

LINCOLN COUNTY CODE

"TITLE 16 - LAND DIVISIONS"

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Chapter 16.01

GENERAL PROVISIONS

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16.01.010 Purpose and Intent.

The process by which land is divided is a matter of concern and should be administered in a uniform manner by cities, towns and counties throughout the state. The purpose of this title is to regulate the division of land and to promote the public health, safety, and general welfare in accordance with established standards to prevent the overcrowding of land; to lessen congestion on the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide adequate provisions for light and air; to facilitate adequate provisions for water, sewerage, parks and recreation areas, sites for schools and school grounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions, which conforms to zoning and development standards and commercial needs of the citizens of the County and where to require uniform monumenting of land subdivisions and conveyance by

accurate legal description. In accordance with Chapter 58.17 RCW, Lincoln County has prescribed a method for controlling the division of land in unincorporated areas. Whereas the board of county commissioners deems the controls, standards, procedures and penalties set forth in this title to be essential to the protection of the public health, safety and general welfare of the citizens of Lincoln County and the adoption to be in the public interest.

16.01.020 Applicability.

Except where specifically exempt, every division of land for the purpose of sale, lease, or transfer of ownership into lots, parcels or tracts, within the unincorporated area of Lincoln County, shall proceed in compliance with this title.

16.01.030 Exemptions.

The provisions of this title shall not apply to:

- A. Cemeteries or other burial plots while used for that purpose.
- B. Divisions of land equal to or greater than twenty (20) acres in area, except as provided for in chapter 16.12 of this title. The administrator may allow a five - percent (5%) deviation below the exemption criteria where topography, terrain, irregular sections of land or other considerations prevent the owner from otherwise qualifying for the exemption.
- C. Divisions made by testamentary provision, or the laws of descent.
- D. Divisions of land into lots or tracts classified as industrial or commercial when the County has approved a binding site plan for the use of the land in accordance with County development regulations; PROVIDED, that when a binding site plan, after approved, authorizes a sale or other transfer of ownership of a lot, parcel or tract, the binding site plan shall be filed for record in the County auditor's office on each lot, parcel or tract created pursuant to the binding site plan: PROVIDED FURTHER, that the binding site plan and all of its requirements shall be legally enforceable on the purchaser or any other person acquiring ownership of the lot, parcel or tract: AND PROVIDED FURTHER, that sale or transfer of such a lot, parcel or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of RCW 58.17 and this title.
- E. Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to 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; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of Lincoln County and in accordance with such other governmental permits, approvals, regulations, requirements and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall 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. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by the County: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such the county may have established for the approval of a binding site plan.

F. A division for the purpose of lease when no residential structure other than mobile/manufactured homes, travel trailers or recreational vehicles are permitted to be placed upon the land when Lincoln County has approved a binding site plan for the use of the land in accordance with applicable development regulations.

G. A division made for the purpose of adjusting boundary lines 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.

H. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

I. 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 consumer-owned or investor-owned electric utility facilities. 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.

16.01.040 Qualified Exemptions.

The administrator may exempt certain actions from the requirements of this title as not constituting a division of land into lots, tracts, parcels, sites or divisions for the purpose of sale or lease. This exemption is available only for those actions, which do not contravene the spirit of this title or state law. In determining whether specifications may be exempt, the administrator may require pertinent instruments, court orders, affidavits and the like to be maintained in a permanent file of all qualified exemption request/applications. A completed letter of request and/or an application and fees, if applicable, must be submitted to planning services for a compliance review and to be considered for approval. Taxes must be paid in full prior to approval. The following will also be considered.

A. Public purpose segregation, which is a division made for the purpose of creating a portion of property to be deeded to the county, state or federal government, any city, taxing district, governmental agency, utility company or non-profit community organization or foundation, whose articles or by-laws allow it to hold land for public use and benefit for an approved designated use; Provided the remaining portion of the original property has sufficient lot area and dimensions and meets all other criteria to comply with applicable Lincoln County development regulations.

B. Divisions of land, which are the result of the actions of governmental agencies, such as public road construction, also included are those properties left isolated from the original parcel by railroad ownership and/or easements, providing the remaining parcel meets all other criteria to comply with applicable Lincoln County development regulations.

16.01.050 Administration.

The Lincoln County planning director, hereafter referred to as the administrator, is vested with the duty of administering this title within the unincorporated areas of the County and may prepare and require the use of such forms as are necessary for said administration. It is the purpose of these regulations to grant to the administrator or his/her designee or the Board of County Commissioners, the authority to approve, approve with conditions, or deny any land use action prescribed in this ordinance.

It is recognized that not all possible variations of requirements or processes which are required to administer this ordinance can be listed or categorized. Any interpretation, administrative policies, or procedures which the administrator deems essential for the effective administration of this ordinance shall be adopted by the administrator and shall be made available to the public upon request.

16.01.055 Fees

All applications shall be accompanied by the required fee. Fees for the administration of this ordinance shall be established by the Board of County Commissioners.

16.01.060 Definitions.

As used in this title, unless the context or subject matter clearly requires otherwise, the words or phrases shall have the indicated meanings.

"Abutting" means adjoining or across a public or private right-of-way or easement from the property in question.

"Alteration" means the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in modifications to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat.

"Binding Site Plan" means a drawing to a scale which: (a) identifies and shows the areas and locations of streets, roads, improvements, utilities, open spaces, lots created at the time of submittal and any other matters specified by County regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the County; and (c) contains provisions ensuring development compliance pursuant to the approved site plan.

"Block" means a group of lots, tracts or parcels within well-defined and fixed boundaries.

"Board" means the Lincoln County board of county commissioners.

"Boundary Line Adjustment" means the adjustment of boundary lines between two abutting lots, tracts or parcels, which creates no additional lot, tract, parcel, or site and which results in no lot, tract, parcel or site that contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

"Cluster development" means the arrangement or grouping of lots to increase densities (e.g. smaller recreational homes, RV lots/townhouse lots) on the property, which could allow the remainder for agricultural, forest use, recreational use, open space and other amenities associated with the property, including locating on-site utility (water and sewer) system(s).

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners. A condominium is not in affect until a declaration of condominium, and a survey map and plans respectively,

have been approved by the County and recorded pursuant to Chapters 64.32 and/or 64.34 RCW.

"Condominium, declaration of" means the document that creates a condominium by setting forth the information, as applicable, pursuant to Chapters 64.32 and/or 64.34 RCW and is recorded in conjunction with a condominium survey map and plans.

"Condominium Survey Map and Plans" means the survey map and plans that create a condominium by setting forth the information, as applicable, pursuant to Chapters 64.32 and/or 64.35 RCW and are recorded in conjunction with a declaration of condominium.

"Contiguous Land" means land adjoining and touching other land and having the same owner regardless of whether or not portions of the parcel have separate tax numbers or were purchased at different times, lie in different sections, are in different government lots or are separated from each other by private roads or private rights-of-way.

"Critical Areas and Resource Lands" means those areas designated and protected, as required, pursuant to Chapter 36.70A.170, RCW.

"Cul-de-sac" means a road closed at one end by a circular area of sufficient size for turning vehicles around.

"Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving 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 by the presentment for filing of a final plat or short plat showing the dedication thereon.

