

## **Title 19**

### **SUBDIVISIONS**

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## Chapter 19.01

### GENERAL PROVISIONS

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#### 19.01.010 Title.

The ordinance codified in this title shall be hereinafter known as the “city of Pacific subdivision ordinance.” (Ord. 951, 1984).

#### 19.01.020 Purpose.

The purpose of this title is to regulate the subdivision 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 and 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 provisions for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the state; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description. (Ord. 951, 1984).

#### 19.01.030 Scope.

This title shall apply to the division of land for sale or lease into two or more parcels.

Where this title imposes greater restrictions or higher standards upon the development of land than other laws, ordinances or restrictive covenants, the provisions of this title shall prevail. (Ord. 951, 1984).

#### 19.01.040 Administering authority designated.

The director is designated and assigned the responsibilities contained in this title, pursuant to the laws of the state of Washington, for reviewing subdivisions, short plats and dedications, and providing recommendations thereon to the city council. (Ord. 1505 § 10, 2001; Ord. 1363 § 1, 1998; Ord. 951, 1984).

#### 19.01.050 Exceptions.

This title shall not apply to:

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

B. Divisions of land into lots or tracts each of which is 1/128 of a section of land, or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes 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 centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;

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

D. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with city ordinance;

E. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city has approved a binding site plan for the use of the land in accordance with city ordinance;

F. Boundary line (or lot line) adjustments, between platted or unplatted lots or both, which do not create any additional lot which contains insufficient area and dimension to meet minimum requirements for lot width, lot area or building setback;

G. 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 a 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 city has approved a binding site plan for all such land;

4. Such approved binding site plan is recorded in the county in which such land is located; and

5. The binding site plan contains thereon the following statement:

All development of the land described herein shall be in accordance with the binding site plan, as it may be amended with the approval of the city 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.

H. Divisions of land due to condemnation or sale under threat thereof by an agency or division of government vested with the power of condemnation. (Ord. 1505 § 10, 2001; Ord. 1363 § 2, 1998).

**Chapter 19.04**

**DEFINITIONS**

Sections:

19.04.010 Definitions.

**19.04.010 Definitions.**

1. "Alley" means a public thoroughfare or way having a width of not more than 30 feet, which affords only a secondary means of access to abutting property.

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

3. "City council" means the city council of the city of Pacific, Washington.

4. "City engineer" means a licensed engineer or an authorized member of a licensed consulting firm or organization retained by the city for consultation, design, and construction engineering of specific public works projects and subdivisions.

5. "Common open space" means a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a subdivision and designed and intended for the use or enjoyment of residents of a subdivision. Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the subdivision and/or the city.

6. "Comprehensive plan" means the plans, maps, and reports which comprise the official development plan as adopted by the city council in accordance with Chapter 35.63 RCW.

7. "County auditor" means as defined in Chapter 36.22 RCW or the office of the person assigned such duties under the King County or Pierce County charter.

8. "Cul-de-sac" means a short street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

9. "Dedication" means a deliberate appropriation of land by its owner for any general and public uses, reserving to himself 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 of filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the city of Pacific.

10. "Developer" means the person, party, firm or corporation proposing to make, or having made, a subdivision; subdivider.

11. "Director" means the appointed community development director.

12. "Final approval" means the final official action taken by the city council on the proposed plat, subdivision, dedication or portion thereof that has previously received preliminary approval.

13. "Final plat" means the final drawing of the subdivision and dedication drawn to scale not smaller than one inch equals 100 feet unless approval of another scale is given by the city engineer, prepared for filing for record with the appropriate county auditor or recorder and containing all elements and requirements set forth in this title and in state law.

14. "First-class shorelands" means public lands, once or still belonging to the state, bordering on the shores of a navigable lake or river, not subject to tidal flow, between the line of ordinary high water and the line of navigability, or inner harbor line, if established, and within or in front of the corporate limits of any city or town, or within two miles thereof upon either side.

15. "Improvement" means any thing or structure constructed for the benefit of all or some residents of the subdivision or the general public such as but not limited to roads, alleys, parks and recreation facilities, storm drainage systems and ditches, sanitary sewer pipes or main lines, storm drainage containment facilities, and water mains.

16. "Large lot subdivision" means a subdivision into divisions, lots or tracts of one acre or more in size with an arrangement of divisions, lots or tracts and roads such as to permit a later re-subdivision in conformance with zoning, access, division, lot or tract standards or requirements of the city.

17. "Lot" means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

18. Lot, Corner. "Corner lot" means a lot abutting upon two or more streets at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot lines.

19. "Official plans" means those official maps or map, or portion thereof, adopted by ordinance by the city council as provided in RCW 35.63.110.

20. "Planning commission" means the city of Pacific planning commission.

21. "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 and dedications.

22. "Preliminary approval" means the official favorable action taken on the preliminary plat of a proposed subdivision, metes and bounds description, or dedication, by the city council following a duly advertised public hearing.

23. "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 plat or 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.

24. "Private road" means that easement or parcel created to provide access from a city street to short platted lots, the maintenance of which is to be the responsibility of the lot owners.

25. "Roadway" means that portion of a street intended for the accommodation of vehicular traffic, generally within curb lines.

26. "Short plat" means an area, which has been divided into four or less lots, plots, tracts, or other divisions of land for the purpose, whether immediate, or future, of transfer of ownership, sale, or lease.

27. "Street" means an officially approved public thoroughfare or right-of-way dedicated, deeded or condemned, which has been accepted by the city for use as such, other than an alley, which affords the principal means of public access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and other thoroughfare, except as excluded in this title. The word "street" includes all arterial highways, freeways, traffic collector streets, and local streets.

28. "Subdivision" or "plat" means an area, which has been divided into five or more lots, plots, tracts or other divisions of land for the purpose, whether immediate, or future, of transfer of ownership, sale, or lease.

29, "Traffic calming device" means a speed bump, island, or other structure designed to slow traffic and make the street quieter and safer for pedestrians. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

**Chapter 19.08**

**SUBDIVISION**

Sections:

- 19.08.010 Approval required.
- 19.08.020 *Repealed.*
- 19.08.030 Applicability.
- 19.08.040 Preliminary plat procedures – Fees.
- 19.08.045 Criteria and requirements.
- 19.08.046 *Repealed.*
- 19.08.047 Alteration of subdivision.
- 19.08.048 *Repealed.*
- 19.08.049 *Repealed.*
- 19.08.050 Minimum improvements following approval of preliminary plat.
- 19.08.060 Method of assuring performance.
- 19.08.070 Permit applications.
- 19.08.080 Inspection, approval and fees.
- 19.08.085 *Repealed.*
- 19.08.090 Completion of improvements – Letters of approval.
- 19.08.100 Final plat application.
- 19.08.110 Final plat procedure.
- 19.08.120 Criteria.
- 19.08.130 *Repealed.*
- 19.08.140 Expiration.
- 19.08.150 Appeals.

