

MASON COUNTY CODE

TITLE 16

PLATS & SUBDIVISIONS

July 2008

**This document includes Ordinances
No. 37-89, 44-91, 72-91, 64A-93,
13-95, 03-96, 82-96, 90-98, 152-97, 32-99,
36-00, 152-02, 65-03, 106-04, 128-04 and 91-08.**

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CHAPTER 16.04

GENERAL PROVISIONS

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16.04.010 Title. This Title shall be known and may be cited as the "Mason County Platting Ordinance."

16.04.020 Purpose. (a) Subdivisions. The purpose of this title (excluding 16.36) is to regulate the subdivision of land and make appropriate provisions for public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, light and air, ingress and egress, transit stops, potable water supplies, sanitary wastes, parks and recreation areas, playgrounds, schools and school grounds, other public requirements, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and to require uniform monumentation of land subdivision and conveyancing by accurate legal description.

(b) Short Subdivisions. The purpose of Chapter 16.36 is to regulate the division of land into four (4) or fewer lots and make appropriate provisions for public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, light and air, ingress and egress, transit stops, potable water supplies, sanitary wastes, parks and recreation areas, playgrounds, schools and school grounds, other public requirements, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and to require uniform monumentation of land subdivision and conveyancing by accurate legal description.

16.04.030 Application of Regulations. Every Short Subdivision shall comply with Chapter 16.36 of this Title. Every subdivision shall comply with the provisions of this Title, except Chapter 16.36 and 16.38. Every large lot subdivision shall comply with Chapter 16.38 of this Title. Every subdivision, short subdivision and large lot subdivision shall also be in compliance with all provisions of Mason County Code (MCC) Title 8.52 Mason County Resource Ordinance; and conditions of approval may be stipulated to assure compliance with such standards and further the purposes of that Chapter.

The provisions of this Title shall not apply to:

- (a) Cemeteries and other burial plots while used for that purpose;
- (b) Division of land into lots or tracts each of which is one sixteenth of a section of land or forty acres or larger (or one eighth of a section of land or eighty acres or larger if within designated Long-Term Commercial Forest Land pursuant to Chapter 8.52 MCC), if the land is not capable of description as a fraction of a section of land: Provided, that for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;
- (c) A division for the purpose of lease when no residential structure other than mobile homes or travel

trailers are permitted to be placed upon the land;
(d) Divisions made by testamentary provision, or by the laws of descent.

16.04.040 Regulations Mandatory. Any map, plat, replat, or plan hereafter made of any subdivision or any part thereof within the territorial limits of Mason County, with the exception of areas within incorporated cities or towns shall be presented for approval and be recorded as prescribed by this Title. No such map, plat, replat, or plan shall be recorded or have any validity unless or until it shall have the approval of the Hearing Examiner, as required by this Title, and be filed for record with the County Auditor. PROVIDED, if performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 and does not violate any provision of this Title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the plat is recorded.

16.04.050 Authority. Pursuant to the authority contained in the laws of the State of Washington, RCW 36.70 and 58.17, and as thereafter amended, the Hearing Examiner is assigned the responsibility for the approval or disapproval of proposed plats, subdivisions, or dedications. On and after July 1, 1974, the platting and subdividing of land shall proceed in compliance with RCW 36.70, 58.17, and 58.09, and as thereafter amended.

16.04.060 Administration. Proposed plats, subdivisions, and dedications of land outside of incorporated cities and towns shall be submitted for preliminary approval to the County Hearing Examiner, subject to the limitations hereafter provided. Authority for the final approval or disapproval of plats, subdivisions, or dedications is vested in the Hearing Examiner, except as provided in Chapter 16.16. Necessary administrative regulations and procedures may be adopted.

16.04.070 RCCAPO Resource Ordinance Conformance. All subdivisions, short subdivisions, and large lot subdivisions shall be reviewed for conformance with the Mason County Resource Ordinance (Title 8.52 MCC).

CHAPTER 16.08

DEFINITIONS

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16.08.010 Words and Phrases. For the purpose of this Title, certain terms and words are defined in this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular. The word "shall" is always mandatory and the word "may" indicates a use of discretion in making a decision.

16.08.014 Cluster. A grouping of house lots within a subdivision, separated from other clusters by open space. For the purposes of this Title, a cluster in a rural area:

- (1) shall not exceed eight (8) house lots;
- (2) shall establish an open space separation between clusters of at least 100 feet in width; and
- (3) shall have not more than four clusters of house lots in any development.

16.08.015 Cluster Subdivision. A form of development that permits a reduction in minimum lot area and bulk requirements, provided that there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and in which the remaining land area is devoted to open space, recreation, preservation of environmentally sensitive areas, or resource-based activities.

16.08.020 Block. means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

16.08.030 Comprehensive Plan. means coordinated plans for the physical development of the County, designating (among other things) plans and programs to encourage the most appropriate use of land and to lessen congestion throughout the County, in the interest of public health and safety.

16.08.040 Condominium. means a multiple residential building or buildings organized under the "Horizontal Regimes Act of the State of Washington" so as to permit the individual mortgage, sale, or transfer of suites or apartments and retaining to the purchaser and owner rights in certain common areas and facilities.

16.08.050 County Officials. "County" means Mason County, State of Washington. "Board" means the Board of County Commissioners. "Planner" means the Director of the County Department of Community Development. "Hearing Examiner" means the Hearing Examiner of the County. "Engineer" means the County Road Engineer. "Health Officer" means the Mason County Health Officer.

16.08.060 Dedication. means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself 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 showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

16.08.070 Easement. means a grant by a property owner to a specific person, or to a specific parcel of property, of the right to use that property for a specific purpose.

16.08.080 Final Plat. means the final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this Title.

16.08.085 Large Lot Subdivision. means every division or re-division of land into two (2) or more lots, each of which is larger than one-one hundred and twenty eighth of a section of land, or five acres, and any one of which is smaller than one sixteenth of a section of land, or forty (40) acres, for the purpose of sale,

lease, or transfer of ownership; Provided that within Long-Term Commercial Forest Land, as designated pursuant to Chapter 17.01 MCC, the thresholds shall be increased to an eighth of a section of land, or eighty (80) acres.

16.08.090 Local Access Road or Street. means a road or street that serves primarily a limited number of abutting properties. Generally, local access roads or streets will serve twenty-five or fewer lots and will be wholly contained within the subdivision and afford no possibility of extension.

16.08.100 Lot. means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum requirements for width and area. The term includes tracts or parcels.

16.08.110 Lot, Double Frontage. means a lot with street frontage along two opposite boundaries.

16.08.120 Lot, Reverse Frontage. means a double frontage lot for which the boundary along one of the streets is established as the rear lot line, and along the rear of which is an easement as provided in Section 16.28.120. The rear lot line of the lot shall be that boundary abutting a major street, railroad right-of-way, or other disadvantageous use.

16.08.130 Marginal Access Route. mean roads parallel to and adjacent to arterials which provide access to abutting properties and protection from through traffic. Marginal access roads or streets will be construed as local access or secondary collectors dependent on area served and traffic anticipated.

16.08.132 Out lot. A tract of land which does not have an adequate area, exclusive of all setback, buffer, and open space requirements, to accommodate a residence (or other building where residential use is prohibited), driveway, and parking, and, where required, a well, stormwater system, and septic system and reserve area; or which is otherwise restricted from development as a residential or commercial lot but may be intended for accessory purposes, such as stormwater management, playground, or open space.

16.08.135 Performance Subdivision. A subdivision or a short subdivision in which the applicant seeks to gain additional residential density by designing the proposed development in a manner which recognizes and preserves those land elements which are deemed by this Chapter to be worthy of protection.

16.08.140 Planned Unit Development. means the unified development of a site for the construction of residential, commercial, or industrial projects utilizing building groups, large scale site planning, and the arrangement of specific structures and open spaces to permit a more advantageous use of the property.

16.08.150 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.

16.08.160 Preliminary Plat. means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

16.08.165 Primary Conservation Areas. are wetlands, water bodies, floodway, slopes of 15% or greater, and other lands identified as critical areas in the Mason County Resource Ordinance.

16.08.170 Right-of-Way. means that which provides vehicular circulation or principal means of access to abutting properties, and which may also include provisions for public utilities, pedestrian walkways, cut

and fill slopes, and drainage.

16.08.180 Roadway. means that portion of a street right-of-way that is improved for vehicular traffic.

16.08.185 Secondary Conservation Areas. are upland buffers around wetlands and water bodies, prime agricultural land, natural meadows, slopes of 15% or greater, ridge lines, areas abutting designated open space, flood plain and sites of historic, cultural or archaeological significance.

16.08.190 Short Plat. means a document consisting of a map of a short subdivision, together with written certificates, or dedications or data.

16.08.200 Short Subdivision. means every division or re-division of land or contiguous land into four (4) or fewer lots, any one of which is less than five (5) acres or one one-hundred twenty-eighth (1/128) of a section of land, for the purpose of sale, lease, or transfer of ownership.

16.08.210 Street. means a public right-of-way which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare.

16.08.220 Street, County Arterial. means a County road primarily serving through traffic to, from, and between principal population, commercial, or industrial areas; such arterial routes are designated on the County's arterial system.

16.08.230 Street, Cul-de-sac. means a street opening at one end and having a turn-around at the other end.

16.08.240 Street, Primary Collector. means a road or street that carries traffic from secondary collectors, local access and marginal access roads, or streets to the major system of arterial streets and highways. Generally, primary collectors will serve an area containing more than one hundred lots.

16.08.250 Street, Secondary Collector. means a road or street that carries traffic from local access and marginal access roads or streets to the major collectors. Generally, secondary collectors will serve areas containing more than twenty five and less than one hundred lots, and will be wholly contained within a subdivision and afford no possibility of extension.

16.08.260 Subdivider. means any person, firm, corporation, association, or partnership who undertakes to create a division of land.

16.08.270 Subdivision. means the division or re-division of land for the purposes of sale, lease, or transfer of ownership into five (5) or more lots, any one of which is smaller than five (5) acres or one one-hundred twenty-eighth (1/128) of a section of land.

16.08.280 Panhandle Lot. means a division of land with such a configuration that the building area conforming to 16.28.170 (1) is connected to a road by a narrow strip.

16.08.290 Monuments. Monuments set as required by this code shall be of concrete with the following dimensions: length - thirty inches, bottom - six inches square, top - four inches square. There shall be imbedded in the concrete a number six rebar eighteen inches long. There shall be a metal disk showing the surveyor's name or registration number, as well as punch mark denoting the angle point. Monuments having a different configuration may be approved by the engineer providing they have equal or better

durability and stability.

16.08.300 Original Tract. means a unit of land or contiguous land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of this amendment to Title 16, Plats and Subdivisions of the Mason County Code, by Ordinance 37-89. The configuration of which may be determined by the fact that all land abutting a tract is separately owned by others not associated by a land development business relationship with the owner.

16.08.310 Land. means all property or parcels of property in a single or unified ownership regardless of the type or time of acquisition (excluding acquisition by easement) that are contiguous or abutting upon each other and which may be in different sections or different government lots that are not separated from each other by public roads, except lots in a recorded plat or short plat and those unrecorded plats accepted and on record in the Mason County Assessor's Office, each of which is separate "land." PROVIDED, that tidelands and shorelands shall not be considered land nor considered part of the dimensional requirements for minimum lot size.

16.08.320 Tidelands and Shorelands. means the beach areas waterward of the line of ordinary high water.

16.08.330 Contiguous Land. means all land adjoining and touching other land (excluding acquisition of easement), and having the same owner regardless of whether or not portions of the parcels have separate tax lot numbers, Assessor's Parcel Numbers, or were purchased at different times, lie in different sections, different government lots, or are separated from each other by private road or private right-of-way, or public or private easement. Provided, for the purpose of this ordinance, public easement does not include public roads. Provided further that tidelands and shorelands shall not be considered land nor considered part of the dimensional requirements for minimum lot size.

16.08.340 Urban Growth Area. Those such areas designated in the County Comprehensive Plan or other land control ordinance.

