

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

**ORDINANCE NO. 385**

**APPROVING A REQUEST BY WALLA WALLA COUNTY TO AMEND WALLA WALLA COUNTY CODE TITLE 16 – SUBDIVISIONS, IN ORDER TO ENSURE COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND PROVIDE CLARITY TO PROCEDURAL REQUIREMENTS.**

**Whereas**, it is desirable for the County to have subdivision regulations written in a manner that provides clarity for staff and the general public; and

**Whereas**, the current version of Walla Walla County Code Title 16 is in need of reorganization and has procedural processes that are out of date;

**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. Notices of a Planning Commission Workshop, open to the public, were published in the Waitsburg Times on February 25, 2010, the Walla Walla Union Bulletin on February 22, 2010 and the Tri-City Herald on February 23, 2010.
2. The Planning Commission held a workshop on March 10, 2010.
3. Notices of a Board of County Commissioners' Workshop, open to the public, were published in the Waitsburg Times on March 18, 2010, the Walla Walla Union Bulletin on March 16, 2010 and the Tri-City Herald on March 18, 2010.
4. The Board of County Commissioners held a workshop on March 30, 2010.
5. Notices of the Informational Public Meeting were published in the Waitsburg Times on April 8, 2010, the Walla Walla Union Bulletin on April 8, 2010 and Tri-City Herald on April 9, 2010.

6. The Walla Walla County Community Development Staff held an Informational Public Meeting on April 21, 2010.
7. Notices of a Planning Commission Public Hearing, open to the public, were published in the Waitsburg Times on June 24, 2010, the Walla Walla Union Bulletin on June 27, 2010 and the Tri-City Herald on June 26, 2010.
8. The Planning Commission held the public hearing on July 7, 2010.
9. Notices of a Board of County Commissioners' Public Hearing, open to the public were published in the Waitsburg Times on July 22, 2010, the Walla Walla Union Bulletin on July 18, 2010 and the Tri-City Herald on July 19, 2010.
10. The Board of County Commissioners held the public hearing on August 2, 2010.

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

1. The proposed amendments are in compliance with RCW 36.70A, RCW 36.70B and the Washington Administrative Code.
2. The proposal meets a definable public need.
3. The defined need conforms to policy directives of the comprehensive plan and countywide planning policies.
4. The proposed revisions are consistent with the County Comprehensive Plan and Growth Management Act.
5. The proposed revisions are in the long term interest of the County.

**Section III. Adoption of Amended Title 16:**

Based on its review to ensure compliance with RCW 36.70A, RCW 36.70B and the Washington Administrative Code, and the analysis and proposed amendments prepared by County staff, the Board of County Commissioners hereby adopts the following proposed code amendments:

The amendments to Walla Walla County Code Title 16 – Subdivisions, as presented to the Board of County Commissioners on this date, are adopted as shown in Exhibit A.

**Section IV. Effective Date and Savings:**

This ordinance is effective as of the date of signing.

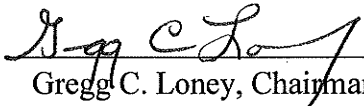
**Section V:**

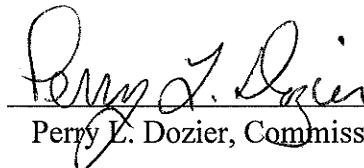
If any section, subsection, paragraph, sentence, clause or phase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

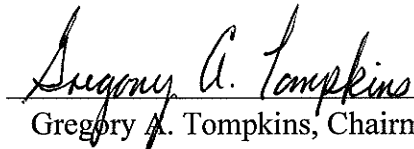
**Section VI:**

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 30<sup>th</sup> day of August, 2010.

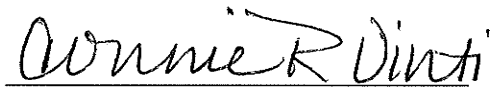
  
Gregg C. Loney, Chairman, District 1

  
Perry L. Dozier, Commissioner, District 2

  
Gregory A. Tompkins, Chairman, District 3

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

## EXHIBIT A

### 1. Amend the table of contents for Title 16 Subdivisions.

#### Title 16 SUBDIVISIONS

##### Chapters:

- 16.04 General Provisions
- 16.08 Definitions

#### DIVISION I. SUBDIVISIONS

- 16.12 — Procedural Requirements
- 16.16 — Dedications
- 16.14 — Preliminary Subdivisions and Preliminary Short  
Subdivisions
- 16.20 Design Requirements
- 16.24 Improvements
- 16.28 — Survey
- 16.32 — Preliminary Subdivision
- 16.36 Final Plat and Final Short Plat

#### DIVISION II. SHORT SUBDIVISIONS

- 16.44 — General Provisions
- 16.52 — Procedural Requirements
- 16.56 — Resubdivision Procedure

#### DIVISION III. MISCELLANEOUS REGULATIONS

- 16.64 — Record of Surveys and Monuments—Fees
- 16.70 Boundary Line Adjustments
- 16.80 Binding Site Plans
- 16.85 — Disapproval Due to Flood
- 16.95 Large Lot Subdivisions
- 16.97 Financial Guarantees
- 16.99 Enforcement and Penalty

**2. Amend the list of Sections in Chapter 16.04 General Provisions.**

Chapter 16.04  
GENERAL PROVISIONS

Sections:

16.04.005 Purpose.

16.04.010 Applicability.

16.04.014 Director's duties.

16.04.018 Interpretation.

16.04.020 Exemptions.

16.04.030 Development of illegally divided land-- Public determination.

interest

16.04.040 Development of illegally divided land--Innocent purchaser for value.

16.04.045 Applications-generally.

16.04.050 Conformity with other codes, plans and policies.

16.04.055 Applications processing.

16.04.060 Vertical and horizontal survey controls.

16.04.065 Limitations within future road corridors.

16.04.070 Public road right-of-way.

16.04.075 Limitations due to flood.

16.04.080 Property contiguous to water.

16.04.085 Conveyance to corporation.

16.04.090 Corporate membership and responsibilities and conditions.

16.04.095 Financial guarantees.

16.04.100 Payment of taxes and delinquent assessments.

16.04.105 Deposit to cover anticipated taxes.

16.04.110 Affidavit of correction.

16.04.115 Fees.

16.04.120 Administrative rules.

16.04.050125 Severability.

**3. Adopt a new Section 16.04.005 Purpose.**

16.04.005 Purpose.

This title establishes the authority and procedures for the segregation of land in Walla Walla County. Such regulations are deemed necessary in order to:

A. Protect and preserve public health, safety, and general welfare; and

B. Provide for the proper provisions for all public facilities including circulation, utilities, open space and services; and

C. Ensure consistency with the Walla Walla County Comprehensive Plan and all other applicable county and state regulations, rules, plans and policies.