"Density" means the method of describing the intensity of development patterns typically measured in dwelling units per acre. Gross density includes the entire property, whereas net density refers to the land available for development (e.g., less roads and protected areas).

"Developer" means any person, firm, or corporation undertaking the subdividing of any parcel of land.

"Development" means actions requiring a land use permit regulated by Lincoln County, including, regular and short subdivisions of land, binding site plans, site specific rezones, zoning conditional use and variance permits, building permits, road approach permits, shoreline permits, critical areas permit, flood area and other applicable development permits and certain forest practices activities. This definition is not intended to apply to those divisions of land that are subject to only a consistency review, pursuant to chapter 16.12 of this title.

“Drainage” means surface water runoff, the removal of surface water or groundwater from land by drains, grading, or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

“Drainage way” means any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

“Dwelling - Multiple-Family/Apartments” means a structure containing three or more dwelling/apartment style units.

“Dwelling - Single-Family” means a structure containing one dwelling unit.

“Dwelling - Two-Family or Duplex” means a structure containing two dwelling units.

“Dwelling Unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Easement” means an interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

“Electric utility facilities” means un-staffed 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.

“Homeowners’ Association” means any combination or grouping of persons or any association, corporation or other entity that represents homeowners residing in a short subdivision, subdivision or binding site plan. A homeowners’ association need not have any official status as a separate legal entity under the laws of the state of Washington.

“Improvement Plans” means the technical drawings of the design and proposed construction of such items as roads, streets, water and sewer systems, and drainage detention systems.

“Innocent Purchaser” means an individual who has purchased real property for value and states under oath that he or she had no knowledge at any time prior to or during the sale that the lot had been or is being created in violation of the provisions of this title.

“Large Lot Division” means, pursuant to chapter 16.12 of this title, the division of more than two (2) parcels, except as provided for in chapter 16.12, for the purpose of sale, lease, or ownership transfer, the smallest of which is equal to or greater than 1/32 of a section, or twenty (20) acres, if the land is not capable of description as a fraction of a

section of land, but less forty (40) acres, if the land is not capable of description as a fraction of a section of land.

“Lot” means 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.

“Manufactured Home” means a factory assembled single-family dwelling as also defined by WAC 296-150M and built according to the Department of Housing and Urban Development (HUD) *“Manufactured Home Construction and Safety Standards Act”*. A manufactured home also includes plumbing, heating, air conditioning and electrical systems; is built on a permanent chassis; and can be transported in one or more sections. The distinction between a singlewide, doublewide or triple-wide manufactured home relates to the corresponding number of sections the home is delivered to the site. The term shall not include mobile home, recreational vehicle, commercial coach, camping vehicle, travel trailer, tip-out or any other similar vehicle not labeled as a manufactured home under federal or state law.

“Manufactured Home Subdivision” means a division of land into lots, pursuant to this title and Chapter 58.17 RCW, for the placement of manufactured residential homes and related facilities.

“Mobile Home” means a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD manufactured housing code, and acceptable under applicable state codes in effect at the time of construction or the introduction of the home into the state. This definition does not include modular homes, manufactured homes, park models or camping vehicles, travel trailers, tip-outs, commercial coaches, recreational vehicles, motor homes and any other similar vehicle which is not intended, designed, constructed or used for permanent residential purposes.

“Mobile /Manufactured Home Park” means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. A mobile home park shall not include mobile home subdivisions or recreational vehicle parks or subdivisions where mobile homes are permitted as a principal use and accessory dwelling unit on the same lot.

“Modular Home” means a dwelling that is designed for human habitation and is either entirely or substantially prefabricated or assembled at a place other than a building site and meets all of the requirements of Chapter 296-150A WAC. Modular homes are also commonly referred to as factory built housing.

“Owner” shall mean any person having property rights as a fee owner or contract purchaser, or one duly authorized by the power of attorney to represent the owner.

“Parcel” means 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 lots.

“Parent parcel” means an existing lot that is proposed to be subdivided.

“Park Model” means a recreational park trailer, as defined by WAC 296-150R-0020 and approved as such by the Washington State department of labor & industries, as evidenced by a state-plan insignia (see WAC 296-150R).

“Personal wireless services” means any federally licensed personal wireless service.

“Plat” means a map or representation of a subdivision, short subdivision or large lot division, showing thereon the division of a tract or parcel of land into lots, blocks, roads and alleys or other divisions, easements and dedications.

“Plat certificate” means a title report prepared by a title company for the property contained in a proposed subdivision, short subdivision or large lot division, to include, as a minimum, all owners of record, easements and encumbrances effecting said property.

“Plat, Preliminary” means a neat and approximate drawing of a proposed subdivision or short subdivision showing the general layout of roads and alleys, lots, blocks, easements and other elements of a subdivision consistent with the requirements of this title and Chapter 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a regular subdivision or short subdivision.

“Plat, Final” means the final surveyed drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in chapter 16.04, adopted pursuant to Chapter 58.17, RCW.

“Planning Commission” means the Lincoln County planning commission.

“Preliminary large lot drawing” means a neat and approximate drawing of a proposed large lot division, pursuant to chapter 16.12 of this title, showing the general layout of roads, easements, parcels and other elements. (See large lot drawing).

“Project” means, for this title, any regular subdivision created pursuant to chapter 16.04 and Chapter 58.17 RCW.

“Recreational Vehicle (RV)” means a vehicular type portable unit without a permanent foundation and primarily designed as temporary living quarters (not full-time residential) for recreational, camping or travel use, with or without motor power, this includes, but is not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

“Recreational Vehicle Park” means a tract of land under single ownership or unified control developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short stay purposes. *Note:* RV park proposals require a conditional use permit pursuant to Title 17-Zoning.

“Recreational Vehicle Subdivision” means a division of land into lots pursuant to this title and Chapter 58.17 RCW for ownership and the placement of recreational vehicles and related facilities as a primary use. These lots and recreational vehicles may be used for extended periods, but are not created nor intended for full time residential purposes. Also, please check the RV subdivision’s private covenants, for they may be more restrictive.

“Retaining Wall” means a structure designed to stabilize a slope/bank. Those structures proposed to be placed adjacent to a county right-of-way will require review by county engineering prior to installation.

“Residence” means a structure, or portion thereof, which is designed and used to provide a place of abode for human beings, but not including hotels or motel units or places of abode having no kitchen within each unit. A residence must include one or more dwelling units. RV’s are not primary residential structures.

“Resource Lands” means those lands, which are designated, pursuant to Chapter 36.70A.170, RCW as having long term commercial significance for the production of agricultural products, timber or the extraction of minerals.

“Road Approach Permit” means a permit required by the department of public works prior to any construction, alteration, change of use, etc. for the purpose of ingress and/or egress onto a county road (e.g. driveways, culverts, platting of property).

“Road” means an improved and maintained public right-of-way which provides vehicular circulation or principle means of access to abutting properties, and which may also include provisions for public utilities, pedestrian walkways, public open space and recreation areas, cut and fill slopes, and drainage.

“Segregation” means a division of land pursuant to this title.

“SEPA” means the State Environmental Policy Act, Chapter 43.21C RCW and WAC 197-11.

