

FERRY COUNTY
SHORT SUBDIVISION
ORDINANCE #2000-06

AMENDING ORDINANCE #72-1

REVISED

6 MARCH 1978
1 JANUARY 1981
6 JUNE 1988
24 JUNE 1991
15 November 1999
9 October 2000

FERRY COUNTY
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FERRY COUNTY ORDINANCE #2000-06
AMENDING ORDINANCE #72-1
AN ORDINANCE RELATING TO SHORT SUBDIVISIONS

WHEREAS, Protection of public health, safety and general welfare requires that the division of land into four or fewer tracts, parcels, sites or any division for the purpose of sale, lease or transfer of ownership, proceed in accordance with the standards and procedures set forth in this ordinance; to facilitate the appropriate development of land in accordance with the ability of the natural resources of Ferry County to accommodate such development; to prevent the overcrowding of land with development; to lessen congestion in the streets and highways and provide proper ingress and egress; to facilitate adequate provision for water, drainage, access, sewage disposal, parks and recreation areas, schools, and other public and general uses; and to assure uniform monumentation and conveyance by accurate legal description; and provide penalties for violations; and

WHEREAS, This Board had enacted an ordinance regulating the division of land into four (4) or fewer lots in the unincorporated areas of Ferry County, and has been vested with authority, by Chapter 271, Laws of 1974, First Ex. Sess. and RCW 58.17, to regulate what are referred to in the said statute as short subdivisions and short plats; and

WHEREAS, This Board deems the standards, procedures, and penalties set forth in this ordinance to be essential to the protection of the public health, safety and general welfare of the citizens of Ferry County; and the adoption thereof to be in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FERRY COUNTY, STATE OF WASHINGTON:

Ferry County Short Subdivision Ordinance #2000-06

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SHORT SUBDIVISION ORDINANCE #2000-06

SECTION 01.00 APPLICABILITY. Every division of land divided into four (4) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, within the unincorporated area of Ferry County, when the lots created are less than 20 acres, shall proceed in compliance with this ordinance. Remaining acreage, when 20 acres or larger may not be considered part of the short subdivision. Remaining contiguous acreage may not be further divided into tracts smaller in size than 20 acres without filing a long subdivision or waiting a full five years from the date of recording. If land which has been previously divided as a Long plat is to be re-subdivided, it must be in accordance with the Long Plat Ordinance #2000-07.

SECTION 02.00 FULL EXEMPTIONS. The provisions of this ordinance shall not apply to:

02.01 Any cemetery or burial plot, while used for that purpose;

02.02 Any division of land, in which the smallest lot created by the division equals Twenty (20) acres or more in area;

02.03 Any division made by testamentary provision, the laws of descent, upon court order, or divisions of land under threat of condemnation or sale by an agency or division of government vested with the power of condemnation;

02.04 Any division made in compliance with Ordinance No. 2000-07 Long Subdivision Ordinance, as the same now exists or is hereafter amended relating to the sub-division of land into five (5) or more lots or tracts;

02.05 Any division made in compliance with Ordinance 89-04 Binding Site Plan, for the purpose of renting or leasing lots, sites, tracts or parcels for RV sites, mobile homes, mobile home parks, industrial or commercial uses where no sale or transfer of title is desired. These are only allowed within a designated Small Town, Cross Road Commercial Area, or designated shoreline areas of the Curlew Lake and Twin Lakes areas.

02.06 Any division made for the purpose of the lease of land for agricultural purposes where no improvements are permitted to be placed upon the premises;

02.07 Any tract heretofore or hereafter designated by the United States Government as a lot or tract so long as such lot or tract retains its designated size and remains patented.

Section 03.00 PARTIAL EXEMPTIONS. Qualified exemptions require application and filing fees, legal survey, and all taxes and special assessments for the full year shall be paid, satisfied, or discharged. Qualified exemptions shall be reviewed by the Planning Commission prior to approval by the Administrator. Surveys and approval documents shall be filed with the Ferry County Auditor.

03.01 Any division of land where a portion is separated from the contiguous tract by a state highway, county road, or railroad right of way, may be considered a separate tract upon approval by the platting administrator. Filed approvals shall state that the County makes no guarantee that the resulting lots are buildable lots.

03.02 A division made for the purpose of adjusting boundary lines between parcels which does not create any additional lots, provided each resulting lot contains sufficient area and dimension for a building site and meets minimum lot size requirements. Platted lots shall require the exemption to be filed along with the original plat records. Boundary adjustments shall require proof of survey before filing approval of the boundary adjustment. Boundary Adjustment approvals are good for up to one year from the date of approval to the date of filing.

