

TOWN OF EATONVILLE

Agenda Staff Report

Agenda Item

No.: Discussion
Subject: Preliminary Planning Commission &
Staff Recommendations for Chapters
17.04, 17.08, 17.20 and 17.44

Meeting Date: May 24, 2021
Prepared by: Abby Gribi
Town Administrator

Summary: Preliminary Planning Commission review of: 1) Chapter 17.04, Large Lot Subdivisions and Short Plat Alterations; and 2) the review of Chapter 17.44, short plat maximum lot count. In order to help facilitate Planning Commission review, Staff provided proposed related draft code revisions for Commission review and consideration. On April 5, 2021, the Planning Commission completed their initial review and provide the following preliminary recommendations for Council consideration: 1) The Planning Commission recommends leaving the text within Chapter 17.04 regarding Large Lot Subdivisions and Short Plat Alterations as currently written; and, 2) moving forward with the process to change the maximum number of lots that may be created through the Short-Plat process from the current limit of four (4) to the maximum allowed per RCW of nine (9).

Staff Recommendation: Staff recommends Council direct Staff to proceed with the review process and conduct a Planning Commission public hearing regarding the Planning Commission Chapter 17.44 recommendation related to the maximum number of lots allowed in a Short Plat process, and the Staff proposed amendment to Chapter 17.04, Chapter 17.08, Chapter 17.20 and Chapter 17.44 related to the maximum Short Plat lot count, Short Plat Alterations and Large Lot procedures.

Motion: I move to direct Staff to complete the review process regarding the Chapter 17 amendments included in the above Staff Recommendation and bring the matter forward as a Public Hearing item before the Planning Commission prior to presenting it to Council for review and final action.

Attachments:

Planning Commission Preliminary Recommended Amendment of EMC 17.44
Staff Recommendations to Amend EMC 17.04, 17.08, 17.20 and 17.44

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

NOTE TO READER:

The following Planning Commission Recommendation(s) for Eatonville code amendment(s) are presented in legislative form as follows:

- New or proposed revisions to code/text are identified in **UNDERLINE**;
- Revisions proposed to eliminate code/text are shown in **~~STRIKEOUT~~**; and,
- Areas of proposed amendment can be identified by locating a vertical bar/line found along the left boarder of the text.

PLANNING COMMISSION AMENDMENT PROPSAL:

Chapter 17.44 SHORT SUBDIVISIONS

Sections:

- 17.44.010 Purpose of provisions.
- 17.44.020 Title of chapter provisions.
- 17.44.030 Application of regulations.
- 17.44.040 Administrative authority.
- 17.44.050 Exemptions.
- 17.44.060 Definitions.
- 17.44.070 Short subdivision application requirements.
- 17.44.080 Application, preliminary short plat proposal – Contents – Requirements.
- 17.44.090 Action on application.
- 17.44.100 General standards of acceptability.
- 17.44.110 Public dedications.
- 17.44.120 Improvements.
- 17.44.130 General improvements.
- 17.44.140 Final short plat proposal.
- 17.44.150 Action on final proposal.
- 17.44.160 Requirements of the final proposal.
- 17.44.170 Town council acceptance of dedications.
- 17.44.180 Filing of final short plat.

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

17.44.190 Appeal.

17.44.200 Modifications or variations.

17.44.210 Violation – Enforcement.

17.44.010 Purpose of provisions.

The procedure regulating short subdivisions are established to promote orderly and efficient division of land into ~~four~~nine or less lots, implement the comprehensive plan, avoiding placing undue burdens on the developer, and to comply with provisions of Chapter 58.17 RCW. (Ord. 92-9 § 3, 1992).

17.44.020 Title of chapter provisions.

This chapter shall be known as the “Short Plat Ordinance,” and may be cited accordingly. (Ord. 92-9 § 3, 1992).

17.44.030 Application of regulations.

A. Any person or corporation who divides land into ~~four~~nine or less parcels, lots, tracts, sites or subdivisions, ~~shall~~ meet the requirements of this chapter.

B. Any land divided in accordance with this chapter may not be further divided in any manner within a period of five years without the filing of a preliminary and final plat per Chapters 17.20 and 17.22 EMC. (Ord. 92-9 § 3, 1992).

17.44.040 Administrative authority.

The director of public works is designated as the administrator charged with the authority and responsibility for the administration of this chapter. (Ord. 92-9 § 3, 1992).

17.44.050 Exemptions.

The provisions of this title shall not apply to:

A. Any cemetery or burial plot, while used for that purpose;

B. Any division of land made by testamentary provisions, the laws of descent or by court order;

C. The subdivisions created by the lawful exercises of the power of the eminent domain;

D. A transfer of a parcel of property for the purpose of straightening boundary lines, or correcting legal descriptions, or a similar need which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum requirements for widths and area for a building site unless such insufficient area is for a site for

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

town purposes and such site is dedicated to the town and accepted by the town; this shall be done through the process of boundary line adjustment provision;

E. Apartments or other units of ownership established and regulated as condominiums pursuant to Chapter [64.32](#) RCW, laws of the state of Washington;

F. Offers or dispositions of any interest in oil, gas or other minerals, or any royalty interest therein, if the offers or dispositions of such interest are regulated as securities by the United States or by the Division of Securities of the Department of Motor Vehicles;

G. Divisions of land into lots or tracts classified for industrial or commercial use when the city, town or county has approved a binding site plan for the use of the land in accordance with town ordinances;

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

I. Any division of land into lots, tracts or parcels where both:

1. There is no dedication contained therein, and
2. The smallest lot is one one-hundred-twenty-eighth of a section, or is five acres or larger if the land is not capable of a subdivisional description;

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

K. Any division of land used solely for the installation of electric power, telephone, water supply, sanitary sewer service, storm drainage service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans;

L. County assessor's plats made in accordance with RCW [58.17.240](#), [58.17.250](#) and [58.18.010](#);

M. Deed releases, for the purpose of obtaining building financing, provided that a subdivision or short subdivision is required if the parcel is separately sold or if all land specified by the contract is not acquired;

N. Any division(s) of land for the sole purpose of enabling a municipal corporation to acquire land, either by outright purchase or exchange, for right-of-way purposes, boat moorage or launching sites, or for park,

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot or lots are consistent with applicable land use regulations. (Ord. 92-9 § 3, 1992).

17.44.060 Definitions.

The definitions listed in Chapter [17.08](#) EMC shall apply to this chapter. (Ord. 92-9 § 3, 1992).

