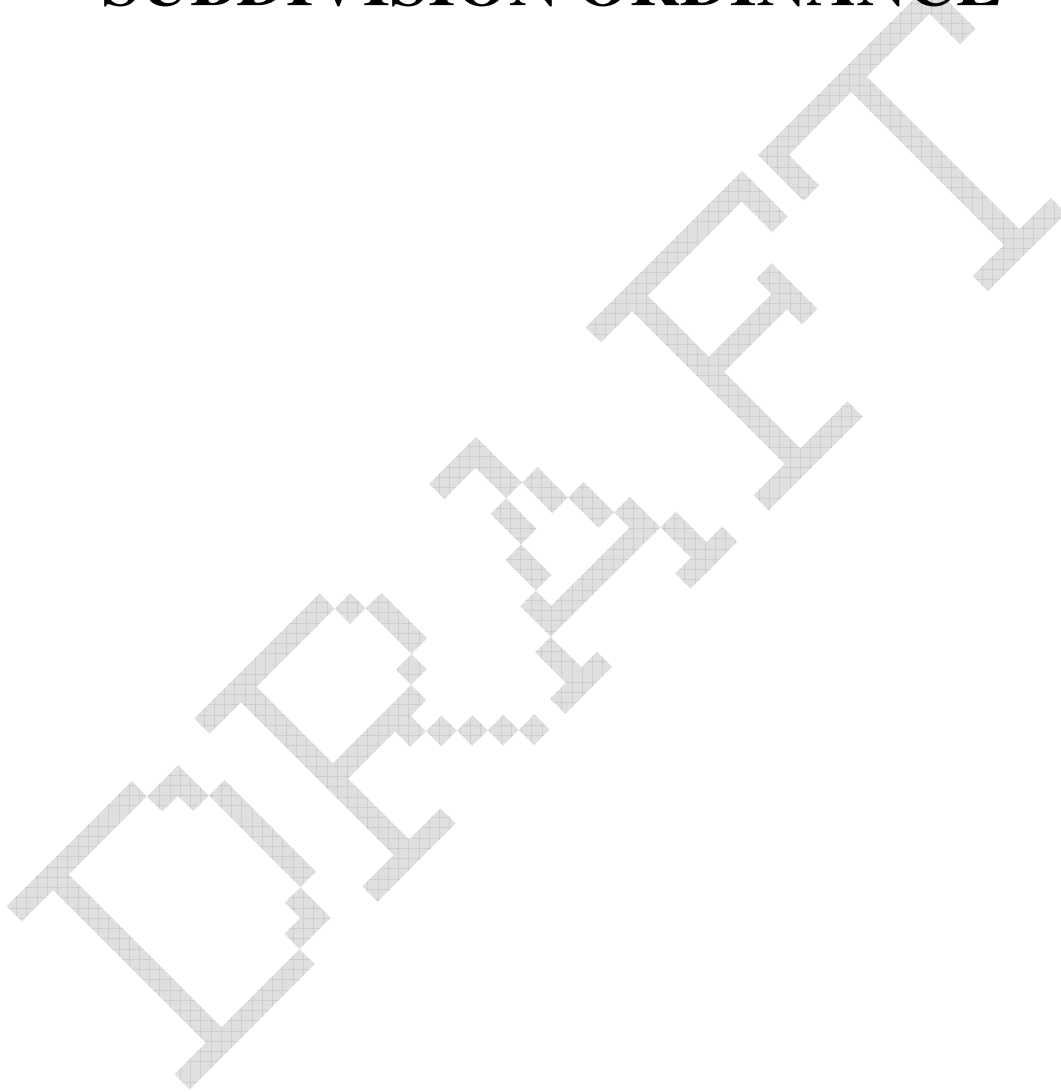


**TITLE 18
ASOTIN COUNTY
SUBDIVISION ORDINANCE**



ADOPTED _____ 2010

Title 18

Asotin County

Subdivision Ordinance

 1 of 2010

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CHAPTER 18.01 DEFINITIONS

18.01.010 Purpose.

The purpose of the definitions provided below is to define those words and terms that have a specialized meaning and/or may be used in an unfamiliar way for the purposes of this Title. In addition, the following definitions, where deemed necessary, include examples or clarifications that will assist in the understanding of the terms and in the application and enforcement of the subdivision code. The following definitions shall pertain to the regulations, processes, and standards contained within this Title only. Definitions found in other adopted Titles, ordinances, resolutions, codes, and/or regulations shall be subordinate in meaning to the definitions contained herein in applying the provisions of this Title.

18.01.020 Definitions.

For the purposes of this Title, certain words are defined as follows: Words in the present tense include the future tense; words in the singular shall include the plural; the word “shall” is mandatory; the word “should” indicates that which is recommended but not required; and the word “may” is permissive. All words in this Title shall have their plain and ordinary meaning unless otherwise defined herein below:

“Adjacent Landowner” means the owners of real property, as shown by the records of the County Assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property that is proposed to be subdivided owns another parcel or parcels of real property that 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.

“Administrator” means the Asotin County Planning Director or designee who shall be responsible for the administration of the Subdivision Code.

“Applicant” means the owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

“Binding Site Plan” means a drawing to a scale specified by this ordinance which: (a) 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 Asotin County; and (c) contains provisions making any development be in conformity with the site plan.

“Blocks” means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or boundary lines of municipalities.

“Board” (see “County Commissioners”).

“Bonds” means 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.

“Building Site” means 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.

“Comprehensive Plan” means the comprehensive plan of Asotin County including all adopted sub-area plans as may be amended.

“Contiguous Real Property” means 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, were purchased at different times, lie in different sections or different government lots, or are separated from each other by private road or rights of way.

“County Auditor” means the county auditor for Asotin County.

“County Commissioners or Board” means the County Commissioners of Asotin County.

“County Engineer” means the county engineer for Asotin County.

“County Treasurer” means the county treasurer for Asotin County.

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the board of county commissioners of Asotin County.

“Division of Land” means any conveyance, not otherwise exempt or provided for in this ordinance that 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.

“Draft Environmental Impact Statement” means the environmental impact statement prepared by the applicant, or consultant hired by the applicant, that meets all the requirements of chapter 43.21C RCW, as it now exists or is hereafter amended, and chapter 17.17 of the Asotin County Zoning Code, as determined by the Responsible Official.

“Easement” means a grant by a property owner to a person or persons, government agency, or private utility company to use public or private land owned by another for a specific purpose.

“Environmental Checklist” means a checklist prepared by the developer on the forms provided by the Administrator that allows the SEPA Administrator to determine the environmental significance of the proposal.

“Final Environmental Impact Statement” means the statement provided by the applicant and approved by the Administrator in accordance with chapter 43.21C RCW, as it now exists or is hereafter amended.

“Final Long/Short Plat” means the final drawing of the long/short subdivision and dedication prepared for filing for record with the Asotin County Auditor, and containing all elements and requirements set forth in this ordinance or state law.

“Improvement” means any structure or work constructed including, but not limited to roads, storm drainage systems, ditches and dikes, sanitary sewage facilities, or mainline storm drainage containment facilities.

“Land Surveyor” means 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.

“Long Subdivision” (see Subdivision).

“Lot” means 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 zoning requirements for width and area. The term shall include tracts or parcels.

“Ownership Interest” means having property rights whose interests control the disposition of property.

“Person” means 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.

“Planning Agency” means the Planning Department of Asotin County.

“Planning Commission” means the Asotin County Planning Commission.

“Plat” means a map or representation of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys, or other divisions and dedications.

“Preliminary Plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of the subdivision.

“Private Street or Road” means local access roads that are privately owned and maintained by legally responsible owners. Private roads can serve from two to four single-family dwelling lots of five acres or larger in size, or may serve up to eight parcels of property with an additional approved means of ingress/egress.

“Re-Division or Re-Plat” means to divide a lot, tract, parcel, or site that has previously been divided for the purpose of sale, lease, or transfer.

“Right of Way” means a strip of land occupied or intended to be occupied by certain transportation and public use facilities, such as roadways, railroads, and utility lines.

