

ORDINANCE NO. 6 6 5 4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING CHAPTERS 14.03, 17.04, 17.10, 17.12, 17.14 AND 17.22, OF THE CITY CODE, RELATING TO THE PROCEDURES USED FOR PROCESSING FINAL PLAT APPROVALS

WHEREAS, the City Council has an ongoing interest to simplify land use decision making, lower City and customer costs, and to take advantage of enhanced efficiencies; and,

WHEREAS, while the City Council strives to implement simplifications and efficiency enhancements, modifications must not sacrifice quality of decision making or public input opportunities; and,

WHEREAS, on April 27, 2017 the Governor signed into law SB 5674 which amends Chapter 58.17 RCW to allow local government to adopt procedures that shift final plat approval from a City Council action to an administrative action; and,

WHEREAS, SB 5674 allows local jurisdictions to make these modifications through the adoption of an ordinance that can go into effect no sooner than July 23, 2017; and,

WHEREAS, Auburn City Code currently establishes codified procedures for processing final plats with the final decision resting with City Council; and,

WHEREAS, pursuant to ACC 18.68.020.B amendments to the text of Title 18 that are purely administrative or procedural do not require a public hearing, nor do they require preliminary review or recommendation of the planning commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. Chapter 14.03 of the Auburn City Code be and the same hereby is amended to read as follows:

Chapter 14.03

TYPES OF PROJECT PERMIT DECISIONS

Sections:

- 14.03.001 Generally
- 14.03.010 Type I decisions.
- 14.03.020 Type II decisions.
- 14.03.030 Type III decisions.
- 14.03.040 Type IV decisions.
- ~~14.03.050 Type V decisions.~~
- 14.03.060 Legislative nonproject decisions.

14.03.001 Generally.

Project permit decisions are classified into ~~five~~four types, based on whether a director, the hearing examiner or the city council makes the decision and the process by which that decision is made.

14.03.010 Type I decisions.

Type I decisions are administrative decisions made by the city which are not subject to environmental review under the State Environmental Policy Act (SEPA) codified at Chapter 43.21C RCW. Type I decisions include, but are not limited to, the following project applications:

- A. Building permit;
- B. Plumbing permit;
- C. Mechanical permit;
- D. Utility permit;
- E. Special permit;
- F. Excavation permit;

- G. Land clearing permit;
- H. Grading permit;
- I. Floodplain development permit;
- J. Public facility extension agreement;
- K. Right-of-way use permit;
- L. ~~Lot line adjustment~~ Boundary Line Adjustment or Boundary Line Elimination;
- M. Home occupation permit;
- N. Temporary use permit (administrative);
- O. Administrative use permit;
- P. Short subdivision (plat);
- Q. Mobile home closure plans;
- R. Extensions or minor amendment to an approved master plan;
- S. Final plat.

14.03.020 Type II decisions.

Type II decisions are administrative decisions made by the city which include threshold determinations under SEPA. Type II decisions include, but are not limited to, the following project applications:

- A. Building permit;
- B. Grading permit;
- C. Land clearing permit;
- D. Public facility extension agreement;
- E. Administrative use permit;
- F. Short subdivision (plat);
- G. Floodplain development permit.

14.03.030 Type III decisions.

Type III decisions are quasi-judicial final decisions made by the hearing examiner following a recommendation by staff. Type III decisions include, but are not limited to, the following project applications:

- A. Temporary use permit;
- B. Substantial shoreline development permit;
- C. Variance;
- D. Special exceptions;
- E. Special home occupation permit;
- F. Preliminary plat;
- G. Conditional use permit;
- H. Surface mining permit;
- I. Master plan.

14.03.040 Type IV decisions.

Type IV decisions are quasi-judicial decisions made by the city council following a recommendation by the hearing examiner. Type IV decisions include, but are not limited to, the following project applications:

Rezone (site-specific).

~~14.03.050 Type V decisions. Reserved.~~

~~Type V decisions are quasi-judicial decisions made by the city council following a recommendation by staff. Type V decisions include, but are not limited to, the following projects applications:~~

~~Final plat.~~

14.03.060 Legislative nonproject decisions.

Legislative nonproject decisions made by the city council under its authority to establish policies and regulations are not classified as a “type” of project permit decision.

