

OKANOGAN COUNTY

ORDINANCE 2012 - 2

AN ORDINANCE AMENDING OKANOGAN COUNTY TITLE 16, "SUBDIVISIONS"

SECTION 1: FINDINGS AND RECITALS

WHEREAS, the code amendment modifies Okanogan County Code title 16 "Subdivisions". The modifications make Okanogan County Code title 16 consistent with RCW 58.17 "Plats – Subdivisions – Dedications" and other State and County regulations; and

WHEREAS, the proposal was made available to the public and government agencies, and was published in Okanogan County's legal periodical of record. All comments and testimony have been considered by the County legislative authority; and

WHEREAS, a final environmental determination of non-significance (DNS) was issued by the Okanogan County responsible SEPA official in accordance with RCW 43.21C, WAC 197-11, and OCC 14.04. The determination stands. All procedural SEPA requirements have been met; and

WHEREAS, the Okanogan County Regional Planning Commission conducted an open record public hearing. The Planning Commission heard public testimony. The Planning Commission offered a recommendation to the Board of Okanogan County Commissioners; and

WHEREAS, the Board of Okanogan County Commissioners conducted an open record public hearing on May 14th, 2012.


SECTION 2: SUBDIVISION ORDINANCE

Be it Therefore Ordained: The Board of Okanogan County Commissioners do hereby adopt amendments to Okanogan County Code Title 16 "Subdivisions" as identified in exhibit A.

DATED at Okanogan, Washington this 22nd day of May, 2012.



ATTEST:



Laleña Johns, Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**



Jim DeTro, Chair



Andrew Lampe, Member



Don (Bud) Hover, Member

Exhibit A

**Okanogan County
Subdivision Code**

Title 16

Code Amendment 2012
Approved Draft

TABLE OF CONTENTS

CHAPTER 16.04	General Provisions	2
CHAPTER 16.08	Definitions	8
CHAPTER 16.10	Large Lot Segregations	15
CHAPTER 16.12	Short Subdivisions	16
CHAPTER 16.16	Subdivision—Preapplication Procedures <u>Repealed</u>	26
CHAPTER 16.20	Preliminary Plats	27
CHAPTER 16.24	Final Plats	37
CHAPTER 16.28	Design Criteria	45
CHAPTER 16.32	Improvements	50
CHAPTER 16.34	Deviations from Design Standards	52
CHAPTER 16.40	Enforcement	54
CHAPTER 16.45	Appeals	55

1 County SEPA Ordinance No. 95-5 and Okanogan County Growth Management Critical
2 Areas Regulations Ordinance 94-2, as herein after amended. Compliance with SEPA
3 may necessitate preparation of an Environmental Impact Statement and may require
4 mitigation of specific adverse impacts of the proposed subdivision action consistent with
5 the requirements of WAC 197-11-660 and Washington case law.

6
7
8 **16.04.060 Notice and Appeal Periods**

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

12
13
14 **16.04.065 Severability**

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

18
19
20 **16.04.070 Exemptions**

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

- 22
23 I. Cemeteries and other burial plots, while used for that purpose;
24
25 II. Exempt Segregations of four (4) or fewer parcels, provided that the parent parcel
26 was not created by a prior exempt segregation within the previous 5-year period:
27 Divisions of land in accordance with the applicable zoning density or lot size
28 requirements for the area into 4 or fewer lots or tracts not containing a dedication
29 and none of which is less than 20 acres in area or one-thirty second of a section
30 if the land is capable of description as a fraction of a section of land provided:
31 A. that for the purpose of computing the size of any lot under this item which
32 borders on a private street or county road, the lot size shall be expanded
33 to include that area which would be bounded by the center line of the road
34 or street and the side lot lines of the lot running perpendicular to such
35 center line (state highways are not included);
36 B. that an exempt segregation application form be filled out and submitted to
37 the Office of Planning and Development;
38 C. Exempt segregations which are physically or functionally related, together
39 creating five (5) or more parcels, must comply with the provisions of 16.10
40 "Large Lot Segregations"; and
41
42 III. Any division made by testamentary provisions or the laws of descent ~~or court~~
43 ~~order~~;
44
45 IV. Binding Site Plans;
46

Chapter 16.16

SUBDIVISION—PREAPPLICATION PROCEDURES Repeal

Sections:

16.16.010——Preapplication Procedures

16.16.010——Preapplication Procedures

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

(e.g., forest, agricultural, or mining lands), if readily apparent or ascertainable.

- F. Existing uses of the property, including the location and use of all existing structures and those structures which will remain on the property after platting.

