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5-14-96

Ordinance No. 594, 1996

An ordinance repealing the existing Clallam County Land Division, Mobile Home Park Subdivision, Membership Camper Club Subdivision, Recreation Subdivision, Binding Site Plan, and Camper Vehicle Park Subdivision Codes, Chapters 29.01, 29.02, 29.03, 29.04, 29.06 and 29.20 Clallam County Code, and replacing them with a Land Division Code updated pursuant to the revised Clallam County Comprehensive Plan, Title 31 Clallam County Code.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Title 29 Clallam County Code
Clallam County Land Division Code

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Chapter 29.01 Purpose and Authority

- Section 29.01.100 STATUTORY AUTHORIZATION. This ordinance shall be known and cited as the Clallam County Land Division Code and is hereby a part of the Clallam County Code. This title is adopted under the authority of Chapter 58.17 Revised Code of Washington.
- Section 29.01.200 PURPOSE. This Title is adopted as an official land use control for the unincorporated areas of Clallam County.
- Section 29.01.300 APPLICABILITY. Every subdivision, short subdivision, binding site plan, RV park, mobile home park, or large lot division of land within the unincorporated area of Clallam County shall proceed in conformance with this Title.
- Section 29.01.400 ADMINISTRATION OF THIS TITLE. The Director of the Department of Community Development or his/her designated representative is vested with the responsibility to administer the provisions of this Title.
- Section 29.01.500 EXEMPTIONS. The provisions of this Title shall not apply to:
1. Any cemetery or burial plots while used for that purpose.
 2. Divisions of land into lots or tracts, each of which is one/one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; PROVIDED, that for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line; PROVIDED, however, that divisions of land 1/128th of a section of land or larger, or five acres or larger, but less than 1/32nd of a section of land, or twenty acres, shall be required to follow the procedures and requirements for large lot divisions contained in this Title.
 3. Divisions made for the purpose of adjusting boundary lines: PROVIDED that such adjustment is made in compliance with Chapter 29.43 of this Title.
 4. Divisions made by testamentary provisions or the laws of descent including the transfer of title for distribution of property by residuary or enforceable clause of a valid will, or by agreement or partition action which results following the operation of the laws of intestacy or descent; PROVIDED that all other land use regulations apply.
 5. Divisions of land relating to the acquisition or exchange of land by public agencies, for public use and occupancy, including but not limited to land divisions made for road construction purposes.
 6. Divisions of land into lots or tracts if the improvements constructed or to be constructed thereon will be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest.
- Section 29.01.600 REFERENCED FEDERAL, STATE AND COUNTY CODES. All Federal, State or County codes referenced or cited in this Title shall be used as now written or hereafter amended.

Chapter 29.03 Definitions

Chapter 29.03.100

DEFINITIONS. Whenever the following words and phrases appear in this Title, they shall be given the meaning attributed to them by this section. "Shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision. Words not specifically defined herein shall be defined in the most recent edition of Webster's New Collegiate Dictionary.

1. Administrator: The Director of the Department of Community Development or his/her designee.
2. Affected Party: Those parties with standing to bring action on appeals of decisions rendered pursuant to this title and is limited to the following parties: a) The applicant or owner of property on which the development is proposed; b) Any person entitled to notice of the application pursuant to Chapter 29.07 C.C.C.; c) Any person who deems themselves aggrieved by a decision and who will suffer direct and substantial impacts from the proposal.
3. Alteration: The revision, redivision, or amendment of a short plat, plat or large lot division that does not create any additional lots.
4. Arterial: A County road of high traffic volume, as designated by the Clallam County Road Department.
5. Binding Site Plan: A drawing to a scale specified in this Title which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this Title; (b) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by Clallam County; and (c) Contains provisions making any development conform with the site plan. A binding site plan create lots for the purpose of lease or rent, not for sale or transfer.
6. Board: The Board of Clallam County Commissioners.
7. Boundary Line Adjustment: A division made pursuant to this Title for the purpose of adjusting boundary lines between two parcels of land which does not create any additional lot, tract, parcel, or site; PROVIDED, that no unplatted lot which is greater than five acres in size shall be made less than five acres or 1/128th of a section by a boundary line adjustment.
8. Block: A group of lots, tracts, parcels, or campsites within defined and fixed boundaries.
9. Community On-site Sewage Disposal System: An on-site sewage disposal system which serves more than one lot within a land division or more than one individual use on a lot.
10. Community Water Supply System: Any public or privately owned system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is furnished to any community, collection, or number of individuals, but excluding a water system serving one single family residence.
11. Comprehensive Plan: The Comprehensive Plan of Clallam County adopted by the Board as Title 31, C.C.C.

12. Condominium: Pursuant to Chapter 64.34.020 (9) RCW, a condominium is defined as real property, portions of which are designated for common ownership solely by the owners of those portions.
13. Critical Areas: Those areas defined by the Washington State Growth Management Act, Chapter 36.70A, RCW and the Critical Areas Code Chapter 27.12, C.C.C., as now or hereafter amended.
14. Cul-de-sac: A road closed at one end; a dead-end road.
15. Dedication: The deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner upon presentation for filing of a final plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval by the appropriate governmental unit of such plat for filing.
16. Density: Number of dwelling units per acre of land.
17. Dry Site: A site for use by a camper vehicle where sewer and water connections are not provided to the individual lots.
18. Dump Station: A designated location which is connected to an approved sewer system for the purpose of disposing wastes from holding tanks of camper vehicles.
19. Dwelling Units: Space within a building designated for long-term residential use and which includes cooking and sleeping facilities.
20. Easement: A written grant of one or more property rights to a person by a property owner.
21. Final Plat: The final drawing of the subdivision, short subdivision, binding site plan, or large lot division and dedication prepared for recording with the County Auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and this Title.
22. Hearing Examiner: The Clallam County Hearing Examiner as established by Chapter 26.04, C.C.C.
23. Individual On-site Sewage Disposal System: An on-site sewage disposal system serving only one lot within a development.
24. Land: A parcel described in a deed, recorded in the County Auditor's Office and, if privately owned, having only one tax parcel number assigned to it by the County Assessor's Office. Land, lot, parcel, tract shall have the same meaning.
25. Land divider: A person or agent thereof who divides land pursuant to this Title. The term "subdivider" shall have the same meaning as land divider.
26. Land Division: For the purpose of this Title, a land division shall include any application for division of land which is subject to this Title, including a subdivision, Planned Unit Development, Binding site plan, short subdivision, or a large lot division.
27. Large Lot Division: The division of land into two or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership where each lot or parcel is one-one hundred twenty-eighth (1/128th) of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land.

28. Legal Access: The description and/or descriptions which identify in writing the physical location of the nonexclusive vehicular access rights to a public street as provided in a recorded document. The width of an easement required for legal access shall be a minimum of 30 feet.
29. Legal Description: The description and/or descriptions which identify by writing the physical location of the land interest conveyed as it exists on a recorded deed and/or deeds of the area to be platted.
30. Lot: A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.
31. Lot, Parcel, Tract or Site Size: For the purposes of computing lot, parcel, tract or site size all or a portion of a road right-of-way shall be included when calculating size as defined by Title 33 C.C.C.
32. Mobile Home (manufactured home): A structure defined by Chapter 46 RCW as a transportable structure in one or more sections, built on a permanent chassis, to be used as a dwelling with or without a permanent foundation and with connections to required utilities that include plumbing, heating and electrical systems.
33. Mobile Home Lot: A parcel of land within a mobile home park for the placement of a single mobile home and the exclusive use of its occupants.
34. Mobile Home Park Subdivision: A parcel of land divided into lots, under ownership or management of one person, firm, corporation, or unit of government for the purpose of locating mobile homes for dwelling or sleeping purposes on a rental or lease basis.
35. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.
36. Permanent Control Monument: A 3/4 inch galvanized iron pipe or other equivalent set into concrete to mark a controlling corner on the boundary of a division or a section marker.
37. Person: Every individual, firm, company, partnership, corporation, association, family, legal entity, or any other human group, or combination acting as a unit, or any agent of any of the above.
38. Preliminary Plat: A near and approximate drawing to scale of a land division showing the general layout of roads and alleys, lots and other elements of a land division which shall furnish a basis for approval or disapproval. The term "preliminary land division" has the same meaning as preliminary plat.
39. Public Sewer System: A sewerage system which is owned or operated by a city, town, municipal corporation, county, political subdivision of the state, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal and approved or under permit from the Department of Ecology.
40. Recreational Vehicle (Camper Vehicle): A travel trailer, pick-up camper, converted bus, tent-trailer, motor home, camping trailer, or similar vehicular dwelling used for travel, vacation, or recreational purposes.
41. Recreational Vehicle Park (Camper Vehicle Park): A plat of ground divided into lots or sites under the ownership or management of one person, firm, or corporation for use by camper vehicles.

42. Redivision: See Alteration.
43. Short Subdivision, or Short Plat: The division of land into nine or fewer lots, tracts, parcels or sites any one of which is less than 5 acres or 1/128th of a section in area for the purpose of sale, lease or transfer of ownership.
44. Site Registration for On-Site Sewage Disposal Systems: A report verifying percolation test locations on each lot for on-site sewage disposal pursuant to Clallam County Board of Health Regulations, Chapter 4.045 C.C.H.R.
45. Street: Any vehicular way which: (a) Is an existing state, county or municipal roadway; or (b) Is shown upon a plat, short plat, or large lot division approved pursuant to County regulations; or (c) Is approved by government action. The street shall include all land within the boundaries of the road right of way whether improved or unimproved. Road and street shall have the same meaning.
46. Subdivision: The division of land into ten or more lots, tracts, parcels, or sites any one of which is under 5 acres or 1/128th of a section, for the purpose of sale, lease, or transfer of ownership.
47. Wet Site: A site for usage by a camper vehicle where sewer and water connections are provided to individual sites.

Chapter 29.05 Application Requirements and Review Process

Section 29.05.100

PRELIMINARY APPLICATION REQUIREMENTS. Preliminary applications for land divisions shall consist of a map drawn to scale, together with written data in such form that when the maps and written data are considered together, they shall fully and clearly represent the proposed land division. The following data shall be furnished:

1. The name of the land division.
2. A legal description of the boundary of the proposed land division shown by a recorded document or signed purchase agreement.
3. Notwithstanding the definitions in Chapter 29.03 of this Title, the land divider may choose to include within the boundaries of the application all of the land divider's contiguous land which is separately described by a legal recorded document intended to be considered.
4. The date of preparation of the maps, an identified north arrow, scale of the map, the total area of the plat, and clear identification of the map as a preliminary drawing.
5. The names and addresses of all owners, land dividers, and, if known, engineers and surveyors.
6. The boundaries of all blocks and lots, together with the assigned block and lot numbers, beginning with number one and proceeding in a consecutive sequence. The total number of lots, and the approximate size of each lot in acres or in square feet. If lots are the same sized such lots may be so identified in lieu of specifying the size of each individual lot.
7. Existing Zoning Code classification.
8. Existing use of the land.
9. A vicinity map which clearly relates the division's location to nearby rivers, creeks and public roads to enable interested persons and agencies to determine the location of the site and obtain a geographical orientation to assist them in their review of the application. Said sketch shall be accompanied by a separate document giving instructions for reaching the site by automobile from a commonly known geographical reference point such as a public road intersection.
10. A statement that describes the use that is planned for each lot.
11. For new Group A public water systems, a qualified professional's report of water availability to serve the land division.
12. The location, width, names, approximate grades of existing and proposed streets and alleys within and adjacent to the land division. Also the location, width, use or purpose of all existing or proposed easements within or adjacent to the land division.
13. Site elevation or topographical information which informs the County of the approximate slope or slope variations on the site and showing the direction of surface drainage ways. If the average slope of the site is 10% or greater or substantial portions of the site are 10% or more in slope, additional topographical information such as, but not limited to, contour lines shall be provided by a certified professional to assist reviewing agencies to determine topographical conditions of the subject site.