**4. Amend Section 16.04.010 Applicability.**

16.04.010 Applicability.

Every ~~subdivision~~ segregation of land within the unincorporated area of Walla Walla County shall proceed in compliance with this title except as stated herein. (Res. 02118, Attach. A (part), 2002)

**5. Adopt a new Section 16.04.014 Director's duties.**

16.04.014 Director's duties.

The director is vested with the duty of administering the provisions of this title. The director may prepare and require the use of such forms as deemed essential.

**6. Adopt a new Section 16.04.018 Interpretation.**

16.04.018 Interpretation.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, the most restrictive or that imposing the higher standards, shall govern.

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)

**7. Amend Section 16.04.020 Exemptions.**

16.04.020 Exemptions.

The ~~subdivision~~ requirements of this title shall not apply to proposals that are exempt under RCW 58.17.040(1),(3) and (9). ~~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.~~

**8. Amend Section 16.04.030 Development of illegally divided land--Public interest determination.**

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

No ~~An~~ 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 this

title shall be processed pursuant to the provisions of WWCC Title 14 Development Code Administration. ~~granted without prior approval of the hearing examiner. Such approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the hearing examiner that Approval shall be granted only if:~~

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; and

B. The 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, roads, utilities, pedestrian facilities, and public open space in the vicinity; and

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

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

**9. Amend Section 16.04.040 Development of illegally divided land--Innocent purchaser for value.**

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 this title shall be processed pursuant to the provisions of WWCC Title 14 Development Code Administration. ~~not be granted without prior approval of the hearing examiner, which approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the hearing examiner that Approval shall be granted only if:~~

A. The applicant purchased the lot, tract or parcel for value; and

B. The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing 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 this title. (Res. 02118, Attach. A (part), 2002)

**10. Adopt a new Section 16.04.045 Applications – generally.**

16.04.045 Applications - generally.

A. Applications for approvals subject to the provisions of this title shall be submitted to the department on forms prescribed by the director.

B Applications for approvals subject to the provisions of this title shall contain the information required by this title and WWCC Title 14 Development Code Administration.

**11. Adopt a new Section 16.04.050 Conformity with other codes, plans and policies.**

16.04.050 Conformity with other codes, plans and policies.

Applications shall be approved, approved with conditions or denied based on a determination that the application complies with the following adopted county and state rules, regulations, plans and policies, including, but not limited to:

- A. RCW 43.21C SEPA;
- B. RCW 58.09 Survey – Recording;
- C. RCW 58.17 Subdivisions;
- D. RCW 36.70A Growth Management;
- E. RCW 36.70B Local Project Review;
- F. WWCC Title 11 Stormwater;
- G. WWCC Title 12 Streets, Sidewalks, and Public Places;
- H. WWCC Title 17 Zoning;
- I. WWCC Title 18 Environment;
- J. Walla Walla County Shoreline Master Program;
- K. Walla Walla County board of public health rules and regulations;
- L. Walla Walla County Comprehensive Plan; and
- M. This title.

**12. Adopt a new Section 16.04.055 Applications processing.**

16.04.055 Applications processing

All applications subject to the provisions of this title shall be processed as provided in this title and WWCC Title 14.

**13. Adopt a new Section 16.04.060 Vertical and horizontal survey controls.**

16.04.060 Vertical and horizontal survey controls.

A. Vertical requirements. The vertical datum on all engineering plans, plats, binding site plans and short plats shall be the North American vertical datum of 1988 (NAVD 88) and shall be tied to at least one USGS or other official benchmark. The benchmark shall be shown on the plans. If a USGS or other official benchmark does not exist within one-half mile of the subject property, or two hundred fifty feet or greater of total vertical difference exists between the starting benchmark and the project, an alternate vertical datum may be used subject to the approval of the county engineer.

B. Horizontal requirements. The horizontal component of all plats, binding site plans and short plats shall have the North American datum of 1983/91 as its coordinate base and basis for bearings. Unless approved otherwise by the county engineer, all horizontal control shall be referenced to a minimum of two Walla Walla County Survey horizontal control monuments. If two horizontal control monuments do not exist within one mile of the subject property, an alternate coordinate base and basis of bearings may be used subject to the approval of the county engineer.



**14. Adopt a new Section 16.04.065 Limitations within future road corridors.**

16.04.065 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 land segregation. These limitations may preclude the construction of buildings, driveways, drainage facilities or other improvements within the specified areas.

**15. Adopt a new Section 16.04.070 Public road right-of-way.**

16.04.070 Public road right-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 land segregations or of any lot or lots located therein 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:

A. 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

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

C. Where necessary to provide additions to rights-of-way of existing county roads; or

D. Where necessary to comply with a SEPA Threshold Determination; or

E. Where necessary to comply with the requirements of WWCC Title 12 Streets, Sidewalks and Public Places.

**16. Adopt a new Section 16.04.075 Limitations due to flood.**

16.04.075 Limitations due to flood.

The county may approve, approve with conditions, or deny a preliminary subdivision, preliminary short subdivision, large lot subdivision, binding site plan, or boundary line adjustment 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 preliminary subdivision, preliminary short subdivision, large lot subdivision, binding site plan, or boundary line adjustment 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

**17. Adopt a new Section 16.04.080 Property contiguous to water.**

16.04.080 Property contiguous to water.

A. If any land to be subdivided is contiguous to a body of water, a meander line shall be established at a distance from the body of water.

B. This line shall be labeled "Plat traverse line" or "Short plat traverse line", as applicable, on the final plat or final short plat documents.

**18. Adopt a new Section 16.04.085 Conveyance to corporation.**

16.04.085 Conveyance to corporation.

In lieu of requiring the dedication of land for protective improvements, drainage ways, alleys, roads, pedestrian facilities, parks, playgrounds, recreational, community or other general purposes, the county engineer or the director may conclude that the public interest will be served by allowing the said land to be conveyed to a home owners association or similar nonprofit corporation. (Res. 02118, Attach. A (part), 2002)

**19. Adopt a new Section 16.04.090 Corporate membership and responsibilities and conditions.**

16.04.090 Corporate membership and responsibilities and conditions.

A. A subdivider who wishes to make a conveyance as permitted by Section 16.04.085, shall at or prior to the time of filing a final plat, final short plat, large lot subdivision, or binding site plan submit to the director copies of the grantee organization's articles of incorporation and bylaws, and evidence of the conveyance or a binding commitment to convey.

B. The articles of incorporation shall provide that:

1. Membership in the organization shall be appurtenant to ownership of land in the subdivision, short subdivision, large lot subdivision, or binding site plan; and

2. The corporation is empowered to assess the said land for costs of construction and maintenance of the improvements and property owned by the corporation; and

3. 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)

**20. Adopt a new Section 16.04.095 Financial guarantees.**

16.04.095 Financial Guarantees

Notwithstanding any other provision of this title, the director and county engineer are authorized to require applicants issued permits or approvals under the provisions of this title to post financial guarantees consistent with the provisions of Chapter 16.97.