**19.08.010 Approval required.**

Land shall not be subdivided except as provided in this title. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

**19.08.020 Outline of subdivision procedures.**

*Repealed by Ord. 1363.* (Ord. 1180 § 7, 1992; Ord. 951, 1984).

**19.08.030 Applicability.**

Any land being divided into five or more lots within a period of five years shall, if any such lot is less than 20 acres in size, conform to the requirements of this chapter. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

**19.08.040 Preliminary plat procedures – Fees.**

A. Data and supplementary materials required for the preliminary plat application shall be as follows:

1. A completed application form;
2. Ten copies of the plat map, 18 inches by 24 inches in size, plus an 11-inch by 17-inch reduction of the plat map, showing the following information:
  - a. Proposed lot boundary lines, with appropriate dimensions and bearings;
  - b. Topographic contours at one-foot intervals in the valley and west plateau and five-foot contours for escarpments;
  - c. Existing and proposed easements;
  - d. Existing structures with assigned addresses;
  - e. Ownership and consent statement/declaration. If different from the owner, the applicant must submit a statement from all owners of the property approving submittal of the application;
  - f. Vicinity map;
  - g. Existing zoning;
  - h. Assessor's parcel number(s);
  - i. Certification of registered civil engineer or land surveyor;
  - j. Legal description of the original parcel;
  - k. Map scale and north arrow;
  - l. Recorded names of subdivision(s) adjacent to the site;
  - m. Purpose for which sites or tracts, other than residential lots, are reserved or dedicated;
  - n. Minimum building setback line, indicated by a dashed line, from all proposed lot boundaries;
3. Conceptual utilities plan on one or more sheets, showing the location and size of existing and proposed utilities, including stormwater facilities, and easements;
4. Completed and signed environmental checklist;
5. Title report or plat certificate;
6. Stamped envelopes with the names and addresses of owners as shown on the records of the division of records of King County or the Pierce County assessor for all

properties within 300 feet from the boundaries of property (not including adjacent street rights-of-way) under the applicant's contiguous ownership, and a copy of the property listing; and

7. Fees as established by resolution.

B. The city may require submittal of additional data, on a case-by-case basis, in accordance with site-specific conditions. Examples of such data may include, but are not limited to:

1. Wetland or other sensitive area report, prepared by a specialist qualified as provided under the city's critical areas management regulations; and
2. Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision and typical cross-sections of the proposed grading, roadway and sidewalk.

C. Preliminary plats shall be Type V permits. See Chapter 16.28 PMC. (Ord. 1505 § 10, 2001; Ord. 1375 § 43, 1998; Ord. 1363 § 3, 1998; Ord. 1196 § 2, 1992; Ord. 1180 §§ 8, 9, 10, 11, 1992; Ord. 1173 § 7, 1992; Ord. 1124 §§ 1, 2, 1990; Ord. 951, 1984).

**19.08.045 Criteria and requirements.**

A. Criteria. The criteria by which preliminary plats are judged shall be as follows:

1. Whether the subdivision will be in the interest of public health, safety and welfare;
2. Whether appropriate provisions are made for, but not limited to, 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;
3. Whether appropriate provisions are made for sidewalks and other planning features that assure safe walking conditions for students who walk to or from school.

B. Dedication of Land. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or payment of impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. Following the city council's decision, a notice of

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decision shall be issued to the applicant within 120 days after issuance of the notice of completeness. In determining the number of days that have elapsed, the city shall be guided by the procedures for land use permits in PMC Title 16.

C. Conformance to Plans. If a proposed street and/or lot pattern for any district in the city has been identified by the city council, the street layout of any new plan submitted shall be in general conformance to the pattern or plan. Otherwise, proposed streets in new subdivisions shall conform to the comprehensive plan, or to the existing pattern of roads in the city and the adopted six-year street plan.

D. Final Plat Submittal. The final plat application shall be submitted to the city within five years after city council approval of the preliminary plat or the preliminary approval shall become void.

E. Dedication of New Right-of-Way. Where the comprehensive plan or the city's adopted six-year street plan indicates the necessity of new right-of-way of a required width or a portion thereof for street purposes whether within a new plat or new subdivision, or along the boundaries of a new plat, new subdivision or new lot, such required right-of-way or portion thereof shall be dedicated to the city by the filing of a plat.

F. Cemetery Area. The area of a proposed cemetery in one unit shall be not more than 80 acres, which may or can be surrounded by streets and highways. If the area of a cemetery is intersected or cut by dedicated or platted streets, the areas on opposite sides of the streets shall form and be considered separate units.

G. Restrictive Covenants May Be Shown on Plats. Restrictive covenants not contrary to existing regulations regarding the use of land, governing and binding all future owners of lots or tracts, may be shown on any plat.

H. Conformance to Zoning, Land Use and Environmental Regulations. No final plat within the force and effect of existing zoning, land use and environmental regulations shall be approved unless it conforms to such regulations. Whenever there is a discrepancy between minimum standards of dimension noted in this

chapter and those contained in zoning regulations, building codes or other official regulations, the highest standard shall apply.

I. Notice to Secretary of Transportation. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the Washington State Secretary of Transportation. The Secretary shall respond to the city within 15 days of such notice as to the effect the proposed subdivision will have on the state highway or airport.

J. Tree Planting. The planting of all street trees shall conform with a street tree plan formulated by the director in accordance with the guidelines under Chapter 20.70 PMC.

K. Required Improvements. The city engineer shall prepare minimum development standards for infrastructure improvements in regard to materials, design and construction. These standards shall be appropriate to the locality, topography, soil conditions and geology of the area in which the proposed subdivision is to be developed and improved and shall be basic requirements to be met by all developers. These standards shall be made available to all applicants/developers, or their surveyors and engineers, at the pre-application meeting. Minimum development standards shall be as established by resolution of the city council.