III. Proposed subdivision plat:

- A. The location, name, designation of (public or private) right-of-way or easement width, approximate radii of curves and centerline profiles of all proposed streets, alleys or roads within or on the boundary of the proposed subdivision;
- B. Location, width and purpose of all easements other than roadways;
- C. Approximate dimensions of all lots with proposed lot and block numbers. Lot sizes shall be in compliance with the applicable zoning laws should be responsive to individual site constraints, such as topography;
- D. The locations, size and proposed use contemplated for public areas within the proposed subdivision. Note that areas designated for public use in the preliminary plat approval, shall be dedicated for such use by easement to Okanogan County and indicated on the final plat before recording;
- E. Thorough description of how each lot will be served by an adequate domestic water supply, including irrigation water allocation, if any;
- F. A brief statement regarding the contemplated sewage disposal, and drainage improvements for the proposed subdivision. In urban areas, the Board, at its discretion, may require the installation of dry sanitary sewers and/or sewer lines in streets within the subdivision;
- G. If the proposed subdivision would affect any Irrigation District, an explanation of how it provides for the necessary irrigation provisions as prescribed by Chapter 58.17.310 RCW; and
- H. If the subdivider desires to develop the plat in phases, the phases shall be shown on the preliminary plat. [A development agreement \(OCC 18.05\) shall accompany the subdivision application and plat.](#)
- I. Mileage, accurate within 100 feet, to the primary access point of each lot measured from the "zero point" (see 16.08.165) of the County road from which access is obtained.
- J. All roads within a subdivision shall be named, and the proposed names shall be indicated on the plat.

- 1
2 IV. A vicinity map at an approximate scale, showing roads, streams, public buildings
3 and areas, and any other pertinent information that will assist in the location and
4 consideration of the proposed subdivision, including the names of adjacent
5 subdivisions. The vicinity map shall show the relationship of the nearest town to
6 the proposed subdivision;
7
8 V. Copies of any covenants if proposed.
9
10 VI. A title report showing all parties having any full or partial interest(s) in the
11 property to be subdivided and encumbrances;
12
13 VII. Environmental checklist prepared in accordance with Chapter 43.21C RCW
14 (State Environmental Policy Act) and Title 14, Okanogan County Code, as they
15 now exist or are hereafter amended; and
16
17 ~~VIII. A list of all taxpayers of record and their addresses for all properties within 300~~
18 ~~feet of the exterior boundaries of the proposed plat and any contiguously owned~~
19 ~~property from the records of the Okanogan Assessor's office.~~
20
21

22 **16.20.020 Procedures - Generally**

23 The procedure set forth in Sections 16.20.030 through 16.20.100 shall be followed in
24 application and approval of preliminary plats. It is intended that, to the extent possible,
25 preliminary plat reviews will be processed simultaneously with any applications for
26 rezones, planned developments, conditional use permits, and similar quasi-judicial or
27 administrative actions that may be required.
28
29

30 **16.20.030 Application**

- 31 I. A fully completed plat application shall consist of the following, which shall be
32 submitted to the Okanogan County Office of Planning & Development;
33
34 A. An application on a form prepared by the Administrator;
35
36 B. ~~One (1) reproducible and twenty-four (24) copies 24" x 36" hardcopy and~~
37 ~~either one electronic copy (preferred) or one 11"x 17" hardcopy~~ of the
38 preliminary plat and supplementary material as specified in Section
39 16.16.010;
40
41 C. An application fee as specified in the adopted Okanogan fee schedule.
42
43 D. All application content requirements per 16.20.010.
44 II. If the Administrator determines that the preliminary plat application satisfies the
45 requirements of this ordinance, the Administrator shall determine that the

1 municipal airport shall be given to the secretary of transportation. In the case of
2 notification to the secretary of transportation, the secretary shall respond to the notifying
3 authority within fifteen days of such notice as to the effect that the proposed subdivision
4 will have on the state highway or the state or municipal airport.
5

6 Notice shall also be given to interested state agencies such as Washington State
7 Department of Fisheries, Wildlife and Ecology. All hearing notices shall include a
8 description of the property to be platted, including the location of the proposed
9 subdivision. The description may be in the form of either a vicinity location sketch, a
10 written description, an address or other reasonable means, other than a legal
11 description, but shall include reference to the Section, Township, and Range.
12
13

14 **16.20.050 Review Process - Requirements**

15 Copies of the preliminary plat, supplementary material, and environmental documents
16 shall be forwarded by the Office of Planning & Development to the following agencies at
17 least 30 days prior to the hearing date for their respective recommendations, if any:
18

- 19 1. Okanogan Health District;
- 20
- 21 2. County Engineer;
- 22
- 23 3. County Assessor;
- 24
- 25 4. County Building Division;
- 26
- 27 5. Any affected Irrigation District;
- 28
- 29 6. Soil Conservation Service;
- 30
- 31 7. Noxious Weed Control Board;
- 32
- 33 8. Any school district, Public Utility District, utility, and/or Fire District encompassing
- 34 any of the area included in the preliminary plat;
- 35
- 36 9. Any governmental agencies concerned including nearby cities, and appropriate
- 37 federal agencies; and
- 38
- 39 10. State Agencies with expertise; e.g., Departments of Wildlife, Fisheries and Ecology.
- 40
- 41 11. All affected Tribes
- 42

