

ORDINANCE NO. 701

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SUBDIVISIONS OF LAND, REPEALING TITLE 16 OF THE GIG HARBOR MUNICIPAL CODE, AND ADOPTING A NEW TITLE 16 TO THE GIG HARBOR MUNICIPAL CODE TO APPLY TO ALL SUBDIVISIONS AND DIVISIONS OF LAND IN THE CITY, DESCRIBING THE PROCEDURES FOR APPLICATIONS, REVIEW, APPROVAL, CONDITIONING, ENFORCEMENT AND PENALTIES FOR VIOLATIONS, AND ADOPTING REGULATIONS FOR SITING AND DEVELOPMENT OF MOBILE HOME PARKS.

WHEREAS, the city subdivision code is derived from the State Subdivision Act, chapter 58.17 of the Revised Code of Washington ("RCW"), and any differences are matters of purely local concern; and

WHEREAS, the Regulatory Reform Act (Chapter 347, Laws of 1995) requires that subdivision applications be processed according to a new statutory framework for project permitting; and

WHEREAS, Section 429 of Chapter 347, Laws of 1995 allows the City Council to delegate its authority to make final decisions on subdivision approvals; and

WHEREAS, the Growth Management Act requires that local government planning under the Act must adopt development regulations which implement adopted comprehensive plans; and

WHEREAS, the current subdivision code has not been updated nor revised since its adoption in 1966; and

WHEREAS, the State Subdivision Act, Section 58.17 RCW, has also undergone substantial revisions which are not reflected in the current subdivision code; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Title 16 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new Title 16 is hereby added to the Gig Harbor Municipal Code, to read as follows:

TITLE 16
SUBDIVISIONS

CHAPTER 16.01
DEFINITIONS

16.01.010	Block
16.01.020	Dedication
16.01.030	Final Plat
16.01.040	Lot
16.01.050	Preliminary Plat
16.01.060	Plat
16.01.070	Short Plat
16.01.080	Short Subdivision
16.01.090	Subdivision

Definitions. As used in this title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this Section shall have the indicated meanings:

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

16.01.020 "Dedication" is the deliberate appropriation of land or rights in land by its owner for any general and public use, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and

the acceptance by the public shall be evidenced by the approval of such plat for filing by the City.

16.01.030 "Final plat" is the final drawing of the subdivision and dedication prepared for filing of record with the Pierce County auditor, and containing all elements and requirements set forth in Chapter 16.09 GHMC.

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

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

16.01.060 "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

16.01.070 "Short plat" is the map or representation of a short subdivision.

16.01.080 "Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership into four or fewer lots.

16.01.090 "Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in ~~GHMC 16.02~~ chapter 16.03 GHMC.

CHAPTER 16.02
GENERAL PROVISIONS

16.02.001	Short Title
16.02.002	Purpose
16.02.003	Authority
16.02.004	Scope
16.02.005	Exemptions
16.02.006	Effect of Filing a Complete Application

16.02.001 Short Title. The ordinance codified in this title shall be known as the Gig Harbor subdivision code.

16.02.002 Purpose. The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, utilities, drainage, parks and recreation areas, sites for schools and school grounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans, minimum development standards and policies; to adequately provide for the housing and commercial needs of the citizens of the state; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

16.02.003 Authority. The Gig Harbor City Council delegates the responsibility for making final determinations on boundary line adjustments and short plats to the Planning Director, or his or her designee. The Hearing Examiner shall have the authority to make final decisions on preliminary plats, plat alterations and plat vacations. The City Council shall make the final decision on all final plats.

16.02.004 Scope. Any division, redivision, platting or subdivision or any division of land containing a dedication of any part thereof to any public purpose (such as a public street or a highway), shall comply with the provisions of this title.

16.02.005 Exemptions. This title shall not apply to divisions and activities described in RCW 58.17.040; PROVIDED THAT, in order to determine whether a boundary line adjustment meets the requirements for an exempt action, approval must be received from the Director as set forth in Section 16.03.001.