**21. Adopt a new Section 16.04.100 Payment of taxes and delinquent assessments.**

16.04.100 Payment of taxes and delinquent assessments.

Prior to recording any final plat, final short plat, binding site plan, large lot subdivision or amendments thereto, the subdivider shall submit a certificate signed by the Walla Walla County treasurer that all taxes and delinquent assessments have been duly paid, satisfied or discharged as provided in RCW 58.08.030.

**22. Adopt a new Section 16.04.105 Deposit to cover anticipated taxes.**

16.04.105 Deposit to cover anticipated taxes.

Prior to recording any final plat, final short plat, large lot subdivision, binding site plan, or amendments thereto, the subdivider shall deposit with the Walla Walla County treasurer funds necessary for anticipated taxes and assessments as provided in RCW 58.08.040.

**23. Adopt a new Section 16.04.110 Affidavit of correction.**

16.04.110 Affidavit of correction.

A. Any map page or document recorded with the county auditor under the provisions of this title that contains an error in fact or omission may be amended by an affidavit of correction pursuant to WAC 332-130-050(3). The following types of errors may be corrected by affidavit:

1. Any courses, distances or elevations omitted from the recorded document;
2. An error in any courses, distances or elevations shown on the recorded document;
3. An error in the description of the real property shown on the recorded document;
4. An error in the field location of any shown easement; or
5. Any other error or omission where the error or omission is ascertainable from the data shown on the recorded document.

B. Nothing in this Section 16.04.110 shall be construed to permit changes in courses, distances or elevations for the purpose of redesigning lot or tract configurations.

C. The affidavit of correction shall contain the seal and signature of the land surveyor making the correction.

D. The affidavit of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The notarized signatures of the owners shall be required, if deemed necessary by the department.

E. The affidavit of correction shall be submitted to the department for review and approval and shall include signatures of the county engineer, the director, the county assessor, and the county auditor. An approved affidavit shall be recorded with the county auditor.

**24. Adopt a new Section 16.04.115 Fees.**

16.04.115 Fees.

A. Fees for approvals subject to the provisions of this title shall be as authorized by WWCC Title 3.

B. Recording fees shall be paid to the county auditor prior to recording and in an amount as set forth in RCW 36.18.010.

**25. Adopt a new Section 16.04.120 Administrative rules.**

16.04.120 Administrative rules

The director and county engineer are authorized to issue administrative rules to implement the provisions of this title.

**26. Amend the numbering of Section 16.04.050 Severability.**

16.04.050125 Severability.

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

**27. Amend Section 16.08.010 Generally.**

16.08.010 Generally.

Whenever the following words and phrases appear in 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)~~

**28. Adopt a definition for Applicant.**

Applicant

"Applicant" is the individual, partnership, association or corporation applying for approvals under the provisions of this title and includes property owners, employees, agents, consultants, contractors and successors in interest.

**29. Adopt a definition for Binding Site Plan.**

Binding Site Plan.

"Binding Site Plan" is a drawing to a scale in accordance with the requirements of Chapter 16.80 and RCW 58.17 for the purposes of creating lots or tracts on land zoned for commercial or industrial use; dividing land for the purpose of lease for mobile homes or travel trailers; or dividing land into lots or tracts for condominiums.

**30. Adopt a definition for Day.**

Day

"Day" means a calendar day.

**31. Adopt a definition for Department.**

Department

"Department" means the Walla Walla County Community Development Department or its successor agency.

**32. Adopt a definition for Director.**

Director

"Director" means the director of the department of community development of the county of Walla Walla, Washington or his or her designee.

**33. Adopt a definition for Large lot subdivision.**

Large lot subdivision.

"Large lot subdivision" is the division 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)

**34. Amend the definition of Subdivider.**

Subdivider.

"Subdivider" is a person, including a corporate person, who undertakes to create a subdivision, short subdivision, large lot subdivision, or binding site plan. (Res. 02118, Attach. A (part), 2002)

### 35. Repeal Division I Subdivisions and Chapter 16.12 Procedural Requirements.

#### 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 — 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.

##### ARTICLE IV. PRELIMINARY SUBDIVISION APPROVAL

16.12.170 — Authorization for subdivider.

16.12.180 — Expiration.

##### ARTICLE V. FINAL PLAT

16.12.190 — Filing period.

16.12.200 — Review by administrator.

16.12.205 — Maintenance covenant and notice private roads.

16.12.220 — Right of entry.

16.12.230 — Submission to board.

16.12.240 — Board determination — Approval or disapproval.

16.12.250 — Expiration.

##### ARTICLE I. GENERAL PROVISIONS

~~16.12.010 Administration.~~

~~— 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.~~

~~B. Applicants shall pay to the community development department the applicable filing and plat check fees identified on the approved land development application fee schedule.~~

~~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 copies of a preliminary subdivision and 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 sheets as may be acceptable to the 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 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 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.~~

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

### ~~16.12.050 Hearing examiner hearing date.~~

~~After issuance of a notice of complete application, the administrator shall set a date for public hearing before the 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.~~

~~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 WGCC.~~

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

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

#### ~~16.12.090 Appropriate facilities and improvements.~~

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

#### ~~16.12.100 Conformance to comprehensive plan.~~

~~The 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 be served by the proposal. (Res. 02118, Attach. A (part), 2002)~~

### ~~ARTICLE IV. PRELIMINARY SUBDIVISION APPROVAL~~

#### ~~16.12.170 Authorization for subdivider.~~

~~Approval of the preliminary 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 hearing examiner.~~

#### ~~16.12.180 Expiration.~~

~~A. A preliminary subdivision shall expire five years after approval or the resolution of all appeals.~~

### ~~ARTICLE V. FINAL PLAT~~

#### ~~16.12.190 Filing period.~~

~~A. At any time within five years of approval or the resolution of all appeals of a preliminary subdivision the subdivider shall file the original and 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 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~~

~~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~~

~~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 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 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.~~

~~16.12.230 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)~~

~~16.12.240 Board determination—Approval or disapproval.~~

~~—— A. The board shall determine:~~

- ~~1. Whether conditions imposed when the preliminary subdivision was approved have been met;~~
- ~~2. Whether the subdivider has posted adequate financial guarantees with the county.;~~
- ~~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.~~

~~—— The board shall thereupon approve or disapprove the proposed final plat. If the board approves the final plat 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)~~

~~16.12.250 Expiration.~~

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

**36. Adopt a new Chapter 16.14 Preliminary Subdivisions and Preliminary Short Subdivisions title and list of Sections.**

Chapter 16.14

PRELIMINARY SUBDIVISIONS AND PRELIMINARY SHORT SUBDIVISIONS

Sections:

- 16.14.010 Resubdivision limitation – short subdivisions.
- 16.14.020 Application requirements – preliminary subdivision and preliminary short subdivision.
- 16.14.030 Preliminary approval criteria.
- 16.14.040 Revisions to preliminary approval.
- 16.14.050 Authorization for subdivider.
- 16.14.060 Expiration.

