

Okanogan County Subdivision Ordinance

Title 16

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1 Chapter 16.04

2 GENERAL PROVISIONS

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16 The ordinance codified in Chapters 16.04. through 16.40 shall be known and cited as
17 the Okanogan County Subdivision Code.

18 **16.04.020 Compliance with Regulations**

19 No division of land shall hereafter be made within the unincorporated territory of
20 Okanogan County, Washington, except in full compliance with the provisions of this title
21 and Chapter 58.17 RCW as it now exists or is hereafter amended.

22 **16.04.030 Repealer**

23 Platting Ordinance No. 70-2, Short Plat Ordinance No. 74-3 and No. 85-5 are hereby
24 repealed.

25 **16.04.040 Purpose**

26 The provisions of this title are adopted to:

- 27 1. Comply with the requirements of Chapter 58.17 RCW;
- 28 2. Promote the public health, safety and general welfare in accordance with
29 standards established by the State of Washington to prevent the overcrowding of
30 land;
- 31 3. Provide uniform standards and regulations for the division of land;
- 32 4. Lessen congestion in the streets and highways;
- 33 5. Promote effective use of land consistent with environmentally sensitive
34 development practices;
- 35 6. Promote safe and convenient travel by the public on streets and highways;
- 36 7. Provide for adequate light and air;
- 37 8. Facilitate adequate provision for water, storm drainage, sewerage, parks and
38 recreation areas, sites for schools and school grounds and other public
39 requirements;
- 40 9. Provide for proper ingress and egress;
- 41 10. Provide for the expeditious review and approval of proposed subdivisions which
42 conform to zoning standards and local plans and policies;
- 43 11. Adequately provide for the housing needs of the citizens of Okanogan County;
- 44 12. Implement State Environmental Policy Act RCW 43.21(C) and WAC 197-11;
- 45 13. Require uniform monumentation of land subdivisions and conveyancing by
46 accurate legal description;
- 47 14. Promote subdivision actions in accordance with the Okanogan County
48 Comprehensive Plan; and
- 49 15. Promote the uniform and consistent addressing of parcels of land countywide
50 (E911).

51 **16.04.050 Scope**

52 In their interpretation and application, the provisions of this title shall be held to be
53 standard requirements, adopted for the general protection of the public health, safety
54 and/or general welfare. All subdivision approval actions pursuant to this title shall
55 conform to Okanogan County's lawfully adopted plans, rules, regulations, and
56 ordinances in effect at the time of application, including but not limited to the Okanogan
57 County Comprehensive Plan, Zoning Ordinance, Health Code, Shoreline Master

58 Program, SEPA Ordinance, and other such controls or land use regulations as may be
59 subsequently adopted.

60 **16.04.055 SEPA and Critical Areas Coordination**

61 In addition to review for compliance under this chapter, all subdivisions, short
62 subdivisions, binding site plans, and other types of land division proposed within
63 Okanogan County also shall be reviewed for compliance with the provisions of the
64 Washington State Environmental Policy Act RCW 43.31C, WAC 197-11, the Okanogan
65 County SEPA Ordinance No. 95-5 and Okanogan County Growth Management Critical
66 Areas Regulations Ordinance 94-2, as herein after amended. Compliance with SEPA
67 may necessitate preparation of an Environmental Impact Statement and may require
68 mitigation of specific adverse impacts of the proposed subdivision action consistent with
69 the requirements of WAC 197-11-660 and Washington case law.

70 **16.04.060 Notice and Appeal Periods**

71 In the instance of a notice or appeal period established under the authority of this title,
72 the termination of such period which happens to fall on a holiday or weekend shall be
73 extended to the close of business of the next working day.

74 **16.04.065 Severability**

75 If any provision of this title is for any reason held to be invalid, the remainder of this title
76 shall not be affected. If any provision of this title is adjudged invalid as applied to a
77 particular person or circumstance, the remainder of this title shall not be affected.

78 **16.04.070 Exemptions**

79 Pursuant to Chapter 58.17.040 RCW, the provisions of this title shall not apply to:

- 80 I. Cemeteries and other burial plots, while used for that purpose;
- 81 II. Exempt Segregations of four (4) or fewer parcels, provided that the parent parcel
82 was not created by a prior exempt segregation within the previous 5-year period:
83 Divisions of land in accordance with the applicable zoning density or lot size
84 requirements for the area into 4 or fewer lots or tracts not containing a dedication
85 and none of which is less than 20 acres in area or one-thirty second of a section
86 if the land is capable of description as a fraction of a section of land provided:
- 87 A. that for the purpose of computing the size of any lot under this item which
88 borders on a private street or county road, the lot size shall be expanded
89 to include that area which would be bounded by the center line of the road
90 or street and the side lot lines of the lot running perpendicular to such
91 center line (state highways are not included);
- 92 B. that an exempt segregation application form be filled out and submitted to
93 the Office of Planning and Development;

- 94 C. Exempt segregations which are physically or functionally related, together
95 creating five (5) or more parcels, must comply with the provisions of 16.10
96 "Large Lot Segregations"; and
- 97 III. Any division made by testamentary provisions or the laws of descent or court
98 order;
- 99 IV. Binding Site Plans;
- 100 V. An alteration by adjusting boundary lines, which is processed in accordance with
101 Section 16.04.080; and
- 102 VI. Divisions of land into lots or tracts if the improvements constructed or to be
103 constructed thereon will be included in one or more condominiums or owned by
104 an association or other legal entity in which the owners of units therein or their
105 owners associations have a membership or other legal or beneficial interest.

106 **16.04.080 Boundary Line Adjustment**

107 The Okanogan County Office of Planning & Development Director is Administrator of
108 this title. The administrator or the administrator's designee may approve boundary
109 adjustments under the following circumstances:

- 110 1. No new lots are created (e.g.: if you start with two (2) parcels you must end with two
111 (2) parcels;
- 112 2. The character of the parcels are not substantially altered (e.g.: If a lot has access to
113 a body of water, a Boundary Line Adjustment may not be performed if the lot loses
114 its access to the water.); and
- 115 3. The new parcel configurations contain sufficient area and dimension to meet
116 minimum requirements for width, area and zoning for a building site and septic
117 system. A Boundary Line Adjustment between existing non-conforming lots shall
118 not result in lots of greater non-conformity with the exception of lot area (lot area
119 reduction shall be the minimum necessary to accomplish the objective of boundary
120 line adjustment); and
- 121 4. The new parcel configuration does not result in loss of access to a public or private
122 road. Access may be provided by easement noted on parcel deeds.
- 123 5. An application form available from the Okanogan County Office of Planning &
124 Development shall be completed including the following information:
 - 125 a. A legal description of the parcels involving the Boundary Line Adjustment;
 - 126 b. A legal description and appropriate drawing of sufficient accuracy and legibility to
127 be recorded indicating the proposed new parcel boundaries;
 - 128 c. A signature of all fee owners or authorized agents having authority to sign for
129 properties involved in the boundary line adjustment;

- 130 d. The signature and stamp of a Professional Land Surveyor; unless alternative
131 method is approved by administrator; and
- 132 e. Conveying document.
- 133 6. The boundary line adjustment will not take effect until recorded with Okanogan
134 County Auditor's Office. The Okanogan County Office of Planning and Development
135 shall be responsible for recording of the boundary line adjustment.
- 136 7. The Boundary Line Adjustment process cannot be used in conjunction with Large
137 Lot Segregations in order to adjust parcels to less than 20 acres, or 1/32 of a
138 section of land, as referenced in OCC 16.10.010.
- 139 8. The adjustment shall be between platted or unplatted lots or both.

140 **16.04.085 Public Purpose Segregation**

141 The Administrator may approve government or public purpose segregations as defined
142 under 16.08.135 under the following circumstances:

- 143 I. An application form available from the Okanogan County Office of Planning &
144 Development shall be completed including the following information:
- 145 A. A legal description of the entire property;
- 146 B. A legal description of the property to be separated and deeded; and
- 147 C. A statement of the specific public purpose;
- 148 D. Signature of all owners or their agents having authority to deed the
149 property involved in the application and the body or agency to receive the
150 property.
- 151 E. Sufficient information to determine whether the public purpose parcel and
152 the remainder meets the standards of Section 16.08.030, "Buildable Lot".
- 153 II. The segregation shall include a provision in the instrument of transfer that; "The
154 subject property was created for _____ (list purpose) under 16.04.085 of
155 the Okanogan County Subdivision Code."

156 If the parcel segregated does not meet the criteria for a "Buildable Lot" the
157 following additional language shall be included on the instrument of transfer: "As
158 long as the property is a public purpose parcel, building permits may be obtained
159 consistent with the public purpose use for which the segregation was made,
160 provided that no structures for human habitation shall be erected. In the event
161 that the parcel is no longer used for public purposes or passes out of the hands
162 of the public entity, all zoning, subdivision, density requirements and other land
163 use requirements must be met before any building permit can be obtained.

164

165 **16.04.095 Proximity to Agricultural Land**

166 New lots created by a subdivision or short subdivision shall buffer existing commercially
167 productive agricultural lands. The following requirements shall be required for all
168 subdivisions and short subdivisions. The final plat for subdivisions and short
169 subdivisions bordering commercially productive agricultural lands shall include a plat
170 disclaimer identifying these requirements.

- 171 1. Habitable and commercial structures shall be set back a minimum of 75-feet from
172 properties containing commercially productive agricultural lands. This provision does
173 not apply to agricultural buildings considered a "commercial structure".

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Chapter 16.08

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DEFINITIONS

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226 16.08.005 Definitions generally

227 Whenever the words and phrases set forth in this chapter appear in this title, they shall
 228 be given the meaning attributed to them by this chapter. When not inconsistent with the
 229 context, words used in the present tense include the future; the singular includes the

230 plural, and the plural the singular; "shall" is always mandatory and "may" indicates a
231 use of discretion in making a decision.

232 **16.08.080 Administrative Delays**

233 Administrative delays include those actions taken by county, state, or federal officials,
234 that cause the applicant to not be able to complete the platting process as a result of
235 non-action by a reviewing/commenting agency.

236 **16.08.010 Administrator**

237 The Okanogan County Office of Planning & Development Director or the director's
238 designee.

239 **16.08.015 Alley**

240 A strip of land dedicated to public use, not more than 20 feet nor less than 8 feet in
241 width, between property lines which provides access to adjacent properties.

242 **16.08.025 Block**

243 A group of lots, tracts or parcels within well defined and fixed boundaries.

244 **16.08.027 Boundary Line Adjustment**

245 An alteration by adjusting boundary lines, between platted or unplatted lots or both,
246 which does not create any additional lot, tract, parcel, site or division. For Boundary
247 Line Adjustment see 16.04.080 for applicable process.

248 **16.08.030 Buildable lot**

249 A lot upon which Okanogan County will issue a building permit in accordance with
50 zoning and other applicable regulations.

251 **16.08.032 Cluster**

252 The designated area of concentrated human impact containing buildable lots within the
253 boundary of a planned unit cluster plat, meeting the provisions of OCC **16.14.040 4**,
254 "Clustering".

255 **16.08.035 Comprehensive plan**

256 The current comprehensive plan of Okanogan County, adopted by the Board pursuant
257 to state law.

258 **16.08.040 County Auditor**

259 The Okanogan County Auditor authorized pursuant to Chapter 36.22 RCW as it now
260 exists or is hereafter amended.

261

262 **16.08.045 County Commission or Board**

263 The legislative authority of Okanogan County, authorized pursuant to Chapter 36.32
264 RCW as it now exists or is hereafter amended.

265 **16.08.050 County Road Engineer**

266 The Okanogan County Engineer, authorized pursuant to Chapter 36.80 RCW as it now
267 exists or is hereafter amended.

268 **16.08.055 County Treasurer**

269 The Okanogan County Treasurer, authorized pursuant to Chapter 36.29 RCW as it
270 now exists or is hereafter amended.

271 **16.08.056 Critical Areas**

272 Those areas and physical features identified by the by the Okanogan County Critical
273 Areas ordinance, 14.12.

274 **16.08.060 Cul-de-sac**

275 The turn around provided at the end of a dead end roadway.

276 **16.08.061 Day**

277 "Day" means calendar day. All application timelines will be calculated according to
278 calendar days which include counting weekends and holidays. When any time period
279 specified herein lapses on a weekend or holiday, that time period shall be extended to
280 the close of business on the following calendar day.

281 **16.08.063 Dead-end Roadway**

282 A street or road having one end connected to an access street or road and the other
283 end permanently closed.

284 **16.08.065 Dedication (Public)**

285 The deliberate appropriation of land by an owner for any general and public uses,
286 reserving to himself no other rights than such as are compatible with the full exercise
287 and enjoyment of the public uses to which the property has been devoted. The
288 intention to dedicate shall be evidenced by the owner by the presentment for filing of a
289 final plat or short plat or other conveyance showing the dedication thereon; and, the
290 acceptance by the public shall be evidenced by the approval of such plat for filing by
291 the appropriate authority.

292 **16.08.067 Density Bonus**

293 For the purpose of planned unit cluster plats, in accordance with OCC 17.32, "Variable
294 Lot Sizes and Density", a density bonus is the percentage of increased density above
295 that which is allowed by the underlying zone district. A project area receiving a density
296 bonus results in an increased total number of lots. The total number of lots is generally
297 based on the total acres of the project area.

298 **16.08.070 Development standards**

299 Development standards include plans and ordinances adopted by Okanogan County to
300 regulate physical development, including, but not limited to, subdivision, zoning, critical
301 areas, and the Okanogan County Road and Street Standards and Guidelines for
302 developments.

303 **16.08.075 Division of land**

304 Any transaction or action, not otherwise exempt or provided for under the provisions of
305 this title, which alters or affects the shape, size or legal description of any part of an
306 owner's land. Sale of a condominium or rental or lease of a building, facility or structure
307 which does not alter or affect the legal description of an owner's land shall not
308 constitute a division of land.

309 **16.08.080 Easement**

310 A grant by a property owner to specific persons or to the public the right to use a
311 designated portion of land for a specific purpose or purposes. Easements are only
312 partial grants of authority over the subject property, the exact nature of which is
313 normally explained by the terms of the easement.

314 **16.08.085 Final plat**

315 The final drawing of the subdivision and dedications filed for the record with the County
316 Auditor and containing all elements and conforming to the requirements set forth in
317 Chapter 58.17 RCW and this title.

318 **16.08.090 Hearings Examiner**

319 That person duly appointed by the Board of County Commissioners to conduct quasi
320 judicial hearings and other specified duties.

321 **16.08.095 Large Lot Segregations**

322 When five (5) or more parcels, the smallest parcel being at least twenty (20) acres in
323 size or 1/32 of a section of land, are created from a parent parcel or through a series of
324 exempt actions (according to 16.04.070,2) that are physically or functionally related.

325 **16.08.100 Legal Lot**

326 A lot created by a recorded subdivision or short subdivision, or a lot meeting the
327 requirements for an exempt parcel or large lot as defined in OCC Title 16, or a lot

328 conveyed or created by other means prior to the adoption of this code. The term shall
329 include tracts or parcels.

330 **16.08.103 Monument, Lot Corner**

331 A 5/8"x24" rebar with a plastic cap or other legal method of identifying the land surveyor
332 or a 1"x24" iron pipe with a plastic plug or other legal method of identifying the land
333 surveyor; 1/2" rebar may be used through December 31, 1993.