16.02.006 Effect of Filing Completed Application.

A. A proposed division or subdivision of land, as defined in GHMC Section 16.01.090, shall be considered under the subdivision code; and zoning or other land use control ordinances in effect at the time a fully completed application for preliminary plat approval or short plat approval of the subdivision has been submitted to the Director.

B. The limitations imposed by this section shall not restrict conditions imposed under the State Environmental Policy Act ("SEPA"), chapter 43.21C RCW, and the City's SEPA regulations, chapter 18.04 GHMC.

CHAPTER 16.03
BOUNDARY LINE ADJUSTMENTS

16.03.001	Requirements for a Complete Application
16.03.002	Type of Application

16.03.003 Criteria for Approval

16.03.001 Requirements for a Complete Application. An applicant for a boundary line adjustment shall submit five (5) copies of the following:

- A. A map at a scale of not less than one inch equal to one hundred feet which depicts the existing property configuration, including all lot line dimensions.
- B. A map which depicts the proposed property configuration, including all lot line dimensions.
- C. A legal description of the existing property configuration and proposed property configuration, prepared by a licensed professional land surveyor.
- D. Completed application form, as described in Section 19.02.002.

16.03.002 Type of Application. A boundary line adjustment is a Type I application, and the Director makes the final decision. The application shall be processed as set forth in Section 19.01.007(B) of this Code.

16.03.003 Criteria for Approval. The Director shall approve an application for a boundary line adjustment if it is determined that:

- A. No additional lot, tract, parcel, site or division will be created by the proposed adjustment;
- B. No lot is created or modified which contains insufficient area and dimensions to meet the minimum requirements of the zone in which the affected lots are situated;
- C. No lot is created or modified which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection, and no existing easement in favor of the public is rendered impractical to serve its purpose; and
- D. The boundary line adjustment is consistent with the applicable provisions of Title 17 GHMC.

CHAPTER 16.04
SHORT PLATS

- 16.04.001 Requirements for a Completed Application
- 16.04.002 Type of Application
- 16.04.003 Criteria for Approval
- 16.04.004 Findings and Conclusions

16.04.005 Prohibition on Further Division
16.04.006 Time Frame for Approval
16.04.001 Requirements for a Complete Application.

- A. Number of Copies: seven (7).
- B. A proposed short plat must include pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying.
- C. Application Contents: In addition to the requirements for a completed application set forth in Section 19.02.002, an applicant for a short plat shall submit the following:
1. a sketch or map using a scale of 100 feet to one inch or larger of the entire contiguous tract owned by the applicant which shall show:
 - a. the owners of adjacent land and the names of any adjacent subdivisions;
 - b. lines marking the boundaries of the proposed lots;
 - c. approximate locations of existing buildings, structures, utilities, underground storage tanks, and streets and ways or easements for such streets and ways within and adjacent to the tract;
 - d. legal description of the tract and legal descriptions of all proposed lots;
 - e. name and address of the owner(s) of the tract;
 2. certificate giving full and complete description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with free consent and in accordance with the desires of the owner(s). If the short plat includes a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual(s), religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.
 3. all short plats containing a dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the

name of the owner signing the certificate. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face of the plat shall be considered to all intents and purposes as a quit claim deed to the donee(s), grantee(s) for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

16.04.002 Type of Application. A short plat is a Type II application, and the Director shall make the final decision. The application shall be processed as set forth in Title 19 of this Code.

16.04.003 Criteria for Approval. The Director shall approve the short subdivision and short plat after making a determination:

A. whether the application complies with Chapter 16.08 of this Title, General Requirements for Subdivision Approval.

B. if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and

C. whether the public interest will be served by the subdivision and dedication.

16.04.004 Findings and Conclusions. The Director shall not approve a short plat and short subdivision unless written findings are made that:

1. the application complies with Chapter 16.08;

2. appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions who walk to and from school; and

3. the public use and interest will be served by the platting of such subdivision and dedication.

16.04.005 Construction of Improvements. An approved short plat shall not be filed for record until the applicant has constructed or bonded for all improvements required by the Director in the final decision on the short plat, pursuant to Section 16.04.001(F).

