

Title 58 SUBDIVISION CONTROL

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Chapter 58.09 SURVEY RECORDING

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58.09.010 PURPOSE.

The purpose of this chapter is to implement the Survey Recording Act (Chapter 58.09 RCW) and to assist in preserving evidence of land surveys by establishing fees for recording a public record as prescribed by the Act.

(Res. 19-88 § 1)

58.09.020 RECORD OF SURVEY.

The record of land surveys (including surveys, subdivision plats, short plats, and condominium surveys, plats or maps) shall be eighteen inches by twenty-four inches and filed according to the following fee schedule:

- A. Basic fee, first page, Fifty-four Dollars;
- B. Each additional page, Five Dollars.

(Res. 175-99 § 1: Res. 19-88 § 2)

58.09.030 SURVEY COPIES.

Copies of the record of survey shall be provided on request according to the following fee schedule:

- A. Basic fee, first page, Five Dollars;
- B. Each additional page, Three Dollars.

(Res. 19-88 § 3)

58.09.040 RECORD OF CORNER INFORMATION.

The record of corner information shall be filed without charge on the standard form prescribed by the Department of Natural Resources, Bureau of Surveys and Maps.

(Res. 19-88 § 4)

58.09.050 RECORD OF CORNER INFORMATION COPIES.

Copies of the record of corner information shall be provided on request according to the following fee schedule:

- A. Basic fee, Two Dollars.

(Res. 19-88 § 5)

58.09.060 EFFECTIVE DATE.

The resolution codified in this chapter shall take effect immediately upon adoption by the Board of County Commissioners.

(Res. 19-88 § 6)

Chapter 58.17 GENERAL PROVISIONS

Sections:

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58.17.101 TITLE.

This chapter shall be known and may be cited as the "Wahkiakum County Subdivision Ordinance."

58.17.102 PURPOSE.

This Ordinance is adopted in the furtherance of Wahkiakum County's Comprehensive Plan and to guide the many complex development problems and different living environments inherent within the County. It is hereby declared that the regulations contained herein are necessary for the protection and preservation of the public health, safety and general welfare, and designated, among other things, to encourage the most appropriate use of land throughout the County; to lessen traffic congestions and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote the coordinated development of unbuilt areas; to

secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; and to facilitate the adequate provision of transportation, water, sewerage, and other public uses and requirements.

58.17.103 APPLICATIONS OF REGULATIONS.

The regulations contained in this Ordinance shall apply to the subdivision of any lot, parcel, or track of land into four (4) or more lots or tracts, or other divisions of land for the purpose of sale or lease, whether immediate or future, including the resubdivision or replatting of land or lots. The regulations shall also apply in every situation where there is a new public or private way for vehicular traffic, easements or land for public use involved. Provided that these regulations shall not apply to the division of land where each parcel is five acres or more in area and no new street dedications are necessary to service said parcels.

58.17.104 REGULATIONS MANDATORY.

Any map, subdivision, plat, replat, or plan hereafter made of any subdivision or any part thereof lying within the territorial limits of Wahkiakum County, with the exception of areas within incorporated cities and towns, shall be presented for approval and recorded as prescribed by this Ordinance. No such subdivision, map, plat, or plan shall be recorded or have a validity as a legal subdivision, addition or plat unless and until it shall have the approval of the Board of County Commissioners and such other approvals as required by this Ordinance.

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58.17.201 DEFINITION OF WORDS AND PHRASES.

For the purpose of this ordinance certain terms and words are defined in this Section. When not inconsistent with the context, words used in the present tense shall include the future; the singular tense shall include the plural, and plural the singular; the word "shall" is always mandatory and the word "may" denotes a use of discretion.

58.17.202 ACCESS DIRECT.

The term Direct Access shall mean the right vested in the owner or lessee of land which adjoins a road or other highway, to ingress and egress from his land to the public road.

58.17.203 ALLEY.

A passage or way less than twenty-one (21) feet wide, open to public travel and dedicated to public use, affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

58.17.204 BLOCK.

A parcel of land bounded by streets, railroad rights-of-way, waterways, parks, unsubdivided acreage, or a combination thereof.

58.17.205 COMPREHENSIVE PLAN.

Coordinated plans for the physical development of the County, designating, among other things, plans and programs to encourage the most appropriate use of land and to lessen congestion throughout the County in the interest of public health, safety and welfare.

58.17.206 COUNTY OFFICIALS.

The word "County" means Wahkiakum County, Washington; the word "Board" means the Board of County Commissioners of said County; the term "County Planner" means the Planning Director of said County; who shall hold office at such place and times as directed by the Board; the term "Commission" means the County Planning Commission of said County; the term "Engineer" means the County Engineer of said County; the term "Health Officer" means the Health Officer of the Cowlitz-Wahkiakum District, Public Health Department.

58.17.207 DEDICATION.

The designation of land by its owner conveyed to the public for any general and public use.

58.17.208 EASEMENT.

A specific and limited right of usage of real property granted by an owner to specific persons, firms, corporations, or the public.

58.17.209 FINAL SUBDIVISION.

The plan of a plat, subdivision, dedication, or any portions thereof, prepared for filing for record with the County Auditor and containing those elements and requirements as set forth in this ordinance.

58.17.210 FRONTAGE.

Frontage denotes a parallel line of property on the fronting street or extent of front along a road or street.

58.17.211 GRADE.

The line of the street or ground surface deviation or inclination from the horizontal.

58.17.212 LOT.

A portion of a plat or subdivision to be transferred or developed as a single unit for development purposes.

58.17.213 MASTER PLAN.

For the purposes of this ordinance the term Master Plan shall mean that map, sketch, or other presentation filed with the Planning Commission showing the ultimate development pattern of a parcel of property that is to be developed in successive stages or subdivisions. The plan need not be completely engineered but shall be of sufficient detail to illustrate the property's inherent features and probable

development pattern thereon. The Master Plan will thereafter be used as a guide in each successive stage of the development until its completion.

58.17.214 PLAT.

Synonymous with the term Subdivision, and also specifically refers to the map or other documents illustrating the subdivision.

58.17.215 PRELIMINARY SUBDIVISION.

A neat and approximate drawing of the proposed layout of streets, blocks, lots, and other elements of a plat or subdivision which shall furnish a basis for the Planning Commission's approval or disapproval of the general layout of the plat or subdivision.

58.17.216 PROTECTIVE COVENANTS.

A declaration by the owner which binds the land for the completeness, security, mutual benefits, and continuance of the declared purposes.

58.17.217 RIGHT-OF-WAY.

A right-of-way shall be a strip of land within which is located a passageway.

58.17.218 ROAD—PRIVATE.

A roadway intended for the use of one or more private individuals, developed and maintained by those private individuals who benefit from its establishment.

58.17.219 ROAD—PUBLIC.

A highway or roadway established and adopted by the proper authorities for the use of the general public, over which every person has a right to pass and use for all purposes of travel or transportation to which it is adopted and developed.

58.17.220 ROADWAY.

That portion of a street or alley right-of-way that is improved for vehicular traffic.

58.17.221 SITE.

A plot of ground suitable or set apart for some specific use.

58.17.222 STREET—ACCESS.

A street, usually of limited continuity, which serves primarily to provide access to abutting property.

58.17.223 STREET—ARTERIAL.

Arterial streets connect major traffic generators and are designed for the purpose of moving high volumes of traffic.

58.17.224 STREET—CUL-DE-SAC.

A short street having one end open to traffic and the other end permanently terminated and provided with a vehicular turnaround.

58.17.225 SUBDIVIDER.

Any person, firm, or corporation undertaking the subdividing or resubdividing of any parcel of land.

58.17.226 SUBDIVISION.

The division of a parcel of land, when such parcel exists as a single unit or abutting units under a single ownership into four (4) or more lots or parcels for the purpose, whether immediate or future, or transfer of ownership or lease. This definition shall also include resubdivision of land and when appropriate to the context relates to the process of subdividing or to the land or area subdivided.

PRELIMINARY SUBDIVISION PROCEDURE

[58.17.301 PRELIMINARY SUBDIVISION PROCEDURE.](#)

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58.17.301 PRELIMINARY SUBDIVISION PROCEDURE.

As is recognized in Section 1.02, Wahkiakum County has complex development problems and several different living environments. To guide the County's development various types of subdivisions are included within this ordinance. Each type of subdivision has its own peculiarities and must therefore be treated accordingly. The general form that each subdivision shall follow in submission for consideration is outlined in the following sections of this Article.

58.17.302 APPLICATION OF APPROVAL.

To expedite the final approval of any subdivision, the subdivider shall apply to the County Planning Commission, at the office of the County Planner, on such forms as may be provided or required by the Commission for the approval of a preliminary subdivision. The subdivider shall submit ten (10) copies of the preliminary subdivision with the Application, not less than twenty-one (21) days prior to the Commission meeting at which the application is to be considered, unless said proposed subdivision is located on difficult development land as hereinafter provided in Section 3.05. The County Planner, on behalf of the Planning Commission, shall assign the subdivision application a permanent file number which shall appear on all copies and documents pertaining to said subdivision, and shall submit copies of the subdivision to:

- A. County Engineer, Prosecuting Attorney, Health Officer, Wahkiakum County Public Utility District No. One, and other officials or agencies concerned within the scope of this ordinance.
- B. The Director of Highways when such subdivisions are located adjacent to the rights-of-way of state highways.
- C. Three (3) notices of hearing thereof shall be posted on, or adjacent to, the land to be subdivided, giving notice of the time and place where such hearing is to be held. Said notices shall be posted not less than seven (7) days prior to the Commission hearing. Additional notices may be given by mail if deemed necessary.
- D. Any person may, upon application, be provided with one or more copies of such preliminary subdivision upon payment of One Dollar (\$1.00) per copy to the County Planning Commissioner.