L. Modification for Planned Unit Development. The standards and requirements of this title may be modified by the city council in the case of a planned residential development, in accordance with Chapter 20.69 PMC. (Ord. 1505 § 10, 2001; Ord. 1363 § 4, 1998; Ord. 1124 § 3, 1991).

### **19.08.046 Vacation of subdivision – Procedure.**

*Repealed by Ord. 1505.* (Ord. 1363 § 5, 1998; Ord. 1124 § 4, 1991).

### **19.08.047 Alteration of subdivision.**

The process for altering subdivisions shall be the same as the process of approving a new subdivision except that:



A. The application shall contain the signatures of the majority of those persons having an ownership interest of lots or parcels that will be affected by the alteration.

B. If the alteration would nullify or alter a covenant, the application shall contain an agreement to so nullify or alter the covenant, signed by all parties subject to the covenant.

C. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided among the remaining or resulting lots or parcels.

D. The preliminary and final plat procedures shall be amalgamated in a single alteration procedure. (Ord. 1505 § 10, 2001).

**19.08.048 Inspection for site development – Fee.**

*Repealed by Ord. 1505. (Ord. 1375 § 65, 1998).*

**19.08.049 Utility/site development plan review – Fees and deposit.**

*Repealed by Ord. 1505. (Ord. 1375 § 66, 1998).*

**19.08.050 Minimum improvements following approval of preliminary plat.**

If the proposed plat is approved by the city council, the developer, before requesting final approval, shall elect, by a written statement, to carry out minimum improvements in accordance with the provisions of Chapters 19.16, 19.20 and 19.24 PMC by any of the following methods:

A. By furnishing, at the election of the city, a plat or subdivision bond, letter of credit, or account set-aside, in a form approved by the city and in which assurance is given to the city the minimum improvements will be carried out as provided in Chapters 19.16, 19.20 and 19.24 PMC, and in accordance with the installation requirements. The amount of the performance assurance shall be 150 percent of the improvement cost and shall be for a period not to exceed two years;

B. By installing the minimum improvements in accordance with the provisions of Chapters 19.16, 19.20 and 19.24 PMC and city

standards and specifications, under the supervision of the director;

C. By furnishing the city with a copy of the contract signed by a contractor and the developer of the proposed subdivision, under which the contractor has agreed to install the minimum improvements in accordance with the provisions of Chapters 19.16, 19.20 and 19.24 PMC and city standards and specifications. The developer shall furnish the city with a copy of the executed performance bond for installation of the minimum improvements, under which assurance is given that the contractor will install the minimum improvements in accordance with the provisions of Chapters 19.16, 19.20 and 19.24 PMC and city standards and specifications. The amount of the performance bond shall be 150 percent of the improvement cost and shall be for a period not to exceed two years; and

D. By a combination of these methods. The city reserves the right, in addition to all other remedies available to it by law, to proceed against such bond. In case of any suit or action to enforce any provisions of this chapter, the developer shall pay unto the city all costs incidental to such litigation including reasonable attorneys' fees. (Ord. 1505 § 10, 2001; Ord. 1363 § 7, 1998; Ord. 951, 1984).

**19.08.060 Method of assuring performance.**

After the director has approved the final improvement plans for the approved preliminary plat, subdivision, or dedication, the developer shall advise the director of the method of assuring performance. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

**19.08.070 Permit applications.**

The developer may then make application for such permits from the local officers, officials, and authorities as are necessary to proceed with the installation of the improvements. (Ord. 951, 1984).

**19.08.080 Inspection, approval and fees.**

The director shall be responsible for the inspection and acceptance of all subdivision improvements. There shall be a fee for inspec-

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tion and approval of all subdivision improvements as established by city resolution. (Ord. 1505 § 10, 2001; Ord. 1375 § 44, 1998; Ord. 1363 § 8, 1998; Ord. 951, 1984).

### 19.08.085 Consultant services – Fee and deposit.

*Repealed by Ord. 1505.* (Ord. 1375 § 45, 1998; Ord. 1173 § 8, 1992; Ord. 1129 § 3, 1991).

### 19.08.090 Completion of improvements – Letters of approval.

After satisfactory completion of all improvements or guarantee of completion of all improvements pursuant to PMC 19.08.050, the director shall verify that the developer has satisfactorily completed the required installation in accordance with the provisions of Chapters 19.16, 19.20 and 19.24 PMC, and in accordance with city standards and specifications. The director shall transmit one copy of such letter to the developer, together with a notice advising the developer to prepare a final plat for that portion of the area contained in the proposed subdivision in which minimum improvements have been installed or are guaranteed to be installed and covered by the letter of approval issued by the director. (Ord. 1505 § 10, 2001; Ord. 1363 § 9, 1998; Ord. 1180 § 12, 1992; Ord. 951, 1984).

### 19.08.100 Final plat application.

#### A. Application.

1. Application for final plat shall be filed with the director on forms prescribed by the city.

2. Ten copies of the final plat plus the original shall be submitted; said plat shall be prepared by a land surveyor registered in accordance with the requirements of Chapter 18.43 RCW, and shall conform to the preliminary plat.

#### B. Final Plat Requirements.

1. The final plat shall be drawn to a scale of not less than one inch representing 100 feet unless otherwise approved by the director on sheets 18 inches by 24 inches. If more than one sheet is required each sheet shall be of the above specified size. When two or more sheets

are required, an index sheet shall be required showing the entire subdivision, with street and highway names and block numbers. The index sheet may be of a scale smaller than one inch representing 100 feet. The original drawing shall be in black ink on stabilized mylar with a two-inch left side border and half-inch border on the other three sides, and shall contain the following information:

a. Date, title, name and location of subdivision, graphic scale, north point, and datum of north point. The datum of north point shall be an acceptable datum as prescribed by the city engineer;

b. The lines of all streets and roads, alley lines, lot lines, lot and blocks numbered in numerical order, reservations, easements, and any areas to be dedicated to public use, with notes stating their purpose and any limitations;

c. Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street, easement line, lot line, boundary lines and block line;

d. All dimensions to the nearest one hundredth of a foot and angles and bearings in degrees, minutes, and seconds;

e. Lambert coordinates, if provided by the public works department, for permanent control monuments shall be shown on the final plat as determined by the city engineer's office;

f. All interior permanent control monuments shall be located as determined by the director and shall be clearly shown on the final plat;

g. All interior monuments shall be installed prior to the release of any bond;

h. The final plat shall be mathematically correct;

i. The final plat shall be accompanied by an approved printed computer plot closure or demonstrated mathematical plot closure on all lots, streets, alleys and boundaries;

j. A legal description of the land to be subdivided shall be shown on both the title report and final mylar;

k. The final plat shall 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 may be required to 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. The error of closure of any and all traverses shall not exceed one foot in 10,000 feet. A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data.

2. Final Plat Certificates. In addition to other requirements as specified herein, the final plat shall contain or be accompanied by the following:

a. Certification showing that streets, rights-of-way and all sites for public use have been dedicated;

b. Certification by a licensed land surveyor that a survey has been made and that monuments and stakes will be set;

c. Certification by the agencies responsible for sewage disposal and water service that the methods of sewage disposal and water service are adequate;

d. Certification by the city engineer that the developer has complied with either of the following alternatives:

i. All improvements have been installed in accordance with the requirements of these regulations, or

ii. Certain improvements have been deferred according to PMC 19.08.050;

e. The developer shall furnish the city a plat certificate from a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision, or dedication and listing all encumbrances. The certificate shall be dated within 45 days prior to the granting of the final plat by the city council;

f. Certification by the county finance department that taxes have been paid in accordance with Section 1, Chapter No. 188, Laws of 1927 (RCW 58.08.030 and 58.08.040) and that a deposit has been made with the county

finance department in sufficient amount to pay the taxes for the following year;

g. Certification by the city treasurer that there are no delinquent special assessments and that all special assessments certified to the city treasurer for collection on any property herein contained dedicated for streets, alleys or other public uses are paid in full;

h. Certification of approval to be signed by the city engineer;

i. Certification of approval to be signed by the director;

j. Copies of any restrictive covenants as may be used in the subdivision.

3. Whenever a survey of a proposed subdivision reveals a discrepancy, the discrepancy shall be resolved before the filing of the final plat. As used in this subsection, "discrepancy" means: a boundary hiatus; an overlapping boundary; or a physical appurtenance, which indicates encroachment, lines of possession or conflict of title. (Ord. 1505 § 10, 2001; Ord. 1180 § 13, 1992; Ord. 1124 § 6, 1991; Ord. 951, 1984).

#### **19.08.110 Final plat procedure.**

Final plats are Type I permits. See Chapter 16.20 PMC. If desired by the developer, the final plat may constitute only that portion of the preliminary plat which is proposed to be recorded and developed at the time. (Ord. 1505 § 10, 2001; Ord. 1363 § 10, 1998; Ord. 951, 1984).

#### **19.08.120 Criteria.**

When the city finds that the final plat conforms to all terms of the preliminary plat approval, and that the subdivision meets the requirements of this chapter, applicable state laws, and any ordinances adopted under this chapter at the time of preliminary plat vesting, the city council shall approve the final plat, where after the developer shall obtain the required signatures on the final plat map, and record the plat in accordance with RCW 58.17.160. (Ord. 1505 § 10, 2001; Ord. 1363 § 11, 1998; Ord. 951, 1984).

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### 19.08.130 Extension of the final plat approval date.

*Repealed by Ord. 1363.* (Ord. 951, 1984).

### 19.08.140 Expiration.

If a final plat has not been recorded within six months after approval by the city council, the map shall expire and be null and void. One extension to the six-month period may be granted by the city council if the appropriate fee is paid and if the applicant's reasons for granting the extension satisfy the council. To revitalize the expired map, the map shall be resubmitted as a preliminary map. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

### 19.08.150 Appeals.

Appeals shall be filed within 21 days of the issuance of the decision being appealed in accordance with Chapter 36.70C RCW. (Ord. 1363 § 12, 1998).

## Chapter 19.12

### SHORT PLATS

#### Sections:

- 19.12.010 Procedure.
- 19.12.020 Application.
- 19.12.030 Departmental review.
- 19.12.040 Criteria.
- 19.12.050 Acceptance of public works.
- 19.12.060 Signing and filing.
- 19.12.070 Further subdivision.

#### 19.12.010 Procedure.

Short plats shall be Type I permits. See Chapter 16.20 PMC. (Ord. 1505 § 10, 2001).

#### 19.12.020 Application.

The application shall contain:

A. A nonrefundable fee as set by resolution;

B. A completed application form;

C. Ten copies of a map satisfying the requirements of Chapter 58.09 RCW for recorded surveys, showing:

1. Proposed lot lines, with appropriate dimensions and bearings, and area of each lot;

2. Topographic contours at one-foot intervals in the valley and west plateau and five-foot contours for escarpments;

3. Existing and proposed easements;

4. Existing structures with addresses indicated;

5. Ownership and consent statement;

6. Legal description;

7. Map scale and north arrow;

8. Control monuments;

9. Surveyor's certificate;

10. Certification from the city treasurer, city clerk, city engineer and public works director that any special assessments have been paid; and

11. Certification from the director;

D. Plans or data sufficient to demonstrate adequacy of water, sanitary sewer, and storm-water facilities, including, as appropriate, the location and size of existing and proposed utilities, drainage calculations, or other information required by the director;

E. Proof of lot closure;

F. Title report; and

G. Other data as the director may require, including critical area studies. (Ord. 1505 § 10, 2001).

**19.12.030 Departmental review.**

The director shall coordinate review by city departments as necessary. (Ord. 1505 § 10, 2001).

**19.12.040 Criteria.**

The director shall approve a proposed short plat if and only if the director finds in writing that the short plat:

A. Complies with all development regulations (PMC Titles 13 through 23);

B. Is consistent with the comprehensive plan;

C. Contains appropriate provisions for the public health, safety, and general welfare, which provisions shall if appropriate include streets, sidewalks, potable water, sanitary sewer, and stormwater facilities; and

D. Conforms with all applicable public works design standards. (Ord. 1505 § 10, 2001).

**19.12.050 Acceptance of public works.**

If the short plat proposes to dedicate to the public any streets, stormwater facilities, or other public works, the director may divide the approval process into a preliminary and final phase to accommodate construction of improvements. If the subdivider wishes to defer improvements, and the city agrees, the subdivider shall post an appropriate financial instrument in favor of the city as provided in PMC 19.08.060. (Ord. 1505 § 10, 2001).

**19.12.060 Signing and filing.**

The approved short plat shall be filed with the King County division of records or the Pierce County auditor, as applicable. (Ord. 1505 § 10, 2001).

**19.12.070 Further subdivision.**

Land in short plats may not be divided into more than the maximum number of lots allowed in a short plat within a period of five years without the filing of a subdivision. (Ord. 1505 § 10, 2001).

## Chapter 19.14

### BOUNDARY LINE ADJUSTMENTS

Sections:

19.14.010 Application – Requirements.

#### 19.14.010 Application – Requirements.

Applications for boundary (lot) line adjustments shall be made to the director. The criterion shall be conformance with PMC 19.01.050(F). Boundary line adjustments shall be effective upon filing for record. The application for boundary line adjustment shall consist of the following:

- A. A declaration of boundary line adjustment;
- B. The legal descriptions for the old parcels;
- C. A legal description of the land to be exchanged;
- D. The legal descriptions for the new parcels;
- E. A map on stabilized drafting film of the before and after configuration of the parcels drawn to scale at no smaller than one inch to 50 feet, which map (1) shows compliance with minimum lot size and width and building setback requirements, and (2) resolves any conflicts of encroaching buildings or fences;
- F. A notarized acknowledgment of the affected property owners; and
- G. Application fee as established by resolution. (Ord. 1505 § 10, 2001).

## Chapter 19.16

### DESIGN PRINCIPLES AND MINIMUM REQUIREMENTS

Sections:

- 19.16.010 Generally.
- 19.16.020 Certain types of land unsuitable.
- 19.16.030 Areas where topographical slopes are 15 percent or more.
- 19.16.040 Attention to official and development plans.
- 19.16.050 Land to be designated for public use.
- 19.16.060 Block and street layout.
- 19.16.070 Block requirements.
- 19.16.080 Street widths.
- 19.16.090 Grades for public highways and pedestrian ways.
- 19.16.100 Curves for public highways and pedestrian ways.
- 19.16.110 Intersections.
- 19.16.120 Sidewalks.
- 19.16.130 Streets and roads.
- 19.16.140 Curbs.
- 19.16.150 Water distribution system.
- 19.16.160 Permanent monuments.
- 19.16.170 Street lights.
- 19.16.180 Parking strips.
- 19.16.190 Lots.

#### 19.16.010 Generally.

In the planning of a subdivision, short plat, or dedication, the developer shall prepare his proposal in conformance with the provisions set forth in this chapter. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

#### 19.16.020 Certain types of land unsuitable.

Land which the city has found to be unsuitable due to flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the safety, welfare and general health of the future residents, and which the city considers inappropriate for subdivision shall not be subdivided, unless adequate methods are formulated by the developer and approved by the city engineer. (Ord. 951, 1984).

**19.16.030 Areas where topographical slopes are 15 percent or more.**

Those areas of the city where topographic slopes are 15 percent or greater, as predetermined by the director, shall be subdivided in conformance with any additional requirements which the city engineer shall provide to any developer within 10 working days after receipt of his request. This request shall be accompanied by a sketch map showing location of proposed plat, subdivision, or dedication. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

**19.16.040 Attention to official and development plans.**

The proposed subdivision shall provide for such requirements contained in the official plans or portions thereof and development plans for the city. (Ord. 951, 1984).

**19.16.050 Land to be designated for public use.**

The developer shall make available for public acquisition such lands in the area to be subdivided as are designated by the official plan for parks, playgrounds and public buildings. (Ord. 951, 1984).

**19.16.060 Block and street layout.**

The block and street layout shall conform to the most advantageous development of adjoining areas and the entire neighborhood, and shall provide for the following:

- A. Street continuity of appropriate streets and arterials;
- B. Streets generally following contour lines;
- C. Street intersections at right angles, or as nearly as possible;
- D. Street jogs shall be avoided;
- E. Nothing less than full-width streets, and no boundary streets on the tract in which the plat is located, unless required to provide right-of-way for streets and arterials designated by the official plan or portions thereof;
- F. For residential lots fronting on major arterials only, either alleys in the rear, or service drives in front;

G. Private roads in the RS zone of the city shall serve no more than eight lots. Private roads serving lots in the RS zone west of the West Valley Highway and private roads serving four or fewer lots in the RS zone east of the West Valley Highway shall be paved, shall be at least 20 feet wide, shall have three feet of graveled shoulders, and shall have a paved turnaround at least 60 feet in diameter, or an alternative to the turnaround if approved by the fire chief and city engineer. Private roads serving more than four but eight or fewer lots in the RS zone east of the West Valley Highway shall be asphalt concrete pavement, shall be at least 34 feet wide, shall have type "A" vertical curbs, shall have a paved cul-de-sac turnaround at least 60 feet in diameter and shall have five-foot wide adjacent concrete sidewalks on both sides of the road and around the cul-de-sac. The private roads constructed in accordance with this subsection shall be posted "No Parking, Fire Zone." (Ord. 1195 § 1, 1993; Ord. 987 § 4, 1986; Ord. 951, 1984).

**19.16.070 Block requirements.**

Blocks shall meet the following requirements:

- A. The width of blocks shall provide for two tiers of lots, each of which shall have a minimum depth sufficient to meet zoning requirements;
- B. The length of blocks shall not exceed 1,320 feet where the average size of lots does not exceed two acres in area;
- C. In any block exceeding 660 feet in length, walks or pedestrian ways at a mid-block point may be required, when determined to be essential to provide circulation or access to schools, playgrounds, shopping centers, etc.;
- D. The number of streets intersecting with the existing or proposed public highway as shown on the plan shall be held to a minimum. Whenever the topography and general characteristic of the area to be platted require blocks of more than 1,320 feet in length, such reason shall be listed and supported by the design of the plat, subdivision, or dedication. (Ord. 951, 1984).

## 19.16.080

### 19.16.080 Street widths.

Street widths vary according to function and traffic generated. The following street widths shall apply:

	<b>Right-of-Way</b>	<b>Pavement Width</b>
Major arterial	80'	60'
Secondary arterial	80'	44'
Collector	60'	44'
Residential local access and cul-de-sac	50'	34'
Turnarounds	50' radius	40' radius

Note: Cul-de-sacs shall not exceed 300 feet in length. (Ord. 951, 1984).

### 19.16.090 Grades for public highways and pedestrian ways.

Grades of streets shall be a minimum of 0.5 percent and a maximum of five percent, except in hillside areas where the director may approve grades to a maximum of 15 percent. Grades of pedestrian ways or crosswalks shall be not more than eight percent unless steps and handicapped ramps designed in accordance with the city standards and specifications are provided in the plans. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

### 19.16.100 Curves for public highways and pedestrian ways.

The radii of curvature on the centerline shall not be less than the following:

- Major arterial - 300 feet
- Secondary arterial - 200 feet
- Collector arterial - 200 feet
- Local access and cul-de-sac - 100 feet

A tangent of at least 200 feet in length shall be provided between reverse curves for major arterials, 150 feet for collector streets, and 100 feet for local access streets and cul-de-sacs. (Ord. 951, 1984).

### 19.16.110 Intersections.

Street curbs at all intersections shall be rounded by radii of at least 30 feet. Larger radii may be required by the director on arterials and areas of multiple semi-trailer truck movements. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

### 19.16.120 Sidewalks.

Sidewalks serving proposed commercial, shopping and retail land uses shall be at least seven feet wide. Sidewalks serving residential areas shall be at least five feet wide. Sidewalks shall be constructed on both sides of all existing or proposed through streets in accordance with the city standards. Sidewalks shall be constructed on both sides and around the end of a cul-de-sac serving a residential area in accordance with the city standards. Handicap ramps shall be provided in sidewalks at all intersections. (Ord. 1122 § 1, 1990; Ord. 951, 1984).

### 19.16.130 Streets and roads.

All public streets shall be constructed to full width and surfaced in accordance with the standards of the city. All private roads shall be constructed of (1) a minimum two inches of Class B asphalt and (2) a minimum two inch base course and two inch top course crushed rock surfacing over a minimum six-inch bank run gravel, Class A compacted subbase. (Ord. 1148 § 1, 1991; Ord. 951, 1984).

### 19.16.140 Curbs.

Vertical curbs shall be installed in accordance with the standards of the city. (Ord. 951, 1984).

### 19.16.150 Water distribution system.

The water distribution system, including the locations of fire hydrants, shall be designed and installed in accordance with the standards of the city and water utility serving the area. Connections shall be provided for each lot. (Ord. 951, 1984).

### 19.16.160 Permanent monuments.

Permanent monuments and other markers shall be erected and located, and each lot shall be staked in accordance with the standards of



the city. Prior to acceptance by the city, the developer shall provide a certificate from a registered professional land surveyor that all monuments and lot corners have been established as shown on the final plat. (Ord. 951, 1984).

street parking based upon city ordinances. (Ord. 1457 § 1, 2000; Ord. 1114 § 1, 1990; Ord. 987 § 5, 1986; Ord. 951, 1984).

#### **19.16.170 Street lights.**

Street lighting shall be provided in all new subdivisions. Minimum mounting height shall be 25 feet and minimum illumination levels, measured in horizontal footcandles (lumens per square foot) shall be 0.3. In addition, as a minimum standard, the director may require luminaires located at all public and private street intersections. All new power lines and services to the street lights shall be underground. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

#### **19.16.180 Parking strips.**

Landscaped parking strips may be required along such streets as determined by the city. If parking strips are required, parking strip widths shall be as specified by the city engineer. (Ord. 1122 § 2, 1990; Ord. 951, 1984).

#### **19.16.190 Lots.**

A. The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.

B. Excessive depth in relation to width shall be avoided.

C. Every lot shall abut on a street.

D. Lots, except corner lots, having frontage on two streets shall be avoided.

E. Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.

F. Corner lots for residential use shall be platted wider than interior lots and shall conform to the front yard requirements on the side street as prescribed by PMC Title 20.

G. Residential lots fronting on community arterials shall have extra depth.

H. Proposed plats, subdivisions, or dedications which include lot layouts to be used for suburban, commercial or retail purposes shall be designed to provide for a minimum of off-

**Chapter 19.20**

**PUBLIC IMPROVEMENTS**

Sections:

- 19.20.010 Plan preparation.
- 19.20.020 Street and drainage plan-profile map.
- 19.20.030 Sanitary sewer plan-profile map.
- 19.20.040 Water system plan map.
- 19.20.050 Required map features.
- 19.20.060 Map submission.
- 19.20.070 Standards and specifications.
- 19.20.080 Submission of additional information.

**19.20.010 Plan preparation.**

Plans for public improvements shall be prepared by a registered civil engineer and shall be in accordance with city standards and specifications as set forth by the city engineer under the direction of the city council. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

**19.20.020 Street and drainage plan-profile map.**

A plan-profile map shall be prepared for the streets and drainage facilities on 24-inch by 36-inch stabilized drafting film. The horizontal scale shall be one inch equals 50 feet or larger and the vertical scale shall be one inch equals five feet or one inch equals two feet, as approved by the city engineer. (Ord. 951, 1984).

**19.20.030 Sanitary sewer plan-profile map.**

A plan profile map shall be prepared for sanitary sewer at the scales described in PMC 19.20.020, on 24-inch by 36-inch stabilized drafting film. (Ord. 951, 1984).

**19.20.040 Water system plan map.**

A plan map shall be prepared for water system at the scales described in PMC 19.20.020, on 24-inch by 36-inch stabilized drafting film. (Ord. 951, 1984).

**19.20.050 Required map features.**

The plan maps and plan-profile maps shall show all existing and proposed topography, utilities, grades, subdivision lines, rights-of-way and all other features required by the city engineer. (Ord. 951, 1984).

**19.20.060 Map submission.**

The plan maps, plan-profile maps and specifications shall be submitted to and approved and signed thereon by the city engineer prior to proceeding with the proposed improvements. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

**19.20.070 Standards and specifications.**

All improvements shall be installed in accordance with city standards and specifications as adopted by the city council and site improvements as inspected and approved by the city engineer of his/her designee. Variances regarding the design principles and minimum requirements for the layout of subdivisions can be considered by the street committee of the city council, if recommended for approval by the city engineer. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

**19.20.080 Submission of additional information.**

Any additional information pertaining to improvements shall be submitted as required by the city engineer. (Ord. 951, 1984).

**Chapter 19.24****DRAINAGE PLANS**

## Sections:

- 19.24.010 Purpose.
- 19.24.020 Definitions.
- 19.24.030 Drainage plan – Submission.
- 19.24.040 Drainage plan – Contents.
- 19.24.050 Drainage plan – Review and approval.
- 19.24.060 Storm sewer permits – Fees.
- 19.24.070 Mandatory requirements for drainage improvements.
- 19.24.080 Development in critical areas.
- 19.24.090 Establishment of regional facilities.
- 19.24.100 Operation and maintenance procedures.
- 19.24.110 Applicability to governmental entities.
- 19.24.115 Work in city right-of-way.
- 19.24.120 *Repealed.*
- 19.24.130 Protection of public/private rights.
- 19.24.140 Developer extension agreement.

**19.24.010 Purpose.**

The city council finds that this chapter is necessary in order to promote sound development policies and construction procedures which respect and preserve the city's water-courses; to minimize water quality degradation and control the sedimentation of creeks, streams, ponds, lakes and other water bodies; to protect property owners adjacent to developing and developed land from increased runoff rates which could cause erosion of abutting property; to protect downstream owners; to preserve and enhance the suitability of waters for contact recreation and fishing; to preserve and enhance the aesthetic quality of the waters; to maintain and protect valuable ground water resources; to minimize adverse effects of alterations in groundwater or quantities, locations, and flow patterns; to ensure the safety of city roads and rights-of-way; and to decrease drainage related damage to public and private property. (Ord. 951, 1984).

**19.24.020 Definitions.**

For the purposes of this chapter the following words shall have the meanings ascribed to them as follows:

A. "Comprehensive drainage plan" refers to a detailed analysis for each drainage basin which compares the capabilities and needs for runoff accommodation due to various combinations of development, land use, and structural and nonstructural management alternatives. The plan recommends the form, location and extent of quantity and quality control measures which optimally would meet the legal constraints, water quality standards, and community standards, as well as identifying the institutional and funding requirements for plan implementation.

B. "Bio-swale" shall mean a grass-lined swale designed to accept, store, and biologically filter stormwater runoff.

C. "Computations" means calculations, including coefficients and other pertinent data, made to determine the drainage plan with rates of flow of water given in cubic feet per second and cubic meters per second (cms).

D. "Critical area" means as defined in PMC Title 23.

E. "Design storm" refers to that rainfall event, which is selected by the city for purposes of design, specifying both the return period in years and the duration in hours.

F. "Detention facilities" means facilities designed to hold runoff while gradually releasing it as a predetermined maximum rate.

G. "Developer" means the individual(s) or corporation(s) applying for the permits or approvals described in PMC 19.24.030.

H. "Developmental coverage" means all developed surface areas within the subject property including, but not limited to, rooftops, driveways, carports, accessory building, parking areas, and any other impervious surfaces. During construction, developmental coverage includes the above in addition to the full extent of any alteration of previously occurring soils, slope or vegetation due to grading, temporary storage, access areas, or any other short-term causes.

## 19.24.030

I. "Drainage area" means the watershed contributing water runoff to and including the subject property.

J. "Drainage plan" means a plan for collection, transport, treatment, and discharge or recycle of water within the subject property.

K. "Drainage treatment/abatement facilities" means any facilities installed or constructed in conjunction with a drainage plan for the purpose of treatment or abatement of urban runoff, excluding retention or detention facilities.

L. "Natural location" of drainage systems refers to the location of those channels, swales, and other non-manmade conveyance systems as defined by the first documented topographic contours existing for the subject property, either from maps or photographs, or such other means as appropriate.

M. "Peak discharge" means the maximum surface water runoff rate (cfs and cms) determined for the design storm.

N. "Planned unit development (PUD)" or "planned residential development (PRD)" refers to residential developments which are planned and/or developed in several stages but submitted together for approvals, and which typically consist of clusters of multi-unit structures interspersed with areas of common open space.

O. "Procedures manual" means the manual of technical and administrative procedures established by the city which delineates methods to be used, the level of detail of analysis required, and other details for implementation of the provisions of this chapter.

P. "Receiving bodies of water" means creeks, streams, lakes and other bodies of water into which waters are directed, either naturally, in manmade ditches, or in closed conduit systems.

Q. "Retention facilities" means facilities designed to hold water for a considerable length of time and then consume it by evaporation, plant transpiration, or infiltration into the soil.

R. "Subject property" means the tract of land which is the subject of the permit and/or approval action, as defined by the full legal

description of all parcels involved in the proposed development. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

### 19.24.030 Drainage plan – Submission.

A. All developers applying for any of the following permits and/or approvals shall submit for approval a drainage plan with their application and/or request:

1. Grading permit;
2. Substantial development permit required under Chapter 90.58 RCW (Shoreline Management Act);
3. Subdivision approval;
4. Short plat approval (industrial and commercial);
5. Conditional use permit;
6. Building permit where the permit relates to 5,000 or more square feet of development coverage within the property, or where development is in a critical area;
7. Planned unit (residential) development.

B. Commencement of construction work under any of the permits or applications mentioned in subsection A of this section shall not begin until such time as final approval of the drainage plan is obtained in accordance with PMC 19.24.050.

C. The same plan submitted during one permit/approval process may be subsequently submitted with further required applications. The plan shall be supplemented with such additional information that is requested by the city engineer.

D. The plan requirement established in this section shall apply except when the developer demonstrates to the satisfaction of the city engineer that the proposed activity of development:

1. Will neither seriously nor adversely impact the water quality conditions or any affected receiving bodies of water;
2. Will not alter the surface discharge location, alter the drainage pattern on adjoining properties, alter drainage patterns, increase the discharge, nor cause any other adverse effects in the drainage area; and
3. Will not alter the subsurface drainage patterns, flow rates, and discharge points, nor

result in any significant adverse effects to property or residents. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

#### **19.24.040 Drainage plan – Contents.**

All developers applying for any of the permits and/or approvals contained in PMC 19.24.030(A) shall provide a drainage plan for surface and pertinent subsurface water flows entering, flowing within, and leaving the subject property both during and after construction. The detailed form and contents of the drainage plan shall be prepared by a registered professional civil engineer and shall be prepared in accordance with procedures established by the city engineer. The procedures will set forth the manner of presenting the following required information:

##### **A. Background Computations for Sizing Drainage Facilities.**

1. Depiction of the drainage area on a topographical map of approved scale and contour interval, with acreage of the site, development, and development coverage indicated;

2. Indication of the peak discharge and volume of surface water currently entering and leaving the subject property due to the design storm;

3. Indication of the peak discharge and volume of runoff which will be generated due to the design storm within the subject property if the development or proposed activity is allowed to proceed;

B. Proposed measures for handling the computed runoff at the detail level specified in the procedures manual;

C. Proposed measures for controlling runoff during construction.

The requirements of this section may be modified at the discretion of the city engineer in special cases requiring additional information. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

#### **19.24.050 Drainage plan – Review and approval.**

All storm drainage plans prepared in connection with any of the permits and/or approvals listed in PMC 19.24.030(A) shall be submitted for review by and approval of the city engineer. At the time of approval of the

drainage plan for the subject property, a schedule for inspection of construction and facilities will be established by the city engineer. (Ord. 951, 1984).