“Road” means the improved and maintained portion of a right of way that provides vehicular circulation or the principle means of access to abutting properties.

“Short plat” means the map or representation of a short subdivision.

“Short Subdivision” means the division or re-division of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

“The State Environmental Policy Act (SEPA)” means the environmental requirements of the state to consider environmental factors when making permit decisions for development proposals of a significant scale. (see Asotin County Zoning Code, chapter 17.17, State Environmental Policy Act).

“Subdivider” means any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

“Subdivision” means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

CHAPTER 18.02 GENERAL PROVISIONS

18.02.010 Purpose

This chapter establishes regulations and requirements for the subdivision, short subdivision, and binding site plan, fixing standards for design and construction of streets and alleyways and the installation of public utilities.

18.02.020 Responsibility for Administration.

The Planning Director shall serve as the subdivision, short subdivision and binding site plan 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.

18.02.030 Subdivision Design.

The design of subdivisions, short subdivision and binding site plans shall conform with the requirements of any official control relating to land use, which may be adopted to implement the Asotin County Comprehensive Plan or any element thereof, or any other official plan; PROVIDED, That in the event of a discrepancy among standards and requirements, the responsible department may exercise professional judgment 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 that may warrant protection of the public interest.

1. Lot and Plat Access Requirements. Lots within a subdivision, short subdivision, and binding site plan shall be designed so 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 the property. If so, the Administrator may permit direct access.

Access to the boundary of all subdivisions, short subdivision, and binding site plan shall be provided by an opened, constructed, and maintained city or county street as defined by the Asotin County Road Standards. Lot access to private roads may be allowed in rural areas only with approval by the Asotin County Engineer.

2. Additional Building Setbacks When Required. Where the Comprehensive Plan indicates the necessity of a portion of right of way for a street that is not included in the six-year capital improvement plan, the Administrator may require a plat restriction that imposes a sufficient building set back to guarantee that future right of way expansion could be accomplished. Such a required set back shall be

based on a County Engineer estimate consistent with adopted County standards and plans for public streets and roads.

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 County standards for public streets and roads.

18.02.040 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 fact of any subdivision, short subdivision, and binding site plan containing a private road shall bear the following language: "WARNING: Asotin County has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or provide service to the property described in this plat."

Privately owned roads shall be designed to conform to applicable Asotin County Road Standards as set by separate county ordinance. Roads shall be constructed or have a performance surety prior to plat approval.

18.02.050 Dedications.

1. 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. Public Right of Way. Dedication or deeding to the County of right of ways shall be consistent with adopted county standards for public streets, or a portion thereof, shall be required within or along the boundaries of the subdivision, short subdivision, or binding site plan or of any lot 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 purposes;
 - b. Where there is less than thirty feet of right of way from the centerline of the road to the property line;
 - c. Where necessary to extend or to complete the existing neighborhood's street;
or
 - d. Where necessary to provide future access to more than two lots except when allowed to be served by a private road within the rural areas.

3. Access to Public Waters. Plats of subdivisions, short subdivision, and binding site plan 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, if any, shall be established as per the Asotin County Shorelines Master Program or any applicable state law.
4. Dedicated Improvements. All roads, bridges, drains, culverts and related structures and facilities that are dedicated shall be designed by a professional 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 applicable County Standards and/or Department of Transportation specifications.

18.02.060 Improvements.

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. Improvement - When Required. Public street improvements, consistent with adopted County standards and specifications for public streets, may 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 un-maintained County right of way to County standard for public streets, when such right of way abuts the land for which plat approval is sought.
3. Improvement Standards. Public street improvements shall be consistent with adopted county road standards.
4. Improvement - General.
 - a. Environmentally Sensitive Areas. If any portion of the land within the boundaries shown on a preliminary or final plat 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 applicable Critical Areas Ordinance, or an updated version thereof, 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.

- b. 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, in conformity with Asotin County stormwater requirements, as well as state and federal requirements.
 - i. 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.
 - ii. In accordance with the “Stormwater Management Manual” for Eastern Washington (or Ecology approved equivalent), as amended and other applicable state, federal and local ordinances, policies and standards.
- c. 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 the Fire Chief of the local fire district. Subdivisions, short subdivisions, and binding site plans in more densely populated areas shall provide fire hydrants of adequate capacity and spacing to provide for fire protection as defined by county ordinance and International Fire Code.
- d. 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.
- e. Sanitary Sewer Pipe Installations. Asotin County may condition the approval of any plat upon the developer's installation of sanitary sewer connections as per Asotin County PUD Sewer Administrative Standards and pipes properly constructed according to PUD Standards.
- f. Grading. On-site grading shall be in conformance with the Asotin County stormwater requirements, as well as state and federal requirements. If on-site grading ceases for a period longer than 90 days the applicant shall apply erosion and dust control measures as prescribed by the administrator.

18.02.070 Survey Standards.

A survey conducted by or under the supervision of a registered land surveyor shall be made of every subdivision, short subdivision and binding site plan filed for approval in Asotin County. The surveyor shall certify on the subdivision, short subdivision or binding site plan 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 RCW 58.17.250 and chapter 332-130 WAC, as they now exist or are hereafter amended.

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 monuments if located within a dedicated road right of way, or one-half by thirty inch driven steel pins encased in six 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 one-half by thirty inch driven steel pins.

18.02.080 Alteration of Final Plats.

When any person is interested in the alteration of any subdivision with the county or the altering of any portion thereof, except as provided in 58.17.040(6) RCW, that person shall submit an application to the Asotin County planning department.

The applicant shall be in conformance with requirements established in 58.17.215, 58.17.218, and 58.17.225 RCW.

CHAPTER 18.03

SUBDIVISION PROCEDURES AND REQUIREMENTS

18.03.010 Applicability.

Any division of land creating five or more lots, tracts, parcels, or divisions of land, shall proceed in compliance with chapters 1, 2, 3, and 7 of this Ordinance. Note that any remaining portion within the land being subdivided shall be considered a lot.

18.03.020 Exemptions.

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

1. Any cemetery or burial plots while used for that purpose;
2. Any division in which the smallest lot created by the division exceeds eighty acres 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 18.04 of this Ordinance;
5. 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 chapter 18.05 of this Title and chapter 17.010 Establishment and Development of Mobile Home Parks and chapter 17.11 Recreational Vehicle Parks of the Asotin County Zoning Code;
6. Any binding site plan by definition and developed in accordance with chapter 18.05 of this Ordinance;
7. A division made by subjecting a portion of a parcel or tract of land to chapter 64.32 RCW, as it now exists or is hereafter amended, if a County has approved a binding site plan for all of such land; and
8. 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.

18.03.030 Pre-Application Conference.

The purpose of the pre-application conference phase is to share information between the (applicant/subdivider) and the County.

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 land use requirements, including but not limited to, stormwater, zoning, road standards or critical areas

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.

To facilitate the goals of the pre-application 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-pre-application conference to present a general outline of the proposal, which shall include, but not be limited to:
 - a. Sketch plans and ideas regarding land use, street and lot arrangement, and tentative lot sizes; and
 - 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 provide advice on procedural steps, design and improvement standards, and general plat requirements the County may impose on the development. Then, depending on the scope of the development, the County will proceed with the following actions:
 - a. Determine if SEPA, Shorelines Management Act, or other 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 substandard 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 notified of work necessary to eliminate substandard conditions to comply with county standards. Substandard conditions shall be determined by the planner, engineer, and building official as set in separate county ordinances;
 - c. Check conformity with the objective and policies of the comprehensive plan; and
 - d. Advise the subdivider of the results of these actions, and offer guidance as to any further actions that should be taken.

18.03.040 Application Requirements.

All applications for preliminary plat approval shall be accompanied by applicable fees and include the following. In addition to the following requirements, the administrator may require additional information as identified during the pre-application conference.

