

Return Address
Walla Walla County Commissioners
PO BOX 1506
Walla Walla, WA 99362

Document Titles (i.e.: type of document)

Ordinance No. 376

Auditor File Number(s) of document being assigned or released:

Grantor

1. **Walla Walla County Commissioners**

2.

3.

Additional names on page ____ of document.

Grantee

1. **The Public**

2.

3.

Additional names on page ____ of document.

Legal description (i.e.: lot and block or section township and range)

Additional legal is on page ____ of document.

Assessors Parcel Number

Additional parcel number is on page ____ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein. Please type or print the information. This page becomes part of document.



Walla Walla County, WA

ORD

2009-11608

Page: 1 of 65

11/30/2009 11:44A

**BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON**

ORDINANCE NO. 376

APPROVING A REQUEST BY WALLA WALLA COUNTY PUBLIC WORKS DEPARTMENT TO AMEND WALLA WALLA COUNTY CODE TITLE 16, SUBDIVISIONS, TO REMOVE REDUNDANCIES AND INCONSISTENCIES BETWEEN TITLE 16 AND TITLE 12, STREETS, SIDEWALKS, AND PUBLIC PLACES, AND TO PROVIDE ADDITIONAL CLARITY REGARDING FINANCIAL GUARANTEES, BONDING REQUIREMENTS, AND PUBLIC INFRASTRUCTURE.

Whereas, The Public Works Department drafted revisions to Title 12, Streets, Sidewalks, and Public Places, and in so doing discovered inconsistencies and redundancies between the revisions to Title 12 and the current Title 16;

Whereas, it is desirable to eliminate inconsistencies and redundancies to keep the Walla Walla County Code internally consistent;

Whereas, portions of the current Title 16 are more appropriately located in Title 12, Streets, Sidewalks, and Public Places;

Whereas, the current Title 16 does not contain sufficient information regarding financial guarantees and bonding requirements as pertains to construction of public infrastructure;

Whereas, certain sections of Title 16 are out of date, as they relate to County procedures;

NOW THEREFORE,

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. The Public Works Department entered into a Supplemental Agreement for Professional Services with Stalzer and Associates (consultant) on March 5, 2007 and again on December 31, 2008 for the purpose of reviewing Title 16 in conjunction with the review and update of Title 12.
2. Notices of a Walla Walla County Planning Commission Workshop open to the public were published in the Waitsburg Times on June 18, 2009 and the Walla Walla Union Bulletin on June 19, 2009.



3. The Walla Walla County Planning Commission held a workshop open to the public on the Title 16 revisions on July 1, 2009.
4. Notices of a Walla Walla County Planning Commission Public Hearing were published in the Tri-City Herald on July 21, 2009, in the Walla Walla Union Bulletin July 22, 2009, and in the Waitsburg Times on July 23, 2009.
5. The Walla Walla County Planning Commission held a public hearing on August 5, 2009 for the purpose of receiving testimony on the proposed revisions to Title 16.
6. The Walla Walla County Planning Commission recommended approval of the proposed revisions to Title 16 to the Board of County Commissioners.
7. The Board of County Commissioners held a workshop open to the public on the Title 16 revisions on July 21, 2009.
8. The County issued a SEPA Determination of Non-Significance on August 7, 2009. No comments were received on the Determination of Non-Significance. No appeals were received on the Determination of Non-Significance.
9. The County forwarded the proposed revisions to Title 16 to the State Department of Commerce, which granted expedited review on August 24, 2009.
10. Notices of a Public Hearing were published in the Waitsburg Times on September 3 and 10, 2009. Notices of a Public Hearing were published in the Tri-City Herald and the Walla Walla Union Bulletin on September 4 and 11, 2009.
11. The Board of County Commissioners held a public hearing on September 15, 2009 for the purpose of receiving testimony on the proposed revisions.

Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. The County has reviewed and evaluated comments received from the public.
2. The proposed amendments to Title 16 of the Walla Walla County Code are necessary to keep consistency within the Code and to provide current guidance regarding financial guarantees, bonding requirements, and public infrastructure.
3. The Proposed revisions are necessary to resolve inconsistencies in the County's permitting processes.
4. The proposal meets a definable public need.
5. The defined need conforms to policy directives of the comprehensive plan and countywide planning.



6. The proposed revisions are consistent with the County Comprehensive Plan and Growth Management Act.


Section III. Adoption of Amended Title 16. The amendments to Title 16, Subdivisions are **adopted** as presented to the Board of County Commissioners on this date as attached in Exhibit A.

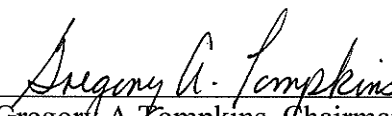
Section IV. Effective Date and Savings. This ordinance is effective as of the date of signing.

Section V. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

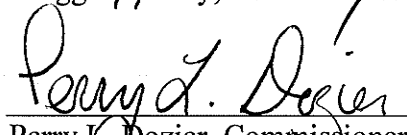
Section VI. This ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 16th day of November, 2009.




Gregory A. Tompkins, Chairman, District 3


Gregg C. Loney, Commissioner, District 1



Perry L. Dozier, Commissioner, District 2

Constituting the Board of County Commissioners of Walla Walla County, Washington

Attest:


Connie R. Vinti, Clerk of the Board

Approved as to form


Jesse D. Nolte, Deputy Prosecuting Attorney



Title 16

SUBDIVISIONS

Chapters:

DIVISION I. SUBDIVISION CONTROL ORDINANCE

- 16.04 General Provisions
- 16.08 Definitions

DIVISION I. SUBDIVISIONS

- 16.12 Procedural Requirements
- 16.16 Dedications
- 16.20 Design Requirements
- 16.24 Improvements
- 16.28 Survey
- 16.32 Preliminary FlatSubdivision
- 16.36 Final Plat
- 16.40 Enforcement and Penalty

DIVISION II. SHORT SUBDIVISIONS

- 16.44 General Provisions
- 16.48 Definitions
- 16.52 Procedural Requirements
- 16.56 Resubdivision Procedure
- 16.60 Enforcement

DIVISION III. MISCELLANEOUS REGULATIONS

- 16.64 Record of Surveys and Monuments--Fees
- 16.70 Boundary Line Adjustments
- 16.85 Disapproval Due to Flood
- 16.90 Subdivisions in the Rural Transition Zone
- 16.95 Large Lot Subdivisions
- 16.99 Concurrence Management System
- 16.97 Financial Guarantees
- 16.99 Enforcement and Penalty



DIVISION I. SUBDIVISION CONTROL ORDINANCE

Chapter 16.04

GENERAL PROVISIONS

Sections:

- 16.04.010 Applicability.
- 16.04.020 Exemptions.
- 16.04.030 Development of illegally divided land--
Public interest determination.
- 16.04.040 Development of illegally divided land--
Innocent purchaser for value.
- 16.04.050 Severability.

16.04.010 Applicability.

Every subdivision of land within the unincorporated area of Walla Walla County shall proceed in compliance with ~~Division I of this title. Land divided as a short division within five years immediately preceding may be re-subdivided pursuant to Division I of this title.~~ (Res. 02118, Attach. A (part), 2002)

16.04.020 Exemptions.

~~The provisions of Division I of this title shall not apply to:~~

~~A. Any cemetery or burial plot, while used for that purpose;~~

~~B. Any division of land not containing a dedication, in which the smallest lot created by the division exceeds forty acres;~~

~~C. Any division of land made by testamentary provision, the laws of descent, or upon court order. ((Res. 02118, Attach. A (part), 2002))~~

The subdivision requirements of this title shall not apply to proposals that are exempt under RCW 58.17.040, except that, as authorized by RCW 58.17.040(2), divisions of land into lots or parcels 40 acres or smaller shall be subject to the subdivision requirements of this title unless otherwise exempt under RCW 58.17.040. Divisions of land into two or more lots or parcels, where the smallest lot, tract, parcel or site is greater than 40 acres, shall comply with the provisions of WWCC 16.95.



16.04.030 Development of illegally divided land--Public interest determination.

No application for a building permit, septic tank permit or other development for any lot, tract or parcel of land divided in violation of state law or ~~Division I~~ of this title shall be granted without prior approval of the ~~planning commission~~ hearing examiner. Such approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the ~~planning commission~~ hearing examiner that:

A. The director of health has certified that the proposed means of sewage disposal and water supply on and to the lot, tract or parcel are adequate;

B. The ~~county engineer~~ County Engineer has certified that the lot, tract or parcel is served with an adequately designed means of ingress and egress, and with adequate drainage facilities, none of which interfere with or impair existing or planned public highway and drainage facilities in the vicinity;

C. The ~~planning department~~ administrator has certified that the proposed development conforms to the comprehensive plan and all zoning regulations;

D. The proposed development will not adversely affect the safety, health or welfare of adjacent property owners, or interfere with their enjoyment of their property. (Res. 02118, Attach. A (part), 2002)

16.04.040 Development of illegally divided land--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 ~~Division I~~ of this title shall not be granted without prior approval of the ~~board~~ hearing examiner, which approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the ~~board~~ hearing examiner 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 larger lot, tract or parcel divided in violation of state law or ~~Division I~~ of this title. (Res. 02118, Attach. A (part), 2002)



16.04.050 Severability.

If any provision ~~of Division I~~ of this title or its application to any person or circumstance is held invalid, the remainder ~~of Division I~~ of this title or the application of the provision to other persons or circumstances shall not be affected. (Res. 02118, Attach. A (part), 2002)

Chapter 16.08

DEFINITIONS

Sections:

16.08.010 Generally.
~~16.08.020~~ Administrator
Alley.
~~16.08.030~~ Block.
~~16.08.040~~ Board.
Boundary Line Adjustment.
~~16.08.050~~ Comprehensive plan.
~~16.08.060~~ County Engineer
Cul-de-sac.
~~16.08.070~~ Dedication.
~~16.08.075~~ Driveway.
~~16.08.080~~ Easement.
~~16.08.090~~ Final plat.
Financial guarantee.
Hearing Examiner.
~~16.08.100~~ Lot.
~~16.08.110~~ Planning commission.
~~16.08.120~~ Plat.
~~16.08.130~~ Preliminary plat.
~~16.08.140~~ Road.
~~16.08.145~~ Road, private.
Road, private
Short plat.
Short subdivision
~~16.08.150~~ Subdivider.
~~16.08.160~~ Subdivision.
UGA
WWCC

16.08.010 Generally.

Whenever the following words and phrases appear in ~~Division I~~ of this title they shall be given the meaning



Walla Walla County, WA

ORD

2009-11608

Page: 8 of 65

11/30/2009 11:44A

attributed to them by this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular. The word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision. (Res. 02118, Attach. A (part), 2002)

Administrator.

"Administrator" means the director of the department of community development of the county of Walla Walla, Washington or an authorized representative.

16.08.020—Alley.

"Alley" is a strip of land providing vehicular and pedestrian access to the rear or side of properties which abuts and is served by a public or private road and is not intended for general traffic circulation.~~"Alley" is a strip of land dedicated to public use providing vehicular and pedestrian access to the rear side of properties which abut and are served by a public road. (Res. 02118, Attach. A (part), 2002)~~

16.08.030—Block.

"Block" is a group of lots, tracts or parcels within well defined and fixed boundaries. (Res. 02118, Attach. A (part), 2002)

16.08.040—Board.

"Board" means the board of county commissioners of the county of Walla Walla, Washington. (Res. 02118, Attach. A (part), 2002)

Boundary line adjustment

"Boundary line adjustment" is 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.

16.08.050—Comprehensive plan.

"Comprehensive plan" is the current comprehensive plan of Walla Walla County, adopted by the board pursuant to state law. (Res. 02118, Attach. A (part), 2002)



Walla Walla County, WA

ORD

2009-11608

Page: 9 of 65

11/30/2009 11:44A

County Engineer.

"County Engineer" means the Walla Walla County Engineer, having authority specified in RCW 36.75.050 and 36.80, or an authorized representative.