334 **16.08.104 Monument, Permanent Control**

335 A 5/8" rebar, 1" iron pipe or a brass or aluminum cap set in a concrete collar with the
336 surveyors name and professional license number. If brass or aluminum caps are used,
337 a piece of iron scrap shall be embedded in the concrete collar for magnetic detection.
338 1/2" rebar may be used through December 31, 1993.

339 **16.08.105 Natural Resource Lands**

340 Agricultural, forest and mineral resource lands which have long-term commercial
341 significance.

342 **16.08.106 Open Space**

343 For purposes of planned unit cluster plats, "open space" shall mean land not located
344 within a "cluster" as defined by **OCC 16.08.032**, unless otherwise designated as
345 resource land. Open space is further defined within the Okanogan County Zoning
346 Ordinance (OCC Title 17), sections **17.04.210, 17.04.212, 17.04.215, and 17.04.220**.

347 **16.08.108 Parent parcel**

348 Those lots, parcels or tracts of land that existed prior to January 1, 1987; and/or all
349 lawfully established lots, parcels or tracts since that time. It is from said "parent parcel"
350 that all subsequent lots, parcels or tracts are created, unless exempted by RCW 58.17.

351 **16.08.109 Planned Unit Cluster Plat**

352 A method of dividing property, consistent with **RCW 58.17**, creating lots which do not
353 meet the minimum lot size and density requirements of the underlying zone district, in
354 accordance with **OCC 17.32** "Variable Lot Sizes and Density". A planned unit cluster
355 plat is processed as either a short subdivision or subdivision in accordance with OCC
356 Title 16. Lands identified within these plats may receive a density bonus for earning
357 points from the performance based density bonus system. A planned unit cluster plat
358 creates one or more "clusters".

359 **16.08.110 Planning Commission**

360 The Okanogan County Regional Planning Commission established pursuant to RCW
361 36.70.

362

363 **16.08.115 Plat or regular plat**

364 A map or representation of a subdivision, showing thereon the division of a tract or
365 parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

366 **16.08.120 Preliminary plat**

367 A neat and approximate drawing of a proposed subdivision showing the general layout
368 of streets and alleys, lots, blocks, and other elements of a subdivision consistent with
369 the requirements of Chapter 58.17 RCW and this title. The preliminary plat shall serve
370 as the basis for the approval or disapproval of the general layout of a subdivision.

371 **16.08.125 Primary Access**

372 The principal means of gaining vehicular access to a parcel of land, regardless of the
373 relative length of the parcel's property line adjacent to the road or private road serving
374 the parcel.

375 **16.08.130 Private road**

376 Land in private ownership, either held by an individual or an association of individuals,
377 and used for travel of vehicles, but not by other persons; such roads are not maintained
378 by Okanogan County or any other public agency or government unit.

379 **16.08.135 Public Purpose Segregation**

380 A division made for the purpose of creating a portion of property to be deeded to the
381 County, any city, taxing district, governmental body, utility company or non profit
382 community organization or foundation (whose articles or bylaws allow it to hold land for
383 public use and benefit) for a designated use providing the remaining portion of property
384 has sufficient lot area, dimensions and meets all other criteria to comply with the
385 applicable County regulations, for the intended purpose of the segregation. Public
386 purpose segregations may include deeded paths, trails and rights-of-way for public
387 access purposes; if a deeded path, trail or right-of-way traverses a parcel, such path
388 shall be considered an exception to the underlying parcel and shall not be considered a
389 division of the underlying parcel nor subtract from the parcel size for density purpose.

390 **16.08.137 Public Road**

391 The portion of a public right-of-way which provides vehicular circulation or principal
392 means of access to abutting properties. The right-of-way may also include provisions
393 for public utilities, pedestrian walkways, public open space and recreation areas, cut
394 and fill slopes, and drainage.

395 **16.08.139 Resource Land**

396 Lands designated by the Okanogan County Comprehensive Plan as Resource Lands,
397 including Agricultural Land, Forest Land, Mineral Land, and Urban Resource.

398

399 **16.08.141 SEPA**

400 SEPA means the State Environmental Policy Act, Revised Code of Washington,
401 Chapter 43.21C, implemented by Washington Administrative Code, Chapter 197-11,
402 and the Okanogan County SEPA Ordinance.

403 **16.08.143 Shoreline Jurisdiction**

404 Those areas of the county which are subject to the provisions of Chapter 90.58 RCW
405 and Okanogan Title 18. (Note: Within areas of shoreline jurisdiction certain SEPA
406 categorical exemptions may not apply.)

407 **16.08.145 Short Plat**

408 The map or representation of a short subdivision.

409 **16.08.150 Short subdivision**

410 The division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions
411 for the purpose of sale, lease or transfer of ownership, including any remaining portions
412 of the parent parcel for any lot created through use of Sections 16.04.070 (2).

413 **16.08.155 Subdivider**

414 A person or persons, including a corporation, partnership, or other association, who
415 undertakes to create, alter, or expand a subdivision or short subdivision.

416 **16.08.160 Subdivision**

417 The division or redivision of land into five or more lots, tracts, parcels, sites or divisions
418 for the purpose of sale, lease or transfer of ownership.

419 **16.08.165 Zero Point**

420 The point designated by the County Engineer as the point of origin for each road for the
421 purposes of assigning an E-911 address.

422 **16.08.170 Zoning / Zoning Code**

423 The Zoning Code of Okanogan County Code Title 17. All regulations of this code are
424 intended to be consistent with the zoning code. In case of conflict, zoning code
425 provisions governed.

426

Chapter 16.10

427

LARGE LOT SEGREGATIONS

428 **Sections:**

429 **16.10.010 Applicability**

430 **16.10.020 Application and Contents**

431 **16.10.030 Process**

432 **16.10.010 Applicability**

433 When five (5) or more parcels of land, the smallest of which is at least 20 acres in size
434 (or 1/32 of a section if the land is capable of description as a fraction of a section of
435 land), are proposed to be created from a parent parcel. The Large Lot Segregation
436 needs to be approved prior to the sale of individual parcels. Boundary Line Adjustments
437 must not be used in conjunction with Large Lot Segregations in order to adjust lots less
438 than 20 acres in area or one-thirty second of a section of land, without the filing of a
439 short plat, long plat or planned development.

440 **16.10.020 Application and Contents**

441 Application for a Large Lot Segregation shall be submitted to the Office of Planning and
442 Development on an application form, including the following information:

- 443 1. a legal description and accompanying map drawn to reflect the legal
444 description of the existing parcel(s) and the proposed segregations,
- 445 2. proof of legal access to each lot,
- 446 3. addresses for each parcel created,
- 447 4. names of newly created access roads (both public and private).

448 **16.10.030 Process**

449 The Large Lot Segregation review process is as follows:

- 450 1. A completed application is filed with the Office of Planning and Development,
451 pursuant to section 16.10.020.
- 452 2. The Planning Office reviews the application for compliance with section
453 16.10.020. If approved, Planning staff forwards a copy of the complete
454 application to the Assessor's Office for their review. After review by the
455 Treasurer's Office and payment of any required excise tax, the Planning
456 Office records the entire application with the Auditor's Office.

457
458
459

3. The Assessor's Office reviews the legal description and map for accuracy. The Assessor's Office creates tax parcels, assigns tax parcel numbers, and draws the lot lines on the maps.

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Chapter 16.12

61

SHORT SUBDIVISIONS

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- 465 **16.12.025 Application Time Line**
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- 468 **16.12.050 Notice of Action on Short Plat Application**
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- 470 **16.12.070 Final Short Plat Submittal**
- 471 **16.12.080 Approval of Short Plats**
- 472 **16.12.090 Recording of Short Plats, Final Notice and LUPA Appeals**
- 473 **16.12.095 Short Plat Alteration**
- 474 **16.12.100 Short Plat Vacation**
- 475 **16.12.110 Resubdivisions**
- 476 **16.12.120 Prohibition on construction other than "model homes" and required**
 .77 **improvements prior to final plat approval**

478 **16.12.010 Administration**

- 479 1. The Okanogan County Office of Planning & Development Director (Administrator),
- 480 or the designee, is vested with the duty of administering and interpreting the short
- 481 subdivision provisions of this title and with the authority to summarily approve,
- 482 approve with conditions, disapprove or return for modification proposed short
- 483 subdivisions;
- 484 2. The administrator may prepare and require the use of such forms as deemed
- 485 necessary to administer this title; and
- 486 3. Deviations - The Administrator may, after conferring with appropriate agencies,
- 487 grant minor deviations from literal compliance with the requirements of this Chapter.
- 488 Such deviations are intended to provide relief from literal compliance with specific
- 489 provisions of this Section in instances where there is an obvious practical problem

490 with doing so, and sufficient information is available to complete the review. Any
491 deviation granted must meet the requirements for variance set forth in RCW
492 36.70.810(2) and is subject to the appeal provisions of OCC 16.45 Appeals.

493 **16.12.020 Application Fee**

494 An application for short subdivision shall be accompanied by an application fee as
495 specified in the adopted Okanogan County Planning, Public Health, and Public Works
496 fee schedules.

497 **16.12.025 Application Time Line**

498 **Application Time Line**

499 The administrator shall use the following time line for all short subdivisions:

- 500 1. Within 28 days of receiving, or receipting in of appropriate fees, of a project
501 application a written determination shall be sent to applicant stating:
- 502 A. The application is vested; or
- 503 B. The application is incomplete and what is necessary to make the application complete;
- 504 i. Should an application be deemed incomplete the applicant shall have 21 days
505 (expressed in calendar days) from date of determination to submit additional
506 documentation;
- 507 ii. Shall additional documentation not be submitted within 21 days the administrator will
508 return to applicant application along with receipted fees, minus cancellation fee per
509 Okanogan County Fee Schedule);
- 510 C. Within 14 days of additional documentation being submitted a written determination
511 shall notify applicant whether application is vested or what additional documentation is
512 needed; if additional documentation is needed the timeline of set out in 2(A) above will
513 take affect. This process shall continue under the timelines above until such time as the
514 application is vested or additional documentation wasn't submitted pursuant to section
515 2(B).
- 516 2. Notice of application and SEPA determination will be published in Okanogan County
517 official newspaper of record per 16.12.040.
- 518 3. The publishing date is the first day of the 30 day (expressed in calendar days)
519 comment period in accordance with 16.12.040.
- 520 4. Within 60 days (expressed in calendar days) of vestment a preliminary
521 determination letter per 16.12.080 will be sent to applicant and/or agent/surveyor.
- 522 5. The project will have 4 years from the date of preliminary determination, when
523 approved, to complete all conditions of approval and submit the final plat for review
524 and approval.

525

526 **16.12.030 Application and Contents**

- 27 Application for a short subdivision shall be submitted to the Office of Planning &
528 Development on an application form including an environmental review questionnaire,
529 provided by the Planning Department. The preliminary short plat shall be completed by
530 or under the supervision of a land surveyor. The submitted drawing shall be indicated
531 on or be accompanied by:
- 532 I. Copies of the preliminary short plat requirement include two 18"x24", one
533 11"x17", and one electronic copy or one 11"x17" and five 18"x24" hard copies.
 - 534 II. The entire lot, tract, parcel, site or division constituting the parent parcel and its
535 legal descriptions (legal description of the exterior boundaries of the property
536 proposed for platting);
 - 537 III. The parcel number or numbers as assigned to parent parcel by the County
538 Assessor, together with their legal descriptions;
 - 539 IV. The names or recording numbers of any contiguous subdivisions, short
540 subdivisions, planned developments, or binding site plans;
 - 541 V. Lines marking the division of the property into the proposed four or less lots,
542 tracts, parcels, sites or divisions;
 - 543 VI. Individual acreage of proposed lots and number of each lot;
 - 544 VII. Existing structures;
 - 545 VIII. Location of existing roads or streets, or existing deeds or easements with their
546 auditor's file numbers. In addition, provide designation of "public" and/or
547 "private" regarding the road and/or the beneficiary of the easement if known;
 - 548 IX. Location of any roads, rights-of-way or easements proposed to serve the short
549 subdivision with a clear designation of their purpose and nature, including
550 whether they will be private or dedicated public roads, right-of-ways or
551 easements;
 - 552 X. Identify existing access or proposed access.
 - 553 A. Right-of-way width for private or public roads and streets, to be
554 determined by the standards set by Okanogan Public Works Department
555 road and street standards and guidelines for development, but not to
556 exceed that required for regular plats, shall be dedicated if the short
557 subdivision contains two or more lots which are contiguous to:
 - 558 1. An existing subdivision where partial street right-of-way has been
559 dedicated;
 - 560 2. An existing partial right-of-way deeded for public road purposes;
561 and

562 3. A location where an ordinance, or long range road program, or
563 comprehensive plan, indicates the need for a future road or street.

564 XI. Right-of-way for access to utilities or service parcels not expected to be in
565 regular use may be less than 25 feet in width;

566 XII. Location of streams, wetlands, natural resource lands and other fish and wildlife
567 habitat areas inside the project area, and those within 200 feet of the proposal, if
568 readily apparent or ascertainable from Federal, State or County records and/or
569 maps;

570 XIII. Mileage, accurate within 100 feet, to the primary access point of each lot as
571 measured from the "zero point" (see 16.08.165) of the County road from which
572 access is obtained for the purposes of assigning an E-911 address.

573 **16.12.040 Review, Determination, and Notification**

574 I. The administrator shall mail a brief notification of an application that's vested to
575 all taxpayers of record of property within 300 feet of the proposed short
576 subdivision as shown by the records of the county assessor. If the owner of the
577 real property which is proposed to be subdivided owns another parcel or parcels
578 of real property which lie adjacent to the real property proposed to be subdivided,
579 notice shall be given to owners of real property located within 300 feet of any
580 portion of the boundaries of such adjacently located parcels of real property
581 owned by the owner of the real property proposed to be subdivided. .

582 Notice of the filing of a preliminary short subdivision shall be published in the
583 Okanogan County's official newspaper of record.

584 Notice of the filing of a short subdivision adjacent to or within one mile of the
585 municipal boundaries of a city or town, or which contemplates the use of any city
586 or town utilities, shall be given to the appropriate city or town authorities.

587 Notice of the filing of a short subdivision shall be sent to the Washington State
588 Department of Ecology, Washington State Department of Fish and Wildlife, the
589 Colville Confederated Tribe Planning Department, Washington State Department
590 of Archaeology and Historic Preservation, affected Irrigation District, and any
591 agency in the vicinity which may have jurisdiction. The notification shall include:

592 A. Identification of the applicant;

593 B. A vicinity map and copy of the preliminary short plat;

594 C. A brief explanation of the process involved, mailing address and date by
595 which any written comments should be submitted; and

596 D. SEPA checklist, if required for DS, DNS, or MDNS along with Threshold
597 Determination, or Final Determination for Categorically Exempt.

- 598 II. The Administrator, after conferring with appropriate officials, agencies having an
599 interest in the proposed short subdivision, and reviewing any written public input,
600 shall determine whether the short plat should be approved, disapproved or
601 returned to the applicant for changes in light of the following criteria and
602 requirements:
- 603 A. The proposed short subdivision is in conformity with the comprehensive
604 plan and any applicable zoning requirements or other land use controls
605 which may exist;
- 606 B. The proposed short subdivision provides legal access for ingress and
607 egress in accordance with current road standards and criteria or has
608 received a deviation per Section 16.34;
- 609 C. Certification by the Okanogan County Health District that the proposed
610 short subdivision is served by adequate water supply and contemplated
611 sewage disposal meets state and local regulations;
- 612 D. For proposed short subdivision within an irrigation district, adequate
613 provisions have been made for mitigation pursuant to Section 58.17.310
614 RCW;
- 615 E. The public use and interest will be served by permitting the proposed
616 division of land;
- 617 F. The proposed short subdivision adequately treats and relates to critical
618 areas; and
- 619 G. A noxious weed inventory and control plan, if applicable.