“Short Subdivision” means the process of dividing or re-dividing land, pursuant to chapter 16.08 of this title and Chapter 58.17 RCW, into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

“Short Plat” means the map or representation of a short subdivision.

“Sub-divider” means a person who causes land to be divided or re-subdivided into a subdivision or short subdivision for him/herself or others, same as developer.

“Subdivision” means the process of dividing or re-dividing land, pursuant to chapter 16.04 of this title and Chapter 58.17 RCW, into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in the definition of a binding site plan in this section. Regular subdivision has the same meaning.

“Tract” means 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 lots or parcels.**16.01.080 Procedure - Adequacy and distribution of plats.**

If the administrator determines, after review, that the preliminary plat and other required materials are sufficient to furnish a basis for its approval or disapproval, a file number shall be affixed and if applicable, copies will be forwarded to the appropriate agencies. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

16.01.090 Conforming to development codes and comprehensive plan.

All divisions of land subject to this title shall be in compliance with “Title 17-Zoning”, other applicable development regulations and the Lincoln County Comprehensive Plan.

16.01.095 Phasing

A. Any subdivision or binding site plan may be developed in phases or increments. Phasing of short plats is not permitted. A master phasing plan shall be submitted with the preliminary plat or binding site plan for approval by the planning director. The phasing plan may be approved by the Director provided:

1. The phasing plan includes all land identified within the legal notice
2. The sequence of phased development is identified on a map
3. Each phase has a reasonable public or private infrastructure to support the number of dwelling units contained in that phase
4. Each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire subdivision; and provided that any unfinalized portion meets the minimum lot size of the underlying zone for the proposed use; and

5. The county engineer approves the necessary documents so that all road improvement requirements are assured for that phase.

B.A phasing plan may be amended following preliminary approval. Said plan may be approved administratively provided the above criteria are met.

16.01.100 Design - Utility easements.

Easements for electric, telephone, water, gas and similar utilities shall be of sufficient width to assure future maintenance. When initial installation of such facilities will be other than underground, easements for the same shall be sufficiently wide and so located as to permit future installation of underground utilities.

16.01.110 Subdivisions adjacent to resource lands.

Regular and short subdivisions and/or development permits issued on or within five-hundred (500) feet of designated resource lands, pursuant to Lincoln County resource lands development criteria, shall contain a notice that a variety of commercial or operational activities may occur that are not compatible with residential development.

16.01.120 Determining innocent purchaser status.

A. An innocent purchaser of a parcel divided in violation of this title who files a notarized affidavit of innocent purchase with planning services, on forms approved by the planning director, may seek to establish the parcel's eligibility for county development approvals and for lawful future conveyance; provided that nothing herein is intended to exempt development on innocent purchaser lots from compliance with Lincoln County zoning, building, health codes and other applicable development regulations.

B. All contiguous parcels divided in violation of this title that are under common ownership at the time of application for innocent purchaser status shall be recognized only as a single lot.

C. Innocent purchaser status shall not be granted to any individual or group more than once.

16.01.130 Illegal transfers or offer to transfer

It shall be unlawful for any person, firm or corporation to transfer, sell or lease, or offer for transfer, sale or lease any land in violation of the requirements of this title.

16.01.140 Violations - Penalties.

The violation of any provisions of this title is designated as a Class 1 civil infraction pursuant to Chapter 7.80 RCW, "Civil Infractions". Each violation shall be separate and

distinct and in the case of continuing violation, each day's continuance shall be a separate and distinct violation.

16.01.150 Appeals.

Recourse from any decision made under this title shall be made timely to a court of competent jurisdiction, pursuant to Chapter 36.70C, RCW or other applicable state provisions.

16.01.160 Severability.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

16.01.170 Effective Date

This ordinance shall become effective July 1, 2016.

Chapter 16.04

DIVISIONS OF FIVE OR MORE LOTS

Sections:

- 16.04.010 Applicability.
- 16.04.020 Procedure - Requirements.
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- 16.04.050 Hearing.
- 16.04.060 Preliminary plat approval - Plat revocation - Sales, transfer.
- 16.04.070 Conforming to development codes and comprehensive plan.
- 16.04.080 Design - Topographical hazards, protective improvements.
- 16.04.090 Standards - Subdivision roads
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- 16.04.100 Development of improvements - Performance bond.
- 16.04.110 Development of improvements - Water and sewage.
- 16.04.120 Survey - Slide areas.
- 16.04.130 Survey - Preparation of plats.
- 16.04.140 Survey - Survey notes accuracy.
- 16.04.150 Survey - Orientation of the subdivision.

- 16.04.160 Survey - Permanent control monuments.
- 16.04.170 Survey - Permanent control monuments in roads.
- 16.04.180 Survey - Lot corners.
- 16.04.190 Survey - Property contiguous to water.
- 16.04.200 Dedications - Required.
- 16.04.210 Dedications - Shown on plat.
- 16.04.220 Dedications - Protective improvements.
- 16.04.230 Dedications - Access to public waters.
- 16.04.240 Dedications - Exemption, conveyance to corporation.
- 16.04.250 Dedications - Exemption, corporation membership and responsibilities, conditions.
- 16.04.260 Final plat - Filing period.
- 16.04.270 Final plat - Standards.
- 16.04.280 Final plat - Submission to board.
- 16.04.290 Final plat - Board determination.
- 16.04.300 Plat vacations - Alterations.

16.04.010 Applicability.

Every regular subdivision of land for the purpose of sale, lease, or transfer of ownership into five (5) or more lots, parcels, or tracts, each being less than twenty (20) acres in area and within the unincorporated area of Lincoln County shall proceed in compliance with this title and RCW 58.17.

16.04.020 Procedure - Requirements.

When submitting a regular subdivision preliminary plat, the following documents, at a minimum, are required.

- A. Schedule a pre-application meeting with County personnel.
- B. Three paper copies of a preliminary plat.
- C. A letter from a title insurance company or the county assessor providing the names and addresses of the property owners of record for the proposed division of land and the property owners within 300 feet of the exterior boundaries of the proposed division of land.
- D. Plat certificate/title report from a title insurance company.
- E. Design or proposed method of water and/or sewage systems.
- F. A completed SEPA environmental checklist.

G. Applicable fees.

Note: Additional information may be required during the review process.

16.04.030 Preliminary plat - Standards.

Every preliminary plat shall be drawn upon sheets twenty-four (24) inches wide by thirty-six (36) inches long. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision on one sheet with block and lot numbers. Each sheet of the preliminary plat shall contain the subdivision's name, the scale and a north arrow. A marginal line shall be drawn around each sheet leaving a blank margin on all sides. The following information shall be disclosed on the plat:

- A. The name of the proposed subdivision.
- B. The legal description of land contained within the subdivision.
- C. The names, addresses, including e-mail, and telephone numbers of all persons, firms and corporations holding interests in the said land.
- D. The name, address, telephone number and seal of the registered land surveyor who made, or under whose supervision was made, a survey of the proposed subdivision.
- E. The date of said survey.
- F. The boundary lines of the proposed subdivision.
- G. All existing monuments and markers.
- H. The boundaries and approximate dimensions of all blocks and lots within the proposed subdivision; together with the numbers proposed to be assigned to each lot and block.
- I. The location, names and width of all existing streets, roads and easements within the proposed subdivision and adjacent thereto.
- J. The location and, where ascertainable, sizes of all permanent buildings, wells, watercourses, bodies of water, all overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines and other important features existing upon, over or under the land proposed to be subdivided.
- K. Topographic information if any slopes exceed 10%.

