

17.44.010 Purpose of provisions.

The procedure regulating short subdivisions are established to promote orderly and efficient division of land into four 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 or less parcels, lots, tracts, sites, ~~or~~ subdivisions or large lot subdivisions 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 for 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 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;

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:

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,
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
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
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;
- 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.

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).

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.

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).