03.03 Any division made for the purpose of creating a portion of property to be deeded to the county, a taxing district, or for a designated public use, providing the remaining parcel has sufficient lot area and meets all other criteria to comply with applicable county regulations.

03.04 Any division to members of the owner's family. For purposes of this provision, family shall include, but shall not be limited to, parents, children, grandchildren, spouse, brother or sister. This provision may be utilized only if the following conditions apply:

03.04.01 The grantor has owned the parent parcel for 5 years or more.

03.04.02 Each resulting parcel equals 2 1/2 acres or more.

03.04.03 The division includes a prohibition against resale or re-division for a minimum of five years. Upon resale, the land shall be surveyed and recorded, and reviewed for roads, access, and easements.

03.04.04 The application is accompanied by a notarized statement of disclosure attesting to conformance to this section.

03.04.05 The original grantor shall not grant more than one parcel to any one individual.

03.04.06 For any parcel that is accessed off a county road, a road approach permit shall be required.

04.00 DEFINITIONS. Whenever the following words and phrases appear in this ordinance they shall be given the meaning attributed to them by this section. When not inconsistent with the context, words used in the present tense shall include the future, the singular shall include the plural, and plural the singular; the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision.

04.01 ADJOINING. Touching other property along a common boundary at least thirty (30) feet in length.

04.02 ADJACENT. Real property, as shown by the records of the county assessor, located within 300 feet of any portion of the boundary of the proposed subdivision.

04.03 ADMINISTRATOR. Ferry County Planning Director or the Director's designee.

04.04 BACKBONE POWER. Electrical supply from an approved electric company to satisfy domestic needs.

04.05 BINDING SITE PLAN. An alternate method of subdividing property for the purpose of rent or lease. See RCW 58.17.020(7).

04.06 BOARD. Board of County Commissioners of Ferry County.

04.07 BOUNDARY LINE ADJUSTMENT. An alteration by adjusting boundary lines between lots that does not create any additional lots or parcels. Boundary line adjustment approvals shall be good for one year.

04.08 COMMISSION. The Ferry County Planning Commission.

04.09 COMPREHENSIVE PLAN. Is the current goals, objectives, policies, documents, and maps of Ferry County adopted by the Board pursuant to State Law to guide the physical development of the County.

04.10 CONTIGUOUS. Property adjoining and touching other property along a common boundary at least thirty (30) feet in length. Also see "adjoining."

04.11 COVENANT. An agreement promising performance or non-performance of certain acts or stipulating certain uses or non-uses of property. Covenants are generally filed as part of the approval process, are controlled by

the lot owners association and enforced by civil law.

04.12 CUL-DE-SAC. Is a road closed at one end with a circular radius of 60 feet, sufficient size for turning emergency service vehicles around.

04.13 DEDICATION. See RCW 58.17.020(3).

04.14 DRIVEWAY. A strip of land for vehicular traffic servicing only one lot and used by only the owners of said lot, or their licensees.

04.15 EASEMENT. Is a grant by a property owner to specific persons or to the public to use their property for a specific purpose or purposes.

04.16 ENVIRONMENTAL CHECKLIST. A form prescribed by the administrator and the State of Washington to be filled out by the applicant, listing briefly the potential environmental impacts of a given proposal.

04.17 ENVIRONMENTAL ASSESSMENT: A written review of some or all of the potential impacts of a given project; an expanded environmental checklist; normally requested by the administrator or by other affected agencies as per the regulations of the State Environmental Policy Act.

04.18 ENVIRONMENT STATEMENT. A detailed written review which analyzes all of the potential impacts of a given project or proposal, possible alternatives, mitigation measures, and unavoidable environmental impacts.

04.19 FACTS AND FINDINGS. Written reasons for the approval or denial of any proposal as provided in RCW 58.17.110.

04.20 FEE. Cost based on estimated costs to be incurred by the agency and set by the legislative authority.

04.21 IMPROVEMENTS. Any building, structure, well, sewage disposal system, road, easement, driveway, or improvements of the land on which they are situated making physical betterment of real property.

04.22 LEGAL FENCE. A lawful fence shall be of at least four barbed, horizontal, well-stretched wires, spaced so that the top wire is forty-eight inches, plus or minus four inches, above the ground and the other wires at intervals below the top wire of twelve, twenty two, and thirty two inches. These wires shall be securely fastened to substantial posts set firmly in the ground as nearly equidistant as possible, but not more than twenty-four feet apart. If the posts are set more than sixteen feet apart, the wires shall be supported by stays placed no more than eight feet from each other or from the posts.