CHAPTER 16.16

PRELIMINARY PLAT

Sections:

16.16.005	Pre-Application Review
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16.16.040	Information Required
16.16.050	Preliminary Street Grades, Utility and Drainage Facilities
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16.16.005 Pre-Application Review. Prior to making application for a Preliminary Plat, prospective applicants shall request a pre-application review to discuss the Preliminary Plat and Final Plat requirements and their proposal, with the Planning Department, Building Department, Fire Marshal, Public Works Department, Environmental Health Department, and other agencies as appropriate.

16.16.010 Application For Approval. For the purpose of expediting the final approval of any plat, the subdivider shall make application for approval of a preliminary plat to the Hearing Examiner, at the office

of the Planner. Together with the application, the subdivider shall submit ten copies of the preliminary plat at least 60 (sixty) days prior to the Hearing Examiner meeting at which action is desired. The Planner, on behalf of the Hearing Examiner, shall submit copies of the plat to:

- (a) Engineer, Health Officer, and other County officials concerned with the scope of their department functions;
- (b) Director of State Highways when such plats are located adjacent to the rights-of-way of State highways;
- (c) The proper city officials when such land to be platted is in the urban growth area or within 1000 feet of its boundary.

16.16.020 Public Hearing. Upon receipt of an application for preliminary plat approval, the Planner shall set a date for a public hearing. At a minimum, notice of the application and public hearing shall follow the procedures of Title 15 Sec. 15.07.

16.16.030 Scale. The scale of the preliminary plat shall be one hundred feet to the inch (additional scales may be used to show details) and shall contain information specified in this chapter.

16.16.040 Information Required. The preliminary plat shall specifically and clearly show the following features and information on one or more maps and drawings:

- (a) The name of the proposed plat, subdivision, or dedication;
- (b) A legal description of all lands included in the proposed plat, subdivision, or dedication;
- (c) Existing monuments and markers;
- (d) The boundary lines of the tract to be subdivided;
- (e) Location, width, and names of all existing or platted streets or other public ways within the proposed development and other important features, such as the general outline of permanent buildings, watercourses, utilities, railroad lines, municipal boundaries, township lines, and section lines;
- (f) The general location and size of all existing wells, sewers, water mains, culverts, and other underground installations within the tract and immediately adjacent thereto, as far as can be determined;
- (g) Contours of sufficient interval to show the topography of the entire tract, and at least one hundred feet beyond the tract boundaries, unless specifically waived by the planner;
- (h) The layout of proposed street right-of-way lines, alley and easement lines, and the layout and approximate dimensions of lots and blocks;
- (i) Tentative grades of each street;
- (j) All parcels of land intended to be dedicated or temporarily reserved for public use or to be reserved in the deeds for the common use of the property owners in the subdivision. The purpose, condition, or limitations of such dedications or reservations shall be clearly indicated;
- (k) The indication of any portion or portions of the plat for which successive or separate final plats are to be filed;
- (l) A vicinity sketch indicating the boundary lines and names of adjacent subdivisions, ownerships, streets, and tract lines of adjacent parcels, and the relationship of the proposed plat to major highways, schools, parks, shopping centers, and similar facilities;
- (m) the names and addresses of adjacent owners shall be required to comply with Section 16.16.020;
- (n) Two copies of the proposed restrictive covenants, if any;
- (o) Replats. If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown with dotted lines in their proper positions in relation to the new arrangement of the plat, the new plat being so clearly shown in solid lines as to avoid ambiguity, all as required by law;
- (p) A homeowners association, or other legally constituted body, may be required to operate private roads and/or utility systems.

16.16.050 Preliminary Street Grades, Utility & Drainage Facilities. So far as practicable and with due regard for topographic conditions, the highways, streets, alleys, and walkways in the proposed plat shall connect and conform to those in adjoining plats and conform to the policies in the Comprehensive Plan, other development plans, and land control ordinances as may be adopted by the Board. The subdivider or applicant shall submit:

- (a) Two copies of proposed drainage, proposed street grades and profiles, cross sections, and a monumentation plan shall be submitted to the Engineer.
- (b) If the subdivider elects to install sewers, water lines, or street lighting, he shall indicate the source and method of distribution, collection, or treatment, and include two copies of the general layout of such utilities with the preliminary plat. These plans for all utilities--roads, streets, and other public improvements--will be certified by a registered engineer, unless this requirement is specifically waived for good and just reason.
- (c) Natural watercourses and drainage ways shall be located within an easement reserving to the County the right to enter such properties for the purpose of flood control or protection.
- (d) Plans, profiles, and specifications of proposed improvements shall be furnished at the time of submitting a preliminary plat for approval, and be approved by the County Engineer before the plat is presented to the Hearing Examiner.
- (e) All private roads and/or easements shall be designated private and printed on the face of the subdivision plat.

Such plans and profiles shall show full details of the proposed improvements, which shall be according to the standards for the County as defined by action of the Board. They shall be drawn upon standard twenty-three inch by thirty-nine inch Federal Aid Plan profile sheets.

16.16.060 Review and Approval. The following procedures must be met:

(a) A preliminary plat application shall expire if additional information is requested by the County that is necessary to process the application, and such information is not provided to the County within 180 days of the request.

(b) The Hearing Examiner shall consider the preliminary plat at the next regularly scheduled meeting after the expiration of the 60 days required in section 16.16.010 and shall render a decision on such plat within forty days of the meeting at which the plat is first considered unless written permission is given by the applicant for a longer period of time. Prior to approval the Hearing Examiner shall make written findings that: (a) the preliminary plat makes appropriate provisions for public health, safety, and general welfare and for open spaces, drainage ways, streets or roads, light and air, ingress and egress, transit stops, sanitary wastes, parks and recreation areas, playgrounds, schools and schoolgrounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such land. If it finds that the proposed subdivision and dedication makes appropriate provisions and the public use and interest will be served, then the Hearing Examiner may approve the preliminary plat outright or conditionally. The public interest shall not include the regulatory taking of any contractual rights, options, or any other third-party interest in land, which if the preliminary plat were approved, may render such interests valueless. In such case, the Hearing Examiner may deny the preliminary plat until such interest is removed from the property that is the subject of the preliminary plat.

In computing any period of time prescribed by this Title, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a County legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or a County legal holiday.

- (c) The approval of a preliminary plat shall not guarantee final approval of the plat or subdivision

nor constitute an acceptance of the subdivision. Approval shall be authorization to proceed with the preparation of the final plat along the lines indicated in the approval of the preliminary plat.

(d) A final plat meeting all requirements of this Title shall be submitted to the Hearing Examiner for approval within three (3) years of the date of preliminary plat approval. An applicant who files a written request with the Department of Community Development at least thirty (30) days before the expiration of this three (3) year period shall be granted one one-year extension upon showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period. Requests for additional one (1) year extensions must be approved by the Hearing Examiner. Requests must be made in writing and submitted to the Department of Community Development at least thirty (30) days before the expiration of the previously granted extension. Knowledge of the expiration of the initiation of a request for extension of approval time is the responsibility of the applicant. Mason County is not responsible for providing notification of expiration, although it may notify the applicant of the date of expiration.

(e) Renewal Procedure: A plat for which preliminary approval has expired shall be submitted for reconsideration in the same manner as a new application, provided the required fees shall be reduced by 50 percent and further provided that such plats shall conform with regulations and standards in effect at the time of reapplication.

(f) Plats without an approved sanitary or municipal sewage works, shall have at least 75 percent of the lots approved by the Mason County health officer for individual septic tanks prior to approval by the Hearing Examiner. Plats within the urban growth area shall be approved by the Mason County health officer prior to approval by the Hearing Examiner. Such approval may contain restrictions on some lots which would run with the land until such time that the lots can be connected to ~~city~~ sewer and water services.

(g) Preliminary approval of the County Engineer in all aspects of a preliminary plat concerning his office, preliminary approval of the County Fire Marshal in all aspects of a preliminary plat concerning his office, and preliminary approval of the Mason County Health Officer in all aspects concerning his office must be obtained prior to the preliminary plat hearing.

CHAPTER 16.20

FINAL PLAT

Sections:

16.20.010	Procedure for Filing
16.20.020	Drafting Standards
16.20.030	Required Information
16.20.040	Survey Data and Procedures
16.20.050	Dedications
16.20.060	Required Improvements
16.20.070	Construction Standards
16.20.080	Minimum Improvements--Completion
16.20.090	Acknowledgement and Certificates
16.20.100	Filing and Fees

16.20.010 (A) Procedure for Filing. (a) For purposes of filing a final plat, the subdivider shall submit to the Planner an original final plat tracing and three dark line prints thereof. The Planner shall examine the plat for compliance with the provisions of this Title. The Planner may allow minor changes in approved preliminary plats for final plat filing. PROVIDED, The changes do not increase the density within the plat. If the final plat is deemed to be in correct form and to contain the required information, two copies of the plat drawing shall be certified by the Planner and forwarded to the Engineer.

(b) After receiving copies of the final plat, the Engineer shall examine or have examined the map as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and such other matters as require checking to insure compliance with the provisions of State laws pertaining to subdivisions and with this Title. Traverse sheets (computation of coordinates) and work sheets showing the closure of the exterior boundaries and of each irregular lot and block shall be furnished. If the final plat is found to be in correct form and the matters shown thereon are sufficient, the Engineer shall certify and return one copy of the final plat to the Planner.

(c) The Engineer, Director of Department of Community Development, Assessor, and Treasurer shall sign the final plat tracing prior to its presentation to the Hearing Examiner.

(d) A final plat application shall expire if additional information is requested by the County that is necessary to process the application, and such information is not provided to the County within 180 days of the request.

(e) After being approved as required by subsection (c) above, the final plat shall be presented to the Hearing Examiner. Each subdivision shall be accompanied by a certificate of Title, dated not to exceed ten minutes prior to submitting a plat for final approval, showing the names of all persons, firms, or corporations whose consent is necessary to dedicate road, street, and other easements upon the map. After finding that the final plat has been completed in accordance with the provisions of this Title, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the County are fully protected, the Hearing Examiner will sign the final plat accepting such dedications and easements as may be included thereon, and the final plat shall be returned to the applicant for filing for record with the County Auditor as provided in Section 16.20.100.

(f) An approved subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of five years after final plat approval unless the Board of County Commissioners finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

16.20.010 (B) Final Plat Approval. The Hearing Examiner before approving the final plat shall make written findings that: (a) the Final Plat makes appropriate provisions for public health, safety, and general welfare and for open spaces, drainage ways, streets or roads, light and air, ingress and egress, transit stops, potable water supplies, sanitary wastes, other public ways, parks and recreation areas, playgrounds, sites for schools and schoolgrounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such land.

16.20.020 Drafting Standards. (a) The final plat shall be clearly and legibly drawn in ink upon tracing cloth, stable base mylar polyester film or, other approved material. Photographic reproduction on stable base mylar film may be substituted.

(b) The scale of the plat shall be one inch equals one hundred feet. Lettering shall be at least three thirty-seconds inch high. The perimeter of the plat or subdivision being recorded shall be depicted with heavier lines than the remaining portion of the plat or subdivision.

(c) The size of each sheet shall be twenty inches high by twenty-two inches wide.

(d) A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of three inches on the left side, and one inch on each of the other three sides.

(e) If more than two sheets are used, an index of the entire subdivision showing the arrangement of all sheets shall be included on each sheet.

(f) The plat Title, date, scale, and north point shall be shown on each sheet of the final plat.

(g) All signatures placed on the final plat shall be original signatures written in permanent black ink.

