

Ordinance _____ **DRAFT 07-03**

An ordinance amending Clallam County Code, Chapter 29.20, Final Plan Requirements and Process, to (fill-in)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section .100, Formation of final plats, is amended to read as follows :

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 2. Section .200, Improvement requirements for all land divisions, is amended to read as follows :

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 ~~eighteen (18)~~ inches wide by ~~twenty four (24)~~ inches, clearly and legibly drawn on polyester base (Mylar) film with a minimum thickness of ~~three (3)~~ 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 one-half inch. All signatures shall be original signatures written in permanent black ink or an approved equivalent.

Section 3. Section .300, Final plat map, is amended to read as follows :

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, including the size of each lot in acres or in square feet.

(9) The names of any adjacent subdivision short subdivisions, or large lot divisions with County Auditor file recording information; the location of any pre-existing structures, sewage disposal and water supply improvements, drainage facilities, electrical transmission utilities, and irrigation improvements.

(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 CCC 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 rights-of-way, 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 CCC Title 29, and the State Survey Recording action, RCW Title 58.”

(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 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 CCC Title 29.”

(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 RCW 58.17.160 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 RCW 58.08.040.”

(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 600 feet of lands zoned in an agricultural overlay zone (CCC Title 33), a forest zone (Chapter 33.31 CCC), or a designated mineral resource site (Chapter 33.59 CCC) 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 4. Section .400, Supplementary information, is amended to read as follows :

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 ~~thirty (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 5. Section .500, Survey requirements, is amended to read as follows :

- (1) All final plats shall prepare a survey done in full compliance with the Survey Recording Act, Chapters 58.09 and 58.17 RCW, RCW 58.24.040 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 6. Section .600, Monuments standards and requirements, is amended to read as follows :

- (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 one-half-inch 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 7. Section .700, Final action by administrator, is amended to read as follows :

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 8. Section .800, Final action by Board of Commissioners, is amended to read as follows :

The Board shall ensure that the following are met for all land divisions processed pursuant to Chapter 29.13 or 29.15 CCC:

- (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 the items in subsection (1)(a) or (1)(b) of this section 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.

ADOPTED this _____ day of _____ 2007

BOARD OF CLALLAM COUNTY COMMISSIONERS

Stephen P. Tharinger, Chair

ATTEST:

Michael C. Chapman

Trish Holden, CMC, Clerk of the Board

Howard V. Doherty, Jr.