620 **16.12.050 Notice of Action on Short Subdivision Application**

621 The administrator shall prepare a letter to the applicant indicating:

- 622 A. That the preliminary short subdivision application is approved as a final
623 short subdivision; or
- 624 B. That the preliminary short subdivision is approved subject to certain
625 specified conditions which must be met prior to final short plat approval; or
- 626 C. That the short subdivision application cannot be approved for specified
627 reasons.
- 628 II. In the case of (b) above, a final short plat properly completed together with
629 appropriate fees and evidence of compliance with all required conditions may be
630 submitted prior to the expiration date, as specified in 16.12.060, without further
631 review; and
- 632 III. The specific certification(s), such as required for any agency with jurisdiction,
633 that must be completed and included as part of the final short plat submittal.

634 **16.12.060 Short Subdivision Expiration**

635 An approved preliminary short plat application shall be effective for four years from the
636 date of the preliminary approval letter as provided for in 16.12.050, 1, a and b. The
637 expiration date will not be extended under any circumstance that might arise.

638 **16.12.070 Final Short Plat Submittal**

639 A. The final short plat submitted for recording shall comply with the conditions specified
640 in the Notice of Action/Preliminary Approval letter on Short Subdivision Application
641 issued by the Administrator;

642 B. The final short plat shall be completed by or under the supervision of a licensed land
643 surveyor of the State of Washington and shall be based on a survey of the property.
644 Said survey shall be in compliance with the requirements of the Survey Recording
645 Act of 1973, Chapter 58.09 RCW and 332-130 WAC as it now exists or is here after
646 amended.

647 C. Prior to submittal of a final short plat one of the following must be submitted:

- 648 a. five 18"x24" paper copies of the final short plat to be circulated for final approval
- 649 b. an electronic copy of the final short plat to be circulated for final approval
- 650 c. the applicant can prove, with evidence of compliance, that all agency approvals
651 have been met;

652 D. A revised final short plat on an 18" by 24" stable base mylar that is stamped by a
653 licensed land surveyor in accordance with all requirements of Okanogan County
654 Code 16.12.030 is to be submitted to the Planning and Development Department.

655 E. In the event private roads are used to serve the proposed short plat, whether
656 exterior or interior, the following statement shall appear on the face of the short plat:
657 "Okanogan County has no responsibility to build, improve, maintain, or otherwise
658 serve any private road for this short plat";

659 F. Necessary utility easements having a minimum width of ten (10) feet shall serve
660 each interior lot. Utility easements may be included within the access easement and
661 may serve as a joint use easement with the access easement;

662 G. A title report, issued within 120 days of submittal of final short plat, showing all
663 parties having any interest in the parent parcel being subdivided, any
664 encumbrances, and all Auditor filing numbers;

665 H. The final short plat shall be signed by all owners of the land being subdivided and
666 their signatures shall be acknowledged, and notarized;

667 I. Easements of record shall be depicted or noted including their auditor's file
668 numbers;

669 J. All taxes for the current year, including back taxes and irrigation assessments, must
670 be paid in full to the County Treasurer, or irrigation district if required;

671 K. Tax classifications will be reviewed; and

672 L. All necessary signature blocks and plat notes shall be on final short plat.

673 **16.12.080 Approval of Short Plats**

674 The Administrator shall complete written findings of fact, in the form of a preliminary
675 approval letter, pursuant to RCW 58.17.060 for the approval of any short plat meeting
676 all of the requirements of Section 16.12.070. In the Findings of Fact, the administrator
677 shall determine

678 A. If appropriate provisions are made for, but not limited to, the public health,
679 safety and general welfare, for open spaces, drainage ways, streets or
680 roads, alleys, other public ways, transit stops, potable water supplies,
681 sanitary wastes, parks and recreation, playgrounds, schools and school
682 grounds, and shall consider all other relevant facts, including sidewalks
683 and other planning features that insure safe walking conditions for
684 students who walk to and from school; and

685 B. Whether the public interest will be served by the subdivision and
686 dedication. Dedication of land, any public body, provisions of public
687 improvements to serve the subdivision, may be required as a condition of
688 subdivision approval. Dedication shall be clearly shown on the final short
689 plat. No dedication or provision of public improvements shall be allowed
690 that constitutes an unconstitutional taking of private property.

691 Approval shall contain a requirement that land and short subdivisions may not be
692 further divided in any manner within a period of five years without the filing of a final
693 plat, except that when the short subdivision contains fewer than four parcels.

694 **16.12.090 Recording of Short Plats, Final Notice and LUPA Appeals**

695 Recording of short plats shall be done with the County Auditor following all approvals.
696 The applicant shall submit appropriate filing fees, payable to the Okanogan County
697 Auditor. The applicant shall produce the final short plat on an 18" by 24" stable base
698 mylar stamped by a licensed surveyor. The Office of Planning and Development shall
699 transmit final mylar to County Auditor for filing.

700 Once a final short plat is recorded the following final notices shall be given:

701 A. , the administrator shall mail a brief notification to all taxpayers of record within
702 300 feet of the proposed short subdivision, as shown by the records of the
703 county assessor (in accordance with OCC 16.12.040) .

704 B. Previously notified agencies.

705 C. Shall be published in Okanogan County's official newspaper of record.

706 D. To all public members who commented on the project.

707 All final decisions will be consistent with the appeal process under RCW 36.70C.

708 **16.12.095 Short Plat Alteration**

709 Once a short plat has been recorded with the County Auditor, it may be altered or
710 vacated in whole or part as long as no more than four lots are created from the original
711 short plat. If a proposed alteration or vacation involves a public dedication, the
712 alteration or vacation shall be processed in accordance with Chapter 58.17 RCW. If the
713 proposed alteration or vacation does not involve a public dedication, the altered short
714 plat shall be processed in accordance with the following provisions:

715 1. If the proposed alteration involves consolidation of lots, altering the location of lot
716 lines provided for in section 16.04.080 (Boundary Line Adjustment), or any other
717 change that would lessen the impacts to the public health, safety, morals, and
718 general welfare, it may be reviewed and summarily approved by the administrator.
719 If the proposed alteration involves the creation of new lots, altering the location of lot
720 lines not provided for in section 16.04.080, or any other change that would increase
721 the impacts to the public health, safety, morals, and general welfare, the altered
722 short plat must comply with the procedures and requirements of this chapter for
723 original short plat. A new line must be surveyed in accordance with 332-130 WAC;

724 2. The title of the altered short plat shall be: Plat Alteration Name of Short Plat Name,
725 SPA #. [FOR EXAMPLE: Funny Dew Alteration of the Last Chance Short Plat, SPA
726 94-71]; and

727 3. Corrections not involving the location of lot lines may be approved by the
728 administrator. An affidavit must be recorded with the County Auditor specifically
729 referencing the short plat by number and the correction.

730 **16.12.100 Short Plat - Vacation**

731 Whenever any person is interested in the vacation of any subdivision or portion thereof,
732 or any area designated or dedicated for public use, that person shall file an application
733 for vacation with the legislative authority of the city, town, or county in which the
734 subdivision is located. The application shall set forth the reasons for vacation and shall
735 contain signatures of all parties having an ownership interest in that portion of the
736 subdivision subject to vacation. If the subdivision is subject to restrictive covenants
737 which were filed at the time of the approval of the subdivision, and the application for
738 vacation would result in the violation of a covenant, the application shall contain an
739 agreement signed by all parties subject to the covenants providing that the parties
740 agree to terminate or alter the relevant covenants to accomplish the purpose of the
741 vacation of the subdivision or portion thereof.

742 When the vacation application is specifically for a county road or city or town street, the
743 procedures for road vacation or street vacation in chapter 36.87 or 35.79 RCW shall be
744 utilized for the road or street vacation. When the application is for the vacation of the
745 plat together with the roads and/or street, the procedure for vacation in this section shall

746 be used, but vacations of streets may not be made that are prohibited under RCW
747 35.79.030, and vacations of roads may not be made that are prohibited under RCW
48 36.87.130.

749 The legislative authority of the city, town, or county shall give notice as provided in
750 RCW 58.17.080 and 58.17.090 and shall conduct a public hearing on the application for
751 a vacation and may approve or deny the application for vacation of the subdivision after
752 determining the public use and interest to be served by the vacation of the subdivision.
753 If any portion of the land contained in the subdivision was dedicated to the public for
754 public use or benefit, such land, if not deeded to the city, town, or county, shall be
755 deeded to the city, town, or county unless the legislative authority shall set forth findings
756 that the public use would not be served in retaining title to those lands.

757 Title to the vacated property shall vest with the rightful owner as shown in the county
758 records. If the vacated land is land that was dedicated to the public, for public use
759 other than a road or street, and the legislative authority has found that retaining title to
760 the land is not in the public interest, title thereto shall vest with the person or persons
761 owning the property on each side, thereof, as determined by the legislative authority.
762 When the road or street that is to be vacated was contained wholly within the
763 subdivision and is part of the boundary of the subdivision, title to the vacated road or
764 street shall vest with the owner or owners of property contained within the vacated
765 subdivision.

766 This section shall not be construed as applying to the vacation of any plat of state-
767 granted shore lands.

768 **16.12.110 Resubdivisions**

769 Short subdivision may not be further divided in any manner within a period of five years
770 without the filing of a final plat, except that when the short plat contains fewer than four
771 parcels

772 **16.12.120 Prohibition on construction other than "model homes" and required**
773 **improvements before end of appeal period without release of**
774 **liability.**

775 An applicant for a building permit on a lot within an approved plat may be issued the
776 building permit and may with proceed construction before the end of the appeal period
777 if she/he signs a statement absolving the County of liability arising from issuance of said
778 permit in any appeal filed. No new permits shall be issued, nor shall any construction or
779 site alterations begin within the area being subdivided before the appeal period on final
780 short plat approval as provided for in RCW 58.17.180 has expired except a home
781 constructed or placed on the property for demonstration purposes and those
782 improvements required as part of the plat approval.

783

Chapter 16.14

784

Planned Unit Cluster Plats

785 **Sections:**

786 **16.14.010** Purpose and Intent

787 **16.14.020** Process

788 **16.14.030** Effect

789 **16.14.040** Development Criteria

790 **16.14.050** Performance Based Density Bonus System

791 **16.14.060** Special Provisions

792 **16.14.010 Purpose and Intent.**

793 A planned unit cluster plat is an alternative to traditional subdivision, and may serve as
794 an alternative method to fulfill the requirements of subdivision set forth in Chapter 58.17
795 RCW, which allows and encourages clustered or common structures, shared access
796 roads and utilities, increased provision of open space and protection of significant
797 environment features to produce a more economical and environmentally sensitive
798 development.

799 With the recognition of the value of retention of rural densities in rural lands, while
800 protecting our critical areas, water resources and resource lands, and recognition that
801 urban densities belong in urban designated lands, Okanogan County also recognizes
802 the need for innovative planning tools to achieve these goals. Okanogan County may
803 provide for clustering, cluster plats, density transfer, design guidelines, conservation
804 easements and other innovative techniques that will accommodate appropriate rural
805 and urban densities and uses at levels that are consistent with the preservation of rural
806 character that provide a public benefit.

807 To assist in the implementation of Okanogan County's policy to provide tools to foster
808 appropriate densities, while making development economically feasible, benefits to the
809 greater community through an effort to concentrate urban densities in urban growth
810 areas and minimize the impact of rural sprawl in rural lands, as designated in the
811 Okanogan County Comprehensive Plan, Okanogan County finds that this "planned unit
812 cluster platting" technique fosters the development of urban and rural designated lands

813 at appropriate densities, while protecting the environment and maintaining a high quality
814 of life in Okanogan County.

815 Planned unit cluster plats intend to protect rural character by:

- 816 1. Preserving open space and resource land.
- 817 2. Assuring visual compatibility with the surrounding rural area.
- 818 3. Minimizing and/or mitigating the impacts of development on valuable natural
819 resources and unique natural features such as agricultural soils, critical areas
820 including wetlands, areas of critical recharging effect on aquifers used for potable
821 water, fish and wildlife conservation areas, frequently flooded areas and geologically
822 hazardous areas and resource lands including agriculture, forest and mineral lands.
- 823 4. Encouraging the incorporation of public access to public recreational opportunities
824 as a part of development activity.
- 825 5. Reducing conflict of residential uses with agricultural lands.

826 **16.14.020 Process**

- 827 1. Planned unit cluster plats are processed as a "short subdivision" or a "subdivision" in
828 accordance with OCC Title 16 "Subdivisions", which are determined by the number
829 of lots created by the development. The application shall demonstrate compliance
830 with **OCC 16.14.040** "Development Criteria".
- 831 2. SEPA Review is required for all Cluster Plats. The SEPA checklist must be
832 submitted with the application.
- 833 3. A development agreement is required for all planned unit cluster plats. The
834 development agreement will be processed in accordance with OCC 18.05 and shall
835 be processed concurrently with or prior to the planned unit cluster plat application.
836 Components of the development agreement are listed below in section **OCC**
837 **16.14.040 10**.
- 838 4. The County shall have the authority to require appropriate limitations and conditions
839 to insure that the development is consistent with applicable ordinances, plans, and
840 policies of Okanogan County and to carry out the recommendations of the reviewing
841 department as applicable.
- 842 5. Alterations to planned unit cluster plats shall be processed in accordance with OCC
843 **16.12.095** or **16.24.060**. Alterations to planned unit cluster plats shall also

844 demonstrate compliance with this chapter, which may result in an amendment to the
845 development agreement.

846 **16.14.030 Effect**

847 Unless otherwise specified by this chapter, all development activities authorized
848 through this chapter shall comply with all existing, applicable county development
849 regulations, including but not limited to: zoning code, subdivision ordinance, shoreline
850 master program, road standards, critical areas, etc.

- 851 1. The permitted uses of the clustered area shall be those of the underlying zone. Use
852 restrictions may be placed on designated open space and resource lands.
- 853 2. Lot size: Individual lots may be created smaller than the underlying zoning
854 designation requires, in accordance with OCC 17.32. Lots shall meet minimum
855 standards for Okanogan County Public Health District and Washington State
856 Department of Health requirements.
- 857 3. Density: Planned unit cluster plats receive a density bonus, in accordance with OCC
858 17.32. Density bonus provisions are defined section OCC 16.14.040 5 and
859 16.14.050.

860 **16.14.040 Development Criteria**

861 Development Criteria: The following criteria are required for all planned unit cluster
862 plats. All proposals must comply with the following criteria in addition to the regular
863 application requirements of a subdivision or short subdivision. Applications, as well as
864 final short plats and final plats, shall include a thorough narrative demonstrating
865 compliance with the following development criteria.

- 866 1. Applicability: This chapter applies to all tax parcels, or combination of tax parcels,
867 within Okanogan County, from the date of the ordinance codified in this chapter,
868 except those properties located within the Barnholt Loop as described in OCC
869 16.14.060.
- 870 2. Size: The total area of a planned unit cluster plat must meet the following minimum
871 acreage requirements:
- 872 A. Zone districts requiring less than 5 acres as the minimum lot size: ~~No minimum~~
873 acreage.
- 874 i. These zone districts located within School District 350: 5 acres

Deleted: 10 acres

875 B. Zone districts requiring 5 or more acres and less than 20 acres as the minimum
876 lot size: 19 acres

Deleted: 20

877 C. Zone districts requiring 20 or more acres as the minimum lot size: 40 acres

878 D. Zone districts located within School District 350, regardless of the minimum lot
879 size requirements stated in B and C above: Twice the minimum lot area of the
880 underlying zone district

881 3. Lot Designations: Two types of lots are created by a planned unit cluster plat.
882 Building lots which comprise a designated cluster (**OCC 16.08.032**), and the residual
883 lot which is designated as either open space or resource land. Preliminary and final
884 plats must identify these lot designations along with their acreages.

