

CHAPTER XX.64 SUBDIVISIONS

xx.64.010	Purpose.
xx.64.020	General Provisions.
xx.64.030	Preliminary Plat Review and Approval.
xx.64.040	Final Plat Approval.
xx.64.050	Design and Improvements.
xx.64.060	Dedications and Covenants.
xx.64.070	Surety.
xx.64.080	Boundary Line Adjustments.
<u>xx.64.085</u>	<u>Lot Line Adjustments</u>
xx.64.090	Large Lot Segregations.
<u>xx.64.100</u>	<u>Planned Unit Developments</u>
<u>xx.64.110</u>	<u>Family Exemption from Platting</u>

xx.64.010 Purpose. The purpose of this Chapter is to provide criteria, regulations and standards to govern the subdivision of land within the County. No division of land shall be made within the County, except in full compliance with the provisions of this Title. All actions and exemptions from this Chapter must be completed within five years of the time of approval. An Applicant who files a written request to the Board of County Commissioners at least thirty days before the expiration of this ~~five-year~~five-year period may be granted one one-year extension upon a showing that the Applicant has attempted in good faith to complete the action within the five year period.

xx.64.020 General Provisions.

A. Applicability. The provisions of this Chapter for division of land shall apply to every subdivision and segregation of land within the unincorporated area of Pend Oreille County, except those exempted from platting under RCW 58.17.040.

- ~~1. Cemeteries and other burial plots while used for that purpose;~~
- ~~2. Divisions made by testamentary provisions, or the laws of descent, except proper legal easements must be granted as required;~~
- ~~3. Divisions of land into lots or tracts classified for industrial or commercial use in accordance with the provisions of a binding site plan approved by the County;~~
- ~~4. A division for the purpose of lease when no residential structure other than a recreational vehicle is permitted to be placed upon the land in accordance with the provisions of a binding site plan approved by the County;~~

~~5. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division~~

~~which contains insufficient area and dimension to meet minimum requirements for width and area for a building site and water and septic systems;~~

~~6. Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either Chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan;~~

~~7. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both,~~

Formatted: Indent: Hanging: 0.49", Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Indent at: 1.5"

of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

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

B. Violations of Subdivision Regulations.

1. If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land following preliminary plat approval is expressly conditional on the recording of the final plat containing the lot, tract or parcel under this Chapter, an offer or agreement is not subject to R.C.W. 58.17.200 or 58.17.300 and does not violate any provision of this Chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

Commented [GS1]: The blue highlight9ng below is intended for Dolly to review.

~~Illegal Transfer Or Offer To Transfer—Assurance Of Discontinuance. The County Prosecuting Attorney may accept a written assurance of discontinuance of any act or practice violating this Chapter from any person who has committed or is committing such an act or practice. The assurance may include a promise to file a proposed short plat or subdivision for approval and to satisfy any reasonable conditions required to affect its approval. Any willful failure to perform a promise contained in such an assurance shall constitute a misdemeanor, punishable to the same extent as other misdemeanors defined above.~~

Formatted: Highlight

2. ~~Illegal Transfer—Damage Recovery For Purchaser. A transferee who cannot secure a building permit, septic tank permit or other developmental permits for the reason that his transferor failed to comply with any~~

~~provision of the Chapter may recover damages from his transferor to include compensation for the loss of his bargain, actual costs of investigation and suit, reasonable attorney's fees and such additional elements as the law allows.~~

3.2. Unapproved Short Plat, Long Plat or Record of Survey- Not To Be Filed. The Auditor shall refuse to accept for filing any short plat or long plat which does not bear the Board's Certificate of Approval or Record of Survey for boundary line adjustments and segregations not approved by the Planning Department through a legal process. Should a short plat or long plat be filed without such a certificate, the County Prosecuting Attorney shall apply a writ of mandate on behalf of the Board, directing the auditor to remove the unapproved plat from the auditor's files.

4.3. Innocent Purchaser for Value. An application for a building permit, septic tank permit 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 may 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, and;
- 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 land, that the lot tract or parcel had been of a larger lot, tract or parcel divided in violation of state law or this Chapter.

C. New Segregations - Assessor to Notify Community Development Director. The Assessor shall promptly notify the Community Development Director of every new segregation of land made upon the Assessor's records and shall refuse to accept such segregation until it has the approval of the Community Development Director. Upon learning of such segregation, the Community Development Director shall investigate the same to determine whether the proposed division of land is in compliance with the provisions of this Title and that no violations have occurred.

D. Title Insurance. Title insurance is required for a lot divided under this Chapter, the title company shall furnish a list of the recorded covenants, with the preliminary and final title policy.