14. Names of adjacent subdivisions, short subdivisions, or large lot divisions and property owners.
15. Approximate location of critical areas as defined by Chapter 27.12, C.C.C., and location of drainage ways.
16. Boundaries of land use zones, flood zones, shorelines and governmental jurisdictional boundaries adjoining or traversing the site.
17. Existing structures, sewage disposal and water supply improvements, drainage facilities, electrical transmission utilities and irrigation improvements which are a matter of public record or are apparent during an on-site inspection.
18. The location of proposed power, sewer and water improvements and easements including irrigation right-of-ways required pursuant to Chapter 58.17.310 RCW. Proposed or existing water well locations and associated well setback areas shall be shown on the application.
19. Environmental impact evaluation documents required by the State Environmental Policy Act, Chapter 43.21.C RCW.
20. Description of legal access to a public road if the land division does not front on a public road, including the grade and width of any existing roads.
21. Other information necessary to evaluate the proposed division's consistency with the requirements of this Title.
22. A statement signed by the land divider authorizing a named person to act as the land divider's agent. If the land divider signs said statement, the Administrator will deal exclusively with the designated agent regarding the land division, unless said statement clearly specifies otherwise.
23. If a lot within a land division is to be utilized for a permanent or temporary use not intended for human habitation and not requiring approval by the Clallam County Environmental Health Division, the applicant shall specifically state such use on the face of the preliminary and final plat. The lot shall be considered limited to that use.
24. The means of sewage disposal for the land division: If a public or private sewer system is proposed, the location of the facility and approximate location of collection lines or disposal area if applicable shall be shown or described. If community or individual on-site treatment systems are proposed, describe the soil characteristics and soil types of the site as depicted in the SCS Soil Survey of Clallam County. Applications proposing on-site sewage disposal shall not be deemed complete until on-site soil evaluation application forms are submitted to the Department of Community Development with the required fees.
25. If a land division is to be developed in phases, the preliminary plat shall generally outline such phases. Such identification of phases shall not preclude the applicant from modifying the phases following preliminary land division approval pursuant to the procedures set forth in this Title.
26. Preliminary drainage and erosion control plan if required by adopted County ordinance.
27. Indicate if the property has been logged within the past six years and if logged, please provide the permit number issued by Washington State Department of Natural Resources.

Section 29.05.200

PRELIMINARY APPLICATION PROCEDURE. Any person desiring approval of a preliminary land division shall submit an application to the Administrator.

1. A land divider shall submit four copies of the preliminary application, supplemental information, and an environmental impact checklist pursuant to the requirements of Chapter 27.01 C.C.C. when applicable. The Administrator may require additional copies as determined necessary for those agencies who should review the land division.
2. Unless otherwise permitted by the land divider, the application shall be processed concurrently with other land use related applications pertinent to the site to the extent that procedural requirements applicable to these actions permit such simultaneous processing.

Section 29.05.300

ADEQUACY AND DISTRIBUTION OF PRELIMINARY APPLICATIONS. The Administrator shall within twenty-eight (28) calendar days determine if the application contains all data required by this Title and shall provide a written determination that the application is complete or incomplete, and if incomplete, shall list the information needed to complete the application.

Upon receipt of a complete application, which is then deemed as a vested application, the Administrator shall forward it to the agencies listed below. Upon receipt of the application for review, the agencies shall return written comments to the administrator within ten (10) working days:

1. The Road Department;
2. Appropriate Divisions within the Department of Community Development;
3. Any city where the land division is located within an urban growth area;
4. The State Department of Transportation, if the land division is within 500 feet of a state highway right-of-way or within two (2) miles of the boundary of a state or municipal airport;
5. Applicable private utilities, public utility districts, or irrigation districts;
6. Other persons and agencies deemed appropriate by the Administrator.

Section 29.05.400

PROCESSING TIME. Unless otherwise stated by this Title, a decision on a proposed land division shall occur within 90 days of the date of a complete application; PROVIDED that plans submitted are complete and not revised; that the review period required for environmental determination is completed; that any applicable administrative appeals are completed; and unless an extension is agreed upon between the applicant and Clallam County, not to be more than 180 days from the date of initial application.

Section 29.07 Public Notice

Section 29.07.100

NOTICE FOR PRELIMINARY SUBDIVISION, PLANNED UNIT DEVELOPMENT, VARIANCES, AND APPEALS (Public Hearing Required). Upon receipt of a complete application, the Administrator shall set a date for a public hearing with the Hearing Examiner. Notice of the hearing shall be given as follows:

1. A notice of public hearing shall be published in a newspaper of general circulation in the County at least once, not less than fifteen (15) days prior to the date set for the hearing.
2. A notice of public hearing shall be sent by mail not less than fifteen (15) days prior to the date of the hearing. The applicant is responsible for costs of mailing said notice. If the applicant/owner of the proposed land division owns contiguous property to the land division, notice shall apply to the boundaries of such contiguous parcels. Public notice is mailed to the owners, applicant, and authorized agent, and also to all owners of adjacent properties as follows:
 - a. Three hundred (300) feet of the boundary of the subject property if it is identified as being within an Urban Growth Area by the Comprehensive Plan, Title 31.
 - b. Six hundred (600) feet of the boundary of the subject property if it is identified as being a rural zone by the Comprehensive Plan, Title 31, C.C.C.
 - c. One thousand (1,000) feet of the boundary of the subject property if it is identified as Commercial Forest, Commercial Forest/Mixed Use, or Agricultural Overlay by the Comprehensive Plan, Title 31, C.C.C.

Failure to send notice by mail to any such property owner where the address of said owner is not a matter of public record or because the ownership is not of public record shall not invalidate any proceedings required in this Title.

3. A notice of public hearing provided by the County shall be posted by the applicant on the property subject to the application not more than ten (10) days after notification that the application is deemed complete nor less than fifteen (15) days prior to the date of the hearing. An affidavit of posting shall be submitted for the record.

Failure to provide posted notice due to unauthorized removal of duly posted signs beyond the control of the applicant shall not invalidate any proceedings required in this Title.

4. Public notices shall set forth the date, time, place and purpose of the public hearing and in general terms describe the nature of the proposal. Documents of record shall be controlling as to the status of legal ownership.

Section 29.07.200

NOTICE FOR BINDING SITE PLANS. Public notice is required pursuant to Section 29.07.100 above, EXCEPT that the notice shall state the date of the public meeting (not public hearing) for action by the Hearing Examiner.

Section 29.07.300

NOTICE FOR SHORT SUBDIVISIONS, LARGE LOT DIVISIONS, BOUNDARY LINE ADJUSTMENTS, AND BOND REQUESTS. Public notice pursuant to this Title is not required for these types of applications.

Section 29.07.400

NOTICE FOR APPEALS. Public notice is required for appeals of the Administrator's or Hearing Examiner's decision. Public hearings on the appeal are only required when a hearing was not held on the original action.

Chapter 29.10 Criteria for Approval of a Land Division

Section 29.10.100

CRITERIA FOR APPROVAL. Review and preliminary determination for a land division requires consistency with the following:

1. the standards of this Title;
2. the Comprehensive Plan, Title 31 C.C.C.;
3. the Zoning Code, Title 33 C.C.C.;
4. the Shoreline Master Program;
5. the Floodplain Management Code, Chapter 32.01 C.C.C.;
6. the Environmental Policy Code, Chapter 27.01 C.C.C.;
7. the Critical Areas Code, Chapter. 27.12 C.C.C.;
8. the Public Health, Safety, Welfare, Use and Interest.

Chapter 29.13 Subdivision Process

Section 29.13.100

APPLICATION REVIEW AND ANALYSIS. Upon completion of the application and review requirements for a subdivision as specified in Chapter 29.05 of this Title, and required public notification as specified in Chapter 29.07 of this Title, any interested person may submit written comment to the Administrator regarding that application. Written comments received by the Administrator shall be forwarded to the Hearing Examiner along with a Staff Report and analysis of the land division, the recommendations of the County Roads Department and other interested departments and agencies, and the findings of the environmental impact evaluation.

Section 29.13.200

HEARING EXAMINER ACTION AND RECOMMENDATION.

1. Any person interested in an application for a subdivision may appear at the hearing set for review thereof and comment on the application. After completion of its public hearing, the Hearing Examiner shall recommend approval of the application if the Hearing Examiner finds that it is consistent with Section 29.10.100 of this Title.
2. When the Hearing Examiner determines that additional information is necessary, action on said application shall be continued until such information is available, provided that the extension shall not exceed thirty (30) days unless the applicant consents to a longer period.
3. The Hearing Examiner may attach to any recommendation of approval such reasonable conditions as may be necessary to assure that the development will comply with the criteria for approval and standards established by this Title and other applicable codes, and to further the public health, safety and welfare, use and interest.
4. The action of the Hearing Examiner is a recommendation to the Board of County Commissioners. The Hearing Examiner's recommendation shall be based on findings of fact and conclusions of law and shall reference the requirements of adopted County Code or State law.
5. Following the Hearing Examiner's decision to recommend approval, approval with conditions, or denial of the preliminary subdivision application, the Administrator shall submit the application and the written report from the Hearing Examiner to

the Board. The report shall include the Hearing Examiner's recommendation, together with findings of fact and conclusions of law.

6. Records of hearings and information before the Hearing Examiner on preliminary subdivisions shall be kept by the Administrator and shall be available for public inspection upon request.

Section 29.13.300 **DATE OF ACTION BY THE BOARD.** Upon receipt of a preliminary subdivision application and the associated Hearing Examiner's written report as required by Section 29.13.200 C.C.C., the Clerk of the Board shall set the date for the public meeting at which the Board shall consider the Hearing Examiner's recommendation.

Section 29.13.400 **BOARD OF COMMISSIONERS ACTION.** At the scheduled public meeting, the Board shall review the recommendations, findings of fact, and conclusions of law of the Hearing Examiner. Based upon its review of the information presented, the Board shall issue a decision to concur, reverse, or remand the recommendation of the Hearing Examiner, as follows:

1. If the Board concurs with the recommendation of the Hearing Examiner, it shall take action on the preliminary land division, and shall accept all recommended conditions, if applicable, findings of fact, and conclusions of law which were the basis of the Hearing Examiner's recommendation.
2. If the Board does not concur with the recommendation of the Hearing Examiner, it shall take action of preliminary approval, preliminary approval with conditions, or preliminary denial of the land division, and shall adopt conditions, if applicable, and findings of fact and conclusions of law to support its decision.
3. If the Board neither concurs nor reverses the recommendation of the Hearing Examiner, it may remand the proposed land division back to the Hearing Examiner for specific revisions. This may include a directive by the Board to the Hearing Examiner for modification or correction of his/her recommendation, and also to the Hearing Examiner and/or the proponent to review alternatives of the proposal. Review of corrections or alternatives does not require a public hearing before the Hearing Examiner unless specifically noted by the Board. Upon completion of the additional review, the Hearing Examiner shall forward an addendum report to the Administrator for the Board, which shall taken action in accordance with Section 29.13.400 (1 or 2) of this Title.

Section 29.13.500 **BOARD ACTION-RECORDS.** The Board's decision shall be made by resolution and shall be available in writing no later than ten (10) days following the Board's action. All conditions of preliminary land division approval shall be specified in said resolution. Records of the Board's proceedings concerning a preliminary action shall be kept by the Clerk of the Board and shall be available for public inspection.