16.20.030 Required Information. The following information is required on the final plat:

(a) Full and complete legal description of all land included in the plat;

(b) Location and names, without abbreviations, of all:

(1) streets and alleys

(2) public areas and easements

(3) adjoining streets

(4) street names previously approved by the County;

(c) The length and bearings of all straight lines, radii, arcs, and semi tangents of all curves;

(d) Centerline data on streets, alleys, and easements, including bearings and distances;

(e) All dimensions along the lines of each lot, in feet and decimals of a foot to the nearest hundredth, with the true bearings and any other data necessary for the location of any lot line in the field;

(f) The final plat shall show the centerline data, width and side lines of all easements, and right-of-way to which the lots are subject. If the easement is not definitely located of record, a statement as to the easement shall appear on the Title sheet;

(g) Easements for storm drains, sewers, and other purposes shall be denoted by broken lines;

(h) Each easement shall be clearly labeled and identified and if already of public record, proper reference given;

(i) The final map shall show city or County boundaries crossing or adjoining the subdivision;

(j) Subdivisions will be numbered in sequence of filing. Lots shall be numbered in sequence. No two lots in any subdivision shall bear the same number, notwithstanding division of the platted subdivision into separate blocks;

(k) In the event that more than one plat sheet is used, a lot shall be shown entirely on one sheet;

(l) The final plat shall show clearly what stakes, monuments, or other evidence was found on the ground which were used as ties to establish the boundaries of the tract;

(m) Lots containing one acre or more shall show net acreage to the nearest hundredth;

(n) All required dedications, endorsements, covenants, affidavits, and certificates shall show on the

face of the final plat;

(o) The final plat shall show the subdivision of the section or sections involved and show the township and range.

16.20.040 Survey Data and Procedures. In making any survey required under this Title, the following shall be considered and/or included:

(a) Surveys in connection with the preparation of subdivision maps as required in this Title shall be made in accordance with the standard practices and principles of land surveying. A traverse of the boundaries of the subdivision and all lots and blocks shall close within an error of one foot in five thousand feet;

(b) Ties to Washington Coordinate System (1945 Ch. 168 Sec. 1-10): Where the section including the proposed subdivision is within one-half mile of a triangulation or traverse station for which coordinates based on the Washington Coordinate System have been established, the section subdivision required by RCW 58.17 shall be supplemented by coordinates computed on the State Coordinate System in accordance with the provisions of Ch. 58.20 RCW, as derived from Ch. 168, Laws of 1956;

(c) Radius, tangent, arc, and central angle of curves;

(d) Suitable primary survey control points referenced to:

(1) section corners, and

(2) monuments existing outside of subdivision;

(e) Location and descriptions of all permanent monuments within subdivision;

(f) Ties to any city or county boundary lines involved;

(g) The corners of adjoining subdivisions or portions thereof shall be identified and ties shown;

(h) Sufficient data shall be shown to determine readily the bearing and length of each line, and the basis of meridian referred to;

(i) Whenever the engineer has established the centerline of a road, such data shall be considered in making the surveys and in preparing the first map, and all monuments found shall be indicated and proper reference made to field books or maps of public record relating to the monuments. If the points were reset by ties, that fact shall be stated;

(j) In making the survey for the subdivision, the surveyor shall set sufficient permanent monuments so that the survey or any part thereof may be readily retraced. Such monuments shall be placed at all angle points, except as provided in 16.20.040 (1), on the exterior boundary lines of the tract, and at intersections of centerlines of streets and at beginning of curves and end of curves on centerlines. Stakes set at lot corners will not be considered permanent. The character, type, and position of all monuments shall be noted on the map.

Each control point marking the boundary of the plat shall be accurately marked by monument set flush with the ground as approved by the County Engineer. Each lot corner shall be marked by a steel peg driven into the ground; such steel peg shall be a standard number 6 rebar 30 inches long, the top three inches to protrude above ground level and be painted a light color, using rust inhibitive paint.

It is intended that all monuments shall be set after the grading of streets. In case the plat is approved prior to completion of grading, temporary monuments shall be set and tied out and the bond or other security deposited to insure the grading shall be increased to the amount of the Engineer's estimate of the cost of resetting monuments after grading is completed;

(k) For each monument set, the surveyor under whose supervision the survey has been made shall furnish to the Engineer a set of notes showing clearly the ties between monument and a sufficient number (normally four) of durable distinctive reference points or monuments. Such reference points to monuments may be leads or tacks in sidewalks or such substitute therefore as appears most likely not to be damaged or disturbed. Such set of notes shall comply with standards set by the Engineer, and shall be indexed and filed by the Engineer as a part of the permanent records;

(l) When a subdivision borders on a body of water, a plat meander line shall be established along

the shore at a safe distance back from the ordinary high-water mark of such body of water. Property lying beyond such meander line shall be defined by distances along the side property lines extended from the meander line. Wherever the thread of a stream forms a boundary of a plat, such stream thread shall be defined by bearings and distances as it exists at the time of the survey;

(m) All documents, maps, and survey books shall contain the name of the subdivider and the name of the registered land surveyor doing the survey.

16.20.050 Dedications. (a) All streets, highways, and parcels of land shown on the final map and intended for any public use shall be offered for dedication for public use, except where the provisions of this Title provide for private streets.

(b) Streets, or portions of streets, may be required by the County for future dedication where the immediate opening and improvement is not required, but where it is necessary to insure that the County can later accept dedication when the streets become needed for further development of the area or adjacent areas.

(c) Easements being dedicated shall be so indicated on the face of the plat.

16.20.060 Required Improvements. The minimum improvements which the subdivider will be required to make or enter into an agreement to make prior to the acceptance and approval of the final plat by the Hearing Examiner shall be: (a) Adequate grading and surfacing of streets, highways, ways, and alleys as per minimum standards established by the Board;

(b) All regulatory and warning signs required by and in conformity with the Washington State Highway Department "Manual for Signing" current edition;

(c) Adequate drainage of the subdivision streets, highways, ways, and alleys;

(d) Monuments. Monument cases, approved by the Engineer, shall be required in all paved streets;

(e) Other improvements may be required under circumstances cited in the Hearing Examiner's action;

(f) All improvements shall be installed to grades approved by the Engineer;

(g) When a subdivision is located in a water district, sewer district, or other such district, plans of necessary utility lines, pumping stations, fire hydrants, or other such installations shall be approved by the proper authority prior to submission of the final plat. "As built" plans of water, sewer, and other utilities shall be filed with the Engineer.

16.20.070 Construction Standards.

(a) Minimum construction standards appropriate to the locality, topography, soil conditions, and geology of Mason County pertaining to the construction of roads, bridges, drains, culverts, monuments, and other required improvements, have been prepared and adopted by the Board of County Commissioners of Mason County. All improvements shall be constructed in conformity with such current standards as they may be amended by resolution of the Board from time to time.

(b) Improvements on and construction of private or corporate roads shall comply with the minimum construction standards for dedicated roads or streets as adopted by the Board. If private or corporate roads are established in any plat, each lot shall have an equal, undivided, and indivisible interest in such private or corporate roads (see Section 16.20.090(d)).

16.20.080 Minimum Improvements--Completion. At the time of requesting final approval, the subdivider, subject to the approval of the Hearing Examiner, shall elect to carry out the required minimum improvements by one of the following methods: (a) By actually installing the minimum improvements required hereunder. Improvements may include road, utilities, drainage, or other required work;

(b) By furnishing Mason County with a performance bond satisfactory to the County Prosecuting

Attorney, in which assurance is given to the County that the installation of minimum improvements will be carried out as provided herein. Bonds should be separate for different types of improvements;

(c) If such improvement work is not completed satisfactorily before the final map is approved, the owner or owners of the subdivision shall, immediately upon approval and before the certification of the final map by the County, enter as contractor into an agreement with the Board of County Commissioners, whereby, in consideration of the acceptance by the Board of County Commissioners of the streets and easements offered for dedication, the contractor agrees to complete the work within the time specified in the agreement. To assure the County that this work will be completed and lien holders paid, a bond shall be furnished guaranteeing faithful performance and guaranteeing payment for labor and materials. The amount of such bond shall be determined by the Engineer, and approved by the Board of County Commissioners as to the amount and adequacy of the bond. The performance bond shall be for a period of two years; Provided, that it may be renegotiated for an additional two year period. In lieu of a bond, a cash deposit in the required amount may be made;

(d) By a combination of these methods;

(e) In addition, Mason County shall require the posting of a bond securing the successful operation of improvements for two years after completion, unless specifically exempt by the ~~Board~~ Hearing Examiner.

(f) The County shall not assume maintenance of or accept liability for dedicated roads, streets, or public rights-of-way in subdivisions until the Board shall, upon recommendation of the Engineer, execute a formal order of establishment of such roads or streets in accordance with RCW 36.81.

16.20.090 Acknowledgement and Certificates. The following forms shall be used for acknowledgements and certificates required under this Title:

(a) Description:

"This plat of John Doe's Addition to the City of Shelton, Mason County, Washington, covers and includes all of the Southwest Quarter of the Southwest Quarter (SW 1/4 of the SW 1/4) of Section Eighteen (18), Township Twenty (20) North, Range Three (3) West of the Willamette Meridian."

(b) Dedication. The completed plat must contain a dedication which shall read as follows, when germane:

"Know all men by these presents that _____, the undersigned, _____ owner, in fee simple of the land declare this plat and dedicate to the use of the public forever all streets, avenues, places, and sewer easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes not inconsistent with the use thereof for public highway purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc., shown on this plat in the reasonable grading of all streets, avenues, places, etc., show hereon. Also, the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damages against any governmental authority are waived which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said roads."

IN WITNESS WHEREOF we set our hands and seals this __ day of ____ A.D., 20__."

Plats containing private dedications shall be worded appropriately, but contain the following:

"All claims for damages against any governmental authority are waived which may be occasioned

shall be set and lot and block corners shall be staked correctly on the ground; that I fully complied with the provisions of the State Statutes and regulations governing platting and that it conforms to the approved preliminary plat and the conditions of approval thereof."

(SEAL)

(2) "I hereby certify that all State and County taxes heretofore levied against the property described hereon, according to the books and records of my office, have been full paid and discharged, including _____ taxes.

Treasurer of Mason County "

(3) "Examined and approved this ___ day of _____ 20__.

Mason County Road Engineer "

(4) "Examined and generally approved for individual sewage systems with community water supply. Except lots _____. Each lot is subject to building site approval.

Mason County Health Officer

By

Sanitarian "

(5) "Examined and approved this ___ day of _____ 20__.

Mason County Assessor "

(6) "Examined and approved this ___ day of _____ 20__.

Mason County Community Development Director"

(7) "Examined and approved this ___ day of _____ 20__.

Hearing Examiner,
Mason County, Washington"

(8) "Filed for record at the request of the _____ this ___ day of

TITLE 16- PLATS AND SUBDIVISIONS **JULY 2008**

A.D., 20__ at _____ minutes past _____M., and recorded in Volume ____ of
Plats, page ____, Records of Mason County, Washington.

Mason County Auditor

BY
Deputy County Auditor "

16.20.100 Filing and Fees. (a) The final plat, subdivision, or dedication, shall be duly filed with and recorded by the County Auditor upon receipt of the full amount of the filing fees according to the provisions of RCW 36.18.010, 36.18.030, 36.18.040, 36.18.045, 43.07.120, 62A. 9-403 and 62A. 9-404.

(b) No subdivision map shall be filed with the County Auditor until the County Treasurer has certified that all delinquent taxes and assessments on the property and all taxes and assessments on the property that have been levied and are payable have been paid as of the date of the filing.

(c) A certificate of Title from a reputable abstractor or a reputable Title insurance company shall be submitted which shall name all parties interested in the land to be platted, and certify that taxes have been paid as required by law, such certificate shall be dated not to exceed ten minutes prior to time of submitting plat to Hearing Examiner for approval.

Chapter 16.22

Performance Subdivisions

Sections:

16.22.010	Application of Regulations
16.22.020	Sketch Plan Required
16.22.030	Performance Criteria
16.22.031	Minimum Lot Sizes Established
16.22.032	Primary Conservation Area
16.22.034	Secondary Conservation Areas
16.22.036	Additional Open Space Criteria
16.22.037	Site Design Considerations
16.22.039	Mixed Uses
16.22.040	Ownership, Maintenance and Use of Open Space
16.22.042	Ownership
16.22.044	Maintenance
16.22.046	Use
16.22.050	Procedures for Approval
16.22.060	Transfer of Density

16.22.010 Application of Regulations. The following regulations shall apply to any applicant for subdivision approval who is seeking an increase in the standard density allowed in the development area in which the proposed development is located. While additional information is required of the applicant for the review of a performance subdivision, it is the intent of this Chapter that the procedural requirements for performance subdivisions shall be no more difficult than those established for traditional subdivisions. Performance subdivisions are not permitted within Long-Term Commercial Forests, Mineral Resource Areas, or Agricultural Resource Lands .

