preliminary plat into lots or tracts each of which is 1/32 of a Section of land, or larger, or 20 acres or larger if the land is not capable of description as a fraction of a Section of land; provided that for the purpose of computing the size of any lot which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
  4. Divisions of land outside the boundaries of an approved Planned Unit Development, Planned Development District, Master Planned Community, or preliminary plat into lots or tracts, each of which is 1/32 of a section of land or larger, or 20 acres or larger if the land is not capable of description as a fraction of a section of land; and which are submitted after November 1, 2005; provided:
    - a. The division meets the density or lot size zoning requirements for the area involved; provided that for the purpose of computing the size of any lot which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
    - b. A survey of the division conducted by a licensed land surveyor is filed with the Pierce County Auditor. The survey shall be recorded and shall include the following notes:

"Future development, including but not limited to, clearing and grading, new structures and installation of infrastructure are subject to Pierce County Development Regulations."

"The Critical Area Affidavit for this division does not eliminate the necessity for critical area review at the time of development permit application."

"Division of any lot or tract that is 1/16 of a section (40 acres) or less shall be subject to a short subdivision, large lot division or formal subdivision process as set forth in Title 18F PCC and may require that infrastructure, including roads, be improved to comply with Title 17A PCC, Site Development and Stormwater Drainage."

- c. Each lot or tract adjoins or has legal access to a public road right-of-way private road easement;
  - d. The property owner submits a critical area affidavit disclosing the presence or absence of critical areas to ensure that each lot or tract other than a non-building tract contains at least two contiguous acres (referred to as a buildable area) located outside of any regulated critical area and associated setback or buffer and that access to the buildable area is located outside of said setbacks or buffers.
5. A proposed division of land made by testamentary provisions or the laws of descent shall be submitted to Planning and Land Services for review and approval. No building permit shall be issued on a lot created through this process unless the lot meets the requirements of subsection 18A.35.020 G.1.c. Testamentary divisions shall also be subject to the following:
- a. Applications for testamentary divisions shall contain a legal description of all proposed lots.
  - b. Each lot must adjoin or have legal access to a public road right-of-way or private road easement.
  - c. A note shall be recorded on the title of each lot that puts future purchasers on notice of whether or not the lot was created pursuant to applicable lot size requirements for construction of a single-family dwelling.
6. Divisions of land which were legally created prior to August 13, 1974;
7. Divisions of land for use solely for the installation of electric power, natural gas, telephone, water supply, sewer service or County utility facilities of a similar or related nature; provided, however, that any remaining lot that is nonconforming with regard to density and size shall be at least of adequate size to accommodate required zoning setbacks and able to meet minimum onsite sewage disposal requirements in the event that sewer lines are not available within 300 feet;
8. Divisions of land for the sole purpose of enabling the County or a municipal corporation to acquire land, either by outright purchase or exchange, for port purposes, boat moorage or launching sites, or for park, open space, critical area, conservation, viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot that is nonconforming with regard to density or size shall be at least of adequate size to accommodate required zoning setbacks and able to meet minimum onsite sewage disposal requirements in the event sewer lines are not available within 300 feet; and
9. Division of land by roads or rights-of-way.
- a. The County recognizes that a parcel has been divided into separate, legal lots by a State or Federal road or highway; a County road that has been adopted as part of the County road system; or a County road right-of-way that has been acquired or accepted by Pierce County but is an unopened County road.

- b. In the case of a County road that has been adopted as part of the County road system or an unopened County road right-of-way, the division line between the lots created shall be the centerline of the right-of-way. Where a County road or an unopened County road right-of-way is located on the margin or edge of a parcel, such right-of-way shall not divide the parcel.
  - 10. In the case of an established railroad right-of-way, the County shall recognize that a parcel has been divided into separate, legal lots as set forth in subsection (a) and (b) above.
  - B. **Exclusions.** The following actions shall not be considered a land division action and are excluded from the provisions of this Title:
    - 1. Assessor-Treasurer's Office segregations and combinations for tax purposes only;
    - 2. Utility easements;
    - 3. Boundary line disputes pursuant to RCW 58.04.007.
- (Ord. 2009-18s3 § 5 (part), 2009; Ord. 2006-46 § 2, 2006; Ord. 2005-11s2 § 1 (part), 2005)

**18F.10.070 Reconsideration and Appeals.**

- A. **Hearing Examiner.** Procedures for appeal and reconsideration or appeal of a Hearing Examiner decision issued pursuant to this Title are set forth in Chapter 1.22 PCC.
  - B. **Director.** Procedures for appeal of an Administrative Officials decision issued pursuant to this Title are set forth in Chapter 1.22 PCC.
- (Ord. 2005-11s2 § 1 (part), 2005)

**18F.10.080 Fees.**

Fees for applications and/or review of reports or studies filed pursuant to this Title are set forth in Chapter 2.05 PCC. (Ord. 2005-11s2 § 1 (part), 2005)

**18F.10.090 Compliance and Revocation.**

The regulations for compliance and revocation with the provisions of this Title are set forth in Chapter 18.140, Compliance. (Ord. 2005-11s2 § 1 (part), 2005)

**18F.10.100 Innocent Purchasers.**

- A. Pierce County shall not issue a building permit or other development permit on any lot or parcel that was divided in violation of Pierce County Subdivision and Platting Regulations, except when all of the following apply:
  - 1. The illegal division did not take place prior to January 1, 1995;
  - 2. The property owner provides evidence that the purchase of the illegal division of land occurred without notification or knowledge by such property owner;
  - 3. The property owner provides evidence that the property in question complies with all provisions of the current Pierce County Development Regulations, including but not limited to density, lot size, and Critical Area regulations;
  - 4. The property owner shall submit an application for the legal division of the subject property that complies with all provisions of the Pierce County Development Regulations; and
  - 5. The Director finds that the public interest will not be adversely affected by issuing a building or development permit while the application to divide the land is being processed.

- B. As an alternative to conforming to these standards, any purchaser may rescind the sale or transfer of such land that was divided in violation of this Chapter pursuant to the provisions in RCW 58.17.210.
  - C. For a lot or parcel divided in violation of the Pierce County Subdivision and Platting regulations, prior to January 1, 1995, refer to PCC 18F.50.040 C.
- (Ord. 2007-6 § 4 (part), 2007; Ord. 2005-11s2 § 1 (part), 2005)

## *Chapter 18F.20*

### *PLAT AND SURVEY PREPARATION*

#### **Sections:**

- 18F.20.010 Purpose.**
- 18F.20.020 Applicability.**
- 18F.20.030 Drafting Standards.**
- 18F.20.040 Survey Requirements.**

#### **18F.20.010 Purpose.**

The purpose of this Chapter is to establish uniform drafting and survey standards for plat maps and site plans that depict land division actions, alterations or adjustments to existing land divisions. This Chapter also contains the minimum information that is required to be noted or depicted on each specific type of plat and site plan. (Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.20.020 Applicability.**

The provisions of this Chapter apply to all land division actions, alterations or adjustments to existing land divisions in this Title that require a survey or preparation of a plat map or site plan. All plat preparation and survey activities shall conform to the provisions of Chapter 332-130 WAC and Chapters 58.09 and 58.17 RCW, when applicable. Pierce County shall provide example drawings of the various land divisions to provide consistency in format. (Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.20.030 Drafting Standards.**