L. A layout of proposed roads, alleys, utility mains and parcels proposed to be dedicated or reserved for public uses.

M. Plans of proposed water distribution systems, sewage disposal systems and drainage systems (as required) indicating locations.

N. A sketch of the general vicinity at least 800' in all directions from which the land proposed for subdivision lies, upon which are identified owners of land adjacent to the subdivision and the names of any adjacent subdivisions.

O. A copy of all restrictive covenants proposed to be imposed upon land within the subdivisions.

P. The approximate location of all existing houses within the area to be platted.

Q. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown.

16.04.040 Procedure - Notice of hearing.

After the administrator has set a date for a public hearing before the planning commission, notification shall be conducted pursuant to RCW 58.17.090.

16.04.050 Hearing.

A. At the public hearing the planning commission shall consider all relevant evidence to determine whether to recommend that the preliminary plat be approved or disapproved by the board of county commissioners. County engineering and health department(s) shall submit to planning services their recommendations, which will be attached to the commission's report for transmittal to the board. The commission will assure that the plat is in conformance with the county comprehensive plan and other adopted development standards. Recommendations shall be submitted to the board of county commissioners not later than fourteen (14) days following the public hearing. Upon receipt of the recommendation on any preliminary plat the board shall, at its next public meeting, set the date for the public meeting where it shall consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the board of county commissioners deems a change to be necessary in the planning commission's recommendations on the preliminary plat, the board of county commissioners shall adopt its own recommendations and approve or disapprove the preliminary plat. Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support

the decision or recommendation. A record of all public meetings and hearings shall be kept by the appropriate county authority and shall be open to public inspection.

16.04.060 Preliminary plat approval - Plat revocation - Sales, transfer.

A. Approval of the preliminary plat shall constitute authorization for the applicant to develop the subdivision's facilities and improvements in strict accordance with standards established by this chapter and any conditions imposed by the board.

B. Violation of preliminary plat conditions may result in revocation of plat approval.

C. All payments on account of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land following preliminary plat approval 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.

16.04.070 Conforming to development codes and comprehensive plan.

A. All regular and short subdivisions, recreational vehicle and/or manufactured home subdivisions, subject to this title shall be in compliance and consistent with RCW 58.17, "Title 17- Zoning," the Lincoln County comprehensive plan and other applicable development regulations in effect at the time a plat is filed for approval.

16.04.080 Design - Topographical hazards, protective improvements.

A. Land on which exists any topographical conditions hazardous to the safety or general welfare of persons or property, in or near a proposed subdivision, shall not be subdivided, unless the construction of protection improvements will eliminate the hazards or unless land subject to the hazard is reserved for uses as will not expose persons or property to the hazard.

B. Protective improvements shall be constructed prior to final plat approval. Also, protective improvements and restrictions on use shall be clearly noted on the final plat.

16.04.090 Standards - Subdivision roads.

A. Direct access to every lot shall be provided by a public or private road. The access/utility easement shall be at least 60'. A private driveway easement may be used to serve two or fewer lots.

B. Proposed subdivision roads that are adjacent to existing or proposed paved county roads and/or state roads, are required to have a minimum of a six-inch (6") sub-grade bar ditch, six-inch (6") of base course, three-inch (3") top course and hard surfacing (e.g.

2-shot chip-seal or two-inch (2") asphalt paving or alternative design standards as approved by county engineering, prior to final plat approval.

C. Any subdivision, including all lots within, that are adjacent to an incorporated city or town, shall be served by roads constructed pursuant to the city or town's adopted road standards or as determined by the public works department.

D. All roads within subdivisions shall be private roads. Private roads may be petitioned to become county roads by following the procedures and standards set forth by the public works department and in RCW 36.81.

E. When feasible, as determined by the County, subdivisions subject to this chapter shall have a minimum of two (2) points of ingress/egress, to provide better emergency services ingress/egress points.

F. Pursuant to RCW 58.17.280, all subdivision lot numbers and addresses must be clearly shown on the final plat at the time of approval.

G. All subdivision private roads subject to this chapter are required to have road signs installed with approved road names, pursuant to Lincoln County addressing and E911 standards, prior to final plat approval.

16.04.095 Utilities

A. Provisions for adequate domestic water supply and/or fire protection shall be in compliance with current Lincoln County, Department of Health or other appropriate agencies' regulations.

B. Provisions for adequate sewage disposal shall be in compliance with Lincoln County Environmental Health, Washington State Department of Health, Department of Ecology or other appropriate agencies' regulations.

C. Easements for electric, water, sewer, gas and similar utilities shall be illustrated on the final plat. The utility purveyors shall indicate to the County in writing that the easements are adequate for their service needs.

16.04.096 Stormwater

Provisions for Stormwater runoff shall be in accordance with the Department of Ecology's Stormwater Manual for Eastern Washington.

16.04.100 Development of improvements - Performance bond.

As an alternative to the requirement that all improvements be installed prior to approval of the final plat, the board of county commissioners may accept a performance bond conditional upon satisfactory completion of all improvements within one year from the date of approval of the final plat.

16.04.110 Development of improvements - Water and sewage.

Where, in the opinion of the Lincoln County health department or other agencies with jurisdiction as to the adequacy of the proposed means of sewage disposal and water supply and if deemed necessary, a suitable provision shall be made for the construction of a public water and/or sewer system to prevent pollution and to provide adequate water and sewage facilities where private facilities are not feasible.

16.04.120 Survey - Slide areas.

Where a subdivision or plat appears to be in a potential or active slide area, as shown on the landslide maps prepared by the United States Bureau of Reclamation, it shall be the duty of the developer to submit a geo-engineering report, prepared by a registered professional engineer and stamped thereon to assure that the burden of proof is upon the developer and not upon the county. Also, all subdivisions of land shall be subject to the development criteria, pursuant to Lincoln County critical areas regulations.

16.04.130 Survey - Preparation of plats.

The survey of every proposed subdivision, and the preparation of preliminary and final plats thereof, shall be made by or under the supervision of a professional land surveyor who shall certify on the plat that is a true and correct representation of the land actually surveyed. All surveys shall conform with the Survey Recording Act RCW 58.09, Survey and Land Descriptions WAC-332-130.

16.04.140 Survey - Survey notes accuracy.

A. The surveyor shall, on regular subdivisions pursuant to this chapter, furnish the county engineer with survey notes, which shall clearly show the following:

1. The ties to each permanent monument.
2. At least three durable, distinctive reference points or monuments.
3. Sufficient data to determine readily the bearing and length of each line.
4. The base meridian.

B. A traverse of the boundaries of the subdivision and all lots and blocks shall close within an error of one foot in five thousand (5,000) feet.

16.04.150 Survey - Orientation of the subdivision.

Primary survey control points shall be referenced to section corners and monuments. Corners of adjoining subdivisions or portions thereof shall be identified and ties shown.