885 4. Clustering: To accomplish tight clustering, a maximum of 25 percent of the total
886 acreage of the planned unit cluster plat must be located within a designated cluster.
887 Individual clusters need not be contiguous. All clusters shall meet the following
888 provisions:

889 A. The allowable number of separate clusters shall be determined by the following:

890 ii. Less than 20 acres: one cluster

891 iii. Twenty to 100 acres: two clusters

892 iv. One additional cluster per 100 acres thereafter

893 B. The boundary of individual clusters shall be linear or convex, except:

894 i. Where geographic or topographic constraints exist, or preservation of critical
895 areas (**OCC 14.12**), boundaries of such clusters do not have to be linear or
896 convex, so long as the integrity of such clustering provisions is maintained.

897 ii. Where strict interpretation of the boundary of a cluster, as defined herein,
898 would prevent the maximization of resource land, boundaries of such clusters
899 do not have to be linear or convex, so long as the integrity of such clustering
900 provisions is maintained.

901 C. Habitable structures within clusters must be a minimum of 50 feet from the outer
902 boundary of the planned unit cluster plat.

903 D. Clusters shall be located within the project boundary in a manner that best
904 recognizes the integrity of resource lands, open space, shorelines, critical areas,

- 905 qualifying incentive features identified in the performance based density bonus
906 system, etc.
- 907 5. Density Bonus: Base density for planned unit cluster plats is 150 percent of the
908 underlying zone district. Total density may be further increased depending on
909 qualification and approval of incentive features of the performance based density
910 bonus system (**OCC 16.14.050**). Qualification of incentive features is not required
911 for planned unit cluster plats. Density is calculated from the total acreage of the
912 planned unit cluster plat. Applications including a proposal for an additional density
913 bonus will include a description of which incentive features are requested and how
914 the incentive feature will be incorporated into development of the planned unit
915 cluster plat.
- 916 6. Phasing: Phasing, if proposed, shall be approved by development agreement in
917 accordance with **OCC 16.14.040 10** and **OCC 18.05**. A phasing plan must be
918 submitted with the development agreement and planned unit cluster plat
919 applications.
- 920 7. Home Owners Association: Establishment of a Home Owners Association (HOA) is
921 encouraged. The HOA shall oversee or monitor the development and on-going
922 maintenance of open space, noxious weed control, utilities, roads, structural design
923 guidelines (if such guidelines are adopted), etc. The HOA will act as an on-site
924 management authority for important development matters, preserving the integrity of
925 the development.
- 926 8. Road and Utility Maintenance Agreement: All applications for planned unit cluster
927 plats require the establishment of a water system maintenance agreement. A road
928 maintenance agreement is encouraged for all projects, but is mandatory for those
929 projects including ½ mile of road surface, or greater. Other utility maintenance
930 agreements may be necessary as well, such as septic utilities, etc. Agreements
931 must include all lots and should be enforced by an established Home Owners
932 Association. Road and utility maintenance costs shall be distributed among the lot
933 owners.
- 934 9. Irrigation Plan: If the land is served with irrigation water, or by an irrigation district, a
935 thorough description of the irrigation system will be submitted with the application.
936 The description of the irrigation system shall identify the amount of irrigation water
937 available to all lots.
- 938 10. Development Agreement: The proponent shall submit a draft development
939 agreement with the planned unit cluster plat application. The development
940 agreement shall be processed in accordance with **OCC 18.05** and filed with the
941 Okanogan County Auditor prior to final approval of a planned unit cluster plat. The

942 adopted development agreement shall be a permanent component of the planned
943 unit cluster plat. Minimally, the development agreement shall include:

944 A. Density Bonus: An identification of the incentive features and density bonus
945 approved for the planned unit cluster plat.

946 B. Further Division: A prohibition of further division of designated resource lands
947 and open space.

948 C. Open Space: In accordance with OCC 16.04.040 11, C, the development
949 agreement shall include a provision which assures permanent retention and
950 maintenance of dedicated open space. The development agreement shall list the
951 amount of open space owned in common, and privately owned. The
952 development agreement shall also list the type of development permitted within
953 such areas (trails, picnic shelters, recreational features, other common elements,
954 etc).

955 D. Resource Land: Describe whether the resource lot will accommodate a home
956 site (OCC 16.14.040 11, B, ii), farm worker housing, etc.

957 E. Phasing: The development agreement shall include a phasing plan, if phasing is
958 proposed. The phasing plan shall include a detailed development timeline of
959 future procedural actions (such a filing phased plat applications) and phased
960 construction of utilities, roads, etc.

961 F. The term of the development agreement shall not expire except in regard to
962 phasing. The phasing term will be adopted in accordance with OCC 18.05.

963 11. Resource Land and Open Space: A minimum of 75 percent total acreage of the
964 planned unit cluster plat must be designated either as Open space or resource land.
965 Designated open space or resource land which is located within the boundary of a
966 designated cluster, if any, shall not be counted toward the amount of acreage
967 required to remain as open space or resource land. Designated open space and
968 resource land shall meet the following provisions:

969 A. Designation

970 i. Lands designated as open space or resource land, for the purpose of this
971 chapter, will be designated in perpetuity unless an alteration is approved in
972 accordance with OCC 16.14.020 5.

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B. Resource Land

- i. In order to preserve the function of Okanogan County's right to farm ordinance (OCC 5.28), conditions may be placed on development proposals which protect agricultural lands from possible impacts related to incompatible or adjacent land uses. The developer is responsible for minimizing adverse impacts to nearby agricultural lands.
 - a. Applications shall identify on-site and adjacent or nearby agricultural and resource lands.
 - b. Habitable structures within the planned unit cluster plat shall be set back from adjacent agricultural properties, in accordance with OCC 16.04.095.
 - c. Sale of all platted lots must include conveyance instruments containing a formal notice of Okanogan County's Farm Operations Ordinance (OCC 5.28).
- ii. A home site may be established on designated resource lands. This home site may be separate from the designated cluster(s). Such a home site is intended to accommodate the caretaker of the resource land (e.g., a farm house and associated barns and outbuildings may be constructed on land set aside as designated resource lands).

C. Open Space

- i. A maximum of 50 percent of designated open space may be privately owned.
- ii. A minimum of fifty percent of designated open space shall be owned in common (undivided interest) by all lot owners within the development.
- iii. Open space must be retained for a specific purpose such as agricultural or recreational purposes. The location, shape, size and character of the open space must be suitable for its intended use. The uses, structures, and other improvements which are permitted in designated open space must be appropriate to the scale and character of the development and must conserve and enhance the natural features of the open space.
- iv. Suitable weed control plans must be implemented.
- v. The development agreement shall include a provision which assures permanent retention and maintenance of dedicated open space. Such assurance may be in the form of restrictive covenants, or undertaken by a homeowners association, and/or any other form or method approved by

1008 Okanogan County as being practical and legally sufficient to assure the
1009 permanent retention and maintenance of the common open space. All legal
1010 documents necessary to implement this requirement shall be filed by the
1011 applicant and shall be subject to approval as to form by the Okanogan
1012 County Prosecuting Attorney. All such plans and programs shall contain
1013 provisions whereby the county is granted the right to enforce the permanent
1014 retention and maintenance of the open space, and further that in the event
1015 the open space is deteriorates or is not maintained, the County may at its
1016 option, cause necessary maintenance to be performed and assess the costs
1017 thereof to the owners of the property within the development.

1018 **16.14.050 Performance Based Density Bonus System**

- 1019 1. The performance based density bonus system evaluates the proposal for the
1020 inclusion of incentive features which are considered a "public benefit". Several
1021 categories of incentive features are identified by this system. A density bonus may
1022 be achieved by adopting these incentive features for the development. The
1023 percentage of density bonus is dependent upon qualifying incentive features.
1024 Performance based density bonus system elements are items not already required
1025 by code.
- 1026 2. The maximum density bonus that may be achieved in each specific zoning district is
1027 identified in the following chart. Fractional numbers created by calculating the
1028 density bonus for a particular proposal shall be rounded up to the nearest whole
1029 number.

1030 A.

Zoning districts:	Maximum Density Bonus:
Rural 1 (R-1)	100%
Rural 2 (R-2)	100%
Rural 3 (R-3)	100%
Rural 5 (R-5)	100%
Rural 20 (R-20)	300%
Agriculture 2 (Ag-2)	100%
Agriculture 20 (Ag-20)	300%
Forest 20 (F-20)	300%
Mineral Zone(Min)	25%
Industrial (Ind)	25%
Neighborhood Commercial (NC)	100%
Tourist Commercial (TC)	100%
Minimum Requirement District (MD)	100%
Sub-Unit A Rural Residential 5 (RR-5)	100%
Sub-Unit A Low Density Residential (LDR)	100%
Sub-Unit A Special Review Commercial (SRC)	100%
Sub-Unit A Neighborhood Use (NU)	100%
Sub-Unit A Urban Residential (UR)	100%

1031 B. School District 350: The maximum density bonus within School District 350 will
 1032 be 100%.

1033 3. Performance Based Density Bonus Chart

1034 A. Density bonus points are directly representative of the qualifying density bonus
 1035 percentage. For example, qualification of 45 points will qualify the planned unit
 1036 cluster plat for a 45% density bonus, in addition to the 150% base density (OCC
 1037 16.14.040, 5).

1038 B.

<u>Incentive Features:</u>	<u>Density Bonus:</u>																	
Zoning Districts	R-1	NC	TC	NU	SRC	UR	R-2	Ag-2	MIR	Ind	Min	R-3	R-5	RR-5	R-20	LDR	Ag-20	F-20
1. Transportation																		
A. Shared primary access with adjacent developments.							5			5				0			0	

B. Provide public access to bordering public lands. Roads and/or trails must be constructed prior to final approval.	0	0	5	5
C. Develop desirable streetscape such as sidewalks, street lighting, etc.	15	10	0	0
D. Off-site improvements to public roads beyond that which is required for the development. This includes paving, widening, intersection improvements, etc. Construction or bonding must be completed prior to final approval.	30	30	30	30
E. Formation of a road improvement district (RID), or other formable road maintenance agreement, for continued maintenance of off-site private roads which are used as primary access for properties other than the development.	0	0	20	20
F. Close proximity to transportation system: Primary access to development area must connect directly to a County Road or State Highway. Plat must be adjacent to such road system and individual clusters must be within 500 feet of public road. Roads with "primitive road" status are not included.	0	0	10	10
2. Open Space, Resource Land, Shorelines, and Critical Areas				
A. Dedicated open space qualifies as "conservation open space" as defined by OCC 17.04.220. Open space may include limited recreational elements such as trails and viewing sites.	0	5	5	5
B. A minimum of 90% or more of total acreage is dedicated open space. Cluster(s) encompass a maximum of 10% of the total acreage.	0	10	15	15

C. A minimum of 90% or more of total acreage encompasses land used for the commercial production of an agricultural resource. Cluster(s) encompass a maximum of 10% of the total acreage.	0	10	20	20
D. The residual lot is dedicated as resource land.	5	10	15	15
D. Critical area enhancement beyond the requirements of the Okanogan County Critical Areas Ordinance and/or Shoreline Master Program. Including enhancement of wetlands, riparian areas, wildlife habitat (screening, planting, feeding program), native vegetative, etc. Enhancement measures must be identified in an implementation plan which will be enforced by the lot owners.	15	15	15	15
3. Water, Waste Water, and Water Rights				
A. Connecting all lots to a municipal water system.	20	0	0	0
B. Connecting all lots to a Group A water system.	0	15	15	15
C. Connecting all lots to a Group-B water system.	0	10	15	15
D. Construction of a reclaimed water system or grey water filtration system.	15	15	15	15
E. Connection to municipal sewage disposal system, or construction of a large on-site septic system.	25	15	10	10
F. Construction of separate domestic and irrigation water systems.	10	10	10	10

G. Retention of existing water rights on-site for irrigation purposes, domestic use, and/or commercial agricultural production.	20	20	20	20
H. Contribute excess water right to a water bank securing such right for future use within Okanogan County. The development must retain an adequate amount of water for future maintenance of dedicated open space or resource land.	20	20	20	20
I. Transfer excess water right to another agricultural lot, or municipality, within Okanogan County. The development must retain an adequate amount of water for future maintenance of dedicated open space or resource land.	20	20	20	20
J. Formal agreement that any future sale of excess water rights must be within Okanogan County. Purchaser must retain such right within Okanogan County for a minimum of 10 years. Appropriate legal documentation must be approved as to form by Okanogan County.	25	25	25	25
K. Innovative water conservation measures.	5	5	5	5
4. Recreation				
A. Development of recreational facilities for use by lot owners. Such facilities include trails, ball fields, tennis courts, docks, boat launches, clubhouse, golf course, indoor/outdoor riding arenas, etc. These facilities should be located within, but are not limited to, designated open space areas. Recreational areas must be constructed prior to final	10	10	10	10

approval.				
B. Development of recreational facilities for use by the public and lot owners. Such facilities include trails, ball fields, tennis courts, docks, boat launches, clubhouse, golf course, indoor/outdoor riding arenas, etc. These facilities should be located within, but are not limited to, designated open space areas. Recreational areas must be constructed prior to final approval.	20	20	20	20
C. Donation to Okanogan County, or a municipality, of recreational areas such as parks, water access, trails, ball fields, etc. Recreational area must be constructed or bonded prior to donation.	20	20	20	20
5. Other Innovative Tools				
A. Wildfire protection measures beyond that which is required by the local fire district. This can include fire hydrants, external sprinkler systems, annexation into a fire district, non-combustible building materials, low-growing plant species that are less flammable, underground electrical utilities, good access for emergency vehicles, creation of defensible space, designation of an emergency water source (with access and pump), etc. Measures will be enforced by an established homeowners association.	25	25	25	25
B. Redevelopment:				
i. A minimum of 75 percent of the cluster plat has been assembled from parcels which are non-conforming lots (i.e. assembled from lots not currently	5	5	5	5

meeting minimum lot size or density requirements).				
ii. Creating lots established as redevelopment areas for future urban development.	10	0	0	0
C. Innovative visual screening. Structures, parking areas, etc. are not visible from any public road or public vantage point.	0	5	10	10
D. Innovative architectural design complimenting community and rural character, which is enforced by an established homeowners association.	5	5	5	5
E. Prohibit wood burning devices (not including pellet stoves).	5	5	5	5
F. Innovative energy conservation measures (solar, transportation etc.).	5	5	5	5
G. Prohibit ridgeline development. Ridgelines are those visible from State Highways and/or County Roads.	0	0	10	10
H. Dark-sky lighting standards enforced by an established homeowners association.	10	10	10	10
I. Affordable Housing:				

<p>i. Develop on-site or off-site affordable housing for the community and/or employees. Housing will be sold at a maximum of 80% of the median household value of the school district in which it is located. Use of qualifying block grants, or government subsidies, is encouraged. Affordable housing projects may be presented in a variety of manners. The proponent is given the opportunity to present Okanogan County with creative methods of creating affordable housing. Formation of affordable housing must be acceptable to Okanogan County and should be coordinated with the Okanogan County Community Action Council.</p>	35	35	0	0
<p>ii. Convey a gift of suitable property to Okanogan County Community Action Council for future affordable housing project(s). The property does not have to be on-site.</p>	20	20	0	0
<p>iii. Development of employee housing established on-site.</p>	20	20	20	20