16.08.060—Cul-de-sac.

"Cul-de-sac" is a road closed at one end by a circular area of sufficient size for turning vehicles around. (Res. 02118, Attach. A (part), 2002)

16.08.070—Dedication.

"Dedication" is the deliberate appropriation of land by an owner for any general and 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 intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication, thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the board of county commissioners of Walla Walla County. (Res. 02118, Attach. A (part), 2002)

16.08.075—Driveway.

"Driveway" is a privately owned vehicular access route serving up to two lots. ~~"Driveway" is a lot's exclusive access to a public right of way. (Res. 02118, Attach. A (part), 2002)~~

16.08.080—Easement.

"Easement" is a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. (Res. 02118, Attach. A (part), 2002)

16.08.090—Final plat.

"Final plat" is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in 58.17 RCW, and in ~~Division I of this title adopted pursuant thereto.~~ (Res. 02118, Attach. A (part), 2002)



Financial Guarantee.

"Financial guarantee" means a form of financial security posted to ensure timely and proper completion of improvements, to ensure compliance with the Walla Walla County Code, and/or to warranty materials, workmanship of improvements, and design. Financial guarantees include assignments of funds, cash deposits, surety bonds, and/or other forms of financial security acceptable to the county. For the purposes of this title, the terms performance guarantee and maintenance, operation and defects guarantee are considered sub-categories of financial guarantee.

Hearing Examiner.

"Hearing examiner" is an official appointed by the board to interpret, review and implement land use regulations, hear appeals from orders, recommendations, permits, decisions or determinations made by a county official, and review and hear other matters as provided for in ch. 2.50 of the WWCC. The term "hearing examiner" shall likewise include the deputy hearing examiner. (Ord. 317 §1(part), 2005)

~~16.08.100~~ Lot.

"Lot" is subdivided land having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term includes tracts or parcels. (Res. 02118, Attach. A (part), 2002)

~~16.08.110~~ Planning commission.

"Planning commission" is the Walla Walla County planning commission. (Res. 02118, Attach. A (part), 2002)

~~16.08.120~~ Plat.

"Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, roads and alleys or other divisions and dedications. (Res. 02118, Attach. A (part), 2002)

~~16.08.130~~ Preliminary plat.

"Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of roads and alleys, lots, blocks and restrictive covenants to be applicable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the



approval or disapproval of the general layout of a subdivision. (Res. 02118, Attach. A (part), 2002)

16.08.140—Road.

"Road" is a general term for a facility serving three lots or more that provides public or private vehicular circulation or principal means of access to abutting properties, and which includes the roadway and all other improvements inside of the right of way, tract or easement. An improved and maintained public right of way which provides vehicular circulation or principle means of access to abutting properties, and which may also include provisions for public utilities, pedestrian walkways, public open space and recreation areas, cut and fill slopes, and drainage. (Res. 02118, Attach. A (part), 2002)

16.08.145—Road, private.

"Private road" is a road constructed on a tract, access easement or other conveyance that is privately owned. The County does not repair or maintain private roads.an access to two or more lots or parcels where the responsibility for repair and maintenance has not been accepted by the county. (Res. 02118, Attach. A (part), 2002)

Road, public.

"Public road" is a road purchased or otherwise established for public use and not privately owned or maintained, which is considered as open to vehicular traffic and which has been adopted into the county road system.

Short plat.

"Short plat" is a document consisting of a map of a short subdivision together with written certificates, dedications and data. (Res. 02118, Attach. A (part), 2002)

Short subdivision.

"Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions outside of an urban growth area boundary, or nine or fewer lots, tracts, parcels, sites or divisions inside of an urban growth area boundary for the purpose of sale or lease. (Res. 02118, Attach. A (part), 2002; Ord. 294 (part), 2004)



16.08.150—Subdivider.

"Subdivider" is a person, including a corporate person, who undertakes to create a subdivision. (Res. 02118, Attach. A (part), 2002)

16.08.160—Subdivision.

"Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions outside of an urban growth area boundary, or ~~nine ten or fewer more~~ lots, tracts, parcels, sites or divisions inside of an urban growth area boundary for the purpose of sale, ~~or lease, or transfer of ownership and includes all resubdivision of land.~~ (Res. 02118 Attach. A (part), 2002; Ord. 294 (part), 2004)

UGA

"UGA" means an urban growth area designated by the County in the Walla Walla County Comprehensive Plan pursuant to the Growth Management Act (RCW 36.70A.)

WWCC

"WWCC" is the Walla Walla County Code.

DIVISION I. SUBDIVISIONS

Chapter 16.12

PROCEDURAL REQUIREMENTS

Sections:

ARTICLE I. GENERAL PROVISIONS

16.12.010 Administration.

ARTICLE II. PROCEDURE

16.12.020 Application and fees.

16.12.030 Plats and plans required.

16.12.040 Adequacy and distribution of plats and plans.

16.12.050 ~~Planning commission~~ Hearing examiner hearing date.

16.12.060 Notice of hearing.

ARTICLE III. HEARING

16.12.070 Scope and continuance.



- 16.12.080 Road, sewer and water, and fire system recommendations.
16.12.090 Appropriate facilities and improvements.
16.12.100 Conformance to comprehensive plan.
~~16.12.110 Report to board.~~

ARTICLE IV. BOARD ACTION

- ~~16.12.130 Date.~~
~~16.12.140 Acceptance or rejection.~~

ARTICLE IV. PRELIMINARY PLAT-SUBDIVISION APPROVAL

- 16.12.170 Authorization for subdivider.
16.12.180 Expiration.

ARTICLE VI. FINAL PLAT

- 16.12.190 Filing period.
16.12.200 Review by ~~administration~~ administrator.
16.12.205 Maintenance covenant and notice-private roads.
16.12.220 Right of entry.
16.12.210230 Submission to board.
16.12.220240 Board determination--Approval or disapproval.
16.12.230250 Expiration.

ARTICLE I. GENERAL PROVISIONS

16.12.010 Administration.

~~The county planning director referred to in Division I of this title as "the administrator,"~~ is vested with the duty of administering subdivision and platting regulations within the unincorporated areas of the county, and may prepare and require the use of such forms as are essential to their administration. (Res. 02118, Attach. A (part), 2002)

ARTICLE II. PROCEDURE

16.12.020 Application and fees.

A. Any person desiring to subdivide land in the unincorporated area of Walla Walla County shall submit an application therefor to the administrator on forms prescribed by the ~~administrator~~ planning director.

B. ~~Applicants for approval pursuant to Division I of this title shall pay to the planning community development department the applicable filing and plat check fees identified on the approved land development application fee~~



~~schedule, which is adopted by reference and incorporated in Division I of this title.~~

C. Recording fees shall be paid to the county auditor as set forth in RCW 26.18.010. (Res. 02118, Attach. A (part), 2002)

16.12.030 Plats and plans required.

A subdivider shall submit with his application ~~six~~ copies of a preliminary ~~plat subdivision~~ and ~~six~~ copies of plans, profiles and specifications for streets, utilities and other proposed improvements to be constructed in the proposed subdivision. Plans and profiles shall be drawn upon standard ~~twenty-three inches by thirty-nine inches~~ ~~Federal Aid Plan profile sheets or such other sheets as~~ may be acceptable to the ~~county engineer~~ County Engineer and submitted prior to filing of the final plat. (Res. 02118, Attach. A (part), 2002)

16.12.040 Adequacy and distribution of plats and plans.

A. If the administrator determines that the preliminary ~~plat subdivision~~ contains sufficient elements and data to furnish a basis for its approval or disapproval, and the plans, profiles and specifications are adequate to allow the ~~county engineer~~ County Engineer to approve or disapprove the construction of future improvements, the administrator shall affix a file number and date of receipt to the application and promptly forward all copies of the plans, profiles and specifications of roads, utilities and other proposed improvements to the ~~county engineer~~ County Engineer.

B. The administrator shall promptly forward one copy of the preliminary ~~plat subdivision~~ to the ~~county engineer~~ County Engineer, health director, ~~park director~~, fire protection official, superintendent of schools, ~~assessor~~, and appropriate utility, service and environmental agencies.

~~C. The administrator shall forward one copy of the preliminary plat to the city engineer of any city when the area to be subdivided is within three miles of an urban area; provided, that the city has a general development plan and a subdivision regulation code. (Res. 02118, Attach. A (part), 2002)~~

16.12.050 ~~Planning commission~~Hearing examiner hearing date.

After issuance of a notice of complete application, the administrator shall set a date for public hearing be-



Walla Walla County, WA

ORD

2009-11608

Page: 15 of 65

11/30/2009 11:44A

fore the ~~planning commission~~ hearing examiner. (Res. 02118, Attach. A (part), 2002)

16.12.060 Notice of hearing.

The administrator shall give notices of the public hearing as required in WWCC 14.07.040 and RCW 58.17.080. (Res. 02118, Attach. A (part), 2002)

ARTICLE III. HEARING

16.12.070 Scope and continuance.

~~At the public hearing, the planning commission shall consider all relevant evidence to determine whether to recommend that the preliminary plat be approved or disapproved by the board. Any hearing may be continued at the discretion of the commission, within the time limits allowed by the law. (Res. 02118, Attach. A (part), 2002)~~ The hearing examiner shall conduct a public hearing and render a decision on preliminary subdivisions pursuant to the provisions of Title 14 and Chapter 2.50 of the WWCC.

16.12.080 Road, sewer and water, and fire system recommendations.

A. ~~The county engineer~~ County Engineer, the county health officer and the appropriate fire protections official shall certify to the ~~planning commission~~ hearing examiner their respective recommendations as to the adequacy of the proposed road system, the proposed sewage disposal, storm sewage disposal and water supply systems, and fire protection facilities within the subdivision.

B. The recommendations of the ~~county engineer~~ County Engineer, the county health officer, and the fire protection official shall be attached to the ~~commission's administrator's~~ report for transmittal to the board hearing examiner. (Res. 02118, Attach. A (part), 2002)

16.12.090 Appropriate facilities and improvements.

~~The commission hearing examiner shall determine whether the proposal includes appropriate provisions for drainage, roads, alleys and other public ways, water supplies, sanitary wastes, parks, playgrounds, fire protection facilities, school sites and grounds and other public and private facilities and improvements. Sidewalks shall be constructed of concrete or asphalt as determined by the county public works or regional planning departments.~~ (Res. 02118, Attach. A (part), 2002)



16.12.100 Conformance to comprehensive plan.

The ~~commission~~ hearing examiner shall determine if the proposed subdivision conforms to the general purposes of the comprehensive plan; and if the public use and interest will ~~apparently~~ be served by the proposal. (Res. 02118, Attach. A (part), 2002)

16.12.110 Report to board.

~~A. Not later than fourteen days following conclusion of the hearing, the planning commission shall submit its written report and recommendations to the legislative body.~~

~~B. The planning commission may recommend that the proposed plat be approved, conditionally approved, or disapproved.~~

~~C. Conditions of approval shall be precisely recited in the planning commission's report and shall include recommended protective improvements, if any. (Res. 02118, Attach. A (part), 2002)~~

ARTICLE IV. BOARD ACTION

16.12.130 Date.

~~Upon receipt of the planning commission's recommendation, the board shall, at its next public meeting, set the date for the public meeting at which the board shall consider the recommendation. (Res. 02118, Attach. A (part), 2002)~~

16.12.140 Acceptance or rejection.

~~At the meeting scheduled for considering the preliminary plat the board shall, after reviewing the recommendations of the planning commission, the county engineer, the health officer, the fire protection official, and any other relevant evidence presented to it, shall either concur with or reject the planning commission's recommendation. (Res. 02118, Attach. A (part), 2002)~~

ARTICLE IV. PRELIMINARY PLAT-SUBDIVISION APPROVAL

16.12.170 Authorization for subdivider.

Approval of the preliminary ~~plat~~ subdivision shall constitute authorization for the subdivider to develop the subdivision's facilities and improvements in strict accordance with standards established by ~~Division I of this title~~ and any conditions imposed by ~~the board~~ the hearing examiner. (Res. 02118, Attach. A (part), 2002)



16.12.180 Expiration.

A. A preliminary subdivision shall expire five years after approval or the resolution of all appeals. ~~final plat meeting all requirements of RCW 58.17 and preliminary plat conditions of approval shall be submitted to the Community Development Department for approval within five years of preliminary plat approval. No extensions are permitted. (Ord. 295, 2004: Res. 02118, Attach. A (part), 2002)~~

ARTICLE VI. FINAL PLAT

16.12.190 Filing period.

A. At any time within three five years following the board's approval of approval or the resolution of all appeals of a preliminary plat subdivision the subdivider shall file the original and six copies of a proposed final plat with the administrator. (Res. 02118, Attach. A (part), 2002)

B. Portions of an approved preliminary subdivision may be processed separately for the purpose of recording divisions. All divisions shall be filed within the prescribed time limit in this Section, and all conditions of approval for each division must be met.