16.04.160 Survey - Permanent control monuments.

A. Permanent control monuments shall be established at the following:

1. All controlling corners on the boundaries of the subdivision;
2. The intersections of centerlines of roads within the subdivision;
3. The beginning and ends of curves on center-lines; and
4. All block corners.

B. Upon prior approval of the county engineer, permanent control monuments may be placed on offset lines. The position and type of every permanent monument shall be noted on all plats of the subdivision. Permanent control monuments shall be scribed or center punched in 2" pipe, 24" long, filled with concrete or an approved equivalent.

16.04.170 Survey - Permanent control monuments in roads.

Permanent control monuments, within the streets, shall be set after the roads are graded. In the event a final plat is approved before roads are graded, the surety deposited to secure grading shall be sufficient to pay the costs estimated by the county engineer to set such monuments.

16.04.180 Survey - Lot corners.

Every lot corner shall be marked by a ¾" galvanized iron pipe or approved equivalent set into the ground.

16.04.190 Survey - Property contiguous to water.

A. If any land in a subdivision is contiguous to a body of water a meander line shall be established along the shore at a safe distance back from the ordinary high-water mark. Distances along the side property lines extending from the meander line shall define property lying beyond the meander line.

B. If the thread of a stream lies within a subdivision or forms the boundary of a subdivision, such thread shall be defined by bearing and distance, as it exists at the time of the survey.

16.04.200 Dedications - Required.

No plat shall be approved unless adequate provision is made in the subdivision for such drainage ways, roads, alleys, easements, parks, playgrounds, sites for schools, school grounds and other general purposes as may be required to protect the public health, safety and welfare.

16.04.210 Dedications - Shown on plat.

All dedications of land shall be clearly and precisely indicated on the face of the plat.

16.04.220 Dedications - Protective improvements.

Protective improvements and easements to maintain such improvements shall be dedicated.

16.04.230 Dedications - Access to public waters.

Plats of subdivisions containing land adjacent to publicly owned or controlled bodies of water shall contain dedications of access to such bodies of water, unless the board determines the public use and interest will not be served thereby. Such dedications shall be to the low water mark and shall include easements for pedestrian traffic at least 15 feet wide bordering the ordinary high water mark.

16.04.240 Dedications - Exemption, conveyance to corporation.

If the board of county commissioners concludes that the public interest will be served thereby, the board may, in lieu of requiring the dedication of land in a subdivision for protective improvements, drainage ways, roads, alleys, parks, playgrounds, recreational, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school and/or bus stops, community or other general purposes, allow the said land to be conveyed to a home owner's association or similar nonprofit corporation.

16.04.250 Dedications - Exemption, corporation membership and responsibilities.

A developer who wishes to make a conveyance as permitted by section 16.04.240 shall, at or prior to the time of filing a final plat for approval, supply the board with copies of the grantee organization's articles of incorporation and bylaws and with evidence of conveyance or a binding commitment to convey. The articles of incorporation shall

provide that membership in the organization shall be appurtenant to ownership of land in the subdivision; that the corporation is empowered to assess the said land for costs of construction and maintenance of the improvements and property owned by the corporation, and that such assessments shall be a lien upon the land. The board may impose other conditions, as it deems appropriate, to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

16.04.260 Final plat - Filing period.

At any time within five years following the board's approval of a preliminary plat, the developer shall file the original and four copies of a proposed final plat with the administrator. One of these copies must be an approved reproducible copy. A time extension may be applied for. If a request for an extension of time is not submitted and approved, the preliminary approval expires and the subdivision is null and void. An application form and supporting data for time extension requests must be submitted to the Director at least thirty (30) days prior to the expiration of the preliminary plat.

The Director may administratively approve an extension provided there are no significant changed conditions which would render filing of the plat contrary to the public health, safety or general welfare.

The Director may grant one three (3) year time extension that may include additional or altered conditions and requirements recommended by affected agencies. Additional one (1) year time extensions may be granted by the Director at his/her discretion beyond the initial three (3) year extension.

The Director shall issue written notice approving or denying the time extension request and proved copies to affected agencies, the applicant, and those parties requesting a copy of such decision.

16.04.270 Final plat - Standards.

A. Every final plat shall be computer generated or drawn in ink upon mylar or other approved material in sheets twenty-four (24) inches wide by thirty-six (36) inches long. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision on one sheet with block and lot numbers. Each sheet of the final plat shall contain the subdivision's name, the scale and a north arrow. A marginal line shall be drawn around each sheet, leaving a blank margin on all sides. All signatures affixed to a final plat shall be original signatures written in permanent black ink. All drawing and lettering on the final plat shall be in permanent black ink, or an approved equivalent. Every final plat shall include an accurate map of the subdivided land, based upon a complete survey thereof, which map shall include:

1. All section, township, municipal and county lines lying within or adjacent to the subdivision.
2. The location of all monuments or other evidence used as ties to establish the subdivision's boundaries.
3. The location of all permanent control monuments found and established within the subdivision.
4. The boundary of the subdivision with complete bearings and lineal dimensions.
5. The length and bearings of all straight lines; the radii, arcs and semi-tangents of all curves.
6. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field.
7. The location, width, centerline and name or number of all streets within and adjoining the subdivision.
8. The location and width shown with broken lines and description of all easements.
9. Numbers assigned to all lots and blocks within the subdivision.
10. Names of any adjacent subdivisions.

In addition to the map or maps, every final plat shall contain written data including: (See our web site www.co.lincoln.wa.us for requirements)

1. The name of the subdivision.
2. The legal description of land contained within the subdivision.
3. A certificate of the registered land surveyor who made, or under whose supervision was made, the survey of the subdivision in substantially the following language.

"I _____, registered as a land surveyor by the State of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of _____, 20____, through _____, 20 ____; that the distances, courses and angles are shown thereon correctly; and that monuments other than those monuments approved for setting at a later date, have been set and lot corners staked on the ground as depicted on the plat."

4. The following signatures are required on the final plat:

- a. Lincoln County Engineer
- b. Lincoln County Planner
- c. Lincoln County Sanitarian
- d. Lincoln County Treasurer
- e. Lincoln County Commissioners

16.04.280 Final plat - Submission to board.

The administrator shall acknowledge receipt of a proposed final plat, which meets all standards established by state law and this chapter and forward the original plus four copies to the clerk of the board.

16.04.290 Final plat - Board determination.

A. The board shall, at its next public meeting or any continued meeting, determine:

- 1. Whether conditions imposed when the preliminary plat was approved have been met.
- 2. Whether the bond, if there be one, by its essential terms assures completion of improvements.
- 3. Whether the public use and interest will be served by approving the proposed final plat.
- 4. Whether the public use and interest will be served by accepting the proposed dedications to the public of protective improvements, drainage ways, roads, alleys, sidewalks, parks, playgrounds, recreational, community or other general purposes, if applicable.
- 5. Whether the requirements of state law and this title have been satisfied by the developer.

B. The board shall thereupon approve or disapprove the proposed final plat. If the board approves the plat, the administrator shall return the signed original to the owner or his/her agent for recording with the County Auditor.

C. A subdivision shall be governed by the terms of approval of the final plat and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3), for a period of five years after final plat approval unless the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

16.04.300 Plat vacations - Alterations.

When any person is interested in the vacation or alteration of any subdivision granted approval under this chapter, that person shall file an application of request with Land Services and approval shall be required by the board of county commissioners, pursuant to RCW 58.17.212 through 58.17.218.

Chapter 16.08

DIVISIONS OF FOUR OR FEWER LOTS

Sections:

- 16.08.010 Applicability.
- 16.08.020 Procedure - Preliminary plat requirements.
- 16.08.030 Final plat requirements.
- 16.08.040 County - Agency review.
- 16.08.050 Approval - Filing, dedication.
- 16.08.060 Disapproval - Notifications.
- 16.08.070 Easements.
- 16.08.080 Consistent with development codes and comprehensive plan.
- 16.08.090 Road requirements - Access to lots.
- 16.08.095 Utilities
- 16.08.096 Stormwater
- 16.08.100 Survey standards.
- 16.08.110 Survey - Monuments and markers.
- 16.08.120 Dedications.
- 16.08.130 Dedications - Shown on face of short plat.
- 16.08.140 Re-subdivision requirements – Platting limitations.
- 16.08.150 Short subdivisions vacations - Alterations.

16.08.010 Applicability.

Every short plat of land for the purpose of sale, lease, or transfer of ownership into four (4) or fewer lots, parcels or tracts of less than twenty (20) acres in area and within the unincorporated area of Lincoln County shall proceed in compliance with this title, chapter and Chapter 58.17 RCW. **16.08.020 Procedure - Preliminary plat requirements.**

A. Any person desiring to divide land situated within an unincorporated area of Lincoln County into four or fewer lots for the purpose of sale, lease, or transfer of ownership shall submit to land services a completed application, required fees, three (3) eighteen (18) inches by twenty-four (24) inches draft paper copies pursuant to the requirements established in section 16.08.030 of this chapter.

B. A plat certificate from a title insurance company shall also be provided.

16.08.030 Final plat requirements.

The final plat drawn shall be produced on mylar, or other approved material on eighteen (18) inches by twenty-four (24) inches sheets. The plat map shall disclose:

- A. The short subdivision's name, the scale and a north arrow.
- B. A marginal line around each sheet, leaving a blank margin on all sides.
- C. The legal description of the land.
- D. The names, addresses and telephone numbers of all persons holding interests in the land.
- E. The name, address, telephone number and seal of the registered land surveyor who made, or under whose direction was made, a survey of the short subdivision.
- F. The date of the survey.
- G. The boundary lines of the short subdivision.
- H. The boundaries of lots within the short subdivision.
- I. The locations of roads, approved ingress/egress points, water wells and existing important natural features and existing and proposed improvements within the short subdivision.
- J. A layout of roads and easements, including auditor filing number(s), where required, for easements created by the platting.
- K. The boundaries of all parcels dedicated or reserved for public or community uses.
- L. Plans of proposed water distribution systems, sewage disposal systems and drainage systems.
- M. A certificate bearing the names of all persons having an interest in the divided land, signed and acknowledged by them before a notary public, which:
 - 1. States their consent to the division of land.
 - 2. Recites a dedication by them of all land shown on the short plat to be dedicated for public uses.

3. Grants a waiver by them and their successors of all claims for damages against any governmental authority arising from the construction and/or maintenance of public facilities and public property within the short subdivision.

N. Total acreage within the short subdivision.

O. Topographic information of lands on proposals with slopes greater than twenty-five (25%) percent.

P. Pursuant to Chapter 58.17.280 RCW, all short subdivision lot numbers and addresses must be clearly shown on the short plat at the time of approval.

Q. Signature blocks for approval by the county planning director, health director/sanitarian, county engineer, treasurer and auditor. Note: Additional information may be required during the review process.

16.08.040 County - Agency review.

A. Following the submittal of a completed short plat application to land services with the required fees and related materials, the director shall, after review, affirm that the proposed short subdivision does or does not conform to the comprehensive plan, existing zoning and/or development regulations.

B. The county sanitarian/public health department shall, after review, notify the director that domestic water and sanitary sewage disposal methods contemplated for use in the proposed short subdivision does or does not conform to Lincoln County and Washington State water standards/requirements. C. Lincoln County Public Works shall, after review, notify Planning of any revisions and/or clarifications needed to proceed with approval.

16.08.050 Approval - Filing.

When the short plat is approved and required signatures secured, the landowner or agent shall transmit the final mylar and required copies to the county auditor for filing.

16.08.060 Disapproval - Notifications.

If the administrator disapproves the proposed short plat and short subdivision, the developer shall be notified in writing of the specific reasons for the disapproval.

16.08.070 Easements.

A short plat shall not be approved unless adequate easement provisions are made for utilities, including; water, roads, fire protection and any parks, playgrounds, sites for schools and for considering sidewalks and other planning features that assure safe

walking conditions for students walking to and from school, and other general purposes, as may be required to protect the public health, safety and welfare.

16.08.080 Consistent with development codes and comprehensive plan.

All short subdivisions shall be consistent with the county comprehensive plan, zoning code and applicable development regulations in effect at the time a short plat is filed for approval.

16.08.090 Road requirements - Access to lots.

A. Every short plat and lot shall be served by a public road or a private road with a minimum 60-foot right-of-way easement, unless documented unfeasible by the planning director, e.g. county road not having a sixty (60) foot easement, easements crossing state/federal lands and/or unable to reasonably obtain additional easement, but otherwise meeting the road standards and public safety requirements of this title and section. All private roads within the plat shall be built to basic standards (base rock/gravel, slope, culverts, etc.) that will accommodate safe travel, ingress and egress for lot owners, fire and/or other emergency responders prior to plat approval.

B. Private ingress/egress and interior roads adjacent to paved county and/or state roads and serving six (6) or more lots platted by the same owner shall have a minimum of a six-inch (6") sub-grade ditch, six-inch (6") of base course, three-inch (3") top course and hard surfacing (e.g. 2-shot chip-seal or two-inch (2") asphalt paving or alternative design standards as approved by county engineering, prior to final plat approval.

C. Where required, cul-de-sacs shall have a 50-foot minimum radius or approved hammer-head turn-around.

D. Short plats adjacent to a county or state road shall have an approved ingress/egress road approach permit prior to final short plat approval.

E. Surface water runoff shall be managed as to not adversely impact adjacent properties and/or any county road or county right-of way. This may include placement, adjacent to a county road, of waterways, catch basins and/or culverts or other devices, as determined by the county engineer.

F. The county engineer may review the need for a retaining structure(s) on short plat proposals adjacent to a county right-of-way where slope failure could most likely occur. Any structures determined to be required, must have county engineer approval, prior to installation.

G. The following language is required to be on the face of all short plats:

Lincoln County has no responsibility to build, maintain, improve or otherwise serve the private roads within this short subdivision. By approving this short plat or subsequently by allowing building permits to be issued for property on a private road, Lincoln County assumes no obligations for said road(s). The lot owner(s) acknowledge that Lincoln County has no obligation of any kind to establish, examine, survey, construct, alter, repair, improve, maintain or provide drainage or snow removal for the private road(s). Should the private roadway be petitioned for establishment as a county road, the lot owners shall be required to bear the expense to upgrade the road to prevailing county road standards and that Lincoln County is hereby granted the right of ingress and egress to all private roads within or serving this short subdivision.