04.23 LOT. Is a fractional part of subdivided lands having fixed boundaries, being no smaller than 200' wide and 2 1/2 acres in area unless within designated areas of the county. Provided, lots along shorelines of the state shall have 200 feet of shoreline frontage. Designated areas are the rural service areas as designated in Section 7.12.3 of the Comprehensive Plan. The minimum lot size within these areas and the urban growth area are subject to Section 7.8.2 of the Comprehensive Plan and Policy L2.1 and L2.2 of the Curlew Lake Sub Area Plan. May also be referred to as parcels, tracts, sites, or divisions.

04.24 PLANNING COMMISSION. See Commission

04.25 PLAT. A neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the regulations of this ordinance. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

04.26 PLAT AMENDMENT. An alteration of any subdivision or altering of any portion thereof.

04.27 PLAT VACATION. The removal of lots, boundaries, roads, dedications, restrictions, or easements of a recorded plat.

04.28 POTABLE WATER. Water suitable for drinking by the public.

04.29 PRE-APPLICATION CONFERENCE. An informal meeting with the developer to discuss the requirements necessary for a short subdivision.

04.30 PROTECTIVE ZONE. Area typically surrounding wells, water or wetlands, in which no potential source of contamination may be constructed or maintained such as septic tanks, drainfields, sewerlines, enclosures for fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazardous waste or garbage of any kind.

04.31 RECORDING. The filing of an approved land division, survey, or deed with the Ferry County Auditor.

04.32 RECREATION LOT. A lot for the purpose of recreation in which no permanent dwelling shall be allowed.

04.33 ROAD. Is an improved and maintained public or private right-of-way, or

easement which provides vehicular access to abutting properties, and which may also include provisions for public utilities, pedestrian walkways, public open spaces and recreation areas, cut and fill slopes, and drainage.

04.34 SEGREGATION. The separation of a parcel of land from its original piece as long as it does not create a piece less than 20 acres in size.

04.35 SETBACK. Setbacks are areas in which no new development shall occur. Setbacks are typically from any water or wetlands, property lines and road right of ways.

04.36 SHORT PLAT. Is a document consisting of a map of a short subdivision together with written certificates, dedications and dates.

04.37 SHORT SUBDIVISION. Is the division or re-division of land into four or fewer lots, tracts, parcels, sites, or divisions less than 20 acres for the purpose of sale, lease, or transfer of ownership. Land previously subdivided by short plat must follow the procedures of the Ferry County Long Subdivision Ordinance #2000-07 or wait a full five years from the date of recording with the Ferry County Auditor.

04.38 SUBDIVIDER. Is a person, including a corporate person, who undertakes to create a subdivision.

04.39 VARIANCE. Is any change, modification or variation in the requirements, rules or regulations as set forth within this ordinance.

04.40 VICINITY. Near, surrounding or adjoining.

SECTION 05.00 PROCEDURE - ADMINISTRATOR'S DUTIES. The Administrator is vested with the duty of administering the provisions of this ordinance and with authority to summarily approve or disapprove proposed short plats. For the purpose of expediting applications and reducing subdivision development costs, the developer may request a pre-application conference. The developer shall provide a legal description of the property along with a preliminary sketch of the proposed subdivision that includes property boundary lines, existing improvements, roads, easements, water, and proposed lot lines. The Platting Administrator will report action taken on all plats to the Planning Commission. In the event that there is a disagreement between the Platting Administrator and the Planning Commission, that cannot be resolved, the Board of County Commissions will make final decisions to remedy the situation.

SECTION 06.00 APPLICATION AND FEE. Any person desiring approval of a Short Subdivision shall submit an application to the Administrator. The application shall be accompanied by fees. These fees are established by resolution of the Board and are

subject to change. Please contact the Planning Department for current fees.

SECTION 07.00 SHORT PLAT PROCEDURES

For the Administrator to consider an application complete, the applicant shall submit along with his application & fees for short plat approval:

07.01 Seven (7) copies of the short plat survey.

07.02 Plat Certificate showing any lien, encumbrance or other condition which might have a bearing on the proposed subdivision.

07.03 Where access to and from a proposed subdivision is not by a county road, proof of easements granting such access must be included with each copy of the application; granting easement, if necessary, to adjoining property. Easements of record will show on the Plat Certificate.