Chapter 29.14 Binding Site Plan Process

Section 29.14.100

APPLICATION REVIEW AND ANALYSIS. Upon completion of the application and review requirements for a binding site plan as specified in Chapter 29.05 of this Title, and required public notification as specified in Chapter 29.07 of this Title, any interested person may submit written comment to the Administrator regarding that application. Written comments received by the Administrator shall be forwarded to the Hearing Examiner along with a Staff Report and analysis of the land division, the recommendations of the County Roads Department and other interested departments and agencies, and the findings of the environmental impact evaluation.

Section 29.14.200

HEARING EXAMINER ACTION AND RECOMMENDATION.

1. After completion of its public meeting, the Hearing Examiner shall recommend approval of the application if the Hearing Examiner finds that it is consistent with Section 29.10.100 of this Title.
2. When the Hearing Examiner determines that additional information is necessary, action on said application shall be continued until such information is available, provided that the extension shall not exceed thirty (30) days unless the applicant consents to a longer period.
3. The Hearing Examiner may attach to any recommendation of approval such reasonable conditions as may be necessary to assure that development will comply with the criteria for approval and standards, as established by this Title, other applicable codes, and to further the public health, safety and welfare, use and interest.
4. The action of the Hearing Examiner is a decision of preliminary approval, preliminary approval with conditions, or denial, and shall be based on findings of fact and conclusions of law and shall reference the requirements of adopted County Code or State law.
5. Records of hearings and information before the Hearing Examiner on preliminary binding site plans shall be kept by the Administrator and shall be available for public inspection upon request.
6. Appeals. Any decision of the Hearing Examiner on a preliminary binding site plan may be appealed to the Board of Commissioners by the applicant, a public agency, or an effected party not later than ten (10) calendar days following the decision. The appeal shall be submitted in writing and state the reason for appeal, including specific conditions or actions, and shall be filed with the Administrator, along with the appropriate fee required by Chapter 3.30 C.C.C.
7. Board of Commissioner's Action on Appeal. Following an appeal of an Hearing Examiner's decision on a binding site plan, the Administrator shall submit the application, all relevant information, and a written report to the Board of Commissioners for action. Action of the appeal shall be processed pursuant to Section 29.13.400 of this Title, EXCEPT that a public hearing is required.

Chapter 29.15 Planned Unit Development Process

Section 29.15.100

APPLICATION REVIEW AND ANALYSIS. Upon completion of the application and review requirements for a planned unit development, as specified in Chapter 29.05 of this Title, and required public notification, as specified in Chapter 29.07 of this Title, any interested person may submit written comment to the Administrator regarding that application. Written comments received by the Administrator shall be forwarded to the Hearing Examiner along with a Staff Report and analysis of the planned unit development, the recommendations of the County Roads Department and other interested departments and agencies, and the findings of the environmental impact evaluation.

Section 29.15.200

COMBINED REVIEW PROCESS. An application for a planned unit development shall be processed concurrently with the associated land division permit with only one review authority, unless otherwise requested by the applicant.

Section 29.15.300

HEARING EXAMINER ACTION AND RECOMMENDATION.

1. Any person interested in an application for a planned unit development may appear at the hearing set for review thereof and comment on the application. After completion of the public hearing, the Hearing Examiner shall approve the application if the Hearing Examiner finds that it is consistent with Section 29.10.100 of this Title along with Chapter 33.23, C.C.C.
2. When the Hearing Examiner determines that additional information is necessary, action on said application shall be continued until such information is available, provided that the extension shall not exceed thirty (30) days unless the applicant consents to a longer period.
3. The Hearing Examiner may attach to any recommendation of approval such reasonable conditions as may be necessary to assure that development will comply with the criteria for approval and standards, as established by this Title, other applicable codes, and to further the public health, safety and welfare, use and interest.
4. The action of the Hearing Examiner is a recommendation to the Board of County Commissioners. The Hearing Examiner's recommendation shall be based on findings of fact and conclusions of law and shall reference the requirements of adopted County Codes or State law.
5. Following the Hearing Examiner's decision to recommend approval, approval with conditions, or denial of the preliminary planned unit development application, the Administrator shall submit the application and the written report from the Hearing Examiner to the Board. The report shall include the Hearing Examiner's recommendation, together with findings of fact and conclusions of law.
6. Records of hearings and information before the Hearing Examiner on the preliminary planned unit development shall be kept by the Administrator and shall be available for public inspection upon request.

Section 29.15.400

DATE OF ACTION BY THE BOARD. Upon receipt of a preliminary planned unit development application and the associated Hearing Examiner's written report as required by Section 29.13.200, C.C.C., the Clerk of the Board shall set the date for the public meeting at which the Board shall consider the Hearing Examiner's recommendation.

Section 29.15.500

BOARD ACTION. At the scheduled public meeting, the Board shall review the recommendations, findings of fact, and conclusions of law of the Hearing Examiner. Based upon its review of the information presented, the Board shall issue a decision to concur, reverse, or remand the recommendation of the Hearing Examiner, as follows:

1. If the Board concurs with the recommendation of the Hearing Examiner, it shall take action on the preliminary planned unit development, and shall accept all recommended conditions, findings of fact and conclusions of law which were the basis of the Hearing Examiner's recommendation.
2. If the Board does not concur with the recommendation of the Hearing Examiner, it shall take action of preliminary approval, preliminary approval with conditions, or preliminary denial of the planned unit development, and shall adopt conditions, if applicable, and findings of fact, and conclusions of law.
3. If the Board neither concurs nor reverses the recommendation of the Hearing Examiner, it may remand the proposed planned unit development back to the Hearing Examiner for specific revisions. This may include a directive by the Board to the Hearing Examiner for modification or correction of his/her recommendation, and also to the Hearing Examiner and/or the proponent to review alternatives of the proposal. Review of corrections or alternatives does not require a public hearing unless specifically noted by the Board. Upon completion of the additional review, the Hearing Examiner shall forward an addendum report to the Administrator for the Board, which shall taken action in accordance with Section 29.15.500 (1 or 2) of this Title.

Section 29.15.600

BOARD ACTION-RECORDS. The Board's decision shall be made by resolution and shall be available in writing no later than ten (10) days following the Board's action. All conditions of preliminary planned unit development approval shall be specified in said resolution. Records of the Board's proceedings concerning a preliminary action shall be kept by the Clerk of the Board and shall be available for public inspection.

Chapter 29.17 Short Subdivision and Large Lot Division Process

Section 29.17.100 APPLICATION REVIEW AND ANALYSIS. Application review and analysis - Upon completion of the application and review requirements for a short subdivision or large lot division as specified in Chapter 29.05 of this Title, any written comments shall be forwarded to the Administrator.

Section 29.17.200 ADMINISTRATOR'S ACTION. The Administrator shall compile the recommendations of the Department of Community Development, the County Roads Department, and other interested departments and agencies, and review the findings of the environmental impact evaluation, if applicable. The Administrator shall take action on all preliminary short subdivisions or large lot divisions, except for those applications which also propose planned unit developments, within forty-five (45) days following the filing of a complete application or such additional period as the land divider may authorize, not to exceed 180 days.

Based on review of the information presented, the Administrator shall determine if the proposed preliminary short division or large lot subdivision is consistent with Chapter 29.10 of this Title and shall take one of the following actions:

1. If the Administrator finds that the preliminary short subdivision or large lot subdivision complies with the criteria for approval as specified in Chapter 29.10 of this Title, the Administrator shall approve the preliminary short subdivision or large lot subdivision and attach such necessary conditions to ensure compliance with standards of this Title. Recommendations of approval may include reasonable conditions necessary to further the public health, safety and welfare, use and interest.
2. If the Administrator finds that the preliminary short subdivision or large lot division does not comply with the criteria for approval as specified in Chapter 29.10 of this Title, the Administrator shall deny the preliminary short subdivision or large lot division.
3. The Administrator's recommendation shall be based on findings of fact and conclusions of law. Said recommendation shall be based upon and shall reference the requirements of adopted County Ordinances or State law. The action of the Administrator on a preliminary short subdivision or large lot division is final unless appealed to the Hearing Examiner.

Section 29.17.300 APPEALS. Any decision of the Administrator regarding a preliminary short subdivision or large lot division application may be appealed to the Hearing Examiner by the applicant, a public agency, or any affected party not later than ten (10) days following the decision of the Administrator. The appeal shall be submitted in writing and state the reason for appeal, including specific conditions or actions, and shall be filed with the Administrator, along with the appropriate fee required by Chapter 3.30 C.C.C.

Section 29.17.400 HEARING EXAMINER ACTION ON APPEAL. Following an appeal of an Administrators decision on a short subdivision or a large lot division, the Administrator shall submit the application, all relevant information, and a written report to the Hearing Examiner for action. Action of the appeal shall be processed pursuant to Section 29.14.200(7) of this Title; EXCEPT that the Hearing Examiner acts as the Board of Commissioners. Public notice of the required public hearing before the Hearing Examiner shall be provided pursuant to Chapter 29.07 of this Title.

Section 29.17.500

APPEAL OF HEARING EXAMINER ACTION. Any decision of the Hearing Examiner on a preliminary short subdivision or large lot division may be appealed to the Board of Commissioners by the applicant, a public agency, or an effected party not later than ten (10) calendar days following the decision. The appeal shall be submitted in writing and state the reason for appeal, including specific conditions or actions, and shall be filed with the Administrator, along with the appropriate fee required by Chapter 3.30 C.C.C.

Section 29.17.600

BOARD OF COMMISSIONER'S ACTION ON APPEAL. Following an appeal of a Hearing Examiner's decision on a short subdivision or large lot division, the Administrator shall submit the application, all relevant information, and a written report to the Board of Commissioners for action. Action of the appeal shall be processed pursuant to Section 29.13.400 of this Title, EXCEPT that a public hearing is not required.

Chapter 29.19 Preliminary Approval - Authorization and Expiration

- Section 29.19.100 PRELIMINARY APPROVAL AND AUTHORIZATION. Approval of the preliminary land division shall constitute authorization for the land divider to provide the land division's facilities and improvements in accordance with standards and procedures established by this Title and any conditions imposed by the Board, Hearing Examiner, or Administrator as part of preliminary approval. No portion of the land division or area within a binding site plan shall be occupied prior to final plat approval with the exception of those structures that are legally existing and occupied at the time the preliminary land division application is submitted, EXCEPT where otherwise authorized by this Title.
- Section 29.19.200 OTHER DEVELOPMENT PERMITS. Permits for residential, commercial or industrial structures shall not be issued prior to final approval of the land division; EXCEPT, on vacant property for the allowance of one residential, commercial, or industrial building permit to be issued upon review by the Administrator that the building permit issuance will not conflict with the proposed land division conditions, such as setbacks to proposed property lines and well radius requirements. Said building permit may be issued with the understanding by the applicant that guarantee of final approval of the proposed land division may be jeopardized, and that improvements, including structures, wells, septic systems, etc., may be conditioned to be shown on the final survey for verification of compliance with applicable setbacks.
- Section 29.19.300 EXPIRATION LIMITS FOR ALL LAND DIVISIONS. A final plat which meets all of the requirements of this Title shall be submitted to the Administrator for processing and approval within five (5) years of the date of preliminary land division approval. The final plat may be presented to the County at any time during the period of preliminary approval. The preliminary approval shall be null and void unless a final plat is approved and recorded during the original five-year approval period.
- Section 29.19.400 PHASED COMPLETION. During the five (5) year preliminary approval period and prior to final expiration for all applications subject to this Title, the land divider may divide the land division into two or more phases subject to the approval of the Administrator. The land divider may stage the installation of minimum improvements and the survey of the land division according to the approved phasing scheme. When a land division is accomplished in phases, street standards required for each phase shall be calculated in consideration of the land division's total number of lots. Said phasing shall provide for the orderly development and/or extension of roads, utilities and other improvements and amenities. The County may require that an appropriate percentage of planned special improvements and amenities are developed with each phase to provide for each phase in the event the total land division is never completed.
- Section 29.19.500 FURTHER DIVISION. Recorded short subdivisions or large lot divisions may not be further divided in any manner within a period of five years, EXCEPT as follows: .
1. If the short plat contains fewer than nine parcels, nothing shall prevent the owner who filed the short plat from filing a new application within the five-year period to create up to a total of nine lots within the original plat boundaries.
 2. Except as provided by Number 1 above, short subdivisions or large lot divisions may be re-divided as a subdivision at any time after recording, but are subject to the process and conditions set forth for subdivisions pursuant to this Title; PROVIDED that the original plat boundaries are a part of the new application for a subdivision.

