# Ferry County Ordinance #89-04 BINDING SITE PLAN ORDINANCE

AN ORDINANCE providing for an alternate method of subdividing property for the purpose of allowing tracts of land having more than one residence for rent or lease.

#### SECTION 1.0 PURPOSE

The purpose of this Ordinance is to accommodate the division of land for the purpose of renting or leasing, lots, sites, tracts or parcels without having to use the procedure for a residential subdivision or short subdivision.

# **SECTION 2.0 AUTHORITY**

The Washington State Legislature authorized this alternate method of subdividing property in RCW 58.17.035

# SECTION 3.0 SCOPE

- 3.1 Any lot, tract, or parcel of record, upon which more than one residential structure will be placed, and is being divided for the purpose of rent or lease, shall conform to the procedures and requirements of this ordinance, in lieu of Ordinance #72-1, and #73-1.
- 3.2 Any division of land under this ordinance does not preclude the sale or transfer of the lot, tract, or parcel of record.
- 3.3 Any parcel of land 20 acres or greater, that can be described by section division, with one or less residential structure, shall be exempt from this ordinance.

#### SECTION 4.0 DEFINITIONS

ADMINISTRATOR shall mean the Platting Administrator.

DEPENDENT VEHICLE shall mean a vehicle which is dependent upon a service building for toilet and lavatory facilities.

- MANUFACTURED OR MOBILE HOME means any structure transportable in one (1) or more sections upon the public streets and highways, on any type of running gear, which exceeds 30 feet in length without the tongue, and eight (8) feet or more in width, which when erected on site is designed to be connected to required utilities.
- MOBILE HOME PARK means a parcel of land under single ownership which has been planned and improved for the placement of two

- (2) or more mobile homes for non-transient use.
- NON-CONFORMING USE means a use, an activity, structure, or condition in existence at the time of adoption of this ordinance that would not now be permitted.
- PERSON means any individual, firm, trust, partnership, public or private association, agency or corporation.
- RECREATIONAL OR OPEN SPACE AREA means an area that is provided by a park owner, with size dependent upon the number of spaces available, for use by the park residents.
- RECREATIONAL VEHICLE shall mean any of the following:
  - (1) TRAVEL TRAILER is a vehicular portable structure built on chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses. It shall have a body width not exceeding eight feet and a body length not over 30 feet.
  - (2) PICK-UP CAMPER is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
  - (3) MOTOR HOME is a portable temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
  - (4) TENT TRAILER is a canvas folding structure. mounted on wheels and designed for travel, recreation and vacation.
- RECREATIONAL VEHICLE PARK shall mean a parcel of land in which three (3) or more spaces are occupied or intended for occupancy by recreational vehicles for transient purposes.
- RESIDENCE means a building, containing two or more apartments, or two or more buildings each containing one or more apartments, and comprising a part of the property.
- SELF-CONTAINED VEHICLE shall mean a vehicle which can operate independent of connections to sewer, water and electrical systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink. all of which are connected to water storage and sewage holding tanks located within the vehicle.

# SECTION 5.0 APPLICATION REQUIREMENTS

- 5.1 Application for a Binding Site Plan shall be made to the Ferry County Planning Department on forms provided by that office. Said application shall be accompanied by five (5) copies of the site plan drawing or drawings and one reproducible drawing on stable base mylar polyester film or equivalent material. The site plan shall conform to the following requirements:
  - (a) Shall be a neat and accurate drawing at a scale of not less than one (1) inch for each two hundred (200) feet on a sheet or sheets measuring eighteen (18) inches by twenty-

# four (24) inches

- (b) The perimeter boundary of the property contained within the Binding Site Plan shall be surveyed by a registered land surveyor.
- (c) Any parcel of land 20 acres or greater, that can be described by section division or as an intact Government Lot, shall be exempt from the survey requirement.
- (d) Shall show the location of all existing structures and all existing or proposed lots, streets, roads, and improved open spaces
- (e) Shall show all existing and proposed easements
- (f) Shall show all existing and proposed sewer or on-site sewage systems, water lines, and wells
- (g) Shall show existing and proposed storm water drainage systems
- (h) Shall bear all inscriptions setting forth such appropriate limitations and conditions for the use of the land
- (i) Shall show persons holding interest in the land with consent to the plan
- (j) Shall show state and county road approach approval if applicable
- (k) Shall bear on-site septic systems approval from appropriate agency with jurisdiction
- (I) Shall show approval of public water supply system (Department of Health)
- (m) Shall bear assessor statement of OPEN SPACE status
- (n) Shall show provisions for fire protection
- (o) Shall show proof of easement
- (p) Shall obtain a title report