07.04 A certificate of consent bearing the typed or printed names of all persons having a vested interest in the land to be divided, signed and acknowledged by them before a notary public which:

07.04.01 States their consent to the division of land;

07.04.02 Recites a dedication by them of all land shown on the short plat to be dedicated for public uses;

07.05 Completed Environmental Checklist (SEPA) for all plats that include lands covered by water.

SECTION 08.00 SHORT SUBDIVISION - PLAT STANDARDS. Every Short Plat is required to be recorded with the Ferry County Auditor and shall consist of one or more pages, clearly and legibly drawn, on stable base mylar polyester film 24" x 36", and shall contain a map of the short subdivision, the horizontal scale of which shall be 100 feet to the inch, together with written data in such form that when read together, disclose the following information:

08.01 Name of the Short Subdivision

08.02 Ferry County Short Plat No. _____ (The number will be established by the administrator at the time of filing)

08.03 The legal description of the land to be subdivided.

08.04 Total acreage within the short subdivision;

08.05 The boundary of lines of the short subdivision.

- 08.06 The boundaries and acreage of each resulting lot.
- 08.07 The legal description and acreage of the remaining contiguous property that shall be restricted from further division by short plat for a full five years from the date of the filing and recording of the plat.
- 08.08 The boundaries of all parcels dedicated or reserved for public or community uses;
- 08.09 Vicinity map. The vicinity map shall also show all roads and easements along with the Auditors file number of the recorded easement.
- 08.10 Plans showing existing and proposed water distribution systems, sewage disposal systems and drainage systems.
- 08.11 The location of utilities, existing important natural features, and improvements within the short sub-division;
- 08.12 Developer will show evidence that the "Backbone Power System" will be installed to each lot, or a statement from the servicing utility that it now exists.
- 08.13 The location of existing and proposed roads, right-of-ways, road approaches and easements including easement recording numbers. All road approaches onto County roads must be constructed and have the approval of the County Engineer.
- 08.14 The names of all private and public roads. The word "private" shall be written on the plat if it is not an officially adopted county road.
- 08.15 Every plat filed for record must contain a certificate giving the full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners signed before a Notary Public.
- 08.16 The names, addresses and telephone numbers of all persons holding interest, and names of adjacent property owners.
- 08.17 The name, address, telephone number and seal of the surveyor who made, or under whose direction was made, a survey of the short subdivision;
- 08.18 The date of the survey;
- 08.19 Statement signed by the Assessor: All assessments regarding "Open

Space and Forest Land” have been paid, satisfied or discharged.

08.20 Statement signed by the Ferry County Treasurer: All current taxes and special assessments for the full year have been paid, satisfied or discharged.

08.21 Statement of approval signed by the County Engineer: No new county roads have been created or are needed as a part of this short plat.

08.22 Statement of approval signed by Northeast Tri-County Health District.

08.23 Auditor’s Certificate: Filed for record this ___ day of ___ 199___, at ___ M, page __, book __, of Short Plats, at the request of (developer) AUDITOR’S FILE NO. _____ signed by the Ferry County Auditor

08.24 Statement of approval signed by the Ferry County Platting Administrator.

08.25 A statement affixed to the plat that states specifically which lots have existing wells and which lots do not have existing wells. If water is not provided to each individual lot, a statement that the county makes no guarantee of its existence or quality. Community wells or water sources shall include a statement affixed to the plat: The undersigned grantors, their heirs and assigns, will not construct, maintain, or suffer to be constructed or maintained upon the said land described within 100 feet of the well herein, so long as the same is operated to furnish water for public consumption, any potential source of contamination, such as septic tanks and drainfields, sewerlines, underground storage tanks, railroad tracks, barns, feed stations, enclosures for maintaining fowl or animal manure, liquid or dry chemical storage herbicides, insecticides, hazardous waste, or garbage of any kind or description.

08.26 A statement affixed to the plat that states: This plat has been reviewed by the Northeast Tri-county Health District for the use of on-site sewage disposal systems in accordance with regulations in effect at the time the plat application was received. Unless stated otherwise, approval of this plat does not warrant or imply the issuance of a permit to install any specific type of on-site sewage disposal system. Permits for on-site sewage disposal systems will be issued based upon requirements of regulations in effect at the time the permit application is submitted.

08.27 A statement affixed to the plat that states: Prior to construction, placement or development of any living quarters, well site or roadway within this plat, a permit to install an individual sewage disposal system shall be secured from the Northeast Tri-County Health District.

08.28 A statement affixed to the plat that states: Water source development

should allow for a 100 foot radius around the supply within the lot boundaries, as a protection from potential sources of contamination.

08.29 A statement affixed to the plat: Warning: Proof of an accessible potable domestic water supply will be required before a building permit will be issued.

08.30 A statement affixed on the plat and on the deed apprising the purchaser of his or her responsibilities under state law regarding construction of a legal fence in open range country.

