

ORDINANCE NO. 163
LAND DIVISIONS

AN ORDINANCE ADOPTING LAND DIVISION REQUIREMENTS AND REPEALING
ORDINANCE NOS. 149 AND 149A

WHEREAS, the Board of Pacific County Commissioners adopted the 2010 Pacific County Comprehensive Plan on October 26, 2010 following a lengthy update process;

WHEREAS, Pacific County is required to update its existing development regulations to ensure consistency with the 2010 Pacific County Comprehensive Plan;

WHEREAS, Ordinance No. 163 constitutes one of the development regulations that needs to be enacted under the Pacific County Comprehensive Plan and the GMA;

WHEREAS, Ordinance No. 163 will effectuate the intent of the Pacific County Comprehensive Plan and the Washington State Growth Management Act, Chapter 36.70A RCW, regarding divisions of land;

WHEREAS, Ordinance No. 149 was originally adopted by the Board of Commissioners on August 24, 1999 and amended by Ordinance No. 149A on July 8, 2008;

WHEREAS, Ordinance No. 163 will integrate land division regulations and make them more orderly;

WHEREAS, Ordinance No. 163 protects the environment without being unduly burdensome on land developers; and

WHEREAS, Ordinance No. 149 as amended by Ordinance No. 149A needs to be rescinded and merged into a new primary Ordinance No. 163;

NOW THEREFORE, IN ACCORDANCE WITH CHAPTER 36.32 RCW, CHAPTER 36.70 RCW AND CHAPTER 36.70A RCW IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS, PACIFIC COUNTY, WASHINGTON, THAT ORDINANCE NO. 163 IS ADOPTED AS FOLLOWS:

SECTION 1 - PREAMBLE

A. GENERAL PURPOSE

In addition to those purposes set forth in RCW 58.17.010, the following purposes are also essential to the regulation of the division of land within the unincorporated areas of Pacific County:

1. To promote the effective utilization of land;
2. To make adequate provision for the housing, commercial, and industrial needs of the County;

3. To prescribe procedures for the division of land in accordance with adopted ordinances and the County Growth Management Act (GMA) Comprehensive Plan;
4. To provide for the effective processing of land division applications without undue delay; and
5. To allow large lot land divisions to be processed with a level of review commensurate with their impact on the environment.

B. SPECIFIC INTENT

In regulating subdivisions, large lot subdivisions, and short subdivisions, it is the specific intent of Pacific County:

1. To promote orderly division and development of lots;
2. To provide adequate fire access to homes;
3. To provide adequate roadways and easements to serve developable lots;
4. To promote orderly development and establishment of roadways and easements to provide for adequate and safe traffic circulation and to meet future development and roadway needs;
5. To ensure that sewage disposal systems are adequate to support future construction;
6. To provide adequate drainage from roadways and easements; and
7. To effectuate the land division standards pertaining to the creation of new lots that are contained in the County GMA Comprehensive Plan.

SECTION 2 - DEFINITIONS

A. GENERAL

Unless specifically defined in Subsection 2.B. of this Ordinance, words and phrases shall be given the meaning ordinarily attributed to them. When not inconsistent with the context, words used in the present tense include the future; singular includes the plural, and the plural includes the singular; the word "shall" is always mandatory; the word "may" is permissive; and the word "should" indicates that which is recommended, but not required.

B. SPECIFIC TERMS

1. Abut - "Abut" means to adjoin or to touch.
2. Administrator - "Administrator" means the director of the Pacific County Department of Community Development or his or her designee.

3. Agricultural Lands of Long-Term Commercial Significance - “Agricultural Lands of Long-Term Commercial Significance” mean land that is categorized as agricultural land of long-term commercial significance under Pacific County Critical Areas and Resource Lands Ordinance No. 147, or any amendments thereto.
4. Alley - “Alley” means a strip of land dedicated to public use, providing vehicular and pedestrian access to the rear side of properties which abut and are served by a public road.
5. Area, Gross - “Gross Area” means the total square feet of land contained in a proposed division of land, minus any existing dedicated rights-of-way abutting or within the proposed division of land.
6. Assessor - “Assessor” means the Pacific County Assessor.
7. Auditor - “Auditor” means the Pacific County Auditor.
8. Binding Site Plan – “Binding Site Plan” means a drawing to a scale or one inch equals one hundred feet (1” = 100’) which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, wetlands, drainage areas, and any other matters related to the site; (b) Contains inscriptions or attachments setting forth appropriate limitations and conditions for the use of the land as established by Pacific County; and (c) Contains provisions for making any development conform to the site plan.
9. Block - “Block” means a group of lots within well defined and fixed boundaries.
10. Board - “Board” means the legislative authority of Pacific County.
11. Building Unit - “Building Unit” means a development project that will produce a unit volume of sewage.
12. Cluster – “Cluster” means that building units can be placed on lots that are smaller than the required density under a specific land use designation, provided that the overall division of land in question on average meets or exceeds the relevant density requirements.
13. County - “County” means Pacific County, Washington.
14. County Engineer - “County Engineer” means the Pacific County Engineer, or his or her designee.
15. Dedication - “Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself 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 by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat or short plat for filing by Pacific County.

16. Division of Land - "Division of Land" means an alteration of lot boundary line(s) via a short subdivision, a subdivision, a large lot subdivision, a boundary line adjustment, or alternate mechanism that changes at least one (1) boundary line.
17. Easement - "Easement" means a grant by a property owner to specific persons or to the public to use land for specific purpose(s). The right to use an easement does not depend on the ownership of the land.
18. Final Plat - "Final Plat" means the final drawing of a subdivision/large lot subdivision and dedication, prepared for filing for record with the Auditor and containing all elements and requirements set forth in this Ordinance and in State law.
19. Final Short Plat - "Final Short Plat" means the final drawing of a short subdivision and dedication, prepared for filing for record with the Auditor and containing all elements and requirements set forth in this Ordinance and in State law.
20. Improvement Plans - "Improvement Plans" mean the technical drawings of the design and proposed construction of such items as streets, water and sewer systems, drainage detention systems, and on-site septic systems.
21. Land Surveyor - "Land Surveyor" means a person authorized to practice the profession of land surveying under the provisions of Chapter 18.43 RCW.
22. Local Health Officer - "Local Health Officer" means the Health Officer appointed by the Pacific County Board of Health pursuant to RCW 70.05.040 and RCW 70.05.050, or a representative authorized by and under the direct supervision of the appointed Health Officer.
23. Lot - "Lot" means a fractional part of divided lands having fixed boundaries. The term "lot" includes tracts, parcels, sites, or other divisions of land.
24. Large Lot Subdivision - "Large Lot Subdivision" means a subdivision in which every lot is greater than or equal to five (5) acres.
25. Open Space - "Open Space" means land included in a division of land which is permanently set aside for scenic, conservation or recreational purposes, either active or passive, for the benefit and enjoyment of the general public or the owners of the lots within a division of land. Open space may include, but is not necessarily limited to, parks, greenbelts, natural preserves, steep slopes, uplands adjacent to water bodies, swamps, and peat bogs.
26. Owner - "Owner" means the person(s) in whom is vested the ownership, dominion or title of property.
27. Person - "Person" means an individual, a partnership (including partners and managers), a corporation (including board members, officers, and managers), or any other entity of any kind. Person also includes an applicant, a reapplicant, a permit holder, an authorized agent of any entity, or any third party acting on behalf of any entity.

28. Plat - “Plat” means a map or representation of a subdivision or large lot subdivision, showing thereon the division of land into lots, blocks, streets, and alleys, or other divisions and dedications.
29. Preliminary Plat - “Preliminary Plat” means a neat and approximate drawing of a proposed subdivision or large lot subdivision showing the general layout of streets and alleys, lots, blocks, restrictive covenants applicable to the subdivision or large lot subdivision, and other elements of a subdivision or large lot subdivision which constitute the basis for approving or disapproving the general layout of a subdivision or large lot subdivision.
30. Preliminary Short Plat - “Preliminary Short Plat” means a neat and approximate drawing of a proposed short subdivision showing the general layout of streets and alleys, lots, blocks, restrictive covenants applicable to the short subdivision, and other elements of a short subdivision which constitute the basis for approving or disapproving the general layout of a short subdivision.
31. Prosecuting Authority - “Prosecuting Authority” means the Pacific County prosecuting attorney, his or her or deputies and assistants, or such other persons as may be designated by statute.
32. Redivision - “Redivision” means a division of land where the land, in whole or in part, has been previously subject to a short subdivision, a subdivision, a large lot subdivision, a boundary line adjustment, or an alternate mechanism that changed at least one (1) boundary line.
33. Regulation - “Regulation” means a statute. “Regulation” also means an administrative rule or adjudicatory decision which is adopted under the authority of the Pacific County Board of Health, the Board of Supervisors of Pacific County Flood Control District No. 1, the Pacific County Board of Commissioners, the State of Washington, or the Federal government.
34. Road - “Road” means an improved and maintained public right-of-way which provides vehicular circulation or principal means of access to abutting properties and which may also include provisions for public utilities, pedestrian walkways, public open space and recreation areas, cut and fill slopes, and drainage.
35. SEPA - “SEPA” means the State Environmental Policy Act, Chapter 43.21C RCW.
36. Short Plat - “Short Plat” means a map or representation of a short subdivision.
37. Short Subdivision - “Short Subdivision” means the division or redivision of land into four (4) or fewer lots, for the purpose of sale, lease, or transfer of ownership.
38. Special Category Lot - “Special Category Lot” means a lot that is below ordinary high water, a lot that is categorized as agricultural land of long-term commercial significance, a lot whose sole purpose is to provide water, sewer, power, communication utilities, a wetland bank, a public park, and/or a lot that is otherwise set aside for preservation.

39. Statute - "Statute" means any Ordinance of the Pacific County Board of Health, the Pacific County Flood Control Zone District No. 1, the Pacific County Board of Commissioners, or any State or Federal law.
40. Subdivision - "Subdivision" means the division or redivision of land into five (5) or more lots, for the purpose of sale, lease or transfer or ownership.
41. Technically Complete - "Technically Complete" means that an application pertaining to a division of land meets the requirements of Section 5 of Ordinance No. 164, or any amendments thereto.
42. Unit Volume of Sewage - "Unit Volume of Sewage" means:
 - a. A single family residence;
 - b. A mobile home site in a mobile home park; or
 - c. Four Hundred Fifty (450) gallons of sewage per day where the proposed development is neither a single family residence nor a mobile home park.
43. Urban Growth Area - "Urban Growth Area" means that area designated by Pacific County pursuant to RCW 36.70A.110.

SECTION 3 - GENERAL REQUIREMENTS

A. APPLICABILITY

All nonexempt divisions of land shall be subject to the provisions of this Ordinance. Short subdivisions shall be processed in accordance with Section 4 of this Ordinance, subdivisions shall be processed in accordance with Section 5 of this Ordinance, and large lot subdivisions shall be processed in accordance with Section 6 of this Ordinance.

B. EXEMPTIONS

The Administrator shall make the initial determination on whether a proposed land division qualifies as an exemption under the provisions of this Section. The provisions of this Ordinance shall not apply if the Administrator determines that a division of land exclusively pertains to:

1. Cemeteries and other burial plots while used for that purpose;
2. The actions of governmental agencies, such as condemnation for road construction purposes;
3. Testamentary provisions, or the laws of descent;
4. Special category lots. For this exemption to apply, the applicant must record with the Auditor:
 - a. A survey and legal description of the property; and

- b. A dedication that limits the use of the property to one or more of the purposes of special category lots listed in Subsection 2.B.38 of this Ordinance.