##### **A. General Requirements.**

1. Each proposed preliminary plat, final plat, short plat, large lot, binding site plan, or alteration, boundary line adjustment, except for boundary line adjustments resulting in a lot combination, prepared pursuant to this title shall include the following details:
  - a. A drawing prepared by a professional land surveyor which complies with the requirements of the Survey Recording Act, Chapter 58.09, RCW of the exterior boundaries of the property shall be prepared at a scale not smaller than one inch equals one hundred feet (1" = 100') or other scale approved by the Planning Department or as set forth in the Survey Recording Act. The drawing shall be on a sheet size of 18 inches by 24 inches (18" x 24") except for preliminary plat which is 24 inches by 36 inches (24" x 36"). The map shall include the graphic scale of the drawing and a north directional arrow (note: north arrow shall be to the top or left or within the quadrant between top and left);
  - b. The total area (square feet or acres) of the property and roads;
  - c. The Assessor-Treasurer's tax parcel identification number of all included parcels;
  - d. The complete legal description of the site;
  - e. All adjoining public and private roads, proposed roads with identifying name and locations, and right-of-way dimensions;
  - f. The location and dimensions of any drain field, if known, easements, or right-of-way existing within the proposed project boundaries;

- g. All lots shall be identified by unique numerical designation. All tracts, if permitted, shall be identified by alphabetical designation;
  - h. The location and use of all existing buildings and structures, the size of any existing buildings and structures, a note as to whether the structures are to be retained or removed, monument or free-standing signs upon the affected lot(s) and the distance between structure and proposed lot/boundary lines;
  - i. Current zoning classification at time of application;
  - j. Name and address of property owner(s), developer, and professional licensed land surveyor preparing the plat;
  - k. Any encroachments on the exterior property boundaries;
  - l. The size (square feet or acreage) and location of any designated critical area, and its associated buffers, and open space areas on-site recreational areas and parks;
  - m. In accordance with Title 18E, Critical Areas, a note shall be placed on the face of the plat for all short subdivisions and subdivision proposals that are within critical areas and/or associated buffers;
  - n. A title report not older than 30 days including supporting documents, reflecting all matters of record, except the following:
    - (1) Lien holders, including, but not limited to, deed of trust, mortgages, liens, judgments;
    - (2) Option to purchase;
    - (3) Right of first refusal;
    - (4) Taxes and assessments, and
    - (5) Leases with respect to real estate contract, only the purchaser(s) who has a possessory interest must sign the application for the proposed division of land.
  - o. Location of all survey monuments found and established within the property boundaries of the proposed land division action and the position of each new property corner set;
  - p. Application number to be placed on all drawings in the lower right corner;
  - q. Short subdivisions, large lot subdivisions, and binding site plans shall contain the following statement: "Approval of this land division does not guarantee the approval or issuance of future building permits";
  - r. Signature blocks shall be provided as shown on the sample plat document;
  - s. Sheet size and format must comply with the recording requirements of the Pierce County Auditor;
  - t. Individual lot sizes, minimum lot area, and average lot area.
  - u. Dimensions to the nearest one-hundredth of a foot and angles and bearings in degrees, minutes, and seconds, except for proposed interior lots and tracts on preliminary plats;
  - v. Except for Boundary Line Adjustments, a vicinity map drawn to a scale of 1" = 1,000', with north oriented to the same direction as the plat drawing and showing sectional corners and off-site roads.
  - w. Any rights-of-way within or abutting the project.
- B. Preliminary Plats.** In addition to the requirements described in 18F.20.030 A.1., the following information shall be required:
- 1. A preliminary plat map prepared by a professional licensed land surveyor at a scale not smaller than 1" = 200' showing the following information, must be submitted with the application.

- a. Proposed name of subdivision. This name shall not duplicate nor resemble the name of another subdivision in Pierce County;
  - b. Contours of sufficient intervals to indicate the topography of the entire plat area; up to 5 percent slope, 2-foot contours; 5 percent and over slopes, 5-foot contours. State the source of the topography (Pierce County aerial, field survey etc.);
  - c. If in a PDD, any reduced bulk requirements on plat and/or in a table;
  - d. All adjoining parcels, plats, surveys and preliminary plats along with the platted names or parcel numbers of unplatted property and property owners' names; and
  - e. The size and approximate dimensions of all proposed lots and tracts;
  - f. All utility providers and type of access; and
  - g. The lineal feet of street rights-of-way and their areas.
2. The exterior boundaries of the preliminary plat shall be surveyed and dimensioned pursuant to RCW 58.09.
  3. A plat map that displays the entire plat on one sheet, not to exceed 24 inches by 36 inches (24" x 36") in size
- C. **Final Plats.** In addition to the requirements described in 18F.20.030 A.1., the following information shall be required:
1. An application for a final plat shall be filed with the Planning Department on forms provided and with the number of copies prescribed by the Planning Department. The final plat shall be prepared by a land surveyor registered in accordance with the requirements of RCW 18.43, and shall include:
    - a. Names to all streets (names assigned by PALS);
    - b. The lines of all streets and roads, alley lines, lot lines, lot and blocks numbered in numerical order starting with number one, easements and any areas to be dedicated to public use, with notes stating their purpose and any limitations;
    - c. Data sufficient to reproduce on the ground the location of every street, easement line, lot line, boundary line and block line on site;
    - d. All interior monuments and property corners shall be installed prior to the release of any bond or financial guarantee;
    - e. Map closures (mapchecks) shall be submitted for all closed figures and shall meet the following criteria, unless otherwise approved by the Development Engineering reviewer:
      - (1) Each lot or tract shall begin on a new page;
      - (2) The dimensions listed in the mapchecks must be identical to those depicted on the map;
      - (3) The mapchecks must contain, at minimum, delta, radius, and arc length;
      - (4) For curves, the radial bearing in and out must be listed in the mapchecks;
      - (5) The mapchecks must provide a calculated area in square feet and a mathematical closure for each closed figure;
    - f. The plat shall be accompanied by a current title report with the identical legal description of the land to be subdivided on both the title report and final plat;
    - g. Sufficient survey control will be shown to comply with RCW 58.09;
    - h. Conform to the approved preliminary plat;
    - i. The final plat shall be signed by the property owner(s) as listed on the title report;
    - j. Any proposal that is subject to review and approval of the Hearing Examiner shall contain an approval statement from the Examiner; and
    - k. Name of the Final Plat.

2. The original drawing shall be in black ink on mylar or photographic mylar. The drawing shall be on 18 inch by 24 inch (18" x 24") sheets in portrait orientation with a 2" border on the left margin and a 1/2" margin elsewhere. Page numbers shall be in the upper right hand corner and the surveyor business title block shall be in the lower right hand corner.
- D. **Plat Alterations.** In addition to the requirements described in 18F.20.030 A.1., the following information shall be required:
1. Proposed plat alterations shall contain a written description of the proposed alteration on the face of the plat. This description shall identify the specific change(s) to the recorded document as well as the reason for the alteration.
  2. The same department signature blocks shall be provided on the proposed plat alteration as those listed on the original document.
- E. **Binding Site Plans/Residential Condominium.** In addition to the requirements described in 18F.20.030 A.1., the following information shall be required:
1. The binding site plan shall include location, use and size of all existing and proposed buildings, structures and associated parking.
- F. **Boundary Line Adjustments.**
1. In addition to the requirements described in 18F.20.030 A.1., boundary line adjustments shall include:
    - a. The proposed lot configuration shall be indicated by heavy solid lines;
    - b. The existing lot lines proposed to be changed shall be indicated by heavy broken lines;
    - c. The original legal descriptions of the existing parcels together with new separate legal descriptions for each revised parcel, labeling them specifically as Parcel A, Parcel B, etc.;
    - d. The area and dimensions of each lot in the proposed adjustment; and
    - e. Signature blocks for boundary line adjustments to include only the Planning Director, Assessor-Treasurer and Auditor.
    - f. A written explanation of the purpose of the boundary line adjustment.
  2. **Boundary line adjustments that result in a lot combination.** The application shall be accompanied by a site plan drawn to a scale of not less than one inch equals 100 feet (1" = 100'), containing existing and revised parcels and showing the location of all roads, structures, easements, property dimensions, uses and setbacks, and notarized acknowledgements and signatures of all property owners.
- G. **Short Plat/Large Lot Divisions.** In addition to the requirements described in 18F.20.030 A.1., the following information shall be required:
1. The time limitation restriction for further divisions of short plat/large lot divisions, as set forth in Chapter 18F.50 shall be stated on the face of the short plat/large lot division.