08.31 A statement affixed to the plat: The purchaser is apprised of his/her responsibility to maintain access and easement roads that are not officially adopted county roads.

08.32 A statement affixed to the plat: The purchaser is apprised of his/her responsibility to control the spread of noxious weeds on all vehicle corridors. Ref. RCW 17.10 Noxious Weed Law.

08.33 A statement affixed to the plat: The subject property is within or near designated agricultural, forest, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development.

08.34 A statement affixed to the plat: Additional permits from other jurisdictions, agencies or home-owner's associations may be necessary for this project. It is the responsibility of the applicant to acquire said permits and to comply with applicable rules, regulations, ordinances, and/or restrictive covenants.

08.35 A statement affixed to the plat: Real property located within Ferry County may be subject to state, local, and tribal regulations concerning open range, historic or archaeological sites, wetlands, shorelines, floodplains and other critical areas.

08.36 This plat has been reviewed as a residential subdivision with one single family dwelling unit per lot. Conversion to another occupancy must be preceded by separate application and review process.

SECTION 09.00 MINIMUM ROAD STANDARDS

09.01 Surveyed and recorded with the centerline staked with stations visible from one station to the next.

09.02 The gradients on all roads will be shown not over 10%.

- 09.03 Roads will be graded with adequate drainage ditches.
- 09.04 30' minimum easement width including drainage ditch.
- 09.05 60' radius cul-de-sac on all dead end roads.
- 09.06 Culverts where necessary
- 09.07 Roads shall be named and signed according to County-Wide Rural Addressing System Ordinance 95-05.
- 09.08 The County or State Department of Transportation must approve any and all road approaches to their respective roads.
- 09.09 The developer may petition the County to accept roads within the short subdivision only if the roads have been constructed in accordance with county standards.

SECTION 10.00 SURVEY STANDARDS. All short plats shall be surveyed and conducted by or under the supervision of a licensed land surveyor. The surveyor shall certify on the short plat that it is a true and correct representation of the land actually surveyed. All surveys shall conform to standard practices and principles for land surveying. Further, if the survey reveals a discrepancy, the discrepancy shall be noted on the face of the final short plat. Discrepancy means a boundary hiatus; an overlapping boundary; or a physical appurtenance which indicates encroachment, lines of possession or conflict of title. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals.

SECTION 11.00 SURVEY - MONUMENTS AND MARKERS. All permanent monuments within the subdivision are located or described, and all controlling corners on the boundaries of the short subdivision shall be marked by 5/8" re-bar with aluminum or brass caps (plastic caps are prohibited) or equal with the lot numbers stamped thereon; driven at least two (2) feet into the ground and flush with the ground. To expedite in subdivision, the lot corners shall be marked with a flagged pole or two (2) inch square stakes four (4) feet long, driven securely into the ground at least one (1) foot, if possible. If back from the road and difficult to find, markers at the road side shall be provided to indicate the approximate location of the lots. All monuments and markers shall be shown on the face of the plat.

SECTION 12.00 SEWAGE DISPOSAL. Subdivisions for which individual sewage disposal systems are proposed must conform to Northeast Tri-County Health District, the Department of Ecology or the Department of Health on-site sewage regulations.

SECTION 13.00 WATER SUPPLY. Established well sites shall be located on the plat map and flagged in the subdivision site. A 100' well protective radius must be contained within the boundaries of the lot or a recorded easement for the encroachment is required.

SECTION 14.00 DESIGN - CONFORMANCE TO COMPREHENSIVE PLAN AND ZONING. All short subdivisions shall conform to the FERRY COUNTY Comprehensive Plan and all zoning controls in effect when the application is filed. Residential development shall not occur in areas susceptible to landslides. Lots created are intended for one residential structure per lot.

SECTION 15.00 DESIGN - MINIMUM LOT SIZE. No proposed lot or parcel, outside of the boundaries of a designated Small Town, Cross Road Commercial Area, or certain parts of the Curlew Lake and Twin Lakes area, can be less than 200 feet in width or be less than 2 1/2 acres in area. Provided, lots along shorelines of the state shall have 200 feet of shoreline frontage. Lots shall be designed to give adequate room for 50 foot setbacks from all waters and wetlands. Minimum lot size within the rural service areas as designated in Section 7.12.3 of the Comprehensive Plan and the urban growth areas are subject to Section 7.8.2 of the Comprehensive Plan and Policy L2.1 and L2.2 of the Curlew Lake Sub Area Plan.