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1040 **16.14.060 Special Provisions**

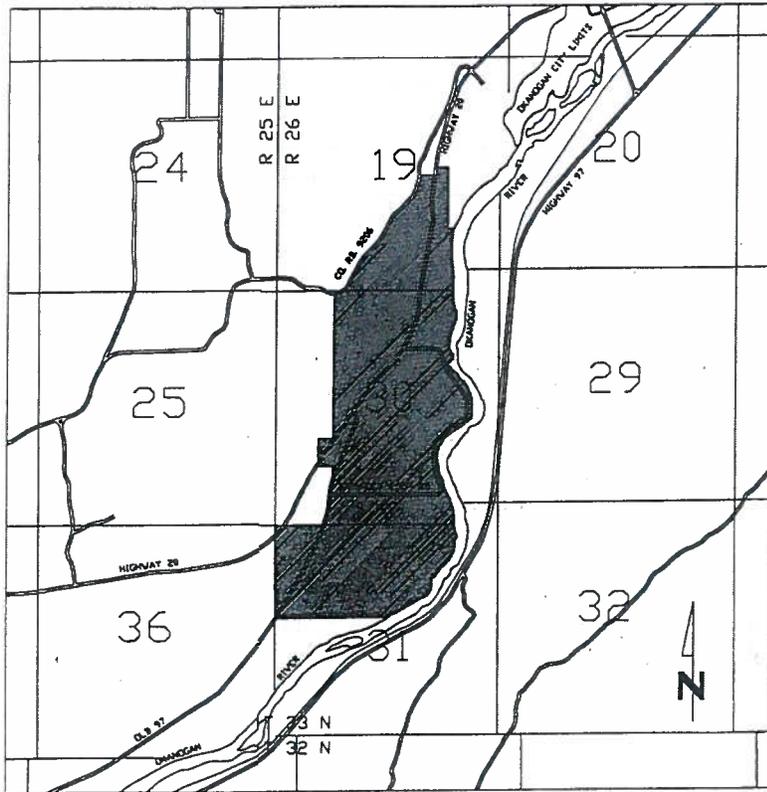
1041 1. In accordance with **OCC 16.14.040 1**, the Barnholt Loop is an area located south of
 1042 the city of Okanogan, Washington, and is legally described as:

1043 A. Beginning at the Southwest corner of the Plat of Sunshine Orchard Tracts, which
 1044 is filed under Volume B of Plats, Page 30, records of the Okanogan County
 1045 Auditor, which point is the Southwest corner of Gov't. Lot 4 (Fr. SW 1/4 NW 1/4)
 1046 Section 31, Township 33 N., Range 26 EWM; thence North to the Southernmost
 1047 corner of Lot 21 of Sunshine Orchard Tracts; thence Northeasterly along the
 1048 Southeasterly line of Lot 21, for a distance of 360 feet; thence Northwesterly 250
 1049 feet, more or less, to a point which is 432 feet North of the Southwest corner of
 1050 Lot 21; thence North to the Northwest corner of Lot 8, which is also the

1051 Northwest corner of said Section 31; thence East along the North line of
1052 Sunshine Orchard Tracts to the West line of Okanogan County Road No. 9155,
1053 Old 97; thence Northeasterly along the West right-of-way line to the East line of
1054 Government Lot 7 (SW 1/4 – SW 1/4), Section 30, Township 33 North, Range 26
1055 EWM; thence North to the Northeast corner of Gov't. Lot 7 (SW 1/4 – SW 1/4);
1056 thence West 264 feet; thence North to the North line of the South half of Gov't.
1057 Lot 6 (NW 1/4 – SW 1/4); thence East 183 feet, more or less, to the West right-
1058 of-way line of Highway 20; thence Northeasterly along Highway 20 to the East
1059 line of Government Lot 6 (NW 1/4 – SW 1/4); thence North to the Northeast
1060 corner of Government Lot 2 (NW 1/4 – NW 1/4) Section 30, Township 33 North,
1061 Range 26 EWM; thence East to the Southeast right-of-way of County Road No.
1062 9206, B & O North Road; thence Northeasterly along the East right-of-way line of
1063 County Road No. 9206 to the North line of the NW 1/4 – SE 1/4 of Section 19,
1064 Township 33 North, Range 26 EWM; thence East along the North line of said
1065 NW 1/4 – SE 1/4 to the East right-of-way line of State Highway 20; thence
1066 Northerly along the said East right-of-way line a distance of 290 feet, more or
1067 less; thence East to the East line of the SW 1/4 – NE 1/4 of Section 19,
1068 Township 33 North, Range 26 EWM; thence South along the East line of said
1069 SW 1/4 – NE 1/4 and NW 1/4 – SE 1/4 to a point which is 163 feet North of the
1070 Southeast corner of said NW 1/4 – SE 1/4; thence East to the West bank of the
1071 Okanogan River; thence Southerly along the West bank of the Okanogan River
1072 to the South line of the Plat of Sunshine Orchard Tracts, in Section 31, Township
1073 33 North, Range 26 EWM; thence West to the Southwest corner of Lot 22, Plat
1074 of the Sunshine Orchard Tracts, which is also the True Point of Beginning. The
1075 parcel described contains approximately 582 acres, more or less.

1076

B. The following is a graphic representation of the Barnholt Loop:



1077

1078

Chapter 16.16

79

SUBDIVISION - PREAPPLICATION PROCEDURES

1080 **Sections:**

1081 **16.16.010 Preapplication Procedures**

1082 **16.16.010 Preapplication Procedures**

1083 Any person who contemplates the subdivision of a parcel of land into 5 or more parcels,
1084 unless specifically exempted herein, shall prepare a preapplication sketch plan
1085 indicating the concept for subdivision which shall include the proposed layout of streets,
1086 general size and orientation of lots, and other features in relation to existing conditions.
1087 With this sketch plan, the subdivider or his agent, shall confer with the County Office of
1088 Planning & Development, the County Department of Public Works, the Okanogan
1089 Health District, any affected Irrigation District, Tribes, and all appropriate State
1090 agencies regarding procedures and general information which would have an influence
1091 on proposed development. The Okanogan County Office of Planning & Development,
1092 will assist in specifying agencies to be contacted and if requested by the applicant, will
1093 arrange for a preapplication conference with the appropriate agency personnel.

1094

Chapter 16.20

1095

PRELIMINARY PLATS

1096 **Sections:**

- 1097 **16.20.005 Administration**
- 1098 **16.20.010 Requirements**
- 1099 **16.20.020 Procedures - generally**
- 1100 **16.20.030 Application**
- 1101 **16.20.040 Hearing - notice**
- 1102 **16.20.050 Review requirements**
- 1103 **16.20.060 Planning Commission Recommendation; factors to be considered**
- 1104 **16.20.070 Board of County Commissioner's Action**
- 1105 **16.20.080 Approval - conditions**
- 1106 **16.20.090 Abandoned orchard removal prerequisite**
- 1107 **16.20.095 Noxious weed control**
- 1108 **16.20.100 Decision -notifications**
- 1109 **16.20.110 Preliminary Subdivision; Decision Appeals**
- 1110 **16.20.130 Agreements to Transfer Land Conditioned on Final Plat Approval**
- 1111 **16.20.140 Prohibition on construction other than "model homes" and required**
- 1112 **improvements prior to final plat approval**

1113 **16.20.005 Administration**

- 1114 1. The Okanogan County Office of Planning & Development Director (Administrator),
- 1115 or the Administrator's designee, referred to in this chapter as the Administrator, is
- 1116 vested with the duty of administering and interpreting the subdivision provisions of
- 1117 this title;
- 1118 2. The Administrator may prepare and require the use of such forms as deemed
- 1119 necessary to administer this title;
- 1120 3. The Okanogan County Planning Commission is vested with the duty of conducting
- 1121 the required public hearing on each subdivision and making a recommendation to

1122 the Okanogan County Commissioners to approve, approve with conditions, or deny
1123 any subdivision proposed within the unincorporated area of Okanogan County.

1124 **16.20.010 Application Content - Requirements**

1125 Any person desiring to subdivide land shall prepare a preliminary plat application for the
1126 proposed subdivision which shall be at a scale of at least one inch equals two hundred
1127 feet, unless the Administrator requests or authorizes a different scale, and which shall
1128 include the following information:

1129 General information:

- 1130 A. Proposed name of the subdivision; this name shall not duplicate any
1131 name used on a recorded plat or subdivision in Okanogan County,
1132 including municipalities of the County;
- 1133 B. Location of the subdivision by section, township and range;
- 1134 C. Names and addresses of the owners, subdivider, designer of the
1135 subdivision and the licensed surveyor and/or engineer;
- 1136 D. Scale, north arrow and date; and
- 1137 E. A full and correct legal description of the entire lot, tract, parcel, site or
1138 division constituting the applicant's proposed subdivision.

1139 II. Existing conditions:

- 1140 A. Boundary lines of the proposed subdivision, approximate distances of
1141 acreage enclosed;
- 1142 B. Elevations shall be shown by contour lines. Contours may be obtained by
1143 aerial photography, mapping or site survey work. Contour interval shall be
1144 specified following review of the proposed preliminary plat by the
1145 Administrator. A smaller contour interval may be appropriate in areas
1146 intended for development where roadways, building sites, etc. are more
1147 closely related to the existing topography, whereas a greater contour
1148 interval would be acceptable in areas that are to remain undeveloped or
1149 are to be only marginally affected by the development of the subdivision.
1150 Contour interval in areas proposed for roads and other public works
1151 improvements shall be as required by the County Engineer. Contour
1152 information should extend off-site approximately 100 feet in order to
1153 understand the relationship of adjacent properties;
- 1154 C. The location, name, designation (public or private) of present
1155 improvement and right-of-way width, and type of surfacing of all streets,
1156 alleys and rights-of-way on and adjacent to the tract; location of any
1157 existing walks, curbs, gutters, culverts, buried conduits and utilities

- 1158 including storm drains. Off site information may be shown by note rather
1159 than by survey;
- 1160 D. Approximate width, location and purpose of all existing easements and
1161 auditor's file numbers, on and adjacent to the tract. Off site information
1162 may be shown by note rather than by survey;
- 1163 E. The location of natural and physical features including but not limited to
1164 wetlands, streams, geologic hazard areas, aquifer recharge areas,
1165 frequently flooded areas (100-year flood plain); areas having
1166 archaeological significance, the name and direction of flow of all
1167 watercourses, and approximate boundary of designated/classified natural
1168 resource lands (e.g., forest, agricultural, or mining lands), if readily
1169 apparent or ascertainable from Federal, State or County records and/or
1170 maps.
- 1171 F. Existing uses of the property, including the location and use of all existing
1172 structures and those structures which will remain on the property after
1173 platting.
- 1174 III. Proposed subdivision plat:
- 1175 A. The location, name, designation of (public or private) right-of-way or
1176 easement width, approximate radii of curves and centerline profiles of all
1177 proposed streets, alleys or roads within or on the boundary of the
1178 proposed subdivision;
- 1179 B. Location, width and purpose of all easements other than roadways;
- 1180 C. Approximate dimensions of all lots with proposed lot and block numbers.
1181 Lot sizes shall be in compliance with the applicable zoning laws should be
1182 responsive to individual site constraints, such as topography;
- 1183 D. The locations, size and proposed use contemplated for public areas within
1184 the proposed subdivision. Note that areas designated for public use in the
1185 preliminary plat approval, shall be dedicated for such use by easement to
1186 Okanogan County and indicated on the final plat before recording;
- 1187 E. Thorough description of how each lot will be served by an adequate
1188 domestic water supply, including irrigation water allocation, if any;
- 1189 F. A brief statement regarding the contemplated sewage disposal, and
1190 drainage improvements for the proposed subdivision;
- 1191 G. If the proposed subdivision would affect any Irrigation District, an
1192 explanation of how it provides for the necessary irrigation provisions as
1193 prescribed by Chapter 58.17.310 RCW; and

- 1194 H. If the subdivider desires to develop the plat in phases, the phases shall be
1195 shown on the preliminary plat.
- 1196 I. Mileage, accurate within 100 feet, to the primary access point of each lot
1197 measured from the "zero point" (see 16.08.165) of the County road from
1198 which access is obtained.
- 1199 J. All roads within a subdivision shall be named, and the proposed names
1200 shall be indicated on the plat.
- 1201
- 1202 IV. A vicinity map at an approximate scale, showing roads, streams, public buildings
1203 and areas, and any other pertinent information that will assist in the location and
1204 consideration of the proposed subdivision, including the names of adjacent
1205 subdivisions. The vicinity map shall show the relationship of the nearest town to
1206 the proposed subdivision;
- 1207 V. Copies of any covenants if proposed.
- 1208 VI. Environmental checklist prepared in accordance with Chapter 43.21C RCW
1209 (State Environmental Policy Act) and Title 14, Okanogan County Code, as they
1210 now exist or are hereafter amended; and
- 1211 VII. A list of all taxpayers of record and their addresses for all properties within 300
1212 feet of the exterior boundaries of the proposed plat and any contiguously owned
1213 property from the records of the Okanogan Assessor's office.

1214 **16.20.020 Procedures - generally**

1215 The procedure set forth in Sections 16.20.030 through 16.20.100 shall be followed in
1216 application and approval of preliminary plats. It is intended that, to the extent possible,
1217 preliminary plat reviews will be processed simultaneously with any applications for
1218 rezones, planned developments, conditional use permits, and similar quasi-judicial or
1219 administrative actions that may be required.

1220 **16.20.030 Application**

- 1221 I. A fully completed plat application shall consist of the following, which shall be
1222 submitted to the Okanogan County Office of Planning & Development;
- 1223 A. An application on a form prepared by the Administrator;
- 1224 B. One (1) reproducible and twenty-four (24) copies of the preliminary plat
1225 and supplementary material as specified in Section 16.16.010;
- 1226 C. An application fee as specified in the adopted Okanogan fee schedule.
- 1227 D. All application content requirements per 16.20.010.

1228 II. If the Administrator determines that the preliminary plat application satisfies the
1229 requirements of this ordinance, the Administrator shall determine that the
1230 application is complete, shall accept the application, and shall affix thereto a file
1231 number.

1232 **16.20.040 Hearing - Notice**

1233 When a fully completed preliminary plat application has been accepted by the
1234 Administrator, the Administrator or designee shall establish the date and time for a
1235 public hearing on the plat, before the Planning Commission, which shall not be more
1236 than sixty (60) days from the date of complete or vested application except when
1237 additional time is required for compliance with the State Environmental Policy Act
1238 (Chapter 43.12C RCW).

1239 Notice of the public hearing, stating the time, place and purpose for which the hearing is
1240 to be held, shall be published not less than ten (10) days prior to the hearing, in a
1241 newspaper of general circulation within the county and a newspaper of general
1242 circulation in the area where the real property which is proposed to be subdivided is
1243 located.

1244 Notice of the hearing shall be mailed by the Okanogan County Office of Planning &
1245 Development, at least ten (10) days prior to the date of the hearing, to the owners of all
1246 properties within three hundred (300) feet of the exterior boundaries of the proposed
1247 plat, as such owners appear on the records of the County Assessor. If the owner of the
1248 real property which is proposed to be subdivided owns another parcel or parcels of real
1249 property which lie adjacent to the real property proposed to be subdivided, notice shall
1250 be given to owners of real property located within three hundred (300) feet of any
1251 portion of the boundaries of such adjacently located parcels of real property owned by
1252 the owner of the real property proposed to be subdivided in accordance with Section
1253 58.17.090 RCW.

