

Short Subdivision Ordinance Update Advisory Committee

Meeting #4: Wednesday, January 13, 2010

Department of Building & Planning Conference Room (1st Floor)
207 Forth Avenue North, Kelso, WA 98626
3:00 pm – 4:50 pm

AGENDA

Time	Item
3:00	Sign In / Approve Minutes from previous meeting
3:10	18.34.060 Applications (finish from previous meeting)
3:30	18.34.070 General Standards
4:40	Public Comments/Next Steps
4:50	Adjourn

Handouts

- 18.34.060 Applications, with proposed additions and deletions
- 18.34.070 General Standards, with proposed additions and deletions

Next Meeting: Wednesday, February 10, 2010

Short Subdivision Ordinance Update Advisory Committee

Meeting #3: Wednesday, December 9, 2009

Cowlitz County General Meeting Room
207 Forth Avenue North, Kelso, WA 98626
3:30 pm – 5:00 pm

Unapproved Abbreviated Minutes

Informal Review

- The overall consensus was to keep the informal review still informal in nature; however, there should be some latitude.
- Staff should be specific on what they want (as far as materials to be submitted), and what the applicant will receive in return for coming in for the informal review
- Staff should state that the informal review is for “informational purposes only” and is not 100% conclusive, as it is based off of the information at hand.
- Informal review language – “The applicants’ proposal should include a map and a project description. Based on the information provided by the applicant, The Department will provide the applicant relevant information about any deficiencies on the project site. The result of the meeting will not be conclusive, as additional information may be needed.

Application

- Change out “Administrator” with “Director”
- Section B-3 - Certification – Change out “showing” with “identify all,” and remove “the entire” and add “parcels under” after contiguous.
- Section B-4 – remove “area is unzoned,” and replace it with “applicable.”
- Section B-9 (a-d) – should be moved under section B-7, as the preliminary supporting documents should be integrated with the preliminary application.
- Strike out “legal description of the parcel(s) being divided together with the legal description of private roads and easements therein” and replace with “most recent deed”
- Add critical areas line
- Section B-13-f – add “critical areas, shorelines and site topography”
- Section C should be stricken and moved to 18.34.150 (Final approval and recording).
- Committee had a great deal of discussion on maps and map sizes, and should an 18” x 24” map be required at the time of application. Would this put an undue burden on the applicant, prior to knowing if the project would be approved
- Committee also wondered how much of the application materials could be submitted electronically to help with application referrals and facilitate faster subdivision review times

Next Meeting

- It was discussed that the next meeting should be held on Wednesday, January 13th, 2010, from 3-5 pm.

1 **18.34.060 Application.**

2 A. Procedure. Any person seeking to divide land in the unincorporated area of Cowlitz
3 County pursuant to this chapter, shall submit an application for preliminary short
4 subdivision approval to the ~~Administrator~~ Director together with all required fees. Fees
5 and charges for processing applications, revisions, appeals, variances, plat approvals,
6 checking plans and specifications, recording documents, and other administrative
7 actions under this chapter, shall be as from time to time established by resolution by the
8 Board or at the discretion of the Director.

9 B. Preliminary Application. The preliminary application shall be on a form provided by the
10 ~~Administrator~~ Director and shall contain the following information:

- 11 1. The name, address and telephone number of the owner;
- 12 2. The name, address and telephone number of the developer if different from owner;
- 13 3. A certification by the owner ~~showing~~ identifying all the entire contiguous parcels
14 under common ownership of land in which there is an interest by reason of
15 ownership, contract of purchase, earnest money agreement or option by any person,
16 firm or corporation in any manner connected with the development, and the names
17 and addresses and telephone numbers of all such persons, firms or corporations;
- 18 4. The existing zoning classifications, or Comprehensive Plan classification if applicable
19 ~~area is unzoned~~;
- 20 5. The proposed method of providing a potable water supply, and, if a public system is
21 used, the name of the supplier;
- 22 6. The proposed method of sewage disposal, and if sanitary sewer is used, the name of
23 the district or purveyor having management over the system;
- 24 7. Signature of owner(s) and developer(s);
- 25 8. A copy of the most recent deed
- 26 9. Map(s) showing the boundary line of the original tract and of common parcels (for
27 example, an Assessor's map).
- 28 10. Copies of restrictions, if any, proposed to be imposed upon the use of the land. Such
29 restrictions, if required by the county, must be recorded either prior to or
30 simultaneously with the moment the short plat becomes effective,
- 31 11. A copy of the short subdivision environmental checklist.
- 32 12. If there are any critical areas identified on the site, as defined in CCC 19.15, the
33 applicant shall consult with the Department,
- 34 13. A preliminary map shall accompany the application prepared on a sheet of paper
35 having dimensions of eight and one half inches by 14 inches and containing the
36 following information:
 - 37 a. The date, scale and north arrow; the scale to be one inch equals 100 feet or one
38 inch equals 200 feet or other scale as approved,
 - 39 b. The distances of the boundary lines, to scale, of the tract to be subdivided and
40 each lot contained therein,
 - 41 c. The number assigned to each lot,
 - 42 d. The location, names, widths and Auditor's file number of any existing easements,
43 existing and proposed roads, existing and proposed rights-of-way for public
44 services or utilities within the area contained within the short subdivision, and
45 within 100 feet thereof, and location of the nearest county road, if there is not a
46 county road within 100 feet,
 - 47 e. The boundaries of all lands reserved in the deeds for the common uses of the
48 property owners of the short subdivision,
 - 49 f. The location of permanent and topographic features, which will have an impact
50 upon the short subdivision, such as all existing or platted streets adjacent to the
51 short subdivision, critical areas, shorelines, watercourses, site topography,
52 railroad rights-of-way, all utility rights-of-way, township lines and section lines;
- 53 14. Preliminary Supporting Documents. The following documentation shall accompany
54 each application for approval of a short plat:

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- 55 a. ~~Legal description of the parcel(s) being divided together with the legal description~~
56 ~~of private roads and easements therein;~~
57 b. ~~A vicinity sketch clearly identifying the location of the property being short~~
58 ~~subdivided;~~
59 c. ~~Map(s) showing the boundary line of the original tract and of contiguous common~~
60 ~~parcels (for example, an Assessor's map);~~
61 d. ~~Copies of restrictions, if any, proposed to be imposed upon the use of the land.~~
62 ~~Such restrictions, if required by the county, must be recorded either prior to or~~
63 ~~simultaneously with the moment the short plat becomes effective.~~

64 C. ~~Final Short Plat. The final plat shall be in black on a sheet of mylar having dimensions of~~
65 ~~18 inches by 24 inches. Forms for this shall be available through the Department. The~~
66 ~~plat shall contain, but not be limited to the following:~~

- 67 1. ~~Date, scale, north arrow, point of beginning and basis of bearing;~~
68 2. ~~The bearings and distances of the boundary lines drawn to scale, of the tract to be~~
69 ~~short subdivided, and of each lot contained therein;~~
70 3. ~~Lot number and area of each lot;~~
71 4. ~~Location, name, width, and nature of existing and proposed roads, rights of way,~~
72 ~~easements and the access to a public road; private roads shall be labeled as "private~~
73 ~~road and utility easements";~~
74 5. ~~Signature block for the Administrator, Engineer, Treasurer, Health Officer, and~~
75 ~~Board;~~
76 6. ~~The face of any short plat containing a private road shall bear the following language:~~

77
78 ~~WARNING, Cowlitz County has no~~
79 ~~responsibility to build, improve, maintain, or~~
80 ~~otherwise service the private roads~~
81 ~~contained within or providing service to the~~
82 ~~property described in this short plat.~~

83
84 7. ~~The face of all short plats shall bear the following statement:~~

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86 ~~(1) Land within this short subdivision shall~~
87 ~~not be further divided for a period of five~~
88 ~~years unless a final plat is filed pursuant to~~
89 ~~Cowlitz County Subdivision Code and RCW~~
90 ~~58.17;~~

91
92 ~~(2) The approval of this short subdivision~~
93 ~~does not guarantee the issuance of any~~
94 ~~other permits.~~

95
96 8. ~~When surveyed and prepared by a surveyor, the short plat shall be signed and~~
97 ~~sealed by a registered land surveyor, and shall contain the following:~~

98
99 ~~SURVEYOR'S CERTIFICATE: This map~~
100 ~~correctly represents a survey made by me~~
101 ~~or under my direction in conformance with~~
102 ~~the requirements of the Survey Recording~~
103 ~~Act 58.09 RCW at the request of~~
104 ~~_____ in _____, 20_____.~~
105 ~~(Signed and sealed) _____~~

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107 9. ~~Auditor's certificate, as follows:~~

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109 ~~AUDITOR'S CERTIFICATE:~~

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Filed for record this ____ day of _____,
20____, at ____ M., in book _____, of _____,
at page _____, at the request of
_____.

Signed _____
County Auditor

(Signed) _____
Deputy

10. Signatures, which are certified by a notary public, of all individuals having an interest in the property.

D. Final Supporting Documents. The following documents shall accompany each final short plat submitted:

1. Legal descriptions of the property being short subdivided, of each proposed lot, and of all common areas;
2. Legal descriptions of private roads and easements contained within or servicing the short subdivision;
3. A current title report prepared by a title company;
4. When contiguous common parcels and/or original tract parcels exist, a description(s) of such parcel(s).

E. Appendix A-1. Declaration of covenant requiring construction maintenance of short plat approved private road, and dedication to the county when required, as provided in CCC 18.34.070:

Declaration of Covenant

In consideration of the approval by Cowlitz County of short plat No. _____, which said plat creates (a lot) (lots) described as follows:

(Insert legal description)
the undersigned covenants and agrees that:

Any owner or subsequent purchaser of this lot(s) shall bear the responsibility for (an equal) (____) percentage of the financing, construction and maintenance of such private road contained within the above referenced short plat. In the event such private road is improved to Cowlitz County standards for public streets and the County is willing to accept the dedication of such road, each lot owner shall execute any documents necessary to accomplish such dedication. Owners of lots within the above referenced short plat, who are served by such private road, may sue and recover from any owner of any lot within the short plat which is similarly served who refuses to participate in the road construction, financing and maintenance. Such owners who refuse to share the costs under the percentage set forth above shall be liable for any damages resulting

164 from such refusal, plus costs of suit and
165 reasonable attorneys fees.

166 _____
167 Owner

168 _____
169 Owner

170 _____
171 Notary

172
173 F. ~~Appendix A-2. Notarized purchasers' acknowledgement of private road construction~~
174 ~~maintenance responsibilities set forth in subsection C of this section as provided by CCC~~
175 ~~18.34.070:~~

176
177 Purchasers' acknowledgement of private road
178 construction and maintenance responsibility.

179
180 (I) (We) have read the foregoing Declaration of
181 Covenant which appears on the same or
182 preceding page on which this statement
183 appears. (I) (We) understand that this
184 Declaration of Covenant requires me to provide
185 percent of the financing, construction, and
186 maintenance of any private road serving the lot
187 which I am purchasing, and that owners of
188 other lots in this short plat may sue and recover
189 for those costs which this covenant requires me
190 to pay, plus their damages resulting from my
191 refusal to contribute, plus reasonable attorneys
192 fees.

193
194 Further, (I) (We) understand that by
195 acknowledging this road construction and
196 maintenance requirement that I may be denied
197 innocent purchaser rights as provided in RCW
198 58.17.210 for the purpose of obtaining any
199 building permit, septic tank permit or other
200 development authorization for this property.

201 _____
202 Purchaser

203 _____
204 Purchaser

205 _____
206 Notary

207
208 [Ord. 82-022, § 11, 1-25-82; Ord. 80-329, § 9, 9-29-80; Ord. 80-146, § 7, 5-6-80, Appendices A-
209 and A-2.]

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211
212 T:__PLANNING FILE\Short Subdivision Update 2009\CCC 18.34.060 Application.doc

1 **18.34.070 General standards.**

2 A. The following standards shall be applicable to all short subdivisions:

- 3 1. Lot Size. The minimum size of any lot within a short subdivision located in an area
4 that is districted pursuant to the Cowlitz County Zoning Code, shall conform to the
5 minimum lot size specified in the Zoning Code, or such larger size as specified by
6 state health regulations. In undistricted undistricted areas of the county where the
7 Zoning Code does not apply, the minimum lot size within a short subdivision shall be
8 either as designated by the County Comprehensive Plan for that area or of such size
9 as is required to meet state water and sewage disposal standards, whichever is
10 greater. In all areas of the County, new lots using on-site septic systems must meet
11 the minimum lot size requirements established by Table X of WAC 246-272A-0320
12 (or hereafter amended).
13 2. Easements. Easements shall be provided where necessary for may be required for,
14 but not limited to road, utility installation and maintenance, public access, drainage,
15 and buffer strip or protective easements. Dedications of easements on the face of
16 the plat are only allowed for and between the lots within the boundaries of a short
17 subdivision, and are subject to the appropriate dedication language shown on the
18 face of the final plat. Easements involving properties outside the boundaries of a
19 short subdivision shall be recorded separately prior to final plat approval, and the
20 appropriate AFN numbers identified on the face of the final plat.
21 3. Septic Suitability. Each Lot within a short subdivision not served by public sewer
22 shall demonstrate the capability to support an on-site septic system and reserve
23 area.
24 a. New Lots: All soil tests for new lots shall be conducted by a wastewater designer
25 or a professional engineer licensed in the state of Washington, and meets the
26 requirements of WAC 246-272A and ~~RCW 246-272A~~ (or hereafter amended). Soils
27 tests shall be submitted to the Cowlitz County Environmental Health Unit for
28 verification.
29 b. Existing Lot: Any existing septic system will need to meet the requirements for
30 reconnection/verification of an existing system per ~~RCW 246-272A~~. This may
31 include tank pumping/replacement, soils test review, and designation of a
32 reserve area. Current O &M Inspection? Rather than
33 connection/reconnection/verification?
34 4. Water Availability. Each lot within a short subdivision shall be required to
35 demonstrate sufficient availability of potable water.
36 a. The applicant shall obtain a Certificate of Water Availability from the Cowlitz
37 County Environmental Health Unit for each lot demonstrating the availability of
38 potable water.
39 b. Any easements, shared well agreements, or restrictive covenants shall be
40 recorded prior to final plat approval and identified on the face of the final plat.
41 PLAT NOTE HERE? OR IN FINAL PLAT SECTION?
42 5. ~~Overall Plan. A generalized plan for the entire ownership shall be required to show~~
43 ~~that the road pattern and general arrangement for the short subdivisions can be~~
44 ~~coordinated with the entire tract when fully developed. Available topographic~~
45 ~~information may be required. A new topographic survey shall not be required.~~
46 ~~(Topographic surveys may be required moved to application section)~~
47 6. ~~Where property is short subdivided, the lots, tracts and/or roads shall be designed to~~
48 ~~permit later resubdivision in conformity with zoning, access, division, lot or tract~~
49 ~~standards.~~
50 7. Surveys.
51 a. Surveys shall be required for all short subdivisions. ~~unless waived by the~~
52 ~~Administrator. The Administrator may grant a waiver of the survey requirement if~~
53 ~~he/she finds at least two of the following conditions exist: All surveys shall be~~
54 ~~done by a professional land surveyor licensed in the State of Washington. All~~
55 ~~surveys are required to comply with RCW 58.09 (or hereafter amended) and~~

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56 meet the minimum standards as set forth in WAC 332-130 (or hereafter
57 amended).

58 i. ~~The short plat contains no more than two lots and is not a further division of a~~
59 ~~previously recorded unsurveyed parcel.~~

60 ii. ~~All lots located in the short plat are a minimum of one acre in size.~~

61 iii. ~~The estimated cost to survey the property, including necessary ties, would~~
62 ~~exceed 10 percent of the valuation of the property as listed for sale, or as on~~
63 ~~file with the records of the Cowlitz County Assessor, whichever is greater.~~
64 ~~Estimates must be obtained from two firms. Each estimate must be in writing~~
65 ~~and be prepared by a land surveyor registered in the State of Washington.~~

66 b. Monuments and Markers. If the property has been surveyed, all permanent
67 monuments within the short subdivision shall be located and described, and all
68 controlling corners on the boundaries of the short subdivision shall be
69 monumented. All markers set shall be marked with the land surveyor's
70 registration number. All monuments and markers shall be shown on the face of
71 the final short plat.

72 ~~8. Difficult development land shall not be divided unless acceptable plans are provided~~
73 ~~by the subdivider for overcoming any harmful features within 90 calendar days~~
74 ~~following the original submission. Reasonable conditions may be applied to short~~
75 ~~subdivision approval to minimize harmful environmental conditions pertinent to the~~
76 ~~property. (*Difficult development moved to application section and switched to critical*~~
77 ~~*areas.*)~~

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78 ~~9. Access. Each lot within a short subdivision shall be provided with satisfactory access~~
79 ~~by means of a public or private right-of-way connecting to an existing and developed~~
80 ~~public street, or by some other legally sufficient right-of-access, inseparable from the~~
81 ~~lot to be served; provided, that private roads shall not be allowed in areas that are~~
82 ~~classified as urban or suburban by the Cowlitz County Comprehensive Plan or the~~
83 ~~Zoning Code.~~

84 ~~a. Private roads shall not be allowed in areas that are classified as urban or~~
85 ~~suburban by the Cowlitz County Comprehensive Plan or the Zoning Code. All~~
86 ~~new lots in these areas are required to physically front on a publicly maintained~~
87 ~~County or City roadway for a minimum of 25 feet.~~

88 ~~b. All new and existing private roads serving lots within the short subdivision shall~~
89 ~~meet the requirements of CCC 11.36, the Cowlitz County Private Road~~
90 ~~Ordinance.~~

91 ~~c. New driveways may be required to be installed prior to final plat approval.~~

92 ~~10. Lot Width. The minimum lot width shall be as set forth in the County Zoning Code for~~
93 ~~those zoned portions of the county. All short subdivisions locating in unzoned areas~~
94 ~~of the county shall be consistent with the lot widths recommended in the County~~
95 ~~Comprehensive Plan or required by health regulations, whichever is greater.~~

96 ~~11. All short subdivisions shall comply with the minimum requirements of the Washington~~
97 ~~State Uniform International Fire Code, as adopted or amended by the Board.~~

98 B. Standards applicable to all short subdivision private roads are as follows:

99 1. Any right-of-way or road surface not open to general public use shall be retained as
100 a privately owned and privately maintained road.

101 2. Privately owned roads shall be open for necessary public use.

102 3. Private road right-of-way widths and improvements shall meet county standards, as
103 adopted or amended by the Board.

104 4. In any short subdivision where lots are served or to be served by a private road, the
105 subdivider shall furnish copies of covenants, which shall run with the land, as set
106 forth in CCC 18.34.060(E).

107 5. The seller of any property encumbered by the covenant set forth in CCC
108 18.34.060(E) shall obtain from the purchaser, and record with the Cowlitz County
109 Auditor and with the Department, the purchaser's acknowledgement of private road
110 construction and maintenance responsibility, as set forth in CCC 18.34.060(F).

- 111 C. Standards applicable to all short subdivisions along public roads are as follows:
112 1. Dedication or deeding or granting of an easement to the county of such right-of-way
113 as may be consistent with adopted county standards, or as amended, for public
114 roads, or a portion thereof, shall be required within or along the boundaries of the
115 short plat of any lot(s) within, under the following circumstances:
116 a. Where the six-year capital improvement plan indicates the necessity of a new
117 right-of-way or portion thereof for road purposes;
118 b. When there is less than the standard right-of-way from the centerline of the road
119 to the property line;
120 c. Where necessary to extend or complete the existing road;
121 d. When necessary to develop better traffic circulation in the community or
122 neighborhood.
123 2. Public road improvements, consistent with adopted county standards and
124 specifications for public roads/streets, shall be required when new public right-of-way
125 is deeded or dedicated.
126 3. Public roads right-of-way widths and improvements shall be consistent with adopted
127 county road standards and specifications. [Ord. 96-012, § 1, 1-29-96; Ord. 82-022,
128 §§ 12, 13, 14, 1-25-82; Ord. 80-329, § 8, 9-29-80; Ord. 80-146, § 8,5-6-80.]
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