SECTION 16.00 DESIGN - EASEMENTS. Easements shall be granted to assure that land within each short subdivision is adequately drained and that all lots can be provided with water, fire protection and utilities to include, but not limited to: water, sewage disposal, power, gas, etc. prior to final approval. Easements are to be continued through the lots if there is property behind the subdivision requiring utilities or roads.

SECTION 17.00 DESIGN - LOT LINE ANGLES. Where practical, side lot lines shall be straight lines running at or near right angles to the road upon which the lots front. Side lot lines on curved roads should run at or near radially to the curve.

SECTION 18.00 DESIGN - ACCESS TO LOTS. Every lot shall be provided with an adequate approved and permitted public or private access to an existing public road. Such access may be provided either by an existing road or by an easement which is permanent and inseparable from the land. Easement recording numbers are required to be placed on the face of the plat. If there is property behind the proposed lot that needs access then the easement shall continue through the lot and connect with such adjacent lots. Existing road approach permits must be re-approved by the County Engineer, at the time of subdivision application, due to the change in use.

SECTION 19.00 DEDICATIONS - REQUIRED. No short plat shall be approved

unless adequate provision is made in the short subdivision for such drainage ways, roads, easements, parks, playgrounds, school grounds and other general purposes as may be required to protect the public health, safety and welfare. All dedications of land shall be clearly and precisely indicated on the face of the plat.

SECTION 20.00 DEDICATIONS. Land designated for public use by the developer may be acquired by:

- 20.01 Dedicating land for public use on the face of the plat;
- 20.02 By reserving land for future public acquisition and development;
- 20.03 By conveying land or easements there-in to nonprofit corporation for use by all or a limited segment of the public.

SECTION 21.00 PROCEDURE - ADEQUACY AND DISTRIBUTION OF PLATS AND PLANS. When the Administrator determines that the proposed short plat contains sufficient elements and data to furnish a basis for its approval, the Administrator shall within 10 days forward the preliminary plat to the appropriate agencies for review and comments.

SECTION 22.00 PROCEDURE - NOTICE OF APPLICATION. Within five (5) days, from the date of distribution for review, the Administrator shall give notice of the application of a proposed short plat or subdivision as follows:

- 22.01 Through the United States Mail to: The legislative authority of any city or town adjacent to or within one mile of the proposed short subdivision, and
- 22.02 By posting notices thereof at three (3) conspicuous places on the boundaries of the proposed subdivision. Notices shall be on bright colored paper so they can be seen easily.

SECTION 23.00 PROCEDURE - CONTENT OF NOTICE. Any notice given pursuant to Section 21.00 shall recite:

- 23.01 The date of application of the proposed short subdivision plat;
- 23.02 The legal description of the tract;
- 23.03 The name of the applicant;
- 23.04 The name, title and office address of the Administrator.
- 23.05 There is a twenty day comment period from the date of application.

SECTION 24.00 APPROVAL - REVIEW BY AGENCIES.

Within twenty (20) days following the receipt of the proposed short subdivision plat for review:

24.01 The Administrator shall affirm that the proposed short subdivision does or does not conform to the Comprehensive plan and current minimum lot size requirements.

24.02 The Northeast Tri-County Health District shall notify the Administrator that there is adequate area for a well and protective zone or approved public water system provided. Sanitary sewage disposal methods contemplated for use in the proposed short subdivision do or do not conform to current standards, as long as the developer has made test holes available to the health district within this time frame.

24.03 The County Engineer shall notify the Administrator that the proposed roads system was reviewed only for the proposed public roads and survey closure and conforms to the applicable county standards.

24.04 A statement from the Public Utilities District or power supplier, contemplated for use in the proposed short subdivision, that the backbone power requirement has been met.

24.05 The Washington State Department of Transportation shall approve access if the proposed short subdivision is located adjacent to the right-of-way of a state highway.

24.06 The Washington State Department of Ecology will be notified through the State Environmental Policy Act process if any of the land within the proposed short subdivision is covered by water.

24.07 All other offices to which a copy of the proposed short subdivision plat has been submitted may make their needs known to the Administrator and shall be considered prior to plat approval.

SECTION 25:00 VARIANCE. A variance from any of the requirements set forth in this ordinance may be granted by the Administrator after review by the Planning Commission. The short plat may be approved with such variance where it appears that public use and interest will be served. A variance application and filing fee will be required. A variance approval shall be filed and recorded and shall be good for one year from the date of filing. The Planning Commission, when reviewing the variance request, shall determine on a case by case basis, if the variance:

25.01 Would not grant a special privilege to the property owner inconsistent with the uses or requirements of other property in the vicinity.

25.02 Is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property.

25.03 Would not be detrimental to the public health, safety and general welfare, or injurious to property or improvements in the vicinity.

If all three of these can be shown to be true and would not conflict with the Ferry County Comprehensive Plan, the Planning Commission may grant a variance.

SECTION 26.00 AMENDMENT OR VACATION OF SHORT SUBDIVISION. Any person interested in the alteration or vacation of a short subdivision or any portion of a short subdivision shall submit an application, accompanied by fees, to the Administrator. If the subdivision has restrictive covenants which the amendment or vacation would violate, the application shall also contain an agreement signed by all parties subject to the covenants which states their agreement to terminate or alter the relative covenants. If the proposed amendment or vacation concerns a public dedication, it shall be processed in accordance with RCW 58.17. and notice shall be given as provided in RCW 58.17.080 and 58.17.090. If the proposed amendment or vacation does not concern a public dedication, the altered short plat shall be processed in accordance with the following provisions:

26.01 The altered short plat must comply with the procedures and requirements of this chapter for original short plat approval. A new survey shall be required when new lines are created by the amended short plat.

26.02 The title of the amended short plat shall be: The original short plat name and no._____, followed by, Amended short plat no._____.

25.03 The amended short plat shall show all of the land shown on the original short plat and shall bear the acknowledged signatures of all parties having ownership interest in the affected lots within the original short plat as shown by a current plat certificate.

26.04 The amended short plat shall not increase the number of lots into more than four from the original short plat for a period of five years from the date of recording of the original short plat, unless a final plat has been approved and filed for record pursuant to the regulations of the Long Plat Ordinance #2000-07.

26.05 Minor corrections being a minor survey, spelling, mathematical or drafting error, or omitted signature which does not in anyway materially subvert the approval of the original document by changing lot areas so as to effect zoning approvals, easements, conditions of approval or access roadways, may be corrected by the surveyor upon approval by the Administrator. An affidavit

must be recorded with the county auditor specifically referencing the short plat name and number and the correction.

SECTION 27.00 APPROVAL - TIME LIMITATION. Within thirty (30) days following filing of an application, or such additional period as the subdivider may request to meet all the requirements, the Administrator shall consider all data which he/she deems relevant, including reports of officials, public agencies, and interested parties, and shall determine whether the proposed short plat satisfies the requirements of this ordinance, and whether the proposed short subdivision will apparently serve the public use and interest, and shall approve or disapprove the same. The subdivider has two (2) years from the date of application to meet all requirements and file a final short plat. After such time the plat shall become null and void and new applications and fees shall be necessary to further review.

SECTION 28.00 APPROVAL - FILING. When the short plat is approved, the Administrator shall submit the plat and all documents to the County Auditor for filing. Filing fees as determined by the auditor shall be paid by the subdivider.

SECTION 29.00 DISAPPROVAL - NOTIFICATION. If the Administrator disapproves the proposed short plat and short subdivision he shall notify the subdivider in writing of the specific reasons for his disapproval.

SECTION 30.00 DISAPPROVAL - NOTICE OF APPEAL. Within ten (10) days following issuance of the Administrator's written notice of decision to disapprove a short plat the subdivider may file a notice of appeal to the Board with the Administrator.

SECTION 31.00 DISAPPROVAL - APPEAL PROCEDURE, HEARING DATE. The Administrator shall immediately transmit a notice of appeal, together with a copy of the proposed short plat, copies of all reports received by the Administrator, and a copy of the Administrator's letter of disapproval to the Clerk of the Board. The Board shall, at its next regular meeting or within 15 days, set the date for consideration of the appeal at a public hearing.

SECTION 32.00 DISAPPROVAL - APPEAL HEARING, DECISION. In reviewing an appeal the Board shall consider all matters submitted by the Administrator together with such other evidence as it deems relevant, and within 22 days shall either affirm or reverse the Administrator's decision, or remand the matter for further investigation by the Administrator. The Board shall make written findings and reasons for its affirmation or reversal.

SECTION 33.00 APPROVAL - APPEAL BY OTHERS. Within twenty (20) days following the Administrator's posting of a proposed short plat, any interested person may file notices of appeal with the Administrator, the Auditor, and the Clerk of the Board. The appellant will be responsible for an appeal fee which covers the cost of

notification, publication, and reproduction of records submitted to the Board for review. Only the following shall be deemed interested persons for the purpose of this section:

33.01 Any public officer or agency.

33.02 Any person who holds or owns a substantial interest in property situated within 300 feet of any boundary of the proposed short subdivision.