58.17.303 GENERAL REQUIREMENTS.

- A. The preliminary plat, of a scale of not less than fifty (50) nor more than two hundred (200) feet to the inch, containing all the information specified in this Article, shall be prepared by a registered land surveyor or engineer in a neat and legible manner.
- B. A vicinity sketch of a legible scale shall be prepared showing the relationship of the proposed subdivision to existing streets.
- C. The periphery of the proposed subdivision shall show the boundary lines and names of adjacent subdivisions, streets, and tract lines of adjacent parcels of property.
- D. The vertical scale of the street and sewer profiles submitted, (if required) shall be at twenty (20) feet or less to the inch, with a horizontal scale of two hundred (200) feet or less to the inch.
- E. Two (2) copies of proposed protective covenants, if any, shall be included with the preliminary plat.
- F. The subdivider of every proposed subdivision shall give proof prior to finalizing said proposed subdivision, that the area to be subdivided is provided with a sufficient supply of domestic water approved by the Wahkiakum County Health Department.
- G. The method of sewage disposal shall be stated and approved by the Wahkiakum County Health Department.

58.17.304 SPECIFIC REQUIREMENTS.

The preliminary subdivision shall specifically and clearly show the following features and information on one or more maps, drawings, or application form:

- A. The name of the proposed plat, subdivision, or dedication;
- B. The name and address of the subdivider and land surveyor or engineer.

- C. The tract designation of the proposed plat, subdivision, or dedication as shown in the files and records of the Wahkiakum County Assessor.
- D. The plat map scale and true north point shall be indicated on the plat map;
- E. The perimeter lines of the tract to be subdivided;
- F. Location, width, and names of all existing or platted streets or other public ways and easements within the proposed development and other important features, such as the general outline and location of permanent buildings, watercourses, power lines, telephone lines, railroad lines, gas lines, waterlines, sewer lines, municipal boundaries, and section lines.
- G. Topography showing at least five-foot contours to be extended at least one hundred (100) feet beyond the boundaries of the proposed subdivision;
- H. The layout of proposed street right-of-way lines, alley, and easement lines and the layout, number, and approximate dimensions of lots and the number of blocks;
- I. Tentative grades of each street and where roadways may exceed a fourteen (14) percent grade, centerline profiles will be required.
- J. All parcels of land intended to be dedicated or reserved for public use for the common use of the property owners in the subdivision with the purpose, condition, or limitations of such reservations clearly indicated;
- K. The indication of any lands abutting the proposed subdivision for which successive or separate final subdivision are to be filed shall be indicated on a Master Plan. Said Master Plan shall be submitted with the initial subdivision for which it is concerned and shall be used as a general overall guide for any subsequent subdivisions until complete development of the subject property.
- L. Drainage ways shall be located within an easement satisfying the requirements of RCWC 86.16.510; and
- M. The ownership and other interests in the property covered by the proposed subdivision shall be noted on the plat map and an attorney's certificate or a certificate prepared by a title company shall be filed with the application showing the legal ownership and status of the property.
- N. Every person having any right, title or interest in and to the lands included in the subdivision shall join in the execution of the preliminary subdivision, prior to consideration thereof by the Planning Commission;
- O. A legal description of the land to be platted shall be included with the application which description shall coincide with the requirements of Section 6.01(D).

(Ord. No. 164-17, § III, 3-16-17)

58.17.305 PRELIMINARY SUBDIVISION APPROVAL.

The Planning Commission shall consider the preliminary subdivision at its next regular meeting after the expiration of twenty-one (21) days from the date the application is submitted to the County Planner. The Commission shall, after its review of the preliminary subdivision, give written notice to the applicant within ten (10) days of its approval or disapproval. If the Planning Commission finds that the preliminary subdivision will serve the public interest and the furtherance of the County's Comprehensive Plan, the Commission shall approve the preliminary subdivision; said approval may contain conditions. Where the Commission feels that further information is necessary, action on said subdivision may be continued or tabled pending submission of such information. Where approval of said subdivision is denied, the notice sent to the applicant shall set forth the reasons for denial. Appeal from such denial may be made as set forth in Section 310.

58.17.306 LENGTH OF APPROVAL TIME.

Approval of the preliminary subdivision shall be effective for one (1) year from the date of approval by the Commission during which time a final subdivision may be prepared. The Commission may extend the approval period for not more than one (1) additional year. Request for extension of approval time shall be submitted in writing. Thirty (30) days prior to the approval period elapsing, the County Planner shall inform the subdivider in writing of said fact. Notice to the subdivider shall become a part of the permanent file on the subdivision. If the subdivider has not requested extension of the subdivision forty-five (45) days after the elapsed date, any and all approval of said subdivision shall be voided. The Commission may also request that the subdivision be resubmitted at any time after the one (1) year time period rather than extending the original approval.

58.17.307 SUBMISSION TO BOARD OF COUNTY COMMISSIONERS.

After approval has been given by the Commission on the Preliminary Subdivision, the Commission shall submit same, together with all materials pertaining thereto, to the Board of County Commissioners for their consideration at a public hearing.

58.17.308 BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING.

Upon receipt by the Board of a preliminary subdivision duly acted upon by the Commission, the Clerk of the Board shall at once cause not less than three (3) copies of a notice of hearing thereof to be posted in conspicuous places on, or adjacent to, the land proposed to be subdivided, giving notice of the time and place where such hearing is to be held, not less than seven (7) days prior to the hearing thereof. Additional notices may be given by mail, or by publication in a newspaper of general circulation throughout the County, at the discretion of the Board.

58.17.309 NOTIFICATION TO SUBDIVIDER.

Upon completion of the required hearing, the Board shall inform the subdivider of the matters of import raised at said public hearing and direct him to make such changes, adjustments, or revisions of the proposed subdivisions as appear in the public interest.

58.17.310 APPEAL FROM DENIAL OF PRELIMINARY SUBDIVISION.

The remedies of this Section shall be the exclusive method of appeal. If approval of the preliminary subdivision is denied by the Planning Commission, as set forth in Section 305 of this Article, the subdivider may appeal to the Board. The method of appeal shall be limited to the provisions of this Section. The subdivider shall serve written notice of appeal upon the County Planner, the Clerk of the Board, and the Chairman of the Planning Commission, within sixty (60) days of date of the notice of denial. The Board shall hold a private hearing, at which any interested person may attend, to consider the appeal. The Board shall serve notice of the time and place for such hearing upon the County Planner, Chairman of the Planning Commission and the Subdivider. The Board may serve notice of such hearing upon any other person, as the Board deems advisable. The Board shall, within twenty (20) days from the date of said hearing, reduce its decision to writing and serve a copy thereof upon each person requesting a copy thereof. If the Board disapproves the denial of the Commission, it shall order the preliminary subdivision approved. If the Board approves the denial of the Commission, appeal therefrom shall be made to the Superior Court of the County. The petition for review and service upon all parties in interest shall be made within twenty (20) days of the date of the decision of the Board.

GENERAL PRINCIPLES OF DESIGN AND MINIMUM REQUIREMENTS FOR THE LAYOUT OF SUBDIVISIONS

[58.17.401 GENERAL PROVISIONS.](#)

[58.17.402 STREET PROVISIONS.](#)

[58.17.403 ALLEY PROVISIONS.](#)

[58.17.404 EASEMENT PROVISIONS.](#)

[58.17.405 BLOCK PROVISIONS.](#)

[58.17.406 LOT OR PARCEL PROVISIONS.](#)

58.17.401 GENERAL PROVISIONS.

The requirements of this article shall be followed in the development of all subdivisions and shall be considered minimum standards.

58.17.402 STREET PROVISIONS.

- A. Relation to adjoining street systems: The layout of streets shall provide for the continuation of principal streets existing in adjoining subdivisions or of their proper projection when adjoining property is not subdivided.
- B. Access to bodies of water: Subdivision bordering on a river, lake, or a public waterfront shall provide at least one (1) access strip not less than 60 feet in width to the low water mark or the reservoir boundary and at not less than one-quarter (¼) mile intervals as measured along said water body. Where topography or ground conditions prevent the inclusion of said access, variance may be allowed by the commissioners if it is determined that this requirement would be prohibitive.
- C. Access Streets: Access streets shall be designed primarily to provide access to abutting properties only and shall be designed to discourage through traffic.
- D. Dead-end Streets: Streets designed to have one end permanently closed or in the form of a cul-de-sac, shall provide at the closed end, a turn-around having a minimum right-of-way radius of not less than forty-five (45) feet or with a "y" or "T" permitting comparable ease of turning. Such streets shall not exceed five hundred (500) feet in length.
- E. Street Alignment: Connecting street center lines deflecting from each other at any one point more than ten (10) degrees shall be connected by a curve of at least a one hundred (100) foot radius for access streets and at least a three hundred (300) foot radius for primary streets. A tangent at least one hundred (100) feet long shall be introduced between curves on arterial streets, whenever practicable.
- F. Street Intersection: Street intersections shall be as nearly at right angles as is practicable. Street jogs with off-sets of less than one hundred twenty-five (125) feet between center lines shall be avoided, unless a variance is authorized by the Commission.
- G. Street Grades: Grades shall be not less than one (1.0) percent on any street and not more than fourteen (14) percent for access streets nor more than eleven (11) percent for primary or secondary arterials.
- H. Street right-of-way and Roadway Widths. The minimum street right-of-way and roadway widths shall be as indicated in the Comprehensive Plan.