If good cause is shown, the survey requirement under Subsection 3.B.4.a. of this Ordinance may be waived by the Administrator.

- 5. A division of land for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land, if Pacific County has approved a binding site plan (see Subsection 3.G.).
- 6. For land outside an urban growth area, or outside the Remote Rural or the Forest Lands of Long-Term Commercial Significance land designations, as determined according to the Pacific County Growth Management Comprehensive Plan, the following division of land is allowed provided all of the following are met:
 - a. The party seeking the land division exemption has submitted a survey by a land surveyor that meets the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC;
 - b. The maximum number of land divisions considered under this exemption shall not exceed a total of three (3) lots, each of which is equal to or greater than ten (10) acres in size. Any proposed land division in excess of this number shall comply with the Subdivision or Large Lot provisions of this Ordinance;
 - c. The minimum width of each lot shall not be less than two hundred fifty (250) feet. For the purpose of this Subsection, the minimum width of any lot shall be determined using the shortest side of the lot; and
 - d. Land divisions relying on private roads or driveways for access shall record a private road maintenance agreement with the survey.
- 7. For land that is within the Remote Rural land designation as determined according to the Pacific County Growth Management Comprehensive Plan, the following division of land is allowed provided all of the following are met:
 - a. The party seeking the land division exemption has submitted a survey by a land surveyor that meets the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC;
 - b. The maximum number of land divisions considered under the exemption shall not exceed three (3) lots, each of which is equal to or greater than twenty (20) acres in size. Proposed land divisions in excess of this number shall comply with the Subdivision or Large Lot provisions of this Ordinance;
 - c. The minimum width of each lot shall not be less than five hundred (500) feet. For the purpose of this Subsection, the minimum width of any lot shall be determined using the shortest side of the lot; and

- d. Land divisions utilizing private roads or driveways for access shall record with the survey a private road maintenance agreement.
8. For land that is within the Forest Land of Long-Term Commercial Significance designation as determined according to the Pacific County Growth Management Comprehensive Plan, the following division of land is allowed provided all of the following are met:
 - a. The party seeking the land division exemption has submitted a survey by a land surveyor that meets the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC;
 - b. The minimum lot size in the Forest Land of Long-Term Commercial Significance is forty (40) acres; and
 - c. The minimum width of each lot shall not be less than five hundred (500) feet. For the purpose of this Subsection, the minimum width of any lot shall be determined using the shortest side of the lot.
 9. If a person only seeks to create one (1) additional lot on land that is not within an urban growth area or not within the land types of Forest Land of Long-Term Commercial Significance or Remote Rural as determined according to the Pacific County Growth Management Comprehensive Plan map, the minimum lot size may be reduced to a minimum area of five (5) acres provided all of the following are met:
 - a. The party seeking the land division exemption has submitted a survey by a land surveyor that meets the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC;
 - b. The parent parcel from which the proposed five (5) acre parcel is to be segregated from was in existence in its current configuration as of the original adoption date of Ordinance No. 149 (8/24/99);
 - c. The proposed lot contains a minimum width of two hundred (200) feet; and
 - d. Land divisions relying on private roads or driveways for access shall record a private road maintenance agreement with the survey.

C. BOUNDARY LINE ADJUSTMENTS

Boundary line adjustments are also exempt from the provisions of this Ordinance if the Administrator determines that:

1. The party seeking a boundary line adjustment has paid any required review fee;
2. The proposed boundary line adjustment does not create any additional lot(s), nor create any lot which contains insufficient area and dimension to meet minimum requirements for width and area of a building site; and

3. The party seeking a boundary line adjustment has submitted a survey by a land surveyor that meets the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC. If good cause is shown, the survey requirement under this Subsection may be waived by the Administrator.

D. EXEMPTION LIMITATION

1. Notwithstanding any exemption listed in this Ordinance, a lot which is created as a result of an exemption shall never contain a building unit unless all land use and health regulations are met.
2. No use/construction shall occur on an exempt special category lot that is inconsistent with the purpose(s) for which the exempt special category lot was created.

E. DENSITY AND LOT DIMENSION/DEVELOPMENT REQUIREMENTS

1. Rural Land.

Proposed divisions of land that are not within an urban growth area shall meet the following density requirements:

<u>Land Type</u>	<u>Density Requirements</u>
Rural Village	No more than one (1) building unit is allowed for every gross acre in a land division; building units may be “clustered” provided that other land use and health regulations are met; no land divisions can occur with less than two (2) gross acres, unless only one (1) of the lots thereby created is designated as being able to contain a building unit.
Shoreline Development	No more than one (1) building unit is allowed for every gross acre in a land division; building units may be “clustered” provided that other land use and health regulations are met; no land divisions can occur with less than two (2) gross acres, unless only one (1) of the lots thereby created is designated as being able to contain a building unit.
Rural Activity Center	No more than one (1) building unit is allowed for every gross acre in a land division; building units may be “clustered” provided that other land use and health regulations are met; no land divisions can occur with less than two (2) gross acres, unless only one (1) of the lots thereby created is designated as being able to contain a building unit.
Community Crossroads	No more than one (1) building unit is allowed for every gross acre in a land division; building units may be “clustered” provided that other land use and

health regulations are met; no land divisions can occur with less than two (2) gross acres, unless only one (1) of the lots thereby created is designated as being able to contain a building unit.

General Rural

No more than one (1) building unit is allowed for every five (5) gross acres in a land division; building units may be “clustered” provided that other land use and health regulations are met; no land divisions can occur with less than ten (10) gross acres, unless only one (1) of the lots thereby created is designated as being able to contain a building unit.

Rural Agriculture

No more than one (1) building unit is allowed for every five (5) gross acres in a land division, unless overridden by the Pacific County Zoning/Land Use Ordinance; building units may be “clustered” provided that other land use and health regulations are met; no land divisions can occur with less than ten (10) gross acres, or as otherwise determined by the Pacific County Zoning/Land Use Ordinance, unless only one (1) of the lots thereby created is designated as being able to contain a building unit.

Remote Rural

No more than one (1) building unit is allowed for every ten (10) gross acres in a land division; building units may be “clustered” provided that other land use and health regulations are met; no land divisions can occur with less than twenty (20) gross acres, unless only one of the lots thereby created is designated as being able to contain a building unit.

Transitional Forest

No more than one (1) building unit is allowed for every five (5) gross acres in a land division; building units may be “clustered” provided that other land use and health regulations are met; no land divisions can occur with less than ten (10) gross acres, unless only one of the lots thereby created is designated as being able to contain a building unit; building units also must be able to be placed in a manner that complies with the minimum setback requirements contained in the Pacific County Critical Areas and Resource Lands Ordinance.

Forest Land of Long -Term
Commercial Significance

No more than one (1) building unit is allowed for every forty (40) gross acres in a land division; building units shall not be “clustered”; no land divisions can occur with less than eighty (80) gross acres.

2. Urban Land.

Proposed divisions of land that are outside of a city but within an urban growth area shall be required to have one (1) or more building units for each one quarter (¼) acre in a land division.

3. Land designated as Public Preserve, or Military Reservation on the Pacific County Growth Management Comprehensive Plan map which is attached to this Ordinance as the Appendix shall not be divided unless a variance is approved.

4. In determining the number of building units that can or must be associated with a subdivision, a large lot subdivision, or short subdivision, the acreage of any special category lots that will be created shall be included in making this determination.

5. The land type shall be determined according to the Pacific County Comprehensive Plan map which is attached to this Ordinance as the Appendix. If there is a question regarding the exact location of a boundary line, the Pacific County GIS Comprehensive Plan Database which is on file with the Pacific County Department of Public Works shall be consulted.

6. When a division of land not exempt under this Ordinance is approved by the County, the face of the short plat, plat, building site plan, or boundary line adjustment must describe the degree to which each newly created lot is capable of being redivided given the density requirements in Subsection 3.E. For any division of land not exempt under this Ordinance, the proponent of the land division must specify how the available density under Subsection 3.E. shall be allocated to the newly created lots. This determination by the proponent of the land division shall dictate which newly created lots may be redivided in the future.

7. No building unit shall be located or constructed on any lot which is created by a division of land, unless all other land use and health regulations are met.

8. All newly created lots that are greater than or equal to five (5) acres in size shall have a minimum width of one hundred fifty (150) feet. All newly created lots that are less than five (5) acres in size (except in urban growth areas) shall have a minimum width of one hundred (100) feet. For the purpose of this Subsection, the minimum width of a lot shall be determined using the shortest side of the lot.

9. No use/construction shall occur on a special category lot that is inconsistent with the purpose for which the special category lot was created.

F. REDIVISION

1. Subject to Subsection 3.F.2. of this Ordinance, any division of land which occurs after the effective date of this Ordinance shall not be redivided unless the requirements listed in Subsection 3.E. of this Ordinance are met.

2. Redivision of divisions of land that legally existed or were vested on the effective date of this Ordinance may be allowed if the number of lots created by the

redivision is less than or equal to the number of lots that existed before the redivision.

3. No building unit shall be located or constructed on any lot which is created by a redivision of land, unless all other land use and health regulations are met.

G. BINDING SITE PLANS

1. Binding site plans may only be approved for land that will be used for commercial or industrial purposes or for land that will contain a Recreational Vehicle Park or a Mobile Home Park.
2. An application for a binding site plan shall be filed with the Administrator and shall contain all of the information listed in Subsections 5.B. and 5.C. of this Ordinance. When the Administrator determines that a binding site plan application is technically complete, the Administrator shall process the application as a Type III process according to the requirements of Ordinance No. 164, or any amendments thereto.
3. The Administrator may approve an application for a binding site plan after a public hearing is concluded, if he or she finds that the binding site plan and its associated conditions will serve the public use and interest better than dividing the land in question according to the "standard" requirements delineated in this Ordinance. The Administrator may place additional conditions on a binding site plan if he or she finds that the additional conditions will serve the public use and interest and that the additional conditions are necessary to serve the public use and interest better than dividing the land in question according to the "standard" requirements of this Ordinance.
4. Any final decision of the Administrator regarding a proposed binding site plan may be appealed to the Board under Subsection 3.L. of this Ordinance and Pacific County Ordinance No. 164, or any amendments thereto.

H. CATEGORIZATION OF LAND DIVISIONS

The Administrator shall categorize every proposed division of land as a binding site plan, a subdivision, a short subdivision, a large lot subdivision, or an exemption under this Ordinance. The creation of any special category lot shall not be treated as a lot in processing a proposed division of land as a subdivision, a large lot subdivision, or a short subdivision.

I. ADMINISTRATION

1. The Director of the Pacific County Department of Community Development or his or her designee(s) shall be Administrator of this Ordinance and shall be responsible for administering the provisions and requirements of this Ordinance.
2. The Administrator is hereby authorized to formulate written administrative rules, e.g., road standards, which are consistent with and effectuate the purpose of this Ordinance. Any such rules must be approved by resolution of the Board. Any

activity pertaining to division of land shall conform to any such administrative rules that are formulated by the Administrator and approved by the Board.

3. The Administrator is hereby authorized to develop a fee schedule to cover all of the activities delineated in this Ordinance. Any proposed fees shall not become effective until approved by resolution of the Pacific County Board of Commissioners. Pacific County shall not accept for review any material supplied by an applicant, nor issue any permit, nor in any manner take any official action, until the appropriate fees are paid.

