

ORDINANCE NO. 234

AN ORDINANCE ESTABLISHING MEANS OF
CONTROLLING SHORT SUBDIVISIONS.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GIG
HARBOR:

Section 1. This ordinance shall be known as the "Gig Harbor Short Subdivision Ordinance" and may be cited as such.

Section 2. The Gig Harbor Short Subdivision Ordinance is adopted pursuant to RCW 58.17.040.

Section 3. Exclusions.

(1) Parcels or lots divided for the purpose of sale or lease and which do not contain adequate area or width for a building site unless two such contiguous parcels which collectively comprise a building site are acquired by the same person, family or developer.

(2) Parcels, lots or tracts which are sold or leased prior to the effective date of this section, as evidenced by an earnest money contract, real estate contract or deed.

(3) Cemeteries and other burial plots while used for that purpose.

(4) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: Provided, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line.

(5) Divisions made by testamentary provisions, or the laws of descent.

(6) 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 and a local government has approved a binding site plan for the use of the land in accordance with local regulations. The term "site plan" means a drawing to a scale specified by local ordinance and which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; and (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan. A site plan approved by a local government body shall not be "binding" under this subsection unless development in conformity to the site plan is enforceable under a local ordinance.

Section 4. Definitions.

Lot. A fractional part of an area subdivided, having fixed boundaries and being of sufficient area and dimensions to meet minimum zoning requirements. The term shall include tract and parcel.

Short Plat. A map or pictorial representation of a short subdivision.

Short Subdivision. The division of land into four or less lots, tracts, parcels, sites or subdivisions for the purpose of sale or lease.

Section 5. It shall be unlawful to divide land in Gig Harbor into four or less lots except in accordance with the provisions of this ordinance or of Title 16 of the Gig Harbor Municipal Code.

Section 6. Procedure and Fee.

(1) Application. The subdivider shall file a short subdivision form with the Town Clerk of the Town of Gig Harbor. Such form shall be supplied by the Town and may be prepared by the subdivider or by Town personnel from information supplied by the subdivider. Such form shall provide space for owner information, name of short subdivision, legal description of area to be subdivided,

use zone, owner's signature and date file. A map of the area to be subdivided shall be prepared on a separate sheet noted as No. 2 and having the subdivision name thereon. Such map shall show division into lots with dimensions of each lot and of the whole to scale, and showing bearings where required. The map shall be one Mylar original tracing, and four (4) prints of a proposed short plat, and shall be filed with the Town Clerk of the Town of Gig Harbor. A short plat shall meet the following standards:

- (a) Drawn in ink to a scale not smaller than one inch equals one hundred feet ($1" = 100'$) on Mylar, a sheet size of 18" x 24".
- (b) The plat shall show the boundary and dimensions of the "original tract" including its Assessor's parcel number, section, township, and range, and all adjoining public or private roads and identifying names of such.
- (c) A vicinity map drawn to a scale of four inches equals one mile ($4" = 1$ mile) of sufficient detail to orient the location of the original tract.
- (d) Name and address of the owner of record of the "original tract", scale of the drawing, and north directional arrow.
- (e) The tract (s) of land proposed to be sold or leased, each tract of which is identified by numerical designation. Dimensions of each lot.
- (f) Width and location of access to all short platted lots proposed for sale or lease.
- (g) The location and use of all buildings on the original tract.
- (h) Space or a second 18" x 24" Mylar sheet shall be reserved for comments and appropriate town signatures.
- (i) A survey shall be required, the form of the plat to be as required by the Survey Record Act, Chapter 50 Washington Laws of 1973 as amended.

Section 7. Application of Environmental Analysis and Impact Statement.

All actions by the Town of Gig Harbor approving a short plat shall be exempt from any environmental analysis or environmental impact statement, unless the Planning Commission determines that said short plat is located wholly or partially within a "sensitive area" (as defined by Washington Administrative Code, WAC 173-34-020(2)). "Sensitive area" is defined as any area which:

- (1) Contains significant threats to the environment, arising

from earth slides, avalanches or flooding from a flood of a frequency expected to recur on the average of once every one hundred years or a flood magnitude which has a one percent chance of occurring in any given year; or

(2) Contains any special natural values such as a marshland, or habitation place of substantial concentrations of flora or fauna or of rare or endangered species of flora or fauna; or

(3) The area is being given special attention because of a problem of critically low or declining resource supply or quality; or

(4) Contains elements having significant aesthetic, recreational or historical value; or

(5) It is within "shorelines of the state" as defined in the Shoreline Management Act of 1971.

If the short plat is located wholly or partially within a "sensitive area", as determined by the Planning Commission, an environmental impact statement shall be required.

If an environmental impact statement is required, the short plat shall be reviewed by the Planning Commission and Town Council. The Mayor may approve or disapprove the short plat for environmental reasons.

Section 8. Design Regulations.

(1) Each lot resulting from the subdivision of an area shall conform with zoning regulations.

(2) Each lot shall adjoin a dedicated public street or have access to such a street by a recorded easement provided by the developer, same to be not less than thirty feet in width.

(3) If the plat is so located that the above-described access streets may now or in the foreseeable future be required or needed as links in a pattern or system of public streets serving the area, including adjoining properties, these access streets must be dedicated to the Town by the developer for street purposes and must have a minimum width of sixty feet. Such streets

must not be terminated in a cul-de-sac or dead end within the plat but must be continued from boundary to boundary of the plat.

(4) The area of access streets provided in either paragraph (2) or (3) above shall not be included in the lot areas in determining conformance with zoning requirements.

(5) Permitted maximum length of access corridors or streets shall be 300 feet, except at the discretion of the Town Council they may be longer, provided if a lesser length serves the lots in the instant subdivision, such shorter length shall be the maximum permitted.

(6) Access corridors, or streets may have official town street designations provided the private nature shall also be indicated.

(7) Curbs, sidewalks, gutter, pavement and storm drainage facilities may be required at the discretion of the Planning Commission and the Town Council to prevent storm water erosion and damage, unless such requirement is waived by the Town Council.

(8) Private property may be dedicated to public use as streets by a deed of dedication acceptable to the Town or by preparing a plat in accordance with the Gig Harbor Subdivision Ordinance and recording the plat.

(9) A bond may be required to insure completion of any improvements agreed upon with the Town.

Section 9. Time restriction on further subdividing. The area included in an approved short subdivision shall not be further subdivided in any manner within a period of five years from date of approval of such short subdivision except in accordance with the Gig Harbor Subdivision Ordinance.

Section 10. Each short plat shall be filed for record in the office of the Pierce County Auditor and such file shall be at the subdivider's expense.

Section 11. In the event the subdivision and sale of lots in violation of the regulations of this ordinance comes to the attention of the Town, no building permit shall be issued and the Town hereby incorporates by reference Title 58.17.200.

Section 12. This ordinance shall take effect and be in force five days after the date of its posting in the manner required by law.

PASSED BY THE COUNCIL OF THE TOWN OF GIG HARBOR, WASHINGTON, at a meeting thereof and approved by the Mayor this 11 day of August, 1975.

Jack D. Bujacich, Jr.
Jack D. Bujacich, Jr. - Mayor

Attest:

Don Avery
Don Avery - Clerk-Treasurer