

ORDINANCE NO. 387

AN ORDINANCE amending Ordinances 111, 167, 278, 292, 298, 333, 336 and chapters 16.08 and 16.12 of the Grays Harbor County Code to change administrative appeal deadlines and make text corrections.

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

Section 1. 16.08.010, General scope (Ordinance 111 § 3.10, 1983), is amended to read as follows:

Subdivisions~~((divisions))~~ of land for the purpose of lease, sale, or transfer of ownership into two or more lots~~((, parcels, tracts or sites))~~ and the development of land for mobile home parks and recreational vehicle parks within ~~((the))~~ unincorporated areas of Grays Harbor County shall comply~~((proceed in compliance))~~ with this title.

Mobile home parks and recreational vehicle parks are processed under the applicable provisions of Chapters 16.24 and 16.28 and are not reviewed under chapters pertaining to ~~((They are not required to be reviewed under either the))~~ long subdivision or short subdivision procedures. Subdivisions~~((Divisions))~~ of land for sale or transfer of ownership where the lots are to be occupied by mobile homes (mobile home subdivisions) are to proceed in compliance with the short subdivision, long subdivision, or large lot subdivision sections of this title, as~~((whichever is))~~ applicable.

Section 2. 16.08.020, Compliance with other regulations (Ordinance 111 § 3.20, 1983), is amended to read as follows:

All subdivisions and binding site plans subject to this title shall be in compliance with the following:

A. All applicable statutory provisions;

B. Title 17 of this code~~((The county zoning ordinance))~~, shorelines management program, building and housing codes, and all other applicable ordinances of the county;

C. The general provisions of the county comprehensive plan and the capital improvement plan including all streets, drainage systems, and parks shown on the comprehensive plan map;

D. The special requirements of these regulations and any rules of the environmental health division~~((department))~~ and/or appropriate state agencies;

E. The rules of the State Department of Transportation if the subdivision or any lot contained therein affects a state highway or connecting street.

Section 3. 16.08.030, Applicability (Ordinance 111 § 3.20, 1983; Ordinance 167 § 2, 1993), is amended to read as follows:

The following rules shall govern questions of the precise applicability of these regulations:

A. Lots ~~((Parcels))~~ in common ownership separated by a public right-of-way shall not be considered a single lot ~~((parcel))~~.

B. Land divided incidental to separation of common interest or communal ownership as in a partnership shall be considered a lot ~~((division))~~.

C. Land legally divided by metes and bounds description and transferred in ownership prior to October 17, 1983 shall be treated as a separate and distinct lot that may be sold as originally described without subdivision approval.

Section 4. 16.08.040, Exemptions (Ordinance 111 § 3.40, 1983; Ordinance 167 § 3, 1993; Ordinance 278, 2000; Ordinance 292 § 5, 2001; Ordinance 298 § 5, 2002; Ordinance 333 (part), 2005; Ordinance 336 (part), 2005), is amended to read as follows:

This title does ~~((The provisions of this title shall))~~ not apply to the following:

A. Cemeteries and other burial plots while used for that purpose;

B. Subdivisions ~~((Divisions))~~ made by testamentary provisions, or the laws of descent, provided the resulting lots ~~((parcels))~~ satisfy minimum lot size and width requirements for the applicable zoning district;

C. Subdivisions ~~((Divisions))~~ of land into lots ~~((or tracts))~~ one-sixteenth (1/16) of a section of land or larger, or forty (40) acres or larger if the land is not capable of description as a fraction of a section of land;

D. The combination of portions of previously platted lots when: (1) the total number of lots is not increased, (2) the resulting lots ~~((parcels))~~ meet minimum environmental health division ~~((department))~~ standards for lot sizes for sewage disposal and water supply, and (3) the resulting lots ~~((parcels))~~ meet the minimum lot size and width required by the zoning district in which the property is located;

E. Land solely divided for boundary line adjustment, provided: (1) the total number of lots ~~((, sites, tracts, or divisions,))~~ is not increased; (2) the boundary line adjustment shall be reviewed by the Environmental Health Division to certify that all resulting lots ~~((parcels))~~ meet minimum standards for lot-sizes as related to sewage disposal and water supply; (3) the boundary line adjustment shall be approved by the planning division only if the resulting lots ~~((parcels))~~ satisfy minimum lot size and width requirements for the applicable zoning district, and subject to the environmental health division review. The decision of the planning division may be appealed to the board ~~((of county commissioners))~~ within twenty-one ~~((fifteen -15))~~ days of the date of the decision; (4) if any existing lots ~~((parcels))~~ are nonconforming, the boundary line adjustment shall not create any lots ~~((parcels))~~ smaller than the smallest existing lot ~~((parcel))~~; (5) all new lots ~~((parcels))~~ resulting from a boundary line adjustment shall be on the same side of a state or county right-of-way; and (6) legal descriptions shall be certified by a land surveyor, title-company, or attorney licensed to practice in the state of Washington;

F. The subdivision of ~~((a parcel of))~~ land solely resulting from a mortgage or trust deed foreclosure;

G. Subdivisions ~~((Divisions))~~ for the purpose of creating or extending public rights-of-way by a governmental agency;

H. The exchange of ownership rights associated with real property such as easements, development rights, etc., provided the area of any ~~((parcel of))~~ lot of real property is not divided or redivided;

I. The rental or lease of buildings or similar improvements where the land itself is not divided or redivided. This exception includes rentals of portions of the same real property to different parties where the subdivision or redivision of the land is not involved (such as in the case of multi-family dwellings or common commercial structures) and the entire ~~lot((parcel))~~ is retained in common ownership and is managed as a unit of property. The creation and/or development of mobile home parks or recreational vehicle parks are~~(is)~~ not exempted and shall be subject to the provisions of this title;

J. Assessor's plats made in accordance with RCW 58.17.050, 58.17.240, 58.17.250 and 58.18.010;

K. The lease, sale, or transfer of ownership of legally created contiguous platted or unplatted lots provided the lots were in compliance with all zoning and land subdivision regulations applicable to the property at the time the lots were recorded with the county auditor's office. Subdivisions~~((Divisions))~~ of land henceforth created under the provisions of exemptions listed in subsections F and N of this section shall not be considered legally created platted or unplatted lots for the purpose of this exemption or this title. Where a legally created unplatted lot was in compliance with all applicable regulations but not recorded with the county auditor's office, the administrator may determine that the lot(s) fall within this exemption where a notarized deed or contract provides evidence the lot was legally created. This exemption shall not be implemented until the owner provides the administrator a chain of title confirming the date the lots were created and transferred;

L. A subdivision of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;

M. A subdivision of land to be used exclusively for the installation and operation of the following public or private utilities; telephone, electric, and cable television lines, poles, and appurtenant equipment; water or gas pipes, mains, valves, reservoirs, wells, or treatment facilities; pumping stations; stormwater ditches, pipes, detention, retention, or treatment facilities; and telephone exchanges, repeater stations, transmitter stations, and appurtenant equipment; solid waste transfer stations, defined as staffed, fixed supplemental facilities used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site; provided, however, that any remaining lot(s) complies with all applicable land use regulations. Any contiguous land split by lots ~~((or parcels))~~ created through this exemption shall be treated as contiguous land for the purposes of this title and shall proceed in compliance with this title prior to lease, sale, or transfer of ownership of any portion of that land split by the lot(s) used for the utilities. If the land so divided is not used for the installation and/or operation of utilities within five years or ceases to be so used for one year, it shall become a part of the lot from which it was created and shall no longer be a separate lot ~~((or parcel))~~;

N. Arrangements for the incremental transfer of the ownership of a lot ~~((or a parcel of land))~~ as part of a payment schedule for a mortgage or contract to purchase the entire lot ~~((or parcel))~~. No portion of the lot ~~((or parcel))~~ shall be leased, sold, or the ownership transferred to any person other than the buyer or seller unless the lot is divided through either a short subdivision, a long subdivision, a large lot subdivision, a site plan or the provisions of subsections B, D and E of this section, whichever is applicable.

Section 5. 16.08.050, Appeal of administrative decisions (Ordinance 111 § 3.50, 1983), is amended to read as follows:

Any person aggrieved by any administrative decision issued pursuant to~~((under))~~ this title may appeal the decision to the board of county commissioners within twenty-one~~((fifteen-15))~~ days of the date the decision was made.

A. Appeals shall be initiated by notifying the administrator in writing that a review of the decision is requested. The notice shall include the reasons for the appeal. The administrator shall submit the request to the board ~~((of county commissioners))~~ prior to its~~((their))~~ next regular meeting.

B. At its~~((their))~~ next regular meeting the board shall set the date for the public hearing on the appeal. Notice of the hearing shall be given by ~~((4))~~ one publication in the county's legal newspaper at least ten ~~((10))~~ days prior to the date of the hearing ~~((and (2) posting the notice of hearing at the county courthouse for the same period))~~.

C. The administrator shall prepare a written statement setting forth the rationale for the decision being appealed and provide such statement~~((The administrator's statement shall be provided))~~ to the appellant at least ten ~~((10))~~ days prior to the hearing date. The administrator shall transmit the statement to the board.

D. During the hearing the board ~~((of county commissioners))~~ may hear and receive such evidence as it deems necessary and appropriate including, but not limited to, statements from the appellant, the administrator, and other interested citizens. The hearing shall be open to the public. All interested parties may be present in person and/or represented by counsel. All persons present shall be entitled to be heard. In deciding the appeal, the board shall consider only the merits of the statements as they relate to the specific terms, phrases, or sections of the ordinance in question and shall not consider the merits of the proposal or property affected by the decision. All decisions shall be in conformance with state and local regulations.

E. The decision of the board is~~((of county commissioners shall be))~~ final and shall be considered the official interpretation unless overturned by a court of competent jurisdiction~~((law))~~.

Section 6. 16.08.080, Minor alterations to short and long subdivisions (Ordinance 111 § 3.80, 1983), is amended to read as follows:

After preliminary approval of a subdivision has been granted or (in the case of a short subdivision utilizing the sketch plan alternative review process) sketch plan approval has been granted, minor alterations may be made to the preliminary plat or sketch plan if approved by the administrator; provided that, any alteration of a road or drainage improvement must also be approved by the public works division~~((department))~~ and the number of lots may not be increased. If in the discretion of ~~((any alteration is felt by))~~ the administrator and/or the public works division~~((department))~~ any alteration is considered to be of a substantial nature, the preliminary plat shall be resubmitted in compliance with this title.

Section 7. 16.08.090, Legal descriptions and the creation of lots by description (Ordinance 111-§ 3.90, 1983), is amended to read as follows:

All legal descriptions required by this title as part of a subdivision or development where a survey is required shall be written and certified by a land surveyor. Where subdivisions of land are permitted by this title to be created by metes and bounds descriptions, descriptions of lots by fractions or portions of a section, or by some other method of describing lots other than a survey; the legal descriptions creating the lots and describing their boundaries shall be written and certified by either an employee of a title company, an attorney, a land surveyor, or an engineer.

Section 8. 16.08.080, Parcels divided by zoning districts (Ordinance 333 (part), 2005), is amended to read as follows:

16.08.100 Lots~~((Parcels))~~ divided by zoning districts.

When a lot wholly situated on the same side of a public right-of-way~~((parcel))~~ is divided by two or more zoning districts ~~((on the same side of a public right-of-way))~~, the zoning district which occupies the largest portion of the lot~~((parcel))~~ shall apply to that entire lot~~((have jurisdiction))~~.

If a lot~~((parcel))~~ is equally divided between~~((into two or more equal portions by))~~ zoning districts, the total area of the bisected lot~~((parcel))~~ shall be subject to~~((acquire))~~ the same zone-classification as that portion abutting the front property-line.

Section 9. 16.12.010, Environmental health department (Ordinance 111 § 4.10, 1983), is amended to read as follows:

16.12.010 Environmental health division~~((department))~~.

The environmental health division~~((department))~~ shall review all proposed long subdivisions, short subdivisions, industrial/commercial site plans, mobile home parks, and recreational vehicle parks to determine adequacy of the proposed sewage disposal and water supply system. The environmental health division ~~((department))~~ shall forward written comments and recommendations relative thereto to the planning commission, board of adjustment, or administrator, as appropriate.

Section 10. 16.12.020, Public works department (Ordinance 111 § 4.20, 1983), is amended to read as follows:

16.12.020 Public works division~~((department))~~.

The public works division~~((department))~~ shall review all proposed long subdivisions, short subdivisions, industrial/commercial site plans, mobile home parks, recreational vehicle parks, and large lot subdivisions in regard to roads, drainage systems, and signing, and shall forward written comments and recommendations relative thereto to the planning commission, board of adjustment, or administrator as appropriate. The public works division~~((department))~~ shall administer all requirements for the design of final plats; the engi-

neering, installation, bonding, and inspection of required improvements; and for surveying, monumentation, and legal descriptions.

Section 11. 16.12.030, Planning division (Ordinance 111 § 4.30, 1983), is amended to read as follows:

16.12.030 Planning and building division.

The planning and building division shall have overall administrative and design responsibilities regarding proposed long subdivisions, short subdivisions, industrial/commercial site plans, mobile home parks, recreational vehicle parks, and large lot subdivisions. The planning and building division shall review such proposals for conformance with the general provisions of the Grays Harbor County comprehensive plan and the specific provisions of ~~((the comprehensive zoning ordinance, the county shorelines management program, the requirements of))~~ this title, Title 17 and any other applicable written policy, objective, standard, plan, program, or ordinance adopted by ~~the~~ ~~((Grays Harbor))~~ County and shall forward written comments and recommendations relative thereto to the planning commission, board of adjustment, or administrator as appropriate.

Section 12. 16.12.040, Planning commission (Ordinance 111 § 4.40, 1983), is amended to read as follows:

The planning commission shall review all proposed long subdivisions and commercial/industrial site plans for conformance with the general provisions of the Grays Harbor County comprehensive plan, and the adopted land development policies and standards of the county, the requirements of RCW 58 17, and this title. In addition, the planning commission is assigned the functions, powers, and duties incident to conducting~~((the holding of))~~ hearings and ~~((to the))~~ making ~~((of))~~ recommendations to the board on approval, approval with conditions, or disapproval of preliminary plat of proposed long subdivisions, and industrial/commercial site plan reviews and making recommendations on variances for such subdivisions in accordance with this title.

Section 13. 16.12.030, Board of county commissioners (Ordinance 111 § 4.60, 1983), is amended to read as follows:

The board shall generally find whether or not a proposed subdivision or site plan makes appropriate provision for ~~((the))~~ public health, safety, and general welfare and conforms~~((is in conformance))~~ with ~~((the))~~ comprehensive plan and comprehensive zoning ordinance requirements. The board shall determine if appropriate provisions are made for, but not limited to, drainage systems and the protection of natural drainage ways, roads, streets, other public ways, water supplies, police and fire protection, sanitary wastes, solid wastes, parks, playgrounds, open spaces, sites for schools, minimizing impacts upon the environment, and conserving energy and shall consider all other relevant facts and determine whether the public interest will be served by the subdivision or site plan.

The board shall assure that a proposed subdivision or site plan conforms to the general purposes of the Grays Harbor County comprehensive plan and the specific provisions of the comprehensive zoning ordinance, RCW 58 17, this title, and any other applicable

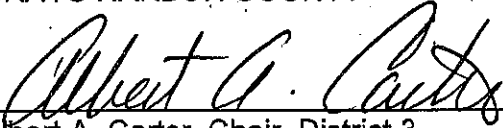
written policy, objective, standard, plan, program, element, or ordinance adopted by Grays Harbor County.

The board of county commissioners shall decide all appeals of administrative decisions.

The board shall decide all requests for variances from the strict application of the provisions of this title. Variances from ~~((the provisions of the))~~ short subdivision and large lot subdivision requirements shall also be heard and decided by the board, without necessity of ~~((in these two cases))~~ a recommendation from the planning commission or board of adjustment ~~((is not required))~~.

ADOPTED this 7th day of June, 2010.

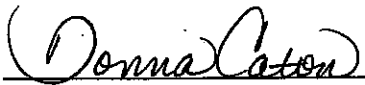
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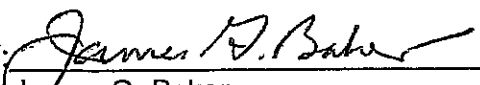

Mike Wilson, Commissioner, District 2

ATTEST:


Donna Caton
Clerk of the Board

APPROVED AS TO FORM:

H. STEWARD MENEFFEE
PROSECUTING ATTORNEY

BY: 
James G. Baker
Senior Deputy Prosecuting Attorney