E. Deposit To Cover Next Year's Anticipated Taxes. Any person filing a plat subsequent to May 31st in any year and prior to the date of the collection of taxes, shall deposit with the County Treasurer a sum equal to the product of the County Assessors latest valuation of the unimproved property in such subdivision

multiplied by the current year's millage rate increased by twenty-five percent on the property platted. The Treasurer's receipt for said amount shall be taken by the auditor as evidence of the payment of the tax. The Treasurer shall appropriate so much of said deposit as will pay the taxes on the said property when the tax rolls are placed in his hands for collection, and in case the sum deposited is in excess of the amount necessary for the payment of said taxes, the Treasurer shall return, to the party depositing, the amount of said excess taking his receipt, therefore which shall be accepted for its face value on the treasurer's quarterly statement with the County Auditor.

E.F. Parcels that are described with an aliquot legal description are recognized as having the acreage associated with that description. For example, the South ½ of the Southeast ¼ of the Southeast ¼ of the Southwest ¼ will be considered as a 5-acre parcel regardless of actual size.

Formatted: List Paragraph, Right: 0", No bullets or numbering

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black, Pattern: Clear

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black, Pattern: Clear

xx.64.030 Preliminary Plat Review and Approval.

- A. The preliminary approval of all short plat subdivisions shall be processed as a Class 1 Permit; the preliminary approval of all long plat subdivisions shall be processed as a Class 2 Permit.
- B. All subdivision, boundary line adjustments, lot line adjustments, and binding site plan applications shall include a Title Report in such format as may be prescribed by the County.
- C. All contiguous land shall be included in a short subdivision application. Multiple applications or applications and/or exemptions shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this section. The Applicant shall certify that he/she has included all contiguous land in a short subdivision application and that he/she does not own or otherwise have a legal interest in ownership of contiguous parcels, provided that:
 1. For purposes of determining compliance with the provisions of this Title, contiguous land does not include parcels separated by intervening ownership or rights-of way.
- D. Approval Criteria.
 1. For all Class 2 Permit proposals, ~~The~~ Community Development ~~Director~~ Department shall prepare a staff report that highlights all comments received, and documents that the preliminary plat is consistent with the requirements of this Title and that adequate provisions have been made for health, safety and general welfare and for such open spaces, drainage ways, streets, alleys, other

public ways, water supplies, sanitary wastes, public and private utilities, parks, playgrounds, sites for schools and school grounds, and whether the public use and interest will be served by the platting of such subdivision, provided that:

- a. The County Public Works Department must review and approve the design of all roads for compliance with County Road Standards.

2. Recommended conditions to be fulfilled, if any, after approval of the preliminary plat that shall be written on the face of the plat in addition to dedications and covenants.

3. Dedication of land to any public body, or fees paid in lieu thereof, may be required as a condition of subdivision approval and shall be clearly shown on the final plat. A record of the public meeting/public hearing, if required, shall be kept by the County and shall be open to public inspection.

xx.64.040 Final Plat Approval. The final plat shall conform substantially to the preliminary plat, and shall incorporate any conditions or recommendations imposed by the County.

- A. The final plat shall be submitted within ~~seven-five~~ years of the date of preliminary plat approval. ~~After December 31, 2014 final plats shall be submitted within five years of the date of preliminary plat approval.~~

- B. The County shall review the final plat for conformance to conditions imposed on the approved preliminary plat, provided that:

1. The County Public Works Department has confirmed that all required road improvements have been designed, constructed, and accepted by the County for ownership and maintenance or the appropriate bond and development agreement with the County are in place.

2. All community water and sewer systems have been installed and accepted by the appropriate agency and operation and maintenance covenants have been filed with the County Auditor.

- 2.3. The County Surveyor confirms that the final plat meets State Code requirements of RCW 58.17 for a final plat and confirms that the mathematical closures are accurate.

- C. Upon approval, a final plat shall be recorded with the County Auditor within thirty days following the date of approval. If the subdivider fails to file his final plat prior to the expiration of the above time period, the approval shall lapse and the subdivider shall resubmit the plat in accordance with the provisions of this Title.

Commented [GS2]: The following yellow highlighting is for Eric to review.

Formatted: Highlight

Formatted: Highlight

Formatted: List Paragraph, Right: 0", No bullets or numbering

- |
- D. Once a plat has been filed with the County Auditor, it shall remain as the official plat covering the land. If a person proposes to alter or vacate the plat in whole or in part, the procedures set forth in RCW 58.17 shall be followed.
 - E. No building permit shall be issued or approved until such time as the County approves and accepts the final plat for the subdivision and the final plat is recorded with the County Auditor, except that the owner of record of the land may obtain a building permit.
 - F. Inspection of improvements shall be made during construction and after completion of required improvements. Scheduling of inspections shall be the responsibility of the Applicant and shall be coordinated with the appropriate County Staff.
 - G. Once a short plat has been recorded with the County Auditor, it can be altered or vacated in whole or part in a manner not involving a re-subdivision into more than four lots from the original short plat. When a proposed alteration or vacation involves a public dedication, the alteration or vacation shall be processed in accordance with RCW 58.17. If the proposed alteration or vacation does not involve a public dedication, the amended short plat shall be processed in accordance with the following provisions:
 - 1. The amended short plat must comply with the procedures and requirements of this Chapter for original short plat approval. A new survey shall not be required except for new lines created by the amended short plat.
 - 2. The amended short plat shall show all of the land shown on the original short plat and shall bear the acknowledged signatures of all parties having ownership interest in the affected lots, tracts, parcels, sites or divisions within the original short plat as shown by a current title certificate.
 - 3. The amended short plat shall not increase the number of lots, tracts, parcels, sites or divisions into more than four from the original short plat for a period of five years from the date of recording of the original short plat, unless a final plat has been approved and filed for record or a long plat application has been submitted pursuant to the regular plat provisions of this Title.
 - 4. Minor errors not involving a change in lines may be corrected by the surveyor upon approval of the Community Development Director by recording an affidavit with the County Auditor specifically referencing the short plat by number and the correction.
 - H. Once property is subdivided in accordance with the short subdivision regulations of this Title, no further division creating more than four lots, tracts, parcels, sites or divisions from the original short plat shall be made for a period of five years

from the date of recording of the short plat, unless a final plat has been approved and filed for record pursuant to the regular plat provisions of this Title. In the case of a proposed re-division of land within a short plat or a regular plat, either the short subdivision or regular subdivision provisions of this chapter and RCW 58.17 shall be complied with dependent upon the number of divisions proposed within the land as defined by this Chapter and/or the period of time that has elapsed since the recording of a prior short plat.

xx.64.050 Design and Improvements.

A. Design of Subdivisions.

1. No lot or tract shall have a width to depth ratio less than 1 to 5 (i.e. the width of the lot must be at least 20% of the length of the lot.
2. The number of new lots may not exceed the density standards in xx.26.030 unless otherwise authorized by the provisions of this Title.
3. No new lots may be created that do not conform to the provisions of this Title.
 - a. Lots that contain critical areas or shorelines may not be subdivided to create nonconforming lots or that may only be developed through a variance or reasonable use exception.
4. New land divisions located within city urban growth areas must conform to city development standards, in accordance with adopted inter-local agreements;
5. Fire Protection Facilities. Adequate provisions must be made for fire protection and suppression to the satisfaction of the Fire District with jurisdiction. This may ~~include, but~~include but is not limited to the provision of a site for fire protection facilities.
6. Lot Line Angles: Where practicable, side lot lines shall be straight lines running at or near right angles to the road upon which the lots front. Side lot lines on a curve should run at or near radially to the road.
- ~~7. Drainage and Storm Sewer~~Easements: Easements for drainage channels and ways, when required, shall be of sufficient width to assure that the same way be maintained and improved. ~~Easements for storm sewers shall be provided and shall be of sufficient width and proper locations to permit future installation.~~
- ~~7.~~
8. Access. All lots less than twenty acres in size shall have sixty feet of frontage on a maintained County Road or State Highway.

Formatted: Justified, Indent: Hanging: 0.29", Right: 0.04", Line spacing: Multiple 1.03 li, Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.3" + Indent at: 1.3"

9. Adequate provisions shall be made in the subdivision for such drainage ways, roads, alleys, easements, parks, playgrounds, sites for school, school grounds, and other general purposes as may be required to protect health, safety and welfare.

B. Roads and Access.

1. The Applicant shall submit to the County Engineer for approval a preliminary design of all subdivision roads. The County Engineer must approve construction of all access roads and subdivision roads prior to final approval of the plat.
2. Private easement roads generally are not allowed, because of the inability of certain services to use such roads, such as school buses and mail routes. Private easement roads may be allowed if it is clearly stated on the plat that the ~~above mentioned~~ above-mentioned services may not be available to future lot owners.
3. Major roads within every subdivision shall conform to the County Comprehensive Plan and shall provide for the continuation of major roads which serve property contiguous to the subdivision.
4. Lot access shall meet the following requirements:
 - a. Every lot shall be provided with satisfactory access by a public road connecting to an existing maintained public road with at least a minimum of 60 feet of road frontage.
 - b. An easement shall serve no more than one lot. An easement shall be a minimum of 30 feet in width and permanent and inseparable from the lot served.
5. Road improvements shall be made in accordance with the Pend Oreille County Public Works Road Regulations.

C. Water.

1. The Northeast Tri-County Health District shall notify the Community Development Director as to what current water supply is available, if any.
2. Within a short plat, no dwelling may be constructed or located on a lot or tract prior to the approval of a domestic water source acceptable to the County Health Officer.

3. Additionally, the covenants of the subdivision shall provide that no permanent dwelling may be constructed or located on any lot prior to the establishment of a domestic water ~~system~~ supply approved by the County Health Officer, provided however, the Health District may issue a special use permit for temporary buildings, or trailers for temporary short term use.

D. Sewage Disposal.

1. The Health Officer shall report to the Community Development Director on his approval of the sewage disposal arrangements prior to submission of the plat for final approval.
2. Suitability shall be based on the ability of the soils to accept effluent, on the effect and presence of a high ground water table, and on the elevation and distance of suitable sewage disposal sites above and back from bodies of water, streams, swamps, marshes, etc.
3. No dwelling may be established on a lot or tract prior to the approval of a sewage disposal method acceptable to the Northeast Tri-County Health District.

E. Utilities.

1. Provisions must be made for power, telephone, solid waste transfer sites, water and sewer rights-of-ways. ~~Generally, the 60 foot right of way will be adequate, but with larger tracts it is often necessary to traverse into other areas. Therefore, a~~ An additional easement for utilities ~~on some tracts~~ may be required. Easements for electric, telephone, water, gas and similar utilities shall be sufficient width to assure future maintenance. Subdivider shall submit a letter of approval from utility companies in regards to rights-of-ways.

xx.64.060 Dedications and Covenants.

A. Dedications.

1. Land for public use shall be dedicated on the face of the plat or by a separate written instrument and signed and acknowledged before a notary public by parties having any ownership interest in the lands subdivided and recorded as part of final plat.
2. Protective improvements and easements to maintain such improvements shall be dedicated.

3. ~~Convenient a~~Access to every lot shall be provided by a dedicated road or by easement which is permanent and inseparable from the lot served.
4. If the County concludes that the public interest will be served thereby, the County may, in lieu of requiring the dedication of land in a subdivision for protective improvements, drainage ways, roads, alleys, sidewalks, parks, playgrounds, recreational, community or other general purposes, allow said land to be conveyed to a homeowner's association or similar non-profit corporation.
5. A subdivider who wishes to make a conveyance as permitted by this Section, shall at or prior to the time of filing a final plat for approval, supply the Board with copies of the grantee organizations articles of incorporation and bylaws and with evidence of the conveyance or a binding commitment to convey. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership of land in the subdivision; that the corporation is empowered to assess that said land for costs of construction and maintenance of the improvements and property owned by the corporation and that such assessment shall be a lien upon the land. The Board may impose such other conditions as it deems appropriate to assure that the property and improvements owned by the corporation will be adequately constructed and maintained.

B. Covenants. At a minimum, the following covenants shall be noted on the face of the plat:

1. Construction of the exterior of all buildings shall be completed within three (3) years of the start of construction
2. No dwelling may be constructed or located on a lot or tract prior to the approval of domestic water source by the Jurisdictional Health Department.
3. No dwelling may be constructed or located on a lot or a tract prior to the approval of a sewage disposal method acceptable to the Jurisdictional Health Department.
4. No roads or streets will be accepted by the Board of County Commissioners as part of the county road maintenance system, or other work until it has been constructed ~~by the abutting property owners~~ to minimum county road standards and until the amount of use, condition of the roads, taxable property involved, availability of maintenance and construction funds and other similar conditions, warrant the taking of the road into the maintenance system. By approval of this plat, the Board does not warrant, promise or imply that any ~~particular~~ subdivision or access road will be taken into the County Road System within the foreseeable future or ever. If the roads are private then

public and other services, such as mail delivery and school bus service, may not be available.

5. All property owners within this subdivision of property recognize that designated or all properties are within proximity of resource lands of long-term commercial significance and that commercial uses may occur that are not compatible with residential development, therefore, any claim of public nuisance against any permitted use is invalid, provided, the practice conforms with all applicable local, State and Federal laws. Residential lot owners shall not interfere with any nearby, lawful natural resource operation.

xx.64.070 Surety. In lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the County may accept a bond in an amount and with surety and conditions satisfactory to the County, or other secure method, providing for and securing to the County the actual construction and installation of all improvements within a time period specified by the County expressed in said surety. In addition, the bonds or other security may be required securing to the County the successful operation of the improvements for up to two years after final plat approval.

xx.64.080 Boundary Line Adjustments. A boundary line adjustment is a mechanism by which the County may approve the alteration of boundary lines between ~~subdivided or unsubdivided lots or both~~ parcels not created by a platted subdivision, where such an adjustment does not create any additional lot, tract, parcel, site, or division, nor create lots which are nonconforming or more nonconforming than exists.

A. The Community Development Director may approve an application for a boundary line adjustment provided the following criteria are met:

1. The proposed adjustment shall meet the exemption requirements provided in RCW 58.17.040(6);
2. The boundary line adjustment shall not result in the creation of any additional tract, lot, parcel, site or division;
3. The property being transferred within the boundary line adjustment shall be combined with the benefiting parcel and shall not be a separate parcel, which could be mistaken as a separate and distinct, conveyable tract without proper research;
4. ~~The No~~ lots, tracts, or parcels resulting after the boundary line adjustment shall ~~meet all dimensional requirements specified for the applicable zone as outlined in this Title~~ be made more non-conforming than before the boundary line adjustment was requested.

5. All ~~lots-parcels~~ modified by the boundary line adjustment procedures shall have legal access meeting the standards of Pend Oreille County;
6. The boundary line adjustment shall not violate an applicable requirement or condition of a previous land use action, ~~subdivision, short subdivision or binding site plan;~~
7. All boundary line adjustments that cannot be described with an aliquot legal description shall be recorded surveys consistent with the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC. ~~All lot lines being adjusted shall be surveyed,~~ and newly established lot corners shall be ~~staked~~monumented.

xx.64.085 Lot Line Adjustments. A lot line adjustment is a mechanism by which the County may approve the alteration of boundary lines between subdivided lots where such an adjustment does not create any additional lot, tract, parcel, site, or division, nor create lots which are nonconforming or more nonconforming than exists.

A. The Community Development Director may approve an application for a lot line adjustment provided the following criteria are met:

1. The proposed adjustment shall meet the exemption requirements provided in RCW 58.17.040(6);
2. The lot line adjustment shall not result in the creation of any additional tract, lot, parcel, site or division;
3. The property being transferred within the lot line adjustment shall be combined with the benefiting parcel and shall not be a separate parcel, which could be mistaken as a separate and distinct, conveyable tract without proper research;
4. The lots resulting after the lot line adjustment shall meet all dimensional requirements specified for the applicable zone as outlined in this Title.
5. All lots modified by the lot line adjustment procedures shall have legal access meeting the standards of Pend Oreille County;
6. The lot line adjustment shall not violate an applicable requirement or condition of a previous land use action, subdivision, short subdivision or binding site plan;

Formatted: Indent: Hanging: 0.26", Space After: 0 pt,
Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... +
Start at: 1 + Alignment: Left + Aligned at: 1.26" +
Indent at: 1.26"

7. All lot line adjustments shall be a replat consistent with the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC. All lot lines being adjusted shall be surveyed, and newly established lot corners shall be monumented.

xx.64.090 Large Lot Segregations. The subdivision of land into 10 acre parcels or larger may be segregated, provided that the following conditions are met to the satisfaction of the County:

A. ~~Twenty-acre~~Twenty-acre segregations. Subdivisions in which the lots are twenty acres or larger that comply with the minimum lot size and density requirements of this Title may be exempt from the requirements of this Chapter provided that the following conditions are met to the satisfaction of the County:

1. In lieu of a survey, a clean and clear aliquot description of the subject parcels may be provided in a form prescribed by the County.
2. In lieu of a soil percolation test, the Applicant submits in a form prescribed by the County an acknowledgement that all development activity must comply with the requirements of the Northeast Tri-County Health District and that a reasonable use exception shall not be granted if any of the lots fail to comply with all applicable public health and safety standards.
3. Evidence of adequate access to the site in accordance with County standards is provided, subject to County review and approval. This may include deeded access and/or a recorded easement, subject to County approval.

~~4. A Notice of Application has been prepared and distributed in accordance with the provisions of this Title.~~

~~5.4~~ Land within an approved exempt segregation within five years immediately preceding, may not be further divided for five years from the date of approval unless all requirements of the long subdivision or long plat process have been met.

~~6.5~~ Government lots ~~thirty-six~~thirty-six acres in size or larger that do not ~~that~~ border bodies of water may be segregated into two lots of eighteen acres or more provided that all other conditions of this code apply.

B. ~~Ten-acre~~Ten-acre lot segregations. Subdivisions of land into 1, 2, 3 or 4 lots where no lot contains less than 10 acres, may be ~~segregated provided~~segregated provided that:

1. In lieu of a survey, a clean and clear aliquot description of the subject parcels may be provided in a form prescribed by the County.
2. In lieu of a soil percolation test, the Applicant submits in a form prescribed by the County an acknowledgement that all development activity must comply with the requirements of the Northeast Tri-County Health District and that a reasonable use exception shall not be granted if any of the lots fail to comply with all applicable public health and safety standards.
3. Each lot shall have 60 feet of frontage on a maintained County road and shall have adequate access in accordance to County Road Standards and subject to County review and approval.

~~4. A Notice of Application has been prepared and distributed in accordance with the provisions of this Title.~~

~~5.4~~ Land within an approved segregation within five years immediately preceding may not be further divided for five years from the date of approval unless all requirements of the long subdivision or long plat process have been met.

xx.64.100 Planned Unit Development (PUD) This subchapter includes provisions that allow flexibility in how development and uses can be configured and phased on a site, provided that the following conditions are met to the satisfaction of the County:

1. Districts permitting Planned Unit Developments;
Planned unit developments (PUDs) are permitted in all districts except Natural Resource.

2. Planned Unit Development classification and minimums:

A. A "small scale residential" PUD consisting of only residential and accessory uses and having six (6) dwelling units or fewer.

B. A commercial/industrial PUD consisting of primarily commercial and/or industrial uses, wherein the permitted uses within the PUD shall be the same as those within the base zone district.

C. A "large scale residential" PUD consisting of only residential and accessory uses and having more than six (6) dwelling units.

3. Uses permitted within Planned Unit Developments:

Permitted uses shall be the same as those within the base zone district, with the following exceptions:

A. Duplexes and multi-family dwellings are permitted in the, Rural Residential District, provided the development meets applicable density limits set forth in section XX.26 of this title.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: 12 pt

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Indent: Left: 1.25", No bullets or numbering

Formatted: Indent: Left: 1.25", Space After: Auto, No bullets or numbering

Formatted: Right: 0.75", Space After: Auto

Formatted: Indent: Left: 1.25", No bullets or numbering

Formatted: Indent: Left: 1", No bullets or numbering

4. Planned Unit Development application requirements:

Application for a PUD shall be made with the Pend Oreille County Community Development Department. In addition to the basic information requirements and application forms provided by the department, a completed application shall include the following:

- A. A report showing how the proposed PUD complies with the conditional use standards of chapter xx.68.
- B. Environmental analysis, which shall address the impacts of the development on the various physical features of the land, including wetlands, wildlife habitat, vegetation, floodplain and floodways, cultural resources, water quality and other natural resources.
- C. Preliminary development plan or conceptual land use plan for a "large scale" PUD of significant size which may be planned in phases for a variety of land use types over a period of time. The preliminary development plan contents for a "small scale", or for any portion of an approved "large scale" PUD which is contemplated to be completed or under construction within two (2) years after approval, shall include the proposed use or uses, housing densities and arrangements, parking facilities, preliminary subdivision plan (if applicable), common areas, open spaces and a transportation network for vehicular and pedestrian circulation. The Community Development Director or Governing Body may require drawings and sketches demonstrating the design characteristics and physical relationships of various uses and siting conditions in order to determine the feasibility and desirability of any necessary variation from the conventional development standards of this title.
- D. A trip generation and distribution letter.

5. Preapplication meeting:

The developer or developer's representative for a PUD shall meet with the Community Development Director or designee, prior to submitting an application. The purpose of this meeting is to discuss early and informally with the developer, the purpose and qualifying provisions of this chapter along with any known constraints in order to assist the applicant in determining the feasibility of the proposal. The meeting will familiarize the developer with the comprehensive plan, this title, sewer and water regulations and general soil information. The developer shall also consult with the serving utility companies and agencies regarding electrical power, sewer and water supply prior to submission of the preliminary development plan.

6. Concurrent processing of Planned Unit Development and subdivision applications:

When a PUD includes a subdivision, the processing of the subdivision application shall take place concurrently with the PUD application.

7. Large scale PUD, general provisions:

A conditional use permit may be granted for a conceptual land use plan for a "large scale" PUD, subject to submission of preliminary development plans as provided in this title. The hearing body shall consider the conceptual land use plan and shall make its recommendation to the Board, which may conduct its own hearing on the plan. If phasing is proposed, a phasing schedule shall

Formatted: Indent: Left: 1.25", No bullets or numbering

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Indent: Left: 1.25", No bullets or numbering

be provided with the application. Subdivisions may be considered concurrently with the conceptual land use plan or separately after approval of the conceptual land use plan, pursuant to the provisions of this chapter.

B. Development plans submitted as part of an approved "large scale" PUD shall be in substantial compliance with the approved conceptual land use plan. Any significant change affecting the original approval of the plan shall require a public hearing. A change in density or a more intensive use of the same area constitutes a significant change

8. Procedure for approval of Planned Unit Developments:

The procedures of this chapter for approval of conditional use permits apply to consideration and approval of planned unit developments, except as otherwise provided in this title. The hearing body shall consider the subdivision associated with a planned unit development proposal and shall make its recommendation to the Board of County Commissioners after holding a public hearing.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

9. Design standards for Planned Unit Developments:

Approval of a development plan by the hearing body shall include, but is not limited to, the following performance standards and requirements, which may be in addition to and may vary from the minimum standards of this title:

Formatted: Font: Not Bold, Not Highlight

Formatted: Font: Not Bold, Not Highlight

Formatted: Font: Not Bold, Not Highlight

Formatted: Font: Not Bold, Not Highlight

Formatted: Font: Not Bold, Not Highlight

Formatted: Indent: Left: 1.25", No bullets or numbering

A. Common Open Space: At least ten percent (10%) of the gross land area of a residential PUD shall be reserved as common open space, exclusive of streets, parking areas, and utility easements and other improvements which would detract from the function of the "common open space", as defined below. The required common open space must fall into one or more of the following categories:

1. Wildlife habitat or wildlife corridors, as identified by the Washington Department of Fish and Wildlife or U.S. Fish and Wildlife Service. These areas might be stream corridors, waterways, wetlands, grasslands, stands of mature timber, areas with snags, wintering areas, nesting and roosting sites, waterfront areas and travel corridors between habitat blocks and sources of food and water.

2. Recreational areas, including trails, sports courts and wildlife viewing areas, and other similar recreational uses.

3. Historic or culturally significant areas as determined by the Washington State Historical Preservation Office.

4. Areas within a scenic byway.

5. Actively managed pasture, farm or timbered land in the rural districts. Accessory agricultural structures are allowed within the common open space.

B. Owners' Association: A PUD shall include a homeowners' association and/or corporate ownership, which shall be responsible for the development, use and permanent maintenance of all common activities and facilities.

C. Covenants, Articles Of Incorporation: Articles of incorporation for the homeowners' association or corporate entity governing the PUD shall be recorded with the final plat of any PUD subdivision or final development

plans. The covenants, conditions and restrictions shall be sufficient to enforce development requirements and responsibilities of the homeowners' association and/or ownership.

D. Development Density: The unit density of a PUD containing residential uses (dwelling units/acre) shall not exceed the density of the zone district in which it is located, except for density bonuses as provided in the following tables:

TABLE 2-1
DENSITY BONUS FOR COMMON OPEN SPACE
(Numbers in parentheses refer to additional standards located below the table.)

<u>Maximum Percentage Increase In Approved Building Lots (1)</u>	
<u>Amount Of Common Open Space (Percent Of Site) (2)</u>	<u>Rural, Rural Residential (3)</u>
<u>.10 percent - 19 percent</u>	<u>0 percent</u>
<u>.20 percent - 29 percent</u>	<u>10 percent</u>
<u>.30 percent - 39 percent</u>	<u>20 percent</u>
<u>.40 percent - 49 percent</u>	<u>30 percent</u>
<u>.50 percent - 79 percent</u>	<u>40 percent</u>
<u>.80 percent or more</u>	<u>50 percent</u>

Formatted: Right: 0.49"

Formatted: Left, Indent: Hanging: 0.77", Right: 0"

Formatted Table

Formatted: Indent: Left: 1.25", No bullets or numbering

Standards:

1. To qualify for the full bonus percentages herein, the common open space must comply with applicable requirements of subsection A of this section.

2. Common open space percentages may be rounded off to the nearest whole percentage.

3. Planned unit development subdivisions shall not exceed 150 percent of the density allowed by the underlying zoning district through provision of common open space percentages and other density bonus actions listed in table 2-2 below. For example, an applicant with 40 acres in the Rural district [normally allowed a maximum of 8 lots] may qualify for up to 12 lots via common open space and other bonus actions.

4. Planned unit development subdivisions shall not exceed 200 percent of the density allowed by the underlying zoning district through provision of common open space percentages and other density bonus actions listed in table 2-2 below. For example, an applicant with 40 acres in the Rural district [normally allowed a maximum of 8 lots] may qualify for up to 16 lots via common open space and other bonus actions.

TABLE 2-2
DENSITY BONUS FOR OTHER ACTIONS

<u>Density Bonus Action</u>	<u>Maximum Percentage Increase In Approved Building Lots</u>
<u>1. Provide subdivision residents with usable access to adjacent lakes, streams or public lands.</u>	<u>5 percent</u>
<u>2. Provide general public with usable access to common open space, adjacent lakes, streams or public lands. (Note: This option is in lieu of, not in addition to, action 1.)</u>	<u>15 percent</u>
<u>3. Provide a sidewalk or pathway system that connects each lot in the subdivision.</u>	<u>5 percent if open only to subdivision residents.</u> <u>15 percent if</u>

	<u>open to the general public.</u>
<u>4. Provide other public amenities. The board may approve bonus lots for other improvements and amenities, both on and off site, where the applicant can successfully demonstrate that the proposed improvements/amenities benefit the public.</u>	<u>Up to 25 percent</u>
<u>5. Bonus for urban sewer (where not required to achieve given density)</u>	<u>25 percent</u>

E. Public Amenities: Below are public amenities that can be provided to obtain a density bonus. All are subject to approval by the board:

1. Construct recreational improvements that are available for the use by the general public. Improvements may include, but are not limited to, play fields, picnic shelters, children play areas and indoor recreational facilities. Applicants must successfully demonstrate that the improvements are safe, accessible and desirable to the general public.
2. Construct public facilities such as schools, fire stations or libraries. To qualify, the land and/or facilities must be accepted by the applicable public agency. The land itself set aside for such public use shall be considered as common open space for the purposes of obtaining a density bonus.
3. Pave roadways (where they are not required to be paved).
4. Provide environmental improvements as certified by wetlands, plant or other biologists having expert knowledge of the specific environmental feature. An example could be replacement of nonnative vegetation with native vegetation in common open space areas. Such improvements are particularly desirable in and around wetland areas and designated critical wildlife habitat.
5. Provide off site road improvements (above and beyond what is required by board for subdivision approval).

The applicant shall include a cost estimate for the proposed public amenity improvements prepared by a professional construction estimator, registered general contractor, engineer, architect or landscape architect shall be submitted with the application. The cost estimate shall be limited to physical improvements, labor and utility costs associated with the proposed public amenity feature.

F. Requirements For Public Amenities: To qualify for a density bonus, the proposed public amenity must meet the following requirements:

Formatted: Indent: Left: 1.25", No bullets or numbering

1. Applicants must successfully demonstrate how the improvements benefit the public.

2. The percentage of density bonus shall be commensurate with the cost of the applicable improvements per the following scale:

Cost of proposed improvements = \$Y

Density bonus = Extra lot or lots* valued at the equivalent of two (2) times the cost of proposed improvements (2 x Y) up to a maximum density bonus of twenty five percent (25%).

*The average value of lots in the proposed subdivision as determined by a state licensed appraiser at the time the application is submitted. The appraised value shall take into account the average size of proposed lots, proposed physical improvements (including proposed amenities), and locational attributes.

For example, if the applicant proposes off site road improvements costing an estimated fifty thousand dollars (\$50,000.00), the applicant is then eligible for a bonus lot or lots equaling up to one hundred thousand dollars (\$100,000.00) in assessed value. If a state licensed appraiser concludes that the average market value for one of the proposed cluster lots is fifty thousand dollars (\$50,000.00), then the applicant qualifies for up to two (2) additional lots (provided the extra lots do not exceed 25 percent of the total density of the subdivision).

G. Design Standards: Minimum development standards set forth in this title may be increased or decreased sufficient to accomplish design objectives in the utilization of natural or created amenities (i.e., topographic features, seasonal recreational uses, etc.), provided the development meets the intent of the standards.

H. Buffering, Clustering: Residential PUDs shall provide for the clustering of dwelling units. Clustered lots shall be accessed by interior road systems. To the maximum extent possible, cluster lots shall be located so that common open space provides a buffer between the cluster lots and adjacent properties and/or right of way. When this is not possible, the development shall be designed to provide at a minimum one of the following:

1. Cluster lots that abut surrounding properties or right of way shall be at least seventy five percent (75%) of the minimum lot size standard for the subject parcel.

2. Cluster lots that abut surrounding properties or rights of way shall be separated from adjacent properties or rights of way by a minimum buffer strip of one hundred feet (100'). At a minimum, proposed or existing landscaping and vegetation within the buffer strip shall be of sufficient size and type to provide a buffer of vegetation six feet (6') in height and fifty percent (50%) opaque year round within three (3) years of planting. New landscaping materials shall consist of a combination of native trees and shrubs. Variations to these standards may be permitted where the applicant can demonstrate that unique topographic conditions provide sufficient buffering, such as intervening waterways, ridges or ravines, or other land features.

xx.64.110 Family Exemption from Platting This subchapter includes provisions for the one time exemption from platting for the purpose of gifting of property to a family member. A family member would include a spouse, parent, child, sibling, grandparent, or grandchild.

1. All affected parcels must meet the zoning criteria consistent with the current zoning designation of the parent parcel.
2. In lieu of a survey, a clean and clear aliquot description of the subject parcels may be provided in a form prescribed by the County.
3. In lieu of a soil percolation test, the Applicant submits in a form prescribed by the County an acknowledgement that all development activity must comply with the requirements of the Northeast Tri-County Health District and that a reasonable use exception shall not be granted if any of the lots fail to comply with all applicable public health and safety standards.
4. Evidence of adequate access to the site in accordance with County standards is provided, subject to County review and approval. This may include deeded access and/or a recorded easement, subject to County approval.
5. Land within an approved exempt segregation may not be further divided for five years from the date of approval unless all requirements of the long subdivision or long plat process have been met.

Formatted: List Paragraph, Indent: Left: 1.28"