J. PROHIBITION AGAINST ISSUING DEVELOPMENT PERMITS/INNOCENT PURCHASER FOR VALUE

A development permit shall not be granted for any lot which has been divided in violation of any applicable regulation or for any lot that is subject to restrictions that prevent the issuance of a development permit. However, the applicable official shall issue the development permit in question if the Administrator finds that there is clear and convincing evidence that:

1. The owner of the lot purchased the lot for value; and
2. The owner of the lot did not have actual notice that:
 - a. The lot had been part of a larger lot divided in violation of an applicable regulation, or
 - b. The lot is subject to restrictions which prevent the issuance of a development permit.

K. VARIANCES

1. The Administrator shall process variance requests according to the same type of procedure that is required for the underlying division of land.
2. The Administrator shall deny a variance, unless the person requesting the variance demonstrates with clear and convincing evidence that the requested variance conforms to all of the criteria set forth below:
 - a. That special conditions and circumstances exist;
 - b. That literal interpretation of the provisions of this Ordinance would deprive the person seeking the variance of rights commonly enjoyed by other properties conforming to the terms of this Ordinance;
 - c. That the special conditions and circumstances do not result from the actions of the person seeking the variance;
 - d. That the granting of the variance requested will not confer on the person seeking the variance any special privilege that is denied by this Ordinance to other lands, structures, or buildings under similar circumstances;

- e. That the variance requested is the minimum necessary to afford relief; and
 - f. That to afford relief the requested variance will not be materially detrimental to the public welfare or contrary to the public interest.
3. In granting any variance, the Administrator shall prescribe such conditions and safeguards as are necessary to protect the public interest.

L. APPEALS

1. The provisions of this Ordinance shall be administered according to a Type 1 procedure under Ordinance No. 164, or any amendments thereto, unless a different review process is mandated by this Ordinance or Ordinance No. 164, or any amendments thereto.
2. Any decision of the Administrator or other County official in the administration of this Ordinance may be appealed according to the provisions of Ordinance No. 164, or any amendments thereto.

M. PENALTIES AND ENFORCEMENT

1. A person who violates the provisions of this Ordinance or who fails to comply with any of its requirements shall be subject to the procedures and sanctions set forth in Ordinance No. 165, or any amendments thereto.
2. In addition to the civil penalty provisions provided in Ordinance No. 165, or any amendments thereto, any person who violates any of the provisions of this Ordinance relating to the sale, offer for sale, lease, or transfer of any lot is guilty of a gross misdemeanor, and each sale, offer for sale, lease, or transfer of each separate lot in violation of any provision of this Ordinance shall constitute a separate offense. The penalty for each violation is a fine of not more than five thousand dollars (\$5,000.00) or imprisonment for not more than one (1) year, or both. The principles of liability contained in Chapter 9A.08 RCW, including, but not limited to, liability for conduct of another shall apply to the enforcement of this Ordinance as shall all judicial interpretations thereof.
3. When a court determines that a person has committed a civil infraction under this Ordinance and Ordinance No. 165, or any amendments thereto, Pacific County may collect penalties, assessments, costs, and/or fines by any procedure established for the collection of debts that are owed to the County.
4. Any disposition of a violation pursuant to this Ordinance and Ordinance No. 165, or any amendments thereto, shall not absolve a person from correcting or abating a violation and shall not prevent the prosecuting authority from pursuing criminal prosecution, other civil action including, but not limited to, injunctive relief, license revocation, and abatement, or all of the above. If Pacific County prevails in a separate civil action, the Court may award the County reasonable costs including, but not limited to, the costs of the responsible officials' time,

witness fees, attorney fees, court costs, and the costs to the County of abatement or of enforcement of an injunction, or both.

5. Any or all of the remedies articulated in Subsection 3.M. PENALTIES AND ENFORCEMENT may be used by the County to enforce this Ordinance. Nothing contained in this Ordinance shall prevent the County, by and through the prosecuting authority, from taking such other lawful action as is necessary to prevent or remedy any violation.

N. SAVINGS AND SEVERABILITY

If any provision, or portion thereof, contained in this Ordinance is held to be unconstitutional, invalid, or unenforceable, said provisions, or portion(s) thereof, shall be deemed severed and the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 4 - SHORT SUBDIVISION PROVISIONS

A. PURPOSE

The purpose of this Section is to provide a simplified process for dividing property into four (4) or fewer lots with a level of review that is proportional to the effect that the development of those lots may have on the surrounding area.

B. PRE-APPLICATION REVIEW OF A PRELIMINARY SHORT SUBDIVISION

An application for a preliminary short subdivision shall be subject to pre-application review, unless waived by the Administrator. An applicant for pre-application review of a preliminary short subdivision shall submit a completed pre-application review form, and any other items required by the Administrator. Necessary information not provided on the pre-application form shall be provided on the face of the proposed short plat or on other attachments. The Administrator may modify requirements for pre-application materials and may conduct a pre-application review with less than all of the required information. However, failure to provide all of the required information may prevent the Administrator from identifying all applicable issues or providing the most effective pre-application review.

The applicant shall provide ten (10) copies of application material that are larger than eight and one-half (8 ½) by eleven (11) inches and one (1) copy of material eight and one-half (8 ½) by eleven (11) inches or smaller.

C. PRELIMINARY SHORT SUBDIVISION APPLICATION

An applicant who seeks a preliminary short subdivision shall submit a completed application form, any other required information under Subsection 4.B. of this Ordinance, and:

1. A copy of the pre-application conference summary and a description of information submitted in response to the issues, comments, and concerns in the summary, unless waived by the Administrator;

2. The name, address, telephone number and signature of all persons having a legal or equitable interest in the property;
3. The name, address, telephone number, and signature of the applicant if different from owner(s);
4. The Comprehensive Plan map designation, and any other land use designations, that apply to the site and abutting properties;
5. The existing land uses on the site and abutting properties, and any proposed changes in land use designations;
6. The area of the site, and the number, area, and dimensions of proposed lots, along with the maximum density and minimum area and dimensions required by law. If an exception, adjustment, or variance is needed, the applicant can, but is not required to, address the applicable criteria;
7. A description of how services will be provided to the short subdivision and a service review form or equivalent from the agency who will be responsible for delivering a public service to the short subdivision or for approving a private service to the short subdivision including, but not limited to:
 - a. Sanitary waste disposal, as evidenced by a completed utility review form (for public service) or preliminary soil suitability analysis (for private service); and
 - b. Potable water, as evidenced by a current utility review form (for public service) or by the availability of an adequate supply of groundwater (for private service);
8. A map showing all recorded land divisions abutting the site and between the site and nearest public street that provides vehicular access to the site, and the name or other identification of those land divisions and associated public and private streets;
9. Seven (7) copies of a proposed preliminary short plat at a minimum scale of one (1) inch equals two hundred (200) feet on a sheet not larger than twenty-four (24) inches by thirty-six (36) inches. The applicant also shall reduce a copy of the preliminary short plat to fit an eight and one-half (8 ½) inch by eleven (11) inch page. The proposed preliminary short plat shall be prepared by a land surveyor if any proposed lot is less than five (5) acres. The proposed preliminary short plat shall show the proposed short subdivision name which must be other than the name of an existing subdivision, addition or plat. The proposed short plat also shall show scale, north arrow, date and at least the following features:
 - a. The configuration and dimensions of proposed lots, including proposed open space, and drainage lots or easements;
 - b. Existing buildings and other structures, identifying which are to be retained or removed and the distance from buildings to be retained to proposed lot lines;

- c. Existing topography at contour intervals appropriate to the slope of the site and other significant natural features;
 - d. Existing and proposed rights-of-way and easements on and abutting the site, and the width and nature of existing and proposed improvements to those rights of way and easements;
 - e. Existing and proposed utilities (schematic), including the location of existing sewage disposal systems and wells on the site, and, if new on-site sewage systems are planned to serve proposed lots, the location of sewage systems sites approved or tentatively approved on each proposed lot by the Local Health Officer;
 - f. Proposed phasing of development; and
 - g. A designation of where the available density under Subsection 3.E. of this Ordinance will be allocated;
10. A legal description of the lots being created, and the roads and easements, therein, prepared by a land surveyor, lawyer, title company, or other qualified individual;
 11. The exact wording of restrictions, if any, proposed to be imposed upon the use of the land, including the designation of any lot that never can contain a building unit or that is otherwise undevelopable;
 12. Calculations that show the gross acreage of the proposed land division and the number of allowable building units;
 13. A critical areas and resource land assessment under Pacific County Ordinance No. 147, or any amendments thereto;
 14. Proof that the application has been submitted to the relevant city if the proposed land division is within an urban growth area;
 15. Information that shows on which street a lot has access, if the lot abuts more than one street, and any proposed access restrictions;
 16. A list of applications necessarily associated with the preliminary short subdivision including, but not limited to, applications for variances to land use dimensional requirements and for modifications to the road regulations;
 17. A preliminary plan for meeting the requirements of the Shoreline Master Program, if applicable;
 18. Information that designates the proposed use (e.g., lots, easements, dedications, buildable property) for all land contained within the short subdivision and that delineates any changes in boundary lines that are contemplated prior to the filing of the final short plat;

19. Information that demonstrates compliance with Pacific County Board of Health Ordinance No. 3A, or any amendments thereto, if on-site septic systems are proposed; and
20. Other information or data as may be required by the Administrator to serve as a basis for the approval or denial of the proposed short subdivision.

D. APPROVAL CRITERIA FOR A PRELIMINARY SHORT SUBDIVISION

1. If the Administrator determines that an applicant has not submitted the requisite information, the Administrator may require the applicant to resubmit material with greater detail and/or require the applicant to provide additional information. After the Administrator has determined that an application for a short subdivision is technically complete, the Administrator shall process the application under a Type I procedure as delineated in Pacific County Ordinance No. 164, or any amendments thereto. The Administrator shall ensure that the notice requirements of RCW 58.17.155 are met, when those notice requirements apply. Before making a decision on the preliminary short subdivision, the Administrator shall solicit input from relevant local officials regarding whether the proposed short subdivision:
 - a. Complies with the Comprehensive Plan and meets the applicable requirements of this Ordinance, of the Shoreline Master Program, of other zoning/land use regulations, and of SEPA;
 - b. Contains appropriate provisions for the public health, safety, and general welfare, and for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, and schools and school grounds, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;
 - c. Contains an accurate legal description of the lots being created, and the roads and easements therein; and
 - d. Complies with Pacific County regulations (and regulations of the State Department of Transportation and Pacific County Flood Control Zone District No. 1, if applicable) pertaining to roads, utilities, drainage, stormwater, access for emergency vehicles, and other improvements.

The Administrator shall issue a final decision in writing and shall include findings and conclusions to support the decision. The final decision of the Administrator shall be rendered as prescribed in Pacific Ordinance No. 164, or any amendments thereto. Any such final decision constitutes an administrative decision appealable to the Board under Subsection 3.L. of this Ordinance and Pacific County Ordinance No. 164, or any amendments thereto.

2. The Administrator shall approve a preliminary short subdivision if the record contains clear and convincing evidence that the application complies with the approval criteria listed in Subsection 4.D.3. of this Ordinance (or that the application can comply with these criteria through the imposition of special

conditions of approval). If necessary, the Administrator may impose special conditions of approval to ensure that the criteria enumerated in Subsections 4.D.3. and 4.D.4. are met.

