

PROPOSED ORDINANCE REVISIONS
FOR RESIDENTIAL INFILL POLICY

Section 6.110

WAIVER OF RIGHT TO REMONSTRATE

(A) Application for Residential Dwelling Unit(s) and Certain Planning Actions Not Including a Partition Involving Residential Development

Effective February 12, 2007, an applicant who submits a request for a single family dwelling building permit or a single family accessory structure will not be required to execute a waiver of remonstrance agreement for the formation of a local improvement district. Waivers of remonstrance shall be required for planning actions and for other building permit applications if the proposed development would increase any traffic flow on any street not fully improved to City standards. Waiver of remonstrance agreements executed prior to February 12, 2007, shall be processed under the provisions of Resolution No. 07-007, establishing an implementation policy for the City Council for local improvement districts under General Ordinance No. 91-1127.

In the event the Director has determined, pursuant to a review of the applicable criteria set forth in Section 3 of Resolution No. 07-007, that installation of full street improvements (including paving, curb, gutter, sidewalk, sanitary sewer, water, and where applicable, storm sewer), is not required at the time of development, the applicant submitting the request for the building permit for a new residential unit or units, or for a planning action, shall pay the amount established by the City annually on a front footage basis, into the City's local improvement fund, subject to any provision for multi-frontage lot relief.

(B) Application for Partition Involving Residential Development

If the applicant for a partition of either a residentially zoned property or a non-residentially zoned property on which an existing residential structure is located does not pre-pay for the cost of applicable street improvements (including paving, curb, gutter, sidewalk, sanitary sewer, water, and where applicable, storm sewer) pursuant to Section 9.030.050(B)(2)(b)(1)(a), the applicant shall execute a waiver of remonstrance for each lot resulting from the partition. Such waiver shall become effective upon the date the final partition plat is recorded. In the event the City adopts a resolution declaring an intent to form a local improvement district ("LID") to construct the required improvements, which LID includes the property subject to the partition application, the owner(s) of the subject property at the time of consideration of the resolution declaring the intent to form the LID shall not be entitled to remonstrate against the proposed LID pursuant to the waiver of remonstrance executed under Section 9.030.050(B)(2)(b) and the dollar amount of the proposed assessment for the subject property shall not be

counted for the purpose of determining whether there are sufficient remonstrances to suspend the formation of the proposed LID

9.030.050 Final Partition Plat Review

B. Review of Final Partition Application

2. (a) For a partition of non-residentially zoned property, on which no existing residential structure is located, any required street improvements (including paving, curb, gutter, sidewalk, sanitary sewer, water, and where applicable, storm sewer) shall be subject to the Agreement for Improvement provisions in *Section 9.040.060(H): Installation of Required Improvements*.
- (b) For a partition of a vacant parcel of property which is zoned for residential development, or a partition of a parcel upon which an existing residential structure is located, the applicant shall be responsible for the costs of installation of any required street improvements as described above in subsection (a), for the full frontage of the parcel which is being partitioned less any applicable multi-frontage relief. The obligation to pay for the costs of these required street improvements attaches as of the date when the final partition plat is recorded. Prior to approval of the final plat, the applicant shall have either pre-paid for the required street improvements or executed a waiver of remonstrance for the required street improvements for each lot resulting from the partition pursuant to subsection (1) below.
 - (1) The applicant for the forms of partitions described above in subsection (b) shall have three options for paying the costs of the required street improvements, which are listed below:
 - (a) Pay the costs of the improvements prior to the date the final partition plat is recorded. If the applicant selects this payment option, no waiver of remonstrance is necessary.
 - (b) Pay the costs of the improvements at any time between the occurrence of the events described in subsections (a) and (c). If the applicant selects this payment option, the City shall record a release satisfying the obligations in the waiver(s) of remonstrance on the lot(s) that are subject to the payment.
 - (c) Pay the costs of the required street improvements upon the first occurrence of either of the following events:
 - (1) In the case of the partition of a vacant parcel, issuance of a building permit for construction of a

residential dwelling unit; and in the case of the partition of a parcel with an existing residential structure, issuance of a building permit for an additional residential dwelling unit.

- 2) Adoption by the City Council of a resolution announcing the intention to proceed with the formation of a local improvement district (“LID”) for the construction of the required street improvements, which LID includes the parcel that was the subject of the partition application.

C. Final Plat Approval. Prior to final approval, the City shall be assured that:

1. For a partition of non-residentially zoned property, on which no existing residential structure is located, the applicant has installed, agreed to install for nonresidential development, or has gained approval to form an improvement district for installation of required improvements in accordance with the provisions of *Chapter 10: Improvements Required with Development*. Improvements that may be required include street, street lights or other signals, sanitary sewer, storm drainage, water, pedestrian way and bikeway improvements, electrical power, natural gas, cable television, telephone service, and other improvements required with the partition application.
2. For a partition of a vacant parcel which is zoned for residential development, or a partition of a parcel of property upon which an existing residential structure is located, the applicant’s responsibility for the costs of installing required street improvements shall occur in accordance with the provisions of Section 9.030.050(B)(2).

Note: The current subsections (C)(2) through (5) would be renumbered (3) through (6).