



City of Tacoma
Community & Economic Development Department

Agenda Item
GB-3

TO: Planning Commission
FROM: Shanta Frantz, Comprehensive Planning Division
SUBJECT: Annual Amendment Application #2013-08 Platting Code Update
DATE: December 12, 2012

At the next meeting on December 19, 2012, the Planning Commission will review the proposed amendments to the *Tacoma Municipal Code* Chapter 13.04 Platting and Subdivisions and Chapter 13.05 Land Use Permit Procedures that have been revised in response to its feedback on the application packet at the December 5, 2012 Planning Commission meeting.

The staff report and revisions address the following discussion items:

- Address the open space dedication and in-lieu of dedication fee provision;
- Provide predictability in the code so customers will know what resources to review and which professionals to hire when designing a plat application;
- Provide clarification on vesting for short plats in relationship to critical areas and other local, state, federal development requirements; and
- Clarify that critical areas and their buffers are not automatically required to be located within separate, dedicated tracts.

Attached is a draft staff report responding to the Planning Commission's feedback and "Exhibit A" showing the amendments in tracked changes format that has been revised since the December 5, 2012 meeting. Staff intends to seek the Commission's authorization of the staff report for distribution for public review. The public review will occur in February-March 2013, prior to the public hearing, which is tentatively scheduled for March 20, 2013.

If you have any questions, please contact me at (253) 591-5388 or shanta.frantz@cityoftacoma.org.

c: Peter Huffman, Assistant Director

Attachments (2)



2013 Annual Amendment Application No. 2013-08
Platting Code

STAFF REPORT
(For Planning Commission Review on December 19, 2012)

Application #:	2013-08
Applicant:	Community & Economic Development Department
Contact:	Shanta Frantz, Comprehensive Planning Division
Type of Amendment:	Regulatory Code Text Changes
Current Land Use Intensity:	Not Applicable
Current Area Zoning:	Not Applicable
Size of Area:	Not Applicable
Location:	City-wide
Neighborhood Council area:	City-wide
Proposed Amendment:	Amend <i>TMC</i> Chapters 13.04 Platting and Subdivisions and 13.05 Land Use Permit Procedures of the Land Use Regulatory Code

Background Application Information:

At its December 5, 2012 meeting the Planning Commission reviewed the draft staff report and a power point presentation from staff summarizing the proposed amendments to the *Tacoma Municipal Code (TMC)* Chapter 13.04 Platting and Subdivisions and Chapter 13.05 Land Use Permit Procedures. These changes would (1) increase the maximum short subdivision size from four to nine lots, as allowed by the Revised Code of Washington (*RCW*); (2) address public notice and on-site/off-site improvement requirements for short plats; (3) update connectivity provisions for pedestrian, bicycle and vehicular access for all plats; (4) address the City’s Complete Streets Guidelines and street lighting for all plats; (5) evaluate the existing in-lieu open space/recreation fee; and (6) make minor updates, changes and corrections to text throughout the Chapters.

During the discussion time for this proposal, the Planning Commission had several questions and recommendations for which staff will provide a response to under this staff report. Exhibit “A” to this staff report has been revised in response to the Planning Commission’s feedback.

Planning Commission Feedback and Staff Response:

1. **Open Space In-Lieu of Dedication Fee** (*see p. 22 of Exhibit “A”*) – The Planning Commission was concerned that the City and MetroParks would be forgoing an important funding source by removing the in-lieu of dedication fee under Section 13.04.260. The Planning Commission also advised that this section should apply to short subdivisions and subdivisions as impacts to open space for recreation and education uses could be created if a short plat is zoned to allow for multi-family dwellings, where one lot does not necessarily equate to one dwelling unit.
 - Staff agrees that short subdivisions should not be excluded from review and we have revised the code section to reflect this.

- Whether or not to have an in-lieu of dedication fee is a broader policy question that would have to go through its own legislative process because it may be construed as an impact fee. In order to have an impact fee under the Growth Management Act (RCW 82.02.050 - .110), a jurisdiction must have an impact fee ordinance, a dedicated fund to deposit such fees and a program to spend the fees on specific projects listed in the Comprehensive Plan and/or Capital Facilities Plan within a limited time period.

Currently, the City does not meet these major criteria to collect an in-lieu of dedication fee. As such, our Legal Department has advised us to remove the in-lieu fee altogether, as the collection of such a fee may be challenged as an impact fee. As such, the fee language has been removed from this section.

- As discussed at the December 5, 2012 Planning Commission meeting and its staff report, this section has been preserved to allow the City to require public or private open spaces under a subdivision/short subdivision. For those applications that trigger a SEPA review, the City departments, MetroParks and/or the School District will have an opportunity recommend an open space dedication and/or justify an in-lieu of dedication fee by showing that the probable specific impacts of the development will be mitigated by such a dedication or in-lieu of dedication fee.
2. Need for Predictability (see p. 18-19 and throughout Exhibit “A”) – The Planning Commission expressed an interest in adding more specifics to code language to allow for predictability for connectivity, street lights, and complete streets and so customers will know what resources to review and which professionals to hire when designing a plat application.
 - After discussion, staff and the Planning Commission felt that providing a reference section may be a good solution to balance the need for predictability and flexibility in that the City’s manuals, guidelines, street design specifications address many different scenarios and development for platting is very much dependent on a geographic location.
 - Section 13.04.120 has been revised to capture the reference documents that may be used to review a subdivision/short subdivision application. All other relevant sections now point to this subsection.
 3. Critical Areas, Platting and Vesting - The Planning Commission asked for clarification as to whether short plats are vested if another code such as the Shoreline Code or Critical Areas Code changes.
 - Short plats are vested to the development regulations applicable to the approval of the short plat. Generally, short plats are not vested to critical area or shoreline regulations.
 - As an example, if a 4-lot short plat is approved and subsequent to the approval new regulations are adopted that result in a critical area buffer extending onto the site, development of the impacted lot would be subject to critical area review. However, as part of the critical area review, we cannot require that the short plat be modified because the project is vested to the 4 lots.
 4. Unbuildable Tracts (see p. 4 of Exhibit “A”) – The Planning Commission asked the definitions for “short subdivision” and “subdivision” be revised so that it is clear that critical areas and their buffers are not automatically required to be located within separate, dedicated tract.
 - Staff revised the proposed code language for short subdivisions and subdivisions on page 4 of Exhibit “A” with, “If tracts are created that are intended for public dedication, environmental protection or stormwater facilities.....” to convey that such tracts may be an option in designing a plat layout.

Additional Revision:

Since the December 5, 2012 Planning Commission meeting, staff revised the expiration date for Preliminary Plats to be consistent with the current *RCW*. This revision may be found on page 14 of the Exhibit "A".

Staff Recommendation:

Staff recommends forwarding the proposed amendments to *TMC* Chapters 13.04 and 13.05 for public review and comment.

Exhibit:

A. Proposed Amendments to *TMC* Chapters 13.04 and 13.05 (December 19, 2012 Draft)

Exhibit “A”

2013 Annual Amendment Application No. 2013-08

Proposed Amendments to *TMC* Chapters 13.04 & 13.05
December 19, 2012 Draft

Note: Underlines/Underlines indicate additions;
~~Strikethroughs/Strikethroughs~~ indicate deletions; and
Highlighted Text indicates revised text in response to
Planning Commission feedback on December 5, 2012

PLATTING AND SUBDIVISIONS

Sections:

- 13.04.010 Title.
- 13.04.020 Intent and authority.
- 13.04.030 Policy.
- 13.04.040 Definitions.
- 13.04.050 Jurisdiction.
- 13.04.055 Platting on shorelines.
- 13.04.060 Exclusions.
- 13.04.070 Alteration.
- 13.04.075 Vacation.
- 13.04.085 Boundary line adjustment.
- 13.04.088 Binding site plan approval.
- 13.04.090 Short plat/short subdivisions ~~and short plats~~procedures.
- 13.04.095 Appeals.
- 13.04.100 Plat/subdivision procedures.
- 13.04.105 Replat or redivision of platted lots.
- 13.04.110 General requirements and minimum standards for subdivisions and short subdivisions.
- 13.04.120 Conformity with the Comprehensive Plan and applicable ordinances, manuals, design specifications, plans, and guidelines. ~~the Major Street Plan.~~
- 13.04.130 Relation to adjoining street system.
- 13.04.140 Access.
- 13.04.150 Conformity to topography.
- 13.04.160 Public or private streets or ways, or permanent access easement ~~Street~~ widths.
- 13.04.165 Streetlights.
- 13.04.170 Roadways.
- 13.04.180 Public or private streets or ways, or permanent access easement design. ~~Street design.~~
- 13.04.190 Dead-end/cul-de-sac public or private streets or ways, or permanent access easements. ~~Dead-end streets.~~
- 13.04.200 Alleys.
- 13.04.210 Easements.
- 13.04.220 Blocks.
- 13.04.230 Lots.
- 13.04.240 Plats within Planned Residential Development Districts (PRD Districts).
- 13.04.250 Duplication of names.
- 13.04.260 Public open space.
- 13.04.270 Checking by the City Engineer – Charges.

- 13.04.280 Development of illegally divided land – Innocent purchaser for value.
- 13.04.290 Development of illegally divided land – Public interest determination.
- 13.04.300 Model home.
- 13.04.305 Temporary rental or sales offices, contractors’ offices, and signs.
- 13.04.310 Subdivisions and Critical Areas.
- 31.04.315 *Repealed.*

13.04.010 Title.

These regulations shall hereafter be known, cited and referred to as the plat and subdivision regulations of the City of Tacoma. (Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.020 Intent and authority.

These regulations are being adopted in accordance with the goals and authority of the Washington State Growth Management Act of 1990, as amended, and Chapter 58.17 of the Revised Code of Washington, concerning plats and subdivisions. It is intended that these regulations provide an efficient, effective, fair and timely method for the submission, review and approval of plats, short plats, boundary line adjustments and binding site plan approvals. (Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.030 Policy.

A. It is hereby declared to be the policy of the City of Tacoma to consider the subdivision of land and the subsequent development of the subdivision as subject to the control of the City of Tacoma pursuant to the City’s land use codes for the orderly, planned, efficient, and economical development of the community.

B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist or proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, and ~~motorized and non-motorized~~ active transportation facilities. While planning public facilities and improvements for proposed subdivisions of land, consideration shall be given to adopted City policies such as sustainability, smart growth, urban forestry, complete streets, connectivity, and green infrastructure practices.

C. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions, standards and policies contained in building and housing codes, zoning ordinances, the City of Tacoma’s ~~Major Street Plan and~~ Comprehensive Plan and applicable ordinances, manuals, design specifications, plans, and guidelines, and elements thereof. (Ord. 27079 § 10; passed Apr. 29, 2003; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.040 Definitions.

For the purpose of these regulations, certain words used herein are defined as follows:

A. “-Alley” shall mean a public or private accessway which provides a means of vehicular access to abutting property.

B. “-All weather surface” shall mean asphaltic concrete ~~pavement conforming or portland cement concrete in accordance with City to the requirements of the “City of Tacoma Department of Public Works General Specifications for Street and Sewer Construction (Requirements for Private Permits—January 1963),”~~ manuals, design specifications, plans and guidelines in Section 13.04.120, with a standard thickness of three inches unless otherwise specified by the City Engineer, or ~~portland cement concrete pavement conforming to the requirements of the “City of Tacoma Department of Public Works General Specifications for Street and Sewer Construction (Requirements for Private Permits—January 1963),”~~ with a standard thickness of six inches unless otherwise specified by the City Engineer.

C. “-Alteration” shall mean a change to a finalized binding site plan, plat, short plat, or portion thereof, that results in a modification to its exterior boundaries or the location and/or size of rights-of-way, utility easements, open space, park or other similar community amenities created as part of the binding site plan, plat, or short plat. An alteration does not include boundary line adjustments, replats or an allowable increase in short plat lots.

D. “-Binding site plan” shall mean a drawing to scale showing a plan for the development of a specific parcel of land, which drawing has been approved as applicable by the Building Official or designee and which, asat a minimum:

1. Identifies and sShows the areas and locations of all public and private streets, ~~public and~~ ways, lot lines, utilities, public and private street improvements, ~~and~~ open spaces and other matters specified by the zoning ordinances, and, also, shall either show site development, driveways, parking layout, landscaping, lighting, signs, building perimeters and elevations, or shall carry a condition of general site plan approval that no development or building permit will be granted therefor until additional development plans are submitted to and approved by the body approving the general binding site plan;

2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions of the use of land as are established by the City.

23. Is filed of record in the Pierce County Auditor’s office and is legally enforceable.

E. “-Building line” shall mean a line on a plat indicating the limit beyond which buildings or structures may not be erected.

F. “-Collector arterial” shall mean a highway whose function is to collect and distribute traffic from major arterial streets to access streets, or directly to traffic destinations; to serve traffic within a neighborhood; and to serve neighborhood traffic generators such as a small group of stores, an elementary school, church, clubhouse, small hospital, and small apartment area.

G. “Complete Streets” shall mean streets that are designed, operated and maintained to enable safe and convenient access and travel for all users – pedestrians, bicyclists, transit riders, and people of all ages and abilities, as well as freight and motor vehicle drivers, to incorporate options that reduce environmental impacts, and to foster a sense of place in the public realm.

GH. “-Comprehensive Plan” shall mean the City’s official statement concerning future growth and development. It sets forth goals, policies, and strategies to protect the health, welfare, and quality of life of Tacoma’s residents. ~~official statement of the Tacoma City Council which sets forth its major policies concerning desirable future physical development.~~

H. “-Curb line” shall mean the line defining the limits of a roadway.

I. “-Dead-end street” or “ cul-de-sac” shall mean a residential access street with only one outlet.

K. “Director” for the purpose of this Chapter (13.04 of the Tacoma Municipal Code) shall mean the Director of Planning and Development Services unless otherwise specified.

J. “-Freeway” shall mean a highway the function of which is to permit unimpeded traffic flow through urban areas and between their major elements or most important traffic generators such as the central business district, major shopping areas, major university, civic center, or a major sports stadium or pavilion.

KM. “-Official map” shall mean the map on which the planned locations, particularly of streets, are indicated with detail and exactness so as to furnish the basis for property acquisition or building restriction.

LN. “-Plat” shall mean the map, drawing or chart on which the subdivider’s plan of subdivision is presented and which the subdivider submits for approval and intends to record in final form.

MO. “-Primary arterial” shall mean a highway the function of which is to expedite movement of through traffic to a major traffic generator such as the central business district, a major shopping area, a commercial service district, a small college or university or a military installation; or to expedite movement of through traffic from community to community, to collect and distribute traffic from freeways to minor arterial streets, or directly to traffic destinations.

NP. “-Residential access street” shall mean a highway the primary function of which is to provide access to residential property.

OQ. “-Replat” or “ Redivision” shall mean an action resulting in the division of a lot located within a previously recorded binding site plan, plat, or short plat.

PR. “-Roadway” shall mean the portion or portions of a public or private street or way, or permanent access easement, improved with an all-weather surface, available for vehicular traffic or the portion or portions of a public

or private street or way, or permanent access easement, improved with an all-weather surface, available for vehicular traffic between curbs where curbs are laid.

QS. “-Secondary arterial” shall mean a highway the function of which is to collect and distribute traffic from a major arterial highway to minor streets or directly to traffic destinations; to serve traffic from neighborhood to neighborhood within a community center, athletic field, neighborhood shopping area, major park, golf course, important grouping of churches, multiple residence area, concentration of offices or clinics, major private recreation facility, or large hospital.

RT. “-Short plat” shall mean the map or representation of a short subdivision.

SU. “-Short subdivision” shall mean the division of land into a maximum of ~~four~~nine or fewer total lots, tracts, parcels, sites or subdivisions for the purpose, whether immediate or future, of transfer of ownership, lease or sale, or building development, including all changes in street or lot lines, and shall include all resubdivision of land. The division of contiguous parcels of land resulting in a 10 or more total buildable lots, tracts, parcels, or sites, and which are served by a shared public and/or private street or way, and/or permanent access easement shall be deemed a subdivision. If tracts are created that are intended for public dedication, environmental protection, or stormwater facilities that are not buildable or have the potential for future development, then they will not be included in the total number of lots created under a short subdivision application.

TV. “-Street width” shall mean the shortest distance between the lines which delineate the right-of-way of a street.

UW. “-Subdivision” shall mean the division of ~~a lot, tract or parcel of~~ land into ~~five~~10 or more contiguous buildable lots, tracts, parcels or sites which are served by public and/or private street or way, and/or permanent access easement or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, lease ~~or sale~~, or building development, including all changes in street or lot lines, and shall include all resubdivision of land. ~~The division of contiguous parcels of land resulting in a 10 or more total lots, tracts, parcels, or sites, and which are served by a shared public and/or private street or way, and/or permanent access easement shall be deemed a subdivision.~~ If tracts are created that are intended for public dedication, environmental protection, or stormwater facilities that are not buildable or have the potential for future development, then they will not be included in the total number of lots created under a subdivision application.

VX. “-Transit street” shall mean a street on which regularly scheduled bus service operates at frequencies of 15 minutes or less during peak travel periods. Transit streets are designated by the Director of Public Works in consultation with Pierce Transit and include streets designated in Section 11.05.492 of the Tacoma Municipal Code.

WY. “-Vacation” shall mean an action to extinguish the effect and force of a finalized binding site plan, plat, or short plat or portion thereof, such that the property reverts to its pre-subdivision parent parcel configuration. Ord. 28077 Ex. A; passed Jun. 12, 2012; Ord. 27771 Ex. A; passed Dec. 9, 2008; Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 27079 § 11; passed Apr. 29, 2003; Ord. 25893 § 4; passed Jun. 4, 1996; Ord. 25851 § 1; passed Feb. 27, 1996; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.050 Jurisdiction.

A. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the City of Tacoma.

B. No land shall be subdivided within the corporate limits of the municipality until:

1. Approval of the preliminary and final plat, binding site plan, or short plat, as applicable, is granted by the City of Tacoma; and

2. The approved plat is recorded with the Pierce County Auditor.

C. No building permit or certificate of occupancy shall be issued for any lot, tract, parcel, or site of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations.

D. No new subdivision, parcel or lot shall be created that prevents compliance with the standards of this or any other applicable Code, Title or standard of the City of Tacoma. (Ord. 27771 Ex. A; passed Dec. 9, 2008; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.055 Platting on shorelines.

In addition to the general provisions governing platting in the City of Tacoma as set forth in this chapter, platting shall also be governed by the provisions of Chapter 13.10 relating to Shoreline Management. (Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.060 Exclusions.

The provisions of this chapter 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 one-one-hundred-twenty-eighth of a section of land or larger, or five acres or larger, if the land cannot be described as a fraction of a section of land; provided, that, for purposes of computing the size of any lot under this subsection 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 site lot lines of the lot running perpendicular to such center line;
- C. Divisions made by testamentary provisions or the laws of descent;
- D. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers is permitted to be placed upon the land and the City has approved a binding site plan for the use of land in accordance with the City's zoning regulations. ~~The term "site plan" means a drawing to scale specified by the zoning ordinances which: (1) identifies and shows the area and locations of all streets, roads, improvements, utilities, open spaces and other matters specified by the zoning ordinances; and (2) contains inscriptions or attachments setting forth such appropriate limitations and conditions of the use of land as are established by the City.~~ (Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.070 Alteration.

The alteration of any binding site plan, plat, short plat, or portion thereof, is subject to the procedures set forth in RCW 58.17 and applicable sections of the Tacoma Municipal Code, including Chapter 13.05 Land Use Permit Procedures. (Ord. 28077 Ex. A; passed Jun. 12, 2012)

13.04.075 Vacation.

The vacation of any binding site plan, plat, short plat, or portion thereof, is subject to the procedures set forth in RCW 58.17 and applicable sections of the Tacoma Municipal Code, including Chapter 13.05 Land Use Permit Procedures. (Ord. 28077 Ex. A; passed Jun. 12, 2012)

13.04.085 Boundary line adjustment.

- A. A boundary line adjustment shall be a minor alteration in the location of lot boundaries of an existing lot. Such alteration shall not increase the number of lots nor diminish in size open space or other protected environments.
 - B. Such alteration shall not diminish the size of any lot so as to result in a lot of less square footage than prescribed in the zoning regulations for the property in question.
 - C. Such alteration shall not result in the reduction of setbacks or site coverage to less than prescribed by the zoning regulations.
 - D. A boundary line adjustment shall not result in any parcel or lot that is inconsistent with or prevents compliance with the standards of this chapter or any other applicable Code, Title or standard of the City of Tacoma.
1. Review Process. The ~~Land Use Administrator~~Director or designee has the authority to approve boundary line adjustments.
 2. Applications. Applications for boundary line adjustments shall be submitted to ~~Building and Land Use Services~~Planning and Development Services ~~in a manner consistent with the procedure for applications for short plats~~ and shall include the following information:
 - a. The existing lot lines (shown in dashed lines) and the area, in square feet, of each of the existing lots;
 - b. The new lot lines (shown in solid lines) and the area, in square feet, of each of the new lots;

c. The location of all structures and access drives on the lots and the distance of each from both the existing and proposed lot lines, when such distance is less than 25 feet.

3. Recordation. All approved boundary line adjustments shall be recorded with the Pierce County Auditor's office. (Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27017 § 1; passed Dec. 3, 2002; Ord. 25851 § 2; passed Feb. 27, 1996; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.088 Binding site plan approval.

A. Divisions of commercial or industrial zoned land for sale or lease may be permitted by approval of a binding site plan by the ~~Land Use Administrator~~Director or designee; provided, that the property to be divided has had land use actions specifying use and building, parking and driveway layouts.

B. Applications for binding site plans shall be submitted in a manner consistent with short subdivisions.

C. When considering requests for binding site plan approval, the ~~Land Use Administrator~~Director shall utilize the criteria for approving short ~~plats~~subdivisions. In addition, the binding site plan shall be consistent with the land use action precedent to the request for binding site plan approval.

D. After approval of a general binding site plan, subsequent amendments shall be considered by the ~~Land Use Administrator~~Director as a modification to the original approval.

E. The approved binding site plan and any modification approved subsequently shall be recorded with the Pierce County Auditor's office. (Ord. 27017 § 2; passed Dec. 3, 2002; Ord. 25851 § 3; passed Feb. 27, 1996; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.090 Short plat/short subdivision procedures.

A. Administration. The ~~Land Use Administrator~~Director or designee is vested with the duty of administering the provisions of this section and with the authority to summarily approve or disapprove proposed preliminary and final short plats. The ~~Land Use Administrator~~Director or designee may prepare and require the use of such forms and develop policies deemed essential to the effective administration of this code.

B. Application. Applications for approval of preliminary short subdivisions shall be submitted to Planning and Development Services ~~Building and Land Use Services~~ and shall be accompanied by a proposed short plat which includes pertinent survey data compiled as a result of a survey of the property made by or under the supervision of a registered land surveyor. All surveys shall be accomplished as required by the Survey Recording Act (RCW 58 and WAC 332), and shall be monumented in accordance with the Survey Recording Act and Public Works specifications. The application shall be considered complete when the following information is received by Building and Land Use Services Planning and Development Services:

1. A completed application form including the following information: name(s), mailing address(es), and phone number(s) of applicant(s) and owner(s); legal description of property; assessor's parcel number; general location of property; current use of property; proposed improvement; signature of applicant(s); and date signed.

2. A free-consent statement signed by all owners of the property.

3. A current (within 90 days) title report or plat certificate.

4. A filing fee as set forth in Chapter 2.09.

5. A transit access checklist, including a table showing the location and walking distance in feet to the nearest bus stop(s), the routes served by that stop, and the potential transit patronage calculated according to a formula and generation rates shown on the checklist.

6. A City-approved preliminary short plat layout ~~mylar~~containing the following information:

a. The name and address of the owner or owners of said tract;

b. The legal description of the existing lot, tract or parcel and the legal descriptions of all proposed lots, tracts or parcels;

c. The short plat shall show the bearings and distances on the exterior boundary with ties to at least two known monuments on the City of Tacoma horizontal grid system. The plan shall be to scale, have a north arrow, and display the date of preparation;

- d. The short plat shall show existing and proposed contours at intervals of five feet or less, sufficient to show drainage patterns;
- e. The names of all adjacent subdivisions and owners of adjoining parcels;
- f. All the zoning districts as set forth in the Tacoma zoning ordinances ~~shall be shown on the mylar;~~
- g. The boundary lines of the tract to be subdivided and their dimensions;
- h. The layout, names and widths of proposed streets, alleys and easements;
- i. The location of all existing and platted streets, on-site private roadways, utilities, pedestrian ways, bike routes, recorded easements, rights-of-ways, and section lines within and adjacent to the short subdivision. Show proposed pedestrian, bicycle and vehicular connections within the short plat and connections to existing routes outside of the proposed short subdivision;
- j. All public and private open space to be preserved within the short subdivision;
- k. Dedication of all streets, alleys, ways and easements for public use;
- l. The locations of existing storm and sanitary sewers, water mains and electric conduits or overhead power lines to be used to serve the property shall be shown at points of proposed connection;
- m. All existing buildings and required setbacks for each lot;
- n. The lot layout, lot numbers and dimensions, and the average lot width (if applicable) for each lot; and
- o. A table showing the short plat area, number of lots and the minimum and average lot size.
7. The ~~mylar~~ preliminary short plat shall be stamped by a Professional Land Surveyor licensed in the State of Washington;
8. The accurate location, material and size of all monuments. Monuments shall meet the specifications of the Survey Recording Act and Public Works Department;
9. Certification by a registered land surveyor to the effect that the short plat is a true and correct representation of the lands actually surveyed and that all the monuments shown thereon actually exist, or that, in lieu of their placement, a bond has been provided in conformance with Section 13.04.090. H. of this chapter, and that the location, size and material of the monuments are correctly shown.
- C. Process. Upon submittal of a complete preliminary short plat subdivision application, ~~Building and Land Use Services shall transmit~~ at least one copy of the preliminary short plat shall be transmitted for review and comment to departments and agencies as determined by ~~Building and Land Use Services~~ Planning and Development Services. Short plat subdivision applications ~~for plats~~ that are adjacent to a transit street or within 1,000 feet of a bus stop shall be forwarded to Pierce Transit for review and comment.
- ~~Building and Land Use Services~~ Planning and Development Services shall assemble the agency comments and prepare a written preliminary report to the ~~Land Use Administrator~~ Director. The report shall contain an analysis of the applicable criteria for the approval of preliminary plats short subdivisions, public notice comments for a five to nine lot short subdivisions, agency comments and requested conditions of approval.
- D. Notification. Public notice required by this chapter shall be given in accordance with provisions of Chapter 13.05 for five to nine lot short subdivisions. In the event that proposed short subdivision within the City of Tacoma joins the municipal boundaries thereof, a notice of filing shall be given to the appropriate county or city officials and, in the event that the short subdivision within the City of Tacoma is adjacent to the right-of-way of a state highway, a notice of filing shall be given to the Washington State Department of Transportation.
- Mailed notices required by these regulations shall provide a legal description of the property to be platted; a vicinity sketch; and a location description in non-legal language.
- E. Approval. The ~~Land Use Administrator~~ Director or designee shall review the ~~proposed preliminary~~ short plat subdivision application. The preliminary short plat shall not be approved unless it is found that:
1. Appropriate provisions are made for the public health, safety, and general welfare, and for open spaces, drainage ways, streets or roads, alleys, other public ways, bicycle circulation, transit stops, potable water supplies, sanitary

wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facilities, including sidewalks and other planning features which assure safe walking conditions for students who walk to and from school and for transit patrons who walk to bus stops or commuter rail stations.

2. The public use and interest will be served by the platting of such short subdivision and dedication as set forth by the Comprehensive Plan and other adopted City ordinances, manuals, design specifications, plans, goals, policies and guidelines.

Upon completion of the review, the ~~Land Use Administrator~~Director shall consider the proposed short plat subdivision application and approve, disapprove, or return to the applicant for modification within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. An appeal taken within 14 days of the ~~Land Use Administrator~~Director's decision will be processed in accordance with provisions of Chapter 1.23 of the Tacoma Municipal Code.

F. After approval of the final-preliminary short plat ~~mylar~~ by the ~~Land Use Administrator~~Director, the short plat shall be filed with the Pierce County Auditor, and only after such filing shall the short plat be deemed approved and accepted by the City of Tacoma. ~~The approved short subdivision decision. Approval of the short plat,~~ however, shall be assurance to the subdivider that the short plat will be recorded; provided, that:

a. The final short plat ~~mylar~~ submitted for recording substantially conforms to the approved preliminary short plat ~~document~~ and the approved Land Use Administrator-preliminary short subdivision decision and is submitted within the time limits set forth in Chapter 13.05 of the Tacoma Municipal Code.

b. All requirements specified in the preliminary short ~~plat-subdivision~~ decision are fully complied with and all required public dedications and improvements, including, but not limited to, rights-of-way, easements, streets, alleys, pedestrian ways, bike routes, sidewalks, storm-drainage facilities, sewer systems, and water and electrical distribution systems, shall be provided in accordance with the requirements of this chapter, and any other applicable codes and ordinances of the City of Tacoma.

G. Final Short Plat. The final short plat shall be submitted to ~~Building and Land Use Services~~ Planning and Development Services and shall be an accurate short plat for official record, surveyed and prepared by, or under the supervision of, a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. The final short plat shall be prepared in accordance with the regulations set forth in subsequent sections of this chapter and the ~~"City of Tacoma Department of Public Works General Specifications for Street and Sewer Construction (Requirements for Private Permits — January 1963),"~~ City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120, or as hereafter amended.—When the final short plat is submitted to ~~Building and Land Use Services~~Planning and Development Services for processing, it shall be accompanied by two copies of a title report confirming that the title of lands, as described and shown on the short a plat, is in the name of the owner(s) signing the certificate of the short plat. The final short plat will be reviewed by the City Engineer and by representatives of the Water and Light Divisions of the Department of Public Utilities, and the Tacoma-Pierce County Health Department.

H. Contents of Final Short Plat. The final short plat shall be drawn to a scale of 100 feet or less, but, preferably, 100 feet to the inch, and shall show:

1. Name of short subdivision.

2. Name and address of the subdivider.

3. North point, scale, and date.

4. The boundary lines with accurate distances and bearings, and the exact location and width of all existing or recorded streets and ways intersecting the boundary of the tract.

5. True bearings and distances to the established street lines or official monuments, which shall be accurately described on the short plat; municipal, township, county, or section lines accurately tied to the lines of the short subdivision by distances and bearings.

6. Streets, alleys, and ways, together with their names, and any dedicated pedestrian ways, bike routes, and land for transit facilities within the short subdivision.

7. The length of the arcs, radii, internal angles, points of curvature, length, and bearing of the tangents.

8. All easements for rights-of-way provided for public services or utilities and any limitations of the easement.
9. All block indications, lot numbers, and lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines.
10. The accurate location, material, and size of all monuments. Monuments shall meet the specifications of the Survey Recording Act and Public Works Department.
11. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and all property that may be reserved by deed covenant for the common use of the property owners in the short subdivision.
12. Zoning districts as set forth in the Tacoma zoning ordinances.
13. Private restrictions and their boundaries as applicable.
 - ~~a. Boundaries of each type of use restriction;~~
 - ~~b. Other private restrictions for each definitely restricted section of the subdivision.~~
14. Certification by a registered land surveyor to the effect that the final short plat is a true and correct representation of the lands actually surveyed and that all monuments shown thereon actually exist, or, in lieu of their placement, that a bond has been provided in conformance with Section 13.04.~~360090.I.~~ of this chapter, and that their location, size, and material are correctly shown.
15. Certification of approval by the City Engineer of all locations, grades, and dimensions of the short plat and the construction specifications.
16. Dedication of all streets, alleys, ways, easements, parks, and lands for public use as shown on the short plat and as required by the City of Tacoma.
17. All private easements (new or existing).
18. All critical areas requiring delineation in accordance with Chapter 13.11.
19. All building setback lines.
20. Common facilities and open spaces shall be located on separate, individual tracts, unless otherwise approved by the Director and shall be dedicated, reserved or otherwise held in common by a homeowners' association or by a proportional ownership interest shared among all of the property owners within the short subdivision, or alternatively, and only if acceptable to the receiving public agency, dedicated to the public.
 - I. Monuments to be Placed Prior to Submission of Final Short Plat. Prior to the time the final short plat ~~shall be~~ submitted to the ~~Land Use Administrator~~Director, monuments shall be placed at angle points along the perimeter of the short subdivision at intervals designated by the City Engineer; and monuments shall also be placed at all intersections of centerlines of streets and at all locations where the centerlines of streets cross section lines or quarter section lines. Delayed monumentation of the interior of the short plat subdivision may be desirable pending completion of street and utility improvements. In that case, satisfactory completion of monumentation shall be secured in the form of a cash deposit or by inclusion in the performance bond. This provision shall not be construed to apply to boundary monumentation and survey.
 - J. All final short plats hereafter shall contain the following dedicatory language:

KNOW ALL PEOPLE BY THESE PRESENTS: We (name of owners), the owners of the land herein described, embraced in and covered by said short plat, do hereby donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over the private property abutting upon said streets, alleys, and public places to construct and maintain all slopes, cuts, and fill occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets, alleys, and public places. Said owners, for themselves and their respective successors and assigns, waive all claims for damages to the property included in this short plat by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma, and further certify and swear that said land is free from all taxes and assessments which have heretofore been levied and become chargeable against said property, and further certify and swear that there are no encumbrances existing upon any of the land upon which streets, alleys,

and public places have been herein donated and dedicated to the public, except for the encumbrances that are the property of the following named person(s):

(Name of person(s))

If any of these persons named as having encumbrances are lienholders, then the dedication language must also include the following:

KNOW ALL PEOPLE BY THESE PRESENTS: We (name of lienholders), who have liens upon the land herein described, embraced in, and covered by said short plat, do hereby, as to any of said property hereafter acquired, donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over said private property abutting upon said streets, alleys, and public places, to construct and maintain all slopes, cuts, and fills occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets and alleys. Said lienholders, for themselves and their respective successors and assigns, as to any of the property hereafter acquired, waive all claims for damages to the said property included in this short plat by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma.

K. Conditions of Approval of the Final Short Plat. Before approval of the final short plat, the ~~Land Use Administrator~~Director will require:

1. That all street grading and grading along street lines, including sidewalk areas and bus stop areas, be approved by the City Engineer to ensure proper transition from street grade to adjacent property.
 2. Surfacing of all roadways, bike routes, and pedestrian ways with an all-weather surface approved by the City Engineer; this shall include the construction of curbs and gutters of Portland cement concrete in accordance with the specifications of the City of Tacoma.
 3. Installation of necessary facilities for the proper handling of storm drainage as approved by the City Engineer.
 4. Installation of necessary facilities for the disposal of sanitary wastes as approved by the City Engineer.
 5. Installation of necessary water supply systems, including fire hydrants, as approved by the Department of Public Utilities.
 6. Installation of the necessary electrical power facilities as approved by the Department of Public Utilities.
- a. As a condition of the final short plat, the ~~Land Use Administrator~~Director shall require the petitioner or developer to install underground all public utility services such as electric, telephone, and CATV facilities, whether in streets, alleys, on public easements, or on private properties.
- b. The ~~Land Use Administrator~~Director may, however, if the facts and circumstances in respect to some particular development in a proposed short plat so warrant, authorize a waiver or modification from the general requirement hereinabove set forth, but, in such cases, shall give the reasons and conditions therefor.
7. The ~~Land Use Administrator~~Director may also require the petitioner or developer, as a condition of approval of the final-short subdivision, to install or construct certain improvements on existing rights-of-way abutting the short subdivision which are deemed necessary to control and expedite the movement of bicycles, automobiles, buses, and other vehicular and/or pedestrian traffic which would be generated by the development of the short subdivision.
8. In lieu of the construction of the required public and private improvements before approval of the final short subdivision plat by the ~~Land Use Administrator~~Director, the ~~subdivider property owner~~ shall post a performance bond, or cash deposit in lieu thereof, with ~~Building and Land Use Services Planning and Development Services~~ in an amount not less than the City Engineer's estimate of the cost of the required improvements, and provide security satisfactory to ~~Planning and Development Services Building and Land Use Services~~, guaranteeing that the required improvements shall be completed in accordance with the requirements of the City of Tacoma and within the specified period of time. The cash deposit, bond, or other security, as hereinabove required, may also secure the successful operation of required improvements for a two-year period after final approval.

All required improvements shall be completed by the ~~subdivider property owner or his/her designee~~ within one year from the date of the approval of the final short plat by the ~~Land Use Administrator~~Director unless waived by the department, or departments, requiring such improvements. If said required improvements are not completed in the

specified time, or the required improvements do not operate successfully for two years after completion, the City may use the applicable bonds or other security, or any portion thereof, to complete the same, correct any deficiencies in, or make any repairs to, constructed improvements which fail to successfully operate for two years after completion and final approval. After approval of the final short plat by the ~~Land Use Administrator~~Director and recording by the County Auditor of Pierce County, the ~~subdivider~~property owner may petition for, and have established by the City Council, a local improvement district in accordance with the state statutes and ordinances of the City of Tacoma to cover the cost of all required improvements not previously constructed. Planning and Development Services ~~Building and Land Use Services~~ and/or the Public Utilities Department may authorize cancellation of the previously posted performance bond or security, or a portion thereof, for installation of the required improvements after final establishment of a local improvement district by the City Council and the execution of a contract therefor.

9. A house numbering system.

10. Sidewalks shall be required along all lot frontages within a short subdivision as a condition of the building permit for the development of each lot within a short subdivision. The required sidewalk(s) along a lot frontage(s) shall be constructed prior to the final inspection for any structure constructed upon such lot as provided for in Ordinance No. 19486 of the City of Tacoma or, in lieu of actual construction of required sidewalks, a performance bond or cash deposit shall be posted with ~~Building and Land Use Services~~Planning and Development Services ensuring that said sidewalks shall be constructed within a period of one year.

If required as a condition of the preliminary short platsubdivision, sidewalks abutting private, common, or public open spaces within a short subdivision shall be constructed in conjunction with the construction of the streets within the subdivision and, in lieu of actual construction, surety guaranteeing their installation shall be provided in accordance with the provisions contained in paragraph 8 of this subsection.

L. Approval of Final Short Plat. Approval of the short plat ~~mylar~~ shall be indicated by the signatures of the City Engineer, the Director of ~~Community and Economic Development~~Planning and Development Services, the City Treasurer, the City Attorney, ~~the Land Use Administrator~~, the Mayor, and the City Clerk on the original reproducible final short plat.

The approval of the final short plat by the ~~Land Use Administrator~~Director shall be deemed to constitute acceptance by the public of the dedication of any street or other proposed public way or space, but only after such short plat has been recorded by the Pierce County Auditor.

Approval of the final short plat by the ~~Land Use Administrator~~Director shall be null and void if the short plat is not recorded within 90 days after the date of approval, unless, during said 90-day period, written application to the ~~Land Use Administrator~~Director for an extension of time is made and granted.

M. Issuance of Building Permits. The issuance of a building permit or other development permit for the development of a short subdivision may be delayed or issued contingent upon the subdivider's providing for adequate access, storm drainage facilities, sewer systems and water supply systems, and electrical power supply systems. If required improvements are not properly installed prior to the issuance of a building permit or other development permit, surety may be required in accordance with Section 13.04.100.K.8. of this chapter.

N. The development of any improvements associated with a short plat will not be permitted until after an approval short subdivision decision is final, the applicant has submitted the final short plat and the necessary construction and site development documents in compliance with the short subdivision decision. It is anticipated that partial permits to allow grading, clearing, etc., may be issued prior to the issuance of the final short plat for streets and utilities. Development pursuant to Sections 13.04.300 (Model homes) and 13.04.305 (Temporary rental or sales offices, contractors' offices and signs) are exempt from this provision.

O. Resubdivision. Land within a short subdivision shall not be further divided in any manner for a period of five years from the date of filing of the short plat of said short subdivision with the Pierce County Auditor without the ~~filing of a final plat~~approval of a preliminary and final plat, except that when the short plat contains fewer than ~~four~~ nine parcels, the owner who filed the short plat may submit a revision within the five-year period to create up to a total of ~~four~~ nine lots within the original short plat boundary. (Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813

Ex. B; passed Jun. 30, 2009: Ord. 27017 § 3; passed Dec. 3, 2002: Ord. 25893 § 5; passed Jun. 4, 1996: Ord. 25851 § 4; passed Feb. 27, 1996: Ord. 25532 § 1; passed Jun. 28, 1994)¹

13.04.095 Appeals.

The ~~Land Use Administrator~~Director's decision on a boundary line adjustment, binding site plan approval, or short ~~plat subdivision~~ shall be final unless the applicant who filed the ~~permit application or an aggrieved party with standing~~ files an appeal with ~~Building and Land Use Services~~Planning and Development Services within 14 days of the ~~permit application~~ decision date. If an appeal is filed, it shall be accompanied by a letter setting forth the alleged errors contained in the decision. The Hearing Examiner shall consider the appeal and shall issue a final decision concerning the request. (Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27017 § 4; passed Dec. 3, 2002: Ord. 25851 § 5; passed Feb. 27, 1996: Ord. 25532 § 1; passed Jun. 28, 1994)²

13.04.100 Plat/subdivision procedures.

A. Application. Applications for preliminary plat approval shall be submitted to Planning and Development Services ~~Building and Land Use Services~~ on forms provided by the City. The application shall be considered complete when the following information is received by Building and Land Use Planning and Development Services:

1. A completed application form including the following information: name(s), mailing address(es), and phone number(s) of applicant(s) and owner(s); legal description of property; assessor's parcel number; general location of property; current use of property; proposed improvement; signature of applicant(s); and date signed.
2. An environmental checklist or draft environmental impact statement.
3. A free-consent statement signed by all owners of the property.
4. A current (within 90 days) title report or plat certificate.
5. A filing fee as set forth in Chapter 2.09.
6. A City-approved plat ~~mylar layout~~ containing the following information:
 - a. The ~~plat shall show the~~ bearings and distances on the exterior boundary with ties to at least two known monuments on the City of Tacoma horizontal grid system. The plan shall be to scale, have a north arrow, and display the date of preparation.
 - b. The legal description of the existing lot, tract or parcel and the legal descriptions of all proposed lots, tracts or parcels;
 - c. The ~~plat shall show~~ existing and proposed contours at intervals of five feet or less, sufficient to show drainage patterns.
 - d. The names of all adjacent subdivisions and owners of adjoining parcels ~~shall be shown.~~
 - e. All of the zoning districts as set forth in the Tacoma zoning ordinances ~~shall be shown on the mylar.~~
 - f. The location of all existing and platted streets, pedestrian ways, bike routes, recorded easements, rights-of-way, and section lines within and adjacent to the ~~plat subdivision shall be shown on the mylar.~~
 - g. All public and private open space to be preserved within the ~~plat shall be shown~~subdivision on the mylar.
 - h. A table showing the plat area, number of lots and minimum and average lot size. ~~shall be shown.~~
 - i. The lot layout, numbers and lot dimensions ~~shall also be shown on the mylar.~~
 - j. The locations of existing storm and sanitary sewers, water mains and electric conduits or overhead power lines to be used to serve the property ~~shall be shown at the points of the proposed connection(s).~~
 - k. All existing buildings and required setbacks for each lot ~~shall be shown.~~

¹ Ord. 25851 contained two sections numbered 4 – see also Section 13.04.100.

² Ord. 25851 contained two sections numbered 5 – see also Section 13.04.140.

1. The ~~mylar plat document~~ shall be stamped by a Professional Land Surveyor ~~or Professional Civil Engineer~~ licensed in the State of Washington.

7. A transit access checklist, including a table showing the location and walking distance in feet to the nearest bus stop(s), the routes served by that stop, and the potential transit patronage calculated according to a formula and generation rates shown on the checklist, unless this information has already been provided in the checklist submitted pursuant to the State Environmental Policy Act (SEPA).

B. Process. Upon submittal of a complete preliminary plat application, ~~Planning and Development Services Building and Land Use Services~~ shall transmit at least one copy of the plat for review and comment to departments and agencies as determined by ~~Planning and Development Services Building and Land Use Services~~. Preliminary plat applications for plats that are adjacent to a transit street or within 1,000 feet of a bus stop shall be forwarded to Pierce Transit for review and comment.

~~Planning and Development Services Building and Land Use Services~~ shall assemble the agency comments and prepare a written preliminary report to the Hearing Examiner. The report shall be transmitted to the Examiner and applicants a minimum of seven days prior to the date of the public hearing on the application. The report shall contain an analysis of the applicable criteria for the approval of preliminary plats, agency comments, an environmental determination and requested conditions of approval.

C. Notification. Notices for any public hearing required by this chapter shall be given in accordance with provisions of Chapter 13.05. In the event that a preliminary plat of proposed subdivision with the City of Tacoma joins the municipal boundaries thereof, a notice of filing shall be given to the appropriate county or city officials and, in the event that a preliminary plat of a proposed subdivision within the City of Tacoma is adjacent to the right-of-way of a state highway, a notice of filing shall be given to the Washington State Department of Transportation.

Mailed notices required by these regulations shall give the time, date, and place of the hearing; a legal description of the property to be platted; a vicinity sketch; and a location description in non-legal language.

~~D. Land Use Administrator Consideration of Minor Preliminary Plats. The Land Use Administrator may administratively approve minor (nine or fewer lots) preliminary plats, subject to the provisions of Chapter 13.05.~~

~~1. Notice of the request for administrative preliminary plat approval shall be mailed to all owners of property within 400 feet of the site within 10 days of the filing of a complete application with Building and Land Use Services. In addition, the applicant shall post notice of the preliminary plat application in at least five conspicuous places on the property within 10 days of the filing of a complete application with Building and Land Use Services.~~

~~2. Any person shall have a period of 20 days from the date of the notice to comment upon the proposed preliminary plat. All comments shall be sent to Building and Land Use Services. All comments received by Building and Land Use Services shall be provided to the applicant. The applicant shall have seven days to respond to the comments.~~

~~3. A public hearing on the proposed subdivision shall be held if any person files a request with Building and Land Use Services within 21 days of the publishing of notice as described in paragraph 1 above. If such public hearing is required, notification shall be given in a manner consistent with public hearings for preliminary plats considered by the Hearing Examiner.~~

~~4. Building and Land Use Services is authorized to require that a public hearing be held on a minor preliminary plat. A decision to require a public hearing on a minor preliminary plat shall be made within 21 days of the filing of said request.~~

~~ED.~~ Hearing Examiner ~~or Land Use Administrator~~ Review of Preliminary Plat. The Hearing Examiner ~~or Land Use Administrator~~ shall review the proposed preliminary plat. The preliminary plat shall not be approved unless it is found that:

1. Appropriate provisions are made for the public health, safety, and general welfare, and for open spaces, drainage ways, streets or roads, alleys, other public ways, bicycle circulation, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facilities, including sidewalks and other planning features which assure safe walking conditions for students who walk to and from school and for transit patrons who walk to bus stops or commuter rail stations.

2. The public use and interest will be served by the platting of such subdivision and dedication as set forth by the Comprehensive Plan and other adopted City ordinances, manuals, design specifications, plans, goals, policies and guidelines.

The Hearing Examiner ~~or Land Use Administrator~~ shall consider the proposed preliminary plat and shall issue a decision. ~~The decision of the Land Use Administrator shall, at the conclusion of the appeal period, be forwarded to the Hearing Examiner for concurrence with the decision.~~—An appeal taken within 14 days of the ~~Land Use Administrator's~~Hearing Examiner's decision will be processed in accordance with provisions of Chapter 1.23 of the Tacoma Municipal Code.

Approval of the preliminary plat is a tentative approval and does not constitute final acceptance of the plat. Approval of the preliminary plat, however, shall be assurance to the subdivider that the final plat will be approved; provided, that:

- a. The final plat substantially conforms to the approved preliminary plat.
- b. All requirements specified for the final plat are fully complied with.

A decision on the preliminary plat shall be made by the Hearing Examiner ~~or Land Use Administrator~~ within 90 days from the date of filing with ~~the City Clerk~~Planning and Development Services, unless the applicant consents to the extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

A final plat meeting all requirements of this section shall be submitted to the ~~Land Use Administrator~~Director within the following timelines: If the preliminary plat was approved on or before December 7, 2007, the final plat must be submitted within nine years of the preliminary plat approval. If the preliminary plat was approved after December 7, 2007 but on or before December 31, 2014, the final plat must be submitted within seven years of the preliminary plat approval. A preliminary plat approved after January 1, 2015 must be submitted for final plat within five years of the preliminary plat approval. ~~within five years of the effective date of the preliminary plat approval. In accordance with RCW 58.17, this deadline has been extended from five to seven years, until December 31, 2014.~~

~~FE. Final Plat Approval.~~ The final plat for the subdivision shall be submitted to Planning and Development Services Building and Land Use Services and shall be an accurate plat for official record, surveyed and prepared by, or under the supervision of, a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. The final plat shall be prepared in accordance with the regulations set forth in subsequent sections of this chapter and the ~~"City of Tacoma Department of Public Works General Specifications for Street and Sewer Construction (Requirements for Private Permits—January 1963)."~~ City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120, or as hereafter amended. When the final plat is submitted to Planning and Development Services Building and Land Use Services for processing, it shall be accompanied by two copies of a title report confirming that the title of lands, as described and shown on ~~a~~the plat, is in the name of the owner(s) signing the certificate of the plat. The final plat will be reviewed by the City Engineer and by representatives of the Water and Light Divisions of the Department of Public Utilities, and the Tacoma-Pierce County Health Department.

~~Planning and Development Services Building and Land Use Services~~ shall prepare a report summarizing the findings and recommendations of the reviewing departments and agencies and shall file said report and request with the ~~Land Use Administrator~~Director. The ~~Land Use Administrator~~Director ~~or designee~~ shall review the final plat. The ~~Land Use Administrator~~Director's review shall be limited to ensuring that the final plat conforms to all requirements of this chapter and that all required improvements have been constructed or bonded. The ~~Administrator~~Director shall issue a report approving or denying the final plat and shall transmit a copy of the report to the applicant and parties of record. The ~~Administrator's~~Director's decision shall be forwarded, by resolution, to the City Council for approval, unless the decision is appealed to the Hearing Examiner within 14 days of the date of the ~~Administrator's~~Director's decision.

An applicant may develop a plat in two or more phases. If phasing is to be used in the development, it is recommended that an applicant identify the proposed phasing plan at the time of preliminary plat approval so that appropriate conditions for each phase can be developed. When an applicant requests final plat approval for a specific phase of a plat subsequent to approval of the preliminary plat, the ~~Land Use Administrator~~Director shall determine, after consultations with affected departments and agencies, the conditions of approval necessary to

support that phase of the development. Each phase of a plat must receive final plat approval within the time period identified in Section 13.04.100.~~ED~~.

~~GE~~. Contents of Final Plat. The final plat shall be drawn to a scale of 100 feet or less, but, preferably, 100 feet to the inch, and shall show:

1. Name of subdivision.
2. Name and address of the subdivider.
3. North point, scale, and date.
4. The boundary lines with accurate distances and bearings, and the exact location and width of all existing or recorded streets and ways intersecting the boundary of the tract.
5. True bearings and distances to the established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and bearings.
6. Streets, alleys, and ways, together with their names, and any dedicated pedestrian ways, bike routes, and land for transit facilities within the subdivision.
7. The length of the arcs, radii, internal angles, points of curvature, length, and bearing of the tangents.
8. All easements for rights-of-way provided for public services or utilities and any limitations of the easement.
9. All block indications, lot numbers, and lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines.
10. The accurate location, material, and size of all monuments. Monuments shall meet the specifications of the Survey Recording Act and Public Works Department.
11. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
12. Zoning districts as set forth in the Tacoma zoning ordinances.
13. Private restrictions and their boundaries as applicable:
 - ~~a. Boundaries of each type of use restriction;~~
 - ~~b. Other private restrictions for each definitely restricted section of the subdivision.~~
14. Certification by a registered land surveyor to the effect that the plat is a true and correct representation of the lands actually surveyed and that all monuments shown thereon actually exist, or, in lieu of their placement, that a bond has been provided in conformance with Section 13.04.~~360-100.G~~ of this chapter, and that their location, size, and material are correctly shown.
15. Certification of approval by the City Engineer of all locations, grades, and dimensions of the plat and the construction specifications.
16. Dedication of all streets, alleys, ways, easements, parks, and lands for public use as shown on the plat and as required by the City of Tacoma.
17. All private easements (new or existing).
18. All critical areas requiring delineation in accordance with Chapter 13.11.
19. All building setback lines.
20. Common facilities and open spaces shall be located on separate, individual tracts unless otherwise approved by the Hearing Examiner, and shall be dedicated, reserved or otherwise held in common by a homeowners' association or by a proportional ownership interest shared among all of the property owners within the subdivision, or alternatively, and only if acceptable to the receiving public agency, dedicated to the public.

~~HG~~. Monuments to be Placed Prior to Submission of Final Plat. Prior to the time the final plat shall be submitted to the ~~Land Use Administrator~~~~Director~~, monuments shall be placed at angle points along the perimeter of the subdivision at intervals designated by the City Engineer; and monuments shall also be placed at all intersections of centerlines of streets and at all locations where the centerlines of streets cross section lines or quarter section lines. Delayed monumentation of the interior of the plat may be desirable pending completion of street and utility improvements. In that case, satisfactory completion of monumentation shall be secured in the form of a cash deposit or by inclusion in the performance bond. This provision shall not be construed to apply to boundary monumentation and survey.

I. All final plats hereafter shall contain the following dedicatory language:

KNOW ALL PEOPLE BY THESE PRESENTS: We (name of owners), the owners of the land herein described, embraced in and covered by said plat, do hereby donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over the private property abutting upon said streets, alleys, and public places to construct and maintain all slopes, cuts, and fill occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets, alleys, and public places. Said owners, for themselves and their respective successors and assigns, waive all claims for damages to the property included in this plat by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma, and further certify and swear that said land is free from all taxes and assessments which have heretofore been levied and become chargeable against said property, and further certify and swear that there are no encumbrances existing upon any of the land upon which streets, alleys, and public places have been herein donated and dedicated to the public, except for the encumbrances that are the property of the following named person(s):

(Name of person(s))

If any of these persons named as having encumbrances are lienholders, then the dedication language must also include the following:

KNOW ALL PEOPLE BY THESE PRESENTS: We (name of lienholders), who have liens upon the land herein described, embraced in, and covered by said plat, do hereby, as to any of said property hereafter acquired, donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over said private property abutting upon said streets, alleys, and public places, to construct and maintain all slopes, cuts, and fills occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets and alleys. Said lienholders, for themselves and their respective successors and assigns, as to any of the property hereafter acquired, waive all claims for damages to the said property included in this plat by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma.

~~HJ~~. Conditions of Approval of the Final Plat. Before approval of the final plat of a subdivision, the ~~Land Use Administrator~~~~Director~~ will require:

1. That all street grading and grading along street lines, including sidewalk areas and bus stop areas, be approved by the City Engineer to ensure proper transition from street grade to adjacent property.
2. Surfacing of all roadways, bike routes, and pedestrian ways with an all-weather surface approved by the City Engineer; this shall include the construction of curbs and gutters of Portland cement concrete in accordance with the specifications of the City of Tacoma.
3. Installation of necessary facilities for the proper handling of storm drainage as approved by the City Engineer.
4. Installation of necessary facilities for the disposal of sanitary wastes as approved by the City Engineer.
5. Installation of necessary water supply systems, including fire hydrants, as approved by the Department of Public Utilities.
6. Installation of the necessary electrical power facilities as approved by the Department of Public Utilities.

- a. As a condition of the final plat, the ~~Land Use Administrator~~Director shall require the petitioner or developer to install underground all public utility services such as electric, telephone, and CATV facilities, whether in streets, alleys, on public easements, or on private properties.
- b. The ~~Land Use Administrator~~Director may, however, if the facts and circumstances in respect to some particular development in a proposed plat so warrant, authorize a waiver or modification from the general requirement hereinabove set forth, but, in such cases, shall give the reasons and conditions therefor.
- 7. The ~~Land Use Administrator~~Director may also require the petitioner or developer, as a condition of approval of the final plat, to install or construct certain improvements on existing rights-of-way abutting the plat which are deemed necessary to control and expedite the movement of bicycles, automobiles, buses, and other vehicular and/or pedestrian traffic which would be generated by the development of the subdivision.
- 8. In lieu of the construction of the required public and private improvements before approval of the final plat of a subdivision by the ~~Land Use Administrator~~Director, the ~~subdivider-property owner~~ shall post a performance bond, or cash deposit in lieu thereof, with ~~Building and Land Use Services~~Planning and Development Services in an amount not less than the City Engineer's estimate of the cost of the required improvements, and provide security satisfactory to ~~Planning and Development Services~~Building and Land Use Services, guaranteeing that the required improvements shall be completed in accordance with the requirements of the City of Tacoma and within the specified period of time. The cash deposit, bond, or other security, as hereinabove required, may also secure the successful operation of required improvements for a two-year period after final approval.

All required improvements shall be completed by the ~~subdivider-property owner or his/her designee~~ within one year from the date of the approval of the final plat by the ~~Land Use Administrator~~Director unless waived by the department, or departments, requiring such improvements. If said required improvements are not completed in the specified time, or the required improvements do not operate successfully for two years after completion, the City may use the applicable bonds or other security, or any portion thereof, to complete the same, correct any deficiencies in, or make any repairs to, constructed improvements which fail to successfully operate for two years after completion and final approval. After approval of the final plat by the ~~Land Use Administrator~~Director and recording by the County Auditor of Pierce County, the ~~subdivider-property owner~~ may petition for, and have established by the City Council, a local improvement district in accordance with the state statutes and ordinances of the City of Tacoma to cover the cost of all required improvements not previously constructed. ~~Planning and Development Services~~ ~~Building and Land Use Services~~ and/or the Public Utilities Department may authorize cancellation of the previously posted performance bond or security, or a portion thereof, for installation of the required improvements after final establishment of a local improvement district by the City Council and the execution of a contract therefor.

9. A house numbering system.

10. Sidewalks shall be required along all lot frontages within a subdivision as a condition of the building permit for the development of each lot within a subdivision. The required sidewalk(s) along a lot frontage(s) shall be constructed prior to the final inspection for any structure constructed upon such lot as provided for in Ordinance No. 19486 of the City of Tacoma or, in lieu of actual construction of required sidewalks, a performance bond or cash deposit shall be posted with ~~Building and Land Use Services~~Planning and Development Services ensuring that said sidewalks shall be constructed within a period of one year.

If required as a condition of the preliminary plat, sidewalks abutting private, common, or public open spaces within a subdivision shall be constructed in conjunction with the construction of the streets within the subdivision and, in lieu of actual construction, surety guaranteeing their installation shall be provided in accordance with the provisions contained in paragraph 8 of this subsection.

~~KI~~. Approval of Final Plat. Approval of the final plat shall be indicated by the signatures of the City Engineer, the Director of ~~Community and Economic Development~~Planning and Development Services, the City Treasurer, the City Attorney, ~~the Land Use Administrator~~, the Mayor, and the City Clerk on the original reproducible final plat.

The approval of the final plat by the ~~Land Use Administrator~~Director shall be deemed to constitute acceptance by the public of the dedication of any street or other proposed public way or space, but only after such final plat has been recorded by the Pierce County Auditor.

Approval of the final plat by the ~~Land Use Administrator~~Director shall be null and void if the plat is not recorded within 90 days after the date of approval, unless, during said 90-day period, written application to the ~~Land Use Administrator~~Director for an extension of time is made and granted.

~~L. Plat Construction Permit. The development of any improvements associated with a plat will not be permitted until a Plat Construction Permit is issued by Building and Land Use Services. The Plat Construction Permit shall not require a fee. The purpose for requiring a Plat Construction Permit is to ensure that no construction activities associated with the development of a plat are started without approval by the City of Tacoma. It is anticipated that partial permits to allow grading, clearing, etc., may be issued prior to the issuance of final permits for streets and utilities. A Plat Construction Permit shall not be issued until the City has reviewed and approved all necessary construction plans (including streets, utilities, grading, and erosion control). A preconstruction meeting may be required by Building and Land Use Services prior to the issuance of a Plat Construction Permit.~~

~~M. Plat Certificate of Completion Permit. Building and Land Use Services shall not issue permits for buildings within platted property prior to the issuance of a Temporary or Final Plat Certificate of Completion Permit. The Plat Certificate of Completion Permit shall be signed by all departments and agencies deemed necessary by Building and Land Use Services. Issuance of the Final Plat Certificate of Completion shall indicate that the plat, or an identified portion thereof, has been inspected for completion of all necessary conditions of approval.~~

~~J. The development of any improvements associated with a plat will not be permitted until after the approval of a subdivision decision is final, the applicant has submitted the final plat for recording and the necessary construction and site development documents in compliance with the subdivision decision. It is anticipated that partial permits to allow grading, clearing, etc., may be issued prior to the issuance of the final plat for streets and utilities. Development pursuant to Sections 13.04.300 (Model homes) and 13.04.305 (Temporary rental or sales offices, contractors' offices and signs) are exempt from this provision.~~

(Ord. 27995 Ex. B; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. B; passed Jun. 30, 2009; Ord. 26934 § 8; passed Mar. 5, 2002; Ord. 26386 § 31; passed Mar. 23, 1999; Ord. 25893 § 6; passed Jun. 4, 1996; Ord. 25851 § 4; passed Feb. 27, 1996; Ord. 25532 § 1; passed Jun. 28, 1994)³

13.04.105 Replat or redivision of platted lots.

The division of a lot located within a recorded binding site plan, plat or short plat shall be processed as a new application in accordance with this Chapter and other applicable sections of the Tacoma Municipal Code. Minor adjustments to existing lot lines within a recorded subdivision/short subdivision may be allowed in accordance with the procedures set forth in TMC 13.04.085 for boundary line adjustments, provided no new lots are created. (Ord. 28077 Ex. A; passed Jun. 12, 2012)

13.04.110 General requirements and minimum standards for subdivisions and short subdivisions.

The general requirements and minimum standards of design and development set forth in Sections 13.04.120 to 13.04.230, inclusive, of these regulations, and the ~~“City of Tacoma Department of Public Works General Specifications for Street and Sewer Construction (Requirements for Private Permits—January 1963),”~~ City’s Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120, are hereby adopted as the minimum requirements and standards to which a subdivision ~~plat, including~~ /short subdivision, must conform for approval. However, the minimum standards found in Sections 13.04.120 to 13.04.230 may be waived as part of a subdivision/short subdivision decision upon a finding by the Hearing Examiner or ~~Land Use Administrator~~Director that unique circumstances exist that make the strict application of the standards unreasonable. (Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.120 Conformity to the Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines. ~~the Major Street Plan.~~

The subdivision/short subdivision shall conform to and be in harmony with the Comprehensive Plan, Design Manual, Stormwater Manual, Mobility Master Plan Pedestrian and Bicycle Design Guidelines, Residential Complete Streets Design Guidelines, Mixed-Use Centers Complete Streets Design Guidelines, Americans with Disabilities

³ Ord. 25851 contained two sections numbered 4 – see also Section 13.04.090.

Act Self-Evaluation and Transition Plan, and other adopted guidelines, manuals, and design specifications as currently enacted or as may be hereafter amended—and the Major Street Plan. (Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.130 Relation to adjoining street system.

A subdivision/short subdivision shall provide for the continuation of the multi-modal street and transportation system existing for pedestrian, bicycles and vehicles in the adjoining subdivisions/short subdivisions, or of their proper projection when adjoining property is not subdivided/short subdivided, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Hearing Examiner or Land Use Administrator/Director, topographic or other conditions make such continuation or conformity impractical, an exception can be made. In cases where the City Council itself adopts a plan or plat of a neighborhood or area of which the subdivision/short subdivision is a part, the subdivision/short subdivision shall conform to such adopted neighborhood or area/subarea plan.

Where the plat subdivision/short subdivision submitted covers only a part of the subdivider's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished, and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.

Where a tract is subdivided/short subdivided into lots of an acre or more, the Hearing Examiner or Land Use Administrator/Director may require an arrangement of lots and streets such as to permit a later resubdivision/short subdivision in conformity to the streets and other requirements specified in these regulations. (Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.140 Access.

A. There shall be no reserve strips controlling access to streets except where such strips are controlled by the City under conditions approved by the Hearing Examiner or Land Use Administrator/Director. The land shall be subdivided/short subdivided, providing each lot, by means of either a public or private street or way, or permanent access easement, with satisfactory access to an existing public highway or to a thoroughfare as shown in the Major Street Plan, the Comprehensive Plan, applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120, or an official map.

B. Officially Approved Accessway. When considering a subdivision, short subdivision, boundary line adjustment and/or binding site plan approval, a public or private street or way, or permanent access easement, which does not conform to the minimum requirements of the Major Street Plan City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120—and the specifications of the City of Taos, and which provides principal access to the property it is intended to serve, shall be found by the Land Use Administrator/Director or Hearing Examiner to be adequate to provide all necessary ingress and egress to a parcel or parcels of land for specific uses subject to the following conditions:

1. That a minimum of 10-foot-wide officially approved accessway be required for one dwelling unit, and a minimum of a 16-foot-wide officially approved accessway be required for two or more dwelling units, or for any use other than residential;
2. That such officially approved accessway be permanent, unobstructed, and designed, improved, and maintained to accommodate fire apparatus and necessary mobile service equipment;
3. That, if determined to be necessary for the convenience and safety of the residents served by said officially approved accessway, the Land Use Administrator/Director or Hearing Examiner may require other reasonable standards and improvements of said officially approved accessway;
4. That the ownership and control of said officially approved accessway be with the owner of the property it serves, unless other provisions are determined to be satisfactory;
5. That the Hearing Examiner or Land Use Administrator/Director may attach to such a determination reasonable conditions limiting and controlling the development of said parcel according to the practical capacity of said officially approved accessway and in the interest of the particular neighborhood and of the general public.

(Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25851 § 5; passed Feb. 27, 1996; Ord. 25532 § 1; passed Jun. 28, 1994)⁴

13.04.150 Conformity to topography.

When the existing topography requires, the design of the subdivision/short subdivision shall be made so that the location of public or private streets or ways, or permanent access easements conform to the existing topography to the maximum extent possible that desirable grades are secured and other requirements of these regulations are met and, especially, that desirable building sites are provided. (Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.160 Public or private streets or ways, or permanent access easement widths.

The widths for ~~public or private streets or ways, or permanent access easements~~ shall conform to the widths designated ~~on in~~ the Major Street Plan City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120. In cases where topography or other conditions make a public or private street or way, or permanent access easement of this width impractical, the Hearing Examiner or ~~Land Use Administrator~~Director may modify this public or private street or way, or permanent access easement width regulation. (Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.165 Streetlights.

Streetlights shall be installed throughout the subdivision/short subdivision in accordance with the Illuminating Engineering Society (IES) Standards. The minimum requirement for full lighting shall be for intersection, mid-block, and cul-de-sac lighting to appropriate industry standards and as reviewed by the City Engineer. Pedestrian-scale lighting shall be required when appropriate for residential subdivision/short subdivisions. Maximum spacing of streetlights at a 30-foot mounting height shall generally be 150 feet to 200 feet, subject to approval by the City Engineer. ~~Short subdivisions are exempt from the streetlighting requirements of this Section.~~ (Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.170 Roadways.

Roadways for arterial streets shall conform to the Major Street Plan City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120, ~~and to specifications of the City of Tacoma~~

Roadways for public or private streets or ways, or permanent access easements serving residential development shall not be less than 28 feet; provided, however, where topographical or other conditions make a roadway of this width impractical, the roadway width may be reduced with approval by the City Engineer. (Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.180 Public or private streets or ways, or permanent access easement design.

In general, the horizontal and vertical components of public or private streets or ways, or permanent access easement design shall conform with the latest current edition of "A Policy on Geometric Design of Highways and Streets" as published by the American Association of State Highway and Transportation Officials (AASHTO).

All non-arterial public or private streets or ways, or permanent access easements shall be constructed with a minimum pavement section consisting of three inches of asphaltic concrete pavement over 2.5 inches of crushed surfacing top course over five inches of crushed ballast or alternative section subject to approval by the City Engineer. All design and construction features shall conform to design standards and policies of the City of Tacoma. (Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.190 Dead-end/cul-de-sac public or private streets or ways, or permanent access easements.

The applicant shall demonstrate why a public or private street way or permanent access easement cannot be aligned with the surrounding street system for pedestrian, bicycle and vehicular connectivity within the proposed subdivision/short subdivision. If the Director or Hearing Examiner makes a finding that such connectivity is not reasonable for the subject subdivision/short subdivision, ~~d~~Dead-end/cul-de-sac public or private streets or ways, or permanent access easements shall not be longer than 500 feet. Any dead-end/cul-de-sac public or private street or

⁴ Ord. 25851 contained two sections numbered 5 – see also Section 13.04.095.

way, or permanent access easement in excess of 150 feet in length shall **be designed according to the City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120 as currently enacted or as may be hereafter amended, subject** ~~terminate in a turnaround with a minimum curb radius of 45 feet. A center island with a maximum width of 30 feet may be constructed within the cul de sac. Any dead end/cul de sac public or private street or way, or permanent access easement with four or fewer lots accessing the public or private street or way, or permanent access easement may satisfy this requirement with the construction of a T-type or branch turnaround subject~~ to approval by the City Engineer. (Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.200 Alleys.

A minimum width of an alley in a residential block, when platted, shall be 20 feet. Alleys may be required in the rear of commercial and industrial districts and, where required, shall be at least 20 feet wide. (Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.240 Plats within Planned Residential Development Districts (PRD Districts).

A. Intent. The PRD District is intended to: provide for greater flexibility in large-scale residential developments; promote a more desirable living environment than would be possible through the strict regulations of conventional zoning districts and of the subdivision ordinance of the City of Tacoma; encourage developers to use a more creative approach in land development; provide a means for reducing the improvements required in development through better design and land planning; conserve natural features and ecological systems of the physical environment; and facilitate more desirable, aesthetic and efficient use of open space.

In order to facilitate development within PRD Districts, these regulations may, if necessary, be modified as they apply to residential access streets, blocks, lots and building lines when the plan for such PRD District provides: adequate access to arterial streets and adequate circulation, recreation areas, and area per family as required by the zoning ordinances; light and air for the needs of the tract when fully developed and populated; and such legal restrictions or other legal status as will assure the carrying out of the plan.

B. Procedures.

1. All preliminary plats within PRD Districts shall be considered by the Hearing Examiner, except for ~~minor~~ preliminary short plats considered by the ~~Land-Use Administrator~~Director subsequent to approval of a reclassification to a PRD District. The final plat/short plat shall be considered by the ~~Land-Use Administrator~~Director. The preliminary plat/short plat for a planned residential development may be submitted with the application for reclassification to a PRD District, and will then be processed concurrently with the reclassification application.

2. The final plat for a PRD District may be considered as a final site plan for that portion of the PRD District to which it pertains.

3. When the preliminary plat of a proposed subdivision in a PRD District is processed as the preliminary plan for the reclassification request, and/or the final plat is processed as the final site plan, the processing procedures for plats contained in this chapter shall be followed.

C. General Requirements.

1. Lot Area. Lot sizes required for plats within PRD Districts shall be the same as for the residential district with which the PRD District is combined; provided, however, that the Hearing Examiner or ~~Land-Use Administrator~~Director may modify said lot sizes where the following factors have been considered:

a. Type of dwelling structures involved;

b. Amount of common and private open space to be provided and the location of such open space in relation to the dwelling structures involved;

- c. The street pattern and street design within the PRD District; and
 - d. The landscaping plan concept to be utilized around such dwellings. All modifications shall be made strictly within the spirit, intent, and purposes of this section and the PRD District section of the zoning ordinances.
2. Transfer of ownership of lots within PRD Districts shall be made in such a manner as to not increase the total number of lots in the PRD District, and in no event shall any ownership be less than the dimensions of the minimum size lot within the PRD District.
3. Streets and Roadways Within PRD Districts.
- a. Standards of design and construction for roadways, both public and private, within PRDs may be modified as is deemed appropriate by the Hearing Examiner.
 - b. Right-of-way widths and street roadway widths may be reduced where it is found that the plan for the PRD District provides for the separation of vehicular and pedestrian circulation patterns, accommodates bicycle circulation, and provides for adequate off-street parking facilities.
4. All land within the Planned Residential Development District shall be subject to contractual agreements with the City of Tacoma and to recorded covenants approved by the City of Tacoma providing for compliance with the regulations and provisions of the district and the site plan or plat as approved. (Ord. 25893 § 7; passed Jun. 4, 1996; Ord. 25851 § 6; passed Feb. 27, 1996; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.250 Duplication of names.

The name of the proposed subdivision/~~short subdivision~~ shall not duplicate the name of any other area within the City. A street name shall not duplicate the name of any other street or way within the City. (Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.260 Public open space.

Due consideration shall be given by the subdivider to the allocation of suitable areas for schools, parks and playgrounds. ~~Such land may to be dedicated, by covenants in the deeds, for public use or reserved for the common use of all owners of property within the subdivision/short subdivision. Public open spaces shall conform to the Comprehensive Plan of the City. In lieu of dedication for open space, the City may require payment of a fee of \$25.00 per lot contained in the subdivision. The fee shall be used for the acquisition and/or development of parks or open space land which will benefit the residents of the subject subdivision and the citizens of the City of Tacoma. The above referenced fee shall be applicable to all plats.~~ (Ord. 27079 § 12; passed Apr. 29, 2003; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.270 Checking by the City Engineer – Charges.

The City Engineer shall completely check the final plat/~~short plat~~ before it receives his/~~her~~ approval. The City Engineer shall prepare an estimate of cost for field and office checking and for changing any office records. The subdivider shall thereupon deposit each estimated cost with the City Treasurer to be credited to the Department of Public Works Revolving Fund.

All work done by the City Engineer in connection with checking, computing and correcting such plat, either in the field or in the office, or for changing office records, shall be charged to such deposit. If, during the progress of such work, it shall appear that the cost thereof will exceed the ~~amounts so amount~~ deposited, the City Engineer shall notify the subdivider thereof and shall do no further work in connection with such plat until there shall be deposited such additional amount as may be necessary to cover the cost of such work.

Upon completion of the work of checking and correcting any such plat or correcting office records, a statement of the amount of the engineering charges against such proposed plat shall be rendered by the Finance Department and any balance of such deposit unexpended shall thereupon be refunded to the subdivider; or, in case the engineering charges shall for any reason exceed the amount so deposited, such amount shall be due and payable by the subdivider upon receipt of statement of engineering charges referred to herein. (Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.280 Development of illegally divided land – Innocent purchaser for value.

An application for a building permit or other development permit for any lot, tract or parcel of land divided in violation of state law or these regulations shall not be granted without prior approval by the ~~Hearing Examiner~~Director, which approval shall only be given following an application for determination by the Director hearing at under which the applicant ~~shall~~must demonstrate to the satisfaction of the ~~Hearing Examiner~~Director that EITHER:

- A. The applicant purchased the lot, tract or parcel for value; and
- B. The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of state law or these regulations. (Ord. 25532 § 1; passed Jun. 28, 1994)

OR

~~13.04.290—Development of illegally divided land—Public interest determination.~~

~~No application for a building permit or other development permit for any lot, tract or parcel of land divided in violation of state law or these regulations, excluding an innocent purchaser for value as determined pursuant to Section 13.04.280 of this chapter, shall be granted without prior approval by the Hearing Examiner. Such approval shall only be given following a public hearing at which the applicant shall demonstrate to the satisfaction of the Hearing Examiner that:~~

- A. The Tacoma-Pierce County Health Department has certified that the proposed means of sewage disposal and water supply on and to the lot, tract or parcel are adequate;
- B. The City Engineer has certified that the lot, tract or parcel is served with an adequately designed means of ingress and egress, and with adequate drainage facilities, none of which interferes with or impairs existing or planned public highway and drainage facilities in the vicinity; and
- C. ~~Building and Land Use~~Planning and Development Services has certified that the proposed development will not adversely affect the safety, health, or welfare of owners of adjacent property or interfere with their enjoyment of their property. (Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.300 Model home.

~~As many as four model~~Model homes may be constructed for 20% of the lots with a maximum of four model homes homes may be constructed within a residential short subdivision of five or more lots or within a residential subdivision which has received preliminary plat approval. The purpose of the model homes shall be to demonstrate a variety of housing designs together with all associated on-site improvements, e.g., landscaping, improved driveway, patios. Model homes shall be established subject to the following criteria:

- A. Model homes shall meet all applicable codes of the City of Tacoma.
- B. Only one model home may be occupied as a temporary real estate office.
- C. Access and fire safety provisions shall be provided in a manner approved by the Building Official prior to construction of the model home. A model home may not be occupied as a dwelling unit or sold until the plat is recorded. (Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.305 Temporary rental or sales offices, contractors' offices, and signs.

Temporary facilities, structures or signs for rental or sales offices; contractors' offices; and advertising, directional and identification signs or structures may be utilized for the purpose of developing a new residential subdivision/short subdivision of five or more lots if:

- A. Located in the residential subdivision to be served, promoted, or advertised, and deals exclusively with the real property of said subdivision; and
- B. Structures and signs are removed upon buildout of the subdivision/short subdivision of five or more lots.

If a model home is occupied as a real estate office as identified in Section 13.04.300.B a separate temporary rental or sales office shall not be allowed. (Ord. 25851 § 7; passed Feb. 27, 1996)

13.04.310 Subdivisions and Critical Areas.

The subdivision and short subdivision of land in wetlands and associated buffers is subject to the following, and Chapter 13.11.260:

A. Land that is located partially within a wetland or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is located outside the wetland and its buffer.

B. Access roads and utilities serving the proposed subdivision may be permitted within the wetland and associated buffers only if the ~~Land Use Administrator~~Director determines that no other feasible alternative exists, and the project is consistent with the remaining provisions of this chapter.

C. A protection covenant such as a Conservation Easement shall be recorded with the Pierce County Assessor's Office for wetland, stream or natural area tracts that are created as part of the permitting process. (Ord. 27431 § 2; passed Nov. 15, 2005; Ord. 25532 § 1; passed Jun. 28, 1994)

13.04.315 Violations – Penalties. *Repealed by Ord. 27912.*

(Ord. 27912 Ex. A; passed Aug. 10, 2010; Ord. 27431 § 3; passed Nov. 15, 2005)

****Note: Proposed revisions to TMC 13.05.020, Table G reflect changes to TMC Chapter 13.04****

Table G – Notice, Comment and Expiration for Land Use Permits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation/determination of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director LUA	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director LUA	No	No	None
Boundary line adjustment	Required	No	No	No	No	Director LUA	No	No	5 years***
Binding site plan	Required	No	No	No	No	Director LUA	No	No	5 years***
Environmental SEPA DNS/EIS	Optional	Same as case type	Yes if no hearing required	Yes for EIS	Same as case type	Dept. Director	No	No	None
Variance, height of main structure	Required	400 feet	No	Yes	30 days	Director LUA	No*	No	5 years
Open space classification	Required	400 feet	No	Yes	**	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	400 feet	Yes	Yes	21 days SEPA**	Hearing Examiner	Yes	Final Plat	5 years***
Plats 5-9 lots	Required	400 feet	Yes	Yes	20 days	LUA	No*	Final Plat	5 years***
Rezones	Required	400 feet	No	Yes	21 days SEPA**	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/variance	Required	400 feet	No	Yes	30 days*** **	Director LUA	No*	No	2 years/ maximum 6
Short plat (2-4 lots)	Required	No	No	No	No	Director LUA	No	No	5 years***
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No	No	5 years***
Site approval	Optional	400 feet	No	Yes	30 days*** **	Director LUA	No*	No	5 years
Conditional use	Required	400 feet	No	Yes	30 days*** **	Director LUA	No*	No	5 years****
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days**	Hearing Examiner	Yes	No	5 years
Variance	Optional	100 feet	No	Yes	14 days	Director LUA	No*	No	5 years
Waiver	Optional	100 feet	No	Yes	14 days	Director LUA	No*	No	Condition of permit
Wetland/Stream/FWHCA development permits	Required	400 feet	No	Yes	30 days	Director LUA	No*	No	5 years with 5 year renewal option to a maximum of 20 years total
Wetland/Stream/FWHCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director LUA	No*	No	5 years with 5 year renewal option to a maximum of 20 years total
Wetland/Stream/FWHCA verification	Required	100 feet	No	Yes	14 days	Director LUA	No*	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).

** Comment on land use permit proposal allowed from date of notice to hearing.

*** Must be recorded with the Pierce County Auditor within five years.

**** ~~Conditional use~~ /Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the ~~Land Use Administrator~~ Director's decision.

***** If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.