16.04.006 Prohibition on Further Division. Property in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains less than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five year period to create up to a total of four lots within the original short plat boundaries.

16.04.007 Time Frame for Approval. Short plats shall be approved, disapproved or returned to the applicant within thirty days after the date of filing of a complete application, unless the applicant agrees to an extension of time.

CHAPTER 16.05
PRELIMINARY PLATS

16.05.001	Requirements for a Completed Application
16.05.002	Type of Application
16.05.003	Criteria for Approval
16.05.004	Findings and Conclusions
16.05.005	Time Frame for Approval

16.05.001 Requirements for a Completed Application.

A. Number of copies: ten (10)

B. Application contents: In addition to the requirements for a completed application as set forth in Section 19.02.002, an applicant for a preliminary plat shall submit the following:

1. A map or sketch using a scale of 100 feet to one inch or larger, showing:

a. topographical and other data depicting:

(1) boundary lines including bearing and distance;

(2) easements, including location, width and purpose;

(3) streets on and adjacent to the tract, including name and right-of-way width and location; type, width and elevation of surfacing, walks, curbs, gutters, culverts, etc;

(4) ground elevations on the tract, based on a datum plane approved by the city engineer; for land that slopes less than approximately two percent, show spot elevations at all breaks in grade, along all drainage channels or swales, and all selected points not more than one hundred feet apart in all directions; for land that slopes

more than approximately two percent, either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;

(5) other conditions on adjacent land, including approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nonresidential land uses or platted land within three hundred feet (300') of the subject property. Refer to subdivision plat by name, recording date, volume and page number, and show lot size, and dwelling units;

b. utilities on and adjacent to the tract, including location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers;

c. other conditions on the tract including watercourses, marshes, rock outcrop;

d. zoning district designations, on and adjacent to the tract;

e. proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the tract;

f. vicinity showing location of the tract;

g. sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses;

h. sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings;

i. minimum building setback lines;

j. site data, including number of residential lots, typical lot size, and acres in parks, etc.

k. plat name, scale, north arrow and date;

l. typical cross-sections of the proposed grading, roadway and sidewalk;

m. proposed sanitary, stormwater and water systems plan with points of connection, grades and sizes indicated;

2. Title and certificates, including a legal description according to official records in the office of the county auditor; pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying which contains notation stating acreage, scale, north arrow, datum, bench marks, certification of registered civil engineer or surveyor, date of survey;

3. Draft of proposed covenants, if any.

16.05.002 Type of Application. A preliminary plat is a Type III application. The Hearing Examiner makes a final decision, which is appealable to the City Council.

16.05.003 Criteria for Approval. The Hearing Examiner shall make an inquiry into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, and shall consider:

A. whether the preliminary plat conforms to Chapter 16.08, General Requirements for Subdivision Approval;

B. if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

C. whether the public interest will be served by the subdivision and dedication.

16.05.004 Findings and Conclusions. The Hearing Examiner shall not approve the preliminary plat unless written findings are made that:

A. the preliminary plat conforms to Chapter 16.08, General Requirements for Subdivision Approval;

B. appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

C. the public use and interest will be served by the platting of such subdivision and dedication.

16.05.005 Time Frame for Approval. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from the date of filing of a complete application, unless the applicant agrees to an extension of such time period; PROVIDED, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency.

CHAPTER 16.06
FINAL PLATS

16.06.001	Requirements for a Completed Application
16.06.002	Type of Application
16.06.003	Time Frame for Submission of Final Plat
16.06.004	Criteria for Approval
16.06.005	Effect of Final Plat Approval
16.06.006	Time Frame for Approval

16.06.001 Requirements for a Completed Application.

A. 5 copies of construction drawings.

B. Work done by City in connection with the checking, computing and correcting of the plat, and for plan checking, inspecting, and testing as to all plat improvements including water lines, sanitary sewer lines, storm water retention and drainage systems, streets, curbs, gutters and sidewalks.

C. Application Contents: In addition to the requirements for a completed application set forth in Section 19.02.002, the applicant shall submit the following:

1. final plat on reproducible mylar or equivalent, 17" wide by 22" long, scale of 100 feet to 1" or larger (preferred scale 50 feet to one inch). The plat must contain:

a. primary control points, approved by the city engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;

b. tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings, and radii, arcs, central angles of all curves arcs;

- c. name and right-of-way width of each street or other right-of-way;
- d. location, dimensions and purpose of any easement;
- e. tract number to identify each lot or site;
- f. purpose for which sites, other than residential lots, are dedicated or reserved;
- g. minimum building setback line on all lots and other sites;
- h. location and description of monuments by symbol;
- i. reference to plats of adjoining land by their recorded name, date, volume and page number;
- j. certification by licensed land surveyor or licensed professional civil engineer substantially in the following form: etc.

k. a certificate giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner(s). If the plat contains a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual(s) religious society or societies or to any corporation, public or private as shown on the plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

2. every plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the certificate;

3. an offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted any such waiver is effective. Such waiver may be required by the city as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face of the plat shall be considered to all intents and purposes as a quit claim deed to the donee or donees, grantee or grantees for his, her, or their use for the purpose intended by the donors or grantors as aforesaid;

4. plat name, scale, north arrow, date and legend of symbols.

5. plans and profiles of all utilities and street improvements showing approval of the design by the city engineer.

6. certificate of completion of one of the following alternatives shall accompany the final plat:

a. all improvements have been installed in accord with the requirements of these regulations and accepted by the City upon the recommendation of the city engineer as certified by the city clerk;

b. that approved plans are on file with the city engineer for all required utilities and street improvements and a cash or surety bond as provided in chapter 16.28 GHMC has been posted with the city clerk and deposited with the city treasurer.

16.06.002 Type of Application. A final plat is a Type IV application, and the City Council makes the final decision. Applications shall be processed as set forth in Section 19.02 of this Code.

16.06.003 Time Frame for Submission of Final Plat. A final plat meeting all requirements of chapter 58.17 RCW and this Title 16 shall be submitted to the City for approval within five years of the date of preliminary plat approval.

16.06.004 Recommendations as Prerequisites for Final Plat Approval. Each preliminary plat submitted for final approval shall be accompanied by the following recommendations:

A. Local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;

B. Planning Director's recommendation as to compliance with all of the terms of preliminary plat approval of the proposed plat or subdivision

C. Approval of the City Engineer

Except as provided in RCW 58.17.140, an agency or person issuing a recommendation for subsequent approval under subsections (A) and (C) of this section shall not modify the terms of its recommendation without the consent of the applicant.

16.06.005 Criteria for Approval. A final plat application shall be approved if the subdivision proposed for approval:

A. meets all general requirements for plat approval as set forth in Chapter 16.08 of this Title, General Requirements for Subdivision Approval;

B. conforms to all terms of the preliminary plat approval; and

C. meets the requirements of chapter 58.17 RCW, other applicable state laws, this Title 16 and any other applicable City ordinances which were in effect at the time of preliminary plat approval.

D. the City Council shall make written findings of fact relating to its decision on the final plat, and if approved, shall suitably inscribe and execute its written approval on the face of the plat.

16.06.006 Effect of Final Plat Approval. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

16.06.007 Time Frame for Approval. Final plats shall be approved, disapproved or returned to the applicant within thirty (30) days after the filing of a complete application, unless the applicant consents to an extension of such time period.

CHAPTER 16.07
PLAT VACATION AND ALTERATION

16.07.001	Requirements for a Complete Plat Vacation Application
16.07.002	Type of Approval and Criteria for Approval of a Plat Vacation
16.07.003	Requirements for a Complete Plat Alteration Application
16.07.004	Type of Approval and Criteria for Approval of a Plat Alteration

16.07.001 Requirements for a Complete Plat Vacation Application.

A. Application contents: In addition to the requirements for a completed application as set forth in Section 19.02.002, an applicant for a plat vacation shall submit the following:

1. the reasons for the proposed vacation;
2. signatures of all parties having an ownership interest in that portion of the subdivision proposed to be vacated;
3. if the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties

subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

4. A copy of the approved plat sought to be vacated, together with all plat amendments recorded since the date of the original approval.

16.07.002 Type of Approval and Criteria for Approval of a Plat Vacation.

A. Type of Application. A plat vacation is a Type III application, the Hearing Examiner shall render the final decision, which is appealable to the City Council.

B. Criteria for Approval. The plat vacation may be approved or denied after a written determination is made whether the public use and interest will be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the City Hearing Examiner shall set forth findings that the public use would not be served in retaining title to those lands.

C. Vacation of Streets. When the vacation application is specifically for a city street vacation, the City's street vacation procedures shall be utilized. When the application is for the vacation of a plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under chapter 35.70 RCW or the City's street vacation ordinance.

D. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

16.07.003 Requirements for a Complete Plat Alteration Application.

A. Application Contents: In addition to the requirements for a completed application as set forth in Section 19.02.002, an applicant for a plat alteration shall submit the following:

1. signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered;

2. if the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

3. a copy of the approved plat sought to be vacated, together with all plat amendments recorded.

16.07.004 Type of and Criteria for Approval of a Plat Alteration.

A. Type of Application. A plat alteration is a Type III application. The Hearing Examiner shall render the final decision, which is appealable to the City Council.

B. Criteria for Approval. The plat alteration may be approved or denied after a written determination is made whether the public use will be served by the alteration of the subdivision. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. A plat alteration must also be consistent with Section 16.07.002(D) herein.

C. Revised Plat. After approval of the alteration, the Hearing Examiner shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the Mayor, shall be filed with the County auditor to become the lawful plat of the property.

CHAPTER 16.08

GENERAL REQUIREMENTS FOR SUBDIVISION APPROVAL

16.08.001	General Requirements for Approval of Subdivision
16.08.002	Certificate to Accompany Final Plat or Short Plat
16.08.003	General Requirements for Filing Final Plat for Record
16.08.004	Compliance with City's Public Works Standards

16.08.001 General Requirements for Approval of Subdivisions. In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the following general requirements in order to be approved:

A. Zoning. No subdivision may be approved unless written findings of fact are made that the proposed subdivision or proposed short subdivision is in conformity with any applicable zoning ordinance, comprehensive plan or other existing land use controls.

B. Dedications, generally.

1. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. The City may require such waiver as a condition of approval.

2. Roads not dedicated to the public must be clearly marked on the face of the plat.

3. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee(s) grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).

4. If the plat or short plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the plat or short plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

5. Every plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

6. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. No dedication, provision of public improvements or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property.

C. Dedication of Public Park. If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the City Council shall adopt the designated name.

D. Release from Damages. The Hearing Examiner shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

E. Flood, Inundation or Swamp Conditions. A proposed subdivision may be disapproved because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a flood control zone as provided in chapter 86.16 RCW without the prior written approval of the state department of ecology.

F. Bonds. In lieu of the completion of the actual construction of any required improvements prior to the approval of a short or final plat, the Director or City Council may accept a bond, approved as to form by the City Attorney, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the City the actual construction and installation of such improvements within a period specified by the City and expressed in the bonds. In addition, the City may require the posting of a bond securing to the City the successful operation of improvements for up to two years after final approval. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

16.08.002 Certificate to accompany final plat or short plat. Every final plat or short plat of a subdivision or a short subdivision filed for record must contain a certificate giving full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner(s).

16.08.003 General Requirements for Filing Plat for Record. Each and every plat or replat of any property filed for record shall:

A. contain a statement of approval from the city road engineer as to the layout of streets, alleys and other rights of way, design of bridges, sewage and water systems, and other structures;

B. be accompanied by a complete survey of the section or sections in which the plat or replat is located made to surveying standards adopted by the division of engineering services of the department of natural resources pursuant to RCW 58.24.040. The surveyor shall certify on the plat that it is a true and correct representation of the lands actually surveyed;

C. be acknowledged by the person filing the plat before the auditor of the county in which the land is located, or any other officer who is authorized by law to take acknowledgement of deeds, and a certificate of said acknowledgement shall be enclosed or annexed to such plat and recorded therewith;

D. contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged;

E. contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner or owners;

F. show the permanent control monuments established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The Council (or Hearing Examiner) shall determine the number and location of permanent control monuments within the plat, if any.

G. show the lot numbers and house addresses on the short subdivisions and subdivisions at the time of approval.

16.08.004 Compliance with Public Works Standards. Construction of all improvements in all applications shall comply with the City's adopted public works construction standards.

CHAPTER 16.09
ENFORCEMENT AND APPEALS

16.09.001 Issuance of Permit on Illegally Divided Land

16.09.002 Violations

16.09.003 Appeals

16.09.001 Issuance of Permit on Illegally Divided Land. No building permit, septic tank permit, or other development permit shall be issued for any lot, tract or parcel of land divided in violation of chapter 58.17 RCW or this Title 16, unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.

16.09.002 Violations. Violations of this Title 16 shall be enforced as set forth in chapter 17.07 "Enforcement," of the Gig Harbor Municipal Code.

16.09.003 Appeals. Any decision approving or disapproving any plat may be appealed as set forth in Chapter 19.05, of the Gig Harbor Municipal Code.

CHAPTER 16.10
MOBILE/MANUFACTURED HOME PARK AND SUBDIVISION STANDARDS

16.10.010	Purpose
16.10.020	Definitions
16.10.030	Requirements for a Completed Application
16.10.040	Type of Approval
16.10.050	Siting Criteria
16.10.060	Development Standards

16.10.010 Purpose. The purpose of this chapter is to establish the standards and criteria by which mobile/manufactured home subdivisions and parks may be sited and

developed with the City. These standards are deemed necessary to ensure the uniform, coordinated development of the community and to assure the general health, welfare and safety of the occupants of the mobile/manufactured homes that may be located within a subdivision or park developed under these standards.

16.10.020 Definitions. "Mobile/manufactured home park" means a tract of land under single ownership or control upon which two or more mobile/manufactured homes occupied as dwellings may be located.

"Mobile/manufactured home subdivision" means two or more mobile/manufactured homes on separate lots developed under the provisions of GHMC Title 16 where mobile/manufactured homes are permanently installed for residential use on individually owned lots.

"Manufactured Home" means a structure, transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"Mobile Home, or Manufactured Home" means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This term includes all structures which meet the above requirements and with respect to which the manufacturer voluntarily complies with the standards set forth in Part 3280 by HUD. WAC 296-150B-015(28).

16.10.030 Requirements for a Completed Application. In addition to the requirements set forth in Section 19.02.002 for a completed application, an application must submit the information as stated in Section 16.05.001.

16.10.040 Type of Approval.

A. All mobile home parks shall be processed as a Type III approval and in the same manner as a binding site plan in accordance with the procedures of Chapter 17.96 GHMC.

B. All mobile/manufactured home subdivisions shall be processed in the same manner as subdivisions in this Title 16 GHMC.

16.10.050 Siting Criteria. The following minimum criteria apply to the siting of mobile/manufactured home parks and subdivisions.

A. Mobile/manufactured home parks

1. Minimum site development area: 5 acres
2. Minimum perimeter buffer: 30 feet of dense, vegetated screen.
3. Minimum unit site area: 4,200 square feet.
4. Minimum separation between units: 20 feet.
5. Minimum¹ common open space area: 30 % of gross site area.
6. Maximum density: 6 units per acre.
7. Maximum height: Dependent upon the zoning district standard

B. Mobile/manufactured home subdivision

1. Minimum site development area: 5 acres.
2. Minimum perimeter buffer: 30 feet of dense vegetated screen.
3. Minimum front yard: 20 feet.
4. Minimum side yard: 7 feet.
5. Minimum rear yard: 20 feet; 10 feet if the yard is adjacent to the required perimeter buffer.

- | | | |
|-----|----------------------------------------------|------------------------------------------------------------------------------------|
| 6. | Minimum ¹ common open space area: | 30 % of gross site area. |
| 7. | Maximum density: | Dependent upon the zoning district standard. |
| 8. | Maximum height: | Dependent upon the zoning district standard |
| 9. | Maximum impervious coverage: | Dependent upon zoning district standard. |
| 10. | Minimum unit floor area:
Unit type: | 1000 square feet.
Double or triple wide configuration, including modular units. |

16.10.060 Development Standards.

A. Sanitary sewer. All mobile/manufactured home parks and subdivisions shall be connected to the City of Gig Harbor sewer system, in accordance with the standards of the City of Gig Harbor Public Works Standards and the City of Gig Harbor Comprehensive Sewer Plan.

B. Potable water. All mobile/manufactured home parks and subdivisions shall be connected to the City of Gig Harbor water system, in accordance with the standards of the City of Gig Harbor Public Works Standards and the City of Gig Harbor Comprehensive Water Plan.

C. Roads.

1. Private Roads. Roads within a mobile/manufactured home park may be privately owned. Interior roads must have a minimum surface width of twenty- four (24) feet with a rolled edge curve on both sides of the street. Interior roads must meet the requirements of the City Uniform Fire Code for emergency vehicle access and must have a minimum easement width of thirty (30) feet.

2. Public Roads. Roads within a mobile/manufactured home subdivision must be public streets, meeting the requirements of the City of Gig Harbor Public Works Standards and the City Uniform Fire Code for emergency vehicle access.

D. Utilities. All utilities within a park or subdivision which serve individual units must be underground, with the exception of junction boxes and the primary feeder lines serving the property.

¹ Common open space consists of either an active or passive recreational area accessible and useable by all tenants within the park. Common open space is exclusive of the required perimeter buffers.

E. Storm Drainage. All storm drainage facilities shall be designed and installed in accordance with the requirements of the City of Gig Harbor Public Works Construction Standards. Easements for maintenance of public storm water facilities shall be provided as deemed necessary and appropriate by the City Engineer.

F. Fire Flow. All mobile/manufactured home parks and subdivisions shall provide the minimum required fire flow as established in the City of Gig Harbor Uniform Fire Code.

G. Wetlands/Critical Areas. All developments proceeding under this title shall comply with the requirements of Section 18.08 and Section 18.12 of the Gig Harbor Municipal Code.

H. Accessory Buildings. Accessory buildings within a mobile/manufactured home park or subdivision are permitted, provided that the maximum site coverage does not exceed thirty (30) percent of the site's open space.

I. Parking. Parking shall be as required per Chapter 17.72 of the GHMC. Additional parking for guests or service parking shall be provided with a grass-crete or asphalt parking surface.

J. Outdoor Lighting. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise.

K. Landscaping. Landscaping shall be as provided in Chapter 17.78 of the GHMC for residential subdivisions, excepting that the required depth of the perimeter buffer shall be as specified in this Section.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 1/8/96
PASSED BY THE CITY COUNCIL: 1/22/96
PUBLISHED: 1/31/96
EFFECTIVE DATE: 2/5/96
ORDINANCE NO. 701

SUMMARY OF ORDINANCE NO. 701

of the City of Gig Harbor, Washington

On the 22nd day of January 22, 1996, the City Council of the City of Gig Harbor, passed Ordinance No. 701. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SUBDIVISIONS OF LAND, REPEALING TITLE 16 OF THE GIG HARBOR MUNICIPAL CODE, AND ADOPTING A NEW TITLE 16 TO THE GIG HARBOR MUNICIPAL CODE TO APPLY TO ALL SUBDIVISIONS AND DIVISIONS OF LAND IN THE CITY, DESCRIBING THE PROCEDURES FOR APPLICATIONS, REVIEW, APPROVAL, CONDITIONING ENFORCEMENT AND PENALTIES FOR VIOLATIONS, AND ADOPTING REGULATIONS FOR SITING AND DEVELOPMENT OF MOBILE HOME PARKS.

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _____, 1996.

CITY ADMINISTRATOR, MARK HOPPEN