(Ord. 2007-6 § 4 (part), 2007; Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.20.040 Survey Requirements.**

All land division actions (preliminary plat, final plat, short plat, large lot, boundary line adjustment and binding site plan), or alteration to an existing land division shall conform to the following survey standards:

- A. All surveys shall be accomplished as required by Chapter 332-130 WAC and the Survey Recording Act, Chapter 58.09 RCW except for the above actions a separate record of survey will not be required;

- B. All lot staking shall be completed prior to the recording of the land division action. However, in the event the applicant has bonded for final improvements, the staking shall take place as the improvements are made;
- C. All corners shall be staked according to Chapter 58.09 RCW and Chapter 332-130 WAC. When the corner(s) or interior lot corner(s) falls in a body of water, over the edge of a steep slope or other inaccessible area, an offset corner will be permitted. When the boundary line follows a meandering line, corners shall be set as mutually agreed upon by the County and surveyor. A presubmittal meeting with County staff to discuss corner locations is recommended. Only exterior corners on a preliminary plat and affected corners on a boundary line adjustment (BLA) shall require a recorded survey;
- D. When the legal description utilizes a partial or complete section subdivisional breakdown to establish the boundaries, section subdivision survey information in accordance with the requirements of WAC 332-130-030 shall be shown on the plat;
- E. All reference monuments used in the establishment of the corners shall be identified, described, and noted as set or found on the plat. When appropriate, the survey shall reference the recorded or previous survey that was the basis for the currently proposed survey;
- F. When the proposed land division action is adjacent to a constructed County road and the corner(s) or its offset represents a 1/16th corner, quarter corner, section corner, or donation land claim corner that is not of record or is lost or obliterated, a Pierce County standard monument(s) shall be placed in the County road. In cases where a monument of record is found, the existing corner does not have to be replaced;
- G. Whenever a proposed land division action is adjacent to an existing County right-of-way, the centerline of that road shall be located on the survey. If the existing constructed County right-of-way section falls outside of the documented right-of-way, the surveyor shall identify the existing edge of pavement and limits of the maintained right-of-way section on the survey and show its relationship to said centerline;
- H. Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land included in the final plat, binding site plan, short plat or large lot division. These monuments shall meet the requirements of RCW 58.09.120. For formal plats the monuments shall be as described above except that Pierce County standard monuments shall be placed along the centerlines of the roadways at intersections, point of curvature and point of tangency of curves or at the point of intersection if approved by Development Engineering. If the formal plat abuts a County right-of-way, Pierce County standard monuments shall be placed at the centerline of the right-of-way;
- I. Map closures are required for all final plats, short plats, large lot divisions, binding site plans, and any portion of an alteration where the boundary of a lot or tract is being altered. Map closures (mapchecks) shall be submitted for all closed figures and shall meet the following criteria, unless otherwise approved by the Development Engineering reviewer:
  - 1. Each lot or tract shall begin on a new page;
  - 2. The dimensions listed in the mapchecks shall match those depicted on the map;
  - 3. The mapchecks must contain, at minimum, delta, radius, and arc length;
  - 4. For curves, the radial bearing in and out must be listed in the mapchecks;
  - 5. The mapchecks must provide a calculated area in square feet and a mathematical closure for each closed figure; and

- J. All existing structures and improvements including buildings, fences, retaining walls, etc., shall be shown on the plat.  
(Ord. 2005-11s2 § 1 (part), 2005)

*Chapter 18F.30*

**DEDICATIONS AND IMPROVEMENTS**

**Sections:**

**18F.30.010 Purpose.**

**18F.30.020 Applicability.**

**18F.30.030 Certificate Giving Description, Statement of Owner(s) and Dedication Requirements.**

**18F.30.040 Improvements.**

**18F.30.010 Purpose.**

The purpose of this Chapter is to provide standards and criteria for dedications and improvements in any land division action regulated under this Title. (Ord. 2005-11s2 § 1 (part), 2005)

**18F.30.020 Applicability.**

The provisions of this Chapter apply to divisions of land as defined in this Title. (Ord. 2005-11s2 § 1 (part), 2005)

**18F.30.030 Certificate Giving Description, Statement of Owner(s) and Dedication Requirements.**

- A. Every plat and land division action filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat or land division action, including a statement that the land division action has been made with the free consent and in accordance with the desires of the owner or owners.
- B. The certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, individual or individuals, religious society or societies, or to any corporation, public or private as shown on the plat. 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 shall also be included. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final document.
- C. Every plat or land division action containing a dedication must be accompanied by a title report confirming that the title of the lands as described is in the name of the owners signing the certificate and instrument of dedication.
- D. 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 or land division action. Any dedication, donation or grant as shown on the face of the plat shall be considered for 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.

- E. Tracts created by a subdivision shall be owned in undivided interests by the owners of each numbered lot, and shall be an appurtenance to each numbered lot, unless the Examiner makes specific conditions for alternative ownership as a condition of approval. For tax purposes only, in case of default for nonpayment of taxes or assessments, each lot is assessed for unpaid fees.
- F. Dedications of stormwater improvements and roads and bridges shall be made in conformance with Title 17A, Construction and Infrastructure Regulations-Site Development and Stormwater Drainage and Title 17B, Construction and Infrastructure Regulations-Road and Bridge Design and Construction Standards. All dedications shall be clearly and precisely indicated on the face of the plat or land division action, as approved by the County.
- G. A Dedication and Free Consent Statement shall be on the plat. All parties having ownership interest in the property shall include a notarized signature of the owner(s), contract purchaser(s), grantor(s) of a deed of trust, or other holder of beneficial title to the property being subdivided indicating that the subdivision and dedication is made with free consent and in accordance with their desires. For purposes of this section, "ownership interest" shall include legal and equitable property interests, including, but not limited to, present, future, contingent or whole fee interests, together with a beneficiary's interest pursuant to a trust and contract interest pursuant to a specifically enforceable contract for the purchase of the real property. Boundary line adjustments that result in a lot combination are exempt from these requirements.

(Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.30.040 Improvements.**

##### **A. General Requirements.**

1. Improvements such as structures, roads, sewers, drainage facilities, and water systems shall be designed and certified by a professional engineer and be in conformance with applicable County and state codes and regulations.
2. Final approval of any proposed land division action will not be granted until the required improvements have been made or bonded or financial guarantee have been received and accepted by the Planning Department except as provided in 18F.30.040 C.
3. Prior to construction, any dedicated improvement shall be approved by the appropriate County authority.

##### **B. Names and Numbers of Subdivisions, Streets, Blocks and Lots.** In order to promote an orderly and coherent street and property location system, names and numbers in all land divisions shall be assigned in accordance with the procedures and guidelines established herein.

1. **Subdivision Names and Numbers.** Subdivision or binding site plan names shall be chosen by the applicant subject to approval by the Planning Department. The Department shall approve the proposed name if it is reasonably distinguishable from previously established subdivision names. The legal identification of short plats and large lots, if any, shall be designated by number and assigned by the Auditor at the time of recording.

2. **Street Names and Numbers.** All public and private roads established by subdivision, short subdivision, large lot division, or binding site plan shall have street names or numbers assigned and clearly shown on the plat prior to approval and recording. Street names and numbers shall be assigned by the Planning Department. Private roads shall be clearly labeled on the face of the plat.