1254 The applicant is responsible for posting conspicuous notice of the hearing readily visible
1255 from nearby roads at three (3) locations on and in the vicinity of the proposed
1256 subdivision at least ten (10) days prior to the public hearing. The applicant shall submit
1257 an affidavit of the posting to Okanogan County Office of Planning & Development prior
1258 to the public hearing. Affidavit forms are available from the Okanogan County Office of
1259 Planning & Development and the completed affidavit shall become part of the record.

1260 In accordance with Section 58.17.080 RCW, as it now exists or is hereafter amended,
1261 notice of the filing of an preliminary plat of a proposed subdivision adjacent to or within
1262 one mile of the municipal boundaries of a city or town, or which contemplates the use of
1263 any city or town utilities shall be given to the appropriate city or town authorities.

1264 The Department may require such alternative notification procedures as necessary to
1265 accomplish reasonable public notification in unusual circumstances.

1266 Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to
1267 the right-of-way of a state highway or if traffic is expected to impact the state highway,

1268 or within two miles of the boundary of a state or municipal airport shall be given to the
1269 appropriate regional WSDOT and/or WSDOT-Aviation office for review and comment.
1270 In the case of notification to the secretary of transportation, the secretary shall respond
1271 to the notifying authority within fifteen days of such notice as to the effect that the
1272 proposed subdivision will have on the state highway or the state or municipal airport.

1273 Notice shall also be given to interested state agencies such as Washington State
1274 Department of Fisheries, Wildlife and Ecology. All hearing notices shall include a
1275 description of the property to be platted, including the location of the proposed
1276 subdivision. The description may be in the form of either a vicinity location sketch, a
1277 written description, an address or other reasonable means, other than a legal
1278 description, but shall include reference to the Section, Township, and Range.

1279 **16.20.050 Review Process - Requirements**

1280 Copies of the preliminary plat, supplementary material, and environmental documents
1281 shall be forwarded by the Office of Planning & Development to the following agencies at
1282 least 30 days prior to the hearing date for their respective recommendations, if any:

- 1283 1. Okanogan Health District;
- 1284 2. County Engineer;
- 1285 3. County Assessor;
- 1286 4. County Building Division;
- 1287 5. Any affected Irrigation District;
- 1288 6. Soil Conservation Service;
- 1289 7. Noxious Weed Control Board;
- 1290 8. Any school district, Public Utility District, utility, and/or Fire District encompassing
1291 any of the area included in the preliminary plat;
- 1292 9. Any governmental agencies concerned including nearby cities, and appropriate
1293 federal agencies; and
- 1294 10. State Agencies with expertise; e.g., Departments of Wildlife, Fisheries and Ecology.
- 1295 11. All affected Tribes

1296 The recommendations of the aforesaid public agencies, if any, shall be submitted to the
1297 Okanogan County Office of Planning & Development for consideration and analysis in
1298 the staff report and then Planning Commission review as provided for in Section
1299 16.20.060 and shall accompany the preliminary plat submitted to the Planning
1300 Commission and the Board of County Commissioners. The Staff Report including all
1301 written comments from agencies and the public will be forwarded to the planning
1302 commission and the applicant a minimum of 10 days prior to the public hearing.

1303 **16.20.060 Planning Commission recommendation; factors to be considered**
1304 The Planning Commission shall consider agency reports, public testimony and all other
1305 relevant facts and consider whether the proposed subdivision makes appropriate
1306 provisions for, but not limited to, public health, safety and general welfare and for such
1307 open spaces, drainage-ways, irrigation provisions pursuant to Section 58.17.310 RCW,
1308 streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds,
1309 sites for schools and school grounds and shall consider other relevant facts, including
1310 sidewalks and other planning features that assure safe walking conditions for students
1311 who only walk to and from school, and whether the proposed subdivision complies with
1312 the Comprehensive Plan, Zoning Ordinance and other land use controls, and whether
1313 the public use and interest will be served by the platting of such subdivision, pursuant to
1314 RCW 58.17.110.

1315 If the Planning Commission finds that the proposed subdivision does make such
1316 appropriate provisions and that the public use and interest will be served, then the
1317 Planning Commission shall recommend approval of the preliminary plat to the Board.

1318 If the Planning Commission finds that the proposed subdivision does not make such
1319 appropriate provisions, or that the public use and interest will not be served, the
1320 Planning Commission shall recommend disapproval of the preliminary plat, or shall
1321 recommend appropriate changes or conditions be attached to the preliminary plat to
1322 insure that the public use and interest will be served. Pursuant to Section 58.17.120
1323 RCW, as it now exists or is hereafter amended, the Planning Commission shall
1324 consider the physical characteristics of a proposed subdivision site and may
1325 recommend disapproval of the proposed plat because of flood, inundation or swamp
1326 conditions. Construction of protective improvements may be included as a
1327 recommended condition of approval. No plat shall be approved covering any land
1328 situated in a flood control zone as provided in Chapter 86.16 RCW, without the prior
1329 written approval of the Department of Ecology.

1330 The Planning Commission shall, not later than at its next regularly scheduled meeting
1331 following the conclusion of the public hearing, express either a recommendation for
1332 approval, approval with conditions, recommend disapproval or remand to Administrator
1333 for additional consideration. The recommendation shall be based upon the factors
1334 specified in this section, and every such recommendation shall be in writing and shall
1335 include findings of fact and conclusions to support the recommendation including a
1336 finding that the proposed subdivision is in conformity with any applicable zoning
1337 ordinance or other land use controls. Any conditions to be fulfilled prior to final plat
1338 approval, shall be incorporated in the Planning Commission's written recommendation.
1339 The Office of Planning & Development shall, transmit a copy of the Planning
1340 Commission's recommendation to the County Engineer, the Health District, the
1341 subdivider, the subdivider's surveyor or engineer, and all parties requesting notice. A
1342 record of the public hearing shall be kept by the Office of Planning & Development and
1343 shall be open to public inspection. The recommendation of the Planning Commission
1344 shall be submitted to the Board of County Commissioners not later than fourteen (14)
1345 days following the Planning Commission's action on the proposed subdivision.

1346 **16.20.070 Board of County Commissioner's Action**

1347 Upon receipt of the recommendation of the Planning Commission, the Board shall at
1348 it's next public meeting set the date for the public meeting where it may adopt or reject
1349 the recommendation of the Planning Commission. If, after considering the matter at a
1350 public meeting, the Board deems a change in the recommended action is necessary, it
1351 shall conduct its own public hearing at which it may approve or disapprove the
1352 preliminary plat and adopt Findings and Conclusions in support thereof. If a public
1353 hearing is held by the Board, notice shall be given to the parties requesting notice
1354 and/or given notice of the hearing before the Planning Commission.

1355 **16.20.080 Approval - Conditions**

1356 Pursuant to Section 58.17.110 RCW, as it now exists or is hereafter amended, the
1357 Board of County Commissioners shall inquire into the public use and interest proposed
1358 to be served by the establishment of the subdivision and dedication.

1359 The Board shall determine if appropriate provisions are made for, but not limited to, the
1360 public health, safety and general welfare, for open spaces, drainage ways, streets,
1361 alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for
1362 schools and school grounds, and shall consider all other relevant facts including
1363 sidewalks and other planning features that assure safe walking conditions for students
1364 who only walk to and from school, and including the Comprehensive Plan and Zoning
1365 Ordinance and other land use controls and determine whether the public use and
1366 interest will be served by the subdivision and dedication.

1367 The Board shall also consider any recommendation from the Planning Commission
1368 regarding flood inundation, swamp conditions or any other conditions to protect the
1369 Health Safety & Welfare affecting the proposed plat, and may require protective
1370 improvements as a condition of the approval. Any such requirement shall be noted on
1371 the face of the plat. The proposed subdivision and dedication shall not be approved
1372 unless the Board makes written findings that (a) appropriate provisions are made for
1373 the public health, safety and general welfare and for such open spaces, drainage ways,
1374 streets or roads, alleys, other public ways, fish and wildlife habitat, water supplies,
1375 sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and
1376 all other relevant facts, including sidewalks and other planning features that insure safe
1377 walking conditions for students who only walk to and from school; and (b) the public use
1378 and interest will be served by the platting of such subdivision and dedication. If the
1379 Board finds that the proposed plat does not make such appropriate provisions, or that
1380 the public use and interest will not be served, the Board may disapprove the proposed
1381 plat. Dedication of land to any public body, or fees paid in lieu thereof, may be required
1382 as a condition of subdivision approval and shall be clearly shown on the final plat. A
1383 release from damage to be procured from other property owners shall not be required
1384 as a condition of plat approval. Preliminary plats of any proposed subdivision and
1385 dedication shall be approved, disapproved, or returned to the applicant for modification
1386 or correction within ninety days form date of filing thereof unless the applicant consents
1387 to an extension of such time period.

1388 **16.20.090 Abandoned Orchard Removal**

1389 Before preliminary approval is given any plat, removal of an abandoned fruit orchard
1390 within the plat shall be completed or bonded as a condition of approval in order to
1391 protect existing orchards from pest and disease associated with abandoned orchards;
1392 provided that the recommendation may allow designated trees to remain standing on
1393 individual lots for the use and enjoyment of homeowners, provided, further, that an
1394 effective program of pest and disease control is carried out by the property owners on
1395 the remaining trees pursuant to Chapter 15.08 RCW, as it now exists or is hereafter
1396 amended. Nothing in this section shall be interpreted to limit the authority or jurisdiction
1397 of the Okanogan County Horticultural Pest and Disease Control Board under Chapter
1398 15.08 or 15.09.

1399 **16.20.095 Noxious Weed Control**

1400 Before preliminary approval is given any plat, a noxious weed control plan outlining
1401 species present, proposed control method(s), and project timetable shall be provided.
1402 In addition, preventative measures shall be outlined to insure that the development
1403 does not introduce new weed species to the area or spread any infestations of noxious
1404 weeds that may already exist on the property.

1405 **16.20.100 Decision - notifications**

1406 The decision of the Board of County Commissioners shall be in writing and shall include
1407 findings of fact and conclusions to support the decision. It shall be sent to the Office of
1408 Planning & Development, the County Engineer, the Health District, the subdivider and
1409 the subdivider's surveyor or engineer and all parties requesting copies or those
1410 participating in the hearing process.

1411 **16.20.110 Preliminary Subdivision; Decision Appeals**

1412 An appeal of any decision to approve, approve with conditions, or deny a proposed
1413 preliminary plat may be initiated by filing with the Office of Planning & Development
1414 within thirty (30) days following the issuance of the decision, a written Notice of Appeal
1415 stating the specific reasons for the appeal. An appeal fee, as established in the
1416 adopted fee schedule, shall accompany the appeal. The appeal shall be heard by the
1417 Board of County Commissioners. The appeal will be limited to a review of the record by
1418 the County Commissioners and limited to the issues raised in the appeal. Appeal of a
1419 preliminary plat shall be consolidated with appeals of any other Okanogan County
1420 permits related to the preliminary plat.

1421 **16.20.130 Agreements to transfer land conditioned on final plat approval**

1422 If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract,
1423 or parcel of land following preliminary plat approval is expressly conditioned on the
1424 recording of the final plat containing the lot, tract, or parcel under this chapter, the offer
1425 or agreement is not subject to Section 58.17.200 or 58.17.300 RCW and does not
1426 violate any provision of Chapter 58.17 RCW or this ordinance. All payments on

1427 account of an offer or agreement condition as provided in this section shall be
1428 deposited in a escrow or other regulated trust account and no disbursement to seller(s)
1429 shall be permitted until the final plat is approved and recorded.

1430 **16.20.140 Prohibition on construction other than “model homes” and required**
1431 **improvements before end of 30-day appeal period without release of**
1432 **liability**

1433 No new building permits shall be issued, nor shall any construction or site alterations
1434 begin within a Preliminary Plat before the thirty (30) day appeal period on final plat
1435 approval as provided for in RCW 58.17.180 has expired except for a home constructed
1436 or placed on the property for demonstration purposes and those authorized
1437 improvements required as part of the plat approval and access and inspections relating
1438 to the approved plat. An applicant for a building permit on a parcel of record that is the
1439 subject of an approved plat may be issued a building permit and may with proceed
1440 construction before the end of the 30-day appeal period if she/he signs a statement
1441 absolving the County of liability arising from issuance of said permit in any appeal filed.

DRAFT

1442 Chapter 16.24

1443 FINAL PLATS

1444 **Sections:**

1445 **16.24.010 Requirements For Submittal**

1446 **16.24.020 Time limit for submission**

1447 **16.24.030 Drawings**

1448 **16.24.040 Review**

1449 **16.24.060 Final plat alteration**

1450 **16.24.070 Final plat vacation**

1451 **16.24.010 Requirements For Submittal**

1452 The final plat shall conform substantially to all terms of the preliminary plat, shall
1453 incorporate any conditions by the Board of County Commissioners, and shall include
1454 the following information, either on the face of the plat, if practicable, or, if not, on a
1455 separate attached sheet. Any required signatures shall be in permanent black ink on
1456 the original document to be filed. Specific language for certifications is available from
1457 the Okanogan County Office of Planning & Development.

1458 I. A sufficient survey to properly orient the plat to a recognized basis. The
1459 adequacy of the survey shall be determined by the Okanogan County Office of
1460 Planning and Development in coordination with the County Assessor's Office
1461 and the County Engineer;

1462 II. Tract boundary lines, property lines of residential lots, open space, other sites
1463 and other rights-of-way, with accurate dimensions, bearing or deflection angles,
1464 and radii, arcs and central angles of all curves;

1465 III. Name and right-of-way width of each street, or other right-of-way;

1466 IV. Location, dimensions, beneficiary and purpose of any easements;

1467 V. Number to identify each lot or site and block;

1468 VI. Purpose for which sites, other than residential lots, are dedicated or reserved;

1469 VII. Location and description of monuments existing or set, permanent control
1470 monuments shall be established at each and every controlling corner of the
1471 boundaries of the parcel of land being subdivided. The County Engineer shall
1472 determine the number and location of permanent control monuments within the
1473 plat;

- 1474 VIII. Reference to recorded subdivision plats of adjoining platted land by record
1475 name, and number;
- 1476 IX. A certification by a registered land surveyor in a form acceptable to the County
1477 that the plat is a true and correct representation of the lands actually surveyed;
- 1478 X. Appropriate acknowledgment by the person filing the plat before the County
1479 Auditor;
- 1480 XI. Delineation on the face of the plat of any flood hazard areas and/or any
1481 Okanogan Shoreline Management areas;
- 1482 XII. Certification, dedication, or declaration regarding any streets, rights-of-way,
1483 easement for private, semi-private or public use in accordance with Section
1484 58.17.165 RCW;
- 1485 XIII. Certificate from the County Treasurer that all taxes and delinquent assessments
1486 for which the property may be liable as of the date of certification by the
1487 Treasurer have been fully paid, satisfied or discharged;
- 1488 XIV. Certification of approval by County Engineer as to layout of streets, alleys and
1489 other rights-of-way, design of bridges, sewage and water systems, and other
1490 structures;
- 1491 XV. Certification of approval by County Planning Administrator;
- 1492 XVI. Certification of approval by Chairman of the Board of County Commissioners;
- 1493 XVII. Acknowledgment from the Okanogan Health District as to the adequacy of the
1494 proposed means of sewage disposal and water supply;
- 1495 XVIII. Title, scale, north arrow and date;
- 1496 XIX. A certificate by the County Engineer shall be submitted together with the plat
1497 certifying that the subdivider has either:
- 1498 A. Completed improvements in accordance with these regulations and with
1499 the action of the Board of County Commissioners giving approval of the
1500 preliminary plat; or
- 1501 B. Submitted a bond or certified check in sufficient amount to assure
1502 completion of all required improvements at a future specified date not to
1503 exceed one (1) year.
- 1504 XX. Such other certificates, affidavits or endorsements as may be required by the
1505 Board of County Commissioners in the enforcement of these regulations;
- 1506 XXI. A copy of any proposed Covenants Conditions and Restrictions (i.e. CC&Rs) to
1507 be recorded with the proposed subdivision;

1508 XXII. A list of the conditions required as part of the approval of the Preliminary Plat by
1509 the Board and an annotation of how they have been and/or will be complied with;
1510 and

1511 XXIII. A title report showing all parties having ownership interest(s) in the property to be
1512 subdivided, and all easements and encumbrances;

1513 **16.24.020 Time limit for submission**

1514 The original tracing and four copies of the final plat and other exhibits required for
1515 approval as specified in Section 16.24.010 shall be submitted to the Office of Planning
1516 & Development and shall be accompanied by a written request for approval of the final
1517 plat. The final plat shall be accompanied by processing fees as specified in the
1518 adopted fee schedule. The final plat shall be submitted to the Office of Planning &
1519 Development within five years of the date of preliminary plat approval. An applicant
1520 who files a written request with the Board of County Commissioners at least thirty (30)
1521 days before the expiration of this five year period shall be granted one, one-year
1522 extension upon a showing that the applicant has attempted in good faith to submit the
1523 final plat within the three year period. County Commissioners may grant additional
1524 extensions upon petition by applicant which demonstrates extraordinary hardship as
1525 determined by Commissioners.