- (q) Shall show total acreage statement
- (r) Shall bear a historic site statement
- (s) Shall bear names of all adjacent owners
- 5.2 The application shall be accompanied by an application fee of seventy-five dollars (\$75.00), plus five dollars (\$5.00) per residential site over four sites.

# SECTION 6.0 REQUIRED IMPROVEMENTS

Prior to approval of any Binding Site Plan, the Platting Administrator shall insure that the following improvements will be provided to sufficiently service the anticipated uses throughout the proposed plan:

- 6.1 No park shall be approved without the approval of a sewage disposal plan by the jurisdictional health authority.
- 6.2 No park shall be approved without the approval of a community water supply plan by the jurisdictional health authority.
- 6.3 Access to the park shall be on a county standard road with a minimum of 60 feet of right-of-way connected to an existing maintained public road.
- 6.4 Interior park roads shall meet the following requirements:
  - (1) All streets shall be provided with a smooth gravel surface which shall be durable and well drained.
  - (2) Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight percent.
  - (3) Within 100 feet of an intersection, streets shall intersect at approximately right angles. Intersections of more than two (2) streets at one point should be avoided.
- 6.5 Plan shall provide for adequate fire protection or hydrants.
- 6.6 Appropriate access to all anticipated uses within the plan.
- 6.7 Provision for all appropriate deeds, dedications, and/or easements.

#### SECTION 7.0 MOBILE HOME PARK DEVELOPMENT STANDARDS

In addition to the required improvements found in SECTION 6.0 Mobile Home Parks must conform to the following standards:

7.1 Manufactured or mobile homes and attached structures shall be separated by at least 20 feet from any other structure or attached structure; provided that mobile homes placed endto-end shall have a clearance of 15 feet where opposing rear

- walls are staggered.
- 7.2 At least three (3) off street parking spaces shall be provided for each mobile home space.
- 7.3 Manufactured or mobile homes shall be set back from exterior property lines by at least 10 feet, except that a 25 foot setback from public rights-of-way shall be maintained.

# SECTION 8.0 RECREATIONAL VEHICLE PARK DEVELOPMENT STANDARDS

In addition to the required improvements found in SECTION 6.0 Recreational Vehicle Parks must conform to the following standards.

- 8.1 Recreational vehicles shall be separated from each other and from other structures by at least 10 feet.
- 8.2 Recreational vehicles shall be setback from exterior property lines by at least ten (10) feet, except that a 25 foot setback from public rights-of-way shall be maintained.
- 8.3 A central service building containing the necessary plumbing fixtures shall be provided in recreational vehicle parking areas which provide parking spaces for dependent vehicles. Service buildings shall be conveniently located within a radius of approximately 300 feet to the spaces served.
- 8.4 Where a recreational vehicle parking area is designed for and exclusively limited to use by self-contained vehicles, only the following minimum emergency sanitary facilities shall be required: one (1) approved toilet and one (1) lavatory for each sex.

# SECTION 9.0 RECREATIONAL AND OPEN SPACE STANDARDS

- 9.1 In all recreational vehicle parks and mobile home parks designed for two (2) or more spaces, there shall be one (1) or more recreational and/or open areas which shall be free of traffic hazards and as centrally located as possible.
- 9.2 Each park with five (5) to ten (10) sites shall provide at least 10,000 square feet of recreational area or open space; an additional 5,000 square feet of recreational area or open space shall be required for each additional ten (10) sites or fraction thereof.
- 9.3 Existing public recreational areas within 1320 feet of the perimeter of the proposed park may be considered as a recreational area, provided that safe and convenient pedestrian access is provided to and from the site; and the recreational area has capacity for additional use.

#### SECTION 10.0 SOLID WASTE

- 10.1 The storage, collection and disposal of solid waste in mobile home parks and recreational vehicle parks shall not create a health hazard.
- 10.2 All solid waste shall be stored in closed containers.
- 10.3 All solid waste containers shall be emptied at least once weekly, and solid waste disposed of at a sanitary landfill or other approved facility.