Twenty copies of the application form, preliminary map, and supporting documents

shall be submitted at the time of application. Applications 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. Application. An application shall include the following information.
 - a. The completion of an application form supplied by the Administrator;
 - b. The completion of long plat map,
 - c. The completion of other applicable permits;
 - d. Necessary supporting documents; and
 - e. The payment of all application fees.
2. Application Form. The application shall be on a form provided by the Administrator and shall contain the following information:
 - a. The name, address, and telephone number of the subdivider;
 - b. A certification signed by the subdivider, showing all abutting property owners and property owners within three hundred feet of any portion of the boundary of the proposed subdivision and/or 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;
 - c. The existing zone classifications, if any;
 - d. The source of water supply, and if a public system is used, the name of the supplier;
 - e. 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 Asotin 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; and
 - f. A legal description of the property proposed to be subdivided entered in the appropriate location on the public notice form provided.
3. Completed SEPA Checklist. The developer shall submit the application fee and the environmental checklist to the Administrator. The environmental assessment checklist fee shall be charged separate from the regular plat fee. Checklist fee is set by separate county resolution. In accordance with Chapter 17.17 of the Zoning Ordinance.

4. Plat Map. A reproducible map shall be prepared by a licensed land surveyor at a scale of one inch equals one hundred feet with five foot contour intervals and showing the following information:

(NOTE: five foot contours will be accepted providing that the topography is accurately represented. If not, and if the Administrator deems necessary, two foot contour intervals shall be provided.)

- a. The scale, north arrow, and proposed subdivision name;
 - b. The boundary lines, to scale, of the tract to be subdivided and of each lot contained therein, and the entire contiguous ownership;
 - c. The number assigned to each lot;
 - d. 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;
 - e. The location, names, and width of any easements, existing and proposed roads, streets, existing platted streets, right of ways for public services, watercourses, utilities, and 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;
 - f. The location and distance of permanent survey control monuments, township, and section lines;
 - g. The boundaries of all lands reserved in the deeds for the common use of the property owners of the subdivision; and
 - h. A vicinity sketch clearly identifying the location of the property at least eight hundred feet in all directions from the land being subdivided with the sketch having a scale of not less than three inches to the mile and indicating property owners of the immediate adjacent property.
 - i. Any proposed improvement plans required by the Administrator. Plans include, but are not limited to: road and stormwater design by a licensed Professional Engineer.
5. Supporting Documents. The following documentation shall accompany each application for approval of a long plat:
 - a. 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; and
 - b. 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.

6. Application Fee. An application fee as set by separate county resolution shall be paid to Asotin 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.

18.03.050 Complete Application, County Review

When the Administrator determines that the proposed plat application, as filed, contains the required information and data as a basis for its 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 governmental agencies for review:

- County Health Officer;
- County Engineer;
- County Treasurer;
- County Assessor;
- Fire District;
- Affected utilities both private and public; and
- 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 thirty days from the date of application. If the findings and recommendations are not so returned, then the Administrator may make such findings as he deems just.

1. Health Officer Review. The Health Officer shall notify the Administrator that:
 - a. Water and sanitary sewerage disposal methods contemplated for use in the proposed plats, do or do not conform with current standards; and
 - b. 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.
2. County Engineer Review. The County Engineer shall notify the Administrator that the proposed road, utilities, drainage facilities, and other improvements do or do not conform to current standards.
3. County Treasurer Review. The County Treasurer shall advise the Administrator of the status of taxes due on the property.
4. County Assessor Review. The County Assessor shall notify the Administrator as to whom the apparent owners are.
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.
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.

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.

18.03.060 Time Limitations.

1. Time Limitations - Preliminary Plat. Within sixty 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 fourteen calendar days.

Within ninety 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. Time Limitations - Final Plat. The applicant shall seek final action by the Board within two years of the date of preliminary plat approval. The applicant may request a one year extension by filing at least thirty days prior to the expiration of said one-year period, a written request with the Administrator: PROVIDED, That 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. Any resubmission will be treated as a new application, requiring fees and conforming to any changes since prior application.

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

3. Time limitations - Phased subdivision - Preliminary plat approval must be granted for the entire subdivision and must delineate the separate divisions which are to be developed in phased increments. Where the preliminary plat approval is conditioned upon completion of the proposed phases in a particular sequence, the preliminary plat approval shall specify a completion date for each phase. Final plat approval may be granted for each separate phase of the preliminary plat. Any changes at the preliminary plat stage will require approval in accordance with chapter 18.03.080 and 18.03.090.

18.03.070 Notice of Filing and Public Hearing.

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.

Notice of filing shall be accomplished by the Administrator (unless otherwise specified), notifying the proper agencies of the proposed subdivision filing by letter, which shall include the subdivision'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 ten days before the date of the initial 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:

1. At least one notice not less than ten days prior to the hearing shall be published in the newspaper of general circulation in Asotin County;
2. Notice shall be mailed to the owners of real property located within three hundred feet of any portion of the boundary of the proposed subdivision;
3. 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, as it now exists or is hereafter amended);
4. 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 its successor;
5. Notice shall be given to the school district within which the subdivision is proposed;
6. When the proposed subdivision lies within a designated flood control zone pursuant to RCW 86.16, as it now exists or is hereafter amended, notification shall be given to the Department of Ecology or its successor; and
7. The Developer, or representative, shall post the land proposed to be subdivided in at least one conspicuous place designed to attract public awareness. Said posting shall be erected not less than ten calendar days prior to the scheduled public hearing. Preliminary plat map, public hearing date, and application form with requirements stated in Sections 18.03.040(2) & 18.03.040(4) shall be adequate for posting. Posted information shall be able to withstand adverse weather condition.

18.03.080 Preliminary Plat – Planning Commission Review and Recommendation.

The Asotin County Planning Commission shall hold an open record hearing concerning all preliminary plat submitted to the County and will review all preliminary plat to assure conformance of the proposed subdivision with the general purpose of the comprehensive plan and to the planning standards and specifications adopted by the County. The Planning Commission’s actions on the preliminary plat shall not be taken without the prior review of the Administrator.

1. Planning Commission Recommendation. During the public hearing, the Planning Commission, shall review the reports and findings of the Administrator, Health Department, Public Works Department, Fire District, and other affected agencies pursuant to Section 18.03.050. Upon conclusion of the hearing, the Planning Commission shall make one of the following recommendations to the Board.
 - a. Recommend approval of the subdivision, with or without conditions;
 - b. 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
 - c. Recommend disapproval of the subdivision and the plat thereof.
2. Required Findings and Determinations. The recommendation of the Planning Commission shall be in writing and shall include the following findings of fact and conclusions to support the recommendation with regard to the subdivision and dedications:
 - a. Conformance to the general purposes, standards, and requirements of the Asotin Comprehensive Plan, and to any other applicable laws and policies;
 - b. Public health, safety, and general welfare in relation to 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, and public trail easements to and around water areas and areas of public interest;
 - c. The physical characteristics of the subdivision site such as flood inundation or swamp conditions. Recommendations of the Administrator and Planning commission regarding Construction of protective improvements conditions of approval; and
 - d. Any other relevant facts necessary to determine whether the public use or interest will be served by the subdivision.

18.03.090 Preliminary Plat – County Commissioners Review and Decision.

The Planning Commission’s recommendation shall be submitted to the Board no later than fourteen 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, reject or modify and adopt the recommendation of the Planning Agency.

1. Board of County Commissioners Procedure. The Administrator shall submit the plat to the Board of County Commissioners for its consideration together with the Planning Commission 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 significant change to 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.

2. Conditional Approvals. If the adopted recommendations require the meeting of conditions, the construction of improvements, or time as necessary for the obtaining of 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 shown, the approving body may grant time extension up to one year for the applicant to meet conditions of approval and/or construction of improvements.