**C. Bonds and Financial Guarantees.**

1. Pierce County shall require an applicant to submit the appropriate bond or financial guarantee, performance, reclamation, construction, final survey and staking, 18-month temporary road approach guarantees, and guarantees for parks, landscaping, fences or other urban amenities, to the County to guarantee any required improvements, mitigation, or monitoring required as a condition of approval of any land division action.
2. At a minimum, the guarantee requirements contained in Title 17A, Construction and Infrastructure Regulations-Site Development and Stormwater Drainage shall be followed.
3. When any other Pierce County Code or regulation contains additional requirements for bonds or financial guarantees, then the most restrictive regulations shall be applied.
4. Bonds or financial guarantees for all Department or Examiner requirements, such as parks, landscaping, fences, and other urban amenities, shall be accepted for a maximum of 18 months from the effective date of the recorded plat or binding site plan.

- D. Addresses.** In accordance with RCW 58.17.280, addresses will be assigned to proposed lots. Addresses shall also be assigned to parcels in large lots and binding site plans.

(Ord. 2005-11s2 § 1 (part), 2005)



*Chapter 18F.40*

***SUBDIVISIONS – PRELIMINARY AND FINAL PLATS***

**Sections:**

- 18F.40.010 Purpose.**
- 18F.40.020 Applicability.**
- 18F.40.030 Proposed Preliminary Plat Requirements.**
- 18F.40.040 Proposed Preliminary Plat Amendments-Major and Minor.**
- 18F.40.050 Model Homes.**
- 18F.40.060 Final Plat Requirements.**
- 18F.40.070 Preliminary Plats-Time Extensions.**
- 18F.40.080 Proposed Alterations to a Recorded Final Plat.**
- 18F.40.090 Phasing of a Subdivision.**

**18F.40.010 Purpose.**

The purpose of this Chapter is to describe the process and provide the standards for the review and approval of subdivisions, subdivision amendments, and subdivision alterations. (Ord. 2005-11s2 § 1 (part), 2005)

**18F.40.020 Applicability.**

The provisions of this Chapter apply to subdivisions, subdivision amendments, or alterations. (Ord. 2005-11s2 § 1 (part), 2005)

**18F.40.030 Proposed Preliminary Plat Requirements.**

- A. **Time Limitations.** Applications for preliminary plats, amendments and final plats shall be processed as outlined in Title 18, Development Regulations-General Provisions.
- B. **Public Hearing Required.** The Planning Department shall set a date for public hearing before the Examiner after all requests for additional information or plan corrections, as set forth in Section 18.60.020 C., have been satisfied and an environmental determination has been issued. The public hearing shall follow the procedures set forth in Chapter 18.80, Development Regulations-General Provisions and Chapter 1.22 PCC.
- C. **Required Written Findings and Determinations.** The Examiner's written decision on the preliminary plat shall include findings and conclusions, based on the record, to support the decision. The Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. A proposed subdivision and dedication shall not be approved unless the Examiner makes written findings that:
  - 1. Appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, critical areas, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and

2. The public use and interest will be served by the subdivision and dedication.

D. **Approval.** The Examiner has the authority to approve or deny any proposed preliminary plat and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, and other applicable County codes and state laws. (Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.40.040 Proposed Preliminary Plat Amendments-Minor and Major.**

This Section provides the criteria and limitations for amending an approved preliminary plat, including conditions of plat approval.

- A. **Minor Amendment.** Minor amendments address those changes to an approved preliminary plat that fall within the scope of the original approval and do not increase impacts to surrounding properties.
1. **General Requirements.** Any additions or expansions proposed through minor amendments that exceed the requirements of this Section shall be reviewed as a major amendment and shall be subject to current development regulations.
  2. **Hearing Examiner Review.** A copy of all applications and any Department recommendation shall be routed to the Hearing Examiner. The Examiner may provide comments regarding the preliminary plat amendment proposal.
  3. **Required Written Findings and Determinations.** The Director's written decision on a minor plat amendment shall include findings and conclusions, based on the record, to support the decision. A proposed minor plat amendment shall not be approved unless the Director makes written findings that:
    - a. The proposal does not result in a change of use type from what was identified in the original approval;
    - b. Proposed changes to conditions of approval shall fall within the scope of the original approval and shall comply with the intent of the condition;
    - c. Proposed changes to conditions of approval or the proposal shall not result in increased impacts to the surrounding property owners or modify the intent of the original decision. Impacts may include, but are not limited to, stormwater, traffic, open space, or noise;
    - d. The perimeter boundary of the original site is not being increased;
    - e. The change does not increase the number of residential lots, residential units, or residential density;
    - f. The proposal does not increase the intensity of housing types. An example of an increase would include changing from single-family to duplex;
    - g. The proposal does not reduce the designated buffers or open space unless authorized by the Director;
    - h. Access points are not reduced, increased or significantly altered; and
    - i. The proposal does not reduce required setbacks.
  4. **Approvals.** The Director has the authority to approve or deny any proposed minor amendment and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, and other applicable County codes and state laws.
- B. **Major Amendments.**
1. **General Requirements.** The following is required for all proposed amendments that exceed the minor amendment criteria, 18F.40.040 A.3.

- a. **Public Hearing Required.** The Department shall set a date for public hearing before the Examiner after all requests for additional information or plan correction, as set forth in Section 18.60.020 C., have been satisfied and if applicable either a declaration of nonsignificance (DNS or MDNS) or EIS (FEIS or FSEIS), if required, has been issued. The public hearing shall follow the procedures set forth in Chapter 18.80 PCC, Notice, and Chapter 1.22 PCC.
- b. **Other Land Use Actions.** Any amendment that requires a discretionary permit other than those granted in conjunction with the original preliminary plat application shall require the approval of such permit before or with the decision on the proposed major plat amendment.
- c. **Written Findings and Determinations.** The Examiner's written decision on the major amendment shall include findings and conclusions, based on the record, to support the decision. The Examiner shall inquire into the public use and interest proposed to be served by the amendment of the subdivision and dedication. A proposed major amendment shall not be approved unless the Examiner makes written findings that:
  - (1) The proposed major amendment addresses all applicable conditions of approval for the original permit;
  - (2) Appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, critical areas, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
  - (3) The public use and interest will be served by the subdivision and dedication.
- d. **Approvals.** The Examiner has the authority to approve or deny any proposed major amendment and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, and other applicable County codes and state laws.

(Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.40.050 Model Homes.**

It shall be the purpose and intent of this Chapter to allow the construction up to four detached single-family dwellings or four attached dwellings within a preliminary subdivision, which has been approved in accordance with all existing plans and regulations. The purpose of model home dwellings shall be to demonstrate a variety of housing designs together with all associated on-site improvements, e.g., landscaping, improved driveway, patios, etc. Model homes when proposed shall be established subject to the following criteria:

- A. Model homes must meet the requirement of all County departments with respect to being certified for use occupancy;
- B. Only one model home may be occupied as a temporary real estate office pursuant to Section 18A.33.400 F.2.;
- C. Approval of model homes does not constitute a division of the property;

- D. A detached single-family dwelling unit when contained on one lot shall be considered one model home in a detached single-family subdivision. A total of four detached dwelling units are permitted as model homes at the time a final plat application has been accepted;
- E. A duplex structure when contained on one lot shall be considered one model home in a duplex subdivision. A total of eight dwelling units for the entire preliminary plat, to include all phases or divisions are permitted as model homes;
- F. An existing dwelling(s) shall be counted against the number of allowable model homes;
- G. The footprint of all existing model homes, including roof overhangs, porches, decks, etc. shall be shown on the final plat to ensure that there are no encroachments into required setbacks.

(Ord. 2007-85s § 4 (part), 2007; Ord. 2005-11s2 § 1 (part), 2005)

### **18F.40.060 Final Plat Requirements.**

#### **A. Time Limitations.**

1. Applications for final plats shall be processed in accordance with Title 18 PCC. Applications for final plat submitted to Planning and Land Services within five years of the effective date of preliminary plat approval shall constitute compliance with RCW 58.17.140. All reviewing departments shall review such proposed final plat for compliance with the Examiner's conditions of approval and upon completion of its review forward to the Examiner for approval. The Department's or the Examiner's approval may occur more than five years after preliminary plat approval when all related studies and applications have received approvals and the final plat application was submitted within the time limitations specified herein.
2. Upon receipt of the final plat application, all County reviewing departments shall respond by approval, denial, or return to the applicant for modification within 30 days of filing unless the applicant consents to extensions of given time period.
3. The approval of a preliminary plat shall be deemed null and void if the application for final plat or an application for time extension is not submitted within the time limitations specified herein.
4. Applicants will provide documentation to Pierce County setting forth a homeowners association or entity responsible for maintaining the infrastructure and amenities, including but not limited to, parks, private roads, stormwater, and open space.

#### **B. Tract Ownership.** Tracts created through a subdivision process shall be owned in undivided interests by the owners of each numbered lot, and shall be an appurtenance to each numbered lot, unless the Examiner makes specific conditions for alternative ownership as a condition of approval.

#### **C. Public Hearing Required.** The Department may set a date for public hearing before the Examiner after all requests for additional information or plan correction, as set forth in Chapter 18.80, Development Regulations-General Provisions, have been satisfied and verification that the final plat meets the required conditions.

#### **D. Required Written Findings and Determinations.** The Examiner's written decision on the final plat shall include findings and conclusions, based on the record, to support the decision. A proposed final plat shall not be approved unless the Examiner makes written findings that:

1. All conditions of preliminary plat approval have been met;
2. The final plat meets all standards established by state law and this Title relating to final plats;
3. The proposed final plat bears the certificates and statements of approval required by this Title and state law;
4. A title report, no later than 30 days old, has been furnished confirming title of the land in the name of the owner(s) whose signature(s) appear on the plat certificate; and
5. The required facilities and improvements have been completed or required bond or financial guarantees have been provided as set forth in Section 18F.30.040 C.

E. **Approval.** The Examiner may approve, or approve with conditions, the proposed final plat if the criteria contained in this section have been met.

(Ord. 2009-18s3 § 5 (part), 2009; Ord. 2005-11s2 § 1 (part), 2005)

### **18F.40.070 Preliminary Plats-Time Extensions.**

#### **A. General Requirements.**

1. The applicant or owner(s) may request a 1-time, 1-year time extension beyond the five years within which to submit a final plat, unless approved under 18F.40.090.
2. Knowledge of the expiration date and initiation of a request for a time extension is the responsibility of the applicant or owner(s) of the property.
3. A written application for a time extension shall be filed with the Planning Department prior to the expiration of preliminary plat approval.
4. Upon filing of an application for time extension, a copy shall be sent to each party of record together with departments or agencies that were involved in the process of preliminary plat approval. By letter, the Department shall request written comments be delivered to the Department within 30 days of the date of the letter.
5. If alteration or additions of conditions of approval are requested by a party of record, County Department or State Agency, the applicant/owner(s) shall be provided with a copy of such proposal and shall have ten working days in which to respond. Upon expiration of the response period, the Department may set a date for public hearing. The public hearing shall follow the procedures set forth in Chapter 18.80 PCC, Notice, and Chapter 1.22 PCC.
6. If approved, the 1-year time extension shall be calculated from the date of the Hearing Examiner's approval of the extension.
7. If a request for a time extension is denied, the applicant or owner shall have 60 days from the date the denial decision was rendered to submit for final plat approval. The final plat will be processed in accordance 18F.40.060 B.

B. **Hearing Examiner's Authority.** The Examiner has the authority to approve or deny all requests for time extensions. The Examiner may, upon request by a party of record or County department or agency, alter or expand the conditions of approval applicable to any such plat, provided that such conditions are consistent with laws or regulations adopted subsequent to original approval or such changes are necessary for the protection of the public health, safety or general welfare as a result of material changes in, or discovery of, relevant conditions or circumstances which have occurred since the date of filing of the preliminary plat application.

- C. **Required Written Findings and Determinations.** The Examiner's written decision on the final plat time extension shall include findings and conclusions, based on the record, to support the decision. A proposed final plat time extension shall not be approved unless the Examiner makes written findings that:
1. Unusual circumstances beyond the applicant's/owner(s) control have occurred that prevented approval of the final plat within the initial five year time period; and
  2. The applicant/owner(s) have complied with all other requirements contained herein.
- D. **Approval.** The Examiner may approve, or approve with conditions, the proposed final plat time extension if the criteria contained in this Section have been met.

(Ord. 2005-11s2 § 1 (part), 2005)

### **18F.40.080 Proposed Alterations to a Recorded Final Plat.**

Plat alterations typically apply to those elements which are common to the entire plat such as, but not limited to, trails, roads, buffers, open space, drainage easements, park and recreation sites, etc. A plat alteration provides a process to alter or modify a portion of a recorded final plat.

#### **A. General Requirements.**

1. The provisions of this Section shall not apply to the following:
  - a. Boundary line adjustments (See Chapter 18F.70);
  - b. Vacation of a public road in a final plat (Road vacations shall follow the procedures established in Chapter 36.87 RCW);
  - c. An affidavit of correction pertaining to scrivener's errors;
  - d. Alteration or replatting of any plat of state-granted tidelands or shorelands;
  - e. Short plats or large lots;
  - f. Binding site plans; or
  - g. The creation of additional lots.
2. A revised drawing of the approved alteration shall be recorded with the County Auditor and shall replace and supercede that portion which is being altered.
3. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels or tracts, or be levied equitably on the lots resulting from the alteration.
4. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.
5. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered.
6. Application material shall be routed to Planning, Assessor-Treasurer, Development Engineering, Utilities, Tacoma-Pierce County Health Department, Fire Prevention Bureau or other reviewing Department or Agency as determined by the Planning Department.

#### **B. Public Hearing Required.**

1. A public hearing shall be required for a plat alteration if any of the following occurs:
  - a. The proposed alteration contains significant changes to the plat, as determined by the Hearing Examiner; or
  - b. The Director receives a request for a public hearing from a person receiving notice within 14 days of notice.

2. The Planning Department shall set a date for public hearing before the Examiner after all requests for additional information or plan correction, as set forth in Section 18.60.020 C., have been satisfied, and environmental review of the proposal has occurred. Any required public hearing shall follow the procedures set forth in Chapter 18.80, Development Regulations-General Provisions, and Chapter 1.22 PCC.

- C. **Hearing Examiner's Authority.** If a public hearing is required, the Examiner has the authority to approve or deny the proposed plat alteration and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, and other applicable County codes and state laws.
- D. **Required Written Findings and Determinations.** The Director's/Examiner's written decision on the plat alteration shall include findings and conclusions, based on the record, to support the decision. A proposed plat alteration shall not be approved unless the Director/Examiner makes written findings that the proposed plat alteration conforms with the intent and goals, objectives and policies, and standards of the County's current Comprehensive Plan and County regulations. In the event that a public hearing is required for a plat alteration, the Examiner shall make additional findings to establish that the public use and interest will be served by the proposed plat alteration.
- E. **Approval.** The Examiner may approve or approve with conditions, the proposed plat alteration if the criteria contained in this Section have been met.
  - 1. Approvals shall include a note on the face of the plat that states:

"This altered plat of \_\_\_\_\_ lot(s) \_\_\_\_\_, supercedes lot(s) of the final plat of \_\_\_\_\_."

2. A brief written narrative explaining what is being altered shall also be included on the plat.

(Ord. 2005-11s2 § 1 (part), 2005)

### **18F.40.090 Phasing of a Final Plat.**

Portions of an approved preliminary plat may be processed separately for recording in phases; provided that all phases are approved within the time limits set forth in this Section, and provided that the phase does not violate the intent of the preliminary plat.

- A. **Phasing.** Any preliminary plat with a minimum of 150 lots may be phased subject to the following requirements:
  - 1. At the time of preliminary plat application the applicant must state his/her desire to phase a development. The applicant must provide the County with a conceptual phasing map showing the proposed phase and a corresponding list of amenities for each phase of the proposed preliminary plat;
  - 2. The Hearing Examiner shall have the authority to designate or require the phase in which necessary density, infrastructure, traffic mitigation, critical areas, parks or other required amenities and requirements are completed; and
  - 3. As each phase is submitted for final plat it will be reviewed for compliance with the approved preliminary plat for the subdivision.

- B. Preliminary plats with less than 150 lots may be phased but are not allowed any additional time extensions except as provided in 18F.40.070, Preliminary Plats-Time Extensions.
  - C. **Time Limitations.** The first phase of a phased subdivision must submit for final plat approval within five years of the date of preliminary plat approval in accordance with 18F.40.060 A.1. Final plat approval by the Examiner will constitute an automatic 1-year extension of the remaining phases of such preliminary plat from the prior phase expiration date. In no case may any preliminary plat receive more than three 1-year time extensions or have more than eight years from preliminary plat approval to receive final plat approval for all phases.
  - D. The Examiner may deviate from the established phasing boundaries or required amenities per phase outlined in the approved preliminary plat decision through the minor amendment process, 18F.40.040.
  - E. **Expiration.** Knowledge of the expiration date of the preliminary plat is the responsibility of the applicant. The preliminary plat application shall become null and void if the applicant fails to file for final plat approval in accordance with 18F.40.050 B.1. for the remaining phase(s) prior to the expiration date of preliminary plat approval.
  - F. Each phase of a subdivision shall be governed by the terms of approval of the final plat for a period of five years after the date of final plat approval.
  - G. Nothing in this Section shall be construed to supersede the vesting provisions located in Chapter 18.160 PCC, Vesting.
- (Ord. 2005-11s2 § 1 (part), 2005)

*Chapter 18F.50*

**SHORT SUBDIVISIONS AND LARGE LOT DIVISIONS**

**Sections:**

- 18F.50.010 Purpose.**
- 18F.50.020 Applicability.**
- 18F.50.030 Limitations on Further Division.**
- 18F.50.040 Preliminary Short Subdivision and Preliminary Large Lot Division Requirements.**
- 18F.50.050 Final Short Subdivisions and Final Large Lot Division Requirements.**
- 18F.50.060 Alterations to a Final Short Subdivision or Final Large Lot Division.**

**18F.50.010 Purpose.**

The purpose of this Chapter is to outline the provisions for short subdivision and large lot division application filing, review, final recording, and alteration. (Ord. 2005-11s2 § 1 (part), 2005)

**18F.50.020 Applicability.**

The provisions of this Chapter apply to divisions of land defined in this Title as short subdivisions or large lot divisions. (Ord. 2005-11s2 § 1 (part), 2005)

**18F.50.030 Limitations on Further Division.**

**A. Limitations on Further Divisions.**

1. Further divisions of recorded short subdivisions or large lot divisions within a period of five years from the date the short plat or large lot was recorded with the County Auditor shall require the approval of a preliminary and final plat subject to the provisions contained in Chapter 18F.40, except as follows:
  - a. Recorded short plats containing less than nine lots may be further platted to create up to a total of nine lots within the original short plat boundaries through the alteration process and only by the owner who filed the original short plat.
2. The time limitation restriction for further divisions shall be stated on the face of the recorded short plat/large lot division as follows: "Applications for further subdivision, in any manner, of an existing short plat subdivision or large lot division shall not be accepted for a period of five years from the date said approved short plat/large lot is recorded with the Auditor without the filing of a final plat on the land which is proposed to be further divided."

(Ord. 2007-85s § 4 (part), 2007; Ord. 2007-6 § 4 (part), 2007; Ord. 2005-11s2 § 1 (part), 2005)

**18F.50.040 Preliminary Short Subdivision and Preliminary Large Lot Division Requirements.**

- A. Time Limitations.** Applications for preliminary short subdivisions, preliminary large lot divisions, and alterations of short subdivisions and large lot divisions shall be processed pursuant to the criteria in Title 18-General Provisions.
- B. General Requirements.**
  1. All contiguous parcel(s) under unified control, except adjacent platted or short platted lots or lots exceeding 20 acres in size, shall be included within one application.

2. Unbuildable tracts shall not be calculated in the number of lots established through a short subdivision.
  3. Unbuildable tracts created through a short subdivision or large lot division shall be owned in undivided interests by the owners of each numbered lot.
  4. Short subdivisions and large lot divisions shall be reviewed to determine compliance with standards for roads, storm drainage, water supply, existing sanitary sewage disposal, access or easement for vehicles, utilities and fire protection, survey requirements, critical areas, zoning and design requirements, previous land decisions, accuracy of legal description, ownership, lot dimensions and improvements on the lots.
  5. All necessary critical area and design review applications and studies must be submitted for review and approval prior to the approval of the preliminary short subdivision or preliminary large lot division application.
  6. The applicant is responsible to make application for final short subdivision or final large lot division prior to the expiration of the preliminary approval.
- C. **Innocent Purchasers Prior to January 1, 1995.** Pierce County shall not issue a building permit or other development permit on any lot or parcel that was divided in violation of Pierce County Subdivision and Platting Regulations, except when all of the following apply:
1. The illegal division took place prior to January 1, 1995;
  2. The property owner provides evidence that the purchase of the illegal division of land occurred without notification or knowledge by such property owner;
  3. The property owner provides evidence that the property in question complies with applicable provisions of the current Pierce County Development Regulations provided, the Director, may consider a lot that does not conform to density or lot area requirements so long as the lot is at least of adequate size to accommodate required zoning setbacks, critical area requirements and able to meet minimum onsite sewage disposal requirements in the event that sewer lines are not available;
  4. The property owner shall submit an application for the legal division of the subject property that complies with all provisions of the Pierce County Development Regulations; and
  5. The Director finds that the public interest will not be adversely affected by issuing a building or development permit while the application to divide the land is being processed.
- D. **Required Written Findings and Determinations.** The Director shall inquire into the public use and interest proposed to be served by the establishment of the short subdivision/large lot division and dedication. A proposed preliminary short subdivision/large lot division shall not be approved unless the Director makes written findings that:
1. Appropriate provisions are made for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
  2. The public use and interest will be served by such short subdivision/large lot division.

- E. **Approval.** The Director has the authority to approve or deny any proposed preliminary short subdivision/large lot division and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, other applicable County codes, state laws and the criteria contained in this Title.

(Ord. 2005-11s2 § 1 (part), 2005)

**18F.50.050 Final Short Subdivisions and Final Large Lot Division Requirements.**

A. **Time Limitations.**

1. Applications for final short subdivisions and final large lot divisions shall be processed pursuant to the criteria in Title 18 PCC.
2. A proposed final short subdivision or final large lot division shall be submitted to the Planning Department within three years of the effective date of preliminary short subdivision/large lot division approval. The Department shall review the proposed final short subdivision/large lot division for compliance with the conditions of preliminary approval as set forth in 18F.50.050 D.
3. The approval of a preliminary short subdivision or preliminary large lot division shall be deemed null and void if the proposed final short plat/large lot is not submitted within the time limitations specified herein.

- B. **Tract Ownership.** Tracts created through a short subdivision/large lot division process shall be owned in undivided interests by the owners of each numbered lot, and shall be an appurtenance to each numbered lot, unless the Director makes specific conditions for alternative ownership as a condition of approval.

- C. **Maintenance of Infrastructure and Amenities.** Applicants will provide documentation to Pierce County setting forth a homeowners association or entity responsible for maintaining the infrastructure and amenities, including but not limited to, parks, private roads, stormwater, and open space.

- D. **Required Written Findings and Determinations.** The Director's written decision on the final short plat or final large lot division shall include findings and conclusions, based on the record, to support the decision. A proposed final short plat or final large lot shall not be approved unless the Director makes written findings that:

1. All conditions of preliminary approval have been met;
2. The final short plat/large lot meet all standards established by state law and this Title relating to final short plats/large lots;
3. The proposed final short plat/large lot bears the certificates and statements of approval required by this Title and state law;
4. A title report, no later than 30 days old, has been furnished confirming title of the land in the name of the owner(s) whose signature(s) appear on the plat certificate; and
5. The required facilities and improvements have been completed or required bond or financial guarantees have been provided as set forth in Section 18F.30.040 C.

- E. **Approval.** The Director may approve, or approve with conditions, the proposed final short plat/large lot if the criteria contained in this Section have been met.

(Ord. 2005-11s2 § 1 (part), 2005)

**18F.50.060 Alterations to a Short Subdivision or Large Lot Division.**

Short subdivision or large lot division alterations typically apply to those elements which are common to the entire plat such as, but not limited to trails, roads, buffers, open space, drainage easements, park and recreation sites, etc. Additional lots cannot be added except pursuant to RCW 58.17.060 and 18F.50.030.

- A. **General Requirements.** An alteration to a portion of a recorded short plat/large lot division replaces and supersedes the portion of the original short plat/large lot division that is contained in the alteration.
- B. **Required Written Findings and Determinations.** The Director shall inquire into the public use and interest proposed to be served by the establishment of the short subdivision/large lot division alteration, if any. A proposed short subdivision/large lot division alteration shall not be approved unless the Director makes written findings that:
  1. The alteration conforms to the requirements of RCW 58.17 and the provisions of this Title;
  2. The items to be altered do not conflict with the goals and policies of the Comprehensive Plan and applicable community plan, applicable County codes and state laws; and
  3. The public use and interest will be served as a result of the proposed alteration.
- C. **Approval.** The Director has the authority to approve or deny any proposed short subdivision/large lot alteration and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, other applicable County codes, state laws, and the criteria contained in this Section. Approvals shall include a note that states: "This altered short plat or large lot division supersedes Lot(s) \_\_\_\_\_ of Short Plat No. \_\_\_\_ or Large Lot Division No. \_\_\_\_" and a brief written narrative explaining what is being altered and the reason for such alteration.

(Ord. 2005-11s2 § 1 (part), 2005)

## *Chapter 18F.60*

### ***BINDING SITE PLAN***

#### **Sections:**

- 18F.60.010 Purpose.**
- 18F.60.020 Applicability.**
- 18F.60.030 Binding Site Plan Requirements.**
- 18F.60.040 Alteration or Vacation of a Binding Site Plan.**

#### **18F.60.010 Purpose.**

The purpose of this Chapter is to provide both a method of dividing land for sale or lease into lots classified for commercial or industrial use in accordance with RCW 58.17.035 and for the development of condominium units pursuant to Chapter 64.34 RCW. This Chapter provides an administrative process that assures predictable and orderly review of binding site plans. (Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.60.020 Applicability.**

Division of any land for sale or lease which is both zoned and classified for commercial, business, office, or industrial development, or which is to be developed as a condominium or a mobile home park shall follow the provisions of this Section to obtain an approved binding site plan in accordance with this and other ordinances of the County.

- A. **Binding Site Plan-Commercial and Industrial Land Use.** A binding site plan can be utilized for divisions of land in Employment Centers, Urban Centers, Urban Districts and Rural Centers as defined in Title 18A, Development Regulations-Zoning. A binding site plan is limited to the division for the sale or lease of property for Office/Business, Civic, Commercial and Industrial uses as defined in Title 18A, Development Regulations-Zoning.
- B. **Binding Site Plan-Residential Condominium.** Per RCW 58.17.040(7), a binding site plat shall be utilized for divisions of land into lots or tracts if:
  1. Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land;
  2. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;.
  3. The County has approved the binding site plan for all such land;
  4. Such approved binding site plan is recorded in the County or counties in which such land is located;
  5. The binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the

improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either Chapters 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by the County:

- a. In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or
- b. In connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or
- c. If not approved pursuant to (a) and (b) of this subsection, then pursuant to such other procedures, the County may have established for the approval of a binding site plan.

(Ord. 2005-11s2 § 1 (part), 2005)

### **18F.60.030 Binding Site Plan Requirements.**

#### **A. General Requirements.**

1. Legally existing structures shall not be required to correct existing nonconforming setbacks to meet current regulations as a condition of binding site plan approval.
2. A binding site plan shall depict building envelopes and all existing and proposed land use(s) as defined in Title 18A, Development Regulations-Zoning for each lot on the face of the binding site plan.
3. A parking lot plan is required for the binding site plan. The plan shall allocate parking to each lot or condominium unit or specify joint use parking. Proposed lots containing legally existing structures and uses need not meet current parking regulations. Proposed lots without legally existing structures or uses must meet current parking regulations.
4. Access to each lot or condominium unit within the binding site plan shall be depicted. Existing access to legally existing structures and uses need not meet emergency vehicle access standards. Access to proposed lots and new development without legally established structures or uses shall meet current standards.
5. Binding site plans shall be reviewed for storm drainage, roads, water supply, existing sanitary sewage disposal, access or easement for vehicles, survey requirements, utilities, and fire protection for any lot, tract, parcel or site and for zoning requirements, previous decisions, accuracy of legal description, ownership, lot dimensions, and improvements on the lots.
6. A binding site plan cannot amend or conflict with previously granted use permit approvals or conditions of approval.
7. A binding site shall depict any open space tract, required recreational areas, critical area buffers, and utility easements.
8. Proposed uses must be as allowed in the underlying zone classification. Should the proposed use require a use permit or administrative use permit said permit shall be requested and reviewed concurrently or prior to approval of the binding site plan. Binding site plan approval does not constitute approval for other required permits.

- B. **Director's Authority.** The Director has the authority to approve or deny any proposed binding site plan and may impose additional or modified conditions and requirements as necessary to assure that the proposal conforms with the intent of the Pierce County Comprehensive Plan, applicable community plans, and other applicable County codes and state laws.
  - C. **Required Written Findings and Determinations.** The Director's written decision on the binding site plan shall include findings and conclusions, based on the record, to support the decision. A proposed binding site plan shall only be approved if the Director makes written findings that:
    - 1. The limitations and conditions for the uses depicted on the binding site plan are consistent with the Pierce County Comprehensive Plan, applicable community plans, and County codes and state laws;
    - 2. Specific use types and conditions shall be binding on the property and shall remain in effect for all future owners of the site unless altered in accordance with Section 18F.60.040;
    - 3. The binding site plan does not create a nonconformity or increase any nonconforming feature or intensities of the established uses of the site in accordance with Section 18A.35.130, Nonconforming Use Standards; and
    - 4. The criteria contained in Section 18F.60.030 A. have been met.
  - D. **Approval.** The Director may approve, or approve with conditions, the proposed binding site plan if the general requirements contained in this Title have been met.
- (Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.60.040 Alteration or Vacation of a Binding Site Plan.**

##### **A. General Requirements.**

- 1. Any change, other than those authorized by an affidavit of correction or scrivener's rules, to a recorded binding site plan constitutes an alteration.
- 2. The application for alteration shall be requested by all parties having ownership interest in the affected lots or condominium units within the binding site plan.
- 3. In the case of a proposed vacation of a binding site plan, the justification for the vacation of affected lots or condominium units shall be provided by the petitioner. The petitioner must demonstrate that property within or adjacent to the boundaries of the binding site plan will not be adversely impacted and the vacation will not have an adverse impact on the provision of utilities in the area. Additionally, the vacation shall not result in a conflict with the Comprehensive Plan, applicable community plan, or Development Regulations.
- 4. Legally existing structures and uses shall not be required to correct existing nonconforming features to meet current regulations as a condition of approval of a binding site plan alteration or vacation.
- 5. Additional lots cannot be created through a binding site plan alteration.