3. A short subdivision must:
 - a. Comply with the Comprehensive plan and meet the applicable requirements of this Ordinance, of the Shoreline Master Program, if applicable, of other zoning/land use regulations, and of SEPA;
 - b. Contain appropriate provisions for the public health, safety, and general welfare, and for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, and schools and school grounds, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;
 - c. Contain an accurate legal description of the lots being created and of the roads and easements therein;
 - d. Comply with Pacific County regulations (and regulations of the State Department of Transportation and Pacific County Flood Control Zone District No. 1, if applicable) pertaining to roads, utilities, drainage, access for emergency vehicles, and other improvements; and
 - e. Serve the public use and interest.
4. If a phasing plan is proposed, the review authority shall not approve the preliminary short subdivision, unless the other requirements of Subsection 4.D. of this Ordinance are met, and the record contains clear and convincing evidence that:
 - a. The phasing plan includes all land within the preliminary short subdivision;
 - b. Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with the requirements established for the entire short subdivision; and
 - c. All road improvement requirements are ensured (see Subsection 4.I.)

E. FINAL SHORT SUBDIVISION REQUIREMENTS

1. When an applicant believes that he or she has complied with all of the requirements of preliminary short subdivision approval, the applicant shall submit to the Administrator a letter delineating how all of the preliminary short subdivision requirements have been met.
2. The applicant shall submit to the Administrator the following information:
 - a. Short subdivision number;

- b. Name, mailing address and telephone number of the owner and surveyor (if applicable) of the plat;
 - c. Date;
 - d. Acreage of each lot created and total acreage of the short subdivision;
 - e. Number of total lots, the number of buildable lots, and a designation of where the available density under Subsection 3.E. will be allocated; and
 - f. Land use designations.
3. A Mylar having dimensions of eighteen (18) by twenty four (24) inches shall be provided by the applicant to the Administrator, and shall include:
- a. Subdivision name;
 - b. Legend;
 - c. Location of the short subdivision;
 - d. The bearings and distances of the boundary lines drawn to scale of the land to be short subdivided and each lot contained therein;
 - e. Lot and street right-of-way and centerline dimensions;
 - f. Street names;
 - g. Scale, including graphic scale, north arrow, point of beginning and basis of bearings;
 - h. Identification of areas to be dedicated;
 - i. Land surveyor's certificate, stamp, date, and signature, if any lot created is less than five (5) acres;
 - j. Signature blocks for the following entities:
 - i. County Engineer;
 - ii. County Auditor;
 - iii. Administrator;
 - k. The location, width, and nature of existing and proposed:
 - i. Public and private roads (and access thereto);
 - ii. Special setbacks;

- iii. Private and public easements;
 - iv. Utility easements;
 - v. Rights of way; and
 - vi. Walkways;
- I. The location and design of all culverts, bridges, structures, and other improvements providing access or drainage;
 - m. Appropriate references to the Pacific County Comprehensive Plan map which is attached to this Ordinance as the Appendix. If there is a question regarding the exact location of a boundary line, the Pacific County GIS Growth Management Act Database which is on file with the Pacific County Department of Public Works shall be consulted;
 - n. A designation of any lot that never can contain a building unit or that is otherwise undevelopable;
 - o. A designation of where the available density under Subsection 3.E. of this Ordinance will be allocated;
 - p. All requirements listed in Chapter 58.09 RCW and Chapter 332-130 WAC, if any lot created is less than five (5) acres;
 - q. A disclaimer which states that:
 - i. "Land within this short subdivision shall not be further divided for a period of five (5) years from the date of approval unless a new subdivision is approved or Subsection 4.J. of Pacific County Ordinance No. 163, or any amendments thereto, is applicable;"
 - ii. "The approval of this short subdivision does not guarantee the issuance of any other permit." and
 - iii. "Pacific County has no responsibility to construct, improve, maintain, or otherwise service the private roads contained within this short subdivision" [if applicable]; and
 - r. A listing of any other conditions delineated in the preliminary short subdivision approval.
4. The applicant shall provide to the Administrator a legal description of the boundaries of each lot contained within the short subdivision and of the road and easements within or servicing the short subdivision.
 5. A short plat certificate conforming to the requirements of RCW 58.17.165 shall be provided by the applicant to the Administrator and shall include dedications, if any.

6. A certificate of title shall be provided by the applicant to the Administrator.
7. Restrictions, notes, covenants and/or binding agreements as required by this Ordinance, SEPA, conditions of preliminary short subdivision approval, or other regulations shall be provided by the applicant to the Administrator.
8. A treasurer's certificate shall be provided by the applicant to the Administrator.
9. If required by the Administrator, the applicant shall provide certification from a licensed engineer in the State of Washington of the appropriateness of all culvert sizes, bridge designs, structures, and/or other improvements.
10. Each person having a legal or equitable interest in the property in question shall submit an affidavit or declaration under penalty of perjury which states that he or she has no objection to the approval of the short subdivision.
11. If the Administrator placed conditions on short subdivision approval, any improvement plans that respond to the required conditions shall be submitted to the Administrator. Improvements shall be designed by or under the direct supervision of a licensed engineer in the State of Washington. The licensed engineer shall certify the appropriateness of the improvement plans. All improvement plans shall comply with other regulations and shall contain the following:
 - a. Short Subdivision number;
 - b. Name, mailing address, and telephone number of the engineer preparing the plan; and
 - c. Date (month and year).
12. The Administrator along with the County Engineer (and the Local Health Officer, if appropriate) shall review improvement plans to determine if they conform with the conditions of the preliminary short plat approval and with other adopted regulations as of the date of preliminary short subdivision approval. Approval shall be given by the signatures of the County Engineer and of the Administrator on the improvement plans. The Administrator and the County Engineer shall indicate on the short plat that the design is approved, or within twenty-one (21) calendar days return the plan to the applicant with a list of deficiencies.
13. Upon compliance of the final short plat and the improvement plans with all preliminary short subdivision conditions and with all applicable regulations, the County Engineer and the Administrator shall sign the final short plat.
14. The act of approving a short plat shall become effective when the final short plat and supporting documents are filed with the Auditor by the Administrator. Any outstanding filing fee shall accompany the final short plat when it is submitted to the Administrator.
15. No final short plat shall be accepted for filing unless all property taxes have been paid in full.

F. SPECIAL REQUIREMENTS FOR SHORT SUBDIVISIONS WITH PRIVATE ROADS

In addition to the requirements listed in Subsection 4.E. of this Ordinance, all final short subdivisions with private rights of way, roads, or easements must have a declaration of covenant requiring construction and maintenance of private roads, with a provision to dedicate the rights-of-way and roads to Pacific County when required by local regulations.

G. FINAL SHORT SUBDIVISION/EXPIRATION OF PRELIMINARY SHORT SUBDIVISION APPROVAL

Preliminary approval of a short subdivision will be effective for six (6) months. During this period a final short plat shall be prepared by the applicant. If the preliminary approval contains conditions, the applicant shall submit proof of meeting such conditions. If the applicant submits a written request within this period to the Administrator that contains good reason(s) for extending the time period, the Administrator may grant the applicant one six (6) month extension to meet the conditions of approval.

If the final short subdivision is not approved by the Administrator within the requisite time period, the preliminary approval of the short subdivision shall be void. Final short subdivisions shall be processed under a Type I procedure as delineated in Pacific County Ordinance No. 164, or any amendments thereto.

H. WAIVER OF SURVEY REQUIREMENTS

Survey requirements may be waived by the Administrator if either of the following conditions exists:

1. All lots within the short subdivision are greater than or equal to five (5) acres; or
2. The estimated cost to survey the property, including necessary ties, would exceed ten percent (10%) of the valuation of the land as designated by the Pacific County Assessor.

I. COMPLETION OF REQUIRED PUBLIC IMPROVEMENTS

1. In lieu of completing all of the required public improvements prior to the approval of a final short plat, the applicant may petition to have specific requirements delayed. If such a request is made, the Administrator shall require a refundable cash payment to ensure that the necessary actions are completed in a timely fashion. The amount of the cash payment shall not exceed one hundred fifty percent (150%) of the estimated cost of the uncompleted actions as determined by the Administrator. If the applicant completes the required public improvements in a timely fashion, the cash payment shall be refunded to the applicant. Otherwise, Pacific County shall be entitled to complete the required public improvements itself (or "contract out" the task) and to keep whatever portion of the cash payment is necessary to design, administer, and construct the outstanding improvements.

2. Construction of required public improvements shall not begin until the Administrator has approved the construction plans and the final short plat boundary line computations.

J. LIMITATIONS ON SHORT SUBDIVISIONS

No lot that is part of a short subdivision may be divided in any manner within a period of five (5) years from the date the short subdivision was granted, unless a subsequent subdivision is approved. However, when a short subdivision contains fewer than four (4) lots, the person who created the short subdivision may alter the short plat within the five (5) year period by creating up to a total of four (4) lots within the original short subdivision boundaries, provided that there is no violation of the density requirements contained in Subsection 3.E. of this Ordinance.

K. DESIGN STANDARDS FOR SHORT SUBDIVISIONS

Design standards, monumentation, survey standards, and drafting standards for short subdivisions shall be subject to any administrative rules formulated by the Administrator and approved by resolution of the Board.

L. ALTERATION/VACATION OF FINAL SHORT PLATS

The Administrator shall file the final short plat for a short subdivision and attached documents for recording with the Pacific County Auditor. No final short plat so filed for a short subdivision shall be altered or vacated in any respect by anyone, except in a Type II public hearing process, under the requirements of Pacific County Ordinance No. 164, or any amendments thereto. In any such hearing process, the Administrator shall act as the hearing examiner.

SECTION 5 - SUBDIVISION PROVISIONS

A. PURPOSE

The purpose of this Section is to provide a process for dividing property into five (5) or more lots with a level of review that is proportional to the effect that the development of those lots may have had on the surrounding area.

B. PRE-APPLICATION REVIEW OF A PRELIMINARY SUBDIVISION

1. An application for a preliminary subdivision shall be subject to pre-application review, unless waived by the Administrator.
2. An applicant for a pre-application review of subdivision shall submit a completed pre-application form. The applicant shall provide twenty (20) copies of all application materials, or such lesser number as determined by the Administrator, which at minimum shall include the following information:
 - a. The name, address, telephone number and signature of all persons having a legal or equitable interest in the property;

- b. The name, address, telephone number and signature of the applicant if different from owner(s);
- c. The Comprehensive Plan map designation, and any other land use designations that apply to the site and abutting properties;
- d. The existing land uses on the site and abutting properties, and any proposed changes in land use designations;
- e. The area of the site, and the number, area, and dimensions of proposed lots, along with the maximum density and minimum area and dimensions required by law. If an exception, adjustment, or variance is needed, the applicant can, but is not required to, address the applicable criteria in the pre-application materials;
- f. A description of how services will be provided to the subdivision and a service review form or equivalent from an agency who will be responsible for delivering a public service to the subdivision or for approving a private service to the subdivision including, but not limited to:
 - i. Sanitary waste disposal, as evidenced by a completed utility review form (for public service) or preliminary soil suitability analysis (for private service) or equivalent;
 - ii. A conceptual stormwater plan that includes topography and soil types. The plan also should provide locations of proposed stormwater facilities including stormwater lines, treatment facilities, and quality control;
 - iii. Potable water, as evidenced by a current utility review form (for public service) or by the availability of an adequate supply of groundwater (for private service);
 - iv. Provisions for open space, parks and recreational opportunities;
 - v. Provisions for playgrounds, schools and school grounds, transit stops, and infrastructure to enhance pedestrian safety; and
 - vi. Fire protection, as evidenced by an assessment from the relevant fire district;
- g. The legal description, tax lot number, or other identification of other land owned by applicant within five hundred (500) feet of the proposed subdivision;
- h. Soils on the site, based on the U.S. Soil Conservation Service Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County, Washington, or other more site-specific information;
- i. Whether the site contains the following conditions and the nature of the condition(s) based on the available information:

- i. Earth movement or instability;
 - ii. Slopes in excess of fifteen percent (15%);
 - iii. Water bodies, wetlands, or other critical areas and resource lands;
 - iv. High water table or impermeable soils;
 - v. Flood plain (flood fringe or flood way);
 - vi. Significant habitat for flora and fauna; or
 - vii. Significant historic, cultural or archaeological resources;
- j. A map showing all recorded land divisions abutting the site and between the site and nearest public street that provides vehicular access to the site, and the name or other identification of those land divisions and associated public and private streets;
- k. Twenty (20) copies of a proposed preliminary plat at a minimum scale of one (1) inch equals two hundred (200) feet on a sheet not larger than twenty-four (24) inches by thirty-six (36) inches. The applicant also shall reduce one (1) copy of the preliminary plat to fit an eight and one-half (8 ½) inch by eleven (11) inch page. The proposed preliminary plat shall be prepared by a land surveyor and shall show the proposed subdivision name which must be other than the name of an existing subdivision, addition or plat. The proposed plat also shall show scale, north arrow, date, and at least the following features:
- i. The configuration and dimensions of proposed lots including proposed park, open space, and drainage lots or easements;
 - ii. Existing buildings and other structures, identifying which are to be retained or removed and the distance from buildings to be retained to proposed lot lines;
 - iii. Existing topography at contour intervals appropriate to the slope of the site and other significant natural features;
 - iv. Existing and proposed rights-of-way and easements on and abutting the site, and the width and nature of existing and proposed improvements to those rights-of way and easements;
 - v. Existing and proposed utilities (schematic), including the location of existing sewage disposal systems and wells on the site, and, if a new on-site sewage systems are planned to serve proposed lots, the location of sewage systems sites approved or tentatively approved on each proposed lot by the Local Health Officer; and
 - vi. Proposed phasing of development; and

I. An Environmental Checklist under SEPA.

3. Necessary information not provided on the pre-application form shall be provided on the face of the proposed preliminary plat, in an environmental checklist, or on other attachments.
4. The Administrator may modify requirements for pre-application materials and may conduct a pre-application review with less than all of the required information. However, failure to provide all of the required information may prevent the Administrator from identifying all applicable issues or providing the most effective pre-application review.

C. PRELIMINARY SUBDIVISION APPLICATION

An applicant who seeks a preliminary subdivision shall submit a completed application form, the information listed in Subsection 5.B. of this Ordinance, and:

1. A copy of the pre-application conference summary and a description of information submitted in response to the issues, comments, and concerns in the summary, unless waived by the Administrator;
2. Proposed written findings that the proposed preliminary subdivision, including proposed mitigation measures, does or can comply with the applicable approval criteria for the preliminary subdivision, and a reference to the relevant evidence in the application that supports each finding;
3. Information that shows on which street a lot has access, if the lot abuts more than one street, and any proposed access restrictions;
4. A list of applications necessarily associated with the preliminary subdivision including, but not limited to, applications for variances to land use dimensional requirements and for modifications to the road regulations;
5. A preliminary stormwater plan that includes topography and soil types. (This plan must comply with the requirements of Pacific County Flood Control Zone District No. 1 if the proposed division of land is within the boundaries of this flood control zone district.);
6. Evidence regarding conditions listed in Subsection 5.B.2.h. of this Ordinance which is sufficient for the review authority to determine whether each condition exists on the site and to determine whether development of the preliminary subdivision will significantly adversely affect, or will be significantly adversely affected by, the condition(s) on the site. The evidence shall include:
 - a. A traffic study if required by the State Department of Transportation or the Administrator; and
 - b. A critical areas and resource lands assessment under Pacific County Ordinance No. 147, or any amendments thereto;

7. An updated environmental checklist, if the proposal deviates from that which was contemplated at the preapplication stage;
8. A phasing plan, if phasing is proposed;
9. Calculations that show the gross acreage of the proposed land division and the number of allowable building units;
10. A designation of where the available density under Subsection 3.E. of this Ordinance will be allocated;
11. Proof that the application has been submitted to the relevant city if the proposed land division is within urban growth area;
12. A preliminary plan for meeting the requirements of the Shoreline Master Program, if applicable;
13. Information that designates the proposed use (e.g., lots, easements, dedications, buildable property) for all land contained within the subdivision and that delineates any changes in boundary lines that are contemplated prior to the filing of the final plat;
14. Information that demonstrates compliance with Pacific County Board of Health Ordinance No. 3A, or any amendments thereto, if on-site systems are proposed; and
15. Other information or data as may be required by the Administrator to serve as a basis for the approval or denial of the proposed subdivision.

D. APPROVAL CRITERIA FOR A PRELIMINARY SUBDIVISION

1. If the Administrator determines that an applicant has not submitted the requisite information, the Administrator may require the applicant to resubmit material with greater detail and/or require the applicant to provide additional information. After the Administrator has determined that an application for a subdivision is technically complete, the review authority shall process the application under a Type III procedure as delineated in Pacific County Ordinance No. 164, or any amendments thereto. The Administrator shall ensure that the notice requirements of RCW 58.17.080 are met, when those notice requirements apply. The review authority shall hold a hearing to consider the merits of the proposed subdivision. Before the hearing, the Administrator shall solicit input from relevant local officials regarding whether the proposed subdivision:
 - a. Complies with the Comprehensive plan and meet the applicable requirements of this Ordinance, of the Shoreline Master Program, if applicable, of other zoning/land use regulations, and of SEPA;
 - b. Contains appropriate provisions for the public health, safety, and general welfare, and for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, and schools and school grounds,

including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

- c. Contains an accurate legal description of the lots being created and of the roads and easements therein;
- d. Complies with Pacific County regulations (and regulations of the State Department of Transportation and the Pacific County Flood Control Zone District No. 1, if applicable) pertaining to roads, utilities, drainage, and other improvements; and
- e. Provides sufficient infrastructure to meet fire protection needs.

At any such hearing, the applicant shall have the right to respond to any correspondence which has been received by the review authority. The review authority also shall allow any person to testify at the hearing, provided that the testimony is relevant to the applicable approval criteria and not unduly repetitious. The review authority may continue a hearing or keep the record open for a period of time after the conclusion of a hearing.

- 2. The review authority shall approve a preliminary subdivision if the record contains clear and convincing evidence that the application complies with the approval criteria listed in Subsection 5.D.3. of this Ordinance (or that the application can comply with these criteria through the imposition of special conditions of approval). If necessary, the review authority may impose special conditions of approval to ensure that the criteria enumerated in Subsections 5.D.3. and 5.D.4. of this Ordinance are met.
- 3. A subdivision must:
 - a. Comply with the Comprehensive plan and meet the applicable requirements of this Ordinance, of the Shoreline Master Program, if applicable, of other zoning/land use regulations, and of SEPA;
 - b. Contain appropriate provisions for the public health, safety, and general welfare, and for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, and schools and school grounds, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;
 - c. Contain an accurate legal description of the lots being created and of the roads and easements therein;
 - d. Comply with Pacific County regulations (and regulations of the State Department of Transportation and the Pacific County Flood Control Zone District No. 1, if applicable) pertaining to roads, utilities, drainage, and other improvements;
 - e. Provide sufficient infrastructure to meet fire protection needs; and

- f. Serve the public use and interest.
4. If a phasing plan is proposed, the review authority shall not approve the preliminary subdivision, unless the other requirements of Subsection 5.D. of this Ordinance are met, and the record contains clear and convincing evidence that:
- a. The phasing plan includes all land within the preliminary subdivision;
 - b. Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with the requirements established for the entire subdivision; and
 - c. All road improvement requirements are ensured (see Subsection 5.G.).

E. FINAL SUBDIVISION REQUIREMENTS

- 1. When an applicant believes that he or she has complied with all of the requirements of preliminary subdivision approval the applicant shall submit to the Administrator a letter delineating how all the preliminary subdivision requirements have been met.
- 2. The applicant shall submit to the Administrator the following:
 - a. Subdivision name;
 - b. Name, mailing address and telephone number of owner and/or developer, and surveyor of the plat;
 - d. Date;
 - e. Acreage of each lot created and total acreage of the subdivision;
 - f. Number of total lots, the number of buildable lots, and a designation of where the available density under Subsection 3.E. will be allocated; and
 - g. Land use designation.
- 3. A Mylar having dimensions of eighteen (18) by twenty four (24) inches, and twenty (20) paper copies of the final plat map shall be provided by the applicant to the Administrator, and shall include:
 - a. Subdivision name;
 - b. Legend;
 - c. Location of the subdivision;
 - d. The bearings and distances of the boundary lines drawn to scale of the land to be subdivided and of each lot contained therein;
 - e. Lot, and street right-of-way and centerline dimensions;

- f. Street names;
- g. Scale, including graphics scale, north arrow, point of beginning and basis of bearings;
- h. Identification of areas to be dedicated;
- i. Land surveyor's certificate, stamp, date and signature;
- j. Signature blocks for the following entities:
 - i. County Engineer;
 - ii. County Auditor;
 - iii. Chairman, Board of County Commissioners; and
 - iv. Administrator;
- k. The location, width, and nature of existing and proposed:
 - i. Public and private roads;
 - ii. Special setbacks;
 - iii. Private and public easements;
 - iv. Utility easements;
 - v. Rights-of way; and
 - vi. Walkways;
- l. The location and design of all culverts, bridges, structures, and other improvements providing access or drainage;
- m. Appropriate references to the Pacific County Growth Management Comprehensive Plan map which is attached to this Ordinance as the Appendix. If there is a question regarding the exact location of boundary line, the Pacific County GIS Growth Management Act Database which is on file with the Pacific County Department of Public Works shall be consulted;
- n. A designation of any lot that never can contain a building unit or that is otherwise undevelopable;
- o. A designation of where the available density under Subsection 3.E. of this Ordinance will be allocated;

- p. All requirements listed in Chapter 58.09 RCW and Chapter 332-130 WAC; and
 - q. A listing of any other conditions delineated in the preliminary subdivision approval.
4. The applicant shall provide to the Administrator a legal description of the boundaries of the subdivision, of each lot contained therein, and of the roads and easements within or servicing the subdivision. This description shall be certified by a land surveyor as being an accurate description of the lands actually surveyed.
 5. A plat certificate conforming to the requirements of RCW 58.17.165 shall be provided by the applicant to the Administrator and shall include dedications, if any.
 6. A certificate of title shall be provided by the applicant to the Administrator.
 7. Restrictions, notes, covenants and /or binding agreements as required by this Ordinance, SEPA, conditions of preliminary subdivision approval, or other regulations shall be provided by the applicant to the Administrator.
 8. A treasurer's certificate also shall be provided by the applicant to the Administrator.
 9. If required by the Administrator, the applicant shall provide certification from a licensed engineer in the State of Washington of the appropriateness of all culvert sizes, bridge designs, structures, and/or other improvements.
 10. Each person having a legal or equitable interest in the property in question shall submit an affidavit or declaration under penalty of perjury which states that he or she has no objection to the approval of the subdivision.
 11. If the review authority placed conditions on subdivision approval, any improvement plans that respond to the required conditions shall be submitted to the Administrator. Improvements shall be designed by or under the direct supervision of a licensed engineer in the State of Washington. The licensed engineer shall certify the appropriateness of the improvement plans. All improvement plans shall comply with other regulations and in addition to the above certification shall contain the following:
 - a. Subdivision name;
 - b. Name, mailing address, and telephone number of the engineer preparing the plan; and
 - c. Date (month and year).
 12. The Administrator along with the County Engineer (and Local Health Officer, if appropriate) shall review improvements plans to determine if they conform with conditions of preliminary plat approval and with other adopted regulations as of

the date of preliminary subdivision approval. Approval shall be given by the signatures of the County Engineer and the Administrator on the improvement plans. The Administrator and the County Engineer shall indicate on the plat that the design is approved, or within twenty-one (21) calendar days return the plan to the applicant with a list of deficiencies.

