

ORDINANCE NO. 386

AN ORDINANCE amending Ordinances 111, 290, 292, 298 and chapter 16.04 of the Grays Harbor County Code to add definitions and make text corrections.

BE IT ORDAINED by the Board of Commissioners of Grays Harbor County, State of Washington, as follows:

Section 1. Section 16.04.010, Findings (Ordinance 111 § 1.10, 1983), is amended to read as follows:

The board of county commissioners of Grays Harbor County, Washington, finds that:

A. In order to protect and promote the public health, safety, and general welfare, ~~((the))~~ subdivision of land should proceed in a manner that: provides for the continuation of streets within subdivisions with other existing or planned streets and with major street and highway plans of the county and other municipalities; provides for access to and extension of the necessary public facilities; assures adequate provision for water supply, sewage disposal, and protection of natural drainage systems, parks, fire protection, and schools; provides for adequate open space for traffic, recreation, light, and air; and provides for uniform land monuments ~~((monumentation))~~ and conveyance by accurate legal description.

B. ~~((The p))~~ Proper application of ~~((the))~~ regulations established by RCW 58.17, as amended, requires that specific standards and administrative procedures ~~((arrangements))~~ relating to ~~((the))~~ subdivision of land in ~~((the))~~ unincorporated areas of the county be provided ~~((by counties))~~.

C. This title is necessary to further the purposes and objectives of the Grays Harbor County comprehensive plan established pursuant to RCW 36.70.

Section 2. Section 16.04.020, Purposes (Ordinance 111 § 1.30, 1983), is amended to read as follows:

The provisions ~~of~~ ~~((contained in))~~ this title are necessary to regulate the subdivision and development of land and to promote the public health, safety, and general welfare in accordance with established standards: to prevent the overcrowding of land; to lessen congestion in ~~((the))~~ streets and highways; to promote the effective use of land; to promote safe and convenient travel by the public on streets and highways; to promote access for service and emergency vehicles; to provide for adequate light and air; to promote the proper arrangement of streets, lots, easements, and other private or public ways; to facilitate adequate provisions for water, sewage, parks and recreation

areas, sites for schools and school grounds and other public requirements; to provide for ingress and egress; to implement the comprehensive plan; to provide for the expeditious review and approval for proposed subdivisions which conform to zoning standards and local plans and policies; to provide for the residential, commercial, and industrial needs of the citizens; to provide for adequate open spaces and balanced, attractive communities; to promote the conservation of energy and resources; and to require uniform monumenting of land subdivisions and conveyance by accurate legal description.

Section 3. Section 16.04.040, Definitions (Ordinance 298 § 1--4, 2002; Ordinance 292 §§ 1--4, 2001; Ordinance 290 § 1, 2001; Ordinance 111 §§ 2.10--2.40, 1983), is amended to read as follows:

For the purpose of this title and to supplement definitions and usage set forth in chapter 1.04 of this code certain words and terms are~~((shall be interpreted or))~~ defined as follows:

~~((A. Tense and Number. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular.~~

~~B. Interpretation.~~

~~1. The word "shall" is mandatory.~~

~~2. The word "should" indicates that which is recommended but not required.~~

~~3. The word "may" is permissive.~~

~~C. Definitions.)~~

"Acreage lot~~((parcel))~~" means real property~~((a parcel))~~ that is not a subdivided part of a final plat.

"Administrator" means the director of the Grays Harbor County planning and building division.

"Binding site plan" means a drawing or drawings to scale as specified by this title which: (a) identifies and shows the areas and locations of all streets, roads, drainage systems, improvements, utilities, open spaces, dedications, and any other matters specified by this title and any other applicable ordinances; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) as provided by this title, after approval of the site plan all development upon land covered by the plan shall be in conformity with the site plan.

"Block" means a group of lots~~((, tracts, or parcels))~~ located within well-defined and fixed boundaries such as roads.

"Board" means the Grays Harbor County board of commissioners.

"Board of adjustment" means the Grays Harbor County board of adjustment.

"Bond" means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in a form satisfactory to the county prosecuting attorney and of an amount satisfactory to the county public works division~~((department))~~ or agency which requires the bond.

"Buffer" or "buffer area" means that vegetated area adjacent to a critical protection area that can reduce impacts from adjacent land uses through various physical, chemical, and/or biological processes. The buffer shall be placed in a critical protection area tract or easement as part of any development process ((a separation designed to absorb conflicts between differing land uses. Fences, berms, shrubs, trees, and other planting or construction may be included where needed to lessen land use conflicts)).

"Commercial/industrial site plan subdivision" means the subdivision or redivision of land for the purpose of sale, lease, or transfer of ownership unless exempt((ed by)) under Section 16.08.040, intended for the development of commercial and/or industrial uses accomplished through the approval of a binding site plan as provided in this title and filed with the county auditor after approval.