43 The recommendations of the aforesaid public agencies, if any, shall be submitted prior
44 to the close of the public record by to the Okanogan County Office of Planning &
45 Development seven (7) days prior to the scheduled review as provided for in Section

~~16.20.060 and shall accompany the preliminary plat submitted to the Planning Commission and the Board of County Commissioners.~~

16.20.060 Planning Commission Recommendation; Factors to be Considered

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

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

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

The Planning Commission shall, not later than at its next regularly scheduled meeting following the conclusion of the public hearing, express either a recommendation for approval, approval with conditions, recommend disapproval or remand to Administrator for additional consideration. The recommendation shall be based upon the factors specified in this section, and every such recommendation shall be in writing and shall include findings of fact and conclusions to support the recommendation including a finding that the proposed subdivision is in conformity with any applicable zoning ordinance or other land use controls. Any conditions to be fulfilled prior to final plat approval, shall be incorporated in the Planning Commission's written recommendation. The Office of Planning & Development shall, transmit a copy of the Planning Commission's recommendation to the County Engineer, the Health District, the subdivider, the subdivider's surveyor or engineer, and all parties requesting notice. A

as a condition of subdivision approval and shall be clearly shown on the final plat. A release from damage to be procured from other property owners shall not be required as a condition of plat approval. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days form date of filing thereof unless the applicant consents to an extension of such time period.

16.20.090 Abandoned Orchard Removal

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

16.20.095 Noxious Weed Control

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

16.20.100 Decision - Notifications

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

16.20.110 Preliminary Subdivision; Decision Appeals

An appeal of any decision to approve, approve with conditions, or deny a proposed preliminary plat may be initiated ~~by filing with the Office of Planning & Development within thirty (30) days following the issuance of the decision, a written Notice of Appeal stating the specific reasons for the appeal. An appeal fee, as established in the adopted fee schedule, shall accompany the appeal. The appeal shall be heard by the Board of County Commissioners. The appeal will be limited to a review of the record by the County Commissioners and limited to the issues raised in the appeal. Appeal of a~~

1 | ~~preliminary plat shall be consolidated with appeals of any other Okanogan County~~
2 | ~~permits related to the preliminary plat in accordance with OCC 16.45 "Appeals".~~
3 |
4 |

5 | **16.20.130 Agreements to transfer land conditioned on final plat approval**

6 | If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract,
7 | or parcel of land following preliminary plat approval is expressly conditioned on the
8 | recording of the final plat containing the lot, tract, or parcel under this chapter, the offer
9 | or agreement is not subject to Section 58.17.200 or 58.17.300 RCW and does not
10 | violate any provision of Chapter 58.17 RCW or this ordinance. All payments on account
11 | of an offer or agreement condition as provided in this section shall be deposited in a
12 | escrow or other regulated trust account and no disbursement to seller(s) shall be
13 | permitted until the final plat is approved and recorded.
14 |

15 |
16 | **16.20.140 Prohibition on construction other than "model homes" and required**
17 | **improvements before end of 30-day appeal period without release of**
18 | **liability**

19 | No new building permits shall be issued, nor shall any construction or site alterations
20 | begin within a Preliminary Plat before the thirty (30) day appeal period on final plat
21 | approval as provided for in RCW 58.17.180 has expired except for a home constructed
22 | or placed on the property for demonstration purposes and those authorized
23 | improvements required as part of the plat approval and access and inspections relating
24 | to the approved plat. An applicant for a building permit on a parcel of record that is the
25 | subject of an approved plat may be issued a building permit and may with proceed
26 | construction before the end of the 30-day appeal period if she/he signs a statement
27 | absolving the County of liability arising from issuance of said permit in any appeal filed.
28 |
29 |

XXI. A copy of any proposed Covenants Conditions and Restrictions (i.e. CC&Rs) to be recorded with the proposed subdivision;

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

XXIII. A Final Title Report.

16.24.020 Time Limit for Submission

The original tracing and four copies of the final plat and other exhibits required for approval as specified in Section 16.24.010 shall be submitted to the Office of Planning & Development and shall be accompanied by a written request for approval of the final plat. The final plat shall be accompanied by processing fees as specified in the adopted fee schedule. The final plat shall be submitted to the Office of Planning & Development within three years of the date of preliminary plat approval. An applicant who files a written request with the Board of County Commissioners at least thirty (30) days before the expiration of this three year period shall be granted one, one-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three year period. County Commissioners may grant additional extensions upon petition by applicant which demonstrates extraordinary hardship as determined by Commissioners. Consistent with RCW 58.17.140 "Time limitation for approval or disapproval of plats — Extensions": A final plat meeting all requirements of this chapter shall be submitted to the Legislative body within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015.

16.24.030 Drawings

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

16.24.040 Review

I. The Planning Administrator shall review the final plat for conformance to conditions imposed on the approved preliminary plat. Approval of the planning agency shall be indicated by the signature of the Planning Administrator or the administrator's designee on the original of the Final Plat. A final review application fee shall be required if such fee is adopted within the Okanogan County fee schedule in accordance with OCC 3.01.010.