

Ordinance 934

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An ordinance amending Clallam County Code, Chapter 29.01, Purpose and Authority, modifying the text to exemptions for land divisions

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Section 1. Section 29.01.100, Statutory authorization to read as follows:**

This title 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 RCW.

**Section 2. Section 29.01.200, Purpose to read as follows:**

This title is adopted as an official land use control for the unincorporated areas of Clallam County.

**Section 3. Section 29.01.300, Applicability to read as follows:**

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 4. Section 29.01.400, Administration of this title to read as follows:**

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 5. Section 29.01.500, Exemptions, is amended to read as follows:**

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 1/128th of a section of land or larger, or five (5) 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 (5) acres or larger, but less than 1/32nd of a section of land, or twenty (20) acres, shall be required to follow the procedures and requirements for large lot divisions contained in this title. A division of land into lots or tracts, as follows: one-thirty-second of a section or larger, or twenty acres or larger if the land is not capable of description as an aliquot part of a section. Lots within a rural zoning designation may include, for the purposes of area calculation, the portion of county right-of-way fronting the lot; said portion of county right-of-way shall be bounded by the right-of-way centerline, the front property line and the side lot lines of the lot running perpendicular to such centerline;~~

(3) ~~Divisions made for the purpose of adjusting boundary lines; provided that such adjustment is made in compliance with Chapter 29.43 CCC. made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; provided that such adjustment is made in compliance with Chapter 29.43CCC.~~

(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.~~ for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

(7) A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of a public utility district or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.

**Section 6. Section 29.01.600, Referenced Federal, State and County codes to read as follows:**

All Federal, State or County codes referenced or cited in this title shall be used as now written or hereafter amended.

ADOPTED this 30th day of January 2018

BOARD OF CLALLAM COUNTY COMMISSIONERS

  
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Mark Ozias, Chair

  
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Randy Johnson

  
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Bill Peach

ATTEST:

  
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Loni Gores, Clerk of the Board