18.03.100 Final Plat Requirements.

1. Final Plat Contents. 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 twenty-four by thirty-six inches and must contain the following information, certifications, and/or approvals:
 - a. The name of the subdivision;
 - b. A drawing of the property to the scale of one inch equals one hundred feet that 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 and dimensioned, all blocks shown, all bearings indicated, the distance between monuments shown, all curve data shown, all road names indicated, and right of way or easement widths indicated;

- c. The scale of the sketch and north arrow;
 - d. The mailing addresses for each lot created;
 - e. A key or legend describing all symbols used on the drawing;
 - f. 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 of all street and other areas to the public, individual or individuals, religious society or societies, or any corporation, public or private, as shown on the plat and a waiver of all claims for damages against any governmental authority that 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;
 - g. A certification by a registered land surveyor that the plat is a true and correct representation of the lands actually surveyed;
 - h. A statement of approval from the Asotin County Engineer as to the layout of streets, alleys, and other rights of way, and the design of bridges and other dedicated structures;
 - i. A statement of approval from the Asotin County Health Officer or that Officer's authorized assistant as to the on-site sewage disposal or waste water collection system;
 - j. A certification from the Asotin 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;
 - k. A space for approval by the Chairman of the Asotin County Board of Commissioners;
2. Additional Information Required. In addition to the Final Plat the following information shall also be submitted at the time of final plat approval.
 - a. Acknowledgement by the persons filing the plat before Asotin County Auditor or authorized assistant and a certificate of said acknowledgement shall be enclosed or annexed to such plat and recorded therewith;
 - b. Any restrictions, and/or covenants filed with plat shall be submitted. Restrictions, etc. may reference to an assigned Instrument number; and
 - c. 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.
 3. Administrative Review of Final Plats. Every plat submitted for approval will be reviewed prior to action by the Board of Asotin County Commissioners by the

Administrator. The Administrator, or authorized assistant, shall review the proposed final plat and be satisfied that the following conditions exist:

- a. The final plat meets all standards established by state law and county ordinance relating to final plats;
- b. The proposed final plat bears the certificates and statements of approval required by this ordinance and state law;
- c. 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; and
- d. 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 the Administrator's authorized assistant, shall acknowledge receipt of a proposed final plat that meets the above stated requirements and shall proceed with final plat signature from the Board of County Commissioners.

4. Final Plat - Board Determinations (Approval or Disapproval). The Board shall, at its next public meeting or any continued meeting, determine:
 - a. Whether conditions imposed when the preliminary plat was approved have been met;
 - b. Whether the bond, if there be one, by its essential terms assures completing of improvements;
 - c. Whether the public use and interest will be served by approving the proposed final plat; and

The Board shall thereupon approve or disapprove the proposed final plat.

18.03.110 Recording Final Plat with Auditor.

If the Board approved the plat, the developer shall present the original to the County Auditor for signature and filing, who shall, after recording, forward the original copy to the County Engineer, maintain one copy, and distribute one paper copy to the County Assessor and the applicable Title Company. All filing and reproduction costs shall be at the developer's expense.

CHAPTER 18.04

SHORT SUBDIVISION PROCEDURES AND REQUIREMENTS

18.04.010 Applicability.

Any division of land creating four or fewer lots, tracts, parcels, sites, or subdivisions for the purpose of sale or lease shall proceed in compliance with chapter 1, 2, 4, and 7 of this Ordinance. Note that any remaining portion within the land being subdivided shall be considered a lot.

18.04.020 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 decent;
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 exceeds eighty acres in size;
5. Boundary line adjustments of parcels not in a recorded plat if access is not affected, where no new lot is created thereby, or where no new lot is reduced in size below the minimum square footage required by the applicable code;
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; and
7. Any binding site plan by definition and developed in accordance to chapter 5 of this Ordinance;
8. 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 chapter 18.05 of this Title, chapter 17.010 Establishment and Development of Mobile Home Parks, and chapter 17.11 Recreational Vehicle Parks of the Asotin County Zoning Code.

18.04.030 Application Requirements.

All applications for preliminary short plat approval shall be accompanied by applicable fees and include the following. In addition to the following requirements, the administrator may require additional information

Twenty copies of the application form, preliminary map, and supporting documents shall be submitted at the time of application. Applications 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. Application Form. The application shall be on a form provided by the Administrator and shall contain the following information:

- a. The name, address, and telephone number of the subdivider;
 - b. 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;
 - c. The existing zone classifications, if any;
 - d. The source of water supply, if any, and if a public system is used, the name of the supplier;
 - e. The method of sewage disposal; and
 - f. A legal description of the property proposed to be subdivided entered in the appropriate location on the public notice form provided.
2. Short Plat Map. A reproducible map shall be prepared by a licensed land surveyor at a scale of one inch equals fifty feet with five foot contour intervals and showing the following information:

(NOTE: Five foot contours will be accepted providing that the topography is accurately represented. If not, and if the Administrator deems necessary, two foot contour intervals shall be provided.)

- a. The scale, north arrow, and proposed short subdivision name;
- b. The boundary lines, to scale, of the tract to be subdivided and of each lot contained therein and the entire contiguous ownership;
- c. The number assigned to each lot;
- d. The square footage computation of each lot or parcel sufficiently accurate to show that each such lot or parcel contains the minimum square footing to meet zoning and health requirements;
- e. The location, names and width of any easements, existing and proposed roads, streets, existing platted streets, right of ways for public services, watercourses, utilities, and 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;
- f. The location and distance of permanent survey control monuments, and township and section lines;
- g. The boundaries of all lands reserved in the deeds for the common use of the property owners of the short subdivision; and
- h. A vicinity sketch clearly identifying the location of the property at least eight hundred feet in all directions from the land being subdivided with the sketch

having a scale of not less than three inches to one mile and indicating property owners of the immediate adjacent property.

3. Supporting Documents. The following documentation shall accompany each application for approval of a short plat:
 - a. 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;
 - b. 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:
 - i. Each lot owner having access thereto having responsibility for maintenance of any private street contained within the short subdivision; and
 - ii. The obligation of any seller to give actual notice to any prospective purchaser of the method of maintenance of the private street by the inclusion of such notice 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 short plat; and
 - c. A 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. Application Fee. An application fee as set by separate county resolution shall be paid to Asotin County when the preliminary short 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 (including copies) with the County Auditor shall be the responsibility of the developer.

18.04.040 Complete Application, County Review.

When the Administrator determines that the proposed short plat application, as filed, contains the required information and data as a basis for its approval or disapproval, a file number and date of receipt shall be affixed and copies of the short plat application shall be distributed to the following governmental agencies for review:

- County Health Officer;
- County Engineer;
- County Treasurer;
- County Assessor;
- Fire District;
- Affected utilities both private and public; and
- 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 thirty days from the date of application. If the findings and recommendations are not so returned, then the Administrator may make such findings as he deems just.

1. Health Officer Review. The Health Officer shall notify the Administrator that:
 - a. Water and sanitary sewerage disposal methods contemplated for use in the proposed short plats, do or do not conform with current standards; and
 - b. 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.
2. County Engineer Review. The County Engineer shall notify the Administrator that the proposed road, utilities, drainage facilities, and other improvements do or do not conform to current standards.
3. County Treasurer Review. The County Treasurer shall advise the Administrator of the status of taxes due on the property.
4. County Assessor Review. The County Assessor shall notify the Administrator as to whom the apparent owners are.
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.
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 short plat.
7. Planning Commission Review. The Planning Commission shall notify the Administrator as to the compliance of the proposed short 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.

18.04.050 Time Limitations.

1. Time Limitations - Preliminary Short Plat. Within sixty calendar days of the receipt of the complete preliminary application, the Planning Commission shall recommend said preliminary short 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 short plat application, the time period shall be extended an additional fourteen calendar days.

Within ninety calendar days of the receipt of the complete preliminary short 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 short plat, unless the applicant consents to an extension of such time period.

2. Time Limitations - Final Short Plat. The applicant shall seek final action by the Board within two years of the date of preliminary short plat approval. The applicant may request a one year extension by filing at least thirty days prior to the expiration of said one-year period, a written request with the Administrator: PROVIDED, That said extension may be granted subject to additional conditions or requirements. The approval of the preliminary short plat shall be automatically null and void if final short plat approval is not obtained within one year from the date of preliminary short plat approval. Any resubmission will be treated as a new application, requiring fees and conforming to any changes since prior application.

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

18.04.060 Administrative Approvals.

For properties containing two lots, the Administrator, after conferring with the county engineer and other appropriate officials and agencies having an interest in the proposed short subdivision and reviewing any written public input, shall determine within thirty days of filing of a complete application, unless the applicant consents to an extension of such time period, whether the short plat should be approved, disapproved, or returned to the applicant for changes in light of the following criteria and requirements:

1. The proposed short subdivision is in conformity with the comprehensive plan and any applicable zoning requirements or other land use controls that may exist;
2. The proposed short subdivision provides access in accordance with current Asotin County road standards and criteria;
3. Certification by the Asotin County health district that the proposed short plat is served by adequate water supply and contemplated sewage disposal meets state and local regulations;
4. The public use and interest will be served by permitting the proposed division of land; and
5. The proposed short subdivision adequately treats and relates to critical areas.

18.04.070 Non-Administrative Approvals.

For short plats containing more than two lots, the preliminary plat approval/disapproval procedure shall be administered per Section 18.04.070 of this Chapter.

18.04.080 Notice of Filing and Public Hearing.

Upon receipt of an application for preliminary short plat the Administrator shall set a date for public hearing before the Planning Commission and shall give notice.

Notice of filing shall be accomplished by the Administrator (unless otherwise specified), notifying the proper agencies of the proposed subdivision filing by letter, which shall include the subdivision'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 short plat. Said letter shall be mailed or delivered at least ten days before the date of the initial hearing.

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

1. At least one notice not less than ten days prior to the hearing shall be published in the newspaper of general circulation in Asotin County;
2. When a proposed short 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, as it now exists or is hereafter amended);
3. When a proposed short 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 its successor;
4. Notice shall be given to the school district within which the short subdivision is proposed;
5. When the proposed short subdivision lies within a designated flood control zone pursuant to RCW 86.16, as it now exists or is hereafter amended, notification shall be given to the Department of Ecology or its successor; and
6. The Developer, or representative, shall post the land proposed to be subdivided in at least one conspicuous place designed to attract public awareness. Said posting shall be erected not less than ten calendar days prior to the scheduled public hearing. Preliminary short plat map, public hearing date, and application form with requirements stated in Sections 18.04.03(1) & 18.04.030(2) shall be adequate for posting. Posted information shall be able to withstand adverse weather condition.

18.04.090 Preliminary Short Plat – Planning Commission Review and Recommendation.

The Asotin County Planning Commission shall hold an open record hearing concerning all preliminary short plats submitted to the County and will review all preliminary short plats to assure conformance of the proposed subdivision with the general purpose of the comprehensive plan and to the planning standards and specifications adopted by the County. The Planning Commission's actions on the

preliminary short plat shall not be taken without the prior review of the Administrator.

1. Planning Commission Recommendation. During the public hearing, the Planning Commission, shall review the reports and findings of the Administrator, Health Department, Public Works Department, Fire District, and other affected agencies pursuant to Section 18.04.040. Upon conclusion of the hearing, the Planning Commission shall make one of the following recommendations to the Board.
 - a. Recommend approval of the subdivision, with or without conditions;
 - b. Recommend return of the short plat to the applicant for corrections or for the applicants construction of improvements in a manner consistent with official findings; or
 - c. Recommend disapproval of the subdivision and the short plat thereof.
2. Required Findings and Determinations. The recommendation of the Planning Commission shall be in writing and shall include the following findings of fact and conclusions to support the recommendation with regard to the subdivision and dedications:
 - a. Conformance to the general purposes, standards, and requirements of the Asotin Comprehensive Plan, and to any other applicable laws and policies;
 - b. Public health, safety, and general welfare in relation to 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, and public trail easements to and around water areas and areas of public interest;
 - c. The physical characteristics of the subdivision site such as flood inundation or swamp conditions. Recommendations of the Administrator and Planning commission regarding Construction of protective improvements conditions of approval; and
 - d. Any other relevant facts necessary to determine whether the public use or interest will be served by the subdivision.

18.04.100 Preliminary Short Plat – County Commissioners Review and Decision .

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

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

The Board may approve, approve with conditions, or disapprove the said

preliminary short plat. If, after considering the matter at said meeting, the Board deems that a significant change to the preliminary short 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 short plat.

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

2. Conditional Approvals. If the adopted recommendations require the meeting of conditions, the construction of improvements, or time as necessary for the obtaining of 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 shown, the approving body may grant time extension up to one year for the applicant to meet conditions of approval and/or construction of improvements.

18.04.110 Final Short Plat Map.

1. Requirements. The final short plat map shall be prepared on reproducible mylar or approved equal having the dimensions of eighteen by twenty-four inches or twenty-four by thirty-six inches. The map shall contain the following information and certifications:
 - a. The scale, north arrow, and name of the Short Plat;
 - b. A sketch of the property drawn to a scale of one inch equals fifty feet that 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;
 - c. A Key or Legend describing all symbols used on the sketch;
 - d. The mailing addresses for each lot created;
 - e. A certification giving a full and correct description of the lands divided as they appear on the plat including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners. If the short plat includes a dedication, the certification shall also contain the dedication of all streets and other areas to the public, individual or individuals, religious society or societies, or to any corporation public or private as shown on the short plat and a waiver of all claims for

damages against any governmental authority that 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;

- f. A certification by a registered land surveyor that the short plat is a true and correct representation of the lands actually surveyed;
 - g. Certification from the Asotin County Treasurer that all taxes for the year filed and proceeding years have been paid;
 - h. The fact of any short plat containing a private road shall bear the following language: "WARNING: Asotin County has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or provide service to the property described in this short plat.";
 - i. An approval from the Administrator or others; and
2. Additional Information Required. In addition to the Final Short plat the following shall also be submitted at the time of final short plat approval: Acknowledgement by the persons filing the short plat before Asotin County Auditor or authorized assistant and a certificate of said acknowledgement shall be enclosed or annexed to such short plat and recorded therewith.

18.04.120 Final Approval and Recording.

1. Administrative review and final short plat approval shall be administered as follows: EXCEPT, That where a short-subdivision has been approved under Section 18.04.050 and there is no public dedication of land required, the final approval may be done by the Administrator under the same terms and conditions.
Every short plat submitted for approval will be reviewed prior to action by the Board of Asotin County Commissioners by the Administrator. The Administrator, or authorized assistant, shall review the proposed final short plat and be satisfied that the following conditions exist:
 - a. The final short plat meets all standards established by state law and county ordinance relating to final short plats;
 - b. The proposed final short plat bears the certificates and statements of approval required by this ordinance and state law;
 - c. 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 short plat's certification; and
 - d. 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 the Administrator's authorized assistant, shall acknowledge receipt of a proposed final short plat that meets the above stated requirements and shall proceed with final short plat signature from the Board of County Commissioners.

2. Final Short plat - Board Determinations (Approval or Disapproval). The Board shall, at its next public meeting or any continued meeting, determine:
 - a. Whether conditions imposed when the preliminary short plat was approved have been met;
 - b. Whether the bond, if there be one, by its essential terms assures completing of improvements;
 - c. Whether the public use and interest will be served by approving the proposed final short plat; and

The Board shall thereupon approve or disapprove the proposed final short plat.

18.04.130 Recording Final Short Plat with Auditor.

If the Board approved the short plat, the developer shall present the original to the County Auditor for signature and filing, who shall, after recording, forward the original copy to the County Engineer, maintain one copy, and distribute one paper copy to the County Assessor and the applicable Title Company. All filing and reproduction costs shall be at the developer's expense.

CHAPTER 18.05 BINDING SITE PLANS

18.05.010 Purpose and Adoption Authority.

The purpose of this chapter is to establish a binding site plan review procedure as provided for under the authority of RCW 58.17.040(4), (5) and (7), as it now exists or is hereafter amended. Binding site plans provide an alternative to the conventional platting requirements of the State Subdivision Act (chapter 58.17.035 RCW, as it now exists or is hereafter amended) and allow more flexibility in design and operation of manufactured home parks, recreational vehicle parks, condominium developments, multifamily developments, planned unit developments, and commercial and industrial developments.

18.05.020 Applicability.

Binding site plan review and approval pursuant to this chapter shall be required prior to undertaking any of the following actions:

1. Divisions of land for lease for commercial or industrial uses; and/or
2. The establishment of recreational vehicle parks or mobile home parks where no lots will be sold; and/or
3. The establishment of condominium developments.