17.44.070 Short subdivision application requirements.

A. Application. Application for a short subdivision shall be made with the department of public works on forms prescribed by the town. Application shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit or by a duly authorized agent or agent of the owner. The owner or owners of all parcels to be included must join in or be represented in the application.

B. Contents of the Application. The application shall include five copies of the proposal for preliminary short subdivision as described in EMC [17.44.080](#).

C. Application Fee. The short subdivision filing fee, the amount of which shall be set by resolution of the town council, shall accompany the application.

D. The application shall also include an environmental checklist and the fee for environmental review set forth in Chapter [15.04](#) EMC if:

1. A part of the short subdivision is located upon lands covered by water; or is located within wetlands or sensitive areas set forth by Chapter [15.16](#) EMC; or
2. The application is for a resubdivision of a short subdivision or short plat;
3. Any dedication for right-of-way is required or upgrade or construction of utilities is required per EMC [17.44.110](#), [17.44.120](#) or [17.44.130](#);
4. Is within “shorelines of the state,” as defined in the Shoreline Management Act. (Ord. 92-9 § 3, 1992).

17.44.080 Application, preliminary short plat proposal – Contents – Requirements.

The following information is required on applications and preliminary short plat proposal for short subdivision plat:

A. Name, address and telephone number of the landowner, and any persons participating in the short plat subdivision as the agent of the owner;

B. The existing zoning classification;

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

- C. The source of water and the method of sewage disposal and storm drainage;
- D. A legal description of the parcel to be divided and a legal description of each divided lot, tract or parcel resulting from the subdivision, together with a computation of the dimensions of each lot, excluding therefrom square footage from road easements or access roads;
- E. The date, scale and an arrow pointing north;
- F. The designation of each subdivision lot by number;
- G. A vicinity sketch of the location of the short plat, drawn in ink on an 18-inch by 24-inch mylar sheet to a scale of four inches equals one mile, of sufficient detail to orient the original tract;
- H. A drawing in ink of the proposed short plat, on a sheet of 18-inch by 24-inch mylar, to a scale not smaller than one inch equals 50 feet, along with a sepia reproducible copy and five copies;
- I. A short plat map shall show the legal description, boundary and dimensions of the original tract, including its assessor's parcel number, and all adjoining private or public roads, and identifying names of such roads:
 - 1. Legal description,
 - 2. Boundary and dimension of the original tract,
 - 3. Assessor's parcel numbers,
 - 4. All adjoining private or public roads,
 - 5. The width and location of all access roads to the short plat lots,
 - 6. Profiles along existing centerlines of any proposed rights-of-way,
 - 7. Contours on the maps will show intervals of five feet except where a slope is in excess of 50 percent, then the intervals may be 10 feet. All elevations shall be based upon town of Eatonville datum,
 - 8. Watercourses, rock outcroppings, if any,
 - 9. Existing fences,
 - 10. Existing buildings and all other existing improvements,

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

11. Relationship to adjoining land, including the direction and gradient of all ground slopes,
12. Present usage,
13. Any proposed streets and street names,
14. Lot lines, lot number and block numbers,
15. Any sites reserved or dedicated for parks or schools to meet the requirements of the comprehensive plan,
16. Title, scale, north arrow, date, and reference to the datum movement,
17. All existing and proposed utilities, utility easements and rights-of-way;

J. A copy of any existing or proposed covenants;

K. Surveys shall be required for all short subdivision plats, and shall be accomplished as required by the Survey Recording Act, Chapter [58.09](#) RCW, and shall be monumented as stated therein and as further required by RCW [58.17.240](#), and shall not be considered approved until the same has been filed with the county auditor;

L. A title report or preliminary title report or certified letter from a title insurance company documenting the ownership and title of all intended parties in the plat or dedication listing all encumbrances. The report shall be dated within 45 days prior to submittal of the short plat application;

M. The preliminary short plat shall not be acted upon until:

1. A declaration of nonsignificance or mitigated declaration of nonsignificance has been issued by the responsible official in accordance with EMC Title [15](#), or
2. A draft EIS has been circulated for the full review period for critical comments required by the State Environmental Policy Act and EMC Title [15](#), and the final EIS has been issued if required, and
3. The application is complete, including proposed utilities, roads or other improvements required are shown and agreed upon by the director of public works. (Ord. 92-9 § 3, 1992).

17.44.090 Action on application.

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

A. The director of public works shall, within 30 days from the receipt of the application for a short subdivision and after the EIS checklist determination or approval of the final EIS, either:

1. Approve the short plat as submitted; or
2. Approve the short plat subject to conditions; or
3. Return the short plat to the developers for modification or revisions; or
4. Disapprove the short plat with the reasons stated in writing to the applicant.

B. In determining whether to approve, approve subject to conditions, return for modification or revisions, or disapprove an application for a short subdivision, the director shall make written findings as to whether appropriate provisions are made for:

1. The public health, safety and general welfare;
2. Open spaces;
3. Drainageways;
4. Streets or roads, alleys, other public ways;
5. Potable water supplies;
6. Sanitary waste;
7. Parks and recreation;
8. Playgrounds;
9. Schools and school grounds, considering all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
10. Whether the public use and interest will be served by the proposed short subdivision and dedication(s), if any.

C. If the appropriate findings set forth in subsection (B) of this section are not made, the director shall disapprove the short subdivision application.

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

D. Acceptance and approval of the preliminary proposal shall be made by the director of public works, and mayor's endorsement thereon, and such approval shall be effective for a period of one year from the date of such acceptance. If at the end of the year no final short plat or any portion of the preliminary short plat has been filed, the preliminary short plat will be considered abandoned and a new short plat must be submitted. (Ord. 92-9 § 3, 1992).

17.44.100 General standards of acceptability.

A. Lots, tracts or parcels created by a short subdivision shall meet the following minimum standards:

1. Create legal building sites that comply with zoning and health regulations;
2. Establish access to a public road for each separate parcel;
3. Have suitable physical characteristics; a proposed short plat may be denied because of topographical conditions that preclude adequate access to all parcels;
4. Make adequate provision, if necessary, for drainageways, streets, alleys, other public ways, water supplies, and sanitary wastes.

B. Each lot shall abut upon a public or approved private street which meets the town's street standards. (Ord. 2000-05 § 6, 2000; Ord. 92-9 § 3, 1992).

17.44.110 Public dedications.

The developer/subdivider shall be required to dedicate any necessary street rights-of-way or easements. (Ord. 92-9 § 3, 1992).