16.22.020 Sketch Plan Required. Any applicant submitting a proposal for a Performance Subdivision shall submit a sketch plan for review during the Preliminary Plat process. In addition to the information required in Section 16.16.050, the sketch plan shall be submitted that shows the Primary Conservation Areas, Secondary Conservation Areas, and proposed development areas. A public hearing shall not be required at this time. However, abutters to the property and members of the general public shall be encouraged to attend the Hearing Examiner review of the sketch plan. Public comment at this stage is intended to minimize the need for significant plan changes during review of subsequent submittals.

16.22.030 Performance Criteria. Land proposed for development under this Chapter shall receive the residential density bonuses allowed, provided that they meet the design and performance standards set forth in this chapter-

16.23.032 Minimum Lot Sizes Established. No lot for which the construction of a residential dwelling is proposed shall be less than 20,000 square feet in gross land area.

16.22.032 Primary Conservation Areas. Primary Conservation Areas shall be clearly identified, and shall be set aside as permanent open space. Primary Conservation areas shall be included in the calculation of both standard and maximum density allowed, but they shall not be used in calculating the percentage of permanent open space required.

16.22.034 Secondary Conservation Areas. Secondary Conservation Areas shall be identified and shall, to the greatest extent possible, be avoided as development areas. The minimum threshold for qualification as a Performance subdivision is that at least fifty (50%) percent of the buildable area of the property be set aside as permanent open space. Buildable area excludes Primary Conservation Areas, but includes Secondary Conservation areas. At least twenty-five (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty (50%) percent shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site. Upon reaching this threshold, the applicant shall be entitled to a density bonus equal to fifty (50%) percent of the difference between the Standard Residential Density and the Maximum Residential Density allowed within the particular Development Area.

16.22.036 Additional Open Space Criteria. The design of an open space area shall require the following:

- A. Interconnection with designated open space on abutting properties where applicable;
- B. The preservation of important site features, such as rare or unusual stands of trees, unique geological features, or important wildlife habitat;
- C. Direct access from as many lots as possible within the development; and
- D. Minimizing the fragmentation of the open space areas. To the greatest extent possible, the designated open space shall be located in large, undivided areas.
- E. A curvilinear roadway design which minimizes the visual impact of houses as may be seen from the exterior of the site.

Compliance with the provisions set forth in this Section shall entitle the applicant to a residential density bonus equal to twenty-five (25%) percent of the difference between the Standard Residential Density and the Maximum Residential Density allowed within the particular Development Area.

16.22.037 Site Design Standards. The siting of house lots shall avoid the following:

- A. Interruption of scenic views and vistas;
- B. Construction on hill tops or ridge lines;
- C. Direct access or frontage on existing public ways;
- D. A "linear" configuration of open space (except when following a linear site feature, such as a river, creek or stream).

Compliance with the provisions set forth in this Section shall entitle the applicant to a residential density bonus equal to twenty-five (25%) percent of the difference between the Standard Residential Density and the Maximum Residential Density allowed within the particular Development Area.

16.22.039 Mixed Uses. In Urban Growth Areas, applicants are encouraged to provide a mix of land uses in addition to residential uses on the site, such as small-scale retail uses. Compliance with the provisions set forth in this Section shall entitle the applicant to a residential density bonus equal to twenty-five (25%) percent of the difference between the Standard Residential Density and the Maximum Residential Density allowed within the particular Development Area. However, in no case shall the total of residential density bonuses allowed exceed the allowed Maximum Residential Density within the Development Area.

16.22.040 Ownership, Maintenance and Use of Open Space. The applicant shall provide a mechanism to assure that any required open space is permanently protected and maintained.

16.22.042 Ownership.

- A. The open space may be conveyed by fee simple instrument to an owner's association, to the County (subject to County approval), or to an entity (for example, a land trust) acceptable to the County who has demonstrated capacity to provide for the long-term protection and maintenance of the property.
- B. The open space may be kept by the applicant, and used for any of the purposes set forth in Section 16.12.046.

16.22.044 Maintenance.

Any conveyance of the required open space shall include an endowment of funds equal to at least twenty (20) times the annual estimated maintenance cost, in order to assure that the property will be maintained. The requirement for an endowment may be waived upon conveyance to an owner's association, provided that the bylaws of said association shall require regular payments from members to defray maintenance costs. The bylaws shall also include provisions for the recovery of funds in the event of default.

16.22.046 Use.

- A. The primary uses of open space set aside pursuant to this section are active and passive recreation, protection and preservation of critical areas, and preservation of other natural elements of importance to the community, and to the residents of the development. Other uses permitted within open space areas are forestry and agriculture, provided that these uses do not occur within any required buffer yard.
- B. Open space set aside pursuant to this Chapter may be designated by the applicant as "future development area." Such designated area shall be kept and maintained as open space, until such time as the land may be designated for development at urban densities. At any time after such change in land use designation occurs, the "future development area" land may be developed in accordance with the regulations in effect at that time. Such development shall require a new, separate application. Primary Resource Areas and buffer yards shall not be designated as "future development areas."

16.22.050 Procedures for Approval. Preliminary approval for any performance subdivision shall follow the procedures set forth in Chapter 16.16, except that the submittal of a preliminary sketch plan is required.

16.22.060 Transfer of Density.

Upon analysis of all of the opportunities and constraints identified on a specific parcel of land, if it is determined that the use of the provisions set forth in this Chapter will not result in the use of the maximum density allowed, then the applicant shall have the right to transfer any unused development density to any parcel of land located in an Urban Growth Area. By use of this transfer right, maximum density allowed in the Urban Growth Area may be exceeded by up to fifty (50%) percent.

Chapter 16.23

Cluster Subdivisions

Sections:

16.23.010	Application of Regulations
16.23.020	Sketch Plan Required
16.23.030	Maximum Lot Sizes Established
16.23.032	Minimum Lot Sizes Established
16.23.035	Minimum Agricultural Resource Land Open Space Lot Size
16.23.040	Design Criteria
16.23.042	Primary Conservation Areas
16.23.044	Secondary Conservation Areas
16.23.046	Additional Open Space Criteria
16.23.048	Additional Site Design Considerations
16.23.050	Ownership, Maintenance and Use of Open Space
16.23.060	Procedures for Approval
16.23.070	Transfer of Density

16.23.010 Application of Regulations. The following regulations shall apply to any applicant for subdivision or short plat approval, where the property proposed for subdivision or short plat is located within areas designated in the Mason County Development Regulations as Long-Term Commercial Forests, Mineral Resource Lands, and Agricultural Resource Lands.

16.23.020 Sketch Plan Required. Any applicant submitting a proposal for a Cluster Subdivision shall submit a sketch plan for review during the Preliminary Plat process. In addition to the information required in Section 16.16.050, the sketch plan shall be submitted that shows the Primary Conservation Areas, Secondary Conservation Areas, and proposed development areas. A public hearing shall not be required at this time. However, abutters to the property and members of the general public shall be encouraged to attend the Hearing Examiner review of the sketch plan. Public comment at this stage is intended to minimize the need for significant plan changes during review of subsequent submittals.

16.23.030 Maximum Lot Sizes Established. No lot for which the construction of a residential dwelling is proposed under this Chapter shall exceed two acres in gross land area.

16.23.032 Minimum Lot Sizes Established. No lot for which the construction of a residential dwelling is proposed shall be less than 20,000 square feet in gross land area.

16.23.035 Minimum Agricultural Resource Land Open Space Lot Size. Any cluster subdivision on Agricultural Resource Land shall provide the required open space in a lot, or lots, each such open space lot being 10 or more acres.

16.23.040 Design Criteria. Land proposed for development under this Chapter shall meet the design standards set forth in this chapter.

16.23.042 Primary Conservation Areas. Primary Conservation Areas shall be clearly identified, and shall be set aside as permanent open space. Primary Conservation areas shall be included in the calculation of both standard and maximum density allowed, but they shall not be used in calculating

the percentage of permanent open space required.

16.23.044 Secondary Conservation Areas. Secondary Conservation Areas shall be identified and shall, to the greatest extent possible, be avoided as development areas. For Agricultural Resource Lands, at least 75% of the land being divided, not including the area of the Primary Conservation areas, shall be included in the property set aside as permanent open space.

16.23.046 Additional Open Space Standards. The design of an open space area shall require the following:

- A. Interconnection with designated open space on abutting properties;
- B. The preservation of important site features, such as rare or unusual stands of trees, unique geological features, or important wildlife habitat;
- C. Direct access to the open space from as many lots as possible within the development, except for Agricultural Resource Lands; and
- D. Minimizing the fragmentation of the open space areas. To the greatest extent possible, the designated open space shall be located in large, undivided areas.
- E. A curvilinear roadway design which minimizes the visual impact of houses as may be seen from the exterior of the site.
- F. In Agricultural Resource Lands, include the most productive land and any other features of the property identified as important to agricultural productivity of the open space.

16.23.048 Additional Site Design Standards. The siting of house lots shall avoid the following:

- A. Interruption of scenic views and vistas;
- B. Construction on hill tops or ridge lines;
- C. Direct access or frontage on existing public ways;
- D. A "linear" configuration of open space (except when following a linear site feature, such as a river, creek or stream).

16.23.050 Ownership, Maintenance and Use of Open Space. The applicant shall provide a mechanism to assure that any required open space is permanently protected and maintained, in conformance with the provisions set forth in Section 16.22.040. In Agricultural Resource Lands, no covenant or other restriction on the open space land may prohibit the use of the land for agricultural purposes.

16.23.060 Procedures for Approval. Preliminary approval for subdivision shall follow the procedures set forth in Chapter 16.16, except that the submittal of a preliminary sketch plan is required.

16.23.070 Transfer of Density. Upon analysis of all of the opportunities and constraints identified on a specific parcel of land, if it is determined that the use of the provisions set forth in this Chapter will not result in the use of the maximum density allowed, then the applicant shall have the right to transfer any unused development density to any parcel of land located in an Urban Growth Area. By use of this transfer right, maximum density allowed in the Urban Growth Area may be exceeded by up to fifty (50%) percent.

CHAPTER 16.24

CONDOMINIUM PLATS

Sections:

- 16.24.010 Application of Regulations
- 16.24.020 Submission for Approval
- 16.24.030 Required Information
- 16.24.040 Certification
- 16.24.050 Percentage of Unit Interest
- 16.24.060 Declaration
- 16.24.070 Notice of By-laws

16.24.010 Application of Regulations. The following regulations apply to horizontal property regimes (condominium) plats only. The establishment of a condominium is subject to the provisions of RCW 64.32.

16.24.020 Submission for Approval. Condominium plats in preliminary form shall first be submitted to the Planner to determine if any zoning, land subdivision, or street dedications are involved which would require procedures in addition to those indicated herein. The sheet size shall be the standard size required for land plats. The number of copies required shall be determined by the Planner.

16.24.030 Required Information.

- (a) The plat must be in three dimensions relating vertical control to recorded datum.
- (b) Dimensions on the condominium plat shall be in feet and inches to conform with architect's drawings;
- (c) Two permanent bench marks shall be set on or near the building at the ground level for future reference in locating units in the plat.
- (d) Vertical position or positions of the plane of each floor or ceiling in any space unit shall be referenced to its elevations above recorded datum shown on the face of the plat as "Floor Elevation __, Ceiling Elevation __." The reference plans for elevation shall be noted on the plat.
- (e) Each floor plan of the permanent structure shall be shown, as well as basement and floor levels, and area of plot plan. The dimensions and ties shown for each parcel shall be definite enough with respect to both vertical and horizontal control so that the boundaries of each apartment may be accurately located by the use of standard survey methods.
- (f) All unit or apartment property lines shall be the interior surfaces of the perimeter walls, floor, ceiling, windows, and doors thereof.
- (g) Apartment numbers and the plat unit numbers must be the same. The plat name and apartment building must be the same.