Legislative nonproject decisions include, but are not limited to, the following legislative actions:

- A. Amendments to the text and map of the comprehensive plan or development regulations.
- B. Amendments to the zoning map (rezones) on a city-wide or area-wide basis.

Section 2. Amendment to City Code. That Section 17.04.110 of the Auburn City Code be and the same hereby is amended to read as follows:

17.04.110 Dedication.

“Dedication” means the deliberate conveyance of fee ownership of land, or the granting of a right-of-way, easement, or other interest in land, by an owner or owners of the land to the city for any general and public uses, reserving to the owner or owners no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner or owners presenting for filing a final plat showing the dedication thereon. Acceptance by the city shall be indicated by the approval of the city council, as evidenced by the presence of the ~~mayer’s~~director’s signature on the face of the plat.

Section 3. Amendment to City Code. That Section 17.04.330 of the Auburn City Code be and the same hereby is amended to read as follows:

“Short subdivision” means the division or redivision of land into ~~four~~nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, consistent with the provisions of Chapter 17.09 ACC.

Section 4. Amendment to City Code. That Section 17.10.020 of the Auburn City Code be and the same hereby is amended to read as follows:

17.10.020 Application, submittal and contents.

- A. Application. In addition to the requirements for a completed application as provided in ACC Title 14, an application for subdivision approval shall include:

1. Application requirements found in ACC 17.02.065;
2. A preliminary plat meeting the requirements of RCW 58.17.160 for a preliminary subdivision;
3. A neighborhood circulation plan meeting the requirements of Chapter 17.16 ACC and RCW 58.17.110(2) for safe walking paths for students;
4. Where any lot is proposed to be served by an on-site sewage disposal system, results of preliminary percolation tests for each such proposed lot, conducted under the county department of health rules and regulations;
5. A conceptual utility/site grading plan and/or methodology prepared in accordance with the city's comprehensive plans, standards or ordinance requirements. The conceptual utility/site grading plan shall include adequate horizontal and vertical information to ensure that utilities can be constructed consistent with the preliminary plat layout;
6. The location of other utilities other than those provided by the city;
7. The application shall include a transportation site plan for streets, pedestrian, and bike facilities. The site plan shall include adequate horizontal and vertical information to ensure the transportation facilities can be constructed consistent with the preliminary plat layout;
8. A title report, with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be issued no more than 30 days prior to the application date;
9. Copy of restrictions, if any, to be imposed upon the use of the land. Such restrictions must be recorded simultaneously with the subdivision.

B. Preparation. The preliminary plat or short plat shall be prepared by a professional engineer or professional land surveyor registered or licensed by the state of Washington. The preparer shall, by placing his or her signature and stamp upon the

face of the plat, certify that all information is portrayed accurately and that the proposed subdivision or short subdivision complies with the standards and requirements of this title, the Auburn zoning ordinance and any other applicable land use and development controls.

C. Scale and Format. The preliminary plat shall be drawn with reproducible black ink on ~~Mylar~~ any standard material consistent with and conforming to Chapter 58.09 RCW and WAC 332-130-150 and acceptable to the city. All geographic information portrayed by the preliminary plat shall be accurate, legible, and drawn to an engineering (decimal) scale.

D. Preliminary Plat Contents. A preliminary plat shall provide the following information:

1. General Information. The following information shall appear on each sheet of a preliminary plat or preliminary short plat:

- a. The name of the proposed subdivision, together with the words "preliminary plat";
- b. The name and address of the applicant;
- c. The name, address, stamp and signature of the professional engineer or professional land surveyor who prepared the preliminary plat or short plat;
- d. Numeric scale, graphic scale, true north point and date of preparation;
- e. A form for the endorsement of the ~~planning~~ director, as follows:

EXAMINED AND APPROVED THIS BY RESOLUTION _____ DAY OF
_____, 20____ THE CITY COUNCIL ON (Date) _____

Director, Planning and Development Dept.

Date

f. Legal description of preliminary plat.

2. Existing Geographic Features. Existing geographic features, as detailed in city application requirements, shall be drawn lightly in relation to proposed geographic features.

3. Proposed Geographic Features. Proposed geographic features, as detailed in city application requirements, shall be shown.