"Community sites and facilities" include, but are not limited to, parks, open space, private roads, recreation facilities, water, solid waste disposal transfer facilities, and sanitary facilities.

"Comprehensive plan" means the policies and proposals approved and recommended by the planning agency or initiated by the board and approved by motion by the board: (a) as a beginning step in planning for the physical development of the county; (b) as the means for coordinating county programs and services; (c) as a source of reference to aid in developing, correlating, and coordinating official regulation and controls; and (d) as a means for promoting the general welfare. Each plan shall consist of the required elements and may also include the optional elements set forth in state law which shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.

"Contiguous land" means land adjoining and touching other land and sharing the same owner regardless of whether or not portions of the lots((parcels)) have separate tax lot numbers, or were purchased at different times, lie in different sections, are different government lots or are separated from each other by a private road, a private right-of-way, or public or private easement.

"County health department" or "health department" means the Grays Harbor County environmental health division.

"Critical protection area easement" or "conservation easement" means an encumbrance on the title of a property to protect the value and function of a critical area as defined in Title 18. The easement is recorded on the property deed and is held in trust by the party granting the easement, with the grantee enforcing the terms of the easement for the duration of its existence.

"Cul-de-sac" means an area for vehicle turnabout, usually circular, located at the closed end of a dead-end road.

"Dedication" means the deliberate appropriation of land by its owner for any general or public uses, reserving to oneself no other rights beyond those general or public uses to which the property has been devoted. A dedication is evidenced by its representation by the owner on a final plat, final short plat, final large lot subdivision map, or final binding site plan prepared for filing showing the dedication thereon or by its representation, presentation, or description on a separate written instrument. Acceptance by the public of the dedication shall be evidenced by the approval of such

plat((e)) or binding site plans for filing by the board of county commissioners or, in the case of short plat and large lot subdivision maps, adoption of a resolution accepting the dedication by the board of county commissioners.

"Development" means the construction, reconstruction, conversion, alteration, relocation, enlargement, expansion, or intensification of any structure; the construction, alteration, conversion, or expansion of any public facility or community site and facility; any land disturbance; and any use, activity, occupancy, or the expansion, intensification, or extension of the use or occupancy of land.

"Easement" means a right conveyed by a property owner to a designated person or to the public for use of property for a specified purpose.

"Engineer" means a civil engineer certified by the state of Washington or other state with equivalent qualifications as a professional engineer.

"Final plat" means the final drawing of a long subdivision prepared for filing for record with the ((Grays Harbor County)) auditor and containing all elements and requirements set forth in RCW 58.17, as amended, and in this code((these regulations adopted pursuant thereto)).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters; and/or (b) the usual and rapid accumulation of runoff of surface waters from any source.

"Large lot subdivision" means the subdivision or redivision of land into two or more lots((, tracts, parcels, sites, or divisions)) for sale, lease or transfer of ownership unless exempt((ed by)) under Section 16.08.040, where all lots are five acres or one one-hundred-twenty-eighth (1/128) of a section of land or larger, and any lot is smaller than twenty (20) acres or one thirty-second (1/32) of a section of land.

"Landscaping" means a separation designed to absorb conflicts between differing land uses. Fences, berms, shrubs, trees, and other planting or construction may be included where needed to lessen land use conflicts.

"Land surveyor" mean a person certified by the state of Washington or other state with equivalent qualifications as a professional land surveyor and registered with the state of Washington.

"Long subdivision" means the subdivision or redivision of land into five or more lots((, tracts, parcels, sites, or divisions)) for the purpose of sale, lease, or transfer of ownership unless exempt((ed by)) under Section 16.08.040, where any lot is smaller than five acres or one one-hundred-twenty-eighth (1/128) of a section of land.

"Lot" means a fractional part of subdivided lands having fixed boundaries being of sufficient area and dimension to meet minimum subdivision, zoning, and sewage disposal requirements for width and area. ((The term shall include tracts, parcels, sites, and divisions. The term shall not include any part of land divided for the purposes of financing or taxation as provided in Sections 16.08.040(F) and (M).))

"Mobile home" means a dwelling unit construction of which is regulated by RCW 43.22.

"Mobile home park" means any lot or lots((tract or tracts of land)) under one ownership or unified management developed or used for locating three or more mobile homes, excluding the sales lot of a licensed mobile-home dealer where not more than one mobile home is used as the owner's or caretaker's residence.

"Owner" means the person or persons who are the owner(s) of record, as determined by the records of the county auditor, provided that the owner under a real estate contract is the purchaser-mortgagor.

"Open space" means land within a developed area that is left undeveloped and serves as an amenity to surrounding property owners. The open space shall be identified as a tract in any platting process.

"Parcel" means any part of land identified for purposes of taxation. The term parcel does not mean legal building lot.

"Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.

"Planning commission" means the Grays Harbor County planning commission.

"Platted lot((parcel))" means a lot((parcel)) that is a subdivided part of a final plat.

"Preliminary approval" means the official written action approving a proposed subdivision or resubdivision of land when provision of improvements or fulfillment of conditions ~~must~~~~((are to))~~ occur prior to final approval. The applicant shall be entitled to final approval when the conditions are met and/or improvements are provided.

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of roads, lots, blocks, and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

"Public works director" or "county engineer" means the director of the Grays Harbor County public works division or his or her designated representative under RCW 58.17.160(1).

"Public works division" means the Grays Harbor County public works division.

"Recreational vehicle" means a unit designed as temporary living quarters for recreational, camping, or travel use, having either its own motive power or being mounted on or drawn by another vehicle.

"Recreational vehicle park" means any ~~((tract of))~~ land divided into lots or spaces, under the ownership or management of one person, firm or corporation, for the purpose of locating three or more recreational vehicles for transient-dwelling purposes.

"Required improvements" mean physical changes to real property which are required pursuant to the provisions of this title and other applicable ordinances including, but not limited to, roads, drainage systems, bridges, signs, water supply, sewage disposal, fire protection, electrical power, telephone service, parks, open space, and community facilities.

"Right-of-way" means property occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer components or channels, or for another special use. The usage of the term "right-of-way" for land-dividing purposes shall mean that every right-of-way hereafter established and shown on a final plat, site plan, or map is to be separate and distinct from the lots ~~((or parcels))~~ adjoining such right-of-way and not included within the dimensions or areas of such lots ~~((or parcels))~~. Rights-of-way intended for maintenance by a public agency shall be dedicated to public use by the maker of the plat, site plan, or map on which such right-of-way is established.

"Road" means that property which provides vehicular circulation or other means of access to abutting properties and which may also include provisions for public utilities, pedestrian walkways, bridges, pathways for bikes or horses, open space, cut and fill slopes, and drainage.

1. "Local access road" means a road used primarily for access to abutting properties.

2. "Major collector arterial" means a road intended to move through-traffic to and from major attractions such as residential neighborhoods, shopping districts, industrial areas, and similar traffic generators; and/or as a route for traffic between communities or large areas.

3. "Minor collector arterial" means a thoroughfare which primarily carries traffic from local roads to major collector arterials. Minor collector arterials are established by the board of county commissioners and reported to the ~~((Secretary of the))~~ State Department of Transportation. This term may include the principal entrance and circulation routes within residential subdivisions.

"Roadway" means that portion of a right-of-way that is improved and maintained for vehicular and/or pedestrian traffic.

"Short plat" means the map representation of a short subdivision.

"Short subdivision" means the subdivision or redivision of land into four or fewer lots(~~(, tracts, parcels, or sites))~~) for the purpose of sale, lease or transfer of ownership unless exempt(~~(ed by))~~ under Section 16.08.040, any lot of which is smaller than five acres in size or one one-hundred twenty-eighth (1/128) of a section.

"Solar orientation" means the position of a lot or building so as to gain optimal exposure to sunlight for the purposes of using the sun's radiant energy for a building's heating and lighting purposes.

"Subdivision" means the subdivision or redivision of land into five or more lots(~~(, tracts, parcels, sites, or divisions))~~) for the purpose of sale, lease or transfer of ownership unless exempt(~~(ed by))~~ under Section 16.08.040, where any lot is smaller than five acres or one one-hundred-twenty-eighth (1/128) of a section.

"Tract" means a portion of subdivided land set aside for non-development purposes. Any tract created as part of a subdivision process shall be owned in an undivided interest by all lot owners in the subdivision.

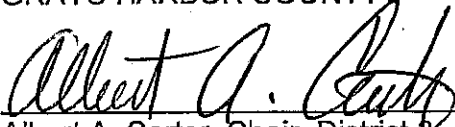
"Variance" means a modification of the strict terms of this title where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant a literal enforcement of the regulations would result in unnecessary and undue hardship.

"Water distribution system" means the piping used to deliver water intended for human consumption.

Section 4. Section 16.04.050, Words and phrases (Ordinance 111 § 2.50, 1983), is hereby repealed.

ADOPTED this 7th day of June, 2010.

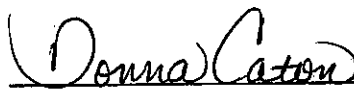
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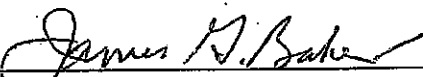

Mike Wilson, Commissioner, District 2

ATTEST:


Donna Caton
Clerk of the Board

APPROVED AS TO FORM:

H. STEWARD MENEFFEE
PROSECUTING ATTORNEY

BY: 
James G. Baker
Senior Deputy Prosecuting Attorney