16.24.040 Certification. The condominium plat must contain all of the certifications and approvals required for any plat. Dedications of public areas and facilities, and the grant to apartment owners of private easements in common areas and facilities, shall conform with all applicable codes and ordinances of Mason County. Each condominium plat shall contain a certification by the architect or a licensed civil engineer or registered land surveyor that the plat is in agreement with the building plan.

16.24.050 Percentage of Unit Interest. The percentage of undivided interest must be shown on

the plat as well as in the declaration. The percentage should be expressed in decimal form. Any change of percentage of interest shall be filed for record with the County Auditor, and the Auditor shall make a notation on the margin of the plat of such amendment, the date thereof, and the recording reference numbers.

16.24.060 Declaration. A declaration, the instrument by which the property is submitted to provision of the State law, must be filed with the County Auditor at the time the plat is filed.

16.24.070 Notice of By-laws. The by-laws under which the building, constituted as a condominium, is administered should not be part of the plat. The current by-laws shall be recorded in the office of the County Auditor. Reference to the general index or receiving number and to the volume and page where recorded shall be included in any instrument of transfer or any or all units as a restriction on the Title of such units.

CHAPTER 16.28

DESIGN STANDARDS

Sections:

- 16.28.010 Provisions of Comprehensive Plan
- 16.28.020 Streets, Conformity with Comprehensive Plan
- 16.28.030 Streets, Relation to Adjoining Street System
- 16.28.040 Streets, Private
- 16.28.050 Streets, Dead-End
- 16.28.060 Streets, Intersection
- 16.28.070 Streets, Grades
- 16.28.080 Streets, Specific Requirements
- 16.28.090 Streets, One-Way
- 16.28.100 Alleys, Required--Waiver
- 16.28.110 Alleys, Standards
- 16.28.120 Easements, Public Utilities
- 16.28.130 Easements, Unusual Facilities
- 16.28.140 Easements, Watercourses
- 16.28.150 Blocks, Length
- 16.28.160 Lots, Access
- 16.28.170 Lot Size
- 16.28.180 Lots, Double Frontage
- 16.28.190 Subdivision of Lots Prohibited
- 16.28.200 Subdivision Advertising Signs

16.28.010 Provisions of Comprehensive Plan. All subdivisions shall reflect and be guided by provisions of the Comprehensive Plan or other development plans as may be adopted by the Board.

(a) Land which has been found to be unsuitable for subdivision due to flooding, poor drainage, steep slopes, rock formations, or other features likely to be harmful to the safety and general welfare of the future residents shall not be subdivided unless adequate methods, approved by the Engineer, are planned for overcoming these conditions.

(b) The proposed subdivision shall provide for such requirements as are contained in the

Comprehensive Plan for Mason County as adopted by the Board of Mason County Commissioners.

16.28.020 Streets, Conformity with Comprehensive Plan. The alignment of major streets shall conform as nearly as possible with that shown on the Comprehensive plan. All streets shall conform to the policies in the Comprehensive plan or other development plans and land control ordinances as may be adopted by the Board.

16.28.030 Streets, Relation to Adjoining Street Systems. The layout of streets shall provide for the continuation of principal streets existing in adjoining subdivisions. When adjoining property is not subdivided, principal streets in the proposed plat shall provide access to such unplatted property when necessary.

16.28.040 Streets, Private. Private streets and roads may be allowed but they must all conform to the current road standards as adopted by the Board.

16.28.050 Streets, Dead-End. Streets designed to have one end permanently closed or in the form of a cul-de-sac shall be provided at the closed end with a turn-around having a minimum right-of-way radius of not less than fifty feet. Temporary cul-de-sac may be required at temporary street endings until such streets are extended.

16.28.060 Streets, Intersections. Street intersections shall be as nearly at right angles as is practicable. Street jogs with offsets of less than one hundred twenty-five feet shall be avoided.

16.28.070 Streets, Grades. Streets shall generally follow contour lines. Grades shall be not less than one-half of one percent on any streets, and not more than the percent as specified in Section 16.28.080.

16.28.080 Streets, Specific Requirements. Platters shall be required to comply with regulations as established by the County Engineer relating to construction and design standards of roads and streets and in accordance with current statuses as adopted by the Board of County Commissioners.

16.28.090 Streets, One-Way. One-way streets are allowed only with specific approval of the County Engineer and Hearing Examiner.

16.28.100 Alleys, Required--Waiver. Alleys shall be provided at the rear of all lots intended for business or industrial uses, except that this requirement may be waived by the Hearing Examiner where other definite and assured provision is made for off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

16.28.110 Alleys, Standards. Dead-end alleys shall be avoided whenever possible, but if unavoidable, shall be provided with adequate turn-around facilities. Alley intersections and sharp changes in direction shall be avoided but where they are necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Except as otherwise provided in this Title, alleys shall follow the general standards governing streets.

16.28.120 Easements, Public Utilities. All lots shall be subject to an easement of five (5) feet in width, and parallel and adjacent to all lot lines, except that this easement shall be ten (10) feet in width along lot lines where lots are not contiguous for purposes of installation and maintenance of

all utilities and drainage and all lots shall also be subject to the right of overhead easements of electric and telephone wires over portions of lots where roadway curvature causes the same to occur. Easement for existing or future utility lines which do not lie along rear or side lot lines shall be at least ten (10) feet wide.

16.28.130 Easements, Unusual Facilities. Easements for unusual facilities such as high-voltage electric transmission lines, drainage canals, or pondage areas shall be of a size adequate for the purpose and shall include right-of-way for necessary maintenance roads.

16.28.140 Easements, Watercourses. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the line of such watercourse, drainage way, wasteway, channel, or stream, and of such width for construction, maintenance and control as will be adequate for the purpose.

16.28.150 Blocks, Length. In general, blocks shall be as long as is reasonably possible, consistent with the topography and the needs for convenient access, circulation, control, and safety of street traffic and the type of land use proposed.

16.28.160 Lots, Access. Each lot shall be provided with satisfactory access by means of a public street connecting to an existing public highway or by some other legally sufficient recorded right of access which is permanent and inseparable from the lot served. Lots shall not have direct access to any County arterial.

16.28.170 Lot Size. (a) Basic minimum requirements shall be as follows:

- (1) All lots shall have a minimum average width of not less than one-third of the median length and a minimum width at any point of fifty (50) feet. Widths shall be measured perpendicular to the longitudinal median line of the lot.
 - (2) The minimum area of lots served by municipal sewage works shall be six thousand (6000) square feet
 - (3) The minimum gross land areas of lots served by individual sewage system on each lot shall be two acres, provided that when the lots are proposed as part of a performance subdivision or cluster subdivision, then the minimum lot size for a residential lot shall be twenty thousand (20,000) square feet. These minimum sizes shall be for lots proposed for single family units outside of urban growth areas. When served by on-site septic systems, lots for single family units inside of urban growth areas and for multiple family units shall be as approved by the Mason County Hearing Examiner.
 - (4) The area within a panhandle lot which functions as the access area shall not be computed in determining the minimum area.
- (b) Lot areas in excess of established basic minimums may be required:
- (1) When specified by the Mason County Health Department, Environmental Health Division;
 - (2) When specified by other Mason County development regulations.
- (c) Environmental Health Division approval of proposed lot sizes, with respect to ability of soils to accept septic tank effluents, shall be obtained prior to the submission of a preliminary plat.

16.28.180 Lots-Double Frontage. Residential lots which have street frontage along two opposite

boundaries shall be avoided except for reverse-frontage lots which are essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. For such lots there shall be an easement in favor of the appropriate governmental entity at least ten feet wide along the lot lines abutting such a traffic arterial or other disadvantageous use, across which there shall be no right of access for the general public or adjoining property owners.

16.28.190 Subdivision of Lots Prohibited. Platters are notified that the size and least dimension of lots in a platted subdivision is in every instance an essential consideration in the approval by the Hearing Examiner.

16.28.200 Subdivision Advertising Signs. Signs advertising or giving directions to land platted under this ordinance shall be removed within two years of the filing of the last final plat. Developers, real estate agents, etc., shall record with the Planning Director the location of these signs in Mason County. These signs may be removed by Mason County at the developer's expense.

CHAPTER 16.32

HEALTH STANDARDS

Platter shall be required to comply with current Mason County Health Department, Environmental Health Division requirements.

CHAPTER 16.36

SHORT SUBDIVISIONS

Sections:

16.36.010 Application of Regulations

16.36.020 Administrator and Procedures

16.36.030 Administration

16.36.010 Application of these Regulations. Every division of land or contiguous land for the purpose of lease, sale, or transfer of ownership, into two or more but fewer than five lots, parcels, or tracts within the unincorporated area of Mason County shall proceed in compliance with this chapter. Contiguous parcels of land in the same ownership and having boundaries in common shall be presumed to be a single parcel in determining whether or not the division of land comprises a subdivision.

The provisions of this chapter shall not apply to:

- (a) Any cemetery burial plot, while used for that purpose;
- (b) Any division of land in which the smallest lot created by the division is five acres or more in area;
- (c) Any division made in compliance with Title 16.20 Mason County Code;
- (d) Any division of land that can be described by a legal subdivision of a section of not less than 1/128th of a section;
- (e) Land division of record in the Auditor's office on the effective date of this Chapter;
- (f) Property line adjustments wherein the result does not adversely affect access or reduce the lot size below the minimum requirements;
- (g) Divisions which are solely for use as a private right-of-way;
- (h) Divisions of platted lots which by deed restriction are made a part of an adjoining lot and which will not permit a separate building site for human occupancy or habitation, provided the divisions are approved in writing by the Administrator on the legal conveyance.

16.36.020 Administrator and Procedures.

16.36.021 Procedure - Administrator's Duties. The Mason County Department of Community Development Director, referred to in this chapter as the Administrator, is vested with the duty of administering the provisions of this chapter and with authority to summarily approve or disapprove proposed short plats. The Administrator may prepare and require the use of such forms as he deems essential to his duties.

16.36.022 Procedure - Application.

- a) Prior to making application for a short subdivision, prospective applicants shall request a pre-application review to discuss the short subdivision requirements and their proposal, with the Planning Department, Building Department, Fire Marshal, Public Works Department, Environmental Health Department, and other agencies as appropriate.
- b) Any person desiring to divide land (1) within a designated urban growth area of Mason County into nine or fewer lots, or (2) outside of a designated urban growth area of Mason County into four or fewer lots, for the purpose of lease or sale, shall submit an application for short subdivision approval to the Administrator together with an application fee set by the Board of County Commissioners.

16.36.023 Procedure - Application Preparation. (a) Applications for approval of short subdivisions may be accompanied by a proposed short plat which includes pertinent survey data compiled as a result of a survey made by or under the supervision of a registered land surveyor in compliance with the Survey Recording Act of 1973.

(b) All other applications may be prepared by the applicant, providing they are prepared in a neat, legible manner.

(c) Sheet size for short plats shall be 18 x 24 inches to meet the standards of the Survey Recording Act.

16.36.024 Procedure - Application Content.

1. Applications for approval of short subdivisions shall contain:

(a) Three copies of a sketch of the entire contiguous tract owned or being purchased on contract by the applicant which shall show:

- (1) The owners of adjacent land and the names of any adjacent subdivision;
- (2) Lines marking the boundaries of proposed lots;
- (3) Location of road right-of-way within or adjacent to the tract, and easements within the tract which are to be used for ingress and egress for road and utility purposes;
- (4) All private roads and/or easements shall be designated private and printed on the face of the short plat;

(b) Legal description of the original tract, a unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of this amendment by Ord. 37-89 to Mason County Code Title 16, Plats and Subdivisions, the configuration of which may be determined by the fact that all land abutting a tract is separately owned by others not associated by a land development business relationship with the owner, and each lot's legal description certified by a Registered Land Surveyor or a Title Company, containing any and all easements for access to the property;

(c) The name, address, and phone number of the owner or owners of the said tract;

(d) Survey by a registered land surveyor may be required by the Administrator;

(e) Certification that all contiguous land is owned by others not associated by a land development business relationship with the owner.

2. A short subdivision application shall expire if additional information is requested by the County that is necessary to process the application, and such information is not provided to the County within 180 days of the request.

16.36.025 (A) Procedure - Administrative Determinations. The Administrator shall, after conferring with appropriate officials, determine whether:

(a) The proposed lots are in conformity with the intent of the Comprehensive Plan requirements;

(b) The proposed lots are served with adequate means of access, and, as may be applicable, fire protection, drainage, water supplies, and means of sanitary sewage disposal;

(c) The public use and interest will be served by permitting the proposed division of the land;

(d) No lot shall be less in area than ~~42,500~~ 20,000 square feet on individual septic tanks provided that in urban growth areas smaller lots may be allowed consistent with policies in the Comprehensive plan or other land control ordinance.

(e) Adequate legal descriptions are provided for each lot;

(f) All real property taxes shall be paid to date.

16.36.025 (B) Procedure - Administrative Written Findings. The Administrator shall, prior to final short subdivision approval, make written findings that: (a) Appropriate provisions are made

for public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and all other relevant facts, including sidewalks, and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the permitting the proposed subdivision of land. The public interest shall not include the regulatory taking of any contractual rights, options, or any other third-party interest in land, which if the short subdivision were approved, may render such interests valueless.

Written findings shall be made on a cover sheet to the short subdivision application and shall be signed by the administrator.

16.36.026 Procedure - Approval and Filing.

If the Administrator determines that the foregoing requirements are met, he shall approve the application, and shall transmit an approved copy to the subdivider. The short subdivision shall be filed with the County Auditor.

16.36.027 Procedure - Appeal to Hearing Examiner. Any person aggrieved by the decision of the Administrator to approve or disapprove a proposed short plat may appeal the decision to the Mason County Hearing Examiner within (20) days following issuance of the decision. The Hearing Examiner, following a public meeting thereon, may affirm or reverse the Administrator's decision, or may recommend the application to the Administrator with instructions to approve the same upon compliance with the conditions imposed by the Hearing Examiner.

16.36.028 (A) Procedure – Alterations. Alterations to any approved short subdivision shall be allowed pursuant RCW 58.17.060. Short subdivision alterations typically apply to those elements which are common to at least two or more lots within the short subdivision such as, but not limited to the relocation of trails, roads, buffers, open space, drainage easements, park and recreation sites, etc. Additional lots cannot be added except pursuant to RCW 58.17.060 and MCC 16.36.034.

16.36.028 (B) General. An alteration to a portion of a recorded short subdivision replaces and supersedes the portion of the original short subdivision that is contained in the alteration.

16.36.028 (C) Application. When any person is interested in the alteration of any short subdivision except as provided by RCW 58.17.040(6) or MCC 16.40.040 and 16.40.045, an application for review may be submitted to the County and shall be on forms and with fees as established by the Department.

16.36.028 (D) Required Written Findings and Determinations. The Administrator shall inquire into the public use and interest proposed to be served by the establishment of the short subdivision alteration, if any. A proposed short subdivision alteration shall not be approved unless the Administrator makes written findings that:

1. The alteration conforms to the requirements of RCW 58.17 and the provisions of this Title;
2. The items to be altered do not conflict with the goals and policies of the Comprehensive Plan and applicable community plan, applicable County codes and state laws;
3. The public use and interest will be served as a result of the proposed alteration; and
4. All owners of affected properties have signed in front of a Notary approving the alteration.

16.36.028 (E) Approval. The Administrator shall approve any proposed short subdivision

alteration that meets the required written findings and determinations and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, other applicable County codes, state laws, and the criteria contained in this chapter.

16.36.028 (F) Recording. After approval of the alteration and upon signature of the Administrator, the alteration shall be filed with the county auditor, which may include a revised drawing of the approved alteration, to become the lawful short subdivision of the property.

16.36.028 (G) Not Applicable to Tide Lands. This chapter shall not be construed as applying to the alteration or replating of any short subdivision of state-granted tide or shore lands.

16.36.028 (H) Future Development Does Not Vest. Approval of alterations by the Administrator is not subject to the provisions in 16.36.036 and shall not be construed as vesting future development.

16.36.030 Administration.

16.36.031 Enforcement. No person shall sell or lease any land subject to the requirement of short plat approval until a short plat has been filed. When any person divides land subject to the provisions of this chapter without having secured the Administrator's approval or, when required, prior to the filing of the short plat, the Prosecuting Attorney may commence an action to enjoin further violations and compel compliance with this chapter as required by RCW 58.17.200.

16.36.032 Assessor's Duties. The County Assessor shall refuse to segregate any short subdivision of land as defined by this chapter, which does not bear the Administrator's certificate of approval.

16.36.033 Auditor's Duties. The County Auditor shall refuse to accept for recording any deed or contract for sale or lease of land involving a subdivision of land as defined by this chapter, which does not bear the Administrator's certificate of approval.

16.36.034 Re-subdivision Procedure. Land within a short subdivision, approved under this chapter, may not be further divided for five years or until a final plat of the re-subdivision has been approved and filed for record pursuant to Chapter 16.20 Mason County Code, except that when a short subdivision contains fewer than four parcels, the owner who originally filed the short subdivision may alter the short subdivision to create up to a total of four lots within the original short subdivision boundaries within the five-year period.

16.36.035 Variances. Where there is extraordinary hardship that may result from the strict compliance with these regulations, the subdivider may request a variance of these regulations so that substantial justice may be done and the public interest secured. Application may be processed using the Title 15 Sec. 15.09.057 variance criteria and subject to approval by the Hearing Examiner; Provided that such variation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan and Title 16, Mason County Code.

16.36.036 Development Pursuant to Short Subdivision. All of the development in an approved short subdivision shall be governed by the terms of approval, and the statutes, ordinances, and regulations in effect at the time of submission of a complete application as follows:

All development shall be vested to Shoreline Master Program, Flood Damage Prevention Ordinance, and Resource Ordinance regulations for a period of five (5) years; and vested to zoning and development regulations for a period of five (5) years.

This provision shall apply to all short subdivisions approved prior to the effective date of this provision. The enactment of this provision shall be in effect beginning one year from the date of adoption of this ordinance provision (*November 9, 2004*).

CHAPTER 16.38

LARGE LOT SUBDIVISIONS

Sections:

- 16.38.010 Application and Procedures**
- 16.38.020 Design Standards**
- 16.38.030 Required Improvements**
- 16.38.040 Security**
- 16.38.050 Administration**

16.38.010 Application and Procedures.

16.38.011 Application of Regulations. In addition to the exemptions noted in 16.04.030 the provisions of Chapter 16.38 shall not apply to:

- (a) Divisions for lease where such land is to be used for the sole purpose of agriculture;
- (b) Divisions made by gift among members of an immediate family; PROVIDED, (a) the grantor has fee or equitable Title to the gift parcel; (b) the parcel so granted is not a re-subdivision of a lot within a short plat within five (5) years of the date of recording the subject short plat; (c) divisions shall meet County Health Department standards as relates to sewage disposal and water supply; (d) such division shall be restricted from resale for a period of five (5) years from the effective date of the gift transaction and so noted on the recorded division; (e) such divisions provide a sixty (60) foot legal access easement or right-of-way for ingress, egress, and utility to all resulting parcels; (f) members of an immediate family shall mean father, mother, daughter, son, brother, sister, grandparent, grandchild, and current spouses thereof; (g) such division shall comply with the density standards of all Mason County ordinances and codes; and (h) the Administrator shall approve such divisions, by signature, ensuring all above mentioned conditions are met. Said signature of approval shall be recorded with the division.

16.38.011.1 Pre-Application Review. Prior to making application for a large lot subdivision, prospective applicants shall request a pre-application review to discuss the large lot subdivision requirements and their proposal, with the Planning Department, Building Department, Fire Marshal, Public Works Department, Environmental Health Department, and other agencies as appropriate.

16.38.012 Procedure - Administrator's Duties and Request for Hearings. The Mason County Department of Community Development Director or designee, referred to in this chapter as the Administrator, is vested with the duty of administering the provisions of this chapter and with the

authority to summarily approve or disapprove proposed large lot subdivisions. The Administrator may prepare and require the use of such forms as deemed essential to fulfill his/her duties.

(a) At the discretion of the Administrator, proposed large lot subdivisions shall be forwarded, on a case by case basis, for review and recommendation, and then for final decision, to the Hearing Examiner.

(b) Any party may request such a hearing if the Administrator does not exercise his/her discretion in referring said application to the Hearing Examiner. This request for a hearing must be made within 21 days of the date the application notice is published as required in RCW 58.17.095. Said request shall be in writing and shall be directed to the Administrator.

16.38.013 Procedure - Application. Any person desiring to do a large lot subdivision within an unincorporated area of Mason County shall submit an application for approval to the Administrator together with application fees as established by the Board of County Commissioners.

16.38.014 Procedure - Application Preparation. (a) Applications for approval of large lot subdivisions shall be accompanied by a proposed large lot plat which includes pertinent survey data compiled as a result of a survey made by or under the supervision of a registered land surveyor in compliance with all applicable survey laws.

(b) Sheet size for large lot plats shall be 18 x 24 inches. For final recording with the Auditor the plat shall be on mylar. Print on the mylar shall be in permanent ink, and the mylar must be sprayed with map fixative prior to recording. If the land division contains several parcels, one sheet shall show the entire division, and subsequent sheets shall show all lots in a scale that provides adequate detail. This detail shall be such that all required information can be clearly read from the plat.

16.38.015 Procedure - Application Content. Applications for approval of large lot subdivisions shall contain:

(a) Ten copies of the large lot plat showing the entire contiguous tract owned or being purchased by the applicant which shall show:

- (1) The owners of adjacent land and the names of any adjacent subdivision;
- (2) Lines marking the boundaries and dimensions of proposed lots;
- (3) Location of road right-of-way within or adjacent to the tract, and easements within the tract which are to be used for ingress and egress for road and utility purposes;
- (4) Contour lines of sufficient interval to show the topography of the entire tract may be required by the Administrator, on a case by case basis, based on environmental and/or geologic conditions. Said contour lines shall include lines that extend at least one hundred feet beyond the tract boundaries;
- (5) All private roads and/or easements shall be designated private and printed on the face of the plat;
- (6) Date, scale, and North arrow;
- (7) Vicinity map.

(b) Legal description of the original tract held under single or unified ownership or which the owner holds controlling interest.

(c) The name, address, and phone number of the owner or owners of the said tract(s);

(d) Survey by a registered land surveyor of the lots within the large lot subdivision. Survey can be submitted after Administrator's approval and prior to recording;

(e) Title report;

- (f) Boundary closures for all lots;
- (g) Names and addresses of all landowners within 300 feet of the proposed large lot division boundaries.

16.38.016 Administrator's Procedures upon Acceptance of Application. (a) The Administrator shall distribute one copy of the large lot subdivision application to each of the following:

- (1) The Public Works Department;
 - (2) The Environmental Health Department;
 - (3) The County Fire Marshal;
 - (4) The Department of Transportation when the proposal may effect a State highway;
 - (5) Any city or town when the proposed subdivision is within one mile of the municipalities's boundaries, or within 1,000 feet of the urban growth area adjoining the city;
 - (6) Any affected provider of water and/or sewer services;
- (b) The Administrator shall set a date for the return of findings and recommendations for each relevant agency. All agency findings and recommendations shall be in writing;
- (c) The Administrator shall notify all landowners within 300 feet of the proposed large lot subdivision within 7 days of accepting the completed application. This notice shall include a legal description of the location of the proposed division, either a vicinity location sketch or a locational description in nontechnical language, a project description, indications that no public hearing is scheduled, and a date by which written comments must be received for inclusion in the review. Any person shall have twenty (20) days from the date of notice in the newspaper to comment on the proposed plat as delineated in RCW 58.17.095 (2) or its successor.
- (d) The Administrator shall make legal notification of said application within 10 days in a newspaper of general circulation within the County. Costs of this notification shall be the responsibility of the applicant. The comment period from the date of the notice shall be twenty (20) days.
- (e) The Administrator shall require the applicant to post a notice on or around the land proposed to be divided in at least five (5) conspicuous places designed to attract public awareness of the proposal. Said notice shall be provided by the Administrator and posted by the applicant.
- (f) A large lot subdivision application shall expire if additional information is requested by the County that is necessary to process the application, and such information is not provided to the County within 180 days of the request.
- (g) Administrator shall approve, deny, conditionally approve, or return the application to the applicant for corrections or for additional information on the large lot plat. PROVIDED, the large lot plat shall not be recorded until all required improvements are made or a performance security is posted as delineated in 16.38.041. Large lot plats that are approved shall be approved with the condition that required improvements are carried out within a three (3) year period. After all improvements are completed, the land division shall be recorded. An applicant who files a written request to the Administrator at least thirty (30) days before the expiration of the three (3) year period may be granted one one-year extension upon showing that the applicant has attempted in good faith to make required improvements. The Administrator shall be responsible for making this determination.

If the conditions are not satisfied within the time limits set out in this section, a new application must be filled out if reconsideration is desired. Large lot subdivisions for which approval has expired shall comply with the regulations and standards in effect at the time a new application is made and pay the established fees. If the conditions required by the Administrator and the other

requirements of Title 16 are met within the time limits set out in this section, then the Administrator shall make final approval of the large lot subdivision and sign the plat of the division as proof of approval. After being signed, the map of the large lot subdivision shall be recorded with the Auditor.

16.38.016.1 Procedure - Administrative Determinations. The Administrator shall, after conferring with appropriate officials, determine whether:

- (a) The proposed lots are in conformity with the intent of the Comprehensive Plan;
- (b) The proposed lots are served with adequate means of access, and, as may be applicable, fire protection, drainage, water supplies, and means of sanitary sewage disposal;
- (c) The public use and interest will be served by permitting the proposed division of land;
- (d) Adequate legal descriptions are provided as delineated in 16.38.015 (b);
- (e) All real property taxes shall be paid to date;
- (f) Large lot subdivisions shall be approved, conditionally approved, denied, or returned to the applicant for modification or correction as set out in sub points 1 and 2 below unless the applicant consents in writing to an extension of time. PROVIDED, that if an environmental impact statement is required, or if the application goes before the Hearing Examiner, the applicable time period shall not include the time spent during the SEPA process or time spent during the public hearings process; Provided further, applicants shall have three (3) years from initial approval to complete required improvements as noted in 16.38.016 (f). Approved plats shall not be recorded until all improvements are completed.
 - (1) Large lot subdivisions creating ten (10) or fewer lots shall be approved, disapproved, conditionally approved, or returned to the applicant within forty five (45) days from the date the application is received by the Planning Department in its complete and correct form.
 - (2) Large lot subdivisions creating eleven (11) or more lots shall be approved, disapproved, conditionally approved, or returned to the applicant within sixty (60) days from the date the application is received by the Planning Department in its complete and correct form.

16.38.016.2 Procedure - Administrative Written Findings. The Administrator shall, prior to final large lot subdivision approval, make written findings that: (a) Appropriate provisions are made for public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks, and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the permitting the proposed subdivision of land. The public interest shall not include the regulatory taking of any contractual rights, options, or any other third-party interest in land, which if the short subdivision were approved, may render such interests valueless.

Written findings shall be made on a cover sheet to the large lot subdivision application and shall be signed by the Administrator.

16.38.017 State Environmental Policy Act (SEPA) Compliance. Proposed large lot subdivisions shall be required to fulfill SEPA requirements. SEPA threshold for large lot subdivisions is five or more lots.

16.38.018 Procedure - Approval and Filing.

If the Administrator determines that the foregoing requirements are met, the application shall be approved, and an approved copy shall be transmitted to the subdivider. The large lot subdivision shall be recorded with the County Auditor upon completion of all required improvements or posting of a bond as delineated in 16.38.041.

16.38.019 Procedure - Appeal to Hearing Examiner. Any person aggrieved by the decision of the Administrator to approve or disapprove a proposed large lot plat may appeal the decision to the Hearing Examiner within ten (10) days following issuance of the decision. The Hearing Examiner, following a public hearing thereon, may affirm or reverse the Administrator's decision, or may refer the application to the Administrator with instructions to approve the same upon compliance with the conditions imposed by the Hearing Examiner. All appeals shall be sent to the Hearing Examiner in writing via certified mail with return receipt requested.

16.38.020 Design Standards.

16.38.021 Lots. The design, shape, size, and orientation of lots shall be appropriate to the use for which the lots are intended and the character of the area in which the lots are intended and the character of the area in which they are located. The lots shall be consistent with the policies of the county Comprehensive plan and other land control ordinances. Lot areas in excess of minimum standards may be required for reasons of sanitation, steep slopes, slide hazards, poor drainage, flood hazards, or other unique conditions or features which may warrant protection of the public interest.

16.38.022 Roads. (a) Roads shall be designed with appropriate consideration for existing and projected roads, anticipated traffic patterns, topographic and surface water drainage conditions, public convenience and safety, and the proposed uses of the land served.

(b) If the road is ever to be considered for County maintenance then it will need to be designed to County subdivision standards. When the County is petitioned to take over the road, it must be constructed to these standards.

(c) Because of the requirement that proposed lots shall not have direct access to any County arterial road, all lots shall be serviced with an internal roadway system when located adjacent to arterial and collector roads. When factors such as traffic, physical constraints, or location of critical area are present, this provision on access may be modified (more than one access point allowed) upon the approval of the Administrator.

(d) Road approach permit(s) for that access onto a County or State right-of-way shall be secured prior to approval of large lot subdivisions.

(e) Roads shall be constructed so as to minimize disruption of the natural water flow which occurred prior to the road construction. Where it is necessary to collect surface water, concentration and collection points and paths shall be located and constructed to restore the original drainage as nearly as possible.

(f) When there is a reasonable potential for future development within a large lot subdivision, or an easement through the property within the large lot subdivision accessing other unrelated property exists, the Public Works Director and/or Planning Department may, on a case by case basis, recommend to the Administrator that higher road classification standards be required as delineated in the requirements for subdivisions. The Administrator shall have final approval of such increased standards. Conversely, the Public Works Director and/or Planning Department may recommend lower road standards when such action would better serve the general public interest. The Administrator shall have final approval of such decreased standards. Additionally, the developer may proposed roadway design standards that differ from those in Appendix A and

B. These proposed standards shall be reviewed by the Public Works Department and the Planning Department, and appropriate recommendations shall be given to the Administrator. The Administrator shall have final approval of all developer proposed roadway design standards.

(g) Intersections shall be as nearly at right angles as is practicable, but in no case less than 75 degrees or more than 105 degrees.

(h) All work must be inspected and approved by the Public Works Director or designee before successive elements are begun. The Director shall be notified in advance of all operations so as to afford adequate opportunity to inspect each element. Any work accomplished without adequate advance notice to and approval by the Director may be rejected until proof satisfactory to the Director has been produced. All costs of determining the suitability of work so rejected and later submitted for approval shall be borne by the developer and shall be in addition to all other fees and inspection charges.

(i) All private roads constructed for any reason prior to the initiation of these procedures shall be subject to all the requirements herein when application for large lot subdivision is sought.

(j) The minimum width of public or private right-of-ways shall be sixty (60) feet, plus any other additional width needed to include all cut and fill slopes. The right-of-way width may be reduced to forty (40) feet upon recommendation of the Planning Department and/or Public Works Department and approval of the Administrator.

(k) The Administrator, upon recommendation of the Public Works Director and/or Planning Department, may on a case by case basis require that designed and engineered roads be constructed. This would be based upon the potential for problems occurring from under-designed, non-engineered roads in potentially unstable areas (i.e. steep slopes 17%+, unstable slopes, frequently flooded areas, wetlands, etc.)

16.38.023 Easements/Legal Access. (a) Easements for the purpose of ingress and egress and utility installation and maintenance, shall be graphically portrayed on the large lot subdivision plat and appropriately referenced.

(b) Legal access from the nearest public road to the entire tract being divided shall be secured and portrayed on the face of the large lot subdivision survey.

(c) All lots shall be guaranteed a right of perpetual access.

16.38.024 Land Unsuitable of Development. Wetlands, streamways, critical aquifer recharge areas, riparian zones, 100 year flood plains, steeply sloped areas, poorly drained areas, geologic hazard areas, and such other land as the Community Development Department, Public Works Department, or Environmental Health Department finds unsuitable for the purpose of building sites may be included in the boundaries of a large lot subdivision as community property, recreation area, or other similar open space or may be included as part of a lot except any lot containing such unsuitable land must also contain sufficient land of suitable characteristics to meet County standards for construction of a dwelling. The Administrator may, on a case by case basis, require that a report be completed by an engineer that indicates that stable, buildable sites and roads occur on a proposed large lot subdivision, or can occur if specific items identified in the report are carried out.

16.38.030 Required Improvements.

16.38.031 Roads.

(a) Private roads (roads not established by the Board of County Commissioner as public roads to be maintained by the County) shall be constructed, ballasted, and surfaced to meet the minimum roadway design standards as prescribed in Attachment A and B.

(b) Public roads (roads to be dedicated, and maintained by the County), shall be constructed, ballasted, and surfaced in accordance with the Design Standards and Specifications for Plat Roads.

(c) All culverts shall be sized adequately to accommodate runoff and to facilitate cleaning and maintenance (18" minimum diameter for cross culverts, 12" minimum diameter for access driveways). In critical situations, the Director of Public Works may on a case by case basis require submission of a hydrologic survey of the drainage area for the proposed culvert. Culverts shall be constructed of reinforced concrete, corrugated aluminum, or galvanized corrugated steel or equivalent. The Director of Public Works may, on a case by case basis require that in locations where corrosive soil or water may be present, that culverts be coated with asphalt.

(d) All bridges shall be designed by a professional structural engineer and shall be subject to design review and approval by the Public Works Director. Minimum width of all bridges shall be twenty-six (26) feet. Design load shall be AASHTO HS-20.

16.38.032 Road Maintenance Agreement. An agreement for the continued maintenance of private roads shall be established either by recording of a separate instrument and referencing said instrument on the large lot subdivision survey or by establishment of said agreement by declaration on the large lot subdivision survey. This agreement shall include enforcement provisions to ensure roads can be maintained to the level established in the road maintenance agreement.

16.38.033 Drainage/Erosion Control. Drainage facilities adequate to prevent erosion, flooding, or hazards to the use of roads, lots or facilities within the large lot plat and to adjacent and downstream private or public property shall be installed. The Administrator may, on a case by case basis, require that a drainage plan be created and appropriate improvements made to handle drainage. This plan will be done by a certified engineer, licensed to practice in the State of Washington.

16.38.034 Sewage Disposal. All lots within a large lot subdivision shall have soil logs approved that indicate the installation of an on-site sewage disposal system is appropriate, or have approval for connection to a community or sanitary sewage system: PROVIDED, where the Environmental Health Department stipulates specific sewage disposal criteria, said criteria shall be referenced on the large lot plat.

16.38.035 Surveys. (a) The survey of every large lot subdivision shall be made by or under the supervision of a licensed land surveyor registered by the State of Washington, and in compliance with all applicable laws.

(b) All surveys shall conform to standard practices and principles for land surveying, and include dimensions and lot area calculations for each lot.

(c) Every lot corner shall be marked with an iron pipe or rebar having surveyor's cap and license number;

(d) Surveys shall include a section tie and shall be graphically shown on the face of the large lot subdivision;

(e) All large lot subdivision surveys shall be recorded as a matter of public record with the Office of the Mason County Auditor;

(f) The County reserves the right to field check all survey monuments.

16.38.040 Security.

16.38.041 Performance Security. As an alternative to the complete construction of the roadway system, required drainage facilities, or other required improvements, the subdivider may elect to

post a performance security for these improvements. This posting would allow the divider to receive final approval and recording prior to installing required improvements. This posting is not required if the developer, as a condition of approval, agrees to complete all required improvements [16.38.016 (f)]. Said security shall guarantee completion of the work within a stated period of time not to exceed two (2) years. Said security agreement shall be in a form acceptable to the County Prosecutor and in an amount not less than one hundred and fifty (150) percent of the Public Works Department estimate of the cost of said improvements.

16.38.050 Administration.

16.38.051 Enforcement. No person shall sell or lease any land subject to the requirements of large lot plat approval until a large lot plat has been recorded. When any person divides land subject to the provisions of this chapter without having secured the Administrator's approval, the Prosecuting Attorney may commence an action to enjoin further violations and compel compliance with this chapter.

16.38.052 Assessor's Duties. The County Assessor shall refuse to segregate any large lot subdivision of land as defined by this chapter which does not bear the Administrator's certificate of approval.

16.38.053 Auditor's Duties. The County Auditor shall refuse to accept for recording any large lot subdivision of land, as defined by this chapter, which does not bear the Administrator's certificate of approval.

16.38.054 Re-subdivision Procedure. Land within a large lot subdivision, approved under this chapter, may not be further divided unless the division is exempt, or until a subdivision, short subdivision, or large lot subdivision has been approved and filed for record in accordance with this chapter.

16.38.055 Innovative Techniques. Innovative techniques such as density subdivisions are encouraged, and shall be considered on a case by case basis when it is found that it promotes the goals and policies of the Comprehensive plan and other land control ordinances better than a more conventional design. See Attachments C through K.

16.38.056 Variances. See Section 16.40.010 Modifications

16.38.057 Development Pursuant to Large Lot Subdivision. All of the development in an approved large lot subdivision (four lots or fewer) shall be governed by the terms of approval, and the statutes, ordinances, and regulations in effect at the time of submission of a complete application as follows:

All development shall be vested to Shoreline Master Program, Flood Damage Prevention Ordinance, and Resource Ordinance regulations for a period of five (5) years; and vested to zoning and development regulations for a period of five (5) years.

This provision shall apply to all large lot subdivisions approved prior to the effective date of this provision. The enactment of this provision shall be in effect beginning one year from the date of adoption of this ordinance provision (*November 9, 2004*).

16.38.058 (A) Procedure – Alterations. Alterations to any approved large lot subdivision shall be allowed pursuant RCW 58.17.060. Large lot subdivision alterations typically apply to those elements which are common to at least two or more lots within the large lot subdivision such as, but not limited to the relocation of trails, roads, buffers, open space, drainage easements, park and recreation sites, etc. Additional lots cannot be added except pursuant to RCW 58.17.060 and MCC 16.36.034.

16.38.058 (B) General. An alteration to a portion of a recorded large lot subdivision replaces and supersedes the portion of the original large lot subdivision that is contained in the alteration.

16.38.058 (C) Application. When any person is interested in the alteration of any large lot subdivision except as provided by RCW 58.17.040(6) or MCC 16.40.040 and 16.40.045, an application for review may be submitted to the County and shall be on forms and with fees as established by the Department.

16.38.058 (D) Required Written Findings and Determinations. The Administrator shall inquire into the public use and interest proposed to be served by the establishment of the large lot subdivision alteration, if any. A proposed large lot subdivision alteration shall not be approved unless the Administrator makes written findings that:

1. The alteration conforms to the requirements of RCW 58.17 and the provisions of this Title;
2. The items to be altered do not conflict with the goals and policies of the Comprehensive Plan and applicable community plan, applicable County codes and state laws;
3. The public use and interest will be served as a result of the proposed alteration; and
4. All owners of affected properties have signed in front of a Notary approving the alteration.

16.38.058 (E) Approval. The Administrator shall approve any proposed large lot subdivision alteration that meets the required written findings and determinations and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, other applicable County codes, state laws, and the criteria contained in this chapter.

16.38.058 (F) Recording. After approval of the alteration and upon signature of the Administrator, the alteration shall be filed with the county auditor, which may include a revised drawing of the approved alteration, to become the lawful large lot subdivision of the property.

16.38.058 (G) Not Applicable to Tide Lands. This chapter shall not be construed as applying to the alteration or replating of any large lot subdivision of state-granted tide or shore lands.

16.38.058 (H) Future Development Does Not Vest. Approval of alterations by the Administrator is not subject to the provisions in 16.38.057 and shall not be construed as vesting future development.

CHAPTER 16.40

MODIFICATIONS, APPEALS, AND FEES

Sections:

16.40.010 Modifications

16.40.020 Appeals

16.40.030 Fees

16.40.040 Boundary Line Adjustments

16.40.045 Lot combinations.

16.40.010 Modifications. Where the applicant finds that extraordinary hardship may result from the strict compliance with these regulations, an application for variance to the regulations may be made on county forms and following the provisions of Mason County Code Title 15, Section 15.09.057. Variance Criteria, so that substantial justice may be done and the public interest secured. Such variation shall not have the effect of nullifying the intent and purpose of the Comprehensive Plan, Title 16 (Mason County Code), and said variance may be appealed using Mason County Code Title 15 Sec.15.11 Appeals procedures. Any variances from Health standards (WAC 248-96) must be obtained through the Director of the Mason County Health Department.

The Hearing Examiner, in addition to the requirements of this Title, may stipulate additional requirements necessary to meet the purpose or general objectives of this Title. Such modifications shall not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this Title.

16.40.020 Appeals. Any decision approving or disapproving any plat may be appealed for unlawful, arbitrary, capricious, or corrupt action or non-action by writ of review using Mason County Code Chap. 15.11 Appeals procedures.

16.40.030 Fees. In order to defray the costs of administration, notification, legal publication, and plan checking, the following fees shall be imposed and paid to Mason County at the time of submission of preliminary plats for approval:

- (a) Platting fee: As set by the Board of County Commissioners.
- (b) Engineer's fee: As stipulated by the County Engineer;
- (c) Mason County Health Department: As set by the Board of County Commissioners;

16.40.040 Boundary Line Adjustment.

A division made for the purpose of adjusting boundary lines, which does not create any additional lot, tract, parcel, site, or division containing insufficient area and dimension to meet minimum requirements for width and area for a building site; provided that no boundary line adjustment shall be effective until:

- (a) The proponent is issued a boundary line adjustment certificate from the Planning Department verifying that the proposed division conforms to the requirements of this subsection;
- (b) The proponent has paid the fee prescribed by the approved fee schedule for review and issuance of the certificate;
- (c) The proponent has filed an application that includes:
 - (1) An adjusted legal description of the lots affected by the adjustment prepared and certified by a registered land surveyor or Title company;
 - (2) A scale drawing of the lots affected by the adjustment.
- (d) The certificate, legal description, scale drawing, and notarized declaration have been recorded with the County Auditor by the Planning Department.

As used in this section, when any lot, parcel, or tract proposed in a boundary line adjustment does not have an adequate area, exclusive of all setback, buffer, and open space requirements, to accommodate a residence (or other building where residential use is prohibited), driveway,

parking, and, where required, a well, stormwater system, and septic system and reserve area, the Administrator shall find an insufficient area and dimension to meet the minimum requirements for width and area for a building site.

When the lots resulting from the proposed boundary adjustment require a variance or waiver for development, such variance or waiver shall be obtained prior to being considered to have sufficient area and dimension and prior to the boundary line adjustment approval. Where there are existing improvements, such as buildings, that are present in existing setback or buffer areas, such encroachments may be considered in determining if there is sufficient area and width for the building site.

A boundary line adjustment which includes out lots may be approved, provided that such tracts are intended for and restricted by covenant to a specified accessory use, such as for stormwater management, common area playground, or open space.

16.40.045 Lot combinations.

When an applicant seeks only to combine two or more lots, parcels, or tracts into a single lot, and no other property boundary changes are proposed, such action shall not be effective until:

- (a) The proponent has an approval for the lot combination from the Planning Department, verifying that the proposed division conforms to the requirements of this subsection;
- (b) The proponent has paid the fees prescribed by the approved fee schedule for review and issuance of the certificate;
- (c) The Planning Department approval, legal description, scale drawing, and notarized declaration have been recorded with the County Auditor by the Planning Department.

Applications shall be made on forms provided by the Planning Department. The combination of unplatted land, or platted and unplatted land (including portions of platted lots) shall be known as a lot combination boundary line adjustment or as a lot combination. The combination of platted lots, all of which are complete lots, shall be known as a parcel combination. The application requirements for lot combinations and parcel combinations may differ.

A lot combination may also be the combination of 3 or more lots and result in more than one lot, provided that each resulting lot can be described as the entirety of one or more of the original lots plus some portion of one or more of the other original lots. These lot combinations shall also not be effective until they meet the requirements (a), (b), and (c) specified above in this section.

CHAPTER 16.44

PROHIBITIONS, OFFENSES, AND PENALTIES

Sections:

- 16.44.010 Recording, Final Approval Required**
- 16.44.020 Unlawful Representations**
- 16.44.030 Transfer or Sale Without Final Plat, Action to Restrain or Enjoin**
- 16.44.040 Violation, Permit Non-issuance-Purchaser or Transferee
Compliance Required**
- 16.44.050 Violation of Court Order or Injunction, Penalty**
- 16.44.060 Violation, Assurance of Discontinuance**

16.44.010 Recording, Final Approval Required. No map, plat, replat, or plan of a subdivision subject to the provisions of this Title shall be recorded or received for recording in any public office unless or until that map, plat, replat, or plan shall bear the certified final approval of the Hearing Examiner.

16.44.020 Unlawful Representation. It is unlawful for any person, firm, or corporation owning a plat or subdivision within the County, to represent that any improvement upon any of the streets, alleys, or other public ways of the plat or subdivision has been constructed according to the plans and specifications that were approved by the County Engineer, or this improvement has been supervised or inspected by the County Engineer, when such improvement has not been so constructed, supervised, or inspected.

16.44.030 Transfer or Sale Without Final Plat, Action to Restrain or Enjoin. Whenever any parcel of land is divided into five or more lots, tracts, or parcels of land and any person, firm, or corporation or any agent of any of them sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a final plat of such subdivision. PROVIDED, if performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 and does not violate any provision of this Title and all payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the plat is recorded. The Prosecuting Attorney shall commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this Title other than that provided for: The costs of such action shall be taxed against the person, firm, corporation, or agent selling or transferring the property.

16.44.040 Violation, Permit Non-issuance--Purchaser or Transferee Compliance Required. No building permit, septic tank permit, or other developmental permit, shall be issued for any lot, tract, or parcel of land subdivided in violation of this Title. Any purchaser's or transferee's property shall comply with the provisions of this Title and such purchaser or transferee may recover his damages from any person, firm, corporation, or agent 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 cost of investigation, suit and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming his property to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorney's fees occasioned thereby.

16.44.050 Violation of Court Order or Injunction, Penalty. Any person who violates any court order or injunction issued pursuant to this Title shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both.

16.44.060 Violation, Assurance of Discontinuance. In the enforcement of this Title, the Prosecuting Attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this Title from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violation occurs. A violation of such assurance shall constitute prima facie proof of a violation of this Title.

CHAPTER 16.48

DESIGN STANDARDS AND SPECIFICATIONS FOR PLAT ROADS

Sections:

- 16.48.010 General Requirements**
- 16.48.020 Classifications of Roadways**
- 16.48.030 Specific Requirements**
- 16.48.040 Basic Requirements**

16.48.010 General Requirements. A plan and profile of the proposed road, showing the following data, shall be submitted to the Public Works Director for approval prior to construction.

Plan

The plan drawing(s) shall show:

- (a) Road alignment in stations of one hