

**Subdivision
& Land Division
Ordinance
for
Garfield
County**

**Adopted
October 2008**

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CHAPTER ONE - DEFINITIONS

Whenever the words and phrases set forth in this chapter appear in this title, they shall be given the meaning attributed to them by this chapter. When consistent with the context, words used in the present tense include the future; singular includes the plural; and the plural, singular. The word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision.

I-01 ACCESS PANHANDLE: A strip of land having a width narrower than that of the lot, tract, or parcel to be served thereby and designed for the purpose of providing access to a lot, tract, or parcel being less in width than the minimum lot width allowed under the applicable ordinance.

I-02 ADJACENT LANDOWNER: The owners of 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. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, the definition of adjacent landowner is extended to include the owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the Owner of the real property proposed to be subdivided.

I-03 ADMINISTRATOR: The person or staff designated by the Board to administrate the subdivision and short plat subdivision regulations as stated herein.

I-04 BINDING SITE PLAN: A drawing to a scale specified by this ordinance which: (1) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established by Garfield County; and (c) contains provisions making any development in conformity with the site plan.

I-05 BLOCKS: A contiguous group of lots, tracts, or parcels within well defined and fixed boundaries.

I-06 BONDS: A performance or compliance bond provided by a licensed insurance company, an assignment of savings, a letter of credit from an established bonding institution, or a cashier's check in an amount determined by the County Engineer and approved by the County Commissioners.

I-07 BUILDING SITE: A parcel of land occupied or intended to be occupied by one main building and its accessory buildings, together with all of the required yards, open space and setbacks.

I-08 COMPREHENSIVE PLAN: The current Comprehensive Plan of Garfield County as adopted by the Board pursuant to State Law.

I-09 CONTIGUOUS REAL PROPERTY: Land adjoining and touching other real property, not previously platted, and having the same owner regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased at different times, lie in different sections, different government lots or are separated from each other by private road or rights-of-way.

I-10 COUNTY AUDITOR: The person designed as defined in Chapter 36.22 RCW, as it now exists or is hereafter amended.

I-11 COUNTY COMMISSIONERS OR BOARD: The Garfield County Commissioners or Board is the legislative authority of Garfield County as defined in Chapter 36.32 RCW, as it now exists or is hereafter amended.

I-12 COUNTY ENGINEER: The person designated as defined in Chapter 36.40 RCW, as it now exists or is hereafter amended.

I-13 COUNTY TREASURER: The person designated as defined in Chapter 36.29 RCW, as it now exists or is hereafter amended.

I-14 DEDICATION: The deliberate appropriation of land by an owner for any general and public uses, reserving to himself/herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property have been devoted. The intention to dedicate shall be evidenced by the approval of such plat for filing by the Garfield County Auditor. Any dedications as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee or donees, grantee or grantees for his or their use for the purposes intended by the donors or grantors as aforesaid.

I-15 DIVISION OF LAND: Any conveyance, not otherwise exempt or provided for in this ordinance, which alters or affects the shape, size, or legal description of any part of an owners original tract creating additional lots, sites, tracts, or parcels of land.

I-16 DRAFT ENVIRONMENTAL IMPACT STATEMENT: The environmental impact statement prepared by the applicant, or consultant hired by the applicant, which meets all the requirements of Chapter 43.21 RCW, as determined by the Administrator.

I-17 EASEMENT: A written grant by a property owner to specific individuals or to the public to use land for specific purposes.

I-18 ENVIRONMENTAL CHECKLIST: A checklist prepared by the developer on the forms provided by the Administrator which allows the SEPA Administrator to determine the environmental significance of the proposal.

I-19 ENVIRONMENTAL HAZARD: Any hazard caused by natural or artificial causes which may harm or damage persons or property and which could include but not be limited to slides, slippage or instability of earth, rock and soil.

I-20 FINAL ENVIRONMENTAL IMPACT STATEMENT: The statement provided by the applicant and approved by the Administrator in accordance with Chapter 43.21 RCW.

I-21 FINAL LONG/SHORT PLAT: The final drawing of the long/short subdivision including dedication, prepared for filing for record with the Garfield County Auditor and containing all elements and requirements set forth in this ordinance or state law.

I-22 IMPROVEMENT: Improvement shall mean, any structure or work constructed including, but not necessarily limited to roads, storm drainage systems, ditches and dikes, sanitary sewage facilities or mainline storm drainage containment facilities.

I-23 LAND SURVEYOR: A person defined by the professional engineers and land surveyors registration act as it now exists or hereafter amended as defined in Chapter 18.43 RCW.

I-24 LONG SUBDIVISION: The division or re-division of land into ten (10) or more lots, tracts, parcels, or sites, where any one division is created for the purpose of sale, lease or transfer of ownership.

I-25 LOT: A fractional part of subdivided lands, created from an original tract or contiguous property, having fixed boundaries being of sufficient area and dimensions to meet current requirements for width and area. The term shall include tracts, parcels, or building sites.

I-26 NEIGHBORHOOD: An approximate amount, extent, or degree of people living near one another.

I-27 ORIGINAL TRACT: A unit of land which the applicant holds under single or unified ownership, or which the applicant holds controlling ownership on the effective date of this ordinance of which may be determined by the fact that all land abutting a tract is separately owned by others, not related or associated by business partnership with the owner.

I-28 OWNERSHIP INTEREST: Having property rights as a fee owner, contractor, purchaser, mortgagee, who controls deed of a trust beneficiary, grantor, or partnership, which interests controls the disposition of property.

I-29 PERSON: An individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture affiliated ownership. The word person also means a municipality, county or state agency.

I-30 PLANNING AGENCY: The planning and subdivision Administrator, and staff, as designated by the Board, together with the Garfield County Planning Commission.

I-31 PLANNING COMMISSION: The planning commission is the Garfield County Planning Commission, as defined in Chapter 36.70 RCW, and as designated by the Board to perform a planning function.

I-32 PLAT: The map or representation of the subdivision showing thereon the division of a tract of land with lots, blocks, streets, alleys and other divisions and dedications.

I-33 PRELIMINARY PLAT: A neat and approximate drawing of a proposed subdivision which shall furnish a basis for the approval or disapproval of the general layout of the subdivision.

I-34 PRIVATE ROAD OR STREET: A particular access provided for by an access tract, easement or other legal means, privately owned and maintained. Private road or street does not include private driveways or other like facilities.

I-35 RE-DIVISION: To divide a lot, tract, parcel, or site which has previously been divided for the purpose of sale, lease, or transfer.