H. A private road may become a county road by following the procedures set forth in Chapter 36.81 RCW. Private roads being considered must meet current public works road standards for consideration, as determined by the county engineer, including having a sixty (60') feet minimum easement serving regular subdivision lots.

16.08.095 Utilities

A. Provisions for adequate domestic water supply and/or fire protection shall be in compliance with current Lincoln County, Department of Health or other appropriate agencies' regulations.

B. Provisions for adequate sewage disposal shall be in compliance with Lincoln County Environmental Health, Department of Health, Department of Ecology or other appropriate agencies' regulations.

C. Easements for electric, water, sewer, gas and similar utilities shall be illustrated on the final plat. The utility purveyor shall indicate to Land Services in writing that the easements are adequate for their services.

16.08.096 Stormwater

Provisions for Stormwater runoff shall be in accordance with the Department of Ecology's Stormwater Manual for Eastern Washington.

16.08.100 Survey standards.

The survey of every proposed short subdivision, and the preparation of preliminary and final plats thereof, shall be made by or under the supervision of a professional land surveyor who shall certify on the plat that it is a true and correct representation of the land actually surveyed. All surveys shall conform with the Survey Recording Act RCW 58.09, Survey and Land Descriptions WAC-332-130.

16.08.110 Survey - Monuments and markers.

All permanent monuments within the subdivision shall be located and described, and all controlling corners on the boundaries of the short subdivision shall be marked by a ¾" galvanized iron pipe or approved equivalent driven into the ground. All monuments and markers shall be shown on the face of the plat.

16.08.120 Dedications.

Land for public use may be acquired by:

- A. Dedicating land for public use.
- B. By reserving land for future public acquisition and development.
- C. By conveying land or easements therein to nonprofit corporations for use by all or a limited segment of the public.

16.08.130 Dedications - Shown on face of short plat.

All dedications and reservations shall be clearly and precisely shown on the face of the plat.

16.08.140 Re-subdivision requirements – Platting limitations.

A. Land within an approved short plat may not be further divided within a period of five (5) years, without the filing of an application for a regular subdivision, pursuant to LCC 16.04 and RCW 58.17.060, except that when the short plat contains fewer than four (4) parcels, the owner, who filed the original short plat, may submit an alteration application to create up to the total of four (4) lots within the original short plat boundaries.

B. An application for short platting a contiguous owned parcel may not be submitted for a period of two (2) years, unless the proposal includes a state approved engineered or equivalent water and sewage treatment system(s) and the proposal is consistent with all of the provisions of this title and RCW 58.17. Also, the above requirements do not preclude submitting an application for a regular subdivision, pursuant to chapter 16.04, within the two (2) year waiting period.

16.08.150 Plat vacations - Alterations.

Any vacation or alteration of a short subdivision granted approval under this chapter shall be processed, pursuant to RCW 58.17.

Chapter 16.12

LARGE LOT DIVISIONS

Sections:

- 16.12.010 Purpose.
- 16.12.020 Applicability.
- 16.12.030 Road access to parcels.
- 16.12.040 Land description requirements - General Information.
- 16.12.050 Procedure - plat requirements.
- 16.12.060 Consistency review.
- 16.12.070 Filing - Dedications and easements - Taxes.

16.12.010 Purpose.

In certain large rural divisions of land, it is the intent of the Lincoln County board of county commissioners:

- A. To promote an orderly pattern of large rural tracts and review the divisions for consistency with the comprehensive plan and other applicable requirements.
- B. To provide adequate emergency services access to homes on large rural lots.
- C. To promote establishment of maintained roadways and easements to provide for safe traffic circulation and movement in large parcel divisions.
- D. To provide adequate management of surface water run-off from roadways and easements throughout the platted area without impacting adjacent properties.
- E. To provide an administrative process with a level of review that is proportional to the effect those parcels may have on the surrounding area and/or county roads. It is not intended, at this stage, to provide a detailed level of review and requirements, which occurs for smaller lots, pursuant to chapters 16.04 and 16.08 of this title.

16.12.020 Applicability.

Division of more than two (2) lots, for the purpose of sale, lease, or transfer of ownership that are equal to or greater than twenty (20) acres, but less than forty (40)

acres in area and within the unincorporated area of Lincoln County shall proceed in compliance with this chapter.

16.12.030 Road access to parcels.

A. Division of more than two (2) large parcels shall be served by a public or private road with a minimum sixty (60') feet right-of-way, unless determined not feasible by the director, e.g. crossing state/federal lands and/or unable to reasonably obtain additional easement, but otherwise meets public safety requirements of this section. All private roads serving three (3) or more large parcels shall be built and maintained to basic standards (base rock/gravel, slope, culverts, etc.) that accommodate safe travel, ingress and egress for lot owners, fire and/or other emergency responders.

B. All cul-de-sacs shall have a minimum of 50-foot radius or an approved alternative.

C. Large lot divisions of land adjacent to a county or state road shall comply with the respective ingress/egress road approach requirements/standards prior to approval.

D. Surface water runoff shall be managed as to not adversely impact adjacent properties and/or any county road or right-of way. This may include; placement of waterways, catch basins and/or culverts or other devices.

E. The county engineer may review those large lot land division proposals adjacent to any county road right-of-way that have slope failure characteristics and the need for retaining structures. Any structures determined to be required must have the county engineers approval prior to installation.

E. All private roads within large lot divisions of land shall be maintained by the developers and/or land owners.

F. A private road may become a County road by following the procedures set forth in Chapter 36.81 RCW. (Note: Private roads must meet current county road standards for consideration).

G. Prior to recording of the final large lot division, the applicant shall improve or make appropriate provisions with the County, for the construction/maintenance of the public or private road(s) consistent with applicable County requirements.

16.12.040 Land description requirements - General Information.

Segregating large lots must have a written description that can be surveyed by a licensed surveyor. Though an actual survey is advisable it is not required. Licensed surveyors have very accurate tools at their disposal to determine precise bearings and distances. A basis of bearing is necessary for the bearings to be meaningful. Without the

tools and expertise available with a surveyor, legal descriptions are somewhat limited though they are often adequate on large lots. Surveyable descriptions must include references to permanent landmarks and/or monuments. Monuments set by previous surveyors are often the best references to use. A person who has never been to the property should be able to draw the parcel on a map from your description. A surveyor can help you write a surveyable description and will often do so for much less than an actual survey.

16.12.050 Procedure – plat requirements.

A. Any person desiring to divide land situated within an unincorporated area of Lincoln County into large parcels (20 acres or more) for the purpose of sale, lease, or transfer of ownership, shall submit to land services a completed application and applicable fees. Application submittal shall, at a minimum, include:

1. A neat and approximate drawing of the proposal on eighteen (18”) inch by twenty-four (24”) inch (*record of survey size for surveyed proposals*) or eight and one-half (8 ½”) by fourteen (14”) (*legal size for recording non-surveyed proposals*) paper showing the general layout of roads, parcels, easements, contour lines, appropriate signature blocks (planning, county engineer, treasurer and auditor) and other elements consistent with the requirements of this chapter. The drawing must also include the name of the large lot division, scale, and north arrow.

