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An ordinance amending Clallam County Code 29.45, Alterations and Vacations for the alteration of a subdivision, binding site plan, mobile home park, RV park, short subdivision, or large lot division

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section 29.45.100, Applicability – Alteration of a subdivision, binding site plan, mobile home park, RV park, short subdivision, or large lot division, is amended to read as follows:

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~~ changes to notes, or easements established on a recorded plat; revisions to lot lines affecting only the lots involved with the adjustment shall be processed as a boundary line adjustment per CCC 29.43. 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 2. Section 29.45.200, Applicability – Vacation of a subdivision, binding site plan, mobile home park, RV park, short subdivision, or large lot division to read as follows:

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 3. Section 29.45.300, Alteration or vacation of a subdivision or binding site plan to read as follows:

Applications for alterations or vacations of subdivisions require the decision of the Hearing Examiner.

(1) Application and Process. The application and process requirements for a subdivision alteration or vacation shall be consistent with Chapter [29.05](#) CCC, as it applies, and Chapter [26.10](#) CCC, 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 subsection (1)(b) of this section.

(b) For alterations, if the proposal is subject to lot owners' 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 Chapters [29.07](#) and [26.10](#) CCC, 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 fifteen (15) days of the date of the notice, which shall be stated in the public notice.

(c) For vacations, public notices are required pursuant to Chapter [29.07](#) CCC.

(3) Hearing Examiner Action. 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 decision pursuant to CCC [29.13.200](#).

Section 4. Section 29.45.400, Alteration or vacation of a short subdivision or large lot division to read as follows:

(1) Application and Process. The application requirements and process for a subdivision alteration shall be consistent with Chapter [29.05](#) CCC, as it applies, and Chapter [26.10](#) CCC, 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 owners' 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.

(c) 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](#) CCC and Chapter [26.10](#) CCC.

(b) Appeal of the Administrator's action may be made pursuant to Chapter [26.10](#) CCC.

(3) Short subdivisions or large lot divisions may not be further divided in any manner within a period of five (5) years, except as specified in CCC [29.19.500](#).

Section 5. Section 29.45.500, Criteria for approval to read as follows:

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](#) CCC and Chapter [26.10](#) CCC.

(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 nonconformity 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 6. Section 29.45.600, Final approval process and requirements of an alteration or vacation to read as follows:

(1) The process for final alteration approval shall be consistent with Chapter [29.20](#) CCC, when applicable, with the following exceptions:

(a) For those alterations proposing the changing of lot lines, a final map shall be prepared, consistent with CCC [29.20.300](#), 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 CCC [29.20.300](#), that contains 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 easements. 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 subsection (1)(a) of this section 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](#) CCC, 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 subsection (1)(a) of this section.

Section 7. Section 29.45.700, Improvement standards for alterations to read as follows:

Road and utility improvement requirements specified in this title are not required to be met for land division alterations, except as follows:

(1) 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 CCC [29.30.300](#) and [29.30.400](#), as they apply.

(2) 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 8. Section 29.45.800, Outstanding assessments, dedications to read as follows:

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.

ADOPTED this 30 day of January 2018

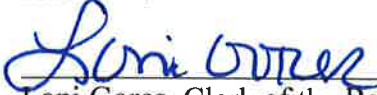
BOARD OF CLALLAM COUNTY COMMISSIONERS


Mark Ozias, Chair


Randy Johnson


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ATTEST:


Loni Gores, Clerk of the Board