**37. Adopt a new Section 16.14.010 Resubdivision limitation – short subdivisions.**

16.14.010 Resubdivision limitation – short subdivisions.

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

**38. Adopt a new Section 16.14.020 Application requirements – preliminary subdivision and preliminary short subdivision**

16.14.020 Application requirements – preliminary subdivision and preliminary short subdivision.

The following information shall be submitted with all applications:

A. A title report issued within thirty days of the application showing all persons having an ownership interest in the property to be subdivided, a legal description describing the exterior boundary of the application site and listing all encumbrances affecting the site.

B. One or more maps that contain the following information:

1. Name of the proposal.
2. The legal description of the land to be subdivided shown on the title report.
3. The names, addresses and telephone numbers of all persons, firms, and corporations holding interests in the said land.
4. The name, address, telephone number and seal of the registered land surveyor who made, or under whose supervision was made, a survey of the land proposed to be subdivided.
5. North arrow, scale and date of map and revisions when applicable.

6. The boundary lines of the land proposed to be subdivided.
  7. All existing monuments and markers.
  8. The boundaries of all divisions, if applicable, blocks and lots, together with the numbers proposed to be assigned each division, lot and block.
  9. The location, names and width of all existing streets within the land proposed to be subdivided and adjacent thereto.
  10. The location and purpose of all easements listed in the title report, capable of being plotted on the map.
  11. The location of soil log holes together with data regarding percolation rates, if applicable.
  12. The location and, where ascertainable, sizes of all existing 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.
  13. The location and zoning of adjoining parcels and buildings within one hundred feet of the application site delineated by dashed lines.
  14. Contour lines of sufficient intervals based on a field survey and showing the topography of the land to be subdivided referenced to either the United States Coast and Geodetic Survey datum, or United States Geological Survey. A field topographic base map also shall be included. The county engineer may waive a field survey for large areas of open space or extensive critical areas. Two temporary benchmarks shall be shown within or near the land to be subdivided along with appropriate elevation and per the current datum NAVD88.
  15. A layout of proposed roads, alleys, utility mains, right-of-way, easements, and lots or tracts proposed to be dedicated or reserved for public or school, park, playground or other community uses.
  16. The purpose of all easements.
  17. The purpose and ownership of any proposed tracts and dedications within the land to be subdivided.
  18. A preliminary engineered drainage plan or a non-engineered plan if approved by the county engineer.
  19. A sketch of the general vicinity in which the land proposed to be subdivided lies upon which are identified owners of land adjacent to said land and the names of any adjacent subdivisions.
- C. A copy of all restrictive covenants proposed to be imposed upon the land to be subdivided.
- D. A certificate or other written documentation of the availability of potable water.
- E. For land within an urban growth area a certificate or other written documentation of the availability of sewage disposal systems.

**39. Adopt a new Section 16.14.030 Preliminary approval criteria**

16.14.030 Preliminary approval criteria.

Decisions on applications for a preliminary subdivision or preliminary short subdivision shall be based on a determination as to whether:

A. The proposed subdivision of land complies with the applicable codes, plans and policies in Chapter 16.04.050 or their successors; and

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

C. The proposed division of land provides adequate measures for the control of drainage and stormwater; and

D. The public health, safety and general welfare will be served by permitting the proposed division of the land. (Res. 02118, Attach. A (part), 2002)

**40. Adopt a new Section 16.14.040 Revisions to preliminary approvals.**

16.14.040 Revisions to preliminary approval.

A. Major revisions. Revisions that result in any substantial changes as determined by the director shall be considered major revisions and treated as a new application. For the purpose of this section, substantial changes include but are not limited to, the creation of additional lots; the elimination of open space; the addition or elimination of a road; a change in the road layout; and material changes to conditions of approval.

B. Minor revisions. The following revisions shall constitute minor revisions:

1. Engineering design changes approved by the county engineer, provided that the proposed change does not alter or eliminate improvements or features specifically required as a condition of preliminary approval; and

2. Changes in lot dimensions consistent with WWCC Title 17; and

3. A decrease in the number of lots to be created so long as the decrease allows for future compliance with the minimum density provisions of WWCC Title 17 Zoning, as applicable.

C. All changes are subject to the approval criteria for preliminary subdivisions or short subdivisions, as applicable.

**41. Adopt a new Section 16.14.050 Authorization for subdivider**

16.14.050 Authorization for subdivider.

Approval shall constitute authorization for the subdivider to develop the facilities and improvements in strict accordance with standards established by this title and any conditions imposed by the approval decision.

**42. Adopt a new Section 16.14.060 Expiration**

16.14.060      Expiration.

Approval of a preliminary subdivision or preliminary short subdivision shall expire seven years after the date of approval or the date of resolution of all appeals.

**43. Repeal Chapter 16.16 Dedications**

~~Chapter 16.16  
DEDICATIONS~~

Sections:

~~16.16.010      Required.~~

~~16.16.020      Shown on plat.~~

~~16.16.030      Protective improvements.~~

~~16.16.040      Limitations within future road corridors.~~

~~16.16.060      Exemption, conveyance to corporation.~~

~~16.16.070      Exemption, corporate membership and responsibilities and conditions.~~

~~16.16.010 Required.~~

~~A. Generally. No plat shall be approved unless adequate provision is made in the subdivision for such drainage 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 Limitations within future road corridor.~~

~~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.~~

~~16.16.060 Exemption, conveyance to corporation.~~

~~If the hearing examiner concludes that the public interest will be served thereby, the 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 nonprofit 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 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)~~

#### **44. Amend the list of Sections in Chapter 16.20 Design Requirements**

##### **Chapter 16.20**

##### **DESIGN REQUIREMENTS**

###### Sections:

16.20.005      Generally.

16.20.010      Conformance to comprehensive plan and development regulations.

16.20.040      Subdivision ~~r~~Roads.

- 16.20.050 Blocks.
- 16.20.060 Lot access.
- 16.20.080 Lot line angles.
- 16.20.090 Sidewalks and paths.
- 16.20.110 Utility easements.
- 16.20.120 Alleys.

**45. Adopt a new Section 16.20.005 Generally.**

16.20.005 Generally.

All subdivisions, short subdivisions, large lot subdivisions, and binding site plans shall include roads, alleys, utilities, blocks, lots and pedestrian facilities designed as provided in this chapter and the applicable provisions of WWCC Title 12.

**46. Repeal Section 16.20.010 Conformance to comprehensive plan and development regulations.**

~~16.20.010 Conformance to comprehensive plan and development regulations:~~

~~All subdivisions shall conform to the Walla Walla County comprehensive plan and all regulations in effect at the time any plat of a subdivision is submitted 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 (Title 18 WWCC).~~

**47. Amend Section 16.20.040 Subdivision roads.**

16.20.040 Subdivision Roads.

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

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

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

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

2. Conform to an adopted plan for the neighborhood approved or adopted by the board; or

3. Be designed to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets compliance with Subsections 16.20.040(B)(1) and (2) above impracticable.