13. Upon compliance of the final plat and the improvement plans with all preliminary subdivision conditions and with all applicable regulations, the County Engineer and the Administrator shall sign the final plat. The County Engineer, the Local Health Officer, and the Administrator shall forward the final plat and their accompanying recommendations to the Board within seven (7) calendar days.
14. Upon approval of the final plat by the Board, and after all other regulations have been met, the plat shall be recorded by the Auditor.
15. No final plat shall be accepted for filing unless all property taxes have been paid in full.

F. FINAL SUBDIVISION/EXPIRATION OF PRELIMINARY SUBDIVISION APPROVAL

Preliminary approval of a subdivision will be effective for one (1) year. During this period a final plat shall be prepared by the applicant. If the preliminary approval contains conditions, the applicant shall submit proof of meeting such conditions. If the applicant submits a written request within this period to the Administrator that contains good reason(s) for extending the time period, the Administrator may grant the applicant one (1) six (6) month extension to meet the conditions of approval.

If the final subdivision is not approved within the requisite time period, the preliminary approval of the subdivision shall be void. Final subdivisions shall be processed under a Type I procedure as delineated in Pacific County Ordinance No. 164, or any amendments thereto.

G. COMPLETION OF REQUIRED PUBLIC IMPROVEMENTS

1. In lieu of completing all of the required public improvements prior to the approval of a final plat, the applicant may petition to have specific requirements delayed. If such a request is made, the Administrator shall require a refundable cash payment to ensure that the necessary actions are completed in a timely fashion. The amount of the cash payment shall not exceed one hundred fifty percent (150%) of the estimated cost of the uncompleted actions as determined by the Administrator. If the applicant completes the required public improvements in a timely fashion, the cash payment shall be refunded to the applicant. Otherwise, Pacific County shall be entitled to complete the required public improvements itself (or "contract out" the task) and to keep whatever portion of the cash payment is necessary to design, administer, and construct the outstanding improvements.
2. Construction of required public improvements shall not begin until the Administrator has approved the construction plans and the final plat survey computations.

H. DESIGN STANDARDS FOR SUBDIVISIONS

1. A proposed subdivision shall conform to the Pacific County Comprehensive Plan.
2. Land which contains any topographical conditions hazardous to the safety or general welfare of persons or property in or near a proposed subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazard(s) or unless land subject to the hazard(s) is reserved for uses that will not expose persons or property to the hazard(s). Protective improvements shall be constructed prior to final plat approval. Protective improvements and restrictions on use shall be clearly noted on the final plat.
3. The construction of minimum improvements shall conform as follows:
 - a. All roads, bridges, drains, culverts and related structures and facilities shall be constructed in accordance with relevant regulations;
 - b. All streets shall have all standing timber, brush, downed trees, and snags cleared and removed from the full width of the rights-of-way. In addition, all streets shall be grubbed by the removal of large rocks, roots, snags, logs and brush, etc., in the surface of the ground and all holes and excavations caused by the grubbing shall be refilled and graded within the rights-of-way according to relevant regulations;
 - c. Water supply facilities adequate to provide potable water from a public or community water supply source of each lot within a subdivision shall be installed in conformity to standards of the appropriate governmental agencies. Each lot shall be provided with a sanitary sewer system connection, approved by appropriate authorities, unless the Pacific County Department of Community Development determines that septic tanks can adequately serve the subdivision on an interim basis;
 - d. Monuments shall be placed as required by relevant regulations;
 - e. Subdivisions shall provide underground utility lines, including but not limited to, those for electricity, communications and street lighting. Where topography, soil, or other conditions make underground installation impracticable and the review authority so finds upon written evidence presented by the supplier of such utilities, it may waive requirements for underground utilities; and
 - f. Service mains and fire hydrants shall be installed in conformance with relevant regulations.

4. Roads.

Roads shall conform with the Comprehensive Plan and land use regulations and shall provide for the following:

- a. All subdivisions shall be served by one or more public roads providing ingress and egress to and from the subdivision at not less than two points, unless a variance is approved by the review authority;

- b. Road continuity of appropriate streets and roads;
- c. Road continuity to boundaries of the subdivision;
- d. Road jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided in order to operate properly as separate "T" intersections;
- e. Road intersections shall be as nearly at right angles as is possible;
- f. The rights of way for major arterials shall not be less than eighty (80) feet in width;
- g. The rights of way for other arterials or collector roads shall not be less than sixty (60) feet in width;
- h. Dead-end streets or roads may have a maximum length of three hundred (300) feet;
- i. The minimum right of way width for a dead-end street or road entering onto an arterial street or collector road shall be fifty (50) feet;
- j. All dead-end streets or roads shall terminate in an appropriate turnaround design having a minimum right-of-way diameter of ninety (90) feet (unless the review authority approves a "T" or "Y"), shall not be less than fifty (50) feet in length, and shall be paved not less than forty (40) feet in width, for the full length of the turnaround;
- k. Right of ways for alleys shall be a minimum of twenty (20) feet in width. Alleys shall not be accepted in residential plats;
- l. Service drives shall be a minimum of thirty (30) feet in width;
- m. Maximum road grades shall conform to the following:
 - i. Arterial roads shall conform to the Washington State Department of Transportation Design Manual;
 - ii. All other roads, alleys, and service driveways shall not have more than a seven percent (7%) average grade; a twelve (12%) percent grade is allowable on lengths not to exceed two hundred (200) feet; paving shall be required on streets having a grade of eight percent (8%) or more;
 - iii. Grades of pedestrian walkways or crosswalks shall not be more than ten percent (10%) unless steps designed in accordance with approved standards of the County Engineer are provided in the plans; and

- iv. All changes in grades shall be connected by vertical curves meeting the standards and requirements of the County Engineer;
 - n. Minimum curve radii shall conform to the following:
 - i. Arterial roads shall conform to Washington State Department of Transportation Design Manual. Access to major arterials and collector roads shall be prohibited except at approved street intersections; and
 - ii. All other roads, alleys and service drives shall have a curve radii of at least three hundred (300) feet or as otherwise required by the Pacific County Road Standards;
 - o. Minimum tangent distances between curves shall be two hundred (200) feet for major arterials and major collector roads, and one hundred (100) feet for all other roads, alleys, and service drives, unless specific topographic conditions make these standards unreasonable. In such instances, the required minimum tangent distances shall be determined by the Administrator on a case-by-case basis; and
 - p. At street and alley intersections, property line corners shall be rounded by an arc, the minimum radii of which shall be twenty (20) feet. In business districts, a chord may be submitted for such arc.
5. Blocks and Lots.

Blocks and lots shall conform to the most advantageous development of adjoining areas, and the entire neighborhood, and shall provide for the following:

- a. The width of blocks shall normally provide for two (2) tiers of lots, each of which shall have a minimum depth of one hundred (100) feet;
- b. The length of blocks shall not exceed one thousand three hundred twenty (1,320) feet;
- c. Whenever the topography and general characteristics of the area to be platted require blocks of more than one thousand three hundred twenty (1,320) feet, such reason shall be listed and supported by the design of the plat, subdivision or dedication;
- d. The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. Every residential lot shall have an adequate building site;
- e. Every lot shall have access to a street. Minimum width of the access shall be forty (40) feet. Lots in urban growth areas shall have a minimum width of sixty (60) feet wherever a building site is contemplated;
- f. Lots for residence purposes shall be at least sixty (60) feet wide at the building line. Lots for residence purposes abutting on bodies of water

shall be at least sixty (60) feet wide at the building line and shall be at least forty (40) feet wide at the water line;

- g. Lots, except corner lots, having frontage on two streets should be avoided, except on lots backing up to major and secondary arterials, where access thereto is prohibited;
- h. Side lot lines shall be at right angles to the right-of-way line of the street on which the lot faces, wherever feasible;
- i. Corner lots for residential use shall be platted wider than interior lots to provide the front yard requirements on the side street, as prescribed by the Zoning/Land Use Ordinance;
- j. In any block exceeding six hundred sixty (660) feet in length, walks or pedestrian ways at a midblock point shall be required, when determined to be essential by the review authority, to provide circulation for utilities, the right-of-way of which shall be at least ten (10) feet in width; and
- k. Blocks and lots shall comply with any applicable requirements of the Shoreline Master Program.

6. Easements and Rights of Way.

Easements and rights-of-way shall conform as follows:

- a. Easements for drainage and other uses shall be of sufficient width to ensure that they may be maintained and improved. Easements and rights-of-way for storm sewers shall be provided and shall be of sufficient width and proper location to permit future installation;
- b. Easements and rights-of-way for utilities provided along the sides of rear lot lines, and along one side of side lot lines, shall be a minimum of ten (10) feet in width to ensure future maintenance when initial installation of such utilities will be other than underground. Easements and rights-of-way also shall be sufficiently wide and located so as to permit future installation of underground utilities;
- c. Road easements and rights-of-way for lot access shall conform as follows:
 - i. Road easements and rights-of-way shall serve no more than six (6) lots;
 - ii. Road easements and rights-of-way shall be a minimum of forty (40) feet wide and shall be surfaced in accordance with current Pacific County Road Standards for construction of easement roads within a subdivision, and shall not exceed two hundred (200) feet in length;

- iii. Road easements and rights-of-way which terminate in a dead-end shall provide an appropriate turnaround having a minimum turning radius of twenty five (25) feet; and
- iv. Parking shall be prohibited on any portion of a road easement or right of way; and

7. Fire Protection Facilities and Water Supplies.

Water sources and facilities adequate for fire protection purposes shall be provided in every subdivision. Except when otherwise permitted by the Board, fire hydrants shall be spaced at distances not to exceed six hundred sixty (660) feet where lots contain one-half acre or more, and at distances not to exceed three hundred thirty (330) feet where lots contain less than one-half acre. Such hydrants shall have a minimum fire flow of five hundred (500) gallons per minute. The source of water shall be sufficient to provide the minimum fire flow for at least one half (1/2) hour daily, in addition to other consumptive uses. Where fire hazards exist, the Board may require the removal of flammable vegetation from an area used as a firebreak around or within a subdivision.

I. MONUMENTATION FOR SUBDIVISIONS

- 1. Unless a higher standard is required by the Pacific County Road Standards, all monuments set in subdivisions shall be a steel reinforcing bar, or equivalent, with durable cap imprinted with the license number of the land surveyor setting the monument. All monuments shall be at least thirty (30) inches long and shall have a diameter of at least five eighths (5/8) of an inch.
- 2. After paving, monuments shall be set at the following locations:
 - a. Street centerline intersections;
 - b. At the beginning and ending of curves and at the center of cul-de-sacs; and
 - c. Intersections of the plat boundaries and street centerlines.
- 3. All front corners, rear corners, and beginnings and endings of curves shall be set with monuments. In cases where street curbs are concentric and/or parallel with front right-of-way lines, front property-line monumentation may be provided by brass screws or concrete nails at the intersections of curb lines and the projections of side property lines. If curb monumentation is used, it shall be noted on the plat, and also that such monumentation is good for projection of line only and not for distance.
- 4. All monuments for the interior and exterior boundaries of the subdivision shall be set and referenced on the plat prior to plat recording.