I-36 RESERVED ROAD AREA: A defined area of land within the subdivision which is required by the County Engineer to be reserved for a future road, and said area shall be dedicated to the County at the time of approval, but the road need not be constructed by the applicant or developer until such time as stated by the ordinance.

I-37 RIGHT-OF-WAY: A general term denoting land, property or interest therein, usually in a strip acquired for or devoted to transportation purposes.

I-38 ROAD: The improved and maintained portion of a right-of-way which provides vehicular circulation or principle means of access to abutting properties.

I-39 SHORT SUBDIVISION: The division or re-division of land into nine (9) or fewer lots, tracts, parcels, or sites, where any one division is created for the purpose of sale, lease or transfer of ownership.

I-40 STATE ENVIRONMENTAL POLICY ACT (SEPA): State Environmental Policy Act as defined by Chapter 43.21 RCW as it now exists or is hereafter amended.

I-41 SUBDIVISION: The division or re-division of land into lots, tracts, parcels, or sites, for the purpose of sale, lease of transfer of ownership.

I-42 URBAN GROWTH BOUNDARY: That area within Garfield County recognized as an area of anticipated growth as identified in the County Comprehensive Plan.

CHAPTER TWO

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GENERAL PROVISIONS

2-01 SUBDIVISION DESIGN

The design of subdivisions shall conform with the requirements of any official control relating to land use which may be adopted to implement the Garfield County Comprehensive Plan or any element thereof, or any other official plan. In accordance with the goals and policies of the Comprehensive Plan, subdivisions are encouraged in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. Furthermore, subdivisions are encouraged where their design does not contribute to the inappropriate conversion of undeveloped land into sprawling, low-density development. PROVIDED that in the event of a discrepancy among standards and requirements, the responsible department may exercise professional judgement to determine which standard or requirement shall control. The design, shape, size and orientation of the subdivision shall be appropriate to the use for which the divisions of land are intended and to the character of the area in which they are located. Tracts may be required to be segregated or restrictions required to be included in the subdivision, for sanitation, utilities, steep slopes, access, slide hazards, water supply, poor drainage, or flood hazard reasons or for other unique conditions or features which may warrant protection of the public interest.

2-01.1 Lot and Plat Access Requirements

Lots within a subdivision shall be designed so that lots do not require direct access onto principal arterials, except that if the subdivider presents proof that direct access to such lots is necessary to the development of his property. If so, the Plat Administrator may permit direct access.

Access to the boundary of all subdivisions shall be provided by an opened, constructed and maintained county road as defined by the Garfield County Road Standards.

2-01.2 Additional Building Setbacks When Required

Where the Comprehensive Plan indicates necessity of a portion of right-of-way for a street which is not included in the six-year capital improvement plan, the Administrator may require a plat restriction which imposes a sufficient building set back to guarantee that future right-of-way expansion could be accomplished. Such required set back shall be based on a County Engineer estimate, consistent with adopted Garfield County Road Standards and Miscellaneous Building Policies Ordinance.

2-01.3 Future Public Right-Of-Way Tract, When Permitted

When the County Engineer determines that it is necessary to provide for future public street right-of-way and to assure orderly development of a neighborhood street pattern, the Administrator may require the setting aside of sufficient future right-of-way. The dimensions of such tract, when required, shall be based on County Engineer estimates, consistent with adopted Garfield County Road Standards.

2.02 GENERAL REQUIREMENTS, PRIVATE ROADS

Any right-of-way of less than County standards for public roads shall be retained permanently as privately owned and maintained except when the street is developed to adopted County Road standards and specification. The County shall not maintain roads or signs within such private rights-of-way.

A private maintenance agreement between owners and purchasers of real property within the proposed plat shall be required for any private road.

The face of any plat containing a private road shall bear the following language: "WARNING" Garfield County has no responsibility to ensure that private roads are built, improved, maintained, or otherwise serviceable. Furthermore, Garfield County has no responsibility to ensure that adequate provisions have been made to provide for emergency vehicle access to properties served by private roads.

Privately owned roads shall be designed to conform with applicable Garfield County Road Standards as set by separate county ordinance. Said roads shall be constructed or bonded prior to plat approval

2-03 DEDICATIONS

2-03.1 Dedications - General

All dedications shall be clearly and precisely indicated on the face of the plat as approved by the County. Improvements and easements to maintain such improvements may be required to be dedicated.

2-03.2 Dedication - Public Right-of-Way

Dedication or deeding to the County of such right-of-way's may be consistent with adopted county standards for public streets, or a portion thereof, shall be required within or along the boundaries of the plat or of any lot(s) within, under the following circumstances:

- (a) Where the six-year capital improvement plan indicated the necessity of a new right-of-way or portion thereof for street purpose; or

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- (b) Where there is less than 30' of right-of-way from the centerline of the road to the property line; or
- (c) Where necessary to extend or to complete the existing neighborhoods street; or
- (d) Where necessary to provide future access to more than four lots.
- (e) Where necessary to encourage efficient multi-modal transportation systems that based upon regional priorities and coordinated with the Garfield County Comprehensive Plan.

2-03.3 Dedications - Access to Public Waters

Plats of subdivisions containing land adjacent to publicly owned or controlled bodies of water may be required to contain dedications of public access to, around or beside such bodies of water unless the Board determines the public use and interest will not be served thereby. Such dedications shall be established when the preliminary plat is approved. Dedication shall be established as per WAC 173-16-060 and Garfield County Shorelines Master Program.

2-03.4 Dedicated Improvements

All roads, bridges, drains, culverts and related structures and facilities which are dedicated, shall be designed by a Washington State Licensed Engineer in accordance with current standards promulgated by the County Engineer and in effect at the time of construction. Construction shall be in accordance with the Department of Transportation specifications.

2-04 IMPROVEMENTS

2-04.1 Improvement Plans

Whenever it is essential for purposes of evaluating environmental or other concerns, the Administrator may require the developer to submit certain concept drawings prior to preliminary plat approval. Prior to the start of construction, the construction plans for any dedicated improvement must be approved by the County Engineer.

2-04.2 Improvement, When Required

Public street improvements, consistent with the adopted Garfield County Road Standards and specifications for public streets, *shall* be required under the following circumstances:

- (a) When a new public right-of-way is deeded or dedicated.

(b) When necessary to develop an existing undeveloped or unmaintained County right-of-way to County standard for public streets, when such right-of-way abuts the land for which plat approval is sought.

2-04.3 Improvement Standards

Public street improvements shall be consistent with the adopted Garfield County Road Standards.

2-04.4 Improvement - General

2-04.4 (1) Environmentally Sensitive Areas

If any portion of the land within the boundaries shown on a preliminary or final plat of a subdivision of land is subject to flood hazard, erosion and drainage hazard due to slope and soil type, or any other environmentally sensitive condition, and the probable use of the property will require structures thereon or nearby, the Board may disapprove the plat or that portion of the plat so affected, and/or require protective improvements to be constructed as approved by the County, as a condition precedent to approval of the preliminary or final plat. The Administrator shall refer to the Resource Lands and Critical Areas Ordinance adopted by Garfield County, as a non-exclusive guide in determining if environmentally sensitive conditions exist on the preliminary or final plat. If any portion of a lot or parcel of a subdivision is subject to an environmentally sensitive condition, such fact or portions shall be clearly shown on the final map whereon any portion is shown.

2-04.4 (2) Storm Drainage Containment

The County shall, as a condition of approval, require the developer to construct storm drainage facilities such as dry wells, retention/detention basins or other methods acceptable to the County so that either the existing volume of surface runoff or the rate of surface runoff flow now leaving the proposed subdivision will not be exceeded after complete development of the subdivision by a ten year design frequency storm. If deemed necessary by the County Engineer, higher runoff factors may be required when the developer designs said containment facilities.

The developer will be required to show by engineering analysis, that such settling and storm water runoff containment facilities will contain ten year runoffs so that storm runoff from the developed subdivision is no greater than it would have been if the land was left undeveloped.

2-04.4 (3) Fire Protection and Water System

The developer will be required to provide water sources and/or facilities adequate for fire protection services as determined by Fire Chief of the local fire district. Subdivisions within the Urban Growth Area shall provide fire hydrants of adequate capacity and spacing to provide for fire protection as defined by Garfield County Fire Protection Ordinance and Uniform Fire Code.

If the subdivision is within the Urban Growth Area or if State Law or guidelines require or recommend, or if the local public utility district requires, the developer shall provide an adequate water system and source to fulfill the needs of the anticipated residents of the subdivision.

2-04.4 (4) Sanitary Sewer Pipe Installations

Garfield County may condition the approval of any plat upon the developer's installation of sanitary sewer connections as per Garfield County Sewer Administrative Ordinance and pipes properly constructed according to County Standards.

2-05 BONDING REQUIREMENTS FOR IMPROVEMENTS

Bonding for roadway construction and other engineering aspects required for plat approval shall comply with the Garfield County Road Standards Ordinance.

2-06 SURVEY STANDARDS

2-06.1 SURVEYS REQUIRED

- A) A survey conducted by or under the supervision of a registered land surveyor shall be made of every long and short subdivision filed for approval in Garfield County.
- B) A survey conducted by or under the supervision of a registered land surveyor shall be made of every land division under forty (40) acres filed with the Auditor in Garfield County.
- C) A survey conducted by or under the supervision of a registered land surveyor shall be made of every land division of any size if said parcel or parcels does not qualify for the exemptions below. [Example: parcels which are irregularly shaped and/or parcels which do not follow established section lines.]

2-06.1 EXEMPTIONS

- A) A survey may not be required if the legal description of any division of land to be created by any land division will consist solely of whole sections or fractions of sections consisting of a clearly identifiable square or rectangular parcel of land within a section. Said parcel or parcels shall have metes and bounds descriptions with mathematical closure and shall not utilize road rights-of-way or alignments in the description. [Example: the NW quarter of the NW quarter of Section 1, Township 11 N., Range 44 E.M.]

2-06.1 REQUIREMENTS

- A) The surveyor shall certify on the plat that it is a true and correct representation of lands actually surveyed. All surveys shall conform to standards, practices and principles for land surveying as stated in 58.17.250 RCW and WAC Chapter 332-130.

Furthermore, the Auditor is authorized to refuse to accept any surveys of land divisions which do not provide sufficient descriptions, both legal and narrative, that have not been approved by the Assessor's office. Said descriptions shall be sufficient to readily interpret the descriptions and to correlate said land divisions accurately to the Assessor's maps and records.

2-06.1 Control Monuments and Markers

All subdivisions, streets, lots and blocks shall be numbered in accordance with the procedures and guidelines established by the County Engineer. Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. Permanent control monuments shall consist of cased survey monument if located within a dedicated road right-of-way, or 1/2 inch by 30 inch driven steel pins encased in 6 inches of concrete if located elsewhere. All monuments shall be tagged or otherwise identified to show by whom the corner was set. All lot corners shall have markers consisting of a 1/2 inch by 30 inch driven steel pins.

2-07 RE-DIVISION OF PLATTED LOTS

Re-division of any lot within a approved and filed short or long subdivision shall contain an application containing the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision to be altered. In addition, if the subdivision is subject to any restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in a violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Once a final plat has been approved and filed for record, the lots as shown shall not be further divided for the purpose of creating an additional building site without adhering to further requirements of 58.17.215 RCW.

2-08 TIME LIMITATIONS

2-08.1 Time Limitations-Preliminary Long or Short Plat

Within 60 calendar days of the receipt of the complete preliminary application, the Planning Commission shall recommend said preliminary plat be approved, disapproved, or returned to the applicant for modification or correction. If, for reasons of personal health or related circumstances, the Planning Commission fails to convene a quorum at their regular meeting at which the Planning Commission should act upon this plat application, the time period shall be extended an additional 14 calendar days.

Within 90 calendar days of the receipt of the complete preliminary plat application, the Board of County Commissioners shall take action to approve, disapprove or return to the applicant for modification or correction of the preliminary plat, unless the applicant consents to an extension of such time period.

2-08.2 Time Limitations-Final Long or Short Plat

The applicant shall seek final action by the Board within one year after the date of preliminary plat approval. The applicant may request a one year extension by filing prior to the expiration of said one-year period, a written request with the Administrator; Provided however, said extension may be granted subject to additional conditions or requirements.

The approval of the preliminary plat shall be automatically null and void if final plat approval is not obtained within one year from the date of preliminary plat approval.

Final plats shall be approved, disapproved or returned to the applicant within 30 days from the date of filing the final plat, unless the applicant consents to an extension of such time period.

2-09 OPEN SPACE TAXATION

2-09.1 Taxation Implications

The face of all plats shall bear the following language: "WARNING" The properties contained within this plat may be liable for payments of property taxes, interest and penalties if the land within this plat was previously in the Open Space property tax category. Sellers and purchasers are advised to consult their agent and/or the Garfield County Assessor's office.

CHAPTER THREE LONG PLAT SUBDIVISION PROCEDURES AND REQUIREMENTS

3-01 APPLICABILITY

Any division of land creating ten (10) or more lots, tracts, parcels or divisions of land, shall proceed in compliance with Chapters 1, 2, 3, and 5 of this Ordinance. Note that any remaining portion within the land being subdivided shall be considered a lot. Note that any remaining portion within the land being subdivided shall be considered a lot. Any division of land, even if said division is not part of a long plat, shall have a survey conducted by or under the supervision of a registered land surveyor.

3-02 EXEMPTIONS

The provisions of Chapter 3 of this Ordinance shall not apply to:

1. Any cemetery or burial plot, while used for that purpose;
2. Any division of land in which the smallest lot created by the division will be twenty (20) acres or larger in size;
3. Any division of land made by testamentary provisions or the laws of descent;
4. Any short subdivision by definition and developed in accordance with Chapter 4 of this Ordinance;
5. Divisions of land due to the condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;
6. Any division of land for the purpose of leasing sites for a mobile home or travel trailer provided that the subdivider has filed a binding site plan with the County in accordance with either the Garfield County Mobile Home Park Ordinance or Recreational Vehicle Parks Ordinance.
7. Divisions of land into lots or tract classified for industrial or commercial use when the governing body of the county has approved a binding site plan for the use of land in accordance with local regulations.

8. A division made for the purpose of adjusting boundary lines which does not create additional lots, tracts, parcels, sites, or divisions nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

9. A division which is made by subjecting a portion of a parcel or tract of land to Chapter 64.32 RCW if a County has approved a binding site plan for all of such land.

10. Any division made for the purpose of retaining an intact farmhouse parcel for residential purposes of the landowner, provided said parcel is a minimum of five acres.

3-03 PREAPPLICATION CONFERENCE

The preapplication conference stage of subdivision planning comprises of an informational period which precedes actual preparation of preliminary plans by the subdivider. During this stage, the subdivider makes known his intentions to the planner, engineer, and building official and is advised of specific public objectives related to the subject plat, tract, etc., and other details regarding platting procedures and requirements.

During this stage, it may be determined if any land development permits will be required for the subject tract or a part thereof. In such case, the administrator shall indicate the necessary permit application(s).

In carrying out the purposes of the preapplication stage, the subdivider and the planner shall be responsible for the following actions:

1) Actions by the subdivider: The subdivider and/or his agents shall meet informally with the planner, engineer, and building official, or their authorized representatives, at the preapplication conference to present a general outline of his proposal, which shall include, but not limited to:

- a) Sketch plans and ideas regarding land use, street and lot arrangement, and tentative lot sizes.
- b) Tentative proposals regarding water supply, sewage disposal, surface drainage, and street improvements.

2) Actions by the County: The planner, engineer, and building official will discuss the proposal with the subdivider and advise him of procedural steps, design and improvement standards, and general plat requirements which the county may impose on the development. Then, depending on the scope of the development, they will proceed with the following actions:

- a) Determine if SEPA, Shorelines Management Act, or Variance regulations are applicable.
- b) Check surrounding land to see how proposed development would affect adjacent land uses or property and determine if the proposal would create any sub-standard development conditions. Conditions include but are not limited to: Clear vision areas, relationship to streets, topography, traffic circulation, structural setbacks, etc. If substandard conditions are created, the developer would be held responsible to remedy all situations to comply to county ordinances. Substandard conditions shall be determined by the planner, engineer, and building official as set in separate county ordinances.
- d) Check conformity with the objective and policies of the comprehensive plan.
- e) Determine if there is need for the preparation and review of a development master plan before a preliminary plat can be considered. If the development master plan is required, the subdivider will be advised of this fact, and also of the extent to which it should be prepared by him, planner, or a combination thereof.
- f) Advise the subdivider of the results of these actions, and offer guidance as to any further actions which should be taken.

3) Development Master Plan. A development master plan may be prepared by the subdivider whenever, in the opinion of the county officials, the tract is sufficiently large as to comprise a neighborhood; the tract initially proposed for platting is only a portion of a larger landholding of the subdivider; or the tract is a part of a larger land area, the development of which is complicated by unusual topographic, utility, land use, land ownership, or other conditions. The entire land area need not be under the subdivider's control in this case.

- a) Preparation. The development master plan (DMP) shall be prepared to a scale and accuracy commensurate with its purpose and shall include:
 - (1) General street pattern with particular attention to collector streets and future circulation throughout the development.
 - (2) General location and size of school sites, parks, or other proposed land uses.
 - (3) Location of commercial development, multi-family residential, or other proposed land uses.
 - (4) Methods proposed for sewage disposal, water supply, and storm drainage.
 - (5) Protective neighborhood covenants.
- b) Approval. Upon acceptance of general approach, the DMP should be followed by the preparation of preliminary plat(s). If development is to take place in several parts, the DMP should be submitted as supporting

data for each part. The DMP shall be kept up to date by the subdivider and planner as modifications take place.

3-04 PRE-FILING REQUIREMENTS

Certain steps are required of the developer prior to the actual filing date of the preliminary plat. These steps include:

1. The developer's completion of environmental assessment checklist and other applicable permits;
2. Submission of an application completed in accordance with the requirements of this chapter including 20 copies of the proposed preliminary plat with supporting documents and
3. The submission of proposed improvement plans if required by the Administrator. Plans include but are not limited to road and stormwater design by a licensed Professional Engineer. Refer to Chapter 2 for Improvement Plans.

3-04.1 Environmental Assessment Checklist

The developer shall submit the application fee and the environmental checklist to the Administrator on the prescribed form available from the Administrator. The environmental assessment checklist fee shall be charged separate from the regular plat fee. Checklist fee is set by separate county resolution.

The environmental checklist shall be reviewed by the Administrator to determine whether the project has a significant effect on the environment pursuant to Chapter 43.21 RCW. The Administrator may require additional information if it is deemed necessary in determining significant impact of a project. After the environmental checklist is submitted, the applicant shall be notified within 15 days, whether the proposed subdivision is determined to have a significant or non-significant impact on the environment. If the proposed subdivision is considered to have a significant effect on the environment, the applicant shall be required to prepare a draft and final environmental impact statement in accordance of Chapter 43.21 RCW.

3-04.2 Application procedure

The application shall consist of:

1. The completion of an application form supplied by the Administrator;
2. The completion of preliminary plat map;

3. Necessary supporting document; and
4. The payment of all application fees.

An application lacking sufficient information for review shall be rejected by the Administrator. Such rejection shall be accompanied by a written statement citing the reason for rejection.

3-04.2 (1) Application Form

The application shall be on a form provided by the Administrator and shall contain the following information: Twenty (20) copies of the application form, preliminary map, and supporting documents shall be submitted at the time of application. An application lacking sufficient information for review, shall be rejected by the Administrator. Such rejection shall be accompanied by a written statement citing the reason for rejection.

1. The name, address and telephone number of the subdivider;
2. A certification signed by the subdivider, showing the entire contiguous ownership of land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option by any persons, firms, or corporations in any manner connected with the development listing the names, addresses, and telephone numbers of all such persons, firms or corporations;
3. The existing zone classifications, if any;
4. The source of water supply and if a public system is used, the name of the supplier;
5. The method of sewage disposal and, if sanitary sewer is used, then the name of the district having management over the system. If septic; Soils data, percolation tests and/or other information as required by the Garfield County Environmental Health Officer to determine the adequate means of on-site sewage disposal. (This information is not required for preliminary plats which shall be entirely attached to an approved sanitary sewer system.)
6. A legal description of the property proposed to be subdivided entered in the appropriate location on the public notice form provided.

3-04.2 (2) Plat Map

A reproducible map shall be prepared by a licensed land surveyor at a scale of 1" = 100' with 5' contour intervals and showing the following information: (NOTE: 5' contours will be accepted providing that the topography is accurately represented. If not, and the administrator deems necessary, 2' contour intervals shall be provided.)

1. The scale, north arrow, and proposed subdivision name;

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2. The boundary lines, to scale, of the tract to be subdivided and of each lot contained therein; and the entire contiguous ownership;
3. The number assigned to each lot;
4. The square footage computation of each lot or parcel sufficiently accurate to show that each such lot or parcel contains the minimum square footage to meet zoning and health requirements;
5. The location, names and width of any easements, existing and proposed roads, streets, existing platted streets, right-of-ways for public services, watercourses, utilities, permanent features such as existing structures within and outside lands to be subdivided. Existing structures shall be tied to the proposed property lines to indicate adequate county setbacks.
6. Location and distance of permanent survey control monuments, township and section lines.
7. The boundaries of all lands reserved in the deeds for the common use of the property owners of the subdivision;
8. A vicinity sketch clearly identifying the location of the property at least 800' in all directions from the land being subdivided, the sketch having a scale of not less than three inches to the mile and indicating property owners of the immediate adjacent property.

3-04.2 (3) Supporting Documents

The following documentation shall accompany each application for approval of a long plat:

1. Copies of restrictions, if any, proposed to be imposed upon the use of land. Such restrictions, if required by the County, must be recorded either prior to or simultaneously with the subdivision;
2. A plat certificate showing interest of the persons signing the plat application and showing restrictions encumbering the land from a title company licensed to do business in the State of Washington.

3-04.2 (4) Application Fee

An application fee as set by separate county resolution shall be paid to Garfield County when the preliminary plat is filed. Said fee is not refundable and includes the cost of application processing, public works review, and legal newspaper advertisement.

3-05 STAFF PROCEDURE

If the preliminary plat, as filed, is acceptable in form and substance, the Administrator shall receive the application and shall promptly forward copies of the preliminary plat to appropriate governmental agencies for review. The Administrator shall set a date for public hearing before the Planning Commission.

3-06 REVIEW PROCEDURE

When the Administrator determines that the proposed plat application contains the required information and data as a basis for it's approval or disapproval, a file number and date of receipt shall be affixed and copies of the plat application shall be distributed to the following:

1. County Health Officer
2. County Engineer
3. County Treasurer
4. County Assessor.
5. Fire District
6. Affected utilities, private and public
7. County Planning Commission

The Administrator shall set a date for return of findings and recommendations from each agency, the date to be no more than 30 days from the data of application. If the findings and recommendations are not so returned, then the Administrator may make such findings as he deems just.

3-06.1 Health Officer Review

The Health Officer shall notify the Administrator that:

1. Water and sanitary sewerage disposal methods contemplated for use in the proposed plats, do or do not conform with current standards;
2. Where sanitary sewers are not available, that each lot contains adequate area and proper soil, topographic and drainage conditions to be served by an on sight sewerage disposal system.

3-06.2 County Engineer Review

The County Engineer shall notify the Administrator that the proposed road(s), utilities, drainage facilities, and other improvements do or do not conform to current standards.

3-06.3 County Treasurer Review

The County Treasurer shall advise the Administrator of the status of taxes due on the property.

3-06.4 County Assessor Review

The County Assessor shall notify the Administrator as to whom the apparent owners are.

3-06.5 Fire District Review

The appropriate fire district shall respond to the Administrator of any concerns on fire flow, ingress and egress of emergency vehicles, and fire hydrant locations.

3-06.6 Affected Utility Review

Affected utilities may notify the Administrator of their concerns and shall list their concerns for consideration by the plat administrator in his findings for approval or denial of the plat.

3-06.7 Planning Commission Review

The Planning Commission shall notify the Administrator as to the compliance of the proposed plat with the Comprehensive Plan, any applicable zoning restrictions and/or other applicable county regulations.

Upon completion of the review period, the recommendations from the review agencies shall be attached to the Planning Commission's report for transmittal to the Board.

3-06.8 Written Findings. A proposed subdivision and dedication shall not be approved unless the county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body and/or provision for public improvements to serve the subdivision may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements shall be allowed that constitutes an unconstitutional taking of private property.

3-07 NOTICE OF FILING AND PUBLIC HEARING

Notice of filing of a preliminary plat shall be given to the state municipalities, public utilities, school districts, local newspaper, and adjacent landowners in the following cases and manner:

Notice of filing as required above shall be accomplished by the Administrator (unless otherwise specified), notifying the proper agencies by letter of the proposed subdivision filing, which letter shall include it's legal description, a small map showing location, subdivision acreage, number of home or building lots, and the hour and location of the first hearing on the preliminary plat. Said letter shall be mailed or delivered at least 10 days before the date of the initial hearing.

1. When a proposed subdivision is located within one mile of any city or town, or contemplates the use of any public utilities, notice shall be given to the city's or town's legislative body and to the public utility's governing body (mandated in RCW 58.17.080).
2. When a proposed subdivision is to be located adjacent to the right-of-way of a state highway, notice shall be given to the State Department of Transportation or it's successor.
3. Notice shall be given to the school district within which the subdivision is proposed.
4. When the proposed subdivision lies within a designated flood control zone pursuant to RCW 86.16, notification shall be given to the Department of Ecology or it's successor.
5. Newspaper Notice - Upon receipt of an application for preliminary plat, and after completion of final environmental impact statement, if necessary, or negative declaration, the Administrator shall set a date for public hearing before the Planning Commission and shall give notice by publication of at least one notice not less than 10 days prior to the hearing in the newspaper of general circulation in Garfield County.

3-07.1 Posting Property

The Developer, or representative, shall post the land proposed to be subdivided in at least 2 conspicuous places designed to attract public awareness. Said posting shall be erected not less than 10 calendar days prior to the scheduled public hearing. Preliminary plat map, public hearing date, and application form with requirements stated in Sections 3-05.2(1) & 4-05.2(2) shall be adequate for posting. Posted information shall be able to withstand adverse weather condition.

3-08 PRELIMINARY PLAT - APPROVAL/DISAPPROVAL PROCEDURE

3-08.1 Required Findings and Determinations

The Planning Commission, Administrator, and the Board of County Commissioners shall review the reports and findings of the Health Department, Pubic Works Department, Fire District, and other affected agencies pursuant to Chapter 3 Sec. 07, and shall make a determination with

regard to the subdivision and dedications. Appropriate provisions shall be made for, but not limited to:

1. It's conformance to the general purposes, standards and requirements of the Garfield Comprehensive Plan, and to any other applicable laws and policies.
2. If appropriate provisions are made for the public health, safety, and general welfare for open spaces, home drainage ways, utilities, access, streets, alleys, and other public ways, water supplies, and sanitary waste disposals, storm water, fire protection, parks, playgrounds, sited for schools and school grounds, public trail easements to and around water areas and areas of public interest.
3. The physical characteristics of the subdivision site such as flood inundation or swamp conditions. Construction of protective improvements may be required as the condition of approval.
4. All other relevant facts to determine whether the public use or interest will be served by the subdivision.

3-08.2 Planning Commission Procedure

The Garfield County Planning Commission shall review all proposed preliminary plats and shall make recommendations thereon to the Board to assure conformance of the proposed subdivision of the general purpose of the comprehensive plan and to the planning standards and specifications adopted by the County. The planning commission shall make the following recommendations:

1. Recommend approval of the subdivision, with or without conditions;
2. Recommend return of the plat to the applicant for corrections or for the applicants construction of improvements in a manner consistent with official findings; or
3. Recommend disapproval of the subdivision and the plat thereof.

The recommendation of the Planning Commission shall be advisory only.

Conditional Approvals

If the adopted recommendations require the meeting of conditions, the construction of improvements, or time as necessary for the obtaining of the required certification, then the approval action shall be conditional approval. The conditions under which approval was given shall be fulfilled within one year. Upon application within the time period, and of good cause show, the approving body may grant an additional one year time extension to the applicant for meeting conditions of approval and/or construction of improvements.

The Planning Agency's recommendation shall be submitted to the Board no later than 14 days following action of approval or disapproval by the Planning Commission. Upon receipt of the recommendation on any preliminary plat, the Board may, at its next public meeting adopt the recommendation of the Planning Commission.

3-08.3 Board of County Commissioners Procedure

The Administrator shall then submit the plat to the Board of County Commissioners for its consideration together with the Planning Commission's and Administrator's recommendation.

The Board may approve, approve with conditions, or disapprove the said preliminary plat. If, after considering the matter at said meeting, the Board deems that a change in the preliminary plat is necessary, the change of the recommendation shall not be made until the Board has conducted a public hearing after legal notice of hearing as specified herein, and thereon the Board may approve or disapprove said plat.

A final environmental impact statement or a negative declaration of no significant impact shall be available for the Board's preliminary review of the plat. If said statement or declaration is not available, no action may be taken.

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

Upon approval of Preliminary Plat by the Board of County Commissioners, the applicant may proceed with Final Plat requirements. If disapproved, the said plat shall be returned to the applicant for necessary corrections.

3-09 FINAL PLAT PROCEDURES

3-09.1 Final Plat Preparation

Each and every plat or re-plat of any property presented for approval and filing shall be prepared on reproducible mylar or approved equal having the overall dimension of 24" x 36" and must contain the following information, certifications, and/or approvals on the face of said plat:

1. Name of the subdivision.
2. Sketch of the property drawn to scale of 1" = 100' which shows the location of all lot lines, property corners, plat boundaries, permanent control monuments, township and section lines, true point of beginning of description, and existing and proposed roads. In addition all lots shall be numbered, dimensioned, all blocks shown, all bearings indicated, the distance between

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monuments shown, all curve data shown, all roads names, and right-of-way or easement widths indicated.

3. The scale of the sketch and north arrow shall be shown.
4. Mailing addresses for each lot created.
5. A key or legend describing any and all symbols used on the sketch shall be shown.
6. Contain a certificate giving a 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. If the plat includes a dedication, the certification shall also contain the dedication off all street an other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private as shown on the plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.
7. Contain a certification by a registered land surveyor that the plat is a true and correct representation of the lands actually surveyed.
8. Contain a statement of approval from the Garfield County Engineer as to the layout of streets, alleys and other rights-of-way, design of bridges and other dedicated structures.
9. Contain a statement of approval from the Garfield County Environmental Health Officer as to the on-site sewage disposal or sanitary sewage system.
10. Contain a certification from the Garfield County Treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been paid, satisfied or discharged.
11. Contain a statement of approval by the Chairman of the Garfield County Board of Commissioners.
12. Be acknowledged by the persons filing the plat before Garfield County Auditor or authorized assistant and a certificate of said acknowledgement shall be enclosed or annexed to such plat and recorded therewith.
13. Any restrictions, covenants filed with plat. Restrictions, etc. may reference to an assigned Instrument number.

14. Every plat filed for must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate.

15. Contain wording that "Properties within this Subdivision with failing private septic systems shall connect to a public sewer system, if available."

3-09.2 Administrative Review of Final Plats

Every plat submitted for approval will be reviewed prior to action by the Board of Garfield County Commissioners by the Administrator. The Administrator, or authorized assistant, shall review the proposed final plat and be satisfied that the following conditions exist:

1. The final plat meets all standards established by state law and county ordinance relating to final plats.

2. The proposed final plat bears the certificates and statements of approval required by this ordinance and state law.

3. 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 certification.

4. The facilities and improvements required to be provided by the developer have been completed or, that the developer has provided a bond or security in a form and amount acceptable to the Board of County Commissioners and County Engineer and with sureties commensurate with improvements remaining to be completed, securing to the County the construction and installation of the improvements within a fixed time set by the Board.

The Administrator, or his authorized assistant, shall acknowledge receipt of a proposed final plat which meets the above stated requirements and shall forward the original thereof to the Clerk of the Board.

3-09.3 Final Plat-Board Determinations--(Approval or Disapproval)

The Board shall, at it's next public meeting or any continued meeting, determine:

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

2. Whether the bond, if there be one, by it's essential terms assures completing of improvements;

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

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4. Whether the requirements of state law and this ordinance have been satisfied by the developer.

The Board shall thereupon approve or disapprove the proposed final plat. If the Board approved the plat, the developer shall present the original to the County Auditor for filing, who shall, after recording, forward one reproducible copy to the County Engineer and one paper copy to the County Assessor. All filing costs shall be at the developer's expense.

CHAPTER FOUR **SHORT PLAT SUBDIVISION PROCEDURES AND** **REQUIREMENTS**

4-01 APPLICABILITY

Any division of land creating nine (9) or fewer lots, tracts, parcels, sites or subdivisions for the purpose of sale or lease shall process in compliance with Chapters 1, 2, 4, and 5 of this Ordinance. Note that any remaining portion within the land being subdivided shall be considered a lot. Any division of land, even if said division is not part of a short plat, shall have a survey conducted by or under the supervision of a registered land surveyor.

4-02 EXEMPTIONS

Provisions of Chapter 4 of this Ordinance shall not apply to:

1. Cemeteries and other burial plots all used for that purpose;
2. Divisions made by testamentary provisions or the laws of descent;
3. Any long subdivision by definition and developed in accordance to Chapter 3 of this Ordinance.
4. Any division of land in which the smallest lot created by the division will be twenty (20) acres or larger in size;
5. Boundary line adjustments of parcels not in a recorded plat if access is not affected and where no new lot is created thereby or where no new lot is reduced in size below the minimum square footage required by the applicability control;
6. Divisions of land due to the condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;
7. Any division of land for the purpose of leasing sites for a mobile home or travel trailer provided that the subdivider has filed a binding site plan with the County in accordance with the Garfield County Mobile Home Park Ordinance.
8. Divisions of land into lots or tract classified for industrial or commercial use when the governing body of the county has approved a binding site plan for the use of land in accordance with local regulations.

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9. A division made for the purpose of adjusting boundary lines which does not create additional lots, tracts, parcels, sites, or divisions nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

10. A division which is made by subjecting a portion of a parcel or tract of land to Chapter 64.32 RCW if a County has approved a binding site plan for all of such land.

11. Any division made for the purpose of retaining an intact farmhouse parcel for residential purposes of the landowner, provided said parcel is a minimum of five acres.

4-03 RESPONSIBILITY FOR ADMINISTRATION

The County Subdivision Administrator shall serve as the short plat administrator, hereafter referred to as the Administrator, with the responsibility and duty of administering the provisions of this ordinance. The Administrator shall prepare and require the use of such forms as needed essential to the implementation of this ordinance.

4-04 PRELIMINARY PLAT PROCEDURE

4-04.1 PREAPPLICATION CONFERENCE

Refer to preapplication conference in Chapter 3, Section 04. for specific procedure.

4-05 APPLICATION PROCEDURE

The application shall consist of:

1. The completion of an application form supplied by the Administrator;
2. The completion of short plat map;
3. Necessary supporting document; and
4. The payment of application fee.

Twenty (20) copies of the application form, preliminary map, and supporting documents shall be submitted at the time of application. An application lacking sufficient information for review, shall be rejected by the Administrator. Such rejection shall be accompanied by a written statement citing the reason for rejection.

4-05.1 Application Form

The application shall be on a form provided by the Administrator and shall contain the following information:

1. The name, address and telephone number of the subdivider;
2. A certification signed by the subdivider, showing the entire contiguous ownership of land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option by any persons, firms, or corporations in any manner connected with the development listing the names, addresses, and telephone numbers of all such persons, firms or corporations;
3. The existing zone classifications, if any;
4. The source of water supply, if any, and, if a public system is used, the name of the supplier;
5. The method of sewage disposal and, if sanitary sewer is used, then the name of the district having management over the system;
6. A legal description of the property proposed to be subdivided entered in the appropriate location on the public notice form provided.

4-05.2 Plat Map

A reproducible map shall be prepared by a licensed land surveyor at a scale of 1" = 50' with 5' contour intervals and showing the following information: (NOTE: 5' contours will be accepted providing that the topography is accurately represented. If not, and the administrator deems necessary, 2' contour intervals shall be provided.)

1. The scale, north arrow, and proposed subdivision name;
2. The boundary lines, to scale, of the tract to be subdivided and of each lot contained therein; and the entire contiguous ownership;
3. The number assigned to each lot;
4. The square footage computation of each lot or parcel sufficiently accurate to show that the lot or parcel contains the minimum square footing to meet zoning and health requirements;
5. The location, names and width of any easements, existing and proposed roads, streets, existing platted streets, right-of-ways for public services, watercourses, utilities, permanent

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features such as existing structures within and outside lands to be subdivided. Existing structures shall be tied to the proposed property lines to indicate adequate county setbacks.

6. Location and distance of permanent survey control monuments, township and section lines.

7. The boundaries of all lands reserved in the deeds for the common use of the property owners of the short subdivision;

8. A vicinity sketch clearly identifying the location of the property at least 800' in all directions from the land being subdivided, the sketch having a scale of not less than three inches to the mile and indicating property owners of the immediate adjacent property.

4-05.3 Supporting Documents

The following documentation shall accompany each application for approval of a short plat:

1. Copies of restrictions, if any, proposed to be imposed upon the use of land. Such restrictions, if required by the County, must be recorded either prior to or simultaneously with the short subdivision;

2. In any short subdivision where lots are served or to be served by a private street, the subdivider shall furnish copies of such further covenants or documents that will result in:

(a) Each lot owner having access thereto having responsibility for maintenance of any private street contained within the short subdivision, and;

(b) Such covenants or documents shall obligate any seller to give actual notice to any prospective purchaser of the method of maintenance of the private street which notice shall be caused to be included in any deeds or contracts relating to such sale, and such covenants or documents shall be recorded either prior to or simultaneously with the final plat;

3. A plat certificate showing interest of the persons signing the short plat application and showing restrictions encumbering the land from a title company licensed to do business in the State of Washington.

4-05.4 Application Fee

An application fee as set by separate county resolution shall be paid to Garfield County when the preliminary plat and application is presented. Said fee is not refundable and includes the cost of

application, processing, and public works review. The cost to file the approved short plat with the County Auditor, Assessor, etc. shall be the responsibility of the developer.

4-06 POSTING PROPERTY

The property shall be posted on the land proposed to be subdivided in at least 2 conspicuous places designed to attract public awareness. Said posting shall be erected not less than 10 calendar days prior to the scheduled public hearing. Preliminary plat map, public hearing date, and application form with requirements stated in Sections 4-05.1 & 4-05.2 shall be adequate for posting. Posted information shall be able to withstand adverse weather condition.

4-07 REVIEW PROCEDURE

When the Administrator determines that the proposed short plat application contains the required information and data as a basis for it's approval or disapproval, a file number and date of receipt shall be affixed and copies of the short plat application shall be distributed for local review. See Chapter 3 Section 07 for detailed review procedure.

4-08 PRELIMINARY PLAT - APPROVAL/DISAPPROVAL PROCEDURE

The preliminary plat approval/disapproval procedure shall be administered per Chapter 3, Section 09 of this Ordinance.

4-09 FINAL PLAT MAP

4-09.1 Requirements

The final short plat map shall be prepared on reproducible mylar or approved equal having the dimensions of 24" x 36". The map shall contain the following information and certifications:

1. Scale, north arrow, and name of the Short Plat.
2. Sketch of the property drawn to a scale of 1"=50' which shows the location of all lot lines, property corners, plat boundaries, permanent control monuments, true point of beginning of description, and existing or proposed roads labeled whether private or public. In addition all lots shall be numbered and dimensioned, all bearings indicated, the overall distance between monuments shown, all curve data shown, and right-of-way or easement widths shown.
3. A Key or Legend describing any and all symbols used on the sketch.

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4. Mailing addresses for each lot created.
5. Contain a certification giving a 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 desires of the owner or owners. If the plat includes a dedication, the certification shall also contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies, or to any corporation public or private as shown on the plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate shall be signed and acknowledged before notary public by all parties having any interest in the lands subdivided.
6. Contain a certification by a registered land surveyor that the plat is a true and correct representation of the lands actually surveyed.
7. Contain certification from the Garfield County Treasurer that all taxes for the year filed and preceding years have been paid.
8. Contain restriction of the face of the plat which states that it is illegal to further divide the short platted lots described for a period of five (5) years from the date of recording.
9. If the plat included private roads, contain a: "WARNING", Garfield County has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing service to the property described in this short plat.
10. Written Findings. A proposed subdivision and dedication shall not be approved unless the county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body and/or provision for public improvements to serve the subdivision may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements shall be allowed that constitutes an unconstitutional taking of private property.

11. Contain an approval from the Administrator or others.
12. Be acknowledged by the persons filing the plat before the Garfield County Auditor or authorized assistant and a certificate of said acknowledgement.
13. Contain wording that "Properties within this Subdivision with failing private septic systems shall connect to a public sewer system, if available."

4-10 FINAL APPROVAL AND RECORDING

Administrative review and final plat approval shall be administered per Chapter 3, Section 09.2 of this ordinance. All filing costs shall be at the developers expense.

CHAPTER FIVE **ENFORCEMENT, PENALTIES, AND SEVERABILITY**

5-01 ENFORCEMENT

Whenever any parcel of land is divided, unless said division is exempted by this ordinance, into two or more lots, parcels, sites, subdivisions of land, any one of which is less than five (5) acres in size, and any person, firm or corporation or any agent of any of them sells, transfers, offers or advertises for sale or transfer, any such lot, tract, parcel, site, subdivision of division of land without either having secured the Administrator's approval or having a final plat of such subdivisions or short subdivision filed for record, the Prosecuting Attorney shall commence action to restrain and enjoin further subdivision, sales, transfers, or offers of sale, or transfer and compel compliance with all provisions of this ordinance. The costs of such action shall be taxed against the person, firm corporation or agent selling, transferring, offering or advertising the property for sale or transfer.

5-02 DEVELOPMENT OF ILLEGALLY DIVIDED LAND INNOCENT PURCHASER FOR VALUE

An application for a building permit, septic tank and other development permit for any lot, tract, or parcel of land divided in violation of State Law or this ordinance shall not be granted without prior approval of the Board which approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the Board that:

1. The applicant purchased the lot, tract or parcel for value;
2. The applicant did not know, and could not have known by the exercise of care which

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a reasonable purchaser would have used in purchasing the land, that the lot, tract, or parcel divided in violation of State Law or this ordinance;

3. The public interest will not be adversely affected by the issuance of such permit.

5-03 RELIEF FOR AN INNOCENT PURCHASER FOR VALUE

Except as provided in Section 5-02, all purchasers or transferees of illegally divided property shall comply with the provisions of this ordinance and each purchaser or transferee may recover his damages from any person, firm, corporation, or agent selling, or transferring land in violation of this ordinance, including any amount reasonable spent as a result of inability to obtain any development permit and spent to conform to the requirements of this ordinance as well as the cost of investigation, suite and reasonable attorneys fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming to these requirements, rescind the sale or transfer and recover costs of investigation suit and reasonable attorney's fees occasioned thereby.

5-04 VIOLATION -- PENALTY

Any person, firm, corporation or association who violates any provisions of this ordinance relating to the sale, lease, transfer of any lot, tract, or parcel of land, shall be guilty of a misdemeanor punishable by a \$250.00 fine and/or a thirty (30) day jail sentence and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this ordinance shall be deemed a separate and distinct offense.

5-05 UNAPPROVED PLAT OR DIVISION OF LAND -- NOT TO BE FILED

The Auditor shall refuse to accept for filing any regular plat or short plat which does not bear the Board's or Administrator's Certificate of Approval. **Furthermore, the Auditor shall refuse to accept for filing any division of land, any long or short plat which does not contain a sealed survey conducted by or under the supervision of a registered land surveyor.** Should a regular plat or a short plat be filed without such a certificate **or without a sealed survey**, the Prosecuting Attorney shall apply for a Writ of Mandamus on behalf of the Board or Administrator, directing the Auditor to remove the unapproved plat or division from the Auditor's files.

5-06 SEVERABILITY

If any provision of the ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that this ordinance would have been enacted without the provision so held unconstitutional or invalid and the remainder of this ordinance shall not be affected as a result of said part being held unconstitutional or invalid.

5-07 REPEALER

In the case of a conflict between any section, clause or phrase of this ordinance and a section, clause or phrase of any other previously adopted resolution, ordinance, or regulation, this ordinance shall take precedence.

5-08 EFFECTIVE DATE


This ordinance shall come into full force and effect on October 6, 2008.

Adopted this 6th day of October, 2008.

GARFIELD COUNTY BOARD OF COMMISSIONERS


Chairman - Steven R. Ledgerwood


Dean D. Burton


Virgil H. Klaveano, Jr.

ATTEST:  Donna J. Deal
Garfield County Auditor, Ex-Officio/Clerk of the Board