17.44.120 Improvements.

The developer shall be required to design and construct or have designed and constructed necessary public improvements for any short plat within the town as follows:

- A. Street and alley grading and surfacing with asphaltic concrete;
- B. Sanitary sewers and connections to the town's sewer system;
- C. Potable water mains and hydrants;
- D. Stormwater drainage facilities;
- E. Concrete survey monuments and brass plugs;

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

F. Street lighting;

G. Sidewalks;

H. Street name signs;

I. Public walkways, if needed;

J. Underground electrical distribution systems to serve the lots;

K. Other improvements as deemed necessary by the director of public works. (Ord. 92-9 § 3, 1992).

17.44.130 General improvements.

Any required improvements shall comply with EMC [17.20.120](#), [17.20.130](#), and [17.20.140](#) with the following exceptions:

A. Sidewalks may only be required at the time a building permit is issued for development on the property if agreed to in writing by the director of public works; however, this shall be placed as a condition on the short plat survey and shall be recorded;

B. Septic tanks may be approved on short plats in lieu of sanitary sewer connections to the town sewer system on a case-by-case basis through the variance procedure and if such variance is also approved by the town council. The intent is to make any variance on the sewer relative to a short plat specific to a particular hardship and not to circumvent the intent to hook up to the town system. If such a variance is granted, one of the conditions shall be to agree on future hookup if the sewer line is installed within 100 feet of the short plat and not to oppose a LID or developer sewer extension. (Ord. 92-9 § 3, 1992).

17.44.140 Final short plat proposal.

The final plat of the short subdivision or short resubdivision shall be filed by the owner or developer with the director at any time following the acceptance of the preliminary short plat, subject to the item limitation contained in EMC [17.44.090](#)(D). (Ord. 92-9 § 3, 1992).

17.44.150 Action on final proposal.

A. The director shall, within 30 days from the receipt of the final short plat proposal:

1. Accept the final short plat proposal as submitted; or
2. Accept the final short plat proposal with additions or corrections as required by this chapter; or
3. Reject the final short plat proposal with the reasons stated in writing.

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

B. Acceptance and approval of the final short plat proposal shall be made by the director's endorsement thereon; provided, however, that the director shall not approve a final short plat proposal unless the director makes written findings that appropriate provisions are made as required by the provisions of EMC [17.44.090](#)(B)(1) through (B)(9) and that the public use and interest will be served by the short subdivision as required by EMC [17.44.090](#)(B)(10).

C. If the director of public works approves such short plat he shall affix his signature and obtain the mayor's approval on the short plat by obtaining the mayor's signature on the short plat. (Ord. 92-9 § 3, 1992).

17.44.160 Requirements of the final proposal.

The requirements of the final proposal for a short subdivision or a short resubdivision shall be the same as contained in EMC [17.22.020](#) and [17.22.030](#). (Ord. 92-9 § 3, 1992).

17.44.170 Town council acceptance of dedications.

If there is a proposed dedication of a public right-of-way included in a short plat, it must be submitted to the town council for acceptance of the dedication prior to filing the plat with the county auditor and after review of the dedication, for consistency with the comprehensive plan as required by the town of Eatonville zoning code. (Ord. 92-9 § 3, 1992).

17.44.180 Filing of final short plat.

A. An approved final short plat shall be filed for record in the office of the Pierce County auditor and shall not be deemed approved until so filed.

B. A final short plat must be signed by the director and the mayor prior to filing for record.

C. If the final short plat is not filed for record within 60 days of the date of approval by the director, the final short plat shall be null and void.

D. A reproducible copy and five prints of the fully signed recorded plat must be filed by the developer with the director prior to issuance of permits for any building construction. (Ord. 92-9 § 3, 1992).

17.44.190 Appeal.

A. The decision of the director as to any interpretation of the provisions of this chapter or any order, requirement, or decision in the application of the specific provisions of this chapter to any parcel of land shall be final and conclusive unless a written notice of appeal of the decision is filed by the aggrieved party with the town clerk within 10 days of the director's decision or action.

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

B. Within 30 days of receipt of the notice of appeal, the matter shall be placed on the planning commission agenda for consideration of a public hearing, and the party appealing shall be notified of the date. If the appeal is for a variance from physical improvements, the variance procedure shall be followed, and any variance recommended as a result of such hearing by the planning commission shall have final approval by the town council in a public meeting within 30 days of recommendations by the planning commission.

C. For nonvariance appeals, the town council shall within 30 days review at a public meeting the planning commission recommendation and the aggrieved party's objection and shall uphold, modify or overturn the director's decision or action and state the reasons therefor.

D. The action of the town council in subsection (C) of this section shall be final and conclusive unless, within 10 days of the council action, the aggrieved party files a writ of review with the superior court of Pierce County. (Ord. 92-9 § 3, 1992).

17.44.200 Modifications or variations.

A. A subdivider may make application to the director of public works for a variation or modification of improvements as set forth in EMC [17.44.120](#). Such application shall accompany the proposed short plat and shall include any and all details as the developer deems necessary to support his application properly, and shall outline the provisions from which the modification or variation is sought.

B. Minimum Processing Time. Such application shall be filed with the director of public works no later than 26 days prior to the planning commission public hearing.

C. Public Hearing Required. All modifications or variations shall be heard by the planning commission at a public hearing.

D. Authority to Modify. If the planning commission finds unusual hardship or extraordinary difficulties, the minimum requirements may be modified to mitigate the hardship; provided, that the public use and interest is protected and the development is in keeping with the general spirit and intent of this title.

E. Limitations on Authority to Modify. No such modification may be granted if it would have the effect of nullifying the intent and purpose of the zoning code, the comprehensive plan or this title.

F. The planning commission shall provide recommendations on such modifications or variances to the town council. The town council, within 30 days, shall at a public meeting evaluate the planning commission recommendation and other data submitted by the staff and approve, modify or overturn such

SHORT PLAT LOT NUMBER ALLOWANCE – Chapter 17.44

April 5, 2021 – Eatonville Planning Commission Recommendation

recommendation. Any appeal of town council action shall be in accordance with EMC [17.44.190](#)(D). (Ord. 92-9 § 3, 1992).

17.44.210 Violation – Enforcement.

Any violation or failure to comply with any of the provisions of this chapter or any amendment thereto is a misdemeanor, and shall be punishable by a fine of not more than \$500.00.

Each violation or each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in a violation of any provision of these regulations shall be deemed a separate and distinct offense. (Ord. 92-9 § 3, 1992).

NO OTHER CHANGES TO THIS CHAPTER PROPOSED

END

LARGE LOT & SHORT PLAT ALTERATION – Chapter 17.04

Staff Recommendation

NOTE TO READER:

The following Staff Recommendation(s) for Eatonville code amendment(s) are presented in legislative form as follows:

- New or proposed revisions to code/text are identified in **UNDERLINE**;
- Revisions proposed to eliminate code/text are shown in **~~STRIKEOUT~~**; and,
- Areas of proposed amendment can be identified by locating a vertical bar/line found along the left boarder of the text.

STAFF AMENDMENT PROPSAL:

Chapter 17.04 GENERAL PROVISIONS

Sections:

- 17.04.010 Title for citation.**
- 17.04.020 Purpose of provisions.**
- 17.04.030 Scope – Restrictions.**
- 17.04.040 General scope.**
- 17.04.050 Exemptions.**
- 17.04.060 Administrative authority.**
- 17.04.070 Building permit prohibition.**
- 17.04.080 Who may apply for land subdivision.**
- 17.04.090 Property access.**
- 17.04.100 Regulations supplementary to state law.**
- 17.04.110 Model homes.**
- 17.04.120 Planned residential and planned unit developments.**
- 17.04.130 Appeal of administrative decision.**
- 17.04.140 Time for commencement of action.**
- 17.04.150 Fees.**
- 17.04.160 Time computation.**
- 17.04.170 Town plans, policies and ordinances.**
- 17.04.180 Prohibition against sale or transfer of property.**

LARGE LOT & SHORT PLAT ALTERATION – Chapter 17.04

Staff Recommendation

17.04.190 Administrative duty.

17.04.200 General design standards.

17.04.210 Specific design standards.

17.04.220 Violation – Penalties.

17.04.010 Title for citation.

This title shall be known and may be cited as the “Land Subdivision, Plats and Improvements Ordinance of the town of Eatonville”. (Ord. 92-9 § 3, 1992).

17.04.020 Purpose of provisions.

The purpose of this title includes, but is not limited to, regulating the division of land and furthering the public health, safety and general welfare by:

- A. Providing for the platting, division, dedication and recording of land;
- B. Providing for safe and adequate access;
- C. Providing for safe and adequate streets, utilities, parks, and recreation facilities, schools and other public facilities;
- D. Providing for minimum level of light, air and open space;
- E. Implementing the provisions and intent of the comprehensive plan and zoning code, as well as the other plans and policies of the town;
- F. Requiring uniform monumentation and description of divided land and conveyancing by accurate legal description;
- G. Providing for binding site plans, under certain conditions on land so regulated;
- H. Providing expeditious procedures for land subdivisions, building site plans, short subdivisions, large-lot subdivisions and boundary line adjustments;
- I. Providing for the housing and commercial land needs of the town;
- J. Providing for high-quality, attractive developments for which the long-term costs to the town are minimized and which enhance the town as a pleasant and attractive place for people to live and work;

LARGE LOT & SHORT PLAT ALTERATION – Chapter 17.04

Staff Recommendation

K. Providing for land dividers to pay their fair share of new capital improvements required by their impact so that existing town landowners are not burdened with the cost of these improvements;

L. Provide standards of division and procedures for subdivision plats and their improvements. (Ord. 92-9 § 3, 1992).

17.04.030 Scope – Restrictions.

No land shall be divided for the purposes of sale, or development; and no land so divided shall be sold, conveyed or transferred until the owner of the land has fully complied with the provisions of this title. (Ord. 92-9 § 3, 1992).

17.04.040 General scope.

Land divisions, short subdivisions, binding site plans, lot line adjustments, large-lot subdivision and lot consolidations, or any redivisions thereof, shall be presented for review in accordance with the provisions of this title. (Ord. 92-9 § 3, 1992).

17.04.050 Exemptions.

The provisions of this title shall not apply to:

- A. Any cemetery or burial plan, while used for that purpose;
- B. Any division of land made by testamentary provisions, the laws of descent, or by court order;
- C. The subdivisions created by the lawful exercise of the power of eminent domain;
- D. A transfer of parcels of property for the purpose of straightening boundary lines, or correcting a legal description, or a similar need which does not create any additional lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum requirements for widths and are for a building site unless such insufficient area for building site is for town purposes and such site is dedicated to the town and accepted by the town; this shall be completed in accordance with the boundary line adjustment provisions;
- E. Apartments or other units of ownership established and regulated as condominiums pursuant to Chapter [64.32](#) RCW, Laws of the State of Washington;
- F. Offers or dispositions of any interest in oil, gas or other minerals, or any royalty interest therein, if the offers or dispositions of such interest are regulated as securities by the United States or by the Division of Securities of the Department of Licensing;

LARGE LOT & SHORT PLAT ALTERATION – Chapter 17.04

Staff Recommendation

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

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

~~I. Any division of land into lots, tracts or parcels each of which is five acres or larger shall be divided in accordance with the large-lot subdivision procedure;~~

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

K. Any division of land used solely for the installation of electric power, telephone, water supply, sanitary sewer service, storm drainage service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans;

L. Assessor's plats made in accordance with RCW [58.18.010](#);

M. Deed releases, for the purpose of obtaining building financing, provided that a subdivision or short subdivision is required if the parcel is separately sold or if all land specified by the contract is not acquired;

N. Any division(s) of land for the sole purpose of enabling a municipal corporation to acquire land, either by outright purchase or exchange, for right-of-way purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot or lots are consistent with applicable land use regulations. (Ord. 92-9 § 3, 1992).

17.04.060 Administrative authority.

A. The director of public works or town engineer, or the mayor if there is no public works director, shall be charged with the responsibility of administering and coordinating regulations established by this title.

B. The planning commission shall conduct the public hearings on preliminary plats and make recommendation for approval, denial, or conditional approval of preliminary plats for the town council.

C. The town council shall be responsible for final approval of preliminary and final plats. (Ord. 92-9 § 3, 1992).

17.04.070 Building permit prohibition.

LARGE LOT & SHORT PLAT ALTERATION – Chapter 17.04

Staff Recommendation

No building permit, septic tank permit or other development permit shall be issued for any lot, tract or parcel or land divided in violation of this title or any part thereof, unless the authority authorized to issue such permit, the public works director and the mayor find that the public interest will not be adversely affected thereby. (Ord. 92-9 § 3, 1992).

17.04.080 Who may apply for land subdivision.

Only the property owner or his/her authorized agent, as authorized in writing, may apply for any land subdivisions. Prior to approval of any land subdivision, the owner or his/her agent shall provide a title report showing the land owner or a certification of ownership by a title company doing business and licensed in the state of Washington. (Ord. 92-9 § 3, 1992).