Binding site plan review and approval pursuant to this chapter may be pursued as an alternative to the subdivision process for any of the following actions:

1. Divisions of land for sale that are restricted to commercial or industrial uses.
2. Multifamily or apartment complex development where no lots are to be sold.

18.05.030 Pre-application Conference Required.

The purpose of the pre-application conference phase is to share information between the (applicant/subdivider) and the County.

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 binding site plan procedures and land use requirements, including but not limited to, stormwater, zoning, road standards or critical areas

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.

To facilitate the goals of the pre-application 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 pre-application conference to present a general outline of the proposal, which shall include, but not be limited to:

- a. Sketch plans and ideas regarding land use, street and lot arrangement, and tentative lot sizes; and
 - 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 provide advice on procedural steps, design and improvement standards, and general binding site plan requirements the County may impose on the development. Then, depending on the scope of the development, the County will proceed with the following actions:
- a. Determine if SEPA, Shorelines Management Act, or other 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 substandard 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 notified of work necessary to eliminate substandard conditions to comply with county standards. Substandard conditions shall be determined by the planner, engineer, and building official as set in separate county ordinances;
 - c. Check conformity with the objective and policies of the comprehensive plan; and
 - d. Advise the subdivider of the results of these actions, and offer guidance as to any further actions that should be taken.

18.05.040 Application Requirements.

All applications for preliminary plat approval shall be accompanied by applicable fees and include the following. In addition to the following requirements, the administrator may require additional information as identified during the pre-application conference.

Twenty copies of the application form, preliminary map, and supporting documents shall be submitted at the time of application. Applications 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. Application. An application shall include the following information.
 - a. The completion of an application form supplied by the Administrator;
 - b. The completion of binding site plan map,

- c. The completion of an application of other applicable permits;
 - d. Necessary supporting documents; and
 - e. The payment of all application fees.
2. Application Form. The application shall be on a form provided by the Administrator and shall contain the following information:
- a. The name, address, and telephone number of the subdivider;
 - b. A certification signed by the subdivider, showing all abutting property owners and property owners within three hundred feet of any portion of the boundary of the proposed subdivision and/or 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;
 - c. The existing zone classifications, if any;
 - d. The source of water supply, and if a public system is used, the name of the supplier;
 - e. 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 Asotin County Environmental Health Officer to determine the adequate means of on-site sewage disposal. This information is not required for preliminary binding site plan which shall be entirely attached to an approved sanitary sewer system; and
 - f. A legal description of the property proposed to be subdivided entered in the appropriate location on the public notice form provided.
3. Completed SEPA Checklist. The developer shall submit the application fee and the environmental checklist to the Administrator. The environmental assessment checklist fee shall be charged separate from the regular binding site plan fee. Checklist fee is set by separate county resolution.
4. Binding Site Plan Map. A reproducible map shall be prepared by a licensed land surveyor at a scale of one inch equals one hundred feet with five foot contour intervals and showing the following information:
- (NOTE: five foot contours will be accepted providing that the topography is accurately represented. If not, and if the Administrator deems necessary, two foot contour intervals shall be provided.)
- a. The scale, north arrow, and proposed subdivision name;

- b. The boundary lines, to scale, of the tract to be subdivided and of each lot contained therein, and the entire contiguous ownership;
 - c. The number assigned to each lot;
 - d. 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;
 - e. The location, names, and width of any easements, existing and proposed roads, streets, existing platted streets, right of ways for public services, watercourses, utilities, and 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;
 - f. The location and distance of permanent survey control monuments, township, and section lines;
 - g. The boundaries of all lands reserved in the deeds for the common use of the property owners of the subdivision; and
 - h. A vicinity sketch clearly identifying the location of the property at least eight hundred feet in all directions from the land being subdivided with the sketch having a scale of not less than three inches to the mile and indicating property owners of the immediate adjacent property.
 - i. Any proposed improvement plans ~~if~~ required by the Administrator. Plans include, but are not limited to; road and stormwater design by a licensed Professional Engineer.
5. Supporting Documents. The following documentation shall accompany each application for approval of a binding site plan:
- a. 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; and
 - b. A certificate showing interest of the persons signing the binding site plan application and showing restrictions encumbering the land from a title company licensed to do business in the State of Washington.
6. Application Fee. An application fee as set by separate county resolution shall be paid to Asotin County when the preliminary binding site plan is filed. Said fee is not refundable and includes the cost of application processing, public works review, and legal newspaper advertisement.

18.05.050 Complete Application, County Review.

When the Administrator determines that the proposed binding site plan application, as filed, contains the required information and data as a basis for its approval or disapproval, a file number and date of receipt shall be affixed and copies of the

binding site plan application shall be distributed to the following governmental agencies for review:

- County Health Officer;
- County Engineer;
- County Treasurer;
- County Assessor;
- Fire District;
- Affected utilities both private and public; and
- 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 thirty days from the date of application. If the findings and recommendations are not so returned, then the Administrator may make such findings as he deems just.

1. Health Officer Review. The Health Officer shall notify the Administrator that:
 - a. Water and sanitary sewerage disposal methods contemplated for use in the proposed binding site plan, do or do not conform with current standards; and
 - b. 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.
2. County Engineer Review. the County Engineer shall evaluate and determine the engineering accuracy of the proposed binding site plan including, but not limited to the proposed street system, the proposed sewage disposal system, the proposed storm drainage system, and the water supply system. The planning department shall evaluate and determine the proposal's conformance with the comprehensive plan and all zoning requirements. The public works department shall evaluate the adequacy of utility system improvements and capacity. The County Engineer shall notify the Administrator that the proposed road, utilities, drainage facilities, and other improvements do or do not conform to current standards.
3. County Treasurer Review. The County Treasurer shall advise the Administrator of the status of taxes due on the property.
4. County Assessor Review. The County Assessor shall notify the Administrator as to whom the apparent owners are.
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.
6. Affected Utility Review. Affected utilities may notify the Administrator of their concerns and shall list their concerns for consideration by the Administrator in his findings for approval or denial of the binding site plan.

7. Planning Commission Review. The Planning Commission shall notify the Administrator as to the compliance of the proposed binding site plan 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.

18.05.060 Design Regulations.

Applications for binding site plans shall not be approved unless it is demonstrated by the applicant that each of the following criteria has been met or shall be met:

1. Each use of the land resulting from the adoption of the binding site plan conforms with the comprehensive plan and with zoning regulations, including lot coverage, setbacks, building heights, off-street parking requirements, landscaping buffering, and permitted uses within zoning districts;
2. Adequate provisions for on and off-site circulation and connection with the surrounding road net have been proposed, consistent with adopted county standards;
3. Curb, gutter, sidewalk, trail connections, transit stops, streets, storm drainage, sanitary sewer lines, water lines, and other utilities will be installed at the expense of the applicant and meet county specifications and applicable ordinances, and the County Engineer has certified or approved the proposed plans for the construction;
4. The applicant has provided necessary easements to the County to accommodate the establishment of municipal utilities;
5. Private property necessary for public use as street rights of way have been dedicated to the County by an acceptable deed of dedication or by preparing a binding site plan to be recorded;
6. A bond has been posted to ensure completion of those unconstructed improvements required consistent with the criteria found in this chapter;
7. Adequate public facilities are provided; these facilities may include, but are not necessarily limited to parks, playgrounds, schools, open spaces, transit stops, and trails and trail connections;
8. All requirements of the environmentally sensitive areas and wetlands sections of the Asotin County Code (ACC) and the SEPA have been met;
9. The public interest will be served by the proposal;
10. All the requirements of chapter 58.17 RCW, as it now exists or is hereafter amended, have been met; and

11. All proposed project-phasing schedules shall meet the requirements contained in the ACC.

18.05.070 Notice of Filing and Public Hearing.

Upon receipt of an application for preliminary binding site plan, 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.

Notice of filing shall be accomplished by the Administrator (unless otherwise specified), notifying the proper agencies of the proposed subdivision filing by letter, which shall include the subdivision'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 binding site plan. Said letter shall be mailed or delivered at least ten days before the date of the initial hearing.

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

1. At least one notice not less than ten days prior to the hearing shall be published in the newspaper of general circulation in Asotin County;
2. Notice shall be mailed to the owners of real property located within three hundred feet of any portion of the boundary of the proposed subdivision;
3. 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, as it now exists or is hereafter amended);
4. 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 its successor;
5. Notice shall be given to the school district within which the subdivision is proposed;
6. When the proposed subdivision lies within a designated flood control zone pursuant to RCW 86.16, as it now exists or is hereafter amended, notification shall be given to the Department of Ecology or its successor; and
7. The Developer, or representative, shall post the land proposed to be subdivided in at least one conspicuous place designed to attract public awareness. Said posting shall be erected not less than ten calendar days prior to the scheduled public hearing. Preliminary binding site plan map, public hearing date, and application form with requirements stated in Sections 18.05.040(2) & 18.05.040(4) shall be adequate for posting. Posted information shall be able to withstand adverse weather condition.

18.05.080 Preliminary Approval – Planning Commission Review and Recommendation.

The Asotin County Planning Commission shall hold an open record hearing concerning all preliminary binding site plans submitted to the County and will review all preliminary binding site plans to assure conformance of the proposed subdivision with the general purpose of the comprehensive plan and to the planning standards and specifications adopted by the County. The Planning Commission's actions on the preliminary binding site plan shall not be taken without the prior review of the Administrator.

1. Planning Commission Recommendation. During the public hearing, the Planning Commission, shall review the reports and findings of the Administrator, Health Department, Public Works Department, Fire District, and other affected agencies pursuant to Section 18.05.050. Upon conclusion of the hearing, the Planning Commission shall make one of the following recommendations to the Board.
 - a. Recommend approval of the subdivision, with or without conditions;
 - b. Recommend return of the binding site plan to the applicant for corrections or for the applicants construction of improvements in a manner consistent with official findings; or
 - c. Recommend disapproval of the subdivision and the binding site plan thereof.
2. Required Findings and Determinations. The recommendation of the Planning Commission shall be in writing and shall include the following findings of fact and conclusions to support the recommendation with regard to the subdivision and dedications:
 - a. Conformance to the general purposes, standards, and requirements of the Asotin Comprehensive Plan, and to any other applicable laws and policies;
 - b. Public health, safety, and general welfare in relation to 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, and public trail easements to and around water areas and areas of public interest;
 - c. The physical characteristics of the subdivision site such as flood inundation or swamp conditions. Recommendations of the Administrator and Planning commission regarding Construction of protective improvements conditions of approval; and
 - d. Any other relevant facts necessary to determine whether the public use or interest will be served by the subdivision.

18.05.090 Preliminary Approval – County Commissioners Review and Decision.

The Planning Commission's recommendation shall be submitted to the Board no later than fourteen days following action of approval or disapproval by the Planning Commission. Upon receipt of the recommendation on any preliminary binding site

plan, the Board may, at its next public meeting, adopt, reject or modify and adopt the recommendation of the Planning Agency.

1. Board of County Commissioners Procedure. The Administrator shall submit the binding site plan to the Board of County Commissioners for its consideration together with the Planning Commission and Administrator's recommendation.

The Board may approve, approve with conditions, or disapprove the said preliminary binding site plan. If, after considering the matter at said meeting, the Board deems that a significant change to the preliminary binding site plan 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 binding site plan.

A final environmental impact statement or a negative declaration of no significant impact shall be available for the Board's preliminary review of the binding site plan. 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 binding site plan by the Board of County Commissioners, the applicant may proceed with Final binding site plan requirements. If disapproved, the said binding site plan shall be returned to the applicant for necessary corrections.

2. Conditional Approvals. If the adopted recommendations require the meeting of conditions, the construction of improvements, or time as necessary for the obtaining of 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 shown, the approving body may grant time extension up to one year for the applicant to meet conditions of approval and/or construction of improvements.

18.05.100 Expiration.

The approval given to a binding site plan shall expire three years following approval unless a proposed final plan, in proper form, is submitted to the County planning department: PROVIDED, That an extension of time, not to exceed one year, may be granted by the County Commissioners upon the recommendation of the Planning Director. Only two such extensions shall be granted: PROVIDED, That any extension of time may require additional review and additional conditions of approval if in the determination of the County Commissioners such review or conditions are required.

18.05.110 Final Binding Site Plan – Requirements.

1. Final Binding Site Plan Contents. Each and every binding site plan or amendment of a binding site plan of any property presented for approval and filing shall be

prepared on reproducible mylar or approved equal having the overall dimension of twenty-four by thirty-six inches and must contain the following information, certifications, and/or approvals:

- a. The name of the subdivision;
- b. A drawing of the property to the scale of one inch equals one hundred feet that shows the location of all lot lines, property corners, binding site plan 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 and dimensioned, all blocks shown, all bearings indicated, the distance between monuments shown, all curve data shown, all road names indicated, and right of way or easement widths indicated;
- c. The scale of the sketch and north arrow;
- d. The mailing addresses for each lot created;
- e. A key or legend describing all symbols used on the drawing;
- f. A certificate giving a full and correct description of the lands divided as they appear on the binding site plan 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 binding site plan includes a dedication, the certification shall also contain the dedication of all street and other areas to the public, individual or individuals, religious society or societies, or any corporation, public or private, as shown on the binding site plan and a waiver of all claims for damages against any governmental authority that 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;
- g. A certification by a registered land surveyor that the binding site plan is a true and correct representation of the lands actually surveyed;
- h. A statement of approval from the Asotin County Engineer as to the layout of streets, alleys, and other rights of way, and the design of bridges and other dedicated structures;
- i. A statement of approval from the Asotin County Health Officer or that Officer's authorized assistant as to the on-site sewage disposal or waste water collection system;
- j. A certification from the Asotin 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;
- k. A space for approval by the Chairman of the Asotin County Board of Commissioners;

2. Additional Information Required. In addition to the Final binding site plan the following information shall also be submitted at the time of final binding site plan approval.
 - a. Acknowledgement by the persons filing the binding site plan before Asotin County Auditor or authorized assistant and a certificate of said acknowledgement shall be enclosed or annexed to such binding site plan and recorded therewith;
 - b. Any restrictions, and/or covenants filed with binding site plan shall be submitted. Restrictions, etc. may reference to an assigned Instrument number; and
 - c. A title report confirming that the title of the lands as described and shown on said binding site plan is in the name of the owners signing the certificate.
3. Administrative Review of Final Binding Site Plans. Every binding site plan submitted for approval will be reviewed prior to action by the Board of Asotin County Commissioners by the Administrator. The Administrator, or authorized assistant, shall review the proposed final binding site plan and be satisfied that the following conditions exist:
 - a. The binding site plan meets all standards established by state law and county ordinance;
 - b. The proposed binding site plan bears the certificates and statements of approval required by this ordinance and state law;
 - c. A title insurance report furnished by the subdivider confirms the title of the land in the proposed binding site plan is vested in the name of the owners whose signatures appear on the binding site plan's certification; and
 - d. 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 the Administrator's authorized assistant, shall acknowledge receipt of a proposed final binding site plan that meets the above stated requirements and shall proceed with final binding site plan signature from the Board of County Commissioners.

4. Final Binding Site Plan - Board Determinations (Approval or Disapproval). A binding site plan shall be approved if the County Commissioners find that the following requirements have been satisfied:
 - a. The binding site plan is determined to be in conformance with this chapter and contains the signatures and approvals of all of the required officials; and

- b. All required on-site and off-site improvements have been installed and approved by the County, and all outstanding conditions of the preliminary binding site plan approval have been satisfied. Development permits for on-site buildings and structures (excepting those required to accommodate utility infrastructure) may not be issued until the final binding site plan has been filed by the applicant for the record with the County Auditor.

18.05.120 Performance Bonds in Lieu of Required Improvements.

Performance bonds may be accepted in lieu of required improvements for a binding site plan consistent with the requirements of this Title.

18.05.130 Development in Conformity with the Final Binding Site Plan.

Following final approval of a binding site plan pursuant to the requirements of this chapter, all development and use of the land to which the plan pertains shall be in conformity with all conditions and requirements of final approval. Development undertaken pursuant to the conditions and requirements of an approved binding site plan shall be established consistent with the requirements of all other applicable county and state codes.

18.05.140 Amendment.

An approved binding site plan may be amended upon application to the Planning Director. The applicant must make the request to amend the binding site plan in writing. The Planning Director shall approve the amendment if it meets all of the following criteria:

1. No new building pads are proposed;
2. No building shall be greater than ten percent larger than shown on the final binding site plan; and
3. The amendment would not result in increased amounts of traffic, propose circulation patterns that are different than those proposed by the original application, nor significantly increase or cause unanticipated environmental impacts. All amended site plans shall meet the requirements associated with a final site plan. All amendments shall be numbered successively (i.e., first amendment to the binding site plan). If the proposed amendment does not meet the above referenced criteria, a new binding site plan application shall be required.

CHAPTER 18.06 BOUNDARY LINE ADJUSTMENTS

18.06.010 Purpose.

The purpose of this chapter is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of lots or building sites in order to rectify defects in legal descriptions, to allow the enlargement or merging of lots to improve or qualify as a building site, to achieve setbacks from property lines, or for other similar purposes.

18.06.020 Application - Requirements.

Any person desiring approval of a boundary line adjustment shall submit a completed Asotin County boundary line adjustment application and applicable fee to the Administrator. All application requirements must be completed.

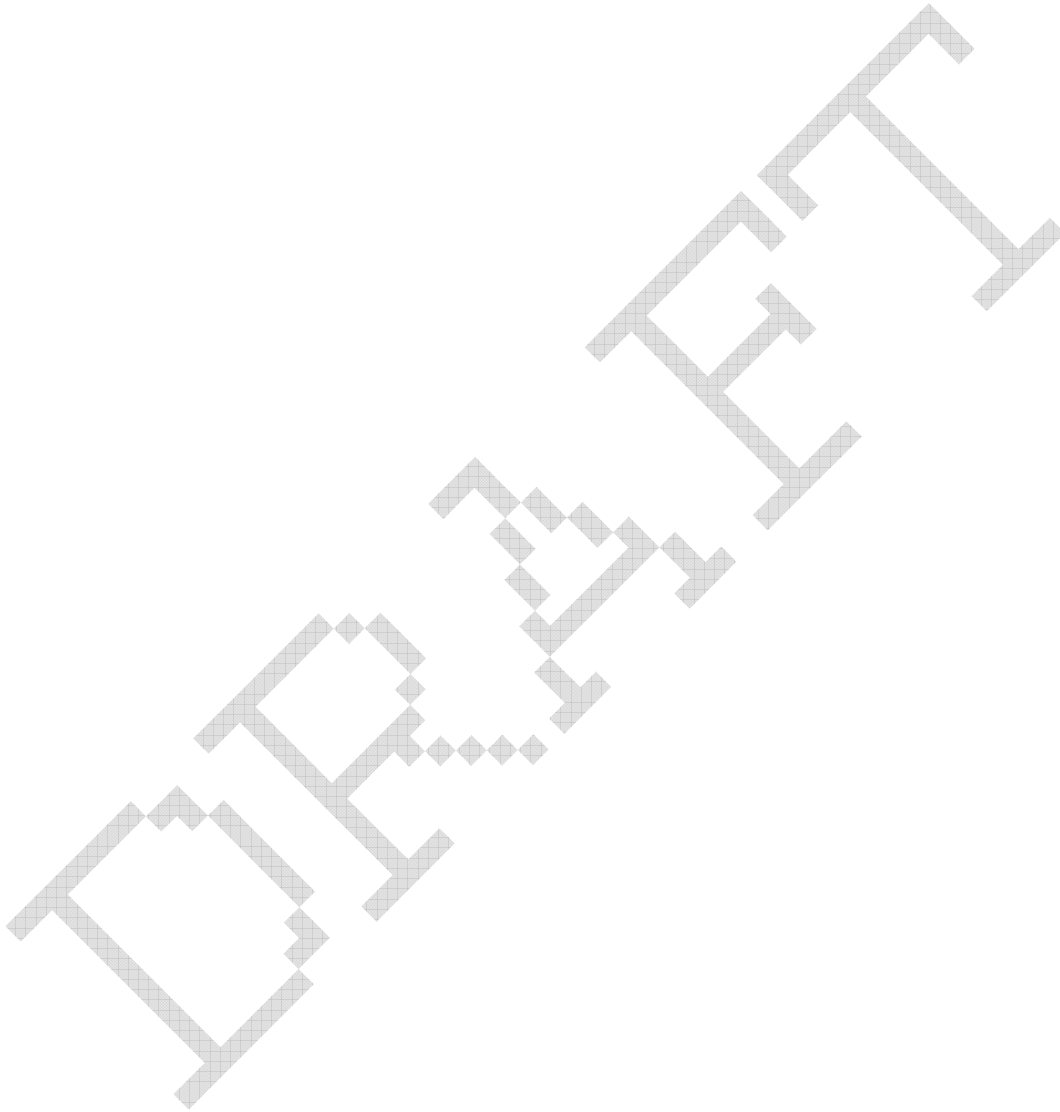
18.06.030 Procedures - Limitations.

Adjustment of boundary lines between adjacent parcels shall be consistent with the following review procedures and limitations:

1. The Administrator shall review the request for consistency with all applicable Asotin County development regulations.
2. Any adjustment of boundary lines must be approved by the Administrator prior to the transfer of property ownership between adjacent parcels.
3. A boundary line adjustment proposal shall not:
 - a. Result in the creation of an additional lot;
 - b. Result in a lot that does not qualify as a building site pursuant to this Title;
 - c. Reduce the overall area in a plat or short plat devoted to open space;
 - d. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;
 - e. Involve lots that do not have a common boundary; and
 - f. Circumvent the subdivision or short subdivision procedures set forth in this Title.
4. The elimination of lines between two or more parcels for the purpose of creating a single lot that meets requirements as a building site shall be considered a minor adjustment of boundary lines.
5. Perimeter surveyed lines that were included in an original binding site plan may not be altered by a boundary line adjustment.

18.06.040 **Final approval - Recording required- Taxes paid.**

After the boundary line adjustment is reviewed and approved by the Administrator, the applicant or their representative shall present the approved application and related materials to the County Auditor within thirty days of approval for filing and pay applicable recording fees. Taxes must be paid in full on parcels subject to this process and the Asotin County Treasurer must verify by signature prior to recording.



CHAPTER 18.07

ENFORCEMENT, PENALTIES, AND SEVERABILITY

18.07.010 Enforcement.

Whenever any parcel of land is divided, unless said division is exempted by this ordinance, into two or more lots, parcels, sites, or subdivisions of land where any one of which is less than eighty acres in size and any person, firm, corporation, or any agent of any of them sells, transfers, offers, or advertises for sale or transfer any such lot, tract, parcel, site, subdivision, or 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.

18.07.020 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, whose 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 that a reasonable purchaser would have used in purchasing the land that the lot, tract, or parcel was divided in violation of State Law or this ordinance; and
3. The public interest will not be adversely affected by the issuance of such permit.

18.07.030 Relief for an Innocent Purchaser for Value.

Except as provided in Section 18.07.020, all purchasers or transferees of illegally divided property shall comply with the provisions of this ordinance and each purchaser or transferee may recover damages from any person, firm, corporation, or agent selling or transferring land in violation of this ordinance, including any amount reasonably 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, suit, and reasonable attorney's 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.

18.07.040 Violation – Penalty.

Any person, firm, corporation, or association who violates any provisions of this ordinance relating to the sale, lease, or transfer of any lot, tract, or parcel of land,

shall be guilty of a misdemeanor punishable by a five hundred dollar fine and/or a thirty 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.

18.07.050 Unapproved Plat or Division of Land – Not To Be Filed.

The Auditor shall refuse to accept for filing any subdivision, short subdivision, or binding site plan that does not bear the Board's or Administrator's Certificate of Approval. Should a regular plat or a short plat be filed without such a certificate, 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.

18.07.060 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.

18.07.070 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.

18.07.080 Effective Date.

This ordinance shall come into full force and effect on _____,