~~3. 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 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.~~

**48. Amend Section 16.20.050 Blocks.**

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 lots or unless the ~~hearing examiner~~ director approves the design ~~or of~~ irregularly shaped blocks indented by cul-de-sacs within a particular subdivision. (Res. 02118, Attach. A (part), 2002)

**49. Amend Section 16.20.060 Lot access.**

16.20.060 Lot access.

A. Every lot shall be provided with satisfactory vehicular access.

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

**50. Amend the list of Sections for Chapter 16.24 Improvements:**

Chapter 16.24

IMPROVEMENTS

Sections:

16.24.005 Generally.

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

~~16.24.020 Water and sanitary sewer systems.~~

~~16.24.030 Fire protection system.~~

~~16.24.040 Other subdivision improvements.~~

16.24.045 Engineering plan review requirements.

16.24.050 Construction of minimum improvements.

16.24.055 Construction of other improvements.

16.24.060 Right of entry.

**51. Adopt a new Section 16.24.005 Generally**

16.24.005. Generally.

Prior to the recording of any plat or short plat, adequate provision shall be made for such drainage ways, roads, alleys, easements, parks, playgrounds, sites for schools, and other general purposes as may be required to protect the public health, safety and welfare. (Res. 02118, Attach. A (part), 2002)

**52. Repeal Section 16.24.010 Construction of roads, bridges, drains, culverts and related structures**

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

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

**53. Repeal Section 16.24.020 Water and sanitary sewer systems**

~~16.24.020 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 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 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)~~

**54. Repeal Section 16.24.030 Fire protection system.**

~~16.24.030 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 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.~~

**55. Repeal Section 16.24.040 Other subdivision improvements.**

~~16.24.040 Other subdivision improvements.~~

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

**56. Adopt a new Section 16.24.045 Engineering plan review requirements**

16.24.045 Engineering plan review requirements.

A. Engineering plans and technical information reports shall be prepared consistent with the requirements of WWCC Title 12 Streets, Sidewalks, and Public Places and WWCC Title 11 Stormwater, county department of public health rules and regulations, and conditions of preliminary approval. Each plan set or document shall be stamped, signed and dated by a civil engineer.

B. Engineering plans for roads, controls and other proposed or conditioned improvements shall be submitted for approval by the county engineer.

C. Engineering plans for proposed sanitary sewer and water systems shall be prepared and submitted for approval by the county engineer and the county department of public health.

**57. Adopt a new Section 16.24.050 Construction of minimum improvements**

16.24.050 Construction of minimum improvements.

The following minimum improvements shall be constructed consistent with approved plans, except that the county engineer may allow posting of a financial guarantee in accordance with the provisions of WWCC Chapter 16.97 Financial Guarantees:

A. Water supply facilities adequate to provide potable water from a public or community water supply source to each lot installed in conformity to standards of the Walla Walla County health department unless an acceptable alternative is proposed and approved by the county health department.

B. A sanitary sewer system connection to each lot approved by appropriate authorities unless the county health department determines that all of the lots can be adequately served with private septic tanks.

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

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

E. Service mains and fire hydrants installed in conformance with standards of the appropriate fire department or fire protection district, if required. (Res. 02118, Attach. A (part), 2002)

F. Drainage facilities and erosion control measures consistent with WWCC Title 11 Stormwater.

G. Public and private roads and related improvements.

**58. Adopt a new Section 16.24.055 Construction of other improvements.**

16.24.055 Construction of other improvements.

The following improvements shall be constructed as required in the approval decision of the preliminary subdivision or preliminary short subdivision:

A. All other site improvements unless the approval decision does not require completion of certain improvements prior to plat recording.

B. Improvements without which the county engineer determines a safety hazard would exist.

C. All private improvements outside of the right-of-way or road easement.

**59. Adopt a new Section 16.24.060 Right of entry**

16.24.060 Right of entry.

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

**60. Repeal Chapter 16.28 Survey**

Chapter 16.28

SURVEY

Sections:

16.28.010 Preparation of plats.

16.28.020 Survey notes—Accuracy.

16.28.030 Orientation of subdivision.

16.28.040 Survey monuments.

16.28.050 Temporary monuments and control points.

16.28.060 Permanent monuments and control points.

16.28.070 Lot corners.

16.28.080 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 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 Survey monuments~~

~~—— A. 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 beginning and ends of curves;~~
- ~~—— 3. All block corners;~~
- ~~—— 4. All street intersections; and~~
- ~~—— 5. All road points of curvature (PCs) and points of tangents (PTs) of horizontal curves.~~

~~—— B. Survey monuments may be placed on offset lines at the discretion of the County Engineer. The position and type of every survey monument shall be noted on all plats of any land division.~~

~~16.28.050 Temporary monuments and 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.~~

~~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.~~

~~16.28.070 Lot corners.~~

~~—— Every lot corner shall be marked by rebar 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.~~

~~16.28.080 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)~~

**61. Repeal Chapter 16.32 Preliminary Subdivision**

**Chapter 16.32**

**PRELIMINARY SUBDIVISION**

**Sections:**

**16.32.010 — Standards.**

16.32.010 Standards.

~~Every preliminary 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;~~
- ~~—— 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)~~

## **62. Amend the name and list of sections for Chapter 16.36 Final Plat**

### **Chapter 16.36**

#### **FINAL PLAT AND FINAL SHORT PLAT**

##### **Sections:**

- ~~16.36.010      Materials and form.~~ Filing period.
- ~~16.36.020      Scale and margins.~~ Phased platting--preliminary subdivisions.
- ~~16.36.030      Contents--Name, scale, north point and signatures. \_\_~~ Application materials and form.
- ~~16.36.040      Contents--Map.~~
- ~~16.36.050      Contents--Written data.~~ Approval criteria.
- ~~16.36.055      Recording.~~
- ~~16.36.060      Alteration of final plat or final short plat~~
- ~~16.36.065      Vacation of final plat or final short plat.~~
- ~~16.36.070      Expiration.~~
- ~~16.36.075      Sale, transfer or lease—short plat limitation.~~

## **63. Repeal Section 16.36.010 Materials and form**

### **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)~~

## **64. Adopt a new Section 16.36.010 Filing period.**

### **16.36.010 Filing period.**

At any time within seven years of approval or the resolution of all appeals of approval of a preliminary subdivision or preliminary short subdivision, the subdivider shall file the original and copies of a proposed final plat or final short plat with the director. (Res. 02118, Attach. A (part), 2002)

## **65. Repeal Section 16.36.020 Scale and margins**

~~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)~~

**66. Adopt a new Section 16.36.020 Phased platting – Preliminary subdivisions.**

16.36.020 Phased platting – Preliminary subdivisions

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

B. 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 chapter, preliminary subdivision approval for all unrecorded divisions shall become void.

**67. Repeal Section 16.36.030 Contents -- Name, scale, north point and signatures.**

~~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)~~

**68. Adopt a new Section 16.36.030 Application materials and form**

16.36.030 Application materials and form.

A. Every final plat and final short plat shall consist of one or more pages clearly and legibly drawn.

B. A final plat or final short plat shall be prepared on forms eighteen inches by twenty-four inches in size, allowing for a two-inch border on one of the eighteen-inch sides, to allow for binding, and one-half-inch borders on the other three sides. The two-inch border will typically be on the top or left side depending on the configuration of the drawing.