1526 **16.24.030 Drawings**

1527 The final plat shall be drawn on stable base mylar or equivalent material at such a scale
1528 as to make a map twenty-four (24) inches wide by thirty-six (36) inches long and shall
1529 be at a scale of at least one (1) inch equals one hundred (100) feet unless the Planning
1530 Administrator requests or authorizes a different scale (i.e.; 1 inch = 200 feet). Where
1531 necessary, the plat may be on several sheets, including match lines, accompanied by
1532 an index sheet showing the entire subdivision.

1533 **16.24.040 Review**

1534 I. The Planning Administrator shall review the final plat for conformance to
1535 conditions imposed on the approved preliminary plat. Approval of the planning
1536 agency shall be indicated by the signature of the Planning Administrator or the
1537 administrator's designee on the original of the Final Plat.

1538 II. The final plat shall be submitted to the office of the County Engineer for final
1539 checking and inspection. Office checking will be charged for at the prevailing
1540 wage rate for county engineers or their staff. A field check may be made of
1541 boundaries of the plat including staking of lots and blocks. Approval of the
1542 County Engineer shall be indicated.

1543 III. When the Okanogan Board of County Commissioners finds that the final
1544 subdivision conforms to all terms of the preliminary subdivision approval and that
1545 said subdivision meets the requirements of Title 16, and Chapter 58.17 RCW, as
1546 both these regulations were in effect at the time of preliminary plat application,
1547 the Board of County Commissioners shall sign the face of the plat. The
1548 subdivision shall be governed by the terms of approval for a period of five (5)
1549 years after final plat approval unless the Board of County Commissioners finds
1550 that a change in conditions creates a serious threat to the public health or safety
1551 in the subdivision.

1552 IV. Final plats shall be approved, disapproved, or returned to the applicant within
1553 sixty days from the date of filing thereof unless the applicant consents to an
1554 extension of such time period.

1555 V. The final plat shall be recorded within sixty (60) days following the date of
1556 approval of the final plat by the chairman of the Board of County Commissioners.
1557 An extension of time for filing, not to exceed 180 days following the date of plat
1558 approval, may be granted by the Board of County Commissioners, if weather
1559 conditions delay surveying. The applicant shall submit appropriate filing fees,
1560 payable to the Okanogan County Auditor, to the Office of Planning and
1561 Development. The Office of Planning and Development shall record the final
1562 plat. The applicant shall provide one copy of the recorded plat and supporting
1563 documents to each of the following: Okanogan County Office of Planning and
1564 Development, Okanogan County Public Works, Okanogan County Health
1565 District. If the subdivider fails to have the final plat filed prior to the expiration of
1566 the above time period, he shall resubmit the plat in accordance with Section
1567 16.20.010 and pay all applicable fees.

1568 VI. All final plats must be recorded prior to the acceptance of any building permit
1569 application by the County except as provided for in 16.20.140.

1570 **16.24.060 Final plat alteration**

1571 The Administrator shall be allowed to approve insignificant changes (i.e.: changing
1572 street names, addresses, etc.) to the face of recorded plats. All other changes must
1573 comply with the plat alteration process, as noted in this section.

1574 I. **Application** - When any person is interested in the alteration of any subdivision
1575 or the altering of any portion thereof, that person shall submit an application to
1576 request the alteration to the Okanogan County Office of Planning & Development
1577 on an application form available from the Department, including a legibly drawn
1578 representation of the plat as it presently exists and of the proposed alteration,
1579 both to scale. The submitted application shall be accompanied by the following:

1580 A. The signatures of a majority of those persons having ownership interest of
1581 lots, tracts, parcels, sites or divisions in the subject subdivision or portion
1582 to be altered; and

- 1583 B. A copy of all applicable covenants, conditions, and restrictions and any
1584 amendments thereto. If the subdivision is subject to restrictive covenants
1585 which were filed in conjunction with the subdivision, and the application for
1586 alteration would result in a violation of a covenant, the application shall
1587 contain an agreement signed by all parties subject to the covenants
1588 providing that the parties agree to terminate or alter the relevant
1589 covenants to accomplish the purpose of the alteration of the subdivision
1590 or portion thereof.
- 1591 C. A current title report for the parcel(s) being altered.
- 1592 D. The title of the altered plat shall be: Plat Alteration Name of Subdivision
1593 Name, LPA #. [FOR EXAMPLE: Smith Alteration of Lots 11 and 12,
1594 Block 9, Lost River Airport Tracts, LPA 94-71]
- 1595 II. **Notice of Application and Hearing.** Upon receipt of an application for
1596 alteration the Office of Planning & Development shall provide notice of the
1597 application to all owners of property within the subdivision as provided for in
1598 Section 16.20.040. Said notice shall either establish a date for a public hearing
1599 before the Planning Commission, which shall not be more than sixty (60) days
1600 from the date of the submission thereof except where additional time is required
1601 for compliance with the State Environmental Policy Act (Chapter 43.12C RCW,
1602 or provide that a hearing may be requested by a person receiving notice within
1603 fourteen days of receipt of the notice. If no request for public hearing has been
1604 received, the administrator shall determine if the proposed alteration may be
1605 administratively approved or a public hearing shall be held;
- 1606 III. **Review requirements.** Copies of the application for alteration and
1607 supplemental material shall be forwarded by the Office of Planning &
1608 Development, to commenting agencies for their respective recommendations
1609 The Administrator shall determine which, agencies, if any, should receive
1610 supplemental material for review and comment on the proposed alteration.
- 1611 IV. **Staff report.** The Office of Planning & Development shall prepare a staff report,
1612 including findings of fact. The staff report shall include a review of the plat
1613 alteration for conformance with subdivision standards, other land use
1614 regulations, and the County Comprehensive Plan.
- 1615 V. **Planning Commission action.** If a public hearing is requested or determined to
1616 be necessary, the Planning Commission shall review and evaluate the requested
1617 plat alteration for compliance with the currently applicable standards for
1618 subdivision in Okanogan County and shall provide a recommendation to the
1619 Board of Commissioners. The recommendation of the Planning Commission
1620 shall be submitted to the Board of County Commissioners by the Office of
1621 Planning and Development in the form of a staff report which states the findings
1622 of fact upon which the Planning Commission's recommendation was based not
1623 later than fourteen (14) days following their action on the proposed plat
1624 alteration;

1625 **Board of County Commissioners action.** If a public hearing is requested or
1626 determined to be necessary, the Commissioners shall determine the public use
1627 and interest in the proposed alteration and may deny or approve the application
1628 for alteration. Upon receipt of the recommendation, the Board may at its next
1629 public meeting, summarily approve the plat alteration exactly as recommended
1630 by the Planning Commission, or if the Board chooses to deny or condition
1631 approval of the application in any way which differs from the Planning
1632 Commission, it shall set the date for a public hearing.

1633 At the public hearing, the Commissioners may, based upon findings of fact,
1634 deny or approve, with certain provisions and conditions, the plat alteration;

1635 VI. **Assessment District.** If any land within the alteration is part of an assessment
1636 district, any outstanding assessment shall be equitably divided and levied against
1637 the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting
1638 from the alteration;

1639 VII. **Dedication.** If any land within the alteration contains a dedication to the general
1640 use of persons residing within the subdivision, such land may be altered and
1641 divided equitably between the adjacent properties; and

1642 VIII. **Drawings and filing.** After approval of the alteration, the applicant shall
1643 produce the revised drawing on stable base mylar or equivalent material,
1644 stamped by a licensed surveyor. After signatures of authorities whose approval
1645 appeared on the original plat are affixed thereto, the final plat shall be filed with
1646 the County Auditor within sixty (60) days following the date of approval to
1647 become the lawful plat of the property. An extension of the time for filing not to
1648 exceed 180 days following the date of plat alteration approval may be granted by
1649 the Board of Commissioners if weather conditions delay surveying.

50 **16.24.070 Final Plat Vacation**

1651 I. **Application** - Whenever any person is interested in the vacation of any
1652 subdivision or portion thereof, or any area designated or dedicated for public
1653 use, that person shall submit an application for vacation to the Office of Planning
1654 & Development on an application available from the Department. The
1655 application shall set forth the reasons for vacation and shall be accompanied by
1656 the following:

1657 A. The signatures of all parties having an ownership or other interest (i.e.
1658 liens, easements) in that portion of the subdivision subject to vacation;
1659 and

1660 B. If the subdivision is subject to restrictive covenants which were filed at the
1661 time of the approval of the subdivision, and the application for vacation
1662 would result in the violation of a covenant, the application shall contain an
1663 agreement signed by all parties subject to the covenants providing that
1664 the parties agree to terminate or alter the relevant covenants to

1665 accomplish the purpose of the vacation of the subdivision or portion
1666 thereof.

1667 II. **Procedure relating to roads:**

1668 A. When the vacation application is specifically for a county road, the
1669 procedures for road vacation in Chapters 36.87 or 35.79 RCW shall be
1670 utilized for the road vacation.

1671 B. When the application is for the vacation of the plat together with the
1672 roads, the procedure for vacation in this section shall be used, but
1673 vacations of roads may not be made that are prohibited under Section
1674 36.87.130 RCW.

1675 III. **Hearing - Notice and Procedure** - Upon receipt of an application, the Board of
1676 Commissioners shall give notice as provided in 16.20.040, and shall conduct a
1677 public hearing on the application for a vacation and may approve or deny the
1678 application for vacation of the subdivision after determining the public use and
1679 interest to be served by the vacation of the subdivision;

1680 IV. **Title to Vacated Land** - If any portion of the land contained in the subdivision
1681 was dedicated to the public for public use or benefit, such land, if not deeded to
1682 the city, town, or county, shall be deeded to the city, town, or county, unless the
1683 legislative authority shall set forth findings that the public use would not be
1684 served in retaining title to those lands. Title to the vacated property shall vest
1685 with the rightful owner as shown in the county records. If the vacated land is
1686 land that was dedicated to the public, for public use other than a road or street,
1687 and the legislative authority has found that retaining title to the land is not in the
1688 public interest, title thereto shall vest with the person or persons owning the
1689 property on each side thereof, as determined by the legislative authority. When
1690 the road or street that is to be vacated was contained wholly within the
1691 subdivision and is part of the boundary of the subdivision, title to the vacated
1692 road or street shall vest with the owner or owners of property contained within
1693 the vacated subdivision.

1694 V. **Notification and Record of Action** - After approval of the vacation, the Board of
1695 Commissioners shall direct the Clerk of the Board to notify all parties of the
1696 vacation and to file a copy of their action with the County Auditor to become part
1697 of the record.

1698

Chapter 16.28

1699

DESIGN CRITERIA

1700 **Sections:**

1701 **16.28.010** **Generally**

1702 **16.28.020** **Streets**

1703 **16.28.030** **Alleys**

1704 **16.28.040** **Utilities**

1705 **16.28.050** **Blocks**

1706 **16.28.060** **Lots**

1707 **16.28.070** **Parks and recreational areas**

1708 **16.28.010** **Generally**

1709 Any streets, roads, alleys, easements, blocks, lots or public sites, open spaces and
1710 environmental impact mitigation measures within any proposed subdivision or short
1711 subdivision shall be designed in accordance with the following criteria. Streets, roads,
1712 alleys and easements within subdivisions shall be designed in accordance with design
1713 standards set forth in Okanogan County Road and Street Standards and Guidelines for
1714 Developments, prepared by the Okanogan County Department of Public Works, as
1715 adopted by the Board of County Commissioners. Streets, roads, alleys, and
1716 easements within short subdivisions shall be designed in accordance with design
1717 standards set forth by the Administrator, as adopted by the Board of County
1718 Commissioners.. Unless delegated otherwise by specific provisions of this section or
1719 other County ordinance, authority for action under provisions of this section rests with
1720 the Administrator for short subdivisions and with the Board of Commissioners for
1721 subdivisions.