17.04.090 Property access.

The owner applying for land subdivision approval shall permit free access to the land being divided to all agencies considering the plat or plan, for the period of time extending from the time of application to the time of final action. (Ord. 92-9 § 3, 1992).

17.04.100 Regulations supplementary to state law.

The regulations prescribed by this title shall be considered as supplementary to Chapter [58.17](#) RCW. No map, plat, replat or plan or a proposed land division or plan shall be recorded or have any validity unless it conforms with the requirements of Chapter [58.17](#) RCW. (Ord. 92-9 § 3, 1992).

17.04.110 Model homes.

One model home may be established on a single tract of land without an approved subdivision, provided the town has approved a preliminary short plat or preliminary subdivision which includes the specific lots upon which the model home is to be located, and that all utilities are in place; and provided, further, that the ownership of the model home shall remain with the property owner until a final short plat or final subdivision has been approved and recorded. Building and related permits shall be issued only to the property owner or a licensed contractor acting on the owner's behalf. (Ord. 92-9 § 3, 1992).

17.04.120 Planned residential and planned unit developments.

Planned residential and planned unit developments which include the division of land shall be processed subject to the provisions of this title. No requirements related only to planned residential and planned unit developments are included in this title. The division of land within these projects, if required, can be processed simultaneously with the zoning approval of such projects. (Ord. 92-9 § 3, 1992).

17.04.130 Appeal of administrative decision.

LARGE LOT & SHORT PLAT ALTERATION – Chapter 17.04

Staff Recommendation

An applicant or other affected party (or parties) may appeal an administrative decision under this title to the town council by filing a written notice of appeal with the public works director within 14 calendar days of the decision being appealed. (Ord. 92-9 § 3, 1992).

17.04.140 Time for commencement of action.

Any action to set aside, enjoin, review or otherwise challenge any amendment to this title must be commenced within 30 calendar days from the date of adoption of the amendment. (Ord. 92-9 § 3, 1992).

17.04.150 Fees.

Fees for the review and processing of land use applications for approval pursuant to this title shall be set by resolution on the officially adopted fee schedule for the town as it may be amended from time to time by resolution. (Ord. 92-9 § 3, 1992).

17.04.160 Time computation.

In computing any period of time prescribed by this title, the day of the act from which the designated period of time begins to run shall be included, unless it is a Saturday, Sunday or a town legal holiday, in which event the period starts the next day which is neither a Saturday, Sunday or a town legal holiday. (Ord. 92-9 § 3, 1992).

17.04.170 Town plans, policies and ordinances.

All subdivisions and binding site plans shall be in accordance with all written and adopted plans, policies and ordinances of the town of Eatonville including but not limited to:

- A. Capital facilities plan;
- B. The comprehensive plan;
- C. Developmental standards;
- D. Economic development plan;
- E. The parks plan;
- F. Sewer plan;
- G. Stormwater plan and storm drainage manual;
- H. Street plan;

LARGE LOT & SHORT PLAT ALTERATION – Chapter 17.04

Staff Recommendation

- I. The transportation plan;
- J. Water plan;
- K. Zoning ordinance;
- L. Sensitive and critical area ordinances. (Ord. 92-9 § 3, 1992).

17.04.180 Prohibition against sale or transfer of property.

No person shall sell, or offer to sell or transfer any lot, tract or parcel subject to the requirements of this title without first receiving approval by the town hereunder and filing a map of the approved division with the county auditor; provided, that if performance of an offer of agreement to sell, or otherwise transfer a lot, tract or parcel of land is expressly conditioned on the recording of the plat, short plat, large-lot subdivision or binding site plan containing the lot, tract or parcel, the offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account, and no disbursement to sellers shall be permitted until the plat or plan is recorded. (Ord. 92-9 § 3, 1992).

17.04.190 Administrative duty.

The director of public works, or the town engineer if there is no public works director, and/or the mayor and his/her staff, is responsible for administering this title and may prepare and require the use of such additional forms which are necessary to effectuate the provisions hereof. (Ord. 92-9 § 3, 1992).

17.04.200 General design standards.

The general design standards shall be as set forth in Chapter [17.18](#) EMC. (Ord. 92-9 § 3, 1992).

17.04.210 Specific design standards.

The specific design standards shall be as set forth in Chapter [17.19](#) EMC. (Ord. 92-9 § 3, 1992).

17.04.220 Violation – Penalties.

Any violations of any of the provisions of EMC Title [17](#) shall constitute a misdemeanor and be subject to the general penalty ordinance adopted by the town. Each violation shall be deemed separate and distinct offense. (Ord. 92-9 § 3, 1992).

NO OTHER CHANGES TO THIS CHAPTER PROPOSED

END

DEFINITIONS & LAND DIVISION LOT COUNT – Chapter 17.08

Staff Recommendation

NOTE TO READER:

The following Staff Recommendation(s) for Eatonville code amendment(s) are presented in legislative form as follows:

- New or proposed revisions to code/text are identified in UNDERLINE;
- Revisions proposed to eliminate code/text are shown in ~~STRIKEOUT~~; and,
- Areas of proposed amendment can be identified by locating a vertical bar/line found along the left boarder of the text.

STAFF AMENDMENT PROPSAL:

Chapter 17.08 DEFINITIONS

Sections:

17.08.440 Short plat/subdivision.

17.08.460 Subdivision.

17.08.440 Short plat/subdivision.

“Short plat/subdivision” means the division or redivision of land into four-nine or fewer lots, tracts, parcels, sites or divisions for the purpose of transfer of ownership, sale or lease and its map or representation containing all of the pertinent information as required by this title. (Ord. 92-9 § 3, 1992).

17.08.460 Subdivision.

“Subdivision” means the division or redivision of land into five-ten or more lots, tracts, parcels, sites or divisions, which are less than five acres in area, whether immediate or future, for the purpose of sale, lease or transfer of ownership. This definition applies whether or not there is a dedication involved. (Ord. 92-9 § 3, 1992).

NO OTHER CHANGES TO THIS CHAPTER PROPOSED

END

SUBDIVISION LOT COUNT – Chapter 17.20

Staff Recommendation

NOTE TO READER:

The following Staff Recommendation(s) for Eatonville code amendment(s) are presented in legislative form as follows:

- New or proposed revisions to code/text are identified in UNDERLINE;
- Revisions proposed to eliminate code/text are shown in ~~STRIKEOUT~~; and,
- Areas of proposed amendment can be identified by locating a vertical bar/line found along the left boarder of the text.

STAFF AMENDMENT PROPSAL:

Chapter 17.20 PRELIMINARY SUBDIVISION/PLATS

Sections:

- 17.20.010 Preliminary subdivision/plat.
- 17.20.020 Compliance generally.
- 17.20.030 Presubmission conference.
- 17.20.040 Application for preliminary plat.
- 17.20.050 Format and contents of drawing for preliminary plat.
- 17.20.060 Procedure for review and approval.
- 17.20.070 Public hearing notice.
- 17.20.075 Criteria which may be required of preliminary plats.
- 17.20.080 Planning commission review and recommendation.
- 17.20.090 Town council review of preliminary plats.
- 17.20.100 Time period for council action on a preliminary plat.
- 17.20.110 Council approval – Effect – Duration.
- 17.20.120 General improvements.
- 17.20.130 Improvements – Required in accordance with town standards and requirements.
- 17.20.140 Permits, installation of improvements and inspections.
- 17.20.150 Bondings in lieu of improvements – Deferred improvements.
- 17.20.160 Preliminary plat completion and request for final plat filing.

SUBDIVISION LOT COUNT – Chapter 17.20

Staff Recommendation

17.20.010 Preliminary subdivision/plat.

The following are specific requirements for preliminary subdivision/plats in addition to those set forth in the other chapters of this title. Preliminary subdivision/plats are required for proposed divisions of land into five-ten or more lots, plots, tracts or two or more blocks. (Ord. 92-9 § 3, 1992).

17.20.020 Compliance generally.

No person, firm or corporation having made a plat or subdivision of land containing five-ten or more lots, plots or tracts, or having made a plat or subdivision containing a dedication of any part thereof as a public street or highway, shall sell such subdivision or plat, or any part thereof, or shall proceed with any construction work on the proposed subdivision, other than improvements authorized in this title until he or it has obtained from the town planning commission and town council the preliminary approval of the proposed plat, subdivision or dedication pursuant to the prescribed rules and regulations contained in this title. (Ord. 92-9 § 3, 1992).

NO OTHER CHANGES TO THIS CHAPTER PROPOSED

END

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

NOTE TO READER:

The following Staff Recommendation(s) for Eatonville code amendment(s) are presented in legislative form as follows:

- New or proposed revisions to code/text are identified in UNDERLINE;
- Revisions proposed to eliminate code/text are shown in ~~STRIKEOUT~~; and,
- Areas of proposed amendment can be identified by locating a vertical bar/line found along the left boarder of the text.

STAFF AMENDMENT PROPSAL:

Chapter 17.44 SHORT SUBDIVISIONS

Sections:

- 17.44.010 Purpose of provisions.
- 17.44.020 Title of chapter provisions.
- 17.44.030 Application of regulations.
- 17.44.040 Administrative authority.
- 17.44.050 Exemptions.
- 17.44.060 Definitions.
- 17.44.070 Short subdivision application requirements.
- 17.44.080 Application, preliminary short plat proposal – Contents – Requirements.
- 17.44.090 Action on application.
- 17.44.100 General standards of acceptability.
- 17.44.110 Public dedications.
- 17.44.120 Improvements.
- 17.44.130 General improvements.
- 17.44.140 Final short plat proposal.
- 17.44.150 Action on final proposal.
- 17.44.160 Requirements of the final proposal.
- 17.44.170 Town council acceptance of dedications.
- 17.44.180 Filing of final short plat.

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

17.44.190 Appeal.

17.44.200 Modifications or variations.

17.44.210 Violation – Enforcement.

17.44.010 Purpose of provisions.

The procedure regulating short subdivisions are established to promote orderly and efficient division of land into ~~four~~nine or less lots, implement the comprehensive plan, avoiding placing undue burdens on the developer, and to comply with provisions of Chapter 58.17 RCW. (Ord. 92-9 § 3, 1992).

17.44.020 Title of chapter provisions.

This chapter shall be known as the “Short Plat Ordinance,” and may be cited accordingly. (Ord. 92-9 § 3, 1992).

17.44.030 Application of regulations.

A. Any person or corporation who divides land into ~~four~~nine or less parcels, lots, tracts, sites ~~or~~ subdivisions, or large lot subdivision of any size, shall meet the requirements of this chapter.

B. Any land divided in accordance with this chapter may not be further divided in any manner within a period of five years without the filing of a preliminary and final plat per Chapters 17.20 and 17.22 EMC. (Ord. 92-9 § 3, 1992).

C. This process will also apply to short plat alterations.

17.44.040 Administrative authority.

The director of public works is designated as the administrator charged with the authority and responsibility for the administration of this chapter. (Ord. 92-9 § 3, 1992).

17.44.050 Exemptions.

The provisions of this title shall not apply to:

A. Any cemetery or burial plot, while used for that purpose;

B. Any division of land made by testamentary provisions, the laws of descent or by court order;

C. The subdivisions created by the lawful exercises of the power of the eminent domain;

D. A transfer of a parcel of property for the purpose of straightening boundary lines, or correcting legal descriptions, or a similar need which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

minimum requirements for widths and area for a building site unless such insufficient area is for a site for town purposes and such site is dedicated to the town and accepted by the town; this shall be done through the process of boundary line adjustment provision;

E. Apartments or other units of ownership established and regulated as condominiums pursuant to Chapter [64.32](#) RCW, laws of the state of Washington;

F. Offers or dispositions of any interest in oil, gas or other minerals, or any royalty interest therein, if the offers or dispositions of such interest are regulated as securities by the United States or by the Division of Securities of the Department of Motor Vehicles;

G. Divisions of land into lots or tracts classified for industrial or commercial use when the city, town or county has approved a binding site plan for the use of the land in accordance with town ordinances;

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

~~I. Any division of land into lots, tracts or parcels where both:~~

~~1. There is no dedication contained therein, and~~

~~2. The smallest lot is one one-hundred twenty-eighth of a section, or is five acres or larger if the land is not capable of a subdivisional description;~~

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

K. Any division of land used solely for the installation of electric power, telephone, water supply, sanitary sewer service, storm drainage service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans;

L. County assessor's plats made in accordance with RCW [58.17.240](#), [58.17.250](#) and [58.18.010](#);

M. Deed releases, for the purpose of obtaining building financing, provided that a subdivision or short subdivision is required if the parcel is separately sold or if all land specified by the contract is not acquired;

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

N. Any division(s) of land for the sole purpose of enabling a municipal corporation to acquire land, either by outright purchase or exchange, for right-of-way purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes; provided, however, that any remaining lot or lots are consistent with applicable land use regulations. (Ord. 92-9 § 3, 1992).

17.44.060 Definitions.

The definitions listed in Chapter [17.08](#) EMC shall apply to this chapter. (Ord. 92-9 § 3, 1992).

17.44.070 Short subdivision application requirements.

A. Application. Application for a short subdivision shall be made with the department of public works on forms prescribed by the town. Application shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit or by a duly authorized agent or agent of the owner. The owner or owners of all parcels to be included must join in or be represented in the application.

B. Contents of the Application. The application shall include five copies of the proposal for preliminary short subdivision as described in EMC [17.44.080](#).

C. Application Fee. The short subdivision filing fee, the amount of which shall be set by resolution of the town council, shall accompany the application.

D. The application shall also include an environmental checklist and the fee for environmental review set forth in Chapter [15.04](#) EMC if:

1. A part of the short subdivision is located upon lands covered by water; or is located within wetlands or sensitive areas set forth by Chapter [15.16](#) EMC; or
2. The application is for a resubdivision of a short subdivision or short plat;
3. Any dedication for right-of-way is required or upgrade or construction of utilities is required per EMC [17.44.110](#), [17.44.120](#) or [17.44.130](#);
4. Is within "shorelines of the state," as defined in the Shoreline Management Act. (Ord. 92-9 § 3, 1992).

17.44.080 Application, preliminary short plat proposal – Contents – Requirements.

The following information is required on applications and preliminary short plat proposal for short subdivision plat:

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

A. Name, address and telephone number of the landowner, and any persons participating in the short plat subdivision as the agent of the owner;

B. The existing zoning classification;

C. The source of water and the method of sewage disposal and storm drainage;

D. A legal description of the parcel to be divided and a legal description of each divided lot, tract or parcel resulting from the subdivision, together with a computation of the dimensions of each lot, excluding therefrom square footage from road easements or access roads;

E. The date, scale and an arrow pointing north;

F. The designation of each subdivision lot by number;

G. A vicinity sketch of the location of the short plat, drawn in ink on an 18-inch by 24-inch mylar sheet to a scale of four inches equals one mile, of sufficient detail to orient the original tract;

H. A drawing in ink of the proposed short plat, on a sheet of 18-inch by 24-inch mylar, to a scale not smaller than one inch equals 50 feet, along with a sepia reproducible copy and five copies;

I. A short plat map shall show the legal description, boundary and dimensions of the original tract, including its assessor's parcel number, and all adjoining private or public roads, and identifying names of such roads:

1. Legal description,
2. Boundary and dimension of the original tract,
3. Assessor's parcel numbers,
4. All adjoining private or public roads,
5. The width and location of all access roads to the short plat lots,
6. Profiles along existing centerlines of any proposed rights-of-way,
7. Contours on the maps will show intervals of five feet except where a slope is in excess of 50 percent, then the intervals may be 10 feet. All elevations shall be based upon town of Eatonville datum,

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

8. Watercourses, rock outcroppings, if any,
9. Existing fences,
10. Existing buildings and all other existing improvements,
11. Relationship to adjoining land, including the direction and gradient of all ground slopes,
12. Present usage,
13. Any proposed streets and street names,
14. Lot lines, lot number and block numbers,
15. Any sites reserved or dedicated for parks or schools to meet the requirements of the comprehensive plan,
16. Title, scale, north arrow, date, and reference to the datum movement,
17. All existing and proposed utilities, utility easements and rights-of-way;

J. A copy of any existing or proposed covenants;

K. Surveys shall be required for all short subdivision plats, and shall be accomplished as required by the Survey Recording Act, Chapter [58.09](#) RCW, and shall be monumented as stated therein and as further required by RCW [58.17.240](#), and shall not be considered approved until the same has been filed with the county auditor;

L. A title report or preliminary title report or certified letter from a title insurance company documenting the ownership and title of all intended parties in the plat or dedication listing all encumbrances. The report shall be dated within 45 days prior to submittal of the short plat application;

M. The preliminary short plat shall not be acted upon until:

1. A declaration of nonsignificance or mitigated declaration of nonsignificance has been issued by the responsible official in accordance with EMC Title [15](#), or
2. A draft EIS has been circulated for the full review period for critical comments required by the State Environmental Policy Act and EMC Title [15](#), and the final EIS has been issued if required, and

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

3. The application is complete, including proposed utilities, roads or other improvements required are shown and agreed upon by the director of public works. (Ord. 92-9 § 3, 1992).

17.44.090 Action on application.

A. The director of public works shall, within 30 days from the receipt of the application for a short subdivision and after the EIS checklist determination or approval of the final EIS, either:

1. Approve the short plat as submitted; or
2. Approve the short plat subject to conditions; or
3. Return the short plat to the developers for modification or revisions; or
4. Disapprove the short plat with the reasons stated in writing to the applicant.

B. In determining whether to approve, approve subject to conditions, return for modification or revisions, or disapprove an application for a short subdivision, the director shall make written findings as to whether appropriate provisions are made for:

1. The public health, safety and general welfare;
2. Open spaces;
3. Drainageways;
4. Streets or roads, alleys, other public ways;
5. Potable water supplies;
6. Sanitary waste;
7. Parks and recreation;
8. Playgrounds;
9. Schools and school grounds, considering all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

10. Whether the public use and interest will be served by the proposed short subdivision and dedication(s), if any.

C. If the appropriate findings set forth in subsection (B) of this section are not made, the director shall disapprove the short subdivision application.

D. Acceptance and approval of the preliminary proposal shall be made by the director of public works, and mayor's endorsement thereon, and such approval shall be effective for a period of one year from the date of such acceptance. If at the end of the year no final short plat or any portion of the preliminary short plat has been filed, the preliminary short plat will be considered abandoned and a new short plat must be submitted. (Ord. 92-9 § 3, 1992).

17.44.100 General standards of acceptability.

A. Lots, tracts or parcels created by a short subdivision shall meet the following minimum standards:

1. Create legal building sites that comply with zoning and health regulations;
2. Establish access to a public road for each separate parcel;
3. Have suitable physical characteristics; a proposed short plat may be denied because of topographical conditions that preclude adequate access to all parcels;
4. Make adequate provision, if necessary, for drainageways, streets, alleys, other public ways, water supplies, and sanitary wastes.

B. Each lot shall abut upon a public or approved private street which meets the town's street standards. (Ord. 2000-05 § 6, 2000; Ord. 92-9 § 3, 1992).

17.44.110 Public dedications.

The developer/subdivider shall be required to dedicate any necessary street rights-of-way or easements. (Ord. 92-9 § 3, 1992).