4. Additional Information. The following additional information shall be shown on the face of the preliminary plat:

a. For proposed subdivisions involving residential land uses, a table providing the following information for each distinct residential area:

i. Proposed land use (e.g., single-family, duplex, multifamily);

ii. Number of dwelling units;

iii. Gross acreage;

iv. Existing zoning designation;

v. Proposed zoning designation;

vi. Approximate area of smallest lot;

b. Proposed source of domestic water supply;

c. Proposed sewage disposal system;

d. Typical street cross section(s);

e. Proposed storm drainage system;

- i. Identification of the location and type of any storm water low impact development or management facilities;
 - ii. Identification of whether the responsible party for operation and maintenance of a storm water low impact development facility located on private property is the private property owner, a homeowners association, or the city;
- f. For preliminary plats that are related to a planned unit development (PUD), the following information shall also be provided:
- i. The ordinance and contract of the PUD rezone if previously done;
 - ii. The location of perimeter walls and fences on the boundary of the PUD and an indication of the height and materials;
 - iii. The location and size of any entrance signs;
 - iv. A landscaping plan;
 - v. Any covenants not previously approved.

Section 5. Amendment to City Code. Chapter 17.12 of the Auburn City Code be and the same hereby is amended to read as follows:

Chapter 17.12

FINAL SUBDIVISIONS

Sections:

- 17.12.005 Purpose.
- 17.12.010 Application submittal and contents.
- 17.12.015 Review process.

- 17.12.020 Administrative review.
- 17.12.030 ~~City council~~Administrative decision action.
- 17.12.040 Terms of approval.
- 17.12.050 Distribution and filing.
- 17.12.060 Transfer of ownership.
- 17.12.070 Building, occupancy and model home permits.
- 17.12.080 Release of improvement guarantee.
- 17.12.090 Survey requirements.

17.12.005 Purpose.

This chapter establishes specific application materials, review processes and requirements, and terms of approval for final subdivisions.

17.12.010 Application submittal and contents.

A. Application. An application for final subdivision approval meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the planning department, accompanied by the following:

1. Application materials consistent with the requirements of ACC 17.02.065;
2. A copy of the approved preliminary plat;
3. A final plat meeting the requirements of Chapter 58.17 RCW, including certifications, dedications, and title reports;
4. Agency recommendations pursuant to RCW 58.17.150;

5. A recordable survey and surveyor's signature meeting the requirements of Chapter 58.09 RCW and RCW 58.17.250;

6. Proposed list of public improvements that will be incomplete at the time of final plat approval and the associated cost to complete the work. The list shall be used to determine the financial security required as part of the final plat review process. The engineer's certification is required prior to ~~setting the date for consideration by the city council for final plat approval~~ the director's approval of the final plat. The engineer's certification will not be issued until the requirements of ACC 17.14.010 have been met.

B. Preparation. The final plat shall be prepared by a professional land surveyor licensed by the state of Washington. The preparer shall, by placing his or her signature and stamp upon the face of the plat, certify that the plat is a true and correct representation of the land actually surveyed by the preparer, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct.

C. Scale and Format. The final plat shall be drawn with reproducible ink on ~~Mylar~~ any standard material consistent with and conforming to Chapter 58.09 RCW and WAC 332-130-150 and acceptable to the city measuring 18 inches by 24 inches in size ~~with a one inch border on one edge and a one half inch border for the other three edges for projects in King County and measuring 18 inches by 24 inches with a two inch border on the left edge and a one half inch border for the other three edges for projects in Pierce County~~. The final plat shall be accurate, legible and drawn to an engineering (decimal) scale of 100 feet or fewer to the inch. If more than one sheet is required, an index sheet showing the entire subdivision with street and highway names and block numbers (if any) shall be provided. Each sheet, including the index sheet, shall be of the above-specified size and conform to, and compatible with, the Pierce County Auditor's or King County Recorder's recording standards and guidelines. All signatures or certifications appearing on a final plat shall be in reproducible black ink.