1722 **16.28.020** **Roads and Streets**

1723 Consideration shall be given to the following criteria, in the design of roads and streets.

1724 I. The arrangement, character, extent, width, grade and location of all roads and
1725 streets shall conform to design standards within Okanogan County's
1726 Transportation Plan, and Road and Street Standards and Guidelines for
1727 Developments, and shall be considered in their relation to existing and planned
1728 roads and streets, to topographical conditions, to public convenience and safety,
1729 and in their appropriate relation to the proposed uses of the land to be served by
1730 such streets;

- 1731 II. Where such is not shown in the comprehensive plan, the arrangement of roads
1732 and streets shall, when applicable, either:
- 1733 A. Provide for the continuation or appropriate projection of existing principal
1734 streets in surrounding areas, or
- 1735 B. Conform to a plan for the neighborhood approved or adopted by the
1736 Board of County Commissioners to meet a particular situation where
1737 topographical or other conditions make continuance or conformance to
1738 existing streets impracticable.
- 1739 III. Minor roads and streets shall be so planned as to discourage their use by non-
1740 local traffic;
- 1741 IV. Where a short subdivision or subdivision abuts or contains an existing or
1742 proposed arterial road or street, the County may require frontage (with screen
1743 planting) and a non-access reservation along designated property lines, or such
1744 other treatment as may be necessary for adequate protection of residential
1745 properties and to afford separation of through and local traffic;
- 1746 V. Where a short subdivision or subdivision borders on or contains a railroad right-
1747 of-way or limited access highway right-of-way, and there exists a reasonable
1748 possibility of a future overpass or intersection, the County may require a
1749 "reservation for potential future right-of-way". Such reservations for potential
1750 future right-of-way shall be laid out with due regard for the requirements of
1751 approach grades and future grade separations;
- 1752 VI. Reserve strips controlling access to streets shall be prohibited except where their
1753 control is definitely placed with the County;
- 1754 VII. Road or street jogs with short centerline off-sets (generally those less than one
1755 hundred twenty five (125 feet) shall be avoided;
- 1756 VIII. A tangent shall be introduced between reverse curves on major, secondary and
1757 collector roads of a length appropriate to the geometrics, design, speed and
1758 other engineering criteria meeting design standards and approved by the County
1759 Engineer.
- 1760 IX. When the centerlines of connecting major, secondary, and collector roads are
1761 misaligned by more than one degree, they shall be connected with a degree of
1762 curvature determined by the County Engineer;
- 1763 X. Streets and/or road rights-of-way at intersections shall be laid out so as to
1764 intersect as nearly as possible at right angles;
- 1765 XI. The angle between property lines at intersecting roads or streets shall
1766 accommodate the radii of curvature of the roads or streets. Road radii shall be
1767 approved by the County Engineer (generally a 20 foot minimum);

1768 XII. Road or street right-of-way widths free from any encumbrances shall be as
1769 shown in Okanogan County's Transportation Plan, and Road and Street
1770 Standards and Guidelines for Developments, and where not shown therein shall
1771 be not less than 60 feet wide in subdivisions. In short subdivisions, the right-of-
1772 way shall be a minimum of 30 feet wide, where the right-of-way will only serve
1773 the number of lots created by the proposed development. When more than the
1774 proposed development will be served, the County Engineer shall determine the
1775 minimum right-of-way width;

1776 A reduction of the right-of-way width, may be considered where topographic
1777 restrictions exist, or when the proposed road or street connects to or is the
1778 extension of any existing platted street having a right-of-way width less than the
1779 required minimum, when approved in accordance with Chapter 16.34 and the
1780 County Engineer;

1781 XIII. Half streets or roads shall be prohibited except where essential to the reasonable
1782 development of the short subdivision or subdivision in conformity with the other
1783 requirements of this title and where the County finds it will be practicable to
1784 require the dedication of the other half when the adjoining property is subdivided.
1785 Whenever a half street or road is adjacent to a tract being subdivided, the other
1786 half of the street shall be included as a part of the short subdivision or
1787 subdivision;

1788 XIV. The length, turnaround, and design of dead-end streets or roads, and their
1789 associated parking areas, shall be determined by the County Engineer (generally
1790 no longer than 600 feet);

1791 XV. No street or road names shall be used which will duplicate or be confused with
1792 the names of existing County streets. Street or road names shall be subject to
1793 the approval of the Public Works Department;

1794 XVI. Street or road grades shall not exceed maximum County Road Standards,
1795 without County Engineer approval depending upon topographic conditions and
1796 whether the street is designated as a major county road, secondary county road,
1797 collector county road or access county road; and

1798 XVII. Guardrails may be required when topography and road alignment create unsafe
1799 conditions. The County Engineer shall determine when guardrails are required.

1800 **16.28.030 Alleys**

1801 1. Alleys shall be provided in commercial and industrial districts, except that the
1802 County may waive this requirement where other definite and assured provision is
1803 made for service access, such as off-street loading, unloading and parking
1804 consistent with and adequate for the uses proposed;

1805 2. The minimum width of an alley is generally twenty (20) feet;

1806 3. Alley intersections and sharp changes in alignment shall be avoided, but where
1807 necessary corners shall be cut off sufficiently to permit safe vehicular movement as
1808 determined by the County Engineer; and

1809 4. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be
1810 provided with adequate turn-around facilities at the dead-end, as determined by the
1811 County Engineer.

1812 **16.28.040 Utilities**

1813 Easements shall be provided for all utilities and be subject to the approval of the
1814 Department of Public Works. Easement width shall be sufficient to insure construction
1815 and maintenance of utilities without disruption/impact on adjacent lots or streets. Each
1816 utility district shall determine if and when utility lines require undergrounding. Utility
1817 provider requirements are binding conditions for final plat approval.

1818 **16.28.045 Drainage Facilities**

1819 Any short subdivision or subdivision site which contains a water course, drainage way,
1820 channel or stream shall provide a drainage easement encompassing these features of
1821 sufficient area and width for the construction and maintenance of drainage facilities as
1822 determined by the Department of Public Works.

1823 **16.28.050 Pedestrian Facilities**

1824 Pedestrian walking easements are encouraged, if feasible and appropriate, particularly
1825 along natural streams and creeks and other bodies of water within proposed short
1826 subdivisions or subdivisions. A minimum of vegetation shall be removed for such
1827 facilities.

1828 **16.28.055 Blocks**

1829 I. The lengths, widths and shapes of blocks shall be determined with due regard to:

1830 A. Provision of adequate building sites suitable to the special needs of the
1831 type of use contemplated;

1832 B. Needs for convenient access, circulation, control and safety of street
1833 traffic; and

1834 C. Limitations and opportunities of topography; and

1835 II. Generally, block lengths should not exceed one thousand feet.

1836 III. Pedestrian crosswalks, (generally not less than ten (10) feet wide) may be
1837 required where deemed essential to provide circulation or access to schools,
1838 playgrounds, shopping centers, transportation and other community facilities.

1839

1840 **16.28.060 Lots**

- 1841 1. The lot size, width, depth, shape and orientation shall be in accordance with the
1842 applicable County zoning laws;
- 1843 2. Corner lots in short subdivisions and subdivisions shall provide adequate site
1844 distance and turning radiuses approved by County Engineer;
- 1845 3. The subdividing of the land shall be such as to provide, by means of a public street,
1846 each lot with satisfactory access to an existing public street, which may be achieved
1847 by providing adequate private roads connecting to a public road; and
- 1848 4. Double frontage and reverse frontage lots should be avoided except where essential
1849 to provide separation of residential development from traffic arteries or to overcome
1850 specific disadvantages of topography and orientation. An easement of at least eight
1851 feet, and across which there shall be no right of access, shall be provided along the
1852 line of lots abutting such a traffic artery or other disadvantageous use.

1853 **16.28.070 Parks, Trails and Recreational Areas**

1854 Pursuant to Section 58.17.110 RCW and related statutes, the Board of Okanogan
1855 County Commissioners may require plats of subdivisions with less than two acre lot
1856 sizes in urban areas which may result in an increased demand for parks, trails and
1857 recreational areas, and which are not already served by parks, trails and recreational
1858 areas to designate up to five percent of their land exclusive of streets, as either private
1859 or public parks and recreational areas, the nature of which shall be clearly indicated on
1860 the plat. The acquisition of the land required by the County for public parks, trails, or
1861 recreational areas, other than streets and alleys, shall be obtained by deed,
1862 conservation easement or such other method approved by County Commissioners in
1863 conjunction with final approval from the developer in conjunction with final approval of
1864 the plat. Such mitigation of park and recreation land and/or facilities shall be based on
1865 an identified and quantified impact on recreational resources. As an alternative to
1866 dedication of public parks, trails and recreational areas, the developer may voluntarily
1867 choose to contribute to the county for park purposes a payment approximately equal to
1868 the value of the land which the County would otherwise have required to be designated
1869 for parks, trails and recreational areas. Payment of cash in lieu of land for park
1870 purposes shall be made by the developer to the county before final plat approval is
1871 given. The payment shall be deposited in a reserve account from which funds may be
1872 expended solely for parks and recreational uses which will benefit the general area of
1873 the approved subdivision. The payment shall be expended within five years of
1874 collection, and any payment not so expended shall be refunded with interest at the rate
1875 applied to judgments to the property owners of record at the time of the refund.
1876 However, if the payment is not expended within five years due to delay attributable to
1877 the developer, the payment shall be refunded without interest.

1878

Chapter 16.32

1879

IMPROVEMENTS

1880 **Sections:**

1881 **16.32.010** **Generally**

1882 **16.32.020** **Monuments**

1883 **16.32.030** **Minimum street improvements**

1884 **16.32.035** **Posting of street signs and parcel addresses - Final plats and short**
1885 **plats**

1886 **16.32.040** **Road plans and specifications**

1887 **16.32.050** **Maintenance corporation (supplement to Section 16.32.030)**

1888 **16.32.060** **Surety**

1889 **16.32.010** **Generally**

1890 The following items set forth in this chapter shall be minimum required improvements of
1891 all plats. However, higher development standards may be imposed for the promotion of
1892 public health, safety and general welfare, including environmental quality
1893 considerations.

1894 **16.32.020** **Monuments**

1895 Permanent control monuments shall be set at angle points, points of curves in streets
1896 and at intermediate points as shall be required by the county road engineer.
1897 Monuments shall be set at all lot corners in accordance with the requirements of
1898 Chapter 58.09 RCW.

1899 **16.32.030** **Minimum street improvements**

1900 Minimum street improvements shall be provided in each new short subdivision and
1901 subdivision in accordance with Chapter 16.28 and as approved in the Short Plat or
1902 Subdivision.

1903 **16.32.035** **Posting of street signs and parcel addresses - Final plats and short**
1904 **plats**

1905 The applicant shall post parcel addresses, except upon vacant lots, in a manner visible
1906 from the private road and shall coordinate with the County Engineer and post, or
1907 provide surety for the posting of, street signs for all private roads that intersect County
1908 roads. Road signs shall be designed in accordance with County road sign policy.

1909 **16.32.040 Road plans and specifications**

1910 Detailed plans and specifications for road improvements, shall be submitted to the
1911 County Road Engineer. Plans shall be submitted on a 24" x 30" sheet and shall show
1912 the road alignment, curve information for each curve and the profile of both the existing
1913 ground and the proposed finished roadway. A roadway section shall also be included
1914 which shows the roadway width, the ditch section, the cut and fill slopes and the type
1915 and depth of the various surfacing courses.

1916 **16.32.050 Maintenance corporation** (supplement to Section 16.32.030)

1917 The Board of County Commissioners, under appropriate circumstances, may require
1918 the formation of a maintenance corporation charged with the responsibility of
1919 construction and maintenance of the roads and other common facilities in the proposed
1920 subdivision.

1921 **16.32.060 Surety**

1922 In lieu of the completion of the actual construction of any required improvements prior
1923 to the approval of a final plat, the Board of County Commissioners may accept a bond,
1924 in an amount and with surety and conditions satisfactory to the Board, or other secure
1925 method, providing for and securing to Okanogan County adequate funds for actual
1926 construction and installation of such improvements within a time period specified by the
1927 Board of County Commissioners, but not to exceed two years after final plat approval.
1928 In addition, bonds or other security may be required by the Board of Commissioners
1929 securing to Okanogan County the successful operation of all improvements for one
1930 year after acceptance by the County of the completed plat improvements.

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Chapter 16.34

DEVIATIONS FROM DESIGN STANDARDS

Sections:

16.34.010 Subdivision - Deviations

16.34.020 Short Subdivision - Deviations

16.34.010 Subdivision - Deviations

An applicant for a subdivision who believes the Okanogan County Road and Street Standards and Guidelines for Development are inappropriate for the subdivision they are proposing, may, as part of their submittal, request a deviation from those standards. All requests for deviations shall be reviewed and a recommendation regarding the requested deviation shall be made to the Planning Commission by the Administrator and County Engineer.

- I. The request for deviation shall specify and justify the alternative design proposed.
- II. The Planning Commission shall review and evaluate all such deviations, considering the following factors:
 - A. The deviation requested will not be a compromise on safety and will not decrease the functional characteristics of the street or roadway to a level unacceptable to the County Engineer.
 - B. The Comprehensive Plan for the area and the suitability of the proposed road standard in terms of the Plan;
 - C. The intensity of development in the proposed short subdivision or subdivision; The volume of vehicle traffic expected; future predicted traffic volumes;
 - D. The relationship of the proposed nonstandard roadway to the overall road system in the area and possible need to extend those roads to serve adjacent properties that might be further divided; and that the roadways are compatible and appropriate;
 - E. The opportunity, by reducing the standards in accordance with a, b, & c above, to accomplish a preservation of the natural environmental setting of the area being subdivided. This may include narrower cleared rights of way, less need for cuts and fill on cross slope roadways, and the ability to more closely follow existing terrain if slope standards were relaxed. The intended end result would be less disturbance of vegetation, water courses, wetlands, topography, and riparian habitat.

1966 III. The request shall be reviewed in conjunction with the subdivision review and the
1967 Planning Commission shall specifically recommend approval, approval with
68 modification, or disapproval of the exception request as part of their
1969 recommendation regarding the subdivision to the Board of County
1970 Commissioners.

1971 **16.34.020 Short Subdivision - Deviations**

1972 Short Subdivision deviations shall be reviewed according to the requirements of
1973 16.34.010, except the County Engineer will make the recommendation to the
1974 Administrator before final short plat approval.

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1975

Chapter 16.40

1976

ENFORCEMENT

1977 **Sections:**

1978 **16.40.010** **Violations - penalty**

1979 **16.40.010** **Violations - penalty**

1980 1. No building permit, septic tank permit or other development permit shall be issued
1981 for, any lot, tract, or parcel of land divided in violation of Chapter 58.17 RCW or this
1982 ordinance, except as authorized in Section 58.17.210 RCW as now in effect or
1983 hereafter amended;

1984 2. Violations - Pursuant to Section 58.17.300 RCW, any person, firm, corporation, or
1985 association, or any agent of any person, firm, corporation or association who
1986 violates any provision of this title, relating to the sale, offer for sale, lease or transfer
1987 of any lot, tract or parcel of land is guilty of a gross misdemeanor, and each sale,
1988 offer for sale, lease or transfer of each separate lot, tract or parcel of land in
1989 violation of any provision of this chapter shall be deemed a separate and distinct
1990 offense;

1991 3. Enforcement - Penalties, remedies, injunctions, and other legal sanctions necessary
1992 for the enforcement of this title will be governed by Sections 58.17.200, 58.17.210,
1993 58.17.230, 58.17.300, and 58.17.320 RCW, which are hereby adopted by reference.
1994 Injunctive remedies shall be available for enforcement of all chapters in this title; and

1995 4. Review of Decision - Court review of any decision approving or disapproving any
1996 application authorized by any chapter of this title for unlawful, arbitrary, capricious or
1997 corrupt action or non-action shall be governed by RCW Sections 58.17.180 and
1998 36.70 C, which are hereby adopted by reference.

1999

Chapter 16.45

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APPEALS

2001 **Sections:**

2002 **16.45.010 Applicability**

2003 **16.45.010 Applicability**

2004 **I. Administrative Appeals**

2005 Appeals of final decisions of the Administrator regarding short plats, short plat
2006 alterations, boundary line adjustments (see 16.04.080), public purpose
2007 segregations (see 16.04.085), and deviations from design standards (see
2008 16.34.010) may be initiated by filing with the Office of Planning & Development
2009 within thirty (30) days following the issuance of the decision. Appellant shall
2010 complete an appeal form provided by the Office of Planning & Development
2011 which states the specific reasons for the appeal, and shall pay an administrative
2012 decision appeal fee as established in the adopted fee schedule. The appeal
2013 shall be heard by the Board of County Commissioners. The appeal will be
2014 limited to a review of the record by the County Commissioners and limited to the
2015 issues raised in the appeal. Appeal of a short plat shall be consolidated with
2016 appeals of any other permits related to the short plat.

2017 **II. Judicial Appeals**

2018 The decision by the Board of Commissioners on an appeal from an
2019 administrative determination shall be final and conclusive unless a timely land
2020 use petition is filed and served pursuant to the Land Use Petition Act (RCW
2021 36.70C). Appeals must be submitted by those with standing according to RCW
2022 36.70C.060.