17.44.120 Improvements.

The developer shall be required to design and construct or have designed and constructed necessary public improvements for any short plat within the town as follows:

- A. Street and alley grading and surfacing with asphaltic concrete;
- B. Sanitary sewers and connections to the town's sewer system;

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

- C. Potable water mains and hydrants;
- D. Stormwater drainage facilities;
- E. Concrete survey monuments and brass plugs;
- F. Street lighting;
- G. Sidewalks;
- H. Street name signs;
- I. Public walkways, if needed;
- J. Underground electrical distribution systems to serve the lots;
- K. Other improvements as deemed necessary by the director of public works. (Ord. 92-9 § 3, 1992).

17.44.130 General improvements.

Any required improvements shall comply with EMC [17.20.120](#), [17.20.130](#), and [17.20.140](#) with the following exceptions:

- A. Sidewalks may only be required at the time a building permit is issued for development on the property if agreed to in writing by the director of public works; however, this shall be placed as a condition on the short plat survey and shall be recorded;
- B. Septic tanks may be approved on short plats in lieu of sanitary sewer connections to the town sewer system on a case-by-case basis through the variance procedure and if such variance is also approved by the town council. The intent is to make any variance on the sewer relative to a short plat specific to a particular hardship and not to circumvent the intent to hook up to the town system. If such a variance is granted, one of the conditions shall be to agree on future hookup if the sewer line is installed within 100 feet of the short plat and not to oppose a LID or developer sewer extension. (Ord. 92-9 § 3, 1992).

17.44.140 Final short plat proposal.

The final plat of the short subdivision or short resubdivision shall be filed by the owner or developer with the director at any time following the acceptance of the preliminary short plat, subject to the item limitation contained in EMC [17.44.090](#)(D). (Ord. 92-9 § 3, 1992).

17.44.150 Action on final proposal.

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

A. The director shall, within 30 days from the receipt of the final short plat proposal:

1. Accept the final short plat proposal as submitted; or
2. Accept the final short plat proposal with additions or corrections as required by this chapter; or
3. Reject the final short plat proposal with the reasons stated in writing.

B. Acceptance and approval of the final short plat proposal shall be made by the director's endorsement thereon; provided, however, that the director shall not approve a final short plat proposal unless the director makes written findings that appropriate provisions are made as required by the provisions of EMC [17.44.090](#)(B)(1) through (B)(9) and that the public use and interest will be served by the short subdivision as required by EMC [17.44.090](#)(B)(10).

C. If the director of public works approves such short plat he shall affix his signature and obtain the mayor's approval on the short plat by obtaining the mayor's signature on the short plat. (Ord. 92-9 § 3, 1992).

17.44.160 Requirements of the final proposal.

The requirements of the final proposal for a short subdivision or a short resubdivision shall be the same as contained in EMC [17.22.020](#) and [17.22.030](#). (Ord. 92-9 § 3, 1992).

17.44.170 Town council acceptance of dedications.

If there is a proposed dedication of a public right-of-way included in a short plat, it must be submitted to the town council for acceptance of the dedication prior to filing the plat with the county auditor and after review of the dedication, for consistency with the comprehensive plan as required by the town of Eatonville zoning code. (Ord. 92-9 § 3, 1992).

17.44.180 Filing of final short plat.

A. An approved final short plat shall be filed for record in the office of the Pierce County auditor and shall not be deemed approved until so filed.

B. A final short plat must be signed by the director and the mayor prior to filing for record.

C. If the final short plat is not filed for record within 60 days of the date of approval by the director, the final short plat shall be null and void.

D. A reproducible copy and five prints of the fully signed recorded plat must be filed by the developer with the director prior to issuance of permits for any building construction. (Ord. 92-9 § 3, 1992).

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

17.44.190 Appeal.

A. The decision of the director as to any interpretation of the provisions of this chapter or any order, requirement, or decision in the application of the specific provisions of this chapter to any parcel of land shall be final and conclusive unless a written notice of appeal of the decision is filed by the aggrieved party with the town clerk within 10 days of the director's decision or action.

B. Within 30 days of receipt of the notice of appeal, the matter shall be placed on the planning commission agenda for consideration of a public hearing, and the party appealing shall be notified of the date. If the appeal is for a variance from physical improvements, the variance procedure shall be followed, and any variance recommended as a result of such hearing by the planning commission shall have final approval by the town council in a public meeting within 30 days of recommendations by the planning commission.

C. For nonvariance appeals, the town council shall within 30 days review at a public meeting the planning commission recommendation and the aggrieved party's objection and shall uphold, modify or overturn the director's decision or action and state the reasons therefor.

D. The action of the town council in subsection (C) of this section shall be final and conclusive unless, within 10 days of the council action, the aggrieved party files a writ of review with the superior court of Pierce County. (Ord. 92-9 § 3, 1992).

17.44.200 Modifications or variations.

A. A subdivider may make application to the director of public works for a variation or modification of improvements as set forth in EMC [17.44.120](#). Such application shall accompany the proposed short plat and shall include any and all details as the developer deems necessary to support his application properly, and shall outline the provisions from which the modification or variation is sought.

B. Minimum Processing Time. Such application shall be filed with the director of public works no later than 26 days prior to the planning commission public hearing.

C. Public Hearing Required. All modifications or variations shall be heard by the planning commission at a public hearing.

D. Authority to Modify. If the planning commission finds unusual hardship or extraordinary difficulties, the minimum requirements may be modified to mitigate the hardship; provided, that the public use and interest is protected and the development is in keeping with the general spirit and intent of this title.

SHORT PLAT LOT COUNT, LARGE LOT & ALTERATION Chapter 17.44

Staff Recommendation

E. Limitations on Authority to Modify. No such modification may be granted if it would have the effect of nullifying the intent and purpose of the zoning code, the comprehensive plan or this title.

F. The planning commission shall provide recommendations on such modifications or variances to the town council. The town council, within 30 days, shall at a public meeting evaluate the planning commission recommendation and other data submitted by the staff and approve, modify or overturn such recommendation. Any appeal of town council action shall be in accordance with EMC [17.44.190\(D\)](#). (Ord. 92-9 § 3, 1992).

17.44.210 Violation – Enforcement.

Any violation or failure to comply with any of the provisions of this chapter or any amendment thereto is a misdemeanor, and shall be punishable by a fine of not more than \$500.00.

Each violation or each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in a violation of any provision of these regulations shall be deemed a separate and distinct offense. (Ord. 92-9 § 3, 1992).

NO OTHER CHANGES TO THIS CHAPTER PROPOSED

END