D. Final Plat Contents. A final plat shall contain the following information:

1. The name of the subdivision;
2. Legal description of the property being subdivided;
3. Numeric scale, graphic scale, true north point and date of preparation of the final plat;
4. The boundary line of the plat, referenced to city datum in accordance with the city design and construction standards and based on an accurate traverse, with angular and linear dimensions and bearings;
5. The exact location, width and assigned name of all streets, alleys and other public ways within and adjacent to the subdivision;
6. A table depicting the assigned address for each lot within the subdivision;
7. The exact location, width and purpose of all easements and dedications for rights-of-way provided for public and private services and utilities;
8. True courses and distances to the nearest established street lines, or section or quarter section corner monuments which shall accurately locate the subdivision;
9. Municipal, township, county or section lines accurately tied to the lines of the plat by distances and courses;
10. All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet;
11. The radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;
12. The accurate location of each permanent control monument. One such monument shall be located at each and every controlling corner on the boundaries of the parcel of land being subdivided; at each street centerline

intersection, each point of curvature (PC), each point of tangency (PT), and each point of reverse curve (PRC); and at each intersection of a street centerline with a plat boundary. All permanent control monuments shall be marked with the land surveyor's registration number;

13. All plat meander lines or reference lines along bodies of water shall be established above, but not farther than 20 feet from, the high water line of such body;

14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes of such dedication or reservation and any limitations indicated thereon and in the dedication;

15. Accurate outlines of any areas to be reserved by deed covenant for common use of owners of property within the subdivision, together with the purposes of such reservation;

16. Any restrictions or conditions on the lots or tracts within the subdivision, as required by the hearing examiner, or at the discretion of the property owner;

17. The final recorded subdivision plat shall include a notice to the individual property owners and/or the homeowners' association of the location, responsibilities, and requirements associated with storm water low impact development and management facilities;

18. The name and seal of the licensed land surveyor responsible for preparation of the final plat, and a signed certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him or her, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct;

19. A signed certification stating that the subdivision has been made with the free consent, and in accordance with the desires, of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall

contain the dedication of all streets and other areas to the public, any individual or individuals, 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 or maintenance of said street or other areas so dedicated. Such certificate or instrument shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided. An offer of dedication may include a waiver of right of direct access to any street from any property. Such waiver may be required by the city engineer 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 as a quit claim deed to the said donee or grantee for use for the purpose intended by the donation or grant. At the discretion of the city engineer conveyances of right-of-way may be required to be by statutory warranty deed. The acceptance of right-of-way by the city shall not obligate the city to improve or develop the lands in the right-of-way;

20. Forms for the appropriate certifications of the finance director, city engineer and ~~planning~~ director, as follows:

FINANCE DIRECTOR'S CERTIFICATE

I hereby certify that there are no delinquent special assessments for which the property subject to this subdivision may be liable to the city, and that all special assessments on any property herein contained dedicated as streets, alleys or for any other public use have been duly paid, satisfied or discharged, this _____ day of _____, 20____.

Auburn Director of Finance

CITY ENGINEER'S CERTIFICATE

I hereby certify that this final plat is in compliance with the certificate of improvements issued pursuant to ACC 17.14.015, and is consistent with all applicable City improvement standards and requirements in force on the date of preliminary plat approval, this _____ day of _____, 20__.

Auburn City Engineer

COMMUNITY DEVELOPMENT ASSISTANT PLANNING
DIRECTOR'S CERTIFICATE

I hereby certify on this _____ day of _____, 20__, that this final plat is in substantial conformance with the preliminary plat and any conditions attached thereto, which preliminary plat was approved by Resolution Number _____ of the Auburn City Council on the _____ day of _____, 20__, or by the Decision of the Hearing Examiner for the City of Auburn dated on the _____ day of _____, 20__.

Auburn Assistant Planning Director of Community Development

~~21. A form for the approval of the mayor, pursuant to ACC 17.12.030, as follows:~~

APPROVAL

Examined and approved this _____ day of _____, 20__, pursuant to City Ordinance Number _____, adopted by the Auburn City Council on the _____ day of _____, 20__.

Mayer

ATTEST:

~~Auburn City Clerk~~

2221. A form for the certificate of the applicable (King/Pierce) county finance division, as follows, or as required by the applicable county, if different:

FINANCE DIVISION CERTIFICATE

I hereby certify that all property taxes are paid, that there are no delinquent special assessments certified to this office for collection, and that all special assessments certified to this office for collection on any of the property herein contained dedicated as streets, alleys or for other public use are paid in full this ___ day of _____, 20__.