#### **19.24.060 Storm sewer permits – Fees.**

There shall be a storm sewer permit fee as established by city resolution to cover plan checking, inspection, as-built drawings and processing of permit information, and shall be charged for all development except single-family residential. (Ord. 1375 § 49, 1998; Ord. 951, 1984).

#### **19.24.070 Mandatory requirements for drainage improvements.**

A. Drainage improvement requirements are as follows:

1. Surface water entering the subject property shall be received at the naturally occurring locations and surface water exiting the subject property shall be discharged at the natural locations with adequate energy dissipaters within the subject property to minimize downstream damage and with no diversion at any of these points; and

2. The design storm peak discharge from the subject property may not be increased by the proposed development; and

3. Retention/detention facilities must be provided in order to maintain surface water discharge rates at or below the existing design storm peak discharge; and

4. Closed systems shall be used to handle drainage within the subject property. The system will be a minimum of 10 feet from all structures. Open channel systems may be constructed with the approval of the city engineer.

B. To the extent possible, approved measures for controlling runoff during construction should comply with the provisions of subsection A of this section.

C. Variances from the requirements of subsection A of this section may be permitted only after a determination by the engineer, using the comprehensive drainage plan, if available, and/or employing the following criteria:

1. Sufficient capacity of downstream facilities under design conditions;

## 19.24.080

2. Maintenance of the integrity of the receiving waters;
3. Possibility of adverse effects of retention/detention;
4. Utility of regional retention/detention facilities;
5. Capability of maintenance of the system; and
6. Structural integrity of abutting foundations and structures.

Request for variances shall be filed in writing with the city clerk and shall adequately detail the basis for granting an exemption. (Ord. 951, 1984).

### 19.24.080 Development in critical areas.

Development which would increase the volume or rate of discharge due to any storm from the subject property shall not be permitted in critical areas. Critical areas are those in which existing flooding, drainage, erosion, and/or instability conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community, or to the integrity of the surface water or groundwater system. Development shall not be permitted in these critical areas until such time as the existing community hazard is alleviated and it is adequately demonstrated that the proposed development will not cause a recurrence of the problem nor the occurrence of any new drainage-related problem. The city may also designate as critical any area in which comparable problems would occur in the future due to any increase in volume or peak discharge. The requirements of this section shall apply regardless of any variance under PMC 19.24.070(C). Where application of the provisions of this section will deny all reasonable uses of the property, the restrictions on development contained in this section may be waived for the subject property; provided, that the resulting development shall be subject to all the remaining terms and conditions of the chapter. All decisions based on the provisions of this section shall be compatible with the comprehensive drainage plan, if available, for the basin in which the subject property is located. For development in areas designated as critical, the developer shall provide information regarding

volume and rate of discharge for a range of storms. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

### 19.24.090 Establishment of regional facilities.

In the event that public benefits would accrue due to modification of the drainage plan for the subject property to better implement the recommendations of the comprehensive drainage plan, the director may recommend that the city should assume responsibility for the further design, construction, operation, and maintenance of drainage facilities on the subject property. Such decision shall be made concurrently with review and approval of the plan as specified in PMC 19.24.050. In the event that the city decides to assume responsibility for design, construction, operation, and maintenance of the facilities, the developer will be required to contribute a pro rata share to the construction cost of the facilities. The developer may be required to supply additional information at the request of the city engineer to aid in the determination by the city. (Ord. 1505 § 10, 2001; Ord. 951, 1984).

### 19.24.100 Operation and maintenance procedures.

It shall be the responsibility of the developer to make arrangements with the occupants or owners of the subject property for assumption of operation and maintenance in a manner subject to the approval of the city engineer. The city may inspect the facilities in order to ensure continued use of the facilities for the purposes for which they were built and in accordance with these arrangements. Failure to maintain the facilities in good working order shall be cause for a written request to maintain the retention/detention facilities after inspection by city forces. If, after 30 days, no remedial measures are taken by the property owner, the city may initiate legal action against the property owner. (Ord. 951, 1984).

**19.24.110 Applicability to governmental entities.**

All municipal corporations and governmental entities shall be required to submit a drainage plan and comply with the terms of this chapter when developing and/or improving land including, but not limited to, road building and widening, within the areas of the city. It is recognized that other city, county, state, and federal permit conditions may apply to the proposed action and that compliance with the provisions of this chapter does not constitute compliance with such other requirements. (Ord. 951, 1984).

**19.24.115 Work in city right-of-way.**

All storm drainage improvements to be constructed in city rights-of-way shall be constructed under the supervision of the city engineer. The city shall provide all construction staking of storm drainage improvements in city rights-of-way, the cost of which shall be paid by the developer. Construction shall not start until construction staking for the improvements has been provided. (Ord. 987 § 6, 1986).

**19.24.120 Appeals.**

*Repealed by Ord. 1505.* (Ord. 951, 1984).

**19.24.130 Protection of public/private rights.**

Implementation of any provision of this chapter shall not cause nor be construed as an infringement of the rights of individuals, municipalities, or corporations other than the developer seeking a permit or approval as described in PMC 19.24.030. (Ord. 951, 1984).

**19.24.140 Developer extension agreement.**

Any developer extension agreement for construction of storm and surface water facilities pursuant to Chapter 35.91 RCW shall be in a form authorized by city council resolution. (Ord. 1263 § 4, 1995).

**Chapter 19.28****EXCEPTIONS, PENALTIES,  
SEVERABILITY AND LIABILITY**

Sections:

19.28.010 *Repealed.*

19.28.020 *Repealed.*

19.28.030 Liability.

**19.28.010 Exceptions.**

*Repealed by Ord. 1505.* (Ord. 951, 1984).

**19.28.020 Penalties.**

*Repealed by Ord. 1505.* (Ord. 1180 § 16, 1992; amended 8/93; Ord. 1167 § 14, 1992; Ord. 951, 1984).

**19.28.030 Liability.**

This title shall not be construed to relieve from or lessen the responsibility of any person, owning any land or building, constructing or modifying any subdivisions in the city, for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the city or any agent thereof be held as assuming such liability by reason of any preliminary or final approval or by issuance of any permits or certificate authorized herein. (Ord. 951, 1984).

**Chapter 19.32**

**FIRST-CLASS SHORELANDS**

(Repealed by Ord. 1505)