<u>Class of Street</u>	<u>Right-of-Way Width</u>	<u>Roadway Width</u>
Primary Arterials	100 feet	80 feet

Secondary Arterials	80 feet	44 feet
Collector Arterials	66 feet	40 feet
Access Streets	60 feet	28 feet
Cul-de-sac Streets	40 feet	28 feet

- I. Subdivision boundary streets: A street lying along the boundary of a subdivision may be dedicated one-half (½) the required width if it is practical to require the dedication of the other half (½) when the adjoining property is subdivided. Whenever there exists a dedicated half (½) street of an adjoining subdivision next to a proposed subdivision the other half (½) shall be dedicated on the proposed subdivision to make the street complete. A one (1) foot conditional dedication shall be required on the subdivision boundary along the street for the purpose of withholding access from the unsubdivided property to said street until such time as a complete street is constructed and shall also be required when a street dead-ends at the boundary of any subdivision.
- J. Intersections with primary arterials: In residential subdivisions the street system shall be laid out with a minimum number of intersections with primary arterials. Intersections on primary arterials shall not be at closer intervals than one thousand (1,000) feet.
- K. Existing intersections with primary arterials: In residential subdivisions, where in the opinion of the Commission, existing streets provide reasonable and adequate access to a primary arterial, the new streets in a subdivision shall not open directly onto a primary arterial.
- L. Individual lot access to a primary arterial: Residential subdivisions shall be laid out so that the individual lots or parcels do not require direct vehicular access to the primary arterials.

58.17.403 ALLEY PROVISIONS.

- A. Commercial and Industrial Alleys required: Alleys shall be provided at the rear of all lots intended for commercial or industrial use.
- B. Residential Alleys not Required: Alleys may be provided at the rear of all lots intended for residential uses, but shall not be required.
- C. Alley Standards: Dead-end alleys shall be avoided wherever possible. If dead-end alleys are unavoidable, they shall be provided with turnaround facilities. Alley intersections and sharp changes in direction shall be avoided, but where they are necessary, corners shall be rounded sufficiently to permit safe vehicular movement. Except as otherwise provided in this ordinance, alleys shall follow the general development standards governing streets.

58.17.404 EASEMENT PROVISIONS.

- A. Public utilities: Where alleys are not provided, easements for public utilities shall be provided in each side of all rear lot lines and side lot lines where necessary. Where easements are necessary, all rear lot line easements shall be ten (10) feet in width except on subdivision exterior rear lot lines which shall be twenty (20) feet in width, and all side lot line easements five (5) feet in width. Where practical and possible, the width of rear and side lot line easements shall be equally shared by abutting lots. Insofar as possible, easements shall be continuous and aligned from block to block

within the subdivision and with adjoining subdivisions. Easements which do not lie along rear or side lot lines shall be at least ten (10) feet wide.

- B. Unusual facilities: Easements for unusual facilities such as high-voltage electric transmission lines, drainage canals, or pondage areas shall be of such width as is adequate for the purpose, including any necessary maintenance roads.
- C. Water courses: Where a subdivision is traversed by a watercourse, drainage way, wasteway, channel or stream, there shall be provided a storm water easement or a drainage right-of-way conforming substantially to the line of such watercourse, drainage way, wasteway, channel, or stream, and of such width for construction, maintenance and control as will be adequate for the purpose.

58.17.405 BLOCK PROVISIONS.

- A. Length: In general, blocks shall be as long as is reasonable and consistent with the topography and the needs for convenient access, circulation, control, and safety of street traffic and the type of land-use proposed. For Urban Subdivisions the block length shall not exceed one thousand five hundred (1,500) feet or be less than five hundred (500) feet.
- B. Width: Except for reverse-frontage parcels the width of blocks shall ordinarily be sufficient to allow for two (2) tiers of lots of depths consistent with the type of landuse proposed. This width shall be not less than two hundred (200) feet for the sum of two (2) lot depths.
- C. Super blocks: For large parcels with access provided by a series of cul-de-sac or loop streets entering from the periphery and for large parcels platted into one half (½) acre and larger lots or in Rural Subdivisions, the criteria in the above items number "A" and "B" shall be disregarded in favor of acreage-type lots, or in Rural Subdivisions, shall have block lengths and widths that will lend themselves to later re-subdivision in accordance with the standards prescribed in this chapter.
- D. Pedestrian Walks: This item shall only apply within the Urban Subdivisions. A pedestrian walk right-of-way not less than ten (10) feet wide shall be provided through approximately the mid-point of any block exceeding one thousand (1,000) feet in length where such a walk is deemed by the Planning Commission to be essential to provide circulation or pedestrian access to schools, playgrounds, shopping centers, and other community facilities.

58.17.406 LOT OR PARCEL PROVISIONS.

- A. Access: Each lot shall be provided with satisfactory access by means of a public street connecting to an existing and developed highway or by some other legally sufficient right of access which is permanent and inseparable from the lot to be served.
- B. Lot size related to slope: As slope increases, minimum residential lot sizes shall increase to partially or completely avoid the problems of drainage, siltation, flood control, and accessibility frequently attributable to overdevelopment of slope areas.
- C. Facing on primary arterials: Residential lots fronting on a primary arterial should have a minimum of one hundred twenty (120) feet of depth.
- D. Double frontage (Reverse frontage): Residential lots which have street frontage along two (2) opposite boundaries shall be avoided, except for reverse frontage lots which are essential to provide separation to residential development from primary traffic arterials or to overcome specific disadvantages of topography and orientation. For such lots there shall be an easement in favor of the appropriate governmental entity at least ten (10) feet wide along the lot lines abutting said primary arterial across which there shall be no right of access.
- E. Minimum front building line width: The minimum front building line width shall be sixty (60) feet. Said building line shall be located twenty five (25) feet from the street right-of-way boundary as measured perpendicular to said right-of-way.

MINIMUM IMPROVEMENTS

58.17.501 STANDARDS.

58.17.502 MINIMUM IMPROVEMENT STANDARDS.

58.17.503 SUBDIVISION REQUIREMENTS.

58.17.501 STANDARDS.

The County Engineer shall prepare minimum installation, material, design, and construction standards appropriate to the locality, topography, soil conditions, and geology of the area in which the proposed subdivision is to be developed and improved. The requested standards shall be made available to the subdivider, or his surveyor, ten (10) days after receipt of the proposed subdivision or dedication by the County Engineer.

58.17.502 MINIMUM IMPROVEMENT STANDARDS.

All subdivisions developed within the unincorporated area of Wahkiakum County shall meet the following minimum improvement requirements:

- A. Streets and Lot Frontage: All access streets and all lots shall be designed and constructed to meet the specifications set forth in the Washington State County Arterial Design Standards and the Wahkiakum County Engineering Standards for a typical roadway section, copies of which shall be maintained for reference at the office of the County Engineer, with amendments thereto as may by such office, from time to time be made. Any minimum standards amended subsequent to the filing of the application to plat shall not be binding upon the subdivider. The standards in effect at the date of this ordinance shall be as set forth in Appendix A and B, Schedule 502 (A) 1 and 2 of this chapter.
- B. Clearing: All streets shall have all standing timber, brush, downed timber, and snags cleared and removed from the rights-of-way.
- C. Grubbing: All streets shall be grubbed by the removal of all large rocks, roots, snags logs, brush, etc. upon the surface of the ground and all excavations and holes left by such grubbing shall be refilled.
- D. Drains: Where storm sewers have not been provided within the subdivision, ditches, corrugated metal or concrete pipe drains sufficient to carry normal runoff, irrigation waste water, or floodwaters characteristic to the area included in the proposed subdivision shall be provided where required and must be approved by the County Engineer. All parcels which such ditches and drains cross shall be subject to an easement satisfying the requirements of RCWC 86.15.510.
- E. Culverts or Trestles: All culverts or trestles over waterways, draws, or gulches over four feet in depth, shall conform to the County Engineer's specifications for reinforced concrete structures of this nature. Where streets or roads of the subdivision connect to, or intersect with, existing roadways there shall be installed drains of metal or concrete pipe approved by the County Engineer.
- F. Monuments: Monuments shall be placed at such street intersections and boundary angle points as shall be required by the County Engineer. The monuments shall be of concrete filled pipe or tile, weighing at least fifty (50) pounds, capped with a plain brass marker or a radioactive marker along with the plain brass marker. Street monuments shall be set between six inches and one foot below the official finished street grades.

- G. Block Markings: The boundary points of all blocks within the subdivision shall be marked by a galvanized iron pipe not less than one and one-half inches in diameter and thirty-six (36) inches in length and firmly driven into the ground.
- H. Lot Markings: All corners of all lots within the subdivision shall be marked by a galvanized iron pipe not less than one and one-half inches in diameter and thirty-six (36) inches in length and firmly driven into the ground.
- I. Sanitary and Storm Sewers: If sanitary or storm sewers are required in any subdivision they shall comply with Section 67 of State specifications.

(Ord. No. 164-17, § IV, 3-16-17)

58.17.503 SUBDIVISION REQUIREMENTS.

The following minimum improvements are required in all Subdivisions:

- A. Curbs and Gutters: All curb construction shall comply with the provisions of Section 35 and 36 of State specifications.
- B. Sidewalks: Sidewalks shall only be repaired in those subdivisions whose average street right-of-way slope is ten (10) percent or less; all sidewalk construction shall comply with the provisions of Section 74 of State specifications and shall be constructed at the time of sale or placing improvements upon the lots. Details to insure construction shall be worked out with the County Engineer.
- C. Roadway surfacing: Since all of the subdivisions within the Area will not initially be provided with sanitary and storm sewer facilities, two different standards for roadway surfacing are required. Roadway construction within subdivisions which will have sanitary and storm sewer facilities installed shall comply with Sections 32 (Asphalt concrete) or 33 (Cement Concrete) of State specifications. Roadway construction within subdivisions which at the outset will not have sanitary and storm sewer facilities provided shall comply with Section 26 (Bituminous Surface) of State specifications.
- D. Pedestrian Walks: All required pedestrian walks shall be developed with at least bituminous surfacing or other materials of like quality.
- E. Utility Improvements in Dedicated Streets: All improvements, whether by franchise, easement or permit, for public utilities and services located in streets, shall be installed and maintained within five (5) feet of the right-of-way extremities.
- F. Utility Franchises in Dedicated Easements: All improvements, whether by franchise, easement or permit, for public utilities and services, located upon lots, shall be installed and maintained as near as practicable to the exterior lot lines of the lots over which the improvement runs.