Manager

Deputy

2322. A form for the approval of the applicable (King/Pierce) county assessor, as follows, or as required by the applicable county, if different:

ASSESSOR'S APPROVAL

Examined and approved this _____ day of _____, 20__.

County Assessor

Deputy County Assessor

Account number

2423. A form for the certificate of the applicable (King/Pierce) county recorder, as follows, or as required by the applicable county, if different:

RECORDING CERTIFICATE

Filed for record at the request of the City of Auburn this _____ day of _____, 20__ at _____ minutes past _____ .M., and recorded in Volume _____ of Plats, page _____ Records of (King or Pierce) County, Washington.

County Recording Number _____.

Manager

Superintendent of Records

2524. Any additional pertinent information as required at the discretion of the city engineer or ~~planning director~~ as defined in this Title.

17.12.015 Review process.

A final plat shall be reviewed in accordance with ACC Title 14 as a Type V-I decision.

17.12.020 Administrative review.

~~A. Upon receipt of a final plat for council approval, the director shall place the final plat on the next council agenda that allows for at least 10 working days of staff review prior to the council meeting.~~

AB. The director shall forward the plat to the city engineer and to other city departments for review. The city engineer shall review the final plat and determine if it is in compliance with the certificate of improvements issued under ACC 17.14.015, is consistent with all applicable city improvement standards and requirements in effect on the date of preliminary plat approval.

BC. ~~Prior to the date at which the council will consider the final plat, the director shall forward to the council the original of the final plat, along with the planning agency's report which discusses the conformity or nonconformity of the final plat with:~~ The director, or designee, shall review the final plat for consistency with the terms and conditions of the preliminary plat approval; the requirements of Chapter 58.17 RCW and other applicable state laws in effect at the time of preliminary plat approval; and the requirements of this title in effect at the time of preliminary plat approval.

17.12.030 ~~City council action~~ Administrative decision action.

~~The city council shall have sole authority to approve final plats. The council~~director shall approve, disapprove, or return to the applicant for modification or correction, a proposed final plat within 30 days of the date of filing a complete application, ~~on the date of the meeting set for consideration of the final plat under ACC 17.12.020(A);~~ unless the applicant agrees, in writing, to an extension of the time period provided by RCW 58.17.140. If the ~~council~~director finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and the said subdivision meets the requirements of Chapter 58.17 RCW, other applicable state laws, and this title, which requirements were in effect on the date of preliminary plat approval, ~~it~~the director shall ~~direct and authorize the mayor to suitably inscribe and execute it~~sa written approval on the face of the final plat.

17.12.040 Terms of approval.

A subdivision shall be governed by the terms of approval of the final plat, and the zoning ordinance and regulations in effect on the date of preliminary plat approval for a period of five years after final plat approval unless the hearing examiner finds that a change in conditions creates a serious threat to the public health or safety in the subdivision; provided, that for any final plat ~~approval~~approved before January 1, 2015 it is vested for a period of 7 years from final plat approval and if approved prior to January 1, 2008, it is vested for a period of 10 years from final plat approval~~in effect on June 10, 2010, through December 31, 2014, the terms of approval shall be for a period of seven years following the date of the notice.~~

17.12.050 Distribution and filing.

~~The director shall distribute the original and copies of the approved final plat as follows:~~

~~A. The original shall be forwarded to the appropriate county office for recording. The An original of the plat must be recorded the appropriate county office within 30 days or the plat shall become null and void. A recorded Mylar certified copy on any standard material acceptable to the city shall be returned to the city and kept with the city's records;~~

~~B. Two paper copies shall be transmitted to the county assessor;~~

~~C. One reproducible copy shall be retained in the files of the department;~~

~~D. One reproducible copy shall be provided to the applicant.~~

17.12.060 Transfer of ownership.

Whenever any parcel of land lying within the city is divided under the provisions of this title, no person, firm or corporation shall sell or transfer, or offer or advertise for sale or transfer, any such lot, tract or parcel without having first had an approved final plat of such subdivision filed for record, except as provided by ACC 17.10.090.