#### SECTION 11.0 REVIEW PROCEDURES

- 11.I Upon receipt of a completed Binding Site Plan Application, and the required drawings and fee, the administrator shall send notice to adjacent land owners and shall post notice of application at the site of proposed plan. The Administrator shall also send a copy of the application and a copy of the drawings to all agencies with jurisdiction over the proposal for their review and comments. Said land owners and agencies shall be given fifteen (15) days to submit their written comments.
- 11.2 The Administrator shall act on said application following the 15 day review period unless an extension thereto is agreed to, in writing, by the applicant.
- 11.3 After the expiration of the review period, the Administrator shall approve or disapprove the proposal no later than ten (10) days following the expiration of the review period.
- 11.4 The Administrator shall examine the proposed Binding Site Plan for compliance with the provisions of this Ordinance and other applicable laws and regulations, and shall determine whether the proposed plan serves and makes appropriate provisions for the public health, safety and general welfare.

# SECTION 12.0 CONDITIONS OF APPROVAL

- 12.1 No work shall commence before preliminary approval is granted by the Administrator.
- 12.2 Prior to the preliminary approval of the Binding Site Plan, it shall be revised to accurately reflect all required improvements and shall include all applicable inscriptions deemed necessary by the Administrator setting forth such appropriate limitations, and conditions for the use of the land.
- 12.3 Work at the site must be completed within two years of preliminary approval.
- 12.4 Upon completion of the work at the site, the Administrator shall determine if the terms of preliminary approval have been met, and that the Binding Site Plan bears the necessary

signatures. The final Binding Site Plan must signed by the Platting Administrator before it is filed.

#### SECTION 13.0 APPEALS

Any decision of the Administrator may be appealed, in writing, to the Planning Commission by the applicant or any interested party within ten (10) calendar days of the date of the decision. The Planning Commission shall act on said appeal within thirty (30) calendar days of the date of said appeal unless an extension thereto is agreed to, in writing, by the applicant. Any decision of the Planning Commission may be appealed in writing to the Board of County Commissioners by the Applicant or Administrator within ten (10) calendar days of the decision of the Planning Commission. The Board shall act on said appeal within thirty (30) calendar days of the date of said appeal.

# SECTION 14.0 FILING OF FINAL PLAN

When the final Binding Site plan is approved, the applicant shall transmit the final Plan to the Ferry County Auditor for recording. The applicant shall pay all costs associated with this recording.

#### SECTION 15.0 REVISION OF PLAN

Alteration of an approved and recorded Binding Site Plan shall be accomplished by application as set forth in SECTION 5.0 and shall be subject to to all procedures and requirements established in this Ordinance.

# SECTION 16.0 NON-CONFORMING USES

- 16.1 A non-conforming use may not be altered or expanded in any manner. Any such alteration or expansion must bring the non-conforming use into conformity with this ordinance.
- 16.2 In the case of destruction by the elements where reconstruction cost exceeds 50% of the current fair market value, the structure shall not be rebuilt unless it conforms to all requirements of this ordinance.
- 16.3 A non-conforming use that is discontinued for any reason for more than one year, shall not be re-established, EXCEPT where the reason for such discontinuance is caused by climatic conditions, or other acts of God. The validity of such exceptions is to be judged by the Administrator.
- 16.4 Any non-conforming structure or use may be maintained with ordinary care.

# SECTION 17.0 VIOLATIONS AND PENALTIES

Any use of land which requires Binding Site Plan review and approval as provided in this Ordinance, and for which such review and approval is not obtained, constitute a violation of this Ordinance and is subject to the enforcement and penalty provisions of the Ferry County Long Subdivision Ordinance #73-1, SECTION 53.00

#### SECTION 18.0 SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or this application of the provision to other persons or circumstances shall not be affected.

#### SECTION 19.0 EFFECTIVE DATE

This Ordinance shall come into full force and effect on the 9 th day of October, 1989.

DATED this 9 th day of October, 1989.

ONE RS

FERRY COUNTY BOARD OF COMMISSIONERS

Chairman 6

Member

Member

Attest:

Clerk of the Board.