33.03 Any person who can prove they will suffer direct and substantial impacts from the proposed short subdivision.

SECTION 34.00 APPROVAL - APPEAL PROCEDURE, HEARING DATE. The Administrator shall immediately transmit a copy of the short plat and copies of all reports received by the Administrator to the Clerk of the Board. The Auditor shall refrain from accepting a short plat for recording until notified by the Administrator that the matter has been finally disposed. The Board shall, at its next regular meeting or within 15 days, set the date for consideration of the appeal at a public hearing.

SECTION 35.00 APPROVAL - APPEAL HEARING, DECISION. In reviewing an appeal the Board shall consider all matters submitted by the Administrator together with such other evidence as it deems relevant, and within 22 days shall either affirm or reverse the Administrator's decision, or remand the matter for further investigation by the Administrator.

SECTION 36.00 APPEAL - HEARING NOTIFICATION PROCEDURES. Upon receipt of an appeal of short plat determination the Administrator shall give notice of the hearing in the following manner:

36.01 Notice shall be published twice prior to the hearing in the official county paper.

36.02 Special notice of the hearing shall be given to the owners of real property, as shown by the records of the County Assessor, located within three hundred (300) feet of any portion of the boundary of the proposed short plat through the United States mail.

36.03 Notice shall be posted in three (3) conspicuous places on the boundaries of the proposed short plat.

All hearings shall be public. All hearing notices shall include the date, hour, and location of the hearing and a description of the location of the proposed short plat in the form of either a vicinity location sketch or a written description other than a legal description.

SECTION 37.00 RE-SUBDIVISION REQUIREMENTS. Land within a short

subdivision may be re-divided in accordance with 72-1 after 5 years from recording date of the plat. Land may be re-divided prior to that time in accordance with ordinance 2000-07, Ferry County Long Subdivision Ordinance. When the original short plat contains fewer than four parcels, the owner who filed the short plat may apply for a plat amendment within the five year period to create up to a total of four lots within the original short plat boundaries.

SECTION 38.00 ILLEGAL TRANSFER OR OFFER TO TRANSFER - MISDEMEANOR. It shall be a gross misdemeanor for any person, firm, corporation, or association to transfer, sell, lease, or offer for transfer, sale or lease any lot, tract, or parcel of land in violation of the requirements of this ordinance. If convicted of violating this ordinance the person, firm, corporation, or association shall be punished by a fine of not more than five thousand dollars, or by jail not to exceed one year, or both such fine and jail. If a fine is imposed, the Court can specify that any or all of the fine be paid to the Ferry County for compensation for enforcement of this ordinance. Each transfer, sale, lease, or offer to transfer, sell or lease as to each separate lot, tract or parcel or land in violation of the requirement of this ordinance shall be deemed a separate and distinct violation.

SECTION 39.00 ILLEGAL TRANSFER - DAMAGE RECOVER FOR PURCHASE. A transferee who cannot secure a building permit, septic tank permit or other developmental permit for the reason that his transferor failed to comply with any provision of this ordinance may recover damages from his transferor, to include compensation for the loss of his bargain, actual costs of investigation and suit, reasonable attorney's fees and such additional elements as the law allows.

SECTION 40.00 UNAPPROVED SHORT PLAT - NOT TO BE FILED. The FERRY COUNTY AUDITOR shall refuse to accept for filing any short plat which does not bear the Administrator's Certification. Should a short plat be filed without such a certificate the Prosecuting Attorney shall apply for a writ of mandate on behalf of the Administrator, directing the FERRY COUNTY AUDITOR to remove the unapproved plat from the Auditor's files.

SECTION 41.00 NEW SEGREGATION - ASSESSOR TO NOTIFY ADMINISTRATOR. The Assessor shall promptly notify the Administrator of any new segregation of land which may be a violation of this ordinance, made upon the Assessor's records. Upon learning of such segregation the Administrator shall investigate the same to determine whether a division of land in violation of this ordinance may have occurred.

SECTION 42.00 REPEALER. FERRY COUNTY ORDINANCE NO. 72-1 enacted November 6, 1972 and as REVISED March 6, 1978, January 1, 1981, June 6, 1988, June 24, 1991, and November 15, 2000 relating to the subdividing and platting of land, is repealed, effective as of the effective date of this revised ordinance. This shall not apply or effect pending plat applications to the extent prohibited by the vested rights doctrine.

SECTION 43.00 EFFECTIVE DATE. This ordinance shall come into full force and effect, as revised the 9th day of October, 2000.

Dated this 9th day of October, 2000.

BOARD OF COUNTY COMMISSIONERS FERRY COUNTY,
STATE OF WASHINGTON

Chairman

Commissioner

Commissioner

ATTEST:

Clerk of the Board