J. SURVEY STANDARDS

1. All surveys shall comply with standards set forth by state statutes, drafting standards of this Ordinance, and Chapter 332-130 WAC, except that linear closures after azimuth adjustment shall be at least a ratio of one to ten thousand (1:10,000) for WAC 332-130 (1)(c)(d)(e). Where conflicts are identified, the most restrictive standard shall prevail.
2. Where required, any elevations or vertical information shall have an accuracy of third-order specifications as published by the U.S. Department of Commerce in a bulletin entitled, Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys, and benchmarks with the datum used shall be shown on the plat.

K. DRAFTING STANDARDS

1. The preferred scale proportion ratios for final plats are: (1) one to twelve hundred (1:1,200) (1 inch = 100 feet), and one to two thousand four hundred (1:2,400) (1 inch = 200 feet). In no case shall the proportion exceed one to two thousand four hundred (1:2,400).
2. The final plat shall either (a) be drawn with ink upon 3-mil Mylar film, or equivalent, or (b) consist of a photo Mylar with a fixed silver halide base; said sheets shall be twenty four (24) inches by eighteen (18) inches.
3. Lettering shall be at least eight one-hundredths (0.08) inch high, in uppercase letters with line weight and lettering style suitable for reduction and microfilming. The perimeter of the final plat shall be depicted with heavier lines (dashed) than the remaining portion of the plat.
4. All data necessary for the location in the field of all points within the plat shall be shown. Straight lines shall be designated with bearing and distance; curves shall be designated by arc length, central angle, and radius. All dimensions shall be in feet or meters, and decimals thereof shall be rounded to the nearest one-hundredth (0.01) of a foot, or five-thousandths (0.005) of a meter; except that angles shall be in degrees to the nearest second.

L. ALTERATION/VACATION OF FINAL SUBDIVISION PLATS

The Administrator shall file the final plat for a subdivision and attached documents for recording with the Pacific County Auditor. No final plat so filed for a subdivision shall be altered or vacated in any respect by anyone, except in a Type III public hearing process under the requirements of Pacific County Ordinance No. 164, or any amendments thereto. In any such hearing process, the Administrator shall act as the hearing examiner.

SECTION 6 - LARGE LOT SUBDIVISION PROVISIONS

A. PURPOSE

The purpose of this Section is to provide a simplified process for dividing large lot subdivisions with a level of review that is proportional to the effect that the development of those lots may have on the surrounding area.

B. PRE-APPLICATION REVIEW OF A PRELIMINARY LARGE LOT SUBDIVISION

An application for preliminary large lot subdivision shall be subject to pre-application review, unless waived by the Administrator. An applicant for pre-application review of a preliminary large lot subdivision shall submit a completed pre-application review form, and any other items required by the Administrator. Necessary information not provided on the pre-application form shall be provided on the face of the proposed plat or on other attachments. The Administrator may modify requirements for pre-application materials and may conduct a pre-application review with less than all of the required information. However, failure to provide all of the required information may prevent the Administrator from identifying all applicable issues or providing the most effective pre-application review.

The applicant shall provide seven (7) copies of application material that are larger than eight and one-half (8 ½) by eleven (11) inches and one (1) copy of material eight and one-half (8 ½) by eleven (11) inches or smaller.

C. PRELIMINARY LARGE LOT SUBDIVISION APPLICATION

An applicant who seeks a preliminary large lot subdivision shall submit a completed application form, any other required information under Subsection 6.B. of this Ordinance, and:

1. A copy of the pre-application conference summary and a description of information submitted in response to the issues, comments, and concerns in the summary, unless waived by the Administrator;
2. The name, address, telephone numbers and signature of all persons having a legal or equitable interest in the property;
3. The name, address, telephone number, and signature of the applicant if different from owner(s);
4. The Comprehensive Plan map designation, and any other land use designations, that apply to the site and abutting properties;
5. The existing land uses on the site and abutting properties, and any proposed changes in land use designations;
6. The area of the site, and the number, area, and dimensions of proposed lots, along with the maximum density and minimum area and dimensions required by law. If an exception, adjustment, or variance is needed, the applicant can, but is not required to, address the applicable criteria;
7. A description of how services will be provided to the large lot subdivision and a service review form or equivalent from the agency who will be responsible for delivering a public service to the large lot subdivision or for approving a private service to the large lot subdivision including, but not limited to:

- a. Sanitary waste disposal, as evidenced by a completed utility review form (for public service) or preliminary soil suitability analysis (for private service); and
 - b. Potable water, as evidenced by a current utility review form (for public service) or by the availability of an adequate supply of groundwater (for private service);
8. A map showing all recorded land divisions abutting the site and between the site and nearest public street that provides vehicular access to the site, and the name or other identification of those land divisions and associated public and private streets;
9. Seven (7) copies of a proposed preliminary plat at a minimum scale of one (1) inch equals two hundred (200) feet on a sheet not larger than twenty-four (24) inches by thirty-six (36) inches. The applicant also shall reduce a copy of the preliminary plat to fit an eight and one-half (8 ½) inch by eleven (11) inch page. The proposed preliminary plat shall be prepared by a land surveyor. The proposed preliminary plat shall show the proposed large lot subdivision name which must be other than the name of an existing subdivision/large lot subdivision, addition, or plat. The proposed plat also shall show scale, north arrow, date and at least the following features:
 - a. The configuration and dimensions of proposed lots, including proposed open space, and drainage lots or easements;
 - b. Existing buildings and other structures, identifying which are to be retained or removed and the distance from buildings to be retained to proposed lot lines;
 - c. Existing topography at contour intervals appropriate to the slope of the site and other significant natural features;
 - d. Existing and proposed rights-of-way and easements on and abutting the site, and the width and nature of existing and proposed improvements to those rights of way and easements;
 - e. Existing and proposed utilities (schematic), including the location of existing sewage disposal systems and wells on the site, and, if new on-site sewage systems are planned to serve proposed lots, the location of sewage systems sites approved or tentatively approved on each proposed lot by the Local Health Officer;
 - f. Proposed phasing of development; and
 - g. A designation of where the available density under Subsection 3.E. of this Ordinance will be allocated;
10. A legal description of the lots being created, and the roads and easements, therein, prepared by a land surveyor, lawyer, Title Company, or other qualified individual;

11. The exact wording of restrictions, if any, proposed to be imposed upon the use of the land, including the designation of any lot that never can contain a building unit or that is otherwise undevelopable;
12. Calculations that show the gross acreage of the proposed land division and the number of allowable building units;
13. A critical areas and resource land assessment under Pacific County Ordinance No. 147, or any amendments thereto;
14. Proof that the application has been submitted to the relevant city if the proposed land division is within an urban growth area;
15. Information that shows on which street a lot has access, if the lot abuts more than one street, and any proposed access restrictions;
16. A list of applications necessarily associated with the preliminary large lot subdivision including, but not limited to, applications for variances to land use dimensional requirements and for modifications to the road regulations;
17. A preliminary plan for meeting the requirements of the Shoreline Master Program, if applicable;
18. Information that designates the proposed use (e.g., lots, easements, dedications, buildable property) for all land contained within the large lot subdivision and that delineates any changes in boundary lines that are contemplated prior to the filing of the final plat;
19. Information that demonstrates compliance with Pacific County Board of Health Ordinance No. 3A, or any amendments thereto, if on-site septic systems are proposed; and
20. Other information or data as may be required by the Administrator to serve as a basis for the approval or denial of the proposed large lot subdivision.

D. APPROVAL CRITERIA FOR A PRELIMINARY LARGE LOT SUBDIVISION

1. If the Administrator determines that an applicant has not submitted the requisite information, the Administrator may require the applicant to resubmit material with greater detail and/or require the applicant to provide additional information. After the Administrator has determined that an application for a large lot subdivision is technically complete, the Administrator shall process the application under a Type II procedure as delineated in Pacific County Ordinance No. 164, or any amendments thereto. The Administrator shall ensure that the notice requirements of RCW 58.17.080 are met, when those notice requirements apply. The Administrator, acting as the hearing examiner, shall hold a hearing to consider the merits of the proposed large lot subdivision. Before the hearing, the Administrator shall solicit input from relevant local officials regarding whether the proposed large lot subdivision:

- a. Complies with the Comprehensive Plan and meets applicable requirements of this Ordinance, of the Shoreline Master Program, of other zoning/land use regulations, and of SEPA;
- b. Contains appropriate provisions for the public health, safety, and general welfare, and for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, and schools and school grounds, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;
- c. Contains an accurate legal description of the lots being created, and the roads and easements therein; and
- d. Complies with Pacific County regulations (and regulations of the State Department of Transportation and Pacific County Flood Control Zone District No. 1, if applicable) pertaining to roads, utilities, drainage, stormwater, access for emergency vehicles, and other improvements.

At any such hearing, the applicant shall have the right to respond to any correspondence which has been received by the Administrator. The Administrator also shall allow any person to testify at the hearing, provided that the testimony is relevant to the applicable approval criteria and not unduly repetitious. The Administrator may continue a hearing or keep the record open for a period of time after the conclusion of a hearing. The Administrator, acting as the hearing examiner, shall issue a final decision in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of the Administrator shall be rendered within ten (10) working days following the conclusion of all testimony and hearings, unless a longer period is mutually agreed to by the applicant and the Administrator. Any such final decision constitutes an administrative decision appealable to the Board under Subsection 3.L. of this Ordinance and Pacific County Ordinance No. 164, or any amendments thereto.

2. The Administrator shall approve a preliminary large lot subdivision if the record contains clear and convincing evidence that the application complies with the approval criteria listed in Subsection 6.D.3. of this Ordinance (or that the application can comply with these criteria through the imposition of special conditions of approval). If necessary, the Administrator may impose special conditions of approval to ensure that the criteria enumerated in Subsections 6.D.3. and 6.D.4 are met.
3. A large lot subdivision must:
 - a. Comply with the Comprehensive plan and meet the applicable requirements of this Ordinance, of the Shoreline Master Program, if applicable, of other zoning/land use regulations, and of SEPA;
 - b. Contain appropriate provisions for the public health, safety, and general welfare, and for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes,

parks and recreation, playgrounds, and schools and school grounds, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

- c. Contain an accurate legal description of the lots being created, and of the roads and easements therein;
 - d. Comply with Pacific County regulations (and regulations of the State Department of Transportation and Pacific County Flood Control Zone District No. 1, if applicable) pertaining to roads, utilities, drainage, access for emergency vehicles, and other improvements; and
 - e. Serve the public use and interest.
4. If a phasing plan is proposed, the review authority shall not approve the preliminary large lot subdivision, unless the other requirements of Subsection 6.D. of this Ordinance are met, and the record contains clear and convincing evidence that:
- a. The phasing plan includes all land within the preliminary large lot subdivision;
 - b. Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with the requirements established for the entire large lot subdivision; and
 - c. All road improvement requirements are ensured (see Subsection 6.H.)

E. FINAL LARGE LOT SUBDIVISION REQUIREMENTS

- 1. When an applicant believes that he or she has complied with all of the requirements of preliminary large lot subdivision approval, the applicant shall submit to the Administrator a letter delineating how all of the preliminary large lot subdivision requirements have been met.
- 2. The applicant shall submit to the Administrator the following information:
 - a. Large lot subdivision number;
 - b. Name, mailing address, and telephone number of owner and surveyor of the plat;
 - c. Date;
 - d. Acreage of each lot created and total acreage of the large lot subdivision;
 - e. Number of total lots, the number of buildable lots, and a designation of where the available density under Subsection 3.E. will be allocated; and
 - f. Land use designations.