17.12.070 Building, occupancy and model home permits.

A. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved subdivision prior to a determination by the fire marshal that adequate fire protection for construction needs exists.

B. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved subdivision until:

- 1. The minimum required improvements which will serve the subject lot or parcel have been constructed in accordance with ACC 17.14.070; and**
- 2. All remaining improvements have been financially guaranteed under the requirements of ACC 17.14.010.**

C. Prior to final plat approval of an approved preliminary plat, building permits for model homes may be granted by the building official subject to the following conditions:

- 1. Model homes are single-family dwellings as defined by ACC 18.04.340(A). The purpose of a model home is for sales promotion and display of homes that will be typically built within a subdivision and are open to the public for viewing.**
- 2. Up to two model homes may be allowed for preliminary plats up to 20 lots. Up to four model homes may be allowed for preliminary plats in excess of 20 lots.**
- 3. All model homes shall be served by an all weather surface access as approved by the city engineer and fire marshal.**
- 4. All model homes shall be located within 300 feet of an operating fire hydrant as determined and approved by the fire marshal.**
- 5. Prior to the public being allowed to access a model home, written permission must be received from the building official.**

6. Information must be submitted with the final plat application that indicates the model home meets all applicable zoning code standards of the lot on which it is located.

D. Where a plat is approved subject to conditions, no building permit shall be issued for property subject to the subdivision prior to the conditions either being fulfilled or guarantees provided to ensure the conditions are met.

17.12.080 Release of improvement guarantee.

A. If a financial security for the improvements has been submitted under ACC 17.12.070 or 17.14.010, such guarantee shall only be released upon acceptance by the city of a properly executed bill of sale for such improvements and submittal of adequate record drawings for which the guarantee was submitted.

B. A portion of the guarantee equivalent to 10 percent of the value of the public improvements guaranteed shall be retained as a maintenance guarantee by the city for a minimum period of one year from the date the city engineer certifies the completion of the plat improvements have been satisfied, to ensure the adequate operation of such improvements, following which any unused portion of such guarantee shall be released. This shall be consistent with the facility extension provisions of ACC Title 13 (Water, Sewers and Public Utilities).

17.12.090 Survey requirements.

A. A licensed professional land surveyor shall complete all lot staking prior to the recording of the final subdivision.

B. All lot corners, including interior lot corners, shall be marked with a permanent marker that bears the land surveyor's registration number. When the boundary lines follow a meandering line, the corners shall be set as directed by the city of Auburn.

C. When the legal description of the final subdivision utilizes partial or complete section subdivisional breakdown to establish the boundaries, section subdivision survey information shall be shown in accordance with the requirements of WAC 332-130-030.

D. All reference monuments used in the establishment of the final subdivision corners shall be identified, described and noted as set or found. When appropriate, the survey shall reference previous surveys that served as the basis for the survey.

E. When the final subdivision is adjacent to a constructed public right-of-way and the plat corners or its offset represent a quarter corner, section corner or donation land claim that is not of record or has been lost (or obliterated), a standard monument shall be placed.

F. Whenever a final subdivision is adjacent to existing right-of-way, the centerline of the right-of-way shall be located on the plat drawing. If the constructed improvements fall outside of the documented right-of-way, the surveyor shall identify the existing edge of the pavement and limits of the maintained right-of-way section on the drawing and show its relationship to said centerline.

G. All requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed that reads:

THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND
GUIDELINES OF THE "SURVEY RECORDING ACT"
CHAPTER 58.09 RCW AND WAC 332-130.

H. The side lot lines of each lot, which if extended would intersect with the curb, shall be marked on the curb. The offset distance from the curb mark to the property corner shall be noted on the face of the plat. Curb pins shall be marked with a permanent marker bearing the land surveyor's registration number.

Section 6. Amendment to City Code. That Section 17.14.010 of the Auburn City Code be and the same hereby is amended to read as follows:

17.14.010 Improvement Methods

Following preliminary plat approval and approval of all plans required by this chapter, ~~and prior to setting the date for consideration by the city council for~~ and prior to final plat approval, the applicant/plat developer shall guarantee the public improvements required for the plat are completed by one of the following methods:

A. By completion of construction of the minimum required plat improvements in conformance with ACC 17.14.070 (minimum improvement requirements) and furnishing to the city an assignment of funds or an irrevocable letter of credit or guarantee bond or other similar security satisfactory to the city engineer, in which assurance is given the city that the installation of the remaining required public improvements will be carried out as provided by plans submitted and approved pursuant to this chapter and in accordance with the city's design and construction standards, and under the supervision of the city engineer.