FINAL SUBDIVISION PROCEDURE

[58.17.601 FINAL SUBDIVISION—MINIMUM IMPROVEMENTS.](#)

[58.17.602 MINIMUM IMPROVEMENTS—INSPECTION.](#)

[58.17.603 CONDITIONAL ACCEPTANCE.](#)

[58.17.604 NOTICE TO PROCEED WITH FINAL SUBDIVISION.](#)

[58.17.605 FINAL SUBDIVISION APPLICATION AND APPROVAL.](#)

[58.17.606 FINAL PLAT REQUIREMENTS—GENERAL.](#)

[58.17.607 REQUIREMENTS OF THE FINAL PLAT—SPECIFIC.](#)

[58.17.608 FINAL SUBDIVISION—DEDICATION, ACKNOWLEDGMENT, AND ENDORSEMENT.](#)

[58.17.609 FEES.](#)

[58.17.610 FILING.](#)

58.17.601 FINAL SUBDIVISION—MINIMUM IMPROVEMENTS.

Upon notification as provided in Section 309, the Subdivider, prior to requesting final approval, shall elect to carry out the minimum improvements as required in Article V by one of the following methods:

- A. By furnishing the County of Wahkiakum a performance bond satisfactory to the County Prosecuting Attorney, in which assurance is given to the County that the installation of the minimum improvements required hereunder in accordance with the provisions of Article V and under the supervision of the County Engineer and Health Officer; or,
- C. Through establishment of a County Road Improvement District and the County developing some or all required improvements; or
- D. By a combination of these methods.

58.17.602 MINIMUM IMPROVEMENTS—INSPECTION.

If said subdivision elects to install minimum improvements other than through the procedures established in Section 601, Subsection C., the subdivider shall give written request for inspection to the County Engineer and Health Officer, when applicable, at completion of all minimum improvements. After finding that all improvements have been completed in accordance with the installation standards of their respective departments, the County Engineer and Health Officer shall submit in duplicate a certificate approving such installation to the County Planner; or after the subdivider has posted a performance bond satisfactory to the Prosecuting Attorney, the County Engineer and Health Officer, shall each submit in duplicate a certificate to the County Planner so stating.

58.17.603 CONDITIONAL ACCEPTANCE.

All required minimum improvements within any subdivision may be subject to a one-year (1) conditional acceptance by Wahkiakum County and a bond posted to cover an extraordinary maintenance that might be incurred shall be furnished as provided in Section 601 Subsection A.

58.17.604 NOTICE TO PROCEED WITH FINAL SUBDIVISION.

The County Planner shall retain one (1) copy of each of the Certificates required by Section 602 and shall send the other copy of each certificate to the subdivider together with a notice authorizing him to prepare a Final Subdivision for that promotion of the area contained in the proposed subdivision in which minimum improvements have been installed or concerning which a performance bond has been posted. If said improvements are installed through the establishment of a County Road Improvement District, notice to proceed with the Final Subdivision shall be given through the establishment of the District.

58.17.605 FINAL SUBDIVISION APPLICATION AND APPROVAL.

The following procedure shall be followed when submitting a final subdivision for approval.

- A. The subdivider shall submit the final subdivision, prepared in accordance with the provisions of Sections 606, 607 and 608 herein to the County Planner. The County Planner shall inspect the final subdivision for conformance to this ordinance, for conformance to the preliminary

subdivision approved by the Commission and Board, and for conformance to such conditions as may have been a part of such approval. After finding that such final subdivision is fully conforming, the County Planner shall signify his approval by signing the original and recorders plat sheet as specified in Section 608.

- B. The subdivider shall then submit the final subdivision to the County Engineer for inspection. At such time as the County Engineer is satisfied with the engineering computations and detail of the subdivision, he shall signify approval of said subdivision by signing the original and recorders plat sheet as specified in Section 608.
- C. The subdivider shall then submit the final subdivision to the County Assessor for inspection. At such time as the County Assessor is satisfied with the subdivision, he shall signify approval of said subdivision by signing the original and recorders plat sheet as required in Section 608, shall give said subdivision a permanent arbitrary file number, and shall certify to the County Treasurer the Parcel Numbers assigned to the property for taxes and assessments.
- D. The subdivider shall then submit the final subdivision to the County Treasurer for inspection. At such time as the County Treasurer is satisfied that all taxes and assessments levied against said property have been paid in full, he shall signify his approval of said subdivision by signing the original and recorders plat sheet as required in Section 608.
- E. After the County Planner, County Engineer, County Assessor and County Treasurer have affixed their signatures, the subdivider shall submit the final plat to the Board for their acceptance and approval after consideration of the subdivision. Upon acceptance and approval, the Board shall signify their approval by affixing their signatures on the original and recorders plat sheet as specified in Section 608.
- F. Final approval of said subdivision shall be given within thirty (30) days of the filing of the application thereof with the County Planner, or the subdivision shall be returned to the subdivider for modification or correction, unless a longer period of time has been approved by the subdivider in writing. If approval is withheld, the original copy of the final subdivision, together with a statement indicating the reasons for denial and indicating changes or modifications that would cause approval to be granted, shall be sent to the subdivider in writing.

58.17.606 FINAL PLAT REQUIREMENTS—GENERAL.

- A. The final subdivision shall be drawn in black India ink on a sheet 22" × 38" of a good quality linen tracing cloth or approved substitute and also a Standard Recorders Plat Sheet, 18" × 25", with a 3" hinged binding on the left border, and shall be neither less than fifty (50) feet to the inch nor more than two hundred (200) feet to the inch. If more than one sheet is required the sheets shall be numbered and indexed.
- B. All documents, maps, and survey books shall contain the name of the subdivision, the subdivider and the name of the registered land surveyor. All signatures placed on the final plat shall be original signatures.
- C. The linen tracing of the final subdivision shall be filed in the County Engineer's Office and be the property of Wahkiakum County and the recorders plat map sheet shall be filed with the County Auditor.

58.17.607 REQUIREMENTS OF THE FINAL PLAT—SPECIFIC.

The final Subdivision shall contain, or be accompanied by, the following information:

- A. The lines and names of all streets or other public ways, parks, playgrounds, and easements intended to be dedicated for public use, or granted for use of inhabitants of the subdivision.
- B. The length and bearings of all straight lines, curves, radii, arcs, and semi-tangents of all curves.

- C. All dimensions along the lines of each lot, in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for the location of any lot line in the field.
- D. Suitable primary control points, approved by the County Engineer and descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data given on the plat map shall be referred.
- E. The locations of all permanent monuments.
- F. The names of all subdivisions immediately adjacent to the subdivision.
- G. The date, true North point, and scale.
- H. The boundary of the subdivided tract, with the courses and distances marked thereon, as determined by a field survey made by a registered and qualified Engineer or Land Surveyor of the State of Washington, and to close with an error of not more than one (1) foot in four thousand (4,000) feet.
- I. If the subdivision constitutes a resubdivision, the lots, blocks, streets, and other division of the original subdivision shall be shown by dotted lines in their proper positions in relation to the new arrangement of the subdivision the new subdivision being so clearly shown in solid lines as to avoid any confusion or ambiguity.
- J. The following information shall be submitted to the County Engineer:
 - 1. The elevations of all corners on the boundaries of the subdivided tract.
 - 2. The profiles of all street center lines to the vertical scale of twenty (20) or less feet to the inch, and horizontal scale of two hundred (200) or less feet to the inch, submitted on a separate 4" x 20" plate standard profile tracing paper when required.
 - 3. Sewer profiles to the same scale and on the same sheet as street profiles and the plan of all sewer and/or waterlines, including "T's", "Y's" and other intersections on a separate sheet, when the subdivider himself, or his agent, installs either sewers or waterlines, or both.

58.17.608 FINAL SUBDIVISION—DEDICATION, ACKNOWLEDGMENT, AND ENDORSEMENT.

A metes and bounds legal description of the subdivided tract and the following information shall appear in the following sequences on the final subdivision, lettered in ink either by hand or mechanical device:

- A. Know all men by these presents that _____, the undersigned _____ owner(s) in fee simple _____ of the land hereby subdivided, hereby declare this subdivision and dedicate(s) to the use of the public forever, all streets and easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes; also, the right to make all necessary slopes for cuts or fills upon the lots, blocks, tracts, etc., shown on this plat in the reasonable original grading of all streets, shown hereon.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s)
 this _____ day of _____, 19____

	Signed and Sealed _____

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B.	STATE OF WASHINGTON)		
)	-SS	
	COUNTY OF WAHIAKUM)		

THIS IS TO CERTIFY THAT on this _____ day of _____, 19____, before me, the undersigned, a Notary Public, personally appeared to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that _____ signed and sealed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year last above written.

NOTARY PUBLIC IN and for the State of WASHINGTON, residing at _____

C. I HEREBY CERTIFY THAT the subdivision of _____ is based on actual survey and subdivision of Section _____, Township _____ North, Range _____, W.M., that the distances and courses and angles are shown thereon correctly; that proper monuments have been set and lot and block corners staked on the ground.

	SIGNED _____ (SEAL) (Licensed Land Surveyor)
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D. EXAMINED AND APPROVED THIS _____ day of _____, 19____

	_____ Wahkiakum County Planner
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E. EXAMINED AND APPROVED THIS _____ day of _____, 19____

	_____ (SEAL) Wahkiakum County Engineer
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F. EXAMINED AND APPROVED THIS _____ day of _____, 19__

	_____ Wahkiakum County Assessor
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G. EXAMINED AND APPROVED THIS _____ day of _____, 19__

	BOARD OF COUNTY COMMISSIONERS OF WAHKIAKUM COUNTY, WASHINGTON
	_____ Chairman
	_____ Commissioner
	_____ Commissioner

ATTEST;

 County Auditor and Ex-
 officio Clerk of the Board

H. I HEREBY CERTIFY THAT the taxes and assessments on the land described herein have been paid to and including the year _____

	_____ Wahkiakum County Treasurer
--	-------------------------------------

I. Filed for record at the request of _____ this _____ day of _____, 19____, at _____ minutes past _____ O'clock...m., and recorded in Volume _____ of Plats, on Page _____, Records of Wahkiakum County, Washington.

	_____ Wahkiakum County Auditor
	By: _____ Deputy Auditor

58.17.609 FEES.

The fees and charges for processing preapplications for the preliminary and/or final plat approval, checking and approving plans and specifications, performing inspections, recording final plats, and other administrative actions under this chapter shall be as set from time to time by a resolution duly adopted by the Board of County Commissioners.

(Ord. 144-06 § 4)

58.17.610 FILING.

The final subdivision or dedication shall be duly filed with, and recorded by, the Wahkiakum County Auditor upon receipt of the full amount of the filing fees according to the provisions of Chapter 51 of the Laws of Washington, 1951, as thereafter amended.

ADMINISTRATION

[58.17.701 PENALTIES.](#)

[58.17.702 VALIDITY.](#)

[58.17.703 CONFLICT.](#)

58.17.701 PENALTIES.

Violation of this chapter shall be considered a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars or imprisonment in the County Jail for six months, or both, for each of said lots, plots, tracts, or smaller parts at the discretion of the court, but in any event not less than One Hundred Dollar fine for each lot, plot, tract or smaller part in violation of this chapter.

58.17.702 VALIDITY.

If any section, subsection or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, or portion shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portions of this chapter.

58.17.703 CONFLICT.

All rules, regulations, ordinances, or resolution of Wahkiakum County in conflict with this chapter, and that certain set of subdivision regulations adopted July 7, 1958, are hereby repealed.

(Ord. 78-1969; j. Ref: K-540; 4-69)

Appendix A.
Schedule 5.02(A)1

WASHINGTON STATE COUNTY ARTERIAL DESIGN STANDARDS

AVERAGE DAILY TRAFFIC (ADT) Current	Under 250		250-400		400-750					
DESIGN HOURLY VOLUME (DHV) 15 yrs. Hence					100-200		200-400		400+	
<u>SHARPEST CURVE</u> (Degrees, Radius in feet), Flat, Rolling, Mountainous	Max.	Min.	Max.	Min.	Max.	>Min.	Max.	Min.	Max.	Min.
	D°	R'	D°	R'	D°	R'	D°	R'	D°	R'
	8.5	694	8.5	694	7.5	758	7.5	758	7.0	833
	13.5	427	13.5	427	12.5	464	12.5	464	11.5	508
	25.0	231	25.0	231	23.0	250	23.0	250	21.0	273
GRADIENT* Flat Rolling Mountainous	Maximum		Maximum		Maximum		Maximum		Maximum	
	6%		6%		6%		4%		4%	
	8%		8%		7%		5%		5%	
	11%		11%		9%;		7%;		7%	
PAVEMENT WIDTH	Minimum		Minimum		Minimum		Minimum		Minimum	
	20'		20'		22'		24'		24'	
<u>STOPPING SIGHT DISTANCE</u> Flat Rolling Mountainous	350'		350'		350'		350'		350'	
	275'		275'		275'		350'		350'	
	200'		200'		200'		350'		350'	

WIDTH OF ROADWAY**	28'	28'	34'	40'	40'
NUMBER OF LANES	2	2	2	2	2
NEW BRIDGES # Curb to Curb Width (Ft.) Design Load (AASHO) Vertical Clearance	26' H-20 14.5	26' H-20 14.5	28' H-20 14.5	40' H-20 14.5	40' H-20 14.5
RIGHT OF WAY WIDTH	60'	60'	60'	Adequate	Adequate

*May be steeper for short distances

** For guardrail installation, width of shoulder to be additional two feet

All bridge curbs to meet state standards

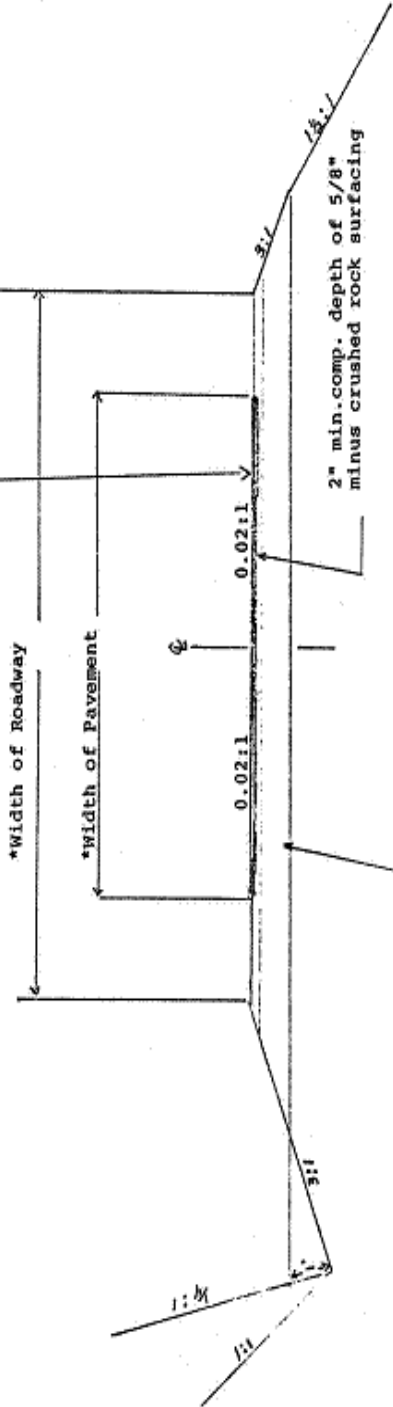
Sidewalks to be determined on an individual basis

Geometric Design Standards for over 600 DHV shall be determined from the results of an engineering study based on AASHO or acceptable standards

TYPICAL ROADWAY SECTION
 WAIKIUKUM COUNTY ENGINEERING DEPT. STANDARDS

Light bituminous surface treatment
 20' wide Class "A" (2 shot)

Appendix B.
 Schedule 5.02(A)2



*SEE WASHINGTON STATE COUNTY ARTERIAL DESIGN
 STANDARDS FOR FURTHER INFORMATION

GAS LINES
 SOUTH AND WEST SIDES OF ROAD

WATER LINES
 NORTH & EAST SIDES OF ROAD

Chapter 58.18 SHORT SUBDIVISIONS

Sections:

[58.18.010 APPLICABILITY.](#)

[58.18.020 EXEMPTIONS.](#)

[58.18.030 DEFINITIONS.](#)

[58.18.040 ADMINISTRATION.](#)

[58.18.050 REVIEW OF AGENCIES WITHIN FIFTEEN DAYS FROM THE DATE OF APPLICATION.](#)

[58.18.060 APPROVAL—SHORT PLAT ADMINISTRATOR.](#)

[58.18.070 APPEAL TO THE BOARD OF COUNTY COMMISSIONERS.](#)

[58.18.080 COUNTY COMMISSIONER CHANGES.](#)

[58.18.090 CONDITIONAL APPROVALS.](#)

[58.18.100 FINAL APPROVAL AND RECORDING.](#)

[58.18.110 APPLICATION.](#)

[58.18.120 SUPPORTING DOCUMENTS.](#)

[58.18.130 GENERAL STANDARDS.](#)

[58.18.140 PRIVATE ROADS.](#)

[58.18.150 PUBLIC STREET RIGHTS-OF-WAY.](#)

[58.18.160 PERFORMANCE BONDING OR OTHER COUNTY-APPROVED SECURITY FOR ROAD AND STREET IMPROVEMENTS.](#)

[58.18.170 MONUMENTS AND MARKERS.](#)

[58.18.180 VARIANCES.](#)

[58.18.190 ENFORCEMENT.](#)

[58.18.200 DEVELOPMENT OF ILLEGALLY DIVIDED LAND—INNOCENT PURCHASER FOR VALUE.](#)

[58.18.210 RELIEF FOR AN INNOCENT PURCHASER FOR VALUE.](#)

[58.18.220 VIOLATION—INJUNCTIVE RELIEF.](#)

[58.18.230 UNAPPROVED SHORT PLAT—NOT TO BE FILED.](#)

[58.18.240 VIOLATIONS—PENALTIES.](#)

[58.18.250 ENFORCEMENT OFFICER DESIGNATED.](#)

[58.18.260 VOLUNTARY CORRECTION.](#)

[58.18.270 NOTICE OF INFRACTION.](#)

[58.18.280 MONETARY PENALTIES.](#)

[58.18.290 FAILURE TO PAY MONETARY PENALTIES PUNISHMENT.](#)

[58.18.300 PERSONS LIABLE.](#)

58.18.010 APPLICABILITY.

Every division of land into four or fewer lots, tracts, parcels, sites or subdivisions for the purpose of sale or lease shall proceed in compliance with this chapter. These regulations shall also apply to any division into four or fewer plats regardless of lot size, where there is a new public or private way for vehicular traffic, easements or land for public use involved; provided, that any land contained within a short subdivision shall not be further divided for a period of five years from the date of filing of a short plat without the filing of a final plat as described in Wahkiakum County Code, Chapter 58.17, except when the short plat contains fewer than four parcels, the owner who filed the short plat may file an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.

(Ord. 114-92 § 1)

58.18.020 EXEMPTIONS.

Provisions of this chapter shall not apply to:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions made by testamentary provisions or the laws of (the) descent;
- C. Any division of land pursuant to Chapter 58.17 RCW, governing divisions containing dedications and divisions of land into five or more lots, parcels or tracts as applicable under the Wahkiakum County Subdivision Ordinance, Chapter 58.17, Revised Code of Wahkiakum County;
- D. Boundary line adjustments of parcels or when access is not affected and where no new lot is created thereby or where no lot is reduced in size below the minimum square footage required by the applicable control;
- E. Divisions of land due to the condemnation or sale under threat thereof, by an agency or division of government vested with the power or condemnation;
- F. Any division where no permanent streets can be constructed and where restricted covenants or lease provisions prohibit construction of buildings of the type that permit human occupancy, overnight camping or other human habitation;
- G. Any property divided into two or more parts by any public roadway, rock bluffs, dikes and/or any stream where mean annual flow is 20 c.f.s. or greater;
- H. Any division of land into lots, tracts or parcels where the smallest lot is five acres or larger. For purposes of computing the size of any lots under this exemption which borders on a street, the lot size shall be expanded to include that area which would be bounded by the center line and the said lot lines running perpendicular to such center line; provided however, this exemption shall not apply to divisions of land where there is a new public or private way for vehicular traffic, easements or land for public use involved;
- I. A division for purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land and Wahkiakum County has approved a binding site plan for the use of the land in accordance with local regulations. The term "site plan" means a drawing to a scale specified by local ordinance and which: (1) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by local regulations; and (2) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land;
- J. Land divisions and transfers intended to be used for agricultural uses or timber production for which no development permits are necessary;

- K. All divisions of land into four or fewer lots made prior to April 1, 1992, as evidenced by public record, either through the payment of excise tax or recording of the deed or contract of sale in the Auditor's Office.
- L. A judicial sale or partition of land commenced under Chapter 7.52.

(Ord. 114-92 § 2)

58.18.030 DEFINITIONS.

- A. Rules of Construction. When not inconsistent with the context, words used in the present tense include the future; singular includes the plural and the plural, singular; the word "shall" is always mandatory and the word "may" indicates a use of discretion in making a decision.
- B. Unless specifically defined in this subsection, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following definitions apply to this chapter.

Access Panhandle. "Access panhandle" means a strip of land having a width narrower than that of the lot, tract or parcel to be served thereby and designed for the purpose of providing access to a lot, tract or parcel being less in width than the minimum lot width allowed under the applicable zoning, if any.

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

Boundary Line Adjustment. "Boundary line adjustment" means a change in the location of lot lines which does not change the number of lots or lot ownership.

Building Site. "Building site" means a parcel of land occupied or intended to be occupied by one main building and its accessory buildings; together with all of the required yards and open space and setbacks.

Comprehensive Plan. "Comprehensive plan" means the current comprehensive plan of Wahkiakum County as amended by the Board pursuant to state law.

Contiguous Property. "Contiguous property" means land adjoining and touching other property, not previously platted, and having the same owner.

County Commissioners or Board. The Wahkiakum "County Commissioners" or "Board" means the legislative authority of Wahkiakum County as defined in RCW Chapter 36.32, as it now exists or is hereafter amended.

Dedication. "Dedication" means the deliberate appropriation of land by an owner for any general or public uses reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The owner's intention to dedicate shall be evidenced by presentation for filing of a short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such short plat for filing by the Wahkiakum County Auditor.

Division of Land. "Division of land," for the purposes of this chapter, is any conveyance, not otherwise exempt or provided for in this chapter, which alters or affects the shape, size or legal description of any part of an owner's original tract.

Easement. Easement is a written grant by a property owner to specific individuals or to the public use land for specific purposes.

Final Short Plat. Final short plat is the final drawing of the short subdivision including dedication prepared for filing for record with the Wahkiakum County Auditor and containing all the elements and requirements that are set forth in this chapter.

Improvement. "Improvement" means any structure or works constructed, including, but not necessarily limited to, roads, storm drainage systems, ditches and dikes, sanitary sewerage facilities or mainline storm drainage containment facilities.

Land Surveyor. A "land surveyor" is as defined by the professional engineers and land surveyors registration act as it now exists or is hereafter amended as defined in Chapter 18.43.

Lot. "Lot" means a fractional part of subdivided lands, created from an original tract or contiguous property, having fixed boundaries being of sufficient area and dimension to meet current minimum zoning requirements for width and area. The term shall include tracts, parcels, or building sites.

Original Tract. "Original tract" means a unit of land which the applicant holds under single or unified ownership, or in which the applicant holds controlling ownership on April 1, 1992.

Owner. "Owner" means the person or group of persons having legal title to the land sought to be subdivided or the contract purchaser, mortgagee or person or group of persons who controls a deed of trust as beneficiary or grantor if such interest controls disposition of the property to be subdivided.

Person. "Person" means an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture affiliated ownership. The word "person" also means a municipality, county or state agency.

Planning Commission. "Planning commission" means the Wahkiakum County Planning Commission.

Public Works Director. The Wahkiakum County "Public Works Director" means the Short Plat Administrator.

Plat, Regular Plat. "Plat" or "regular plat" means a map or representation of the subdivision showing thereon the division of a tract or parcel or land into more than four lots if any one of the divisions is less than five acres in size with blocks, streets, alleys and other divisions and dedications.

Private Road. A "private road" means a particular access provided for by an access tract, dedicated right-of-way or easement which serves one or more lots but no more than four lots.

Right-of-way. "Right-of-way" means a general term denoting land, property or interest therein, usually in a strip acquired to or devoted for transportation purposes.

Road. "Road" means the improved and maintained portion of a right-of-way which provides vehicular circulation or principal means of access to abutting properties.

Short Plat. "Short plat" means the map of the short subdivision.

Short Plat Administrator. The "Short Plat Administrator" means the Wahkiakum County Public Works Director.

Short Subdivision. A "short subdivision" means a division or redivision of land into four or fewer lots, parcels, tracts, sites or divisions for the purpose of sale, lease or transfer of ownership.

The State Environmental Policy Act (SEPA). The "State Environmental Policy Act" is as defined by Chapter 43.21C RCW as it now exists or is hereafter amended.

Subdivision. A "subdivision" means a division of land into five or more lots, tracts, parcels, sites or divisions where any one of the lots, tracts, parcels, sites or divisions is less than five acres in size, for the purpose of sale or lease and shall include all resubdivision of land. Subdivisions are regulated by the Subdivision Control Ordinance, Chapter 58.17 of the Revised Code of Wahkiakum County.

(Ord. 114-92 § 3)

58.18.040 ADMINISTRATION.

- A. Responsibility for Administration. The Wahkiakum County Public Works Director shall serve as the Short Plat Administrator with the responsibility and duty of administering the provisions of this

chapter and with authority to summarily approve or disapprove a proposed short plat under the guidelines set forth in this chapter; to approve or disapprove certificates of exemptions; and to approve or disapprove final applications for short subdivisions. It shall be the duty of the Short Plat Administrator pursuant to RCW 43.21C (SEPA) to act as the responsible official to fulfill the requirements of the Environmental Policy Act. The Administrator may prepare and require the use of such forms as needed essential to the implementation of this chapter.

B. Procedure—Application.

1. Any person desiring to divide land not exempt under this chapter and situated in an unincorporated area of Wahkiakum County into four or fewer lots for the purpose of sale or lease shall submit an application for short subdivision approval to the Short Plat Administrator, together with an application fee as set from time to time by a resolution duly adopted by the Board of County Commissioners, plus advertising fees.
2. Applications for approval of short plat subdivision shall be submitted on forms prescribed by the Short Plat Administrator. All applications submitted to the Short Plat Administrator shall be complete with all information as required by Section 58.18.120 of this chapter. An application lacking sufficient information for review shall be rejected by the Short Plat Administrator prior to the acceptance of application fees and such rejection shall be accompanied by a written statement citing the reason for rejection.

C. Procedure of a Short Plat Application.

1. When the Short Plat Administrator determines that the proposed short plat application contains the required information and data as a basis for its approval or disapproval, a file number and a date of receipt shall be affixed and copies of the short plat application shall be distributed to the following:
 - a. County health district (optional);
 - b. County Engineer;
 - c. Federal, state or local agency which may have an interest in the short plat;
 - d. Fire district; and
 - e. State of Washington Department of Transportation when proposal abuts State Highway.
2. The Short Plat Administrator shall set a date for return of filings and recommendations from each agency, the date to be ten working days from the date of application. If the findings and recommendations are not so returned, then the Administrator shall make written findings according to the standards set forth in Section 58.18.060 of this chapter.

(Ord. 144-06 § 5; Ord. 114-92 § 4)

58.18.050 REVIEW OF AGENCIES WITHIN FIFTEEN DAYS FROM THE DATE OF APPLICATION.

- A. The health officer shall notify the Short Plat Administrator that:
 1. Water and sanitary sewerage disposal methods contemplated for use in the proposed short plats do or do not conform with current standards; and
 2. Where sanitary services are not available, that each lot contains adequate area and proper soil, topographic and drainage conditions to be served by an onsite sewerage disposal system.
- B. The Public Works Director and the County Engineer shall verify that:
 1. The proposed road, utilities and other improvements do or do not conform to current standards;

2. All lots have access to an approved public road containing adequate right-of-way and safety; and
 3. The survey does or does not conform to the standard practice and principles of land surveying.
- C. Other agencies shall notify the Short Plat Administrator of their concerns and shall so list their concerns for consideration by the Short Plat Administrator in his findings for approval or denial of the short plat.

(Ord. 114-92 § 5)

58.18.060 APPROVAL—SHORT PLAT ADMINISTRATOR.

- A. The Short Plat Administrator shall review the reports and findings of the health department, public works department, other affected agencies and the fire district, pursuant to Section 58.18.050, and within thirty days after date of application shall make written findings of fact with regard to the short subdivision as to:
1. Its conformance to the general purposes, standards and requirements of the Wahkiakum County Comprehensive Plan, Shoreline Master Program and to any other applicable laws and policies;
 2. Whether appropriate provisions are made for the public health, safety and general welfare;
 3. Whether appropriate provisions are made for open spaces, drainage ways, utilities, access, streets, alleys and other public ways, transit stops, water supplies and sanitary waste disposals, parks and recreation, playgrounds, school grounds, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;
 4. The physical characteristics of the short subdivision site. Disapproval may be made because of flood inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval; and
 5. All other relevant facts to determine whether the public use or interest will be served by the short subdivision.
- B. After written findings and conclusions, the Short Plat Administrator shall:
1. Approve the short subdivision, with or without conditions; or
 2. Return the short plat to the applicant for corrections or for the applicant's construction of improvements in a manner consistent with official findings; or
 3. Disapprove a subdivision and the short plat thereof; or
 4. Submit the short plat to the Board of County Commissioners for its consideration together with the Short Plat Administrator's recommendation.

(Ord. 114-92 § 6)

58.18.070 APPEAL TO THE BOARD OF COUNTY COMMISSIONERS.

- A. Any person aggrieved by the decision of the Short Plat Administrator may request a review of that decision by the Board of County Commissioners.
- B. Such a request must be made in writing within ten working days from the date of mailing of the Short Plat Administrator's decision. Such appeal shall be heard under procedures established for hearings by the board.

(Ord. 114-92 § 7)

58.18.080 COUNTY COMMISSIONER CHANGES.

If the decision of the Short Plat Administrator is appealed to the Board of County Commissioners, it shall conduct a review and a public meeting under the procedure established for hearings by Wahkiakum County and thereupon adopt its own recommendations from approval, disapproval or return the short plat to the applicant for modification, correction, construction of improvements or meeting conditions of approval.

(Ord. 114-92 § 8)

58.18.090 CONDITIONAL APPROVALS.

If the adopted recommendations require the meeting of conditions, construction of improvements or corrections, or time as necessary for improvements or corrections, or time as necessary for the obtaining of required certifications, then the approval shall be granted, at the option of the approving body, subject to the fulfillment of the conditions prior to the final approval of the building permit or upon fulfillment of such conditions within six months. Upon application within the time period, for good cause shown, the approving body may grant an additional six-month time extension to the applicant for meeting conditions and/or construction of improvements.

(Ord. 114-92 § 9)

58.18.100 FINAL APPROVAL AND RECORDING.

When the short subdivision and the short plat hereof meet all the requirements thereof and will serve the public use and interest, and the subdivider has provided all the required documentation/certification, then the written approval shall be inscribed upon the face of the short plat. The action approving a short plat shall become effective if, within five working days, the applicant has filed for record with the auditor of Wahkiakum County, a declaration of short subdivision.

(Ord. 114-92 § 10)

58.18.110 APPLICATION.

- A. Form. The application shall be on a form provided by the Short Plat Administrator and shall contain the following information:
1. The name, address and telephone number of the subdivider;
 2. A certification by the subdivider showing the entire contiguous ownership of land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option by any person, firm or corporation in any manner connected with the development, and names and addresses and telephone numbers of all such persons, firms or corporations;
 3. The existing shoreline classifications (if applicable);
 4. The square footage computation of each lot or parcel sufficiently accurate to show that each such lot or parcel contains at least sufficient footage to meet minimum health requirements. The square footage of land contained in access panhandles shall not be included in the lot size computation. Land within an abutting street right-of-way to the centerline of said right-of-way may included in the lot size computations;

5. The source of water supply, if any, and, if a public system is used, the name of the supplier;
 6. The method of sewage disposal and, if sanitary sewer is used, the name of the district having management over the system;
 7. A survey of the property shall be required to be prepared by a registered surveyor or engineer, unless the Short Plat Administrator determines that the property has previously been adequately surveyed and the designated property corners tied to lines and corners established such survey.
- B. Map. A map shall be prepared on a sheet of reproducible material having dimensions of eighteen inches by twenty-four inches, and containing the following information:
1. A legal description of the short subdivision and the lots, tracts or parcels therein, together with the legal description of private streets and easements therein, all prepared or approved and sealed by a registered land surveyor company. In addition, where it differs from the description of the short subdivision, a legal description of the contiguous land owned by the subdivider;
 2. The date, scale and north arrow; the scale to be one inch equals one hundred feet, on inch equals four hundred feet or other scale as approved;
 3. The boundary lines, to scale, of the tract to be subdivided of each lot contained therein;
 4. The number assigned to each lot;
 5. The location, names and widths of any easements, existing and proposed roads and streets, and rights-of-way for public services or utilities within the area contained within the short subdivision, and within one hundred feet thereof, and location of the nearest county road if there is no county road within one hundred feet;
 6. The boundaries of all lands reserved in the deeds for the common use of the property owners of the short subdivision;
 7. The location, outside lands to be subdivided, of permanent features which will have an impact upon the short subdivision, such as all existing or platted streets adjacent to the short subdivision, watercourses, railroad rights-of-way, all utility rights-of-way, township lines and section lines;
 8. Statement. The following shall appear on the face of all plat maps:

"Land within this short subdivision shall not be further subdivided for a period of five (5) years unless a final plat is filed pursuant to Wahkiakum County Subdivision Ordinance, Chapter 58.17 of the Revised Code of Wahkiakum County."

(Ord. 114-92 § 11)

58.18.120 SUPPORTING DOCUMENTS.

The following documentation shall accompany each application for approval of a short plat:

- A. A vicinity sketch clearly identifying the location of the property being short subdivided, the sketch having a scale of not less than one inch to one thousand three hundred twenty (1,320) feet;
- B. Copies of restrictions, if any, presently encumbering the land;
- C. Copies of restrictions, if any, proposed to be imposed upon the use of the land. Such restrictions, if required by the county, must be recorded either prior to or simultaneously with the moment the short plat becomes effective;
- D. In any short subdivision where lots are served or to be served by a private street, the subdivider shall furnish copies of such further covenants or documents that will result in:

1. Each lot owner having access thereto having responsibility for maintenance of any private street contained within the short subdivision; and
 2. Such covenants or documents shall obligate any seller to give actual notice to any prospective purchaser of the method of maintenance of the private street, which notice shall be caused to be included in any deeds or contracts relating to such sale, and such covenants or documents shall be recorded either prior to or simultaneously with the moment the short subdivision becomes effective;
- E. A certificate showing interest of the persons signing the declaration of short subdivision and showing restrictions encumbering the land.

(Ord. 114-92 § 12)

58.18.130 GENERAL STANDARDS.

A. Design.

1. The design of short plats shall conform with the requirements of any official control relating to land use which may be adopted to implement the Wahkiakum County Comprehensive Plan or any element thereof, or any other official plan; provided, that in the event of a discrepancy among standards and requirements, the Short Plat Administrator may exercise professional judgment to determine which standard or requirement shall control.
2. The design, shape, size and orientation of the short subdivision shall be appropriate to the use for which the divisions of land are intended and the character of the area in which they are located. Tracts may be required to be segregated or play restrictions required to be included in the short plat, for sanitation, utilities, steep slopes, access, slide hazards, water supply, poor drainage or flood hazard reasons or for other unique conditions or features which may warrant protection of the public interest.

B. Easements. Easements shall be provided where necessary for road utility installation and maintenance, public access, drainage, and buffer strip or protective easements. Drainage easements shall satisfy the requirements of RCWC 86.15.510.

C. Overall Plan.

1. When only a portion of land having the same ownership interest is permitted to be short subdivided, a generalized plan for the entire ownership shall be required to indicate that the road pattern and general arrangement for the short subdivision can be coordinated with the entire tract when fully developed. Available topographic information may be required.
2. Where property is short subdivided into divisions, lots or tracts of one acre or more, the Short Plat Administrator may require an arrangement of division, lots or tracts and roads such as to permit later resubdivision in conformity with access, division, lot or tract standards, in accord with Section 58.18.010 of this chapter.

D. Survey standards. A survey conducted by or under the supervision of registered land surveyor shall be made of every short subdivision filed for approval in Wahkiakum County. The surveyor shall certify on the short plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standards, practices and principles for land surveying and the requirements of the Survey Recording Act, Chapter 58.09 RCW.

E. Sewage Disposal. Provisions for adequate sewage disposal shall be in compliance with current Cowlitz-Wahkiakum Regional Health District regulations and shall be guaranteed by the applicant by meeting at least one of the following requirements:

1. Evidence that the short subdivision is located on soils designated by the United States Soil Conservation Service as showing septic tank development suitability; or

2. Certification by the Cowlitz-Wahkiakum Regional Health District that an adequate septic tank drainfield site is located on each lot; or
 3. An engineering feasibility report written by a registered engineer and prepared under the direction of the Cowlitz-Wahkiakum Health District which proposes a feasible sewage disposal alternative and generally lays out its design and meets all local and state regulations.
- F. Water. Provisions for an adequate domestic water supply shall be in compliance with current Cowlitz-Wahkiakum Regional Health District regulations and shall be guaranteed by the applicant by meeting one of the following requirements:
1. A letter from an existing public water supplier accepting responsibility to furnish water and certifying that the short subdivision lies within its service area; or
 2. Written release from the Cowlitz-Wahkiakum Regional Health District that the short subdivision can be developed on individual wells; or
 3. An engineering feasibility report written by a registered engineer which proposes a feasible water supply alternative which complies with all local and state regulations.

(Ord. 114-92 § 13)

(Ord. No. 164-17, § V, 3-16-17)

58.18.140 PRIVATE ROADS.

- A. Any right-of-way of less than County standards for public roads shall be retained permanently as privately owned and maintained except when the street is developed to adopted County standards and specifications. The County shall not maintain roads or signs within such rights-of-way.
- B. The face of any short plat containing a private road shall bear the following language:
"WARNING: Wahkiakum County has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing service to the property described in this short plat."
- C. Privately owned roads shall be open for necessary public use.
- D. When three or more lots are served, the cul-de-sac turnaround dimension shall have a turning radius of twenty-five feet. Rights-of-way may be required to be expanded to accommodate turnaround requirements.
- E. Private road rights-of-way may be required to be located within future public right-of-way tracts.
- F. Private roads shall serve no more than four lots; provided, however, that private roads may serve any number of lots when both of the following circumstances apply:
 1. The private road is gravel surfaced, consistent with Wahkiakum County standards and specifications, and serves no lot smaller than five acres; and
 2. The private road is located within a future public right-of-way tract as provided in Section 58.18.150 of this chapter and is improved to the standards set forth in this chapter.
- G. A private maintenance agreement shall be required for any short plat private road serving two or more lots.

(Ord. 114-92 § 14)

58.18.150 PUBLIC STREET RIGHTS-OF-WAY.

- A. **When Required.** Dedication or deeding to Wahkiakum County of such rights-of-way as may be consistent with adopted County standards for public streets, or a portion thereof, shall be required within or along the boundaries of the short plat or of any lot(s) within, under the following circumstances:
 - 1. Where the six-year capital improvement plan indicates the necessity of a new right-of-way or portion thereof for street purpose; or
 - 2. Where thirty feet or less from the center line is required for a public street; or
 - 3. Where necessary to extend or to complete the existing neighborhood street; or
 - 4. Where necessary to provide future access to more than four lots;
 - 5. Where necessary to provide sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
- B. **Improvement Standards.** Public street improvements shall be consistent with adopted County design standards, and specifications for public streets may be required under the following circumstances:
 - 1. When new public right-of-way is deeded or dedicated;
 - 2. When necessary to develop an existing undeveloped or unmaintained Wahkiakum County right-of-way to County standards for public streets, when such right-of-way abuts the land for which short plat approval is sought.
- C. **Additional Building Setbacks to Accommodate Future Public Right-of-Way, When Required.** Where the comprehensive plan or the major streets and highways plan indicate the necessity of a portion of right-of-way for a street which is not included in the six-year capital improvement plan, the Short Plat Administrator may require a plat restriction which imposes a sufficient building setback to guarantee that future right-of-way expansion could be accomplished without infringing on the yard requirement of the zone. Such required setback shall be based on a County Engineer's estimate, consistent with adopted county standards and plans for public streets and roads.
- D. **Future Public Right-of-Way Tract, When Permitted.** When the County Engineer determines that it is necessary to provide for future public street right-of-way to assure orderly development of a neighborhood street pattern, the Short Plat Administrator may require the setting aside of sufficient future right-of-way. The dimensions of such tract, when required, shall be based on County Engineer estimates, consistent with adopted county standards for public streets and roads. Such tract may contain a private road, consistent with the standards set forth in Section 58.18.140 of this chapter.
- E. **Lots Adjacent to Primary and Secondary Arterials.** Lots within a short subdivision shall be designed so that lots adjacent to primary and secondary arterials do not require direct access; except that if the subdivider presents proof that direct access to such lots is necessary to the development of his property and the Short Plat Administrator so finds, the Short Plat Administrator may permit direct access.
- F. **Access to Short Subdivision Boundary by Public Street.** Access to the boundary of all short subdivisions shall be provided by an opened, constructed and maintained town or county street.
- G. **Private Street, Responsibility for Maintenance.** If the subdivider uses a private street, each lot owner having access thereto shall have a responsibility for maintenance of such private street. Any private street shall also contain a drainage and utilities easement.

(Ord. 114-92 § 15)

58.18.160 PERFORMANCE BONDING OR OTHER COUNTY-APPROVED SECURITY FOR ROAD AND STREET IMPROVEMENTS.

- A. Performance Bond. When public street or private road improvement is required pursuant to Sections 58.18.150 or 58.18.160 of this chapter, the subdivider may deposit, in lieu of construction, a performance bond or other satisfactory security with the County Engineer in an amount equal to the estimated cost of said improvements and inspection, as furnished by the County Engineer, as a guarantee that said applicant will, within six months from date of recording of said final plat, fully comply with all required private road or public street improvements, consistent with applicable adopted county grading, surfacing, drainage and access standards and specifications.
- B. Letter of Credit. In lieu of a performance bond, the County may consider requiring the developer to either provide a letter of credit from a bank or an assignment of savings to insure that the improvements are constructed or the County can use the letter of credit or assignment of savings to construct the improvements.

(Ord. 114-92 § 16)

58.18.170 MONUMENTS AND MARKERS.

Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. 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 an approved method of monumentation (by a ¾" galvanized iron pipe or approved equivalent driven into the ground). All monuments and markers and shall be shown on the face of the plat.

(Ord. 114-92 § 17)

58.18.180 VARIANCES.

- A. Where difficulties exist rendering compliance with the Short Plat Ordinance impractical and such compliance would create unnecessary hardship for the owner, the Administrator may consider variances from the requirements of this chapter, subject to the approval of the Board at a public meeting.
- B. In passing upon any application for variance, the Administrator shall consider all maps and surveys, all agency reports, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The asserted hardship is due to unique circumstances such as lot size or shape, topography, and location or surroundings as it relates to the property;
 - 2. The hardship would apply to the particular lot, tract or parcel regardless of the owner;
 - 3. The request for variance is not the result of an illegal act on the part of the applicant;
 - 4. The hardship or difficulty asserted as a ground for a variance must relate to the premises for the benefit of which the variance is sought and not to other premises or personal conditions of the applicant; and
 - 5. The variance will not have the effect of nullifying the intent and purpose of the County Comprehensive Plan, the standards of this chapter, or the County Shoreline Management Master Program.

(Ord. 114-92 § 18)

58.18.190 ENFORCEMENT.

Whenever any parcel of land is divided into two or more but less than five lots, tracts, parcels, sites, subdivisions or divisions of land and any person, firm or corporation or any agent of any of them sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, parcel, site, subdivision or division without either having secured the Administrator's approval or having a final plat of such short subdivision filed for record, the Prosecuting Attorney shall commence an action to restrain and enjoin further subdivision or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring or offering or advertising the property for sale or transfer. Provided, however, this section shall not apply if performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land is expressly conditioned on the recording of the final plat.

(Ord. 114-92 § 19)

58.18.200 DEVELOPMENT OF ILLEGALLY DIVIDED LAND—INNOCENT PURCHASER FOR VALUE.

An application for a building permit, septic tank or other development permit for any lot, tract or parcel of land divided in violation of state law or this chapter shall not be granted without prior approval of the Board, which approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the Board that:

- A. The applicant purchased the lot, tract or parcel for value;
- B. The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot, tract or parcel had been part of a large lot, tract or parcel divided in violation of state law or this chapter; and
- C. The public interest will not be adversely affected by the issuance of such permit.

(Ord. 114-92 § 20)

58.18.210 RELIEF FOR AN INNOCENT PURCHASER FOR VALUE.

Except as provided in Section 58.18.190, all purchasers or transferees of illegally divided property shall comply with the provisions of this chapter and each purchaser or transferee may recover his damages from any person, firm, corporation or agent selling or transferring land in violation of this chapter, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter as well as the cost of investigation, suit and reasonable attorneys' fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorneys' fees occasioned thereby.

(Ord. 114-92 § 21)

58.18.220 VIOLATION—INJUNCTIVE RELIEF.

Whenever any parcel of land is divided into four or fewer lots, tracts or parcels of land and any person, firm or corporation or any agent of any of them sells or transfers or offers or advertises for sale or transfer, any such lot, tract or parcel without having a short plat of such subdivision approved pursuant to this chapter, then such action is hereby declared to be unlawful and a public nuisance, and the Prosecuting Attorney shall commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this chapter. The costs

of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property; provided, however, this section shall not apply if performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land is expressly conditioned on the recording of the final plat.

(Ord. 114-92 § 22)

58.18.230 UNAPPROVED SHORT PLAT—NOT TO BE FILED.

The Auditor shall refuse to accept for filing any short plat which does not bear the Administrator's certificate, and the Prosecuting Attorney shall apply for a Writ of Mandate on behalf of the Administrator, directing the Auditor to remove the unapproved plat from the Auditor's files.

(Ord. 114-92 § 23)

58.18.240 VIOLATIONS—PENALTIES.

Unless otherwise specifically provided herein, any violation of any provision of this chapter is a civil infraction that will be heard and determined by Wahkiakum County District Court in accord with the provisions of Chapter 7.80 of the Revised Code of Washington as now or hereafter amended. Further, any sale, offer for sale, lease or transfer of any lot, tract or parcel of land in violation of any provision of this chapter, shall be deemed a separate and distinct offense.

(Ord. 114-92 § 24)

58.18.250 ENFORCEMENT OFFICER DESIGNATED.

For purposes of issuing a notice of corrective action or notice of civil infraction pursuant to Chapter 7.80 RCW for violations of this chapter, the following person is designated "enforcement officer" and is authorized to enforce the civil provisions of this chapter: The Director of the Public Works Department or his/her designee.

(Ord. 114-92 § 25)

58.18.260 VOLUNTARY CORRECTION.

When the Public Works Director has determined that a violation of this chapter has occurred or is occurring, a notice to correct shall be sent within thirty days specifying the nature of the violation, the required corrective action, the correction date and the schedule of penalties for failure to comply.

(Ord. 114-92 § 26)

58.18.270 NOTICE OF INFRACTION.

If the violation continues, after the correction date specified on the notice to correct, the Public Works Director shall issue a notice of infraction.

(Ord. 114-92 § 27)

58.18.280 MONETARY PENALTIES.

- A. A person found to have committed a civil infraction shall be assessed a monetary penalty not to exceed the following amounts:
 - 1. First infraction, one hundred fifty dollars;
 - 2. Second infraction; three hundred dollars;
 - 3. Third infraction; five hundred dollars.
- B. There shall be an additional penalty of twenty-five dollars assessed for failure to respond to a notice of civil infraction. This civil penalty shall be in addition to the criminal penalties prescribed in RCW 7.80.160 for violating a written and signed promise to respond to a notice of civil infraction.

(Ord. 114-92 § 28)

58.18.290 FAILURE TO PAY MONETARY PENALTIES PUNISHMENT.

Whenever a monetary penalty is imposed by the court pursuant to this chapter and Chapter 7.80 RCW, it is immediately payable. Wilful failure to pay the penalty constitutes a misdemeanor.

(Ord. 114-92 § 29)

58.18.300 PERSONS LIABLE.

Any person who violates this chapter, whether directly committing the act or omitting to do the thing constituting the offense, or who aids and abets the same, whether present or absent; and any person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such offense, is and shall be, a principal under the terms of this chapter and shall be proceeded against and prosecuted as such.

(Ord. 114-92 § 30)