2. Accurate legal description for each parcel created.

B. A plat certificate from a title insurance company shall also be provided.

C. The planning director or his/her designee, may require a survey if they deem necessary for accurate review.

D. A certificate bearing the names of all persons having an interest in the divided land, signed and acknowledged by them before a notary public, which:

1. States their consent to the division of land.

2. Recites a dedication by them of all land shown on the plat to be dedicated for public uses.

The drawing and other information shall be the basis for the review for consistency of the large lot division of land. *Check with planning services for any revisions.*

Note: Additional information may be required during the review process.

16.12.060 Consistency review.

A. The administrator, after proposal review, shall determine whether or not the proposed large lot division does or does not conform to the comprehensive plan, zoning requirements and other applicable development standards. Compliance with all health, zoning, development and building codes is required prior to development activities.**16.12.070 Filing - dedications, easements - Taxes.**

After the large lot division has been determined to be consistent with county requirements and required signatures secured, the owner or his/her representative shall transmit the drawing(s) and all required conveyance documents to the county auditor for filing. Any dedications and easements shall be noted on the face of the drawing. The county treasurer must verify that taxes are paid in full prior to final filing.

Chapter 16.16

BINDING SITE PLANS

Sections:

- 16.16.010 Purposes.
- 16.16.020 Applicability - General conditions.
- 16.16.030 Application - Site Plan requirements.
- 16.16.040 Review - Preliminary approval - Limitations.
- 16.16.050 Revisions.
- 16.16.060 Final plan approval - Treasurer - Recording - Taxes.

16.16.010 Purposes.

- A. To provide an alternative method for division of land for commercial or industrial zoned property.
- B. To provide an alternative method for division of land for manufactured home parks, travel trailers, recreational vehicle divisions/sites, townhouses and condominiums pursuant to this title, Chapter 58.17 RCW, Chapter 64.32 RCW or Chapter 64.34 RCW.
- C. To specify administrative requirements for binding site plans, pursuant to applicable state and Lincoln County development regulations.

16.16.020 Applicability - General conditions.

- A. Any person seeking the use of a binding site plan process to divide property for; the purpose of sale, lease or transfer of ownership of commercial or industrial zoned property within the unincorporated areas of Lincoln County; and/or the lease of lands for manufacture homes, travel trailers, recreational vehicles; and/or creating lots and sites for townhouses, cottage homes, and/or condominium units are required to have an approved binding site plan, pursuant to Chapter 58.17 RCW, Chapter 64.32 or 64.34 RCW and/or this title.
- B. Lots, parcels or tracts created through the binding site plan procedure shall be legal lots and all provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel or tract created, pursuant to the binding site plan.

C. No person shall sell, transfer or lease any lot, tract or parcel created, pursuant to the binding site plan that does not conform to the requirements of the binding site plan and applicable county development regulations.

16.16.030 Application - Site Plan requirements.

A. Application for a binding site plan shall be made to land services on county provided forms and be accompanied by four (4) copies of the site plan drawing(s) and applicable fees.

B. The site plan, at a minimum, shall include the following:

1. A neat and accurate drawing at a scale of not less than one inch for each two hundred feet on a sheet or sheets measuring eighteen (18) inches by twenty-four (24) inches. (*Record of survey size*)

2. A complete survey of the entire property boundary and the initial lots to be created, if any, including the legal description, north arrow, scale, surveyor's certificate and applicable department and owner(s) signature blocks, etc. Lots created after the time of filing the final binding site plan shall be surveyed and reviewed for consistency with the final site plan and applicable development regulations.

3. The plan shall show the location of all existing structures and all existing or proposed lots, streets, roads, improvements, utilities and open spaces.

4. Provision for all appropriate deeds, dedications and/or easements.

5. Show existing and proposed storm-water drainage systems.

6. Show topography, with contour intervals representing no more than ten (10) feet of elevation change or as determined by the administrator.

7. Show any ponds, creeks, wetlands, etc.

Note: Please check with land services for an electronic application package.

16.16.040 Review - Preliminary approval – Limitations -Taxes.

A. Upon receipt of a completed application, required materials and applicable fees, land services shall send a copy of the application and required materials to departments/agencies with jurisdiction for their review and comments.

B. The administrator shall review the binding site plan for compliance with the provisions of this chapter and applicable development regulations in effect at the time the proposal was submitted and shall determine whether the proposed plan serves and makes appropriate provisions for public health, safety and general welfare.

C. If all requirements for approval are met, the administrator shall approve the preliminary binding site plan and set forth all conditions for final binding site plan approval.

D. The approval of a preliminary binding site plan by the administrator authorizes the applicant to prepare the final site plan and develop the required improvements and facilities in accordance with conditions of approval.

E. No sale, lease or transfer of any lot proposed by the site plan shall occur until a final binding site plan has been approved by the administrator and recorded with the county auditor.

16.16.050 Revisions.

Revisions of an approved binding site plan shall be reviewed by the planning director for consistency with the final site plan and applicable development requirements and regulations.

16.16.060 Final plan approval - Treasurer - Recording.

A. After all conditions of preliminary binding site plan approval are finalized and approved by the planning director, the developer shall submit the final binding site plan to the administrator for final review and approval.

B. The applicant shall, pursuant to Chapter 58.08 RCW, provide certification from the Lincoln County treasurer that property taxes for the subject property are not delinquent prior to issuance of a final approval.

C. After final approval has been granted, the applicant shall file the final binding site plan with the county auditor and pay the applicable recording fee(s).

Chapter 16.20

BOUNDARY LINE ADJUSTMENTS

Sections:

- 16.20.010 Purpose.
- 16.20.020 Application - Requirements
- 16.20.030 Procedures - Limitations.
- 16.20.040 Final approval - Recording required - Taxes.

16.20.010 Purpose.

The purpose of this chapter is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of lots or building sites in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve or qualify as a building site, to achieve setbacks from property lines, or for other similar purposes. **16.30.020 Application - Requirements.** Any person desiring approval of a boundary line adjustment shall submit a completed Lincoln County boundary line adjustment application and applicable fee(s) to the administrator. All application requirements must be completed. **16.20.030 Procedures - Limitations.** Adjustment of boundary lines between adjacent parcels shall be consistent with the following review procedures and limitations: A. The administrator shall review the request for consistency with all applicable Lincoln County development regulations. B. Any adjustment of boundary lines must be approved by the administrator prior to the transfer of property ownership between adjacent parcels. C. A boundary line adjustment proposal shall not: 1. Result in the creation of an additional lot. 2. Result in a lot that does not qualify as a building site pursuant to this title.

3. Reduce the overall area in a plat or short plat devoted to open space.
4. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat.
5. Involve lots that do not have a common boundary.
6. Circumvent the subdivision or short subdivision procedures set forth in this title.

D. The elimination of lines between two or more parcels for the purpose of creating a single lot that meets requirements as a building site shall be considered a minor adjustment of boundary lines.

E. Perimeter surveyed lines that were included in an original binding site plan may not be altered by a boundary line adjustment. **16.20.040 Final approval - Recording required- Taxes paid.**

After the boundary line adjustment is reviewed and approved by the administrator, the applicant or their representative shall present the approved application and related materials to the county auditor for filing and pay applicable recording fees. Taxes must be paid in full on parcels subject to this process and the Lincoln County treasurer must verify by signature prior to recording.