C. Materials shall be those acceptable for filing as specified in WAC 332-130-050 and be formatted consistent with requirements of the county auditor.

D. Plat certificates or owner's duplicate certificates for land registered pursuant to RCW 65.12 shall be provided prior to recording along with a copy of the last real estate transaction for all adjoining unplatted parcels. Supplemental plat certificates shall be provided to the department if the final plat or final short plat is not recorded within thirty days of the original certificate or supplemental certificate date.

E. A written copy of protective deed covenants shall accompany the final plat or final short plat, if applicable.



F. 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 as required by RCW 58.17.165.

G. If any portion of the subdivision or short 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 as required by RCW 58.17.120.

#### **69. Amend Section 16.36.040 Contents – Map.**

16.36.040 Contents---Map.

Every final plat and final short plat shall include an accurate map of the subdivided land to be subdivided prepared by a land surveyor in accordance with WAC 332-130, RCW 58.09 and RCW 58.17 which shall include the following information; 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;~~

A. Name of subdivision, department file number, scale and north point.

B. Legal description of the land being subdivided.

C. Location by section, township and range, and by legal description.

D. The signature and seal of the land surveyor.

E. Boundary of land being subdivided based on relative accuracy procedures or field traverse standards, and meeting or exceeding those standards specified in WAC 332-130-090.

F. Exact location, width and name of all streets within and adjoining the plat or short plat, and the exact location and widths of all alleys. The naming of a street shall conform to the requirements of Title 12 Streets, Sidewalks and Public Places.

G. Courses and distances to the nearest established street lines or official monuments that shall accurately describe the location of the plat or short plat.

H. Municipal, township, county or section lines accurately tied to the lines of the plat or short plat distances and courses.

I. The location of all easements shown with dashed lines and the purpose of easements indicated.

J. Lots designated by number on the plat or short plat within the area of the lot, and tracts similarly designated by letter. Each tract shall be clearly identified with the ownership, purpose and maintenance responsibility.

K. Blocks in numbered additions to plats bearing the same name may be numbered or lettered consecutively through the several additions.

L. Accurate location of all existing and proposed permanent control monuments at each corner of the subdivision or short subdivision consistent with RCW 58.17.240 and at all road intersections and curve control points that fall within the pavement.

M. Accurate boundary delineation for any areas to be dedicated or reserved for public use, along with the purposes of the use indicated thereon; and the accurate delineation of any areas to be reserved by deed covenant for common uses of all property owners.

N. The boundary description of the property being platted or short platted matching the description recorded in the most recent real estate transfer document encompassing the property.

O. Restrictions, title encumbrances and notes required by the conditions of approval.

P. Approval and signature blocks for the director, the county auditor, the county engineer and the board, as applicable.

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

## **70. Repeal Section 16.36.050 Contents – Written data.**

~~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 as to:~~

- ~~\_\_\_\_\_ 1. Layout of roads, alleys and easement;~~
- ~~\_\_\_\_\_ 2. Road names and numbers;~~
- ~~\_\_\_\_\_ 3. 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 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 board. (Res. 02118, Attach. A (part), 2002)~~

## **71. Adopt a new Section 16.36.050 Approval criteria.**

### 16.36.050 Approval criteria.

A final plat or final short plat shall be approved, approved with conditions, or denied based on a determination that:

A. The plat or short plat complies with the applicable provisions in Section 16.04.050; and

B. The plat or short plat conforms to all conditions of preliminary approval; and

C. Adequate provision is made for roads, alleys, drainage facilities, potable water supplies, sanitary wastes, transit stops, parks and recreation, playgrounds, schools and school grounds, sidewalks and safe walking conditions for students who only walk to and from school as applicable, and other general purposes as may be required to protect the public health, safety and general welfare; and (Res. 02118, Attach. A (part), 2002)

D. The plat meets all standards established by state law and this title relating to final plats or final short plats; and

E. The plat bears the certificates and statements of approval required by state law and this title; and

F. A title insurance report current within thirty days has been furnished by the subdivider confirming that the title of land to be subdivided is vested in the name of the owners whose signatures appear on the plat's certificate; and

G. Required improvements have been approved by the director, county engineer, and county public health department, as applicable, or financial guarantees in accordance with the provisions of Chapter 16.97 have been posted with the county; and

H. A maintenance, operation, and defects guarantee in accordance with the provisions of Chapter 16.97 Financial Guarantees has been posted with the county for all applicable improvements constructed and approved by the director, county engineer, and county public health department, as applicable; and

I. The public use and interest will be served.

## **72. Adopt a new Section 16.36.055 Recording.**

### 16.36.055 Recording.

Following approval the subdivider shall file the original and any necessary copies with the County Auditor for recording. Paper copies of the recorded final plat or final short plat shall be made and provided to the County Engineer, the director, and the County Assessor at the subdivider's expense. (Res. 02118, Attach. A (part), 2002)

## **73. Adopt a new Section 16.36.060 Alteration of final plat or final short plat.**

### 16.36.060 Alteration of final plat or final short plat.

Alteration of a final plat or final short plat or any portion thereof shall meet all requirements of this chapter, as applicable, RCW 58.17.060, RCW 58.17.215 through 58.17.218 and WAC 332-130-050(3), as applicable, except that alterations subject to the provisions of Chapter 16.70 Boundary Line Adjustments are exempt from the requirements of this Section 16.36.060.

## **74. Adopt a new Section 16.36.065 Vacation of final plat or final short plat.**

16.36.065 Vacation of final plat or final short plat.

A. Vacation of a final plat or final short plat or any portion thereof shall meet the requirements of RCW 58.17.060 and RCW 58.17.212, as applicable, and all applicable requirements of this chapter except as modified in this section.

B. Vacation of a final plat or final short plat shall be subject to the following approval criteria:

1. Adequate provision is made for roads, alleys, drainage facilities, potable water supplies, sanitary wastes, transit stops, parks and recreation, playgrounds, schools and school grounds, sidewalks and safe walking conditions for students who only walk to and from school as applicable, and other general purposes as may be required to protect the public health, safety and general welfare.

2. The public use and interest will be served.

**75. Adopt a new Section 16.36.070 Expiration.**

16.36.070 Expiration

If a final plat or final short plat is not recorded within ninety (90) days from the date of approval, such approval shall be null and void. (Res. 02118, Attach. A (part), 2002)

**76. Adopt a new Section 16.36.075 Sale, transfer or lease – short plat limitation.**

16.36.075 Sale, transfer or lease – short plat limitation.

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

**77. Repeal Division II Short Subdivisions including Chapter 16.44 General Provisions, Chapter 16.52 Procedural Requirements and Chapter 16.56 Resubdivision procedure.**

**DIVISION II. SHORT SUBDIVISIONS**

**Chapter 16.44**

**GENERAL PROVISIONS**

Sections:

16.44.010 ——— Applicability.