3. A Mylar having dimensions of eighteen (18) by twenty four (24) inches, and seven (7) paper copies of the final plat map shall be provided by the applicant to the Administrator, and shall include:
 - a. Large lot subdivision name;
 - b. Legend;
 - c. Location of the large lot subdivision;
 - d. The bearings and distances of the boundary lines drawn to scale of the land to be short subdivided and each lot contained therein;
 - e. Lot and street right-of-way and centerline dimensions;
 - f. Street names;
 - g. Scale, including graphic scale, north arrow, point of beginning and basis of bearings;
 - h. Identification of areas to be dedicated;
 - i. Land surveyor's certificate, stamp, date, and signature;
 - j. Signature blocks for the following entities:
 - i. County Engineer;
 - ii. County Auditor;
 - iii. Administrator;
 - k. The location, width, and nature of existing and proposed:
 - i. Public and private roads (and access thereto);
 - ii. Special setbacks;
 - iii. Private and public easements;
 - iv. Utility easements;
 - v. Rights of way; and
 - vi. Walkways;
 - l. The location and design of all culverts, bridges, structures, and other improvements providing access or drainage;
 - m. Appropriate references to the Pacific County Growth Management Comprehensive Plan map which is attached to this Ordinance as the Appendix. If there is a question regarding the exact location of a

boundary line, the Pacific County GIS Growth Management Act Database which is on file with the Pacific County Department of Public Works shall be consulted;

- n. A designation of any lot that never can contain a building unit or that is otherwise undevelopable;
 - o. A designation of where the available density under Subsection 3.E. of this Ordinance will be allocated;
 - p. All requirements listed in Chapter 58.09 RCW and Chapter 332-130 WAC;
 - q. A disclaimer which states that:
 - i. "The approval of this large lot subdivision does not guarantee the issuance of any other permit." and
 - ii. "Pacific County has no responsibility to construct, improve, maintain, or otherwise service the private roads contained within this large lot subdivision" [if applicable]; and
 - r. A listing of any other conditions delineated in the preliminary large lot subdivision approval.
4. The applicant shall provide to the Administrator a legal description of the boundaries of each lot contained within the large lot subdivision, and of the road and easements within or servicing the large lot subdivision. This description shall be certified by a land surveyor as being an accurate description of the lands actually surveyed.
 5. A plat certificate conforming to the requirements of RCW 58.17.165 shall be provided by the applicant to the Administrator and shall include dedications, if any.
 6. A certificate of title shall be provided by the applicant to the Administrator.
 7. Restrictions, notes, covenants and/or binding agreements as required by this Ordinance, SEPA, conditions of preliminary large lot subdivision approval, or other regulations shall be provided by the applicant to the Administrator.
 8. A treasurer's certificate shall be provided by the applicant to the Administrator.
 9. If required by the Administrator, the applicant shall provide certification from a licensed engineer in the State of Washington of the appropriateness of all culvert sizes, bridge designs, structures, and/or other improvements;
 10. Each person having a legal or equitable interest in the property in question shall submit an affidavit or declaration under penalty of perjury which states that he or she has no objection to the approval of the large lot subdivision.

11. If the Administrator placed conditions on large lot subdivision approval, any improvement plans that respond to the required conditions shall be submitted to the Administrator. Improvements shall be designed by or under the direct supervision of a licensed engineer in the State of Washington. The licensed engineer shall certify the appropriateness of the improvement plans. All improvement plans shall comply with other regulations and shall contain the following:
 - a. Large lot subdivision number;
 - b. Name, mailing address, and telephone number of the engineer preparing the plan; and
 - c. Date (month and year).
12. The Administrator along with the County Engineer (and the Local Health Officer, if appropriate) shall review improvement plans to determine if they conform with the conditions of the preliminary large lot subdivision approval and with other adopted regulations as of the date of preliminary large lot subdivision approval. Approval shall be given by the signatures of the County Engineer and of the Administrator on the improvement plans. The Administrator and the County Engineer shall indicate on the plat that the design is approved, or within twenty-one (21) calendar days return the plan to the applicant with a list of deficiencies.
13. Upon compliance of the final plat and the improvement plans with all preliminary large lot subdivision conditions and with all applicable regulations, the County Engineer and the Administrator shall sign the final plat.
14. The act of approving a plat shall become effective when the final plat and supporting documents are filed with the Auditor by the Administrator. Any outstanding filing fee shall accompany the final plat when it is submitted to the Administrator.
15. No final plat shall be accepted for filing unless all property taxes have been paid in full.

F. SPECIAL REQUIREMENTS FOR LARGE LOT SUBDIVISIONS WITH PRIVATE ROADS

In addition to the requirements listed in Subsection 6.E. of this Ordinance, all final large lot subdivisions with private rights of way, roads, or easements must have a declaration of covenant requiring construction and maintenance of private roads, with a provision to dedicate the rights-of-way and roads to Pacific County when required by local regulations.

G. FINAL LARGE LOT SUBDIVISION/EXPIRATION OF PRELIMINARY LARGE LOT SUBDIVISION APPROVAL

Preliminary approval of a large lot subdivision will be effective for six (6) months. During this period a final plat shall be prepared by the applicant. If the preliminary approval contains conditions, the applicant shall submit proof of meeting such conditions. If the

applicant submits a written request within this period to the Administrator that contains good reason(s) for extending the time period, the Administrator may grant the applicant one six (6) month extension to meet the conditions of approval.

If the final large lot subdivision is not approved by the Administrator within the requisite time period, the preliminary approval of the large lot subdivision shall be void. Final large lot subdivisions shall be processed under a Type I procedure as delineated in Pacific County Ordinance No. 164, or any amendments thereto.

H. COMPLETION OF REQUIRED PUBLIC IMPROVEMENTS

1. In lieu of completing all of the required public improvements prior to the approval of a final plat, the applicant may petition to have specific requirements delayed. If such a request is made, the Administrator shall require a refundable cash payment to ensure that the necessary actions are completed in a timely fashion. The amount of the cash payment shall not exceed one hundred fifty percent (150%) of the estimated cost of the uncompleted actions as determined by the Administrator. If the applicant completes the required public improvements in a timely fashion, the cash payment shall be refunded to the applicant. Otherwise, Pacific County shall be entitled to complete the required public improvements itself (or "contract out" the task) and to keep whatever portion of the cash payment is necessary to design, administer, and construct the outstanding improvements.
2. Construction of required public improvements shall not begin until the Administrator has approved the construction plans and the final plat boundary line computations.

I. DESIGN STANDARDS FOR LARGE LOT SUBDIVISIONS

Design standards, monumentation, survey standards, and drafting standards for large lot subdivisions shall be subject to any administrative rules formulated by the Administrator and approved by resolution of the Board.

J. ALTERATION/VACATION OF FINAL LARGE LOT SUBDIVISION PLATS

The Administrator shall file the final plat for a large lot subdivision and attached documents for recording with the Pacific County Auditor. No final plat so filed for a large lot subdivision shall be altered or vacated in any respect by anyone, except in a Type II public hearing process, under the requirements of Pacific County Ordinance No. 164, or any amendments thereto. In any such hearing process, the Administrator shall act as the hearing examiner.

SECTION 7 - EFFECTIVE DATE

This Ordinance is effective as of December 21, 2012.

SECTION 8 - REPEAL OF ORDINANCES

Pacific County Ordinance Nos. 149 and 149A are repealed as of December 21, 2012. However, any land division application that was technically complete on or before the effective date of this Ordinance shall be processed according to the regulations that were in effect when the application became technically complete.

PASSED by the Board of Pacific County Commissioners meeting in regular session at South Bend, Washington, the 20th day of December, 2012, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage:

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT.

APPROVED AS TO FORM:

David Burke

David Burke, Prosecuting Attorney

**BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON**

Lisa Ayers

Lisa Ayers, Chairman

ATTEST:

N B Cuffel

Norman B. Cuffel, Commissioner

Marie Guernsey

Kathy Noren, Clerk of the Board

Deputy

Steve Rogers

Steve Rogers, Commissioner

Ordinance No. 163
Land Divisions

Findings of Fact

1. The Board of Pacific County Commissioners adopted the 2010 Pacific County Comprehensive Plan on October 26, 2010 following a lengthy update process.
2. Pacific County is required to update its existing development regulations to ensure consistency with the 2010 Pacific County Comprehensive Plan and the state Growth Management Act (GMA), Chapter 36.70A RCW.
3. Pacific County's Ordinance relating to the division(s) of land constitutes one of the development regulations that needs to be enacted under the Pacific County Comprehensive Plan and the GMA.
4. Ordinance No. 149 was originally adopted by the Board of Commissioners on August 24, 1999 and amended by Ordinance No. 149A on July 8, 2008.
5. Pacific County Ordinance Nos. 149 and 149A need to be rescinded and replaced with a new primary Ordinance No. 163 to prevent confusion that occurs resulting from having multiple amendments to the same primary ordinance.
6. Ordinance No. 163 will integrate land division regulations and make them more orderly.
7. Ordinance No. 163 protects the environment without being unduly burdensome on land developers.
8. The Pacific County Planning Commission held public hearings on the proposed ordinance update on May 3, 2012, June 7, 2012, and on July 12, 2012.
9. Pacific County received no public comments regarding the proposed ordinance update during the May 3, 2012, June 7, 2012, and July 12, 2012 public hearings.
10. Pacific County issued a SEPA Preliminary Determination of Non-Significance on June 20, 2012 with the end of the 14-day comment period being July 6, 2012. No comments were received.
11. Pacific County sent Notice of Proposed Ordinance Adoption to the Washington State Department of Commerce (Growth Management Services Division) on June 20, 2012, in order to satisfy the Dept. of Commerce's 60-day notification requirement.

12. Pacific County Ordinance No. 163 will effectuate the intent of the Pacific County Comprehensive Plan.
13. The Pacific County Board of Commissioners held a public hearing regarding proposed Ordinance No. 163, Land Divisions, on December 20, 2012, no public comments or testimony was received.

ADOPTED by the Board of Pacific County Commissioners the 20th day of December, 2012, meeting in continued session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT.

APPROVED AS TO FORM:

David Burke

David Burke, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Lisa Ayers

Lisa Ayers, Chairperson

N B Cuffel

Norman B. Cuffel, Commissioner

ATTEST:

Marie Guernsey
Clerk of the Board
Deputy

Steve Rogers
Steve Rogers, Commissioner

**Ordinance No. 163
Land Divisions**

Conclusions of Law

1. The Washington State Growth Management Act (GMA), Chapter 36.70A RCW, mandates that Counties and Cities required or choosing to plan under the authority of the Growth Management Act must adopt development regulations consistent with the jurisdictional Comprehensive Plan and state law.
2. Land division ordinances are considered to be a GMA development regulation by State Law.
3. Pacific County opted to plan under the authority of the Growth Management Act in 1990 via adoption of Pacific County resolution No. 90-123.
4. Adoption of Ordinance No. 163, Land Divisions, which is an update to Ordinance No. 149, Land Divisions, will adequately effectuate the intent of the Pacific County Comprehensive Plan.
5. Ordinance No. 163, Land Divisions, will produce no probable significant adverse environmental impacts. A determination of non-significance (DNS) under the State Environmental Policy Act (SEPA) is appropriate for this land division Ordinance.
6. Ordinance No. 163, Land Divisions, promotes the health, safety and welfare of the general public and is consistent with GMA requirements.

ADOPTED by the Board of Pacific County Commissioners the 20th day of December, 2012, meeting in continued session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT.

APPROVED AS TO FORM:

David Burke

David Burke, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Lisa Ayers

Lisa Ayers, Chairperson

N B Cuffel

Norman B. Cuffel, Commissioner

ATTEST:

Maria Guernsey
Clerk of the Board
Deputy

Steve Rogers

Steve Rogers, Commissioner