

CHAPTER 20.86
SHORT SUBDIVISIONS

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20.86.010 Purpose; scope.

The purpose of the provisions in this chapter is to regulate the subdivision of land into ~~ninefour~~ (94) or fewer lots.

20.86.020 Decision type.

A short plat is a Type I decision and shall be processed in accordance with the procedures for such decision types as set forth in chapter 20.22 POMC.

20.86.030 Pre-application conference.

(1) For the purpose of expediting applications and reducing subdivision and site plan design and development costs, a developer may request a pre-application conference, pursuant to chapter 20.22 POMC, to discuss land use, site design, required improvements, and conformance with this chapter and additional applicable provisions of POMC Title 20, Land Use and Development Regulations.

(2) The pre-application conference is advisory only and neither the applicant nor City staff shall be bound by any determinations made therein.

20.86.040 Concurrent review.

Short subdivision applications may be processed concurrently with other required applications for planning approval. Multiple applications will be processed according to the requirements of chapter 20.86 POMC.

20.86.050 Burden of proof.

The burden of providing all information necessary to satisfy the requirements of this chapter shall be upon the applicant requesting the short subdivision. The decision of the Director as to the sufficiency of

information provided by an applicant shall be considered a final decision for the purposes of this chapter.

20.86.060 Application submittal requirements.

- (1) At a minimum, a short subdivision application shall include the documents set forth below and any other document or information deemed necessary by the Director, upon notice to the applicant. All documents shall be in the form specified by the Director and shall contain such information as deemed necessary by the Director.
- (2) The following materials shall be submitted to the City for a complete application for a short subdivision:
 - (a) Completed master permit form and payment of associated fees pursuant to chapter 20.86 POMC;
 - (b) All materials required pursuant to the Director, as well as an electronic version of the materials to be submitted to the City via an approved method for electronic submission of files.
- (3) The submittal requirements are not intended to determine if an application conforms to City of Port Orchard codes. They are used only to determine if all required materials have been submitted. A code-related review will occur after a complete application has been submitted.
- (4) The Director may waive any sections of the submittal requirements of this section if certain requirements, plans or reports are determined by the Director to be not reasonably necessary for review and approval of a given short subdivision application.

20.86.070 Additional notice.

In addition to the notice required for Type I applications pursuant to chapter 20.24.120 POMC, upon receipt of a complete short subdivision application, the Department shall provide the following additional notice as applicable:

- (1) If the proposed short subdivision is located adjacent to the right-of-way of a state highway, the Director shall give written notice of the application, including a legal description of the short subdivision and a location map, to the State Department of Transportation; and
- (2) If the proposed short subdivision is located in whole or in part in a flood control zone as provided in chapter 86.16 RCW, the Director shall give written notice of the application, including a legal description of the short subdivision and a location map, to the State Department of Ecology.

20.86.080 Review criteria.

The applicant for a short subdivision must demonstrate that the application complies with all of the following:

- (1) All applicable state statutory provisions, including, but not limited to, RCW 58.17.195;

(2) All applicable provisions of chapter 20.80 POMC, General Requirements for Subdivision Approval;
~~and~~

(3) No environmental checklist shall be required prior to approval of a short subdivision application unless:

a. ~~Unless The~~a short subdivision falls within the provision of chapter 20.162 POMC, Critical Areas;

b. ~~or The short subdivision falls within the provision of~~ chapter 20.164 POMC, Shoreline Master Program; ~~or~~

~~a. The short subdivision contains more than 4 lots; and, no environmental checklist shall be required prior to approval of a short subdivision application.~~

~~b-c.~~

(3)(4) A short subdivision must not increase the likelihood of future applications for critical area buffer reductions or variances due to the creation of lots, parcels or tracts that are undevelopable or unusable without a buffer reduction.

20.86.090 Findings.

A proposed short subdivision application shall not be approved unless the Director makes written findings and conclusions that:

(1) All of the requirements in POMC 20.86.~~080~~~~XX~~, Review criteria, are satisfied;

(2) Pursuant to RCW 58.17.110:

(a) 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

(b) The public use and interest will be served by the platting of the short subdivision and dedication.

20.86.100 Time limitation for final decision.

A short subdivision application shall be approved, approved with conditions, or denied ~~within thirty (30)~~ days after determination that a complete application has been submitted pursuant to chapter 20.24.~~080~~~~050~~, unless the applicant consents in writing to an extension of such time period or if the preparation of an EIS is required.

20.86.110 Construction of Improvements.

After approval of a short plat, the subdivider shall have five (5) years to construct all required public facilities. In lieu of construction within this time period, the subdivider may submit a bond, pursuant to chapter 20.96 POMC. City Council acceptance may be required for any dedications of land or improvements to the City.

20.86.120 Restriction on Further Division.

The mylar submitted to the City as provided in 26.15.100 below shall include a statement on the face of the short plat, pursuant to RCW 58.17.160, that land in a short subdivision may not be further divided in any manner within a period of five (5) years without the filing of a final plat; except that when the short plat contains fewer than ~~ninefour~~ (94) parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five (5) year period in order to create up to a total of ~~ninefour~~ (94) lots within the original short plat boundaries.

20.86.130 Submission of Final Short Plat for Signature.

Prior to the expiration of the five (5) year period for constructing improvements provided for in POMC 20.86.110, and as long as all public facilities required by the short subdivision approval are complete and the approval conditions have been satisfied, the subdivider shall submit a mylar (and/or related materials) of the approved short plat to the Director. The mylar and final short plat materials shall include all of the elements described in POMC 20.86.060. Within thirty (30) days of submission of these materials, the Director shall confirm that all improvements are complete, that the conditions have been performed, and that the mylar conforms to the requirements of this chapter. If the Director finds that all such requirements have been satisfied (or that the applicant has posted a bond pursuant to this chapter), the Director shall follow the procedure set forth in chapter 20.90.060 for recording of the short plat.

20.86.140 Building permits will not issue until improvements are constructed or appropriate security is posted.

If a short subdivision is approved subject to the construction of public facilities or the performance of conditions, no building permit shall be issued for any property within the boundaries of the short plat until actual construction of the public facilities (and, in the case of public facilities that will be dedicated to the City, until after inspection and acceptance of the same by the City), or full performance of the conditions. This prohibition on the issuance of building permits under this section shall not apply if the City has allowed the subdivider to post a bond or provide other security to the City in lieu of construction of the public facilities.