- B. **Director's Authority.** The Director has the authority to approve or deny any proposed binding site plan alteration or vacation and may impose additional or modified conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plan and other applicable County codes and state laws.

- C. **Required Written Findings and Determinations.** The Director's written decision on the binding site plan alteration or vacation shall include findings and conclusions, based on the record, to support the decision. A proposed binding site plan alteration shall not be approved unless the Director makes written findings that:
1. The alteration conforms to the requirements and provisions of this Chapter;
  2. The alteration conforms to the goals and policies of the Comprehensive Plan and applicable community plan;
  3. The public use and interest will be served as a result of the proposed alteration;
- D. **Approval.** The Director may approve, or approve with conditions, the proposed binding site plan alteration/vacation if the criteria contained in this Section have been met.
- (Ord. 2005-11s2 § 1 (part), 2005)

## *Chapter 18F.70*

### ***BOUNDARY LINE ADJUSTMENTS***

#### **Sections:**

**18F.70.010 Purpose.**

**18F.70.020 Applicability.**

**18F.70.030 Boundary Line Adjustment Requirements.**

#### **18F.70.010 Purpose.**

The purpose of this Chapter is to provide an administrative process that allows the adjustment of lot lines between adjoining lots. (Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.70.020 Applicability.**

- A. Boundary Line Adjustment may alter the lot lines separating platted lots, unplatted lots, or separating platted lots from unplatted lots in accordance with the provisions of this Chapter.
- B. Boundary line adjustments that result in combining lots shall only apply to legally existing lots or unplatted lots of record. Boundary line adjustments may not involve any unbuildable tracts or combination of a lot and an unbuildable tract.

(Ord. 2005-11s2 § 1 (part), 2005)

#### **18F.70.030 Boundary Line Adjustment (BLA) Requirements.**

##### **A. General Requirements.**

1. The adjustment of lot lines shall not result in additional lots.
2. The adjustment of lot lines between conforming lots shall not result in a lot that contains insufficient width, area or density for a building site as defined by the underlying land use classification and current zoning requirements unless the adjustment is necessary to correct a structural encroachment.
3. Boundary line adjustments may not be utilized to create building sites from unbuildable tracts such as vacated rights-of-way or utility easements, etc.
4. The adjustment of lot lines does not alter, modify or conflict with conditions or requirements imposed by a previously approved permit or plat. Modification of conditions must be accomplished pursuant to the applicable amendment or plat alteration procedure.
5. A boundary line adjustment shall not create easements or alter recorded easements for ingress or egress, utilities, or emergency vehicle access.
6. The boundary line adjustment shall be reviewed to determine potential impacts to drainage, critical areas, water supply, existing sanitary sewage disposal, access or easement for vehicles, utilities or fire protection for any lot, tract, parcel, or site, and for zoning requirements, previous decisions, accuracy of legal description, ownership, lot dimensions, and improvements on the lots.
7. Legally existing lots, structures and uses shall not be required to correct existing nonconforming features to meet current regulations as a condition of a boundary line adjustment approval. Boundary line adjustments shall not apply to road and utility vacations.

8. An application for a boundary line adjustment shall not involve more than five contiguous lots. This limitation shall not apply to a BLA that results in the combination of lots.
  9. An application for a boundary line adjustment shall not involve more than ten contiguous lots within an approved planned unit development.
  10. The adjustment of boundary lines between two or more nonconforming lots shall be allowed only in the following circumstances:
    - a. The adjustment is necessary to correct a controversy regarding the location of a boundary line, to remedy adverse topographical features, or to provide access to an otherwise inaccessible parcel; or,
    - b. The adjustment serves to bring one or more nonconforming lots into greater compliance with the area requirements of the applicable zone and all reconfigured lots resulting from the adjustment are of sufficient size to accommodate all applicable setback requirements of the zone in which the lots are located.
  11. In no case may a boundary line adjustment result in a conforming lot becoming nonconforming to the area requirements of the applicable zone; result in an increase in the number of nonconforming lots; or, result in the creation of a lot of insufficient size or dimension to accommodate all applicable setbacks of the zone in which the lot is located.
  12. The boundary line adjustment shall not serve to circumvent or eliminate requirements related to building height, setback or landscaping pursuant to Title 18A nor shall it serve to eliminate requirements related to frontage improvements or other design requirements pursuant to Title 18J.
- B. **Boundary Line Adjustment Conveyance of Property.** Any deeds associated with the properties being adjusted shall be recorded with the signed mylar.
- C. **General Requirements Specific to Boundary Line Adjustments.** In addition to the requirement in 18F.70.030 A., General Requirements, the following is applicable for all boundary line adjustments that result in the combination of lots:
1. Boundary line adjustment lot combinations are subject to the requirements of 18F.70.030 A., General Requirements, except as provided herein:
    - a. A boundary line adjustment may not be used to combine lots that are separated by a dedicated, improved, public or private road.
    - b. A boundary line adjustment may be required when existing platted lots or unplatted lots of record do not meet current density/bulk standard requirements.
    - c. A boundary line adjustment may result in a parcel that may not be resubdivided in the future under applicable land use regulations.
    - d. A boundary line adjustment shall not be required as part of a proposed road vacation action.
    - e. The petitioner shall prepare a new legal description that accurately depicts the combination of lots. Such legal description shall be recorded with the final approval.
- D. **Director's Authority.** The Director has the authority to approve or deny any proposed boundary line adjustment and may impose additional or modified conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans and applicable County codes and state laws.

- E. **Required Written Findings and Determinations.** The Director's written decision on the boundary line adjustment shall include findings and conclusions, based on the record, to support the decision. A proposed boundary line adjustment shall not be approved unless the Director makes written findings that:
1. The boundary line adjustment complies with the provisions of this Chapter and Title and applicable County codes and state laws;
  2. The boundary line adjustment complies with the provisions of the Survey Recording Act;
  3. The boundary line adjustment does not result in an increase in the nonconformity of the project site as a whole;
  4. The proposed boundary line adjustment is independent and not part of a series of boundary line adjustments that have the effect of altering a recorded plat; and
  5. The boundary line adjustment does not negatively impact drainage, water supply, existing sewage disposal, or access.
  6. If applicable, a note that states that the lots, once combined, may not qualify to be resubdivided in the future under applicable land use regulations.
  7. If applicable, a note that states one single-family dwelling unit has been designated as an accessory dwelling unit.

F. **Approval.** The Director may approve, or approve with conditions, the proposed boundary line adjustment if the criteria contained in this Section have been met.  
(Ord. 2009-18s3 § 5 (part), 2009; Ord. 2007-85s § 4 (part), 2007; Ord. 2007-6 § 4 (part), 2007; Ord. 2005-11s2 § 1 (part), 2005)