Chapter 29.20 Final Plat Requirements and Process

Section 29.20.100

FORMATION OF FINAL PLATS. For the purpose of this section, a final plat shall include all land divisions subject to this Title. A final plat may be presented to the Administrator at any time after preliminary approval and prior to expiration. The final plat shall be accompanied by one copy. The final plat shall be approved, disapproved or returned to the applicant within thirty (30) days from the date of submission to the County unless the applicant consents in writing to an extension of such time period.

Section 29.20.200

IMPROVEMENT REQUIREMENTS FOR ALL LAND DIVISIONS. All land divisions shall comply with the minimum standards and improvement requirements set forth in this Title. The land divider shall demonstrate compliance with design standards during preliminary subdivision review and approval. All required improvements shall be installed after preliminary land division approval and prior to final land division approval. Every final plat shall consist of one or more pages, each 18 inches wide by 24 inches, clearly and legibly drawn on polyester base (mylar) film with a minimum thickness of three mil. All drawing and lettering on the final plat shall be in permanent black ink. The only acceptable alternative is photographically processed mylar film copies (photographically processed means fixed line silver based photopositive chemical process). The following processes are not acceptable: diazo (ammonia) process mylar, electrostatic mylar, wash off (wet erasable) mylar, sepia paper, pencil on mylar or tracing paper.

The perimeter of the plat shall be depicted with heavier lines than appear elsewhere on the plat. The scale shall be 200 feet to one inch or such other appropriate scale approved in writing by the Administrator. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of at least 1/2 inch. All signatures shall be original signatures written in permanent black ink or an approved equivalent.

Section 29.20.300

FINAL PLAT MAP. Every final plat shall include an accurate map of the divided land based upon a complete survey pursuant to this Title. The map shall include but shall not be limited to:

1. All section, township, municipal, and County lines lying within or adjacent to the land division.
2. Description of all corners necessary to determine the exterior boundaries of the land division and to show bearing and distance ties to a minimum of two (2) monumented corners of record which were used for the construction of the survey or land division.
3. The location of all permanent monuments found and established within the land division.
4. The boundary of the land division complete with bearings to the nearest one second and lineal dimensions to the nearest one-hundredth of a foot.
5. The length and bearings of all straight lines; the radii, length of arcs and central angles of all curves.
6. The location, width, centerline, name and number of all streets within and adjoining the land division.
7. The location and width, shown with broken lines and descriptions of all easements.
8. Numbers assigned to all lots and blocks within the land division.

9. The names of any adjacent subdivision short subdivisions, or large lot divisions with County Auditor file recording information.
10. The location of critical areas and their associated buffers are required to be shown on the face of the final plat in accordance with Chapter 27.12 C.C.C. or the conditions of preliminary plat approval.
11. Statements identifying the purpose of all dedicated common areas other than streets.
12. Dedications of land to the public or to the lot owners shall be clearly indicated on the face of the final plat for drainage ways, road right-of-ways, utility easements, water supply and sewage disposal facilities, recreation and open space areas, fire protection facilities, critical areas and their associated buffers and school sites.
13. The name of the land division, the number assigned to the file by the Administrator, the scale, a north arrow, and the date of preparation.
14. A legal description of land contained within the land division which is consistent with the Title report.
15. If common areas or facilities are dedicated to the lot owners, the map must include a statement specifying that lot owners are automatically members of the lot owners association upon assumption of lot ownership and that said association shall be responsible for the maintenance and management of the common facilities.
16. Every plat filed for record must contain a certificate giving a full and correct description of the divided lands, including a statement that the plat has been made with the free consent and in accordance with the desires of the owner(s).

If the land division is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private as shown on the land division and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said street. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands divided and recorded as part of the plat. For the purpose of this section, any ownership interest shall include both real estate contract vendors and real estate contract vendees.

Every final plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on the final plat is in the name of the owners signing the certificate or instrument of dedication.

An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by local authorities as a condition of approval. Any dedication shall be considered for all intents and purposes as a quit claim deed to the said donee(s) or, grantee(s) for his, her or their use for the purpose intended by the donors or grantors as aforesaid. Streets not dedicated to the public must be clearly marked on the face of plat.

17. A signed statement by the registered land surveyor who surveyed the land division, attesting that it is a true and correct representation of the lands surveyed with the following language:

"This map correctly represents a survey conducted by me or under my supervision in conformance with the requirements of Title 29, CCC, and the State Survey Recording action, Title 58 RCW.

18. A statement as follows: "All lots shall be a valid land use notwithstanding a change in zoning laws or other applicable regulations for a period of five years from the date of recording the of the final plat."
19. A statement as follows: "No portion of this land division may be altered, amended, deleted, added to or changed in any manner except by the land division procedures set forth in Title 29 C.C.C."
20. A signature block for the County Engineer and statement of approval as to:
 - a. Survey data; including the mathematical closure of all lots, blocks, and boundaries;
 - b. A certification that all required road drainage and other improvements addressed in Chapter 58.17.160 RCW have been constructed in conformance with plans and specifications approved by the agency of legal jurisdiction.
21. A signature block for the County Health Officer and statement as follows: "The final plat has met all State and County requirements pertaining to sewage disposal and potable water."
22. A signature block for the County Treasurer and statement as follows: "All taxes and any delinquent assessments for which the land within the land division may be liable have been duly paid as required by Chapter 58.08.040 RCW"
23. A signature block for the Administrator and statement as follows: "The final plat is consistent with the preliminary approval, all conditions imposed thereof have been met, and that the land division conforms to all applicable County land use controls."
24. Final plats shall have a signature block for each member of the Board of Commissioners, when applicable.
25. A space for the Auditor to sign the plat for recording purposes.
26. All land divisions within six hundred feet of lands zoned in an agricultural overlay zone (Title 33), a forest zone (Chapter 33.31, C.C.C.), or a designated mineral resource site (Chapter 33.59, C.C.C.) shall contain a notice on the final plat that contains the following language:

"This land division is within six hundred (600) feet of property zoned for forestry, agricultural purposes or as a designated mining site. You may be subject to inconveniences or discomforts arising from such operations, INCLUDING BUT NOT LIMITED TO NOISE, TREE REMOVAL, ODORS, INSECTS, FUMES, DUST, SMOKE, THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24 HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. Clallam County has determined that the use of real property for forestry, mining or agricultural operations is a high priority and favored use to the County and those inconveniences or discomforts arising from these operations, if such operations are consistent with commonly accepted best management practices and comply with local, State and Federal laws. However, those activities which are not related to normal forestry, mining, or agricultural

operations, or which do not follow accepted best management practices, are not protected under these provisions and will be considered to be a nuisance."

Section 29.20.400

SUPPLEMENTARY INFORMATION. In addition to the map or maps every final plat shall contain written data including:

1. A copy of the Lot Owners Association By-laws, if applicable.
2. A title report for the property being divided verifying all persons having an ownership interest in the property and dated not later than 30 days prior to submission of the final plat for the Board or Administrator's signature.
3. An affidavit of completion of any required improvements shall be submitted with the final plat.

Section 29.20.500

SURVEY REQUIREMENTS.

1. All final plats shall prepare a survey done in full compliance with the Survey Recording Act, Chapters 58.09, 58.17, and 58.24.040, RCW and Chapter 332-130 WAC.
2. Property Contiguous to water - If any portion of the exterior boundary of a land division is coincident with a body of water or other natural feature, the approximate boundary of said feature or body of water shall be defined by adequate bearings and distances to permit the mathematical closure of said boundary.

Section 29.20.600

MONUMENTS STANDARDS AND REQUIREMENTS.

1. Permanent control monuments shall be established at:
 - a. All controlling corners on the boundaries of the land division;
 - b. The intersections of centerlines of roads within the land division;
 - c. On the centerlines of roads within the land division at point of curve and point of tangency, or points of intersection, as required by the County Engineer.
2. Permanent control monuments may be placed on offset lines. The position and type of every permanent monument shall be noted on all plats.
3. Permanent control monuments within the streets shall be set after the roads are paved.
4. Every lot corner shall be marked by a 1/2" galvanized iron pipe or equivalent monument which shall be driven into the ground.
5. All monuments must be at least partially composed of a ferrous material.

Section 29.20.700

FINAL ACTION BY ADMINISTRATOR. The Administrator shall ensure that the following are met for all land divisions:

1. Final land division conforms to all applicable State and County laws.
2. That a current title insurance report confirms that the ownership interest in the divided land is in the names of the persons whose signatures appear on the plat.
3. That the final land division is processed and forwarded for signing or returned to the land divider to remedy identified deficiencies.

4. The Administrator is authorized to grant final approval for all binding site plans, short subdivisions and large lot divisions.

Section 29.20.800

FINAL ACTION BY BOARD OF COMMISSIONERS. The Board shall ensure that the following are met for all land divisions processed pursuant to Chapter 29.13 or 29.15 above:

1. The Board shall, at a regular public meeting or any continued meeting consider only the following criteria:
 - a. Whether conditions imposed as part of the preliminary land division approval have been met.
 - b. Whether the requirements of state law and this Title pertaining to finalization of land divisions have been satisfied by the land divider.

The Board shall thereupon approve or disapprove the proposed final land division. If the Board approves the plat, the Clerk, or his/her designee shall transmit the original to the County Auditor for filing. Recording the plat shall constitute final land division approval.

2. The Board may deny the final land division only if it determines that any one of items 1 (a) or (b) above are not met.
3. Prohibition on release of damages. The Board shall not, as a condition to the approval of any plat, require a release from damages to be procured from other property owners.

Chapter 29.30

Standards for Subdivisions, Short Subdivisions, Large Lot Divisions

Section 29.30.100

IMPROVEMENT REQUIREMENTS FOR ALL LAND DIVISIONS. All applications shall comply with the minimum standards and improvement requirements set forth in this Title. Those lots within a development that are to be utilized for common areas, open space, resource protection, or non-residential or commercial development, for example, are not subject to these standards. The land divider shall demonstrate compliance with design standards during preliminary review and approval. All required improvements shall be installed after preliminary approval and prior to final approval, EXCEPT as provided by Section 29.30.900 of this Title. The improvement standards set forth by this chapter shall be consistent with the goals and policies set forth by Title 31, Clallam County Comprehensive Plan for public services and facilities, which shall be specifically conditioned at the time of preliminary approval.

Section 29.30.150

MINIMUM IMPROVEMENT REQUIREMENTS WITHIN URBAN GROWTH AREAS. Land divisions located within an Urban Growth Area, as designated by Title 31, CCC, shall comply with all subdivision improvement requirements set forth by the appropriate municipal jurisdiction. Coordination of compliance with the improvement standards as adopted by the appropriate city shall be made for the applicant by Clallam County and the appropriate city, which may include inspections and concurrence with the appropriate city.