C. If the preliminary subdivision is being developed in divisions, and final plats for all of the divisions have not been filed within the time limits provided in this Section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any unrecorded divisions must again be submitted with a new application, subject to the fees and regulations applicable at the time of submittal.

16.12.200 Review by administrator.

Prior to forwarding a final plat to the board for action, the administrator shall satisfy himself determine:

A. That the proposed final plat meets all standards established by state law and Division I of this title relating to final plats; and

B. That the proposed final plat bears the certificates and statements of approval required by Division I of this title; and



Walla Walla County, WA

ORD

2009-11608

Page: 18 of 65

11/30/2009 11:44A

C. That a title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat's certificate; and

D. That the following minimum improvements have been constructed consistent with the conditions of the preliminary subdivision decision and the WWCC or if expiration of the preliminary subdivision approval is imminent or extraordinary circumstances prevent the construction of such improvements, that financial guarantees in accordance with the provisions of Chapter 16.97 have been posted with the county:

1. Drainage facilities and erosion control measures; and

2. Water mains and hydrants installed and fire flow available, if required; and

3. Road improvements required by the County Engineer to be constructed prior to filing of a final plat; and

4. Other specific site improvements required by the preliminary subdivision decision to be constructed prior to filing of a final plat; and

5. Improvements without which the administrator or County Engineer determines a safety hazard would exist; and

~~7. All private improvements outside of a right-of-way or road easement.~~

E. That other required improvements have been constructed consistent with conditions of the preliminary subdivision decision and the WWCC or that financial guarantees in accordance with the provisions of Chapter 16.97 have been posted with the county; and

F. That critical areas to remain undeveloped have been delineated; and

G. That a maintenance, operation, and defects guarantee in accordance with the provisions of Chapter 16.97 has been posted with the county for all applicable improvements constructed and approved by the administrator and the County Engineer.

16.12.205 Maintenance covenant and notice-private roads.

A. For private roads the subdivider, homeowner's association, or similar nonprofit corporation, shall sign a covenant which binds him/her, heirs and successors, and assigns in interest to pay for the maintenance of the pri-



Walla Walla County, WA

ORD

2009-11608

Page: 19 of 65

11/30/2009 11:44A

vate road as a condition of final approval. The county may impose such other conditions as it deems appropriate to assure that private road and related improvements will be adequately maintained. Said covenant shall be filed with the county auditor.

B. The following language shall be recorded on all properties served by a private road: "Walla Walla County has no responsibility to build, improve, maintain or otherwise service any private road."

16.12.220 Right of entry.

The administrator and County Engineer shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat to ensure compliance with the subdivision improvements required in this Chapter.
~~That the facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider will provide a bond in a form acceptable to the prosecuting attorney and in an amount and with sureties commensurate with improvements remaining to be completed securing to the county the construction and installation of the improvements within a fixed time set by the board. (Res. 02118, Attach. A (part), 2002)~~

16.12.210—230 Submission to board.

The administrator shall acknowledge receipt of a proposed final plat which meets the requirements of Section 16.12.200 and shall forward the original to the clerk of the board. (Res. 02118, Attach. A (part), 2002)

16.12.220—240 Board determination--Approval or disapproval.

A. The board shall determine:

1. Whether conditions imposed when the preliminary ~~plat~~ subdivision was approved have been met;

2. Whether the subdivider has posted adequate financial guarantees with the county. ~~the bond, if there is one, by its essential terms assures completion of improvements;~~

3. Whether the public use and interest will be served by approving the proposed final plat;

4. Whether the requirements of state law and Division I of this title have been satisfied by the subdivider.

B. The board shall thereupon approve or disapprove the proposed final plat. If the board approves the final



~~plat the administrator shall forward one reproducible copy thereof to the county engineer and one paper copy to the county assessor, and shall transmit the original to the county auditor for filing~~recording the subdivider shall file the original and any necessary copies with the auditor for recording. Paper copies of the recorded plat shall be made and provided to the County Engineer, the administrator, and the County Assessor at the subdivider's expense. (Res. 02118, Attach. A (part), 2002)

16.12.230—250 Expiration.

If the final plat is not recorded within ~~two~~ yearsthirty (30) days from the date of ~~original~~ approval by the board, such approval of the ~~preliminary~~ final plat shall be null and void. (Res. 02118, Attach. A (part), 2002)

Chapter 16.16

DEDICATIONS

Sections:

- 16.16.010 Required.
- 16.16.020 Shown on plat.
- 16.16.030 Protective improvements.
- 16.16.040 ~~Access to public waters~~Limitations within future road corridors.
- 16.16.050 Access to lots.
- 16.16.060 Exemption, conveyance to corporation.
- 16.16.070 Exemption, corporate membership and responsibilities and conditions.
- ~~16.16.080 Notification of public exemption to acquire.~~
- ~~16.16.090 Request to reserve for delayed public acquisition.~~
- ~~16.16.100 Reservation for delayed public acquisition.~~
- ~~16.16.110 Reserved land to show on plat.~~
- ~~16.16.120 Reserved land No development.~~
- ~~16.16.130 Reserved land Development if not acquired.~~

16.16.010 Required.

A. Generally. No plat shall be approved unless adequate provision is made in the subdivision for such drain-



age ways, roads, alleys, easement, parks, playgrounds, sites for schools, school grounds, and other general purposes as may be required to protect the public health, safety and welfare. (Res. 02118, Attach. A (part), 2002)

B. Public road rights-of-way. Constructing improvements or establishing right-of-way or a portion thereof for public roads shall be required within or along the boundaries of all subdivisions or of any lot or lots within the subdivision, under the following circumstances, where facts support that such construction or establishment is reasonably necessary as a result of the impact created by the proposed development:

1. Where the six-year Transportation Improvement Plan, other adopted county road plans, or a Traffic Impact Analysis report indicates the necessity of improvements or right-of-way or portion thereof for road purposes; or

2. Where necessary to extend or to complete the existing or future road pattern; or

3. Where necessary to provide additions of right-of-way to existing county right-of-way; or

4. Where necessary to comply with county road standards in Title 12.

16.16.020 Shown on plat.

All dedications of land shall be clearly and precisely indicated on the face of the plat. (Res. 02118, Attach. A (part), 2002)

16.16.030 Protective improvements.

Protective improvements and easements to maintain such improvements shall be dedicated. (Res. 02118, Attach. A (part), 2002)

16.16.040 Access to public waters.

~~A. Plats of subdivisions containing land adjacent to publicly owned or controlled bodies of water shall contain dedications of access to such bodies of water unless the board determines and provides findings that the public use and interest will not be served thereby. If no public access exists within one-half mile of the borders of the subdivision, a standard county road with a minimum sixty feet right of way shall be dedicated and constructed thereon to allow public access to such water.~~

~~B. In the event the subdivision has more than one-half mile of waterfront without public access to said bodies of water, the plat shall contain more than one sixty-~~



~~foot dedicated and constructed right of way for legal public access to such waters in each mile thereof, with there being no more than one mile between the centerlines of such water accesses.~~

~~C. Such dedications shall be to the low water mark and shall include easements for pedestrian traffic at least fifteen feet wide above the water mark throughout the entire length of waterfront within the subdivision. (Res. 02118, Attach. A (part), 2002)~~

16.16.040 Limitations within future road corridors.

In order to allow for the development of future road corridors that would complete the public circulation system or that would provide a sole source of access for an abutting property, the county may limit improvements within specific areas of a proposed subdivision. These limitations may preclude the construction of buildings, driveways, drainage facilities or other improvements within the specified areas.

16.16.050 Access to lots.

~~Convenient access to every lot shall be provided by a dedicated road. (Res. 02118, Attach. A (part), 2002)~~

16.16.060 Exemption, conveyance to corporation.

If the ~~board~~ hearing examiner concludes that the public interest will be served thereby, the ~~board~~ hearing examiner may, in lieu of requiring the dedication of land in a subdivision for protective improvements, drainage ways, alleys, sidewalks, parks, playgrounds, recreational, community or other general purposes, allow the said land to be conveyed to a home owners association or similar non-profit corporation. (Res. 02118, Attach. A (part), 2002)

16.16.070 Exemption, corporate membership and responsibilities and conditions.

A. A subdivider who wishes to make a conveyance as permitted by Section 16.16.060, shall at or prior to the time of filing a final plat for approval supply the board with copies of the grantee organization's articles of incorporation and bylaws, and with evidence of the conveyance or a binding commitment to convey.

B. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership of land in the subdivision; that the corporation is empowered to assess the said land for costs of construction and maintenance of the improvements and property



2009-11608

Page: 23 of 65

11/30/2009 11:44A

Walla Walla County, WA

ORD

owned by the corporation, and that such assessments shall be a lien upon the land.

C. The board may impose such other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained. (Res. 02118, Attach. A (part), 2002)

~~16.16.080 Notification of public exemption to acquire.~~

~~Any public agency with power to acquire land by condemnation or otherwise for public uses may, at any time prior to final approval of a preliminary plat, notify the board and the subdivider of its intention to acquire some or all of the land in a proposed subdivision for public uses. (Res. 02118, Attach. A (part), 2002)~~

~~16.16.090 Request to reserve for delayed public acquisition.~~

~~In the event the land is not dedicated for the said uses, the public agency may request that the board require the reservation of such land for a stated period, not to exceed three years following the board's approval of the final plat, during which time the agency may acquire the land. (Res. 02118, Attach. A (part), 2002)~~

~~16.16.100 Reservation for delayed public acquisition.~~

~~A. If the board finds that the public health, safety or general welfare will be served thereby, the board may require, as a condition precedent to approval of the final plat, that the said land or such part of it as the board deems appropriate be designated on the plat as reserved land, and that for the period requested or such shorter period as the board deems sufficient the reserved land not be developed for uses other than the contemplated public use.~~

~~B. A public agency may accelerate the expiration date of a reservation period by filing written notice of its intention to abandon its right to acquire the reserved land with the county auditor. (Res. 02118, Attach. A (part), 2002)~~

~~16.16.110 Reserved land to show on plat.~~

~~The subdivider may indicate on the plat that if the reserved land is not acquired for public use it shall be subdivided, and, if the subdivider does so, the plat shall show the configuration and dimensions of proposed lots, blocks, roads, easements and like features in the reserved area. (Res. 02118, Attach. A (part), 2002)~~



~~16.16.120 Reserved land—No development.~~

~~No building permit, septic tank permit or other development permit shall be issued for improvements on reserved land during the period of reservation except as expressly authorized by the board at the time of final plat approval. (Res. 02118, Attach. A (part), 2002)~~

~~16.16.130 Reserved land—Development if not acquired.~~

~~A. If the public agency has not acquired or commenced proceedings to acquire reserved land within the period set by the board, the subdivider and the subdivider's successors may proceed to develop land lying within the reserved area in conformity with the plat.~~

~~B. No improvements shall be made upon reserve land available for development until adequate surety for development thereon has been provided. (Res. 02118, Attach. A (part), 2002)~~

Chapter 16.20

DESIGN REQUIREMENTS

Sections:

- 16.20.010 Conformance to comprehensive plan and development regulations.
- ~~16.20.020 Geological hazards—Protective improvements.~~
- ~~16.20.030 Fire protection facilities and water supplies.~~
- 16.20.040 Subdivision roads.
- 16.20.050 Blocks.
- 16.20.060 Lot access.
- ~~16.20.070 Reverse frontage lots.~~
- 16.20.080 Lot line angles.
- 16.20.090 Sidewalks and paths.
- ~~16.20.100 Drainage and storm sewer easements.~~
- 16.20.110 Utility easements.
- 16.20.120 Alleys.