1. The amount of the assignment of funds or irrevocable letter of credit or other security shall be 150 percent of the estimated construction cost of all remaining required public improvements, as determined by the applicant and approved by the city engineer. A substantial portion of the remaining required public improvements, subject to the satisfactory security, shall be completed within the initial 12-month period of the satisfactory security for the plat improvements. The remainder of the improvements shall be completed within six months. During construction, the city engineer may allow a partial release of the financial security as construction progresses:

- a. The city engineer shall allow not more than one partial release of the financial security during plat construction;
- b. The sequencing of the partial release of the financial security is to be determined by the city engineer prior to the acceptance of the security.

2. The city engineer may allow a single incremental six-month extension of the satisfactory security time frame, beyond the initial 18-month period, if there are unforeseen circumstances, beyond the control of the plat developer, that do not allow the completion of the public improvements.

3. As a condition of the plat improvement permitting approval, the developer shall agree that in the case of the developer's default or failure to complete the improvements as per the approved plans and conditions, including time schedules, the city shall have the authority to complete the construction of public improvements utilizing the above-described satisfactory security.

4. The city engineer may further agree to allow the developer to utilize assignment of funds or irrevocable letter of credit or other security acceptable to the city engineer to cover the minimum warranty period.

B. By the formation of a local improvement district consistent with the provisions of Chapter 3.20 ACC and any other applicable requirement of the city and the state.

C. By actual installation of the required improvements in accordance with the provisions of this chapter, and in accordance with the city's design and construction standards and under the supervision of the city engineer.

D. By a combination of these methods.

E. For any of the above combinations of methods, other than subsection C of this section, the plat developer shall execute and record against the plat properties a statement approved by the city attorney which holds the city harmless and limits the city's financial obligation to construct any defaulted private utility facilities and public infrastructure for streets, water utility, sanitary sewer utility, or storm water utility systems to the face value of the bond shall be memorialized on the plat documents. The statement shall also recognize the city's reserved, unilateral rights to establish the schedule for construction of defaulted plat infrastructure. Such statements shall be legally binding upon the heirs and assigns of the developer, subsequent property owners and their heirs and assigns.

Section 7. Amendment to City Code. That Section 17.22.030 of the Auburn City Code be and the same hereby is amended to read as follows:

17.22.030 Public hearing.

The hearing examiner shall conduct a public hearing pursuant to ACC 2.46.130 on the application for a vacation and may recommend to ~~recommend to the city council to~~ approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. The ~~city council~~ director shall ~~adopt by ordinance any approval of a then examine and approve~~ the vacation pursuant to this chapter.

Section 8. Amendment to City Code. That Section 17.22.040 of the Auburn City Code be and the same hereby is amended to read as follows:

17.22.040 Title to vacated property.

A. 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 council~~ director shall set forth findings that the public use would not be served in retaining title to those lands.

B. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the ~~city council~~ director has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the ~~city council~~ director. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

C. If it is necessary to retain an easement through any portion of vacated property, the easements shall be properly executed and recorded concurrent with the ordinance approving the vacation.

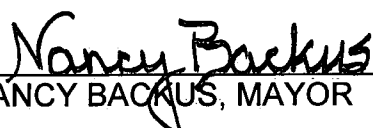
Section 9. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 10. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 11. Effective date. This Ordinance shall be in full force and effect on July 23, 2017 and five days after its passage, approval and publication as provided by law.

INTRODUCED: JUN 19 2017
PASSED: JUN 19 2017
APPROVED: JUN 19 2017

CITY OF AUBURN



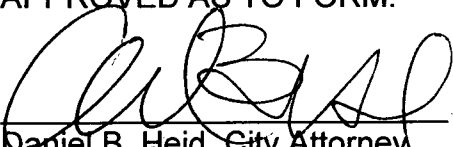
NANCY BACKUS, MAYOR

ATTEST:



Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: 06/22/2017 in the *Seattle Times*