The improvement standards set forth by this chapter shall apply to those proposals located within a designated urban growth area should the applicable city not address such standards, PROVIDED that the improvements are consistent with the goals and policies set forth by Title 31, Clallam County Comprehensive Plan for public services and facilities within urban growth areas, which shall be specifically conditioned at the time of preliminary approval.

Section 29.30.200

MINIMUM ACCESS, STREET STANDARDS AND IMPROVEMENT REQUIREMENTS OUTSIDE URBAN GROWTH AREAS.

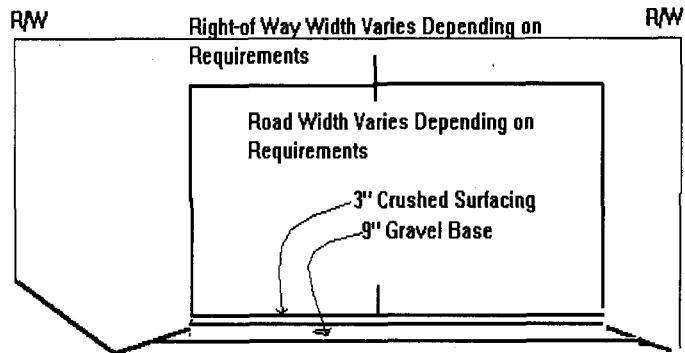
1. Access to a Land Division. A land division shall have legal, nonexclusive vehicular access rights to a public street, and all such access to public streets shall meet the standards outlined below. Private road standards within the land division shall meet the right-of-way requirements as established in (2) below.
 - a. The minimum County road surface width accessed by the development is 16 feet, which should apply to most County roads constructed prior to 1996. Information about County road widths are on record with the County Road Department of which most are listed in the Clallam County Comprehensive Plan.
 - b. The minimum private road graveled surface width to be accessed by the development is 20 feet: EXCEPT for land divisions proposing 3 lots, which shall have a minimum 12-foot wide graveled surface with approved turn-outs located every 750 feet, as measured from the public road. Dimensions for approved turn-outs are a minimum of 60 feet in length, and 12 feet in width. The minimum depth of the road bed shall comply with Number 2(b) below.
 - c. Minimum private road right-of-way width accessed by the development is 30 feet.

2. Street Right-of-Way, Surface Widths and Surfacing Requirements. A subdivider shall have the option of designating streets within a land division as public or private streets. The following standards apply:

- a. Public Streets. Streets designated as public streets shall be designed and constructed to current or adopted Clallam County road standards. Additionally, right-of-way shall meet County standards and shall be dedicated to the County on the face of the plat. Streets so constructed and dedicated shall be maintained by the County. As-built construction plans stamped by a civil engineer registered in the State of Washington are required.
- b. Private Streets. Private streets shall be designated and shall be maintained as common facilities, pursuant to Chapter 29.30 of this Title and shall meet the following standards:

Private Road Standards within Land Divisions			
Number of lots with legal access to private street	R/W width	Surface width	Surface type
2-3	30 feet	12 feet	Gravel
>3	40 feet	20 feet	Gravel

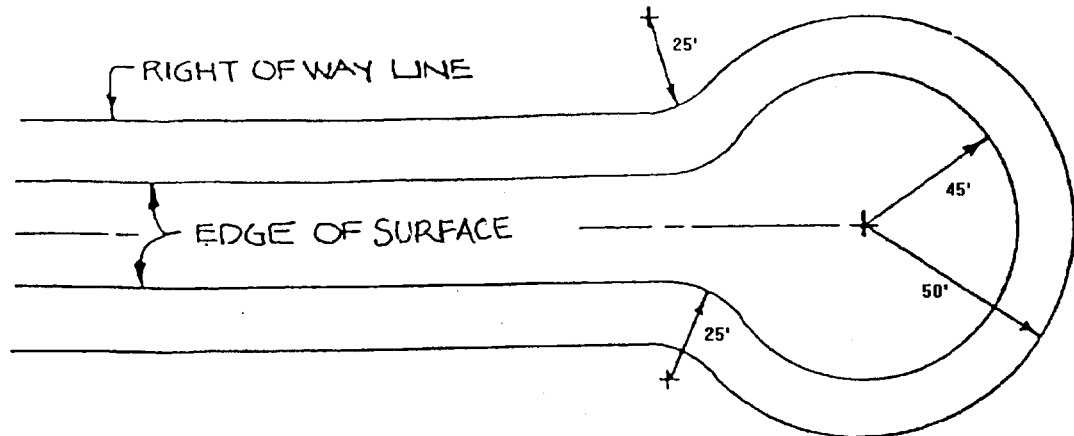
Typical Cross Section



- c. Private Streets, Commercial and Industrial Zones. Private streets shall be designated and shall be maintained as common facilities, pursuant to Chapter 29.30 of this Title. Private streets shall be consistent with vicinity street plans adopted by the County, if any. Street improvement standards are based on adopted County standards, if applicable.
- d. Large Lot divisions have the option of completing improvements for access (as required in (a) and (b) above), power, and phone utilities at the time of final plat approval, or prior to issuance of any development permit within the large lot division. If improvements are chosen to be installed after final plat approval, a note on the final plat and within the lot owner's association are required stating that no building permit shall be

issued by Clallam County until such improvements are completed. In addition, by-laws for a lot owner's association is required to be prepared and submitted at the time of final approval. Said document shall state the responsibility of the construction of said improvements and shall also comply with Chapter 29.30 of this Title.

3. Right-of-Way dedication. Whenever public streets exist adjacent to or within a land division which have rights-of-way of less than 60 feet in width, the divider shall provide the additional right-of way-to attain County street standard. For public streets adjacent to a land division the divider shall provide additional right-of-way to obtain one half of the road right-of-way width standard as measured from the centerline of the subject public street or the section subdivision line at the discretion of the Road Department. When topographical problems require additional right-of-way as determined by the County Road Department, it may be provided by the applicant.
4. Number of streets. A minimum of one street shall serve land divisions having 25 or fewer lots. A minimum of two streets shall serve land divisions having 26 or more lots provided that one access street shall be acceptable if it enters and exits the land division at two separate locations such that public safety and convenience will be maintained.
5. Dead End Streets. Streets which dead end shall terminate with a cul-de-sac which has a minimum right-of-way radius of 50 feet and improved surface width radius of 45 feet to safely facilitate the reverse movement of vehicular traffic, PROVIDED that a cul-de-sac is not required for a division where the access easement road is not greater than 150 feet in length. A hammerhead-design turnaround may be an acceptable alternative on lots where a cul-de-sac formation is not feasible. Hammerhead-turnaround dimensions are on file with the Administrator.



CIRCULAR TURN-AROUND

6. Curves. Centerline of radii of private street curves shall be not less than 85 feet, and may be increased when the Road Department determines that a greater

radius is required for the public safety, based upon anticipated speed limits, traffic counts, and super-elevation.

7. Grades. Street grades shall not exceed 12 percent. All streets shall be crowned to facilitate drainage.
8. Street Layout. The street layout within all land divisions shall be consistent with vicinity road plans adopted by Clallam County. Owners of adjoining developments are encouraged to design connecting streets in lieu of dead end roads to enhance public safety and welfare.
9. Street Intersection Requirements. Streets intersecting with other streets shall have an approach angle of not less than 75 degrees and said road must be aligned with streets approaching from the opposite direction. If the street is off-set to a street approaching in the opposite direction, the off-set interval shall not be less than 125 feet. Edge of lane radii at intersections shall be 30 feet.
10. Street intersection site distance and vertical clearance. Intersections of private streets with County streets shall be located and designed to minimum stopping sight distances consistent with standards of the Washington State Department of Transportation Design Manual. A minimum vertical clearance of 14 feet should be maintained on each private road for emergency vehicle access.
11. Half Streets. Half streets are prohibited unless the land divider constructs a road to surface width and type standards outlined in Number 2 above, and an easement is provided from the adjoining property guaranteeing the additional right-of-way width necessary to meet the standards in Number 2 above.
12. Street Names. All streets shall be named and such names shall not conflict with existing public or private street names. Street names may be provided on the final plat.
13. Street Name Sign. Street name signs shall be placed at all street intersections within or abutting the land division. Sign type and location shall be as approved by the County Road Department and shall be as required by the Manual of Uniform Traffic Control Devices.
14. Traffic Control. The streets in a land division shall be marked and signs posted for traffic control in conformance with the Manual of Uniform Traffic Control Devices for streets and highways as determined by the Road Department.
15. Sidewalks. Sidewalks or other planning features that assure safe walking conditions for students who walk to and from school may be required if the land division is within one mile of a public school.

Section 29.30.300

MINIMUM WATER SUPPLY STANDARDS AND IMPROVEMENT REQUIREMENTS OUTSIDE URBAN GROWTH AREAS.

1. Type of Water Supply and Minimum Requirements.
 - a. Individual wells. Prior to final plat approval, one well shall be drilled within the plat. The demonstration well or surface water source shall provide at least 800 gallons per day as evidenced in a pump test, well driller's log or water right permit from the Washington State Department of Ecology. The quality of water shall be approved by the Clallam County Environmental Health Division, including location and construction as per well log, site plan and/or site visit, bacteria, and nitrates, as applicable. It shall be shown prior to land division approval that (1) each lot will have sufficient area to satisfy well setback radius requirements of WAC 246-272-20501(2)(b) and at the same time accommodate all improvement

requirements of this Title; (2) each well shall tap into a groundwater supply that provides a year-round supply of water that is adequate for domestic requirements and is safe from septic tank drainfield and surface water contaminants as determined by the County Health Officer.

b. Community Water System. Land divisions which propose any lots one acre or less in size or unable to meet the requirements for individual wells shall be provided with a water supply in accordance with State and County requirements, as follows:

i. Existing Community Water System. When an existing, private or public community water supply which has been approved by the Washington State Department of Health is available adjacent to or across the street from the land, the developer shall consider utilization of the system to serve the land division. If the system has sufficient capacity to serve such land division and the system has been designed by the owners of the water system with the express intent of providing water to surrounding properties, connection shall be made thereto and its supply used exclusively. A distribution system shall be provided to all lots within the land division prior to final plat approval. A letter of commitment from the purveyor is required at the time of final plat approval.

ii. New Community Water System. When an existing community water supply system is not available to serve the proposed land division, the applicant shall provide a community water system, as follows:

1) The land divider shall provide a community water supply facility and a complete water distribution system and may dedicate it to the lot owner's association or a public agency approved by the appropriate agency for operation and maintenance. The dedication shall include a water supply and distribution system which includes the well, reservoir and treatment system and the land upon which they are located or upon land which the lot owner's association shall have control and shall grant utility easements for the distribution system. The land divider may retain ownership of the system or dedicate it to a responsible person, either of whom shall operate and maintain the system consistent with State requirements, as required in Chapter 70.116.134, RCW.

2) The community water system must also demonstrate compliance with WAC 246-290 as now or hereafter amended, including monitoring data on record and satisfactory, construction records and plans on file, and not under any compliance or enforcement order. The community water system shall also demonstrate adequate water rights if required from the Washington State Department of Ecology.

3) Construction of Water Supply System. All water system improvements required in this section shall be designed by a certified professional acceptable to the public agency of jurisdiction and constructed pursuant to plans

and specifications approved by the public agencies of jurisdiction. Prior to final plat approval, the designer of the water system, as well as the agency of jurisdiction, shall certify that the water system has been constructed pursuant to approved plans and specifications.

2. Requirements for Final Plat Approval. Prior to final plat approval, the applicant shall demonstrate to the Department of Community Development that a potable water source is available to serve the land division, as specified above.

Section 29.30.400

MINIMUM SEWAGE DISPOSAL STANDARDS AND IMPROVEMENT REQUIREMENTS OUTSIDE URBAN GROWTH AREAS.

1. Type of System Proposed and Minimum Standards.
 - a. Individual On-site Sewage Systems. Individual on-site sewage systems as the means for sewage disposal may be proposed. Each individual system shall be entirely contained on the same lot as the dwelling which it is intended to serve or on other land on which the lot owner possesses an easement interest. If conditions will allow individual on-site sewage consistent with applicable State and County health regulations, the County may allow individual sewage systems to serve the sewage disposal needs of the land division. If conditions are found to be unsuitable for individual on-site sewage systems and to be inconsistent with State and County health regulations, individual on-site sewage systems shall not be allowed.
 - b. Community On-site Sewage Systems. The land divider may propose community on-site sewage disposal systems. If conditions will allow community on-site sewage systems consistent with applicable State and County health regulations, the County shall allow community sewage systems to serve the sewage disposal needs of the land division. If conditions are found to be unsuitable for community on-site sewage systems and to be inconsistent with State and County health regulations, community on-site sewage systems shall not be allowed. The system shall be entirely within the boundaries of the land division or on land controlled by the system ownership.
 - c. Public Sewer System Available. When a public sewer system is available to serve the land division, it shall utilize the sewer system to satisfy its sewage disposal requirements.
2. Requirements for Final Plat Approval.
 - a. Individual systems proposed. Prior to final approval, it shall be the responsibility of the land divider to obtain approved site registrations for each lot within the development, when required. The required site registrations shall meet State and County health codes, Chapter 246-272 WAC, and Chapter 4, Clallam County Board of Health.
 - b. Community systems proposed. Prior to final approval the system shall be constructed by the land divider in accordance with engineering plans approved by all public agencies of jurisdiction, including distribution lines to each lot served by the system. The lot owner's association or other operation and maintenance entity approved by public agencies of jurisdiction shall own and manage the community sewage disposal system consistent with applicable State and County requirements.

- c. Public sewer proposed. Prior to final plat approval, a letter from the purveyor shall be provided stating that connection to said system is approved. Installation of distribution lines is required to be provided to each lot served by the system.

Section 29.30.500

IRRIGATION, FIRE PROTECTION, DRAINAGE AND UTILITY STANDARDS AND IMPROVEMENT REQUIREMENTS OUTSIDE URBAN GROWTH AREAS.

1. Irrigation Water. Those land divisions within an irrigation district organized pursuant to Chapter 87.03 RCW shall provide irrigation water right of way to each lot pursuant to Chapter 58.17.310 RCW. The water right-of-ways shall be shown on the face of the final plat. The right-of-way shall be exclusively available in perpetuity for development, adjudicated use and conveyance of irrigation water to serve lots within the plat and other land owners as specified.
2. Fire protection facilities. Facilities adequate for fire protection purposes shall be provided as specified below:
 - a. Where a public water purveyor is able and willing to provide fire flow, and when water mains of such water purveyor are within 250 feet of the exterior boundary of a land division, water mains and fire hydrants, or fire protection systems shall be installed pursuant to plans and specifications of the County Fire Marshal, regardless of the size of lots.
 - b. Facilities adequate for fire protection purposes shall be provided to all lots under one acre in size, and within commercial or industrial zoning districts.
3. Minimum Drainage and Erosion Control Standards and Improvement Requirements.
 - a. Drainage and Erosion Control Standards. Drainage and erosion control standards shall be specified by Clallam County Code, if adopted.
 - b. Community Drainage and Erosion Control Improvements. Community drainage and erosion control improvements required by an approved drainage and erosion control plan shall be installed by the land divider prior to final approval. Drainage improvements required by the County approved lot specific drainage plan shall be installed by the lot owner at the time the lot is developed and shall be approved by the County prior to issuing occupancy certification for any building on the lot. Said improvements shall be maintained by each respective lot owner.
 - c. Maintenance of Common Drainage Improvements. Required common drainage improvements shall be maintained by the land divider, or his designee approved by the County or a lot owner's association established prior to the final plat. The County shall have the right of entry to maintain drainage easements and facilities only when the lot owner's association or land divider or his designee is unable to adequately maintain the facilities. The County shall bill the lot owner's association for the cost of the maintenance or attach liens to all lots located within the land division sufficient to reimburse the County for said maintenance costs.
4. Minimum Electrical, Telephone and Television Systems Standards and Improvement Requirements.

- a. Every land division shall have electrical services provided to each lot. The land divider shall install common electrical lines underground prior to final approval.
- b. Every land division shall have telephone service provided to each lot. The land divider shall install common telephone lines underground prior to final approval.
- c. Cable television lines may be installed at the option of the land divider. If cable lines are installed, they shall be installed underground.
- d. Easements. Easements for sewers, water mains, electric lines, other utilities or irrigation shall be reserved wherever necessary.

Section 29.30.600

LOT CONFIGURATION REQUIREMENTS.

- 1. Lot Frontage. Each lot shall abut upon a road right-of-way other than an alley and shall have a minimum lot frontage of thirty (30) feet. Double frontage lots that abut public right-of-way shall be accessed only by streets within the land division, with only one approach onto the public road; EXCEPT for land divisions where two or more roads are required. Land divisions located adjacent to County arterials shall be designed so that access to each lot is provided by a public or private road other than the arterial.
- 2. Lot Shape. Lot width and depth shall comply with the minimum standards of this Title and the Zoning Code, Title 33 C.C.C.
- 3. Zoning. All land divisions shall conform to the Zoning Code, Title 33 in effect at the time the land division is submitted for preliminary approval. If commercial or industrial uses are proposed the land division shall be designed in accordance with special standard requirements for industrial and commercial land divisions pursuant to this Title.
- 4. Critical Areas. All final plats shall comply with applicable requirements to protect critical areas as specified in Chapter 27.12 C.C.C.
- 5. Water Courses. If a land division is traversed by a water course such as a drainage way, channel or stream not designated as a critical area, a storm water easement or drainage right of way conforming substantially with the high water lines of the water course may be required, and with such further width as will be adequate for the purpose. Open lands parallel to major water courses may be required to assure safe conveyance of surface runoff and to minimize disruption of the water course by land development and land use activities.
- 6. Waterfront Property. Land divisions contiguous to lakes, streams, or other bodies of water shall be required to take the following precaution to prevent pollution of said bodies of water from septic tank effluent: A setback line from the ordinary high water mark consistent with State health law shall be established, within which no part of a sewage storage or treatment facility shall be permitted.

Section 29.30.700

COMMON FACILITIES OWNERSHIP AND MAINTENANCE REQUIREMENTS.

- 1. The responsibility for the maintenance and operation of common facilities shall be determined prior to final approval. Said facilities may be maintained and operated by the land divider, a lot owners' association, a public agency or a private agency consistent with applicable state requirements.
- 2. Common facilities within a land division may be dedicated to an association of lot owners. Common facilities may include, but are not limited to, sewage disposal, water supply, drainage, streets and recreation areas intended to serve primarily

the lot owners of the land division. If said common facilities are to be owned and managed by a lot owners' association, said lot owner's association shall be established prior to final approval. The association is responsible for operating and maintaining all common facilities which have been dedicated or deeded to it by the land divider. The by-laws of the association shall authorize, at a minimum, the following responsibilities and authorities:

- a. To enforce covenants and conditions required by this Title, or in the lot owner's association.
 - b. To levy and collect assessments against all lots to adequately accomplish the association's responsibilities.
 - c. To collect money from unit owners to finance future improvements.
 - d. To collect delinquent assessments through the courts, including money to pay for the costs of court action.
 - e. To enter into contracts to build, maintain and manage common facilities required by this Title.
 - f. To allow for the ability for a single lot owner to authorize the collection of assessments and the expenditure of funds for the construction of those improvements required by the large lot subdivision requirements as specified in Chapter 29.30.
 - g. To allow amendments to the by-laws for improvements required by this Title require a land division alteration to be submitted, approved and finalized in accordance with this Title.
3. The final plat shall include a statement which requires indefinite existence of the association and automatic membership in the association upon assumption of ownership of a lot within the plat. The Association by-laws shall be submitted and approved by the Administrator prior to final approval. The by-laws required for this section shall be separate from any by-laws or private covenants established by the subdivider.
 4. Any private covenants or restrictions proposed by the subdivider shall not be included with any required by-laws set forth by this Title.

Section 29.30.800

INSTALLATION, CONSTRUCTION AND INSPECTION REQUIREMENTS. All required improvements shall be installed by the land divider after the County has granted preliminary approval and prior to final approval in accordance with the following procedures:

1. For new public roads, work shall not begin until detailed plans, if applicable, have been approved by the agency of jurisdiction.
2. For new public roads, work shall not begin until the agency of legal jurisdiction has been notified in writing in advance. If work has been discontinued for more than ten (10) days for any reason, it shall not be resumed until the agency of jurisdiction has been notified in writing. Required road and drainage improvements shall be constructed consistent with approved specifications and inspected by the Road Department. (See typical cross section.) The Road Department may allow changes in typical sections and details if unusual soil or geologic conditions discovered during construction warrant a change. Required community sewer and water systems shall be constructed pursuant to approved designs. Additionally, such improvements shall be inspected and approved by the governmental agency with jurisdiction.

3. Underground utilities, sanitary sewers, and storm drains installed in the road right-of-way shall be constructed before surfacing of streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed so as to avoid disturbance of street improvements when service connections are made.
4. A drawing showing required improvements as constructed shall be signed by the designer or installer, retained by the land divider and shall be submitted and filed with the Road Department upon completion of the improvements.
5. Lot Grading: Grading and filling of lots in a land division having an average slope of ten (10) percent or more shall be in compliance with the most recent edition of the Uniform Building Code adopted by Clallam County, and comply with the Chapter 27.12, CCC, and the Clallam County Drainage Manual, if applicable.
6. Minimum improvements required by this Title shall be installed at the expense of the land divider prior to final approval.
7. The County Road Department shall inspect and approve all required construction prior to final approval.

Section 29.30.900

PERFORMANCE BOND IN LIEU OF REQUIRED IMPROVEMENTS.

The land divider has the option of requesting, in writing, a performance bond in lieu of the completion of any improvements required by this section prior to the approval of a final plat. For amounts less than \$100,000, a savings account assignment is required in lieu of a performance bond. The bond or savings account assignment posted shall be in an amount equal to two (2) times the cost of the required improvements, and the actual cost for improvements shall be based upon a contractor's certified bid for the required improvements, a copy which shall be included with the written request.

Review of the request for a bond or savings account assignment shall be determined by the Hearing Examiner at his/her next scheduled meeting for short subdivisions, large lot divisions, and binding site plans. The Board of Commissioners shall determine approval for bond requests that affect subdivisions. Public notice and public hearings are not required. If approved, a bond shall be prepared by a bonding company. If approved, the savings account assignment shall be prepared on a form provided by the Administrator and the applicant shall establish the security either with a financial institution or the County Treasurer's office. The decision of the Hearing Examiner is final, unless appealed within ten (10) calendar days pursuant to Section 29.14.200(6) and (7) of this Title. A written decision shall be forwarded within ten (10) days of the date of decision and shall include findings of fact and conclusions of law.

Performance bonds or savings account assignments shall have a term of 18 months from the filing of the final plat and required improvements must be constructed and installed within twelve (12) months of the filing of the final plat. Failure on the part of the land divider to satisfy the requirements of the bond or savings account assignment shall result in the County's foreclosure on the bond or savings account assignment. Upon foreclosure, the County shall construct or complete the required improvements or contract for construction or completion of said improvements.

ADDITIONAL STANDARDS FOR RV PARKS.

1. General Requirements. A camper vehicle park shall be adapted to individual site conditions and the plat should use terrain, existing trees, shrubs and rock formations with a minimum of disturbance of the land.

Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.
2. Density Requirements. The density shall not exceed 25 camper vehicle spaces per acre of gross site area, except that the density may be reduced if any of the following conditions exist:
 - a. A septic tank and drainfield sewage disposal system is proposed for use and field inspection of soil conditions, groundwater conditions, relation to surface waters, proximity to groundwater supplies, and soils evaluations indicate that the higher density could result in a public health hazard.
 - b. Any other situation where the physical characteristics or locational characteristics of the site would indicate that the higher density could adversely affect the public health, safety and general welfare.
3. Dimensional Standards.
 - a. All camper vehicle sites shall be located at least 25 feet from any park boundary line abutting upon a public street or highway.
 - b. All camper vehicle sites shall be located at least four (4) feet from any park boundary that does not abut upon a public street or highway.
 - c. Camper vehicle sites shall be a minimum of 17 feet wide.
4. Required Recreation Area. In all camper vehicle parks, there shall be at least one recreation area other than streets and utility areas which shall be easily accessible from all camper vehicle spaces. The size of such recreation area shall be not less than eight (8) percent of the gross site area or 2,500 square feet, whichever is greater.
5. Water Supply. Water supply shall comply with State and County health regulations, and Uniform Building Code regulations, as they apply.
6. Sewage Disposal Requirements.
 - a. A restroom facility shall be constructed in compliance with the Uniform Building Code, as it applies, and shall be provided at one or more locations in the camper vehicle park, and shall be located within 500 feet of any camper vehicle site not provided with an individual sewer connection.
 - b. Sewage Disposal systems. Sewage disposal systems shall be in compliance with State and County health regulations, as they apply.
 - c. Dump Station. Each camper vehicle park shall be provided with an approved dump station in the ratio of one for every 100 camper vehicle spaces or fractional part thereof.

Section 29.35.200

ADDITIONAL STANDARDS FOR MOBILE HOME PARKS.

1. Required Open Space and Recreation Area. In all mobile home parks designed to accommodate twelve or more mobile homes, there shall be at least one area other than streets or areas used for utilities serving the park designated for open space or a recreation area which shall be easily accessible from all mobile home spaces. The combined size of such areas shall be not less than 2,500 square feet or eight (8) percent of the gross site area, whichever is greater.
2. Other Standard Requirements.
 - a. Camping vehicles. Mobile home parks intending to accommodate camping vehicles shall designate a specific and separate area on the plat for camping vehicles and the County's standards for camping vehicle parks shall be observed in these areas. However, this provision shall not preclude the temporary occupancy of a mobile home space by a camper vehicle.
 - b. Conventional homes. No construction or placement of conventional homes shall be permitted in any mobile home park, except that this section shall not restrict the enlargement or alteration of a single-family dwelling within the mobile home park at the time of acceptance of a plat, nor shall it restrict the construction of one single-family dwelling for the owner or his agent.
 - c. Greenbelts. A greenbelt or sight-obscuring fence may be required by the Hearing Examiner or Board to protect the character of the neighborhood and provide maximum privacy within the mobile home park.

Chapter 29.37

Standards for Commercial and Industrial Developments

Section 29.37.100

SPECIAL STANDARDS FOR COMMERCIAL AND INDUSTRIAL LAND DIVISIONS.

1. Industrial and commercial land divisions shall be consistent with all of the minimum standards and requirements specified in this Title. In addition a statement shall be provided on the final plat stipulating that the developer of each lot shall provide off street parking, off street loading, landscaping and buffers to residential zones in accordance with Title 33, C.C.C.

Chapter 29.40 Variances

- Section 29.40.100 VARIANCES AUTHORIZED. Variances to the standards prescribed by this Title may be authorized by the Hearing Examiner or the Board of Commissioners.
- Section 29.40.200 APPLICATION. The variance application may be filed at any time prior to expiration of a preliminary approved land division. When a variance application is made prior to the granting of preliminary approval, the time limit for approval of a preliminary land division specified in this Title shall be suspended pending conclusive action on the variance. The applicant is responsible for demonstrating that the variance request satisfies all of the criteria set forth in Section 29.40.500 C.C.C. Variance applications are encouraged to be applied for and processed with the associated land division application.
- Section 29.40.300 PUBLIC NOTICE. Public notice for the required hearing before the Hearing Examiner shall be in compliance with Chapter 29.07 of this Title.
- Section 29.40.400 REPORT TO THE HEARING EXAMINER. The Administrator shall transmit copies of the application for a variance to the Hearing Examiner.
- Section 29.40.500 ACTION ON BINDING SITE PLANS, SHORT SUBDIVISIONS, LARGE LOT DIVISIONS. The Hearing Examiner shall take action on the application at the scheduled public hearing. A variance may be granted, granted subject to prescribed conditions or denied. The Hearing Examiner shall provide written findings of fact and conclusions of law supporting his/her decision. The Administrator, upon receipt of the Hearing Examiner's ruling, shall continue to process the land division pursuant to this Title.
- Section 29.40.550 ACTION ON SUBDIVISIONS. The Hearing Examiner shall review the variance request at the scheduled public hearing and make a recommendation to the Board of Commissioners pursuant to Section 29.13.200 of this Title.
- Section 29.40.600 CRITERIA FOR APPROVAL. Before a variance shall be granted, it shall be shown that:
1. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other, similarly situated property in the County, and
 2. Because of special circumstances applicable to the property, including size, shape, drainage, topography, location and surroundings, the strict application of this regulation would deprive the subject property owner of rights and privileges enjoyed by other property owners in the vicinity, and
 3. Granting of the variance will not be materially detrimental to the public health, safety, welfare, use or interest, or injurious to property or improvements in the vicinity, and
 4. The variance is justified to cure a special circumstance and not simply for the economic convenience of the applicant, and
 5. The granting of the variance will not materially compromise the goals and policies of the Comprehensive Plan, or be inconsistent with County land use codes or inconsistent with the spirit or intent of this Title.
- Section 29.40.700 APPEAL OF THE HEARING EXAMINER'S ACTION. Any decision of the Hearing Examiner on a variance may be appealed within ten (10) calendar days to the Board of Commissioners pursuant to Section 29.14.200 (6) and (7), EXCEPT that a public hearing is not required for the appeal.

Chapter 29.43 **Boundary Line Adjustments and Lot Combination**

Section 29.43.100

BOUNDARY LINE ADJUSTMENT APPLICATION. Any person desiring approval of a boundary line adjustment shall submit an application to the Administrator. The application shall include the following information:

1. A legal description of both properties subject to the boundary line adjustment application.
2. The date of preparation of the maps, an identified north arrow, and the scale of the map.
3. The total area of each lot before and after the proposed boundary line adjustment.
4. The location and dimensions of all structures, driveways, sewage disposal systems, wells, and other improvements on both lots subject to the proposed boundary line adjustment.
5. The names, addresses and telephone numbers of all property owners involved in the proposed boundary line adjustment.
6. A signed and notarized authorization from all property owners.

Section 29.43.200

CRITERIA FOR APPROVAL. All boundary line adjustments shall be consistent with the following standards:

1. The boundary line adjustment does not create any new lots.
2. The boundary line adjustment does not create a parcel not meeting all dimension and area requirements of all applicable land use and environmental health regulations, including, but not limited to those found in the Zoning Code, Shoreline Master Program, Floodplain Management Code, and the Interim Critical Areas Code; PROVIDED, that no unplatted lot which is greater than five acres in area shall be made less than five acres or 1/128th of a section in area through a boundary line adjustment.
3. The boundary line adjustment does not increase the non-conformity of any lot or structure which does not currently meet the requirements of any applicable land use or environmental health regulation, including, but not limited to, setbacks to structures from property lines, the area outside a flood hazard area, and the minimum area of parcel.
4. The adjustment does not realign lot lines that create directional changes in the orientation of lot(s), such as changing front yards into side yards or rear yards which result in non-conforming setbacks.

Section 29.43.300

ADMINISTRATOR'S ACTION. Based on review of the proposed boundary line adjustment, the Administrator shall determine if the proposed boundary line adjustment is consistent the criteria for approval for a boundary line adjustment set forth in Section 29.43.600 of this Title. If the Administrator finds that the proposed boundary line adjustment complies with all of the above requirements, the adjustment shall be approved. If the Administrator finds that the proposed boundary line adjustment does not comply with the above requirements, the adjustment shall be denied. The applicant may appeal the decision of the Administrator pursuant to the provisions set forth in Chapter 29.17.400-700 of this Title.

Section 29.43.400

FINAL APPROVAL AND AUTHORIZATION FOR PROPERTY OWNERS. Approval of the boundary line adjustment shall constitute authorization for the applicant to prepare appropriate documents to transfer the property being adjusted. A boundary line adjustment shall be completed according to one of the following:

1. For adjustments in which neither lot has ever been surveyed, the owners shall prepare a quit claim deed transferring the property to be adjusted. The deed shall contain a space for the Administrator's signature, along with the following language: "This conveyance is for the purpose of accomplishing a boundary line adjustment pursuant to Chapter 58.17.040(6) RCW and Title 29 C.C.C. It shall not create any additional lots, tracts, parcels, or division and the land described herein shall merge or be integrated into abutting property presently owned by the grantee." No deed prepared pursuant to this section shall be filed with the County Auditor's Office without the Administrator's signature.
2. For adjustments in which one or both lots have at some time been surveyed, the owners shall have prepared the appropriate quit claim deeds for the transfer of ownership and an accurate map of the lots, along with the new property lines, prepared by a licensed surveyor and done in full compliance with the Survey Recording Act, Chapters 58.09, 58.17.160(3), and 58.24.040 RCW. The deed and map shall contain the following language: "This conveyance (or survey) is for the purpose of accomplishing a boundary line adjustment pursuant to Chapter 58.17.040(6) RCW and Title 29 C.C.C. It shall not create any additional lots, tracts, parcels, or division." The map shall contain a signed statement of approval by the Administrator. The map shall contain a note which references the recording information for the quit claim deeds for the actual property transfer.
3. For adjustments in which both lots are owned by a single individual, the owner shall have prepared an accurate map of the lots, along with the new property lines, prepared by a licensed surveyor and done in full compliance with the Survey Recording Act, Chapters 58.09, 58.17.160(3), 58.24.040 RCW. The map shall contain the following language "This survey is for the purpose of accomplishing a boundary line adjustment pursuant to Chapter 58.17.040(6) RCW and Title 29 C.C.C. It shall not create any additional lots, tracts, parcels, or division." The map shall contain a signed statement of approval by the Administrator.

Section 29.43.500

LOT (OR PARCEL) COMBINATION - APPLICABILITY. Adjustments may be allowed which result in the combination of lots or parcels into one parcel to be utilized as one buildable parcel; PROVIDED that it does not result in the adjustment of platted property which should be reviewed for compliance of the land division alteration process set forth by this Title.

The purpose of a lot combination is to provide an economical way of combining two or more properties into one buildable lot. Lot combinations are legally binding and will reflect in the title history of the lot or parcel, and are similar to zoning lot covenants which are utilized by other jurisdictions. The lot combination does not result in a change of legal description(s).

Section 29.43.600

APPLICATION PROCESS AND CRITERIA FOR A LOT COMBINATION.-

1. Applications for a lot combination shall be submitted to the Administrator.
2. Criteria for Approval of a lot combination requires compliance with the following:
 - a. The lot combination does not create a parcel which results in the increase of a non-conformity of any lot or structure which does not currently meet the requirements of any applicable land use and environmental health regulations,
 - b. The lot combination does not conflict with the land division alteration process set forth by this Title.

Section 29.43.700

FINAL APPROVAL FOR LOT COMBINATION. A lot combination form shall be completed, submitted to the Administrator for approval, and recorded with the County Auditor.

Chapter 29.45 Alterations and Vacations

Section 29.45.100

APPLICABILITY. Alteration of a Subdivision, Binding Site Plan, Mobile Home Park, RV Park, Short Subdivision, or Large Lot Division. For the purpose of this section, an alteration to an existing land division would not include the creation of additional lots, only revisions to lot lines, notes, or easements established on a recorded plat. Any proposal that includes the creation of new lots shall be processed in accordance with the appropriate section of this Title, and shall comply with standards and requirements, as they apply.

Section 29.45.200

APPLICABILITY. Vacation of a Subdivision, Binding Site Plan, Mobile Home Park, RV Park, Short Subdivision, or Large Lot Division. For the purpose of this section, a vacation to a land division includes the removal of all lot lines established by a plat, or a division of a plat. Those applications proposing only the vacation of public right-of-way dedicated as part of a plat shall be processed in accordance with Chapters 35.79 and 36.87 RCW.

Section 29.45.300

ALTERATION OR VACATION OF A SUBDIVISION. Applications for alterations or vacations of subdivisions require the decision of the Board of Commissioners.

1. Application and Process. The application and process requirements for a subdivision alteration or vacation shall be consistent with Chapters 29.05 of this Title, as it applies, with the following exceptions:
 - a. The application must include signatures of a majority of affected parties, being those persons having an ownership interest in the portion of the land division being altered or vacated, EXCEPT as required in (b) below.
 - b. For alterations, if the proposal is subject to lot owner's association by-laws or easements which were conditions of approval of the land division, and the application for alteration would result in a change to these by-laws or easements, the application shall contain an agreement approving such amendments that is signed by all parties subject to the by-laws or easements.
2. Public Notice and Public Hearing Requirements. Public notice shall be provided on all subdivision alterations and vacations in accordance with Chapter 29.07, except as follows:
 - a. For all alterations and vacations, public notice shall also be mailed to all property owners within the subdivision or division thereof.
 - b. For alterations, a public hearing is not required unless requested by an affected party within 15 days of the date of the notice, which shall be stated in the public notice.
 - c. For vacations, public notice are required pursuant to Chapter 29.07 of this Title.
3. Hearing Examiner Action
 - a. For alteration and vacation applications, the Hearing Examiner shall review the application and, upon completion of the public hearing or public meeting, whichever applies, shall make a recommendation to the Board of Commissioners pursuant to Section 29.13.200 of this Title.

3. Board of Commissioners Action. Uphold, overturn, or remand Hearing Examiner recommendation. The Board shall take action on the subdivision alteration or vacation pursuant to Sections 29.13.300 through 500 of this Title.

Section 29.45.400

ALTERATION OR VACATION OF A SHORT SUBDIVISION, LARGE LOT DIVISION, OR BINDING SITE PLAN.

1. Application and Process. The application requirements and process for a subdivision alteration shall be consistent with Chapters 29.05 of this Title, as it applies, with the following exceptions:
 - a. The application must include signatures of a majority of affected parties, being those persons having an ownership interest in the portion of the land division being altered.
 - b. For alterations, if the proposal is subject to lot owner's association by-laws or easements which were conditions of approval of the land division, and the application for alteration would result in a change to these by-laws or easements, the application shall contain an agreement approving such amendments that is signed by all parties subject to the by-laws or easements.
2. Public Notice and Public Hearing Requirements - Public notice or public hearings are not required for alterations or vacations of binding site plans, short subdivisions, or large lot divisions.
2. Administrator Action.
 - a. The Administrator shall take action on short plat or large lot division alteration and vacation applications consistent with Chapter 29.17 of this Title.
 - b. Appeal of the Administrator's action may be made pursuant to Section 29.17.300.
3. Hearing Examiner Action.
 - a. The Hearing Examiner shall take action on all binding site plan alteration or vacation applications consistent with Section 29.13.400 of this Title.
 - b. Appeal of the Hearing Examiner's decision may be filed in accordance with Sections 29.17.400-700 of this Title.
4. Short subdivisions or large lot divisions may not be further divided in any manner within a period of five years, EXCEPT as specified in Section 29.19.500 of this Title.

Section 29.45.500

CRITERIA FOR APPROVAL. All land division alterations and vacations shall be consistent with the following standards:

1. The alteration or vacation is consistent with the criteria of approval established under Chapter 29.10 of this Title.
2. The alteration does not result in a parcel not meeting all dimension and area requirements of all applicable land use and environmental health regulations, including, but not limited to, those found in the Zoning Code, Shoreline Master Program, Floodplain Management Code, and the Critical Areas Code.
3. The alteration or vacation does not increase the non-conformity of any lot or structure which does not currently meet the requirements of any applicable land

use or environmental health regulations, including, but not limited to, setbacks to structures from property lines, land use, and minimum lot area.

Section 29.45.600

FINAL APPROVAL PROCESS AND REQUIREMENTS OF AN ALTERATION OR VACATION.

1. The process for final alteration approval shall be consistent with Chapter 29.20 of this Title, when applicable, with the following exceptions:
 - a. For those alterations proposing the changing of lot lines, a final map shall be prepared, consistent with Section 29.20.300 of this Title, that contains signatures of those persons having ownership interest in the portion being altered, and not all owners within the plat.
 - b. For those alterations proposing alteration of easements, a final map shall be prepared, consistent with Section 29.20.300 of this Title, shall contain signatures of all owners within the portion being altered, and not all owners within the plat; EXCEPT when otherwise conditioned. This requirement does not alleviate the need for vacation of private easements by all parties granted rights to said easement. A report by a title company shall accompany the final plat which verifies appropriate ownership, as well as, clarifies that appropriate easement vacations have occurred, where applicable.
 - c. For those subdivision alterations proposing alteration or removal of notes and restrictions, compliance with (a) above is required. For short subdivisions, large lot divisions, or binding site plans, a notice of alteration form provided by the Administrator, shall be prepared by the applicant and submitted for approval by the Administrator and recorded with the County Auditor. The notice shall contain signatures of a majority of owners within the land division, unless otherwise conditioned.
2. The process for final vacation approval shall be consistent with Chapter 29.20 of this Title, when applicable, with the following exceptions:
 - a. For vacations of lots within a subdivision, the final plat shall contain signatures of all owners within the portion being vacated, and not all owners within the plat.
 - b. For vacations of entire short subdivisions, large lot divisions, or binding site plans, a form provided by the Administrator shall be completed and submitted for approval before recording with the County Auditor. Vacations of portions of short subdivisions, large lot divisions, or binding site plans shall be processed in accordance with (1a) above.

Section 29.45.700

IMPROVEMENT STANDARDS FOR ALTERATIONS. Road and utility improvement requirements specified in this Title are not required to be met for land division alterations, EXCEPT as follows:

- a. For those alterations that propose changes that affect on-site sewage disposal feasibility and potable water, review by the Clallam County Environmental Health Division shall be required, which may result in compliance with Sections 29.30.300 and 400, as they apply.
- b. For those alterations proposing a change in location of access or utility easements to lots within the development, road and utility improvements are required to be installed pursuant to the requirements of this Title, as they apply.

Section 29.45.800

If any land within the alteration or vacation is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing in the subdivision, such land may be altered and divided equitably between the adjacent properties.

Chapter 29.47 Enforcement

Section 29.47.100

PENALTIES.

1. Whenever any land is divided in violation of this Title and sold, leased or transferred, without having a final plat for record pursuant to this Title, the Prosecuting Attorney shall commence an action to restrain and enjoin further violations and compel compliance with all provisions of this Title. The costs of such action shall be taxed by the Prosecuting Attorney against the person committing the violation.
2. Any person who violates any court order or injunction issued pursuant to this Title shall be subject to a fine of not more than five (5) thousand dollars or imprisonment for not more than 90 days or both, pursuant to Chapter 58.17.227 RCW.
3. If performance of an offer or agreement to sell, lease, or otherwise transfer a lot following preliminary land division approval is expressly conditioned upon the recording of the final subdivision or short subdivision containing the lot under this Title, the offer or agreement is not subject to Chapters 58.17.200 or 58.17.300 RCW and does not violate any provision of this Title. All other offers or agreements are prohibited prior to final land division approval. All payments on account of an offer or agreement conditioned as provided in this Title shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.
4. In the enforcement of this Title the Prosecuting Attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this Title from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of Clallam County. A violation of such assurance shall constitute prima facie proof of a violation of this Title. Acceptance of the assurance of discontinuance does not relieve the violator from compliance with this Title.
5. Any person who sells, leases, or transfers any lot divided in violation of this Title shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each lot in violation of any provision of this Title shall be deemed a separate and distinct offense provided that this provision does not apply to land transfer agreements consistent with item 3 of this section.

Section 29.47.200

DEVELOPMENT OF ILLEGALLY DIVIDED LAND - Public Interest Determination. No application for a building permit, septic tank permit or other development permit for any lot divided in violation of State law or this Title shall be granted without prior approval of the Board. Such approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the Board that:

1. The Director of Environmental Health has certified that the proposed means of sewage disposal and water supply on and to the lot will satisfy public health law.
2. The County Engineer has certified that access to the lot will not interfere with or impair existing or planned public roads and drainage facilities in the vicinity.
3. The Planning Director has certified that the proposed development conforms to zoning regulations.

4. The proposed development will not adversely affect the safety, health or welfare of adjacent property owners, or interfere with their enjoyment of their property.
5. The applicant purchased the lot for value.
6. The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot had been part of a larger lot divided in violation of State law or this Title. The test to determine "exercise of care" shall include, at a minimum, documented or eye witness testimony that the applicant did inquire with a licensed real estate agent, seller or a public agency within Clallam County about conformance of the parcel to County or State subdivision law prior to purchase of the parcel.

Section 29.47.300

ADMINISTRATIVE ENFORCEMENT ACTIONS. Issuance of Development Permit - Illegal Status of Lot - Approval of the applicable permit by the Board pursuant to this Title does not alter the illegal status of the lot. The right to develop the lot as specified by permit is transferable except to the violator of this Title.

Chapter 29.49 Administration

- Section 29.49.100 SEVERABILITY. If any provision of the Title or its application to any person or circumstance is held invalid, the remainder of this Title or the application to other persons or circumstances shall not be affected.

- Section 29.49.200 VESTED APPLICATIONS. Any application for a land division filed and accepted as a complete application prior to the effective date of this title may utilize the standards for private road improvements as found in Chapter 29.30 in lieu of previous road standards. Within 30 days of notification of this option by the Administrator, and prior to expiration, the applicant must declare in writing which road standards will apply to his/her application, or the previous road standards shall apply.

- Section 29.49.300 CONFLICT. Where other County regulations are in conflict with this Title, the more restrictive regulation shall apply and such application shall extend only to those specific provisions which are more restrictive.

- Section 29.49.400 EFFECTIVE DATE. This Title shall come into full force and effect ten (10) days after the date of adoption.

ADOPTED this 21 day of May, 1996.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Phillip Kitchel
Phillip Kitchel, Chair

Martha M. Ireland
Martha M. Ireland

Dorothy Duncan
Dorothy Duncan

ATTEST:

Karen Flores
Karen Flores,
Clerk of the Board

cc: Community Development
minutes
file