A. ——— 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 the applicable provisions of this title. (Res. 02118, Attach. A (part), 2002; Ord. 294 (part), 2004)

## 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 — Preliminary approval.
- 16.52.055 — Authorization for subdivider.
- 16.52.060 — Expiration.
- 16.52.070 — Final approval.
- 16.52.075 — Maintenance covenant and notice private roads.
- 16.52.080 — Recording.
- 16.52.090 — Sale, transfer or lease.
- 16.52.100 — Appeal to hearing examiner.

#### 16.52.010 Administrator's duties:

~~\_\_\_\_\_ 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 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.~~

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 Preliminary approval.

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

~~\_\_\_\_\_ A. The proposed lots conform to the comprehensive plan and applicable county regulations including, but not limited to, Titles 11, 12, 16, 17 and 18 of the WWCC (or their successors); 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.~~

16.52.070 Final approval.

~~\_\_\_\_\_ 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 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.~~

16.52.100 Appeal to 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 hearing examiner as provided in Chapter 14.11.~~

~~—— B. —— The 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 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 has been approved and filed for record pursuant to the applicable provisions of this title, except that when the short plat contains fewer than four parcels, the owner who filed the short plat may file an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries. (Res. 02118, Attach. A (part), 2002)~~

**78. Repeal Division III Miscellaneous Regulations, Chapter 16.64 Record of Surveys and Monuments -- Fees.**

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.

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)~~

**79. Amend the list of Sections for Chapter 16.70 Boundary Line Adjustments.**

Chapter 16.70  
Boundary Line Adjustments

Sections:

- 16.70.010 General.
- 16.70.020 Application ~~requirements and process.~~
- 16.70.030 Criteria for approval.
- 16.70.040 ~~Authority to act.~~
- 16.70.050 ~~Appeals Procedure.~~
- 16.70.060 Recording.

**80. Amend Subsection 16.70.010 General.**

16.70.010 General.

If an alteration results in any of the following it is not a boundary line adjustment:

- A. ~~Creates~~ any additional lot, tract, parcel, site or division;
- B. ~~Results~~ 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. ~~Diminishes~~ or ~~impairs~~ 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. ~~Creates~~ or ~~diminishes~~ any easement or ~~deprives~~ any parcel of access or utilities;
- E. ~~Increases~~ the nonconforming aspects of an existing nonconforming lot;
- F. ~~Replat, amend or vacates~~ a final plat or final short ~~plat~~subdivision;
- G. ~~Amends~~ a the condition of approval for previously platted property. (Res. 02118, Attach. A (part), 2002)

**81. Amend Section 16.70.020 Application and process.**

16.70.020 Application ~~requirements and process.~~

- A. A complete boundary line adjustment (BLA) application shall be filed with the ~~administrator department~~ on forms prescribed by the ~~director~~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 ~~administrator~~director. 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;

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 ~~administrator~~director'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

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. ~~For sites one acre or less in size the~~ 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 general location and dimensions of any drain field, easement, or right-of-way existing within or adjacent to any affected lots;
14. The location and dimension of any easement or right-of-way existing within or adjacent to any affected lots;
- ~~15~~14. The area and dimensions of each lot following the proposed adjustment;
- ~~16~~15. ~~The applicant shall certify by signature on the application form~~ Certification by the applicant that each resulting lot affected by the BLA has an accessible building area;
- ~~17~~16. ~~The applicant shall acknowledge by signature on the application form~~ Acknowledgement signed by the applicant 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; and
18. All other information required for applications in WWCC Title 14 Development Code Administration.

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 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)~~

**82. Repeal Section 16.70.040 Authority to act.**

~~16.70.040 Authority to act.~~

~~\_\_\_\_\_ The administrator is authorized to deny a proposed boundary line adjustment. (Res. 02118, Attach. A (part), 2002)~~

**83. Repeal Section 16.70.050 Appeals procedure.**

~~16.70.050 Appeals Procedure.~~

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

**84. Amend Section 16.70.060 Recording.**

16.70.060 Recording.

A. \_\_\_\_\_ 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.

B. \_\_\_\_\_ If the BLA affects more than one property owner, a conveyance document(s) shall be recorded at the same time as the BLA ~~documents~~ survey. 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 the director ~~administrator~~ by the applicant. (Res. 02118, Attach. A (part), 2002)

**85. Adopt a new Chapter 16.80 Binding Site Plans.**

Chapter 16.80  
BINDING SITE PLANS

Sections:

<u>16.80.010</u>	<u>Purpose and applicability.</u>
<u>16.80.020</u>	<u>Application requirements.</u>
<u>16.80.030</u>	<u>Contents of binding site plan drawing.</u>
<u>16.80.040</u>	<u>Dedications.</u>
<u>16.80.050</u>	<u>Binding site plan approval.</u>
<u>16.80.060</u>	<u>Recording of binding site plan.</u>
<u>16.80.070</u>	<u>Sale or transfer of parcels.</u>
<u>16.80.080</u>	<u>Limitation upon development.</u>
<u>16.80.090</u>	<u>Vacation or alteration.</u>
<u>16.80.095</u>	<u>Minor revisions to an approved binding site plan.</u>
<u>16.80.100</u>	<u>Redivision by binding site plan.</u>
<u>16.80.110</u>	<u>Expiration and extension.</u>

16.80.010 Purpose and applicability.

A. The purpose of a binding site plan is to provide an alternative method for the division of land to create lots or tracts on land zoned for commercial or industrial use; to create lot or tracts for mobile home parks or trailer parks; or to create lots or tracts for condominiums as authorized by RCW 58.17.035 and RCW 58.17.040.

B. The binding site plan shall ensure that the collective lots continue to function as one site with respect to, but not limited to, lot access, interior circulation, parking, open space, and drainage facilities.

16.80.020 Application requirements.

Binding site plan applications shall include:

A. A certificate from a title company showing all owners of record and any encumbrances upon the property. The title company certificate shall be current within thirty days.

B. A legal description of the property to be subdivided by binding site plan.

C. All other information for applications required in WWCC Title 14 Development Code Administration.

16.80.030 Contents of binding site plan drawing.

Binding site plan drawings shall be prepared in accordance with RCW 58.09, RCW 58.17 and WAC 332-130 and presented on sheets eighteen by twenty-four inches in size, having a two-inch margin on the left side and a one-half inch margin on the remaining three sides. Materials shall be those acceptable for filing as specified in WAC 332-130-050. The following information shall appear on the proposed binding site plan drawing:

A. A title block for the binding site plan drawing showing:

1. The proposed name of the binding site plan.
2. The scale of the drawing.
3. The date of the drawing.
4. The name and address of the engineer, surveyor, or individual responsible for laying out the binding site plan.
5. Area reserved for the county's file number.

B. Signature block including:

1. Signature and date lines for certification by a registered land surveyor of the state of Washington that the binding site plan and the legal description required by Subsection 16.80.020(B) were prepared under his or her direct supervision.
2. Signature and date lines for the approval by the director.
3. Signature and date lines for the county auditor.
4. Signature and date lines for the approval by the county engineer.
5. Signature and date lines for the approval by the county health officer.
6. Signature and date lines for certification by the county treasurer that real property taxes are current.
7. Signature and date lines subscribed by all owners and acknowledgment of all the owners' signatures.

C. Detailed plan of the proposed binding site plan drawn to a scale approved by the director, showing the following:

1. North arrow.
2. The location of all existing and proposed streets, rights-of-way, and easements within and adjacent to the proposal and, where possible, labeling each of the foregoing by width, name and auditor's file number.
3. Layout of the perimeter of the proposal (shown by heavier lines), together with all sub-parcels, including dimensions and square footage.
4. Sub-parcels labeled alphabetically.
5. The name and locations of adjacent subdivisions and binding site plans.
6. The location and use of all existing and proposed structures.
7. The location of all property to be dedicated and a textual declaration of the dedication.



D. Survey information which clearly shows:

1. The direction and dimensions of the perimeter and all sub-parcels.
2. Ties to permanent monuments of record.
3. North point and origin of meridian.
4. Controlling reference points or monuments.
5. All corners of the real property to be divided shall be marked by three-quarter-inch galvanized iron pipe or like permanent marker and wooden witness stakes.

E. A declaration that all development of the property shall conform to that shown on the binding site plan. (Ord. 309 (part), 2005)

16.80.040 Dedications.

In order to meet the public interest, approval of a binding site plan may be conditioned upon dedications for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools, and other needs of the public in accordance with local, state, and federal law. Any dedications required as a condition shall be noted on the binding site plan drawing. (Ord. 309 (part), 2005)

16.80.050 Binding site plan approval.

A. Binding site plan applications shall be processed in accordance with the procedures in WWCC Title 14 Development Code Administration.

B. Applications for a binding site plan shall be approved, approved with conditions, or denied based upon a determination by the director that:

1. Appropriate provisions are made for the public health, safety, and welfare, including adequate access and utilities; and
2. The binding site plan complies with all applicable requirements of Section 16.04.050; and
3. Open space, parking, access, and other improvements shared among contiguous properties and subject to conditions of use, maintenance, and restrictions on redevelopment are identified on the binding site plan and enforced by covenants, easements or other similar mechanisms.

16.80.060 Recording of binding site plan.

The subdivider shall file the original and any necessary copies of an approved binding site plan with the county auditor for recording. Paper copies of the recorded binding site plan

shall be made and provided to the County Engineer, the director, and the County Assessor at the subdivider's expense.

16.80.070 Sale or transfer of parcels.

Once a binding site plan is recorded, the parcels of property thereby created may be sold or transferred without the necessity of obtaining short subdivision or subdivision approval. (Ord. 309 (part), 2005)

16.80.080 Limitation upon development.

A. The number of lots, tracts, parcels, sites, or divisions created by a binding site plan shall not exceed the number of lots allowed by the provisions in WWCC Title 17 Zoning.

B. No property within an approved binding site plan shall be used, improved or developed in a fashion contrary to that indicated by the binding site plan or the zoning.

16.80.090 Vacation or alteration.

Vacation or alteration of an approved binding site plan shall be subject to the same requirements of this chapter as a new binding site plan application.

16.80.095 Minor revisions to an approved binding site plan.

A. The following changes shall constitute minor revisions to an approved binding site plan:

1. Changes that are within the scope and intent of the binding site plan as originally approved or subsequently altered or revised;

2. Changes that do not alter or eliminate improvements or features specifically required as a condition of approval;

3. Changes in lot dimensions consistent with WWCC Title 17 Zoning.

4. A decrease in the number of lots provided the decrease allows for future compliance with the minimum density provisions of WWCC Title 17, as applicable;

5. Engineering design changes approved by the county engineer, including but not limited to the location, size and configuration of stormwater and public or private utility easements;

6. Minor changes in vehicular access to adjacent streets as determined by the county engineer;

7. Minor changes in the location, size and configuration of parking as determined by the director; and

8. Minor changes in the location and configuration of open space as determined by the director, provided that the total amount of open space is not decreased.

B. Minor revisions shall be subject to only those application requirements determined by the director and the county engineer to be necessary for the review and recording of the minor revisions.

C. Minor revisions shall be subject to the approval criteria in Section 16.80.050.

D. Upon approval a revised binding site plan depicting the minor revisions shall be recorded as required in Section 16.80.060.

16.80.100 Redivision by binding site plan.

Redivision of an approved binding site plan shall be subject to the same requirements of this chapter as a new binding site plan application.

16.80.110 Expiration and extension.

Binding site plan approval shall lapse unless submitted for recording within five years of the date of binding site plan approval. (Ord. 309 (part), 2005)

## **86. Repeal Chapter 16.85 Disapproval Due to Flood.**

### **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)~~

## **87. Amend the list of Sections in Chapter 16.95 Large Lot Subdivisions**

### **Chapter 16.95**

#### **LARGE LOT SUBDIVISIONS**

##### Sections:

16.95.010      Applicability.

16.95.020      Purpose.

16.95.030      Application and contents.

16.95.035      Approval criteria.

~~16.95.040 — Approval procedures.~~

~~16.95.050 — Application fee.~~

**88. Amend Section 16.95.030 Application and contents.**

16.95.030 Application and contents.

~~A. Applications for approval of a large lot subdivision shall be submitted to the administrator. Applications for a large lot subdivision shall contain:~~

A. The same information that is required for a preliminary short subdivision unless specific requirements are waived in writing by the director; short subdivision (see Sections 16.52.020 and 16.52.030) and

B. Any additional information reasonably deemed necessary by the director~~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 included in the application. (Res. 02118, Attach. A (part), 2002~~

**89. Adopt a new Section 16.95.035 Approval criteria**

16.95.035 Approval criteria

Approvals shall meet all applicable approval criteria for a preliminary short subdivision.

**90. Repeal Section 16.95.040 Approval procedures**

~~16.95.040 Approval procedures:~~

~~—— A. In addition to the criteria established in Section 16.52.050, the 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~~

**91. Repeal Section 16.95.050 Application fee.**

~~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)~~

**92. Amend Chapter 16.99 Enforcement and Penalty.**

Chapter 16.99  
ENFORCEMENT AND PENALTY

Sections:

- 16.99.010 ~~Offering for sale property without prior approval or authority. 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 without prior approval or authority. 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. Whenever any parcel of land is divided into four or fewer lots, tracts or parcels of land and any person, firm or corporation or any agent of any of them sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having secured then director 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 this title.

BC. 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)

16.99.020 Violation of court order or injunction.

Any person who violates any court order or injunction issued pursuant to Section 16.99.010~~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.

A. 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)

B. Any violation of this title that does not constitute a violation of Subsection 16.99.040(A) shall be subject to the enforcement provisions of WWCC Chapter 14.13 Enforcement and Penalties.(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)~~