16.20.010 Conformance to comprehensive plan and development regulations.

All subdivisions shall conform to the Walla Walla County comprehensive plan and all ~~development~~ regulations in effect at the time any plat of a subdivision is submit-



Walla Walla County, WA

ORD

2009-11608

Page: 25 of 65

11/30/2009 11:44A

ted for approval including, but not limited to, the county's zoning (Title 17 WWCC), streets, sidewalks and public places (Title 12 WWCC) and critical areas regulations (Chapter Title 18.08 WWCC). Lots shall be of sufficient area, width and length to satisfy zoning requirements. (Res. 02118, Attach. A (part), 2002)

16.20.020 Geological hazards—Protective improvements.

~~— A. Land on which exist any geological conditions hazardous to the safety or general welfare of persons or property in or near a proposed subdivision, such as susceptibility to erosion, sliding or earthquake, shall not be subdivided unless the construction of protective improvements will eliminate the hazards or unless land subject to the hazards is reserved for uses as will not expose persons or property to the hazard.~~

~~— B. Protective improvements shall be constructed prior to final plat approval.~~

~~— C. Protective improvements and restrictions on use shall be clearly noted on the final plat. (Res. 02118, Attach. A (part), 2002)~~

16.20.030 Fire protection facilities and water supplies.

~~— A. Water sources and facilities adequate for fire protection purposes per the Uniform Fire Code Section 902 shall be provided in every subdivision proposed to contain lots of one-half acre or less.~~

~~— B. Except when otherwise permitted by the board, fire hydrants shall be spaced at distances not to exceed six hundred sixty feet where lots contain one-half acre or more, and at distances not to exceed three hundred thirty feet where lots contain less than one-half acre.~~

~~— C. Such hydrants shall have a minimum fire flow of five hundred gallons per minute.~~

~~— D. The source of water shall be sufficient to provide the minimum fire flow for at least two hours daily in addition to other consumptive uses.~~

~~— E. Where fire hazards exist, the board may require the removal of flammable vegetation from an area used as a fire break around or within a subdivision. (Res. 02118, Attach. A (part), 2002)~~

16.20.040 Subdivision roads.

~~The following development standards in Title 12 shall apply per the requirements and recommendations of the Walla Walla County public works department.~~



A. All subdivisions shall be served by one or more ~~public~~ roads providing ingress and egress to and from the subdivision per ~~the Uniform Fire Code~~ WWCC Title 12.

B. ~~Major Arterial~~ and collector roads within every subdivision shall conform with any comprehensive plan and shall provide for the continuation of ~~major arterial and collector~~ roads which serve property contiguous to the subdivision. Where such is not shown in the ~~general community comprehensive~~ plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding area; or

2. Conform to a plan for the neighborhood approved or adopted by the ~~planning commission~~ board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

3. ~~Minor Local~~ access streets shall be so laid out that their use by through traffic will be discouraged.

C. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the ~~planning commission~~ hearing examiner may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

~~D. Street jogs with centerline offsets of less than one hundred twenty-five feet shall be avoided.~~

~~E. A tangent at least one hundred feet long shall be introduced between reverse curves on arterial and collector streets, and at least ten feet long for minor streets.~~

~~F. When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred feet for minor and collector streets, or as required by the county engineer.~~

~~G. Street right of way widths shall not be less than as follows, or as prescribed by the county engineer:~~

<u>Street Type</u>	<u>Right of Way</u> <u>(in feet)</u>
Arterial	70



<u>Street Type</u>	<u>Right-of-Way (in feet)</u>
Collector	60
Minor, for row houses and apart- ments	50
Minor, for other residences	50

~~H. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the planning commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.~~

~~I. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the planning commission.~~

~~J. Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves as approved by the county engineer:~~

<u>Street Type</u>	<u>Percent Grade (in percent)</u>
Arterial	0.05
Collector	0.05
Minor	0.05

~~K. No street grade should be less than one-half percent.~~

~~L. Road intersections shall be as nearly at right angles as is practicable and in no event shall be less than seventy-five degrees.~~

~~M. Cul-de-sacs shall be designed as to provide a circular turnaround right-of-way at the closed end which has a minimum radius of fifty feet and shall not exceed a length of four hundred feet.~~

~~N. Road networks shall provide ready access for fire and other emergency vehicles and equipment, routes of escape for inhabitants. (Res. 02118, Attach. A (part), 2002)~~



Walla Walla County, WA

ORD

2009-11608

Page: 28 of 65

11/30/2009 11:44A

16.20.050 Blocks.

Blocks shall be so designed as to assure traffic safety and ease of traffic control and circulation. Blocks shall be wide enough to allow for two tiers of lots unless the topography or other factors dictate the use of one tier of ~~reverse frontage~~ lots or unless the ~~planning commission~~ hearing examiner approves the design or irregularly shaped blocks indented by cul-de-sacs within a particular subdivision. (Res. 02118, Attach. A (part), 2002)

16.20.060 Lot access.

A. Every lot shall be provided with satisfactory vehicular access ~~by a public road connecting to an existing public road.~~

B. Lots adjacent to a road that has been designated an arterial in the comprehensive plan ~~by the board~~ shall be provided with access other than the arterial, unless the ~~board~~ hearing examiner grants specific exemption to this requirement.

C. The plat of a subdivision containing lots adjacent to a designated arterial shall not be approved unless the plat recites a waiver of the right of direct access to the arterial, or the ~~board~~ hearing examiner grants specific exemptions to this requirement.

~~D. Lot access shall not be permitted within seventy-five feet of right-of-way intersections unless approved otherwise by the county engineer. (Res. 02118, Attach. A (part), 2002)~~

16.20.070 Reverse frontage lots.

~~A. No residential lots shall have road frontage along two opposite boundaries unless topographical features or the need to provide separation of the lots from arterials, railways, commercial activities or industrial activities, justify the designing of reverse frontage lots.~~

~~B. Reverse frontage lots shall be designed with an easement at least ten feet wide to be dedicated along the lot lines abutting the traffic arterial or other disadvantageous use, across which there shall be no right of access for the general public or adjoining property owners. (Res. 02118, Attach. A (part), 2002)~~

16.20.080 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 curved roads



should run at or near the same radii as the road curve.
(Res. 02118, Attach. A (part), 2002)

16.20.090 Sidewalks and paths.

Sidewalks or ~~sidewalk paths~~ easements shall be provided in ~~every residential subdivisions in an UGA.~~ (residential) ~~proposed to contain lots of one half acre or less and shall be at least five feet wide, and in business district subdivisions shall be at least eight feet wide.~~ Sidewalks or paths or ~~sidewalk easements~~ shall be properly located and sufficient to meet the circulation needs of the residential subdivision. (Res. 02118, Attach. A (part), 2002)

16.20.100 Drainage and storm sewer easements.

~~A. Easements for watercourse drainage channels and ways, critical areas or streams shall be coordinated with existing and applicable floodplain zoning ordinance and shall be of sufficient width to assure that the same may be maintained and improved.~~

~~B. Easements for storm sewers shall be provided and shall be of sufficient width and proper location to permit future installation.~~

~~C. Bio-filtrations swales should be provided on private property where possible. (Res. 02118, Attach. A (part), 2002)~~

16.20.110 Utility easements.

A. When located outside of a road right-of-way Easements for electric, telephone, water, sanitary sewer, gas and similar utilities shall be at least ten feet wide and of sufficient width to assure future maintenance.

B. When initial installation of such facilities will be other than underground, easements for the same shall be sufficiently wide and so located as to permit future installation of underground utilities. (Res. 02118, Attach. A (part), 2002)

16.20.120 Alleys.

A. Alleys ~~may~~ shall be provided in commercial and industrial districts ~~except that the planning commission may waive this requirement where unless~~ other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

~~B. The minimum width of an alley in commercial and industrial districts shall be twenty-five feet.~~



Walla Walla County, WA

ORD

2009-11608
Page: 30 of 65
11/30/2009 11:44A

~~— C. Alleys may be provided in residential districts. The minimum width shall be twenty feet.~~

~~— D. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.~~

~~— E. Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the deadend, as determined by the planning commission. (Res. 02118, Attach. A (part), 2002)~~

Chapter 16.24

IMPROVEMENTS

Sections:

16.24.010 Construction of roads, bridges, drains, culverts and related structures.

~~16.24.020 Curbs, gutters, underground storm sewers and sidewalks.~~

~~16.24.020030 Water and sanitary sewer systems.~~

~~16.24.030040 Fire protection system.~~

~~16.24.040 Other subdivision improvements.~~

16.24.010 Construction of roads, bridges, drains, culverts and related structures.

~~— A. All roads, bridges, drains, culverts and related structures and facilities shall be constructed in accordance with current the standards in WWCC Title 12 and those promulgated by the board and in effect at the time of construction Washington State Department of Transportation.~~

~~— B. Fish and wildlife cover, and disturbance of habitat shall be replaced.~~

~~— C. All stream disturbance shall be done under applicable federal, state and local regulations, including hydraulic project approval permits. (Res. 02118, Attach. A (part), 2002)~~

~~16.24.020 Curbs, gutters, underground storm sewers and sidewalks.~~

~~— All roads within a subdivision shall be constructed with curbs and gutters, and underground storm sewers and sidewalks as directed by the board. Sidewalks shall be constructed of concrete or asphalt as determined by the~~



~~county public works and county regional planning department. (Res. 02118, Attach. A (part), 2002)~~

16.24.030—020 Water and sanitary sewer systems.

A. Water supply facilities adequate to provide potable water from a public or community water supply source to each lot ~~proposed in the agriculture residential and general agriculture zones,~~ shall be installed in conformity to standards of the Walla Walla County health department unless an acceptable alternative is proposed.

B. Each lot shall be provided with a sanitary sewer system connection approved by appropriate authorities unless the health department determines that all of the lots can be adequately served with private septic tanks.

C. Dry sewerage systems shall be installed in accordance with existing standards, studies and resolutions. (Res. 02118, Attach. A (part), 2002)

16.24.040—030 Fire protection system.

A. Water sources and water facilities adequate for fire protection purposes shall be provided in accordance with the applicable provisions of the International Fire Code and/or National Fire Protection Association in every subdivision proposed to contain lots of one-half acre or less.

B. Service mains and fire hydrants shall be installed in conformance with standards set forth in Division I of this title and of the appropriate fire department or fire protection district prior to the construction of any structure in a subdivision. (Res. 02118, Attach. A (part), 2002)

C. Where fire hazards exist, the hearing examiner may require the removal of flammable vegetation from an area within a subdivision used as a fire break.

16.24.040 Other subdivision improvements.

All other subdivision improvements shall be constructed as required in the approval decision of the preliminary subdivision.

Chapter 16.28

SURVEY

Sections:



Walla Walla County, WA

ORD

2009-11608

Page: 32 of 65

11/30/2009 11:44A

- 16.28.010 Preparation of plats.
- 16.28.020 Survey notes--Accuracy.
- 16.28.030 Orientation of subdivision.
- 16.28.040 ~~Permanent control~~Survey monuments.
- 16.28.050 ~~Permanent control~~Temporary monuments on roads and control points.
- 16.28.060 Permanent monuments and control points.
- 16.28.060070 Lot corners.
- 16.28.070080 Property contiguous to water.

16.28.010 Preparation of plats.

A. The survey of every proposed subdivision, and the preparation of preliminary and final plats thereof, shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed.

B. All surveys shall conform to standard practices and principles for land surveying. (Res. 02118, Attach. A (part), 2002)

16.28.020 Survey notes--Accuracy.

The surveyor shall furnish the ~~county engineer~~County Engineer with a full set of survey notes, which notes shall clearly show:

- A. The ties to each permanent monument;
- B. At least three durable, distinctive reference points or monuments;
- C. Sufficient data to determine readily the bearing and length of each line;
- D. The base meridian referred to; traverse of the boundaries of the subdivision and all lots and blocks shall close within an error of one foot in five thousand feet. (Res. 02118, Attach. A (part), 2002)

16.28.030 Orientation of subdivision.

Primary survey control points shall be referenced to section corners and monuments. Corners of adjoining subdivisions or portions thereof shall be identified and ties shown. (Res. 02118, Attach. A (part), 2002)

16.28.040 ~~Permanent control~~Survey monuments.

A. ~~Permanent control~~Survey monuments shall be established at the following locations in accordance with this title and Title 12 of the WWCC:

- 1. All controlling corners on the boundaries of the subdivision;



~~2. The intersections of centerlines of roads within the subdivision;~~

~~32. The beginning and ends of curves on centerlines;~~

~~43. All block corners;~~

~~4. All street intersections; and~~

~~5. All road points of curvature (PCs) and points of tangents (PTs) of horizontal curves.~~

B. ~~Permanent control~~Survey monuments may be placed on offset lines at the discretion of the County Engineer. The position and type of every permanent survey monument shall be noted on all plats of the any land subdivision. ~~Permanent control monuments shall be set in two-inch pipe, twenty-four inches long, filled with concrete or shall be constructed of an approved equivalent. (Res. 02118, Attach. A (part), 2002)~~

16.28.050 Permanent controlTemporary monuments on roadsand control points.

~~Prior to recording of a final plat temporary survey monuments shall be set by a land surveyor, located in conformance with this Chapter and in place at final inspection. Permanent control monuments within the streets shall be set after the roads are graded. In the event final plat is approved before roads are graded the surety deposited to secure grading shall be sufficient to pay the costs estimated by the county engineer setting such monuments. (Res. 02118, Attach. A (part), 2002)~~

16.28.060 Permanent monuments and control points.

Permanent survey monuments and control points shall be set and verified by a land surveyor within ninety days of the final placement of asphalt surfacing.

16.28.060—070 Lot corners.

~~Every lot corner shall be marked by a three-fourths inch galvanized iron piperebar with the surveyor's number stamped on a color cap on top of the rebar driven into the ground or equivalent approved by the County Engineer.† eighteen inches long, minimum, or approved equivalent driven into the ground. (Res. 02118, Attach. A (part), 2002)~~

16.28.070—080 Property contiguous to water.

A. If any land in a subdivision is contiguous to a body of water, a meander line shall be established along



the shore at a safe distance back from the ordinary high-water mark.

B. Property lying beyond the meander lines shall be defined by distances along the side property lines extended from the meander line.

C. If the thread of a stream lies within a subdivision or forms the boundary of a subdivision, such thread shall be defined by bearings and distances as it exists at the time of the survey. (Res. 02118, Attach. A (part), 2002)

Chapter 16.32

PRELIMINARY PLATSUBDIVISION

Sections:

16.32.010 Standards.

16.32.010 Standards.

Every preliminary ~~plat~~ subdivision shall consist of one or more maps, the horizontal scale of which shall be two hundred feet to the inch, and the vertical scale of which, for street and sewer profiles, shall be twenty feet to the inch together with written data in such form that when the maps and written data are considered together they shall fully and clearly disclose the following information:

- A. The name of the proposed subdivision;
- B. The legal description of land contained within the subdivision;
- C. The names, addresses and telephone numbers of all persons, firms, and corporations holding interests in the said land;
- D. The name, address, telephone number and seal of the registered land surveyor who made, or under whose supervision was made, a survey of the proposed subdivision;
- E. The date of the said survey;
- F. The boundary lines of the proposed subdivision;
- G. All existing monuments and markers;
- H. The boundaries of all divisions (if applicable), blocks and lots within the proposed subdivision, together with the numbers proposed to be assigned each division, lot and block:



Walla Walla County, WA

ORD

2009-11608

Page: 35 of 65

11/30/2009 11:44A

I. The location, names and width of all existing streets, roads and easements within the proposed subdivision and adjacent thereto;

J. The location and, where ascertainable, sizes of all permanent buildings, wells, watercourses, bodies of water, one hundred-year floodplain, floodway, critical areas, overhead and underground utilities, railroad lines, municipal boundaries; section lines, township lines, and other important features existing upon, over or under the land proposed to be subdivided;

K. Contour lines of sufficient intervals to show the topography of the land to be subdivided referenced to either the United States Coast and Geodetic Survey datum, or United States Geological Survey;

L. A layout of proposed roads, alleys, utility mains, and parcels proposed to be dedicated or reserved for public or community school, park, playground or other uses;

M. Plans of proposed water distribution system, sewage disposal systems and drainage systems, indicating locations;

N. A sketch of the general vicinity in which the land proposed for subdivision lies, upon which are identified owners of land adjacent to the subdivision and the names of any adjacent subdivisions;

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

P. In subdivisions proposed to be served by individual septic tanks, the location of soil log holes together with data regarding percolation rates. (Res. 02118, Attach. A (part), 2002)

Chapter 16.36

FINAL PLAT

Sections:

- 16.36.010 Materials and form.
- 16.36.020 Scale and margins.
- 16.36.030 Contents--Name, scale, north point and signatures.
- 16.36.040 Contents--Map.
- 16.36.050 Contents--Written data.



16.36.010 Materials and form.

A. Every final plat shall consist of one or more pages clearly and legibly drawn on pages provided by the county auditor. All drawing and lettering on the final plat shall be in permanent black ink, or an approved equivalent.

B. In addition, a duplicate original shall be prepared on one or more pages each clearly and legibly drawn on tracing cloth, stable base mylar polyester film or equivalent approved material. (Res. 02118, Attach. A (part), 2002)

16.36.020 Scale and margins.

The perimeter of the subdivision shall be depicted with heavier line weights than appear elsewhere on the plat. The scale shall be one hundred feet to one inch. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of three inches on the left side and one inch on the remaining sides. (Res. 02118, Attach. A (part), 2002)

16.36.030 Contents--Name, scale, north point and signatures.

Each sheet of the final plat shall contain the subdivision's name, the scale and the north point. All signatures affixed to a final plat shall be original signatures written in permanent black ink. (Res. 02118, Attach. A (part), 2002)

16.36.040 Contents--Map.

Every final plat shall include an accurate map of the subdivided land, based upon a complete survey thereof, which shall include:

A. All section, township, municipal and county lines used as ties to establish the subdivision;

B. The location of all monuments or other evidence used as ties to establish the subdivision's boundaries;

C. The location of all permanent control monuments found and established within the subdivision;

D. The boundary of the subdivision with complete bearings and lineal dimensions;

E. The length and bearings of all straight lines; the radii, arcs and semitangents of all curves;

F. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field;



G. The location, width, centerline, and name or number of all streets within and adjoining the subdivision;

H. The location and width, shown with broken lines, and description of all easements;

I. Numbers assigned to all divisions, lots and blocks within the subdivision;

J. Names of owners of land adjacent to the subdivision and the names of any adjacent subdivisions. (Res. 02118, Attach. A (part), 2002)

16.36.050 Contents--Written data.

In addition to the map or maps, every final plat shall contain written data including:

A. The name of the subdivision;

B. The legal description of land contained within the subdivision;

C. A certificate of the registered land surveyor who made, or under whose supervision was made, the survey of the subdivision in substantially the following language:

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

D. A statement of approval signed by the ~~county engineer~~ County Engineer as to:

- _____ ~~1. Survey data;~~
_____ 21. Layout of roads, alleys and easement;
_____ 32. Road names and numbers;
_____ 43. The design and/or construction of protective improvements, bridges, sewage and drainage systems.

E. A statement of approval as to the design and/or construction of sanitary sewage disposal systems and public water supply systems installed in the subdivision signed by the county health director; provided, however, that no such statement shall be deemed a guarantee of acceptability of individual septic tank systems contemplated for use within the subdivision;

F. A statement of the ~~planning director~~ administrator that the subdivision conforms to the comprehensive plan;



G. If any portion of the subdivision lies within a flood control zone, a statement of approval signed by the Director of the State Department of Water Resources, or its successors;

H. A certificate bearing the typed or printed names of all persons having an interest in the subdivided land, signed by the said persons and acknowledged by them before a notary public, consenting to the subdivision of the said land and reciting a dedication by them of all land shown on the plat to be dedicated for public uses and a waiver by them and their successors of all claims for damages against any governmental authority arising from the construction and maintenance of public facilities and public property within the subdivision;

I. A certificate signed by the Walla Walla County treasurer that all taxes one year in advance on all unimproved property in each proposed subdivision and delinquent assessments for which the land within the subdivision may be liable have been duly paid, satisfied or discharged;

J. Space for approval by the ~~Walla Walla County~~ board of ~~commissioners~~. (Res. 02118, Attach. A (part), 2002)

Chapter 16.40

ENFORCEMENT AND PENALTY

Sections:

~~16.40.010 Offering for sale property divided into five or more lots without final plat registry Action to restrain Costs of action.~~

~~16.40.020 Violation of court order or injunction.~~

~~16.40.030 Assurance of discontinuance Violation.~~

~~16.40.040 Violation of Division I of this title Penalty.~~

~~16.40.010 Offering for sale property divided into five or more lots without final plat registry Action to restrain Costs of action.~~

~~A. Whenever any parcel of land is divided into five or more 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,~~



Walla Walla County, WA

ORD

2009-11608

Page: 39 of 65

11/30/2009 11:44A

~~any such lot, tract, or parcel without having a final plat of such subdivision filed for record, the prosecuting attorney shall commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers for sale or transfer and compel compliance with all provisions of Division I of this title.~~

~~B. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property. (Res. 02118, Attach. A (part), 2002)~~

~~16.40.020 Violation of court order or injunction.~~

~~Any person who violates any court order or injunction issued pursuant to Division I of this title shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both. (Res. 02118, Attach. A (part), 2002)~~

~~16.40.030 Assurance of discontinuance—Violation.~~

~~In the enforcement of Division I of this title, the prosecuting attorney may accept an assurance of discontinuance of any ordinance or practice deemed in violation of Division I of this title from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violation occurs. A violation of such assurance shall constitute prima facie proof of a violation of Division I of this title. (Res. 02118, Attach. A (part), 2002)~~

~~16.40.040 Violation of Division I of this title—Penalty.~~

~~Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of Division I of this title or any local regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of Division I of this title or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense. (Res. 02118, Attach. A (part), 2002)~~



DIVISION II. SHORT SUBDIVISIONS

Chapter 16.44

GENERAL PROVISIONS

Sections:

16.44.010 Applicability.

~~16.44.020 Exemptions.~~

16.44.010 Applicability.

Every division of land for the purpose of lease or sale into four or fewer lots, tracts, parcels, sites or divisions outside of an urban growth area boundary, or nine or fewer lots, tracts, parcels, sites or divisions inside of an urban growth area boundary shall proceed in compliance with ~~Division II of the~~ applicable provisions of this title. (Res. 02118, Attach. A (part), 2002; Ord. 294 (part), 2004)

~~16.44.020 Exemptions.~~

~~The provisions of Division II of this title shall not apply to:~~

~~A. Any cemetery or burial plot, while used for that purpose;~~

~~B. Any division of land not containing a dedication, in which the smallest lot created by the division exceeds forty acres;~~

~~C. Any division made by testamentary provision, the laws of descent, or upon court order;~~

~~D. Any division made in compliance with Division I of this title. (Res. 02118, Attach. A (part), 2002)~~

~~Chapter 16.48~~

DEFINITIONS

Sections:

~~16.48.010 Generally.~~

~~16.48.020 Alley.~~

~~16.48.030 Board.~~



Walla Walla County, WA

ORD

2009-11608
Page: 41 of 65
11/30/2009 11:44A

~~16.48.040 Comprehensive plan.~~
~~16.48.050 Cul-de-sac.~~
~~16.48.060 Dedication.~~
~~16.48.070 Easement.~~
~~16.48.080 Lot.~~
~~16.48.090 Planning commission.~~
~~16.48.100 Road.~~
~~16.48.110 Short plat.~~
~~16.48.120 Short subdivision.~~
~~16.48.130 Subdivider.~~

~~16.48.010 Generally.~~

~~Whenever the following words and phrases appear in Division II of this title, they shall be given the meaning attributed to them by this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular. The word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision. (Res. 02118, Attach. A (part), 2002)~~

~~16.48.020 Alley.~~

~~"Alley" is a strip of land dedicated to public use providing vehicular and pedestrian access to the rear side of properties which abut and are served by a public road. (Res. 02118, Attach. A (part), 2002)~~

~~16.48.030 Board.~~

~~"Board" is the legislative authority of Walla Walla County. (Res. 02118, Attach. A (part), 2002)~~

~~16.48.040 Comprehensive plan.~~

~~"Comprehensive plan" is the current comprehensive plan of Walla Walla County, adopted by the board pursuant to law. (Res. 02118, Attach. A (part), 2002)~~

~~16.48.050 Cul-de-sac.~~

~~"Cul-de-sac" is a road closed at one end by a circular area of sufficient size for turning vehicles around. (Res. 02118, Attach. A (part), 2002)~~

~~16.48.060 Dedication.~~

~~"Dedication" is the deliberate appropriation of land by an owner for any general and 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 intention to dedicate shall be evidenced by the owner by the presentment for filing of a short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat in the manner provided in Division II of this title. (Res. 02118, Attach. A (part), 2002)~~

16.48.070 Easement.

~~"Easement" is a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. (Res. 02118, Attach. A (part), 2002)~~

16.48.080 Lot.

~~"Lot" is subdivided lands having fixed boundaries being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. (Res. 02118, Attach. A (part), 2002)~~

16.48.090 Planning commission.

~~"Planning commission" is the Walla Walla County planning commission. (Res. 02118, Attach. A (part), 2002)~~

16.48.100 Road.

~~"Road" is an improved and maintained public right-of-way which provides vehicular circulation or principal means of access to abutting properties, and which may also include provisions for public utilities, pedestrian walkways, public open space and recreation areas, cut and fill slopes and drainage. (Res. 02118, Attach. A (part), 2002)~~

16.48.110 Short plat.

~~"Short plat" is a document consisting of a map of a short subdivision together with written certificates, dedications and data. (Res. 02118, Attach. A (part), 2002)~~

16.48.120 Short subdivision.

~~"Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions outside of an urban growth area boundary, or nine or fewer lots, tracts, parcels, sites or divisions inside of an urban growth area boundary for the purpose of sale or lease. (Res. 02118, Attach. A (part), 2002; Ord. 294 (part), 2004)~~



2009-11608

Page: 43 of 65

11/30/2009 11:44A

16.48.130 Subdivider.

~~"Subdivider" is a person, including a corporate person, who undertakes to create a subdivision. (Res. 02118, Attach. A (part), 2002)~~

Chapter 16.52

PROCEDURAL REQUIREMENTS

Sections:

- 16.52.010 Administrator's duties.
- 16.52.020 Application--Preparation.
- 16.52.030 Application--Content.
- 16.52.040 Design.
- 16.52.045 Right of entry.
- 16.52.050 ~~Administrative determination~~ Preliminary approval.
- 16.52.055 Authorization for subdivider.
- 16.52.060 Expiration.
- 16.52.060070 ~~Final Approval and filing.~~
- 16.52.075 Maintenance covenant and notice-private roads.
- 16.52.080 Recording
- 16.52.090 Sale, transfer or lease.
- 16.52.070100 ~~Appeal to board~~ hearing examiner.

16.52.010 Administrator's duties.

~~The Walla Walla County planning director referred to in Division II of this title as the administrator is vested with the duty of administering the provisions of this title and with authority to summarily approve or disapprove proposed short plats. The administrator may prepare and require the use of such forms as deemed essential. (Res. 02118, Attach. A (part), 2002)~~

16.52.020 Application--Preparation.

A. Applications for approval of short subdivision shall be accompanied by a proposed short plat which includes pertinent survey data compiled as a result of a survey made by, or under the supervision of, a registered land surveyor in compliance with the Survey Recording Act of 1973.

B. Sheet size for short plats shall be ~~eighteen inches by twenty-four inches~~ as determined by the County Engineer. (Res. 02118, Attach. A (part), 2002)



16.52.030 Application--Content.

A. Applications for approval of short subdivisions shall contain: A mylar original and a sepia intermediate original of the entire contiguous tract owned or being purchased on contract by the applicant, and shall show:

1. The owners of adjacent land and the names of any adjacent subdivision;
2. Lines marking the boundaries of proposed lots; and
3. Approximate location of the existing roads and ways, or easements for roads and ways, within or adjacent to the tract.
4. The legal description of lots within a short plat shall be by the lot number.

B. A certificate from the title company containing:

1. Legal description of the tract;
2. The fee ownership; and
3. Any underlying contracts.

C. The name and address of the owner or owners of said tract. (Res. 02118, Attach. A (part), 2002)

D. Applications for short subdivisions also shall comply with the provisions of Sections 16.12.030 and 16.12.040.

16.52.040 Design.

All easements, rights-of-way, and improvements shall be designed in accordance with applicable provisions of Division I of this title. ~~with the exception of private roads, which shall meet the minimum approval standards contained in Chapter 12.06. (Res. 02118, Attach. A (part), 2002)~~

16.52.045 Right of entry.

The administrator and County Engineer shall have right of entry onto any lot, tract, easement or parcel to ensure compliance with the improvements required in this Chapter.

16.52.050 ~~Administrative determination~~Preliminary approval.

The administrator shall, after conferring with appropriate officials, determine whether grant preliminary approval of the short subdivision with or without conditions, or deny the application, based on a determination that:



Walla Walla County, WA

ORD

2009-11608
Page: 45 of 65
11/30/2009 11:44A

16.52.030 Application--Content.

A. Applications for approval of short subdivisions shall contain: A mylar original and a sepia intermediate original of the entire contiguous tract owned or being purchased on contract by the applicant, and shall show:

1. The owners of adjacent land and the names of any adjacent subdivision;

2. Lines marking the boundaries of proposed lots; and

3. Approximate location of the existing roads and ways, or easements for roads and ways, within or adjacent to the tract.

4. The legal description of lots within a short plat shall be by the lot number.

B. A certificate from the title company containing:

1. Legal description of the tract;

2. The fee ownership; and

3. Any underlying contracts.

C. The name and address of the owner or owners of said tract. (Res. 02118, Attach. A (part), 2002)

D. Applications for short subdivisions also shall comply with the provisions of Sections 16.12.030 and 16.12.040.

16.52.040 Design.

All easements, rights-of-way, and improvements shall be designed in accordance with applicable provisions of Division I of this title., ~~with the exception of private roads, which shall meet the minimum approval standards contained in Chapter 12.06. (Res. 02118, Attach. A (part), 2002)~~

16.52.045 Right of entry.

The administrator and County Engineer shall have right of entry onto any lot, tract, easement or parcel to ensure compliance with the improvements required in this Chapter.

16.52.050 ~~Administrative determination~~Preliminary approval.

The administrator shall, after conferring with appropriate officials, determine whether grant preliminary approval of the short subdivision with or without conditions, or deny the application, based on a determination that:



Walla Walla County, WA

ORD

2009-11608

Page: 46 of 65

11/30/2009 11:44A

A. The proposed lots conform to the comprehensive plan and ~~development~~ applicable county regulations including, but not limited to, Titles 11, 12, 16, 17 and 18 of the WWCC (or their successors) the county's zoning (Title 17) and critical areas regulations (Chapter 18.08); and

B. The proposed lots are served with adequate means of access, fire protection, drainage, water supplies and means of sanitary sewage disposal; and

C. The public use and interest will be served by permitting the proposed division of the land. (Res. 02118, Attach. A (part), 2002)

16.52.055 Authorization for subdivider.

Preliminary approval of the short subdivision shall constitute authorization for the subdivider to develop the subdivision's facilities and improvements in strict accordance with standards established by this title and any conditions imposed by the administrator.

16.52.060 Expiration.

Preliminary approval of a short subdivision shall expire five years after such approval or the resolution of all appeals.

16.52.060—070 Final Approval and filing.

If the administrator determines that the foregoing requirements are met, he shall approve the application, and shall transmit an approved copy to the assessor. If the short subdivision contains a dedication the administrator shall file the short plat, bearing his certificate of approval, with the auditor. (Res. 02118, Attach. A (part), 2002) A. At any time within five years of preliminary approval or the resolution of all appeals of preliminary approval the subdivider shall file the original and copies of a final short plat with the administrator.

B. The administrator shall grant final approval of the short plat based on a determination that:

1. The final short plat meets all standards established by state law and Division II of this title relating to final plats; and

2. The final short plat bears the certificates and statements of approval required by Division I of this title; and

3. A title insurance report furnished by the subdivider confirms the title of the land in the proposed short plat is vested in the name of the owners whose signatures appear on the plat's certificate; and



4. The following minimum improvements have been constructed consistent with the preliminary approval and the WWCC or if expiration of the preliminary approval is imminent or extraordinary circumstances prevent the construction of such improvements, that financial guarantees in accordance with the provisions of Chapter 16.97 have been posted with the county:

a. Drainage facilities and erosion control measures; and

b. Water mains and hydrants installed and fire flow available, if required; and

c. Road improvements required by the County Engineer to be constructed; and

d. Other specific site improvements required by the preliminary approval to be constructed prior to recording the short plat; and

e. Improvements without which the administrator or County Engineer determines a safety hazard would exist; and

5. Other required improvements have been constructed consistent with conditions of the preliminary approval and the WWCC or that financial guarantees in accordance with the provisions of Chapter 16.97 have been posted with the county; and

6. Critical areas to remain undeveloped have been delineated; and

7. A maintenance, operation, and defects guarantee in accordance with the provisions of Chapter 16.97 has been posted with the county for all applicable improvements constructed and approved by the administrator and the County Engineer.

16.52.075 Maintenance covenant and notice-private roads.

A. For private roads the subdivider, homeowner's association, or similar nonprofit corporation, shall sign a covenant which binds him/her, heirs and successors, and assigns in interest to pay for the maintenance of the private road as a condition of final approval. The county may impose such other conditions as it deems appropriate to assure that private road and related improvements will be adequately maintained. Said covenant shall be filed with the county auditor.

B. The following language shall be recorded on all properties served by a private road: "Walla Walla County



Walla Walla County, WA

ORD

2009-11608

Page: 48 of 65

11/30/2009 11:44A

has no responsibility to build, improve, maintain or otherwise service any private road."

16.52.080 Recording.

A. Upon receiving final approval the subdivider shall file the original and any necessary copies with the auditor for recording. Paper copies of the recorded plat shall be made and provided to the County Engineer, the administrator, and the County Assessor at the subdivider's expense.

B. If the final short plat is not recorded within thirty (30) days from the date of final approval, such approval shall be null and void.

16.52.090 Sale, transfer or lease.

No person shall transfer, sell, lease, or offer for transfer, sale or lease any land subject to the requirements of short plat approval until a final short plat has been recorded.

16.52.070—100 Appeal to ~~board~~ hearing examiner.

A. Any person aggrieved by the decision of the administrator to preliminarily approve or disapprove a proposed short plat may appeal the decision to the ~~board of Walla Walla County commissioners as required~~ hearing examiner as provided in ~~Section 14.11.040~~ Chapter 14.11.

B. The ~~board~~ hearing examiner may affirm or reverse the administrator's decision, or may remand the application to the administrator with instruction to approve the same upon compliance with conditions imposed by the ~~board~~ hearing examiner. (Res. 02118, Attach. A (part), 2002)

Chapter 16.56

RESUBDIVISION PROCEDURE

Sections:

16.56.010 Procedure designated.

16.56.010 Procedure designated.

Land within a short subdivision approved within five years immediately preceding, may not be further divided until a final plat of the resubdivision has been approved and filed for record pursuant to ~~Division~~ the applicable provisions of this title, except that when the short plat



Walla Walla County, WA

ORD

2009-11608

Page: 49 of 65

11/30/2009 11:44A

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. (Res. 02118, Attach. A (part), 2002)

Chapter 16.60

ENFORCEMENT

Sections:

~~16.60.010 Designated.~~

~~16.60.010 Designated.~~

~~A. No person shall transfer, sell, lease, or offer for transfer, sale or lease any land subject to the requirements of short plat approval until a short plat has been approved, and when required, filed.~~

~~B. When any person divides or attempts to divide land subject to the provisions of Division II of this title without having secured the administrator's approval or, when required, prior to the filing of the short plat, the prosecuting attorney may commence an action to enjoin further violations or attempted violations and to compel compliance with Division II of this title as required by Section 20, Chapter 271, Laws of 1969, First Extraordinary Session. (Res. 02118, Attach. A (part), 2002)~~

DIVISION III. MISCELLANEOUS REGULATIONS

Chapter 16.64

RECORD OF SURVEYS AND MONUMENTS--FEES

Sections:

ARTICLE I. FILING OF RECORD OF SURVEYS
AND MONUMENTS AND FEES CHARGED

16.64.010 Purpose.

16.64.020 Record of Survey--Fees.

ARTICLE II. FILING OF RECORD OF SHORT PLATS AND SHORT
SUBDIVISIONS AND FEES CHARGED

16.64.060 Purpose.



Walla Walla County, WA

ORD

2009-11608

Page: 50 of 65

11/30/2009 11:44A

16.64.070 Record--Fees.

ARTICLE I. FILING OF RECORD OF SURVEYS
AND MONUMENTS AND FEES CHARGED

16.64.010 Purpose.

The purpose of this article is to implement the Survey Recording Act (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. 02118, Attach. A (part), 2002)

16.64.020 Record of Survey--Fees.

The charge for filing any record of survey and/or record of corner information shall be as adopted in the county's fee schedule. (Res. 02118, Attach. A (part), 2002)

ARTICLE II. FILING OF RECORD OF SHORT PLATS AND SHORT
SUBDIVISIONS AND FEES CHARGED

16.64.060 Purpose.

The purpose of this article is to implement RCW 58.17.065 (1974 First Extraordinary Session) which requires that each short plat and short subdivision granted pursuant to local regulations after July 1, 1974 shall be filed with the county auditor and shall not be deemed "approved" until so filed. (Res. 02118, Attach. A (part), 2002)

16.64.070 Record--Fees.

The record of short plat or short subdivision shall be on a sheet size eighteen inches by twenty-four inches, of durable material to insure permanence, such as plastic (mylar) or hard paper plat sheets, and filed according to the county's adopted fee schedule. (Res. 02118, Attach. A (part), 2002)

Chapter 16.70

BOUNDARY LINE ADJUSTMENTS

Sections:

16.70.010 ~~Definition~~General.

16.70.020 Application and process.



Walla Walla County, WA

ORD

2009-11608
Page: 51 of 65
11/30/2009 11:44A

- 16.70.030 Criteria for approval.
- 16.70.040 Authority to act.
- 16.70.050 Appeals--Procedure.
- 16.70.060 Recording.

16.70.010 DefinitionGeneral.

~~Boundary line adjustments are minor and insignificant changes in property lines between contiguous lots or parcels.~~ If an alteration results in any of the following it is not a boundary line adjustment:

- A. Create any additional lot, tract, parcel, site or division;
- B. Result in a lot, tract, parcel, site or division, which contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimensions as set forth in the land use and health codes and regulations;
- C. Diminish or impair drainage, water supply, existing sanitary sewage disposal and access or easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site, or division;
- D. Create or diminish any easement or deprive any parcel of access or utilities;
- E. Increase the nonconforming aspects of an existing nonconforming lot;
- F. Replat, amend, ~~alter,~~ or vacate a plat or short subdivision;
- G. Amend the condition of approval for previously platted property. (Res. 02118, Attach. A (part), 2002)

16.70.020 Application and process.

A. A complete boundary line adjustment (BLA) application shall be filed with the ~~director of regional planning~~ administrator on forms ~~supplied by Walla Walla County regional planning~~ prescribed by the community development department, shall be signed by the owner(s) of the property, and shall be accompanied by the following:

- 1. Sheet size eighteen inches by twenty-four inches BLA map/plot plan depicting both existing boundary lines and proposed boundary line changes drawn at a scale not to exceed 1 inch = 50 feet, or at a scale agreed upon by the applicant and the ~~director of regional planning~~ administrator. The map/plot plan shall be signed and stamped by a professional land surveyor and shall comply with the requirements of Chapter 58.09 RCW and 332-130 WAC governing minimum standards for land boundary surveys;



Walla Walla County, WA

ORD

2009-11608

Page: 52 of 65

11/30/2009 11:44A

2. The map/plot plan shall be titled on the top of the page, in large capital letters, as follows: RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT.

3. The map/plot plan shall contain a signature block for the Walla Walla County ~~regional planning director~~ administrator's signature of approval.

4. The map/plot plan shall contain a signature block for the auditor's certificate, as follows:

Auditor's Certificate

Filed for Recorded this _____ day of _____, 20____, at the request of _____ in Volume _____ at Page _____ of Record of Survey, together with deed of conveyance recorded under Auditor's fee No. _____

Auditor

5. A note shall be placed on the map/plot plan that reads as follows:

THIS BOUNDARY LINE ADJUSTMENT IS NOT A PLAT, REPLAT, OR SUBDIVISION. APPROVAL OF A BOUNDARY LINE ADJUSTMENT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED FOR ANY STRUCTURE OR DEVELOPMENT WITHIN A LOT AFFECTED BY A BOUNDARY LINE ADJUSTMENT.

6. A free consent statement as shown below shall be inked on the map/plot plan. This shall be signed and notarized, prior to submittal, in permanent black ink, by all parties having interest in the property.

The undersigned agree that the boundary line adjustment set forth herein is made with the free consent and in accordance with the desires of the owners

Black In Seal

(Paper Press Seals Will
Not Be Accepted)

Notary Seal



Walla Walla County, WA

ORD

2009-11608

Page: 53 of 65

11/30/2009 11:44A

I hereby certify that the above individual(s) signed as a free and voluntary act and deed for the uses and purposes herein mentioned.

Given under my hand and seal this ____ day of ____, 20____.

NOTARY PUBLIC, in and for the State of Washington, residing at _____

7. A vicinity map that depicts the location of the property;

8. Legal descriptions of the revised lots, tracts, or parcels, certified by a licensed surveyor;

9. The location and dimensions of all structures/improvements existing upon the affected lots and the distance between structure/improvements and the proposed lot/boundary lines;

10. The position of rebar and caps set at each new property corner;

11. All parcel numbers of affected lots;

12. The location of the property to quarter/quarter section;

13. The location and dimensions of any drain field, easement, or right-of-way existing within or adjacent to any affected lots;

14. The area and dimensions of each lot following the proposed adjustment;

15. The applicant shall certify by signature on the application form that each resulting lot affected by the BLA has an accessible building area;

16. The applicant shall acknowledge by signature on the application form that county approval of a BLA proposal does not guarantee or imply that the subject property may be developed or subdivided, and that BLA approval may not be grounds for approval of subsequent modification or variance requests;

B. The director or his designee may establish more specific submittal standards (such as detailed plot plan specifications and number of copies required) provided such standards only constitute refinement of the items required by this section;

C. If the BLA proposes lots that result in reduced county road frontage and/or changes in access, a review by the department of public works to verify that all lots have safe access points may be required. In such cases, the applicant shall stake approximate proposed access



Walla Walla County, WA

ORD

2009-11608

Page: 54 of 65

11/30/2009 11:44A

points and property lines along the road frontage within five days of BLA application; and

D. The completeness date of the application shall be the date the complete application was filed. Failure to submit all requested materials within six months shall void the application. (Res. 02118, Attach. A (part), 2002)

16.70.030 Criteria for approval.

The following criteria for approval shall govern consideration of BLAs:

A. The proposed BLA is consistent with applicable development restrictions or code requirements including but not limited to restrictions and requirements of the Walla Walla County development regulations;

B. The proposed BLA will not detrimentally affect access, design or other public safety and welfare concerns. The evaluation of detrimental effect may include review by the health district, the department of public works, or any other agency or department with expertise;

C. The proposed BLA will not cause boundary lines to bisect on-site sewage disposal systems, prevent adequate access to water supplies or obstruct fire lanes;

D. The proposed BLA will not create new access, which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry or other safety concerns, as determined by the department of public works;

E. If within an approved subdivision or short subdivision, the proposed BLA will not violate conditions of approval of that subdivision or short subdivision;

F. The proposed BLA meets the consistency requirements of Walla Walla County development regulations;

G. The proposed BLA will not cause any lot that conforms with lot area or lot width requirements to become substandard;

H. The proposed BLA will not result in lots without building areas when building areas existed before the adjustment. (Res. 02118, Attach. A (part), 2002)

16.70.040 Authority to act.

~~The director of regional planning administrator~~ is authorized to deny a proposed boundary line adjustment. (Res. 02118, Attach. A (part), 2002)

16.70.050 Appeals--Procedure.

As prescribed by ~~Chapter 14.11~~ Section 14.11.010. (Res. 02118, Attach. A (part), 2002)



Walla Walla County, WA

ORD

2009-11608

Page: 55 of 65

11/30/2009 11:44A

16.70.060 Recording.

To finalize an approved BLA, the applicant must record with the county auditor the BLA application, certified legal descriptions and the BLA map within six months of approval or the application and approval shall be void.

If the BLA affects more than one property owner, a conveyance document(s) shall be recorded at the same time as the BLA documents. The conveyance document(s) shall establish ownership consistent with the approved, adjusted boundaries. When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map. Recording fees and applicable state fees shall be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be provided to ~~Walla Walla County regional planning~~ the administrator by the applicant. (Res. 02118, Attach. A (part), 2002)

Chapter 16.85

DISAPPROVAL DUE TO FLOOD

Sections:

16.85.010 Disapproval due to flood.

16.85.010 Disapproval due to flood.

The county may disapprove a proposed plat because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved by the county covering any land situated in the one hundred year flood plain as provided in Chapter 86.16 RCW without the prior written approval of the Department of Ecology of the State of Washington. (Res. 02118, Attach. A (part), 2002)

Chapter 16.90

SUBDIVISIONS IN THE RURAL TRANSITION ZONE

Sections:

~~16.90.010 Subdivisions in the rural transition zone.~~



Walla Walla County, WA

ORD

2009-11608

Page: 56 of 65

11/30/2009 11:44A

16.90.010 Subdivisions in the rural transition zone.

~~If a community domestic water system cannot provide water to a proposed subdivision in the rural transition zone the subdivision shall not be approved. (Res. 02118, Attach. A (part), 2002)~~

Chapter 16.95

LARGE LOT SUBDIVISIONS

Sections:

- 16.95.010 Applicability.
- 16.95.020 Purpose.
- 16.95.030 Application and contents.
- 16.95.040 Approval procedures.
- 16.95.050 Application fee.

16.95.010 Applicability.

This chapter applies to the divisions of land into two or more lots or parcels, where the smallest lot, tract, parcel or site is greater than forty acres. (Res. 02118, Attach. A (part), 2002)

16.95.020 Purpose.

The purpose of this chapter is to provide a simplified subdivision process that sets forth a level of review that is proportional to the effect the division of large lots may have on the surrounding area. It is not intended to provide a detailed level of review which occurs for smaller lots. (Res. 02118, Attach. A (part), 2002)

16.95.030 Application and contents.

A. Applications for approval of a large lot subdivision shall be submitted to the ~~office of regional planning administrator~~. Applications for a large lot subdivision shall contain the same information that is required for a short subdivision (see Sections 16.52.020 and 16.52.030) and any additional information reasonably deemed necessary by the ~~director of planning administrator~~ to evaluate the proposal.

B. If the proposed large lot subdivision exceeds any categorical exemption levels established in Title 18 of this code, an environmental checklist shall also be in-



cluded in the application. (Res. 02118, Attach. A (part), 2002)

16.95.040 Approval procedures.

A. In addition to the criteria established in Section 16.52.050, the ~~planning director~~administrator shall ascertain if the application conforms to the county's shoreline management plan, flood hazard and critical areas regulations.

B. The administrative review and approval process of all large lot subdivisions shall be the same procedure as that described for short subdivisions in Sections 16.52.050, 14.03.020 and Chapter 14.09. (Res. 02118, Attach. A (part), 2002)

16.95.050 Application fee.

A filing fee as set forth in the Walla Walla County land development fee schedule shall accompany applications for large lot subdivisions. (Res. 02118, Attach. A (part), 2002)

Chapter 16.99

CONCURRENCY MANAGEMENT SYSTEM

Sections:

~~16.99.010 Purpose.~~

~~16.99.020 Applicability.~~

~~16.99.030 Concurrency review.~~

~~16.99.010 Purpose.~~

~~Pursuant to the State Growth Management Act, the purpose of this chapter is to ensure that applicable transportation facilities and services necessary to accommodate the impacts of development are made concurrent with the development. This chapter establishes a concurrency management system to ensure that transportation improvements and strategies needed to maintain the level of service (LOS) standards set in the comprehensive plan are available at the time of development approval or occupancy, or that a financial commitment is in place to complete the facilities within six years. (Res. 02118, Attach. A (part), 2002)~~



Walla Walla County, WA

ORD

2009-11608

Page: 58 of 65

11/30/2009 11:44A

16.99.020 Applicability.

~~A. Projects subject to concurrency review: Each applicant requesting development approval by the county shall provide all information required by the director in order for a concurrency determination to be made on the proposed project, except that the following projects are exempt from concurrency review:~~

~~1. Single family home on an existing lot of record;~~

~~2. Any proposed development that creates no additional impacts on any transportation facility or service subject to concurrency, as determined by the director;~~

~~3. Any project generating a total of less than ten peak hour trips from the total project;~~

~~4. Any project exempt from threshold review pursuant to Chapter 43.21C RCW.~~

~~B. Concurrency Facilities and Services. The following transportation facilities, if impacted or used by the proposed development, shall be subject to concurrency review: those county roads for which LOS standards are established in the comprehensive plan. (Res. 02118, Attach. A (part), 2002)~~

16.99.030 Concurrency review.

~~A. Timing. All applicants for project permits, except those exempt, shall apply for concurrency review at the time applications for such project permits are submitted. Concurrency review will be performed as part of the processing of a project permit as specified in Title 14.~~

~~B. Concurrency Determination. Developments that result in a reduction of a level of service below the adopted level of service standards for the affected transportation facility cannot be approved. The director shall make a determination of concurrency as part of the development permit review process. The project permit may be conditioned as necessary to ensure that an improvement or strategy relied upon to demonstrate concurrency will be completed or implemented in the required time frame.~~

~~C. Methodology. The director shall develop the methodology that will be used to conduct concurrency review, consistent with the LOS standards established in the comprehensive plan.~~

~~D. Appeals. The concurrency determination shall be part of the permit decision, and may be appealed only as part of an appeal of the underlying permit pursuant to Chapter 14.11. (Res. 02118, Attach. A (part), 2002)~~



Walla Walla County, WA

ORD

2009-11608
Page: 59 of 65
11/30/2009 11:44A

Chapter 16.97

FINANCIAL GUARANTEES

Sections:

- 16.97.010 Financial guarantees authorized.
- 16.97.020 Financial guarantee-waiver.
- 16.97.030 Financial guarantee-form.
- 16.97.040 Financial guarantee-conditions.
- 16.97.050 Financial guarantee-inspection of work.
- 16.97.070 Performance guarantee.
- 16.97.060 Release of performance guarantee.
- 16.97.080 Maintenance, operation and defects guaran-
tee required.
- 16.97.080 Release of maintenance, operation and de-
fects guarantee.
- 16.97.100 Default.

16.97.010 Financial guarantees authorized.

The administrator and County Engineer are authorized to require a subdivider to post financial guarantees with the county as assurance that the subdivider will complete, warranty and maintain required improvements in a manner necessary to protect the public health, safety, and welfare.

16.97.020 Financial guarantee-waiver.

The county shall not require any state agency, unit of local government, or gas company or electrical company (as those terms are defined in RCW 80.04.010) to secure the performance of a permit requirement with a financial guarantee as a condition of issuing a permit or approval for a building construction project. The administrator, however, may require such state agency or unit of local government, gas company or electric company to sign an agreement to complete required improvements and protect the county's rights and duty to remedy unsatisfactory performance.

16.97.030 Financial guarantee-form.

Financial guarantees shall be in a form approved by the administrator, County Engineer, and the prosecuting attorney's office.



16.97.040 Financial guarantee-conditions.

Every financial guarantee shall obligate the subdivider to complete all required improvements in conformance with the WWCC and all conditions specified in permit, plat, and construction plan approvals.

16.97.050 Financial guarantee-inspection of work.

The subdivider shall submit a written request for a final inspection to the administrator and County Engineer approximately sixty days prior to expiration of the financial guarantee.

16.97.060 Performance guarantee.

A. Pursuant to RCW 58.17.130, in lieu of the completion of construction of any required improvements prior to the approval of a final plat or final short plat, a subdivider may request posting of a performance guarantee. Requests for performance guarantees shall be in writing, shall be consistent with the terms and conditions of preliminary subdivision or preliminary short plat approval, and shall be accompanied by a detailed schedule for completion of the improvements and conditions.

B. If the subdivider's request is approved, a performance guarantee shall be posted prior to approval of a final plat or final short plat and shall be in an amount equal to the administrator's and/or County Engineer's estimates for required improvements based on the schedules appropriate to the required work to ensure that the amount fully covers likely costs. Performance guarantees shall include a contingency in an amount to be determined by the administrator or County Engineer.

C. If more than one such guarantee is required, the subdivider may, with the permission of the administrator and/or County Engineer, and to the extent allowable by law, combine guarantees; provided that at no time shall the guaranteed amount be less than the total amount which would have been required in the form of separate performance guarantees; and provided further that such guarantee shall on its face clearly delineate those separate additional performance guarantees which it is intended in lieu of.

D. The administrator or County Engineer may allow reductions in performance guarantee amounts in accordance



with the county's cost estimate of the work remaining to be completed. The subdivider's request for reduction shall be in writing and accompanied by a schedule for completion of the remaining work.

E. Performance guarantees shall require construction and installation of required improvements within two years after recording of a final plat or final short plat.

F. The subdivider may request an extension of up to six months of the time limit for compliance if circumstances beyond the control of the subdivider warrant an extension. The request for an extension shall be in writing and accompanied by a schedule for completion of remaining work. Approval of such request shall be at the administrator's or County Engineer's sole discretion.

16.97.070 Release of performance guarantee.

The administrator or County Engineer, as applicable, shall release a performance guarantee when:

A. All permit fees have been paid; and

B. Inspection of the development site has been performed; and

C. A determination has been made that the conditions and requirements specified in the performance guarantee have been met; and

D. Final construction approval has been granted in writing; and

E. A maintenance, operation, and defects guarantee has been posted.

16.97.080 Maintenance, operation and defects guarantee required.

A. Pursuant to RCW 58.17.130, The administrator or County Engineer shall require all subdividers to post a maintenance, operation and defects guarantee warranting the successful operation and maintenance of improvements, and guaranteeing that the workmanship, materials, and design used in construction of improvements required by the conditions of any permits or approvals issued pursuant to Titles 11, 12, 16, 17, or 18 (or their successors) are free of defects.

B. Maintenance, operation and defects guarantees shall be in an amount determined by the administrator or County Engineer and shall include a contingency.



C. All maintenance, operation, and defects guarantees shall guarantee successful maintenance, operation, workmanship, materials, and design of required facilities for a period of two years following written final construction approval of required improvements.

16.97.090 Release of maintenance, operation and defects guarantee.

The administrator or County Engineer, as applicable, shall release a maintenance, operation and defects guarantee when:

A. All permit fees have been paid; and

B. Inspection of the development site has been performed; and

C. A determination has been made that the conditions and requirements specified in the maintenance, operation and defects guarantee have been met; and

D. Final approval has been granted in writing.

16.97.100 Default.

A. Determination of default shall be made by the administrator or County Engineer after an inspection has indicated that improvements need to be corrected or completed.

B. In the event of failure to comply with any of the conditions and terms of the permits and/or approvals covered by this title, the administrator or County Engineer shall notify the subdivider and guarantor in writing of the default.

C. If satisfactory assurance is not received by the county within a time period determined by the administrator or County Engineer that conditions will be appropriately corrected, the administrator or County Engineer may:

1. order the subdivider to perform all necessary corrective work, and/or

2. contract with a third party to complete work required pursuant to this title.

D. The county may collect against the financial guarantee when work is not completed in a timely manner. It is in the administrator's or County Engineer's sole reasonable discretion to determine whether the permit or approval conditions have been satisfied in a timely manner, and to determine whether the performance guarantee shall be collected to remedy the violation.



E. The guarantor shall be responsible, up to the limits of the financial guarantee, for the payment of any and all necessary costs and expenses that have been or will be incurred or expended by the county in causing any and all such required work to be done. In the event that total costs associated with the required work exceed the guarantee amount, the subdivider shall remain responsible to the county for the payment of any remaining amount.

F. Nothing in this Chapter shall limit the ability of the county to enforce or otherwise compel compliance with conditions of any county permit or approval.

Chapter 16.99

ENFORCEMENT AND PENALTY

Sections:

- 16.99.010 Offering for sale property divided into five or more lots without final plat registry--Action to restrain--Costs of action.
- 16.99.020 Violation of court order or injunction.
- 16.99.030 Assurance of discontinuance--Violation.
- 16.99.040 Violation of Division I of this title--Penalty.
- 16.99.050 Violation of Division II of this title.

16.99.010 Offering for sale property divided into five or more lots without final plat registry--Action to restrain--Costs of action.

A. Whenever any parcel of land is divided into five or more 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 final plat of such subdivision filed for record, the prosecuting attorney shall commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers for sale or transfer and compel compliance with all provisions of Division I of this title.

B. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property. (Res. 02118, Attach. A (part), 2002)



Walla Walla County, WA

ORD

2009-11608

Page: 64 of 65

11/30/2009 11:44A

16.99.020 Violation of court order or injunction.

Any person who violates any court order or injunction issued pursuant to Division I of this title shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both. (Res. 02118, Attach. A (part), 2002)

16.99.030 Assurance of discontinuance--Violation.

In the enforcement of Division I of this title, the prosecuting attorney may accept an assurance of discontinuance of any ordinance or practice deemed in violation of Division I of this title from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violation occurs. A violation of such assurance shall constitute prima facie proof of a violation of Division I of this title. (Res. 02118, Attach. A (part), 2002)

16.99.040 Violation of Division I of this title--Penalty.

Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of Division I of this title or any local regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of Division I of this title or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense. (Res. 02118, Attach. A (part), 2002)

16.99.050 Violation of Division II of this title.

When any person divides or attempts to divide land subject to the provisions of Division II of this title without having secured the administrator's approval or, when required, prior to the filing of the short plat, the prosecuting attorney may commence an action to enjoin further violations or attempted violations and to compel compliance with Division II of this title as required by Section 20, Chapter 271, Laws of 1969, First Extraordinary Session. (Res. 02118, Attach. A (part), 2002)



Walla Walla County, WA

ORD

2009-11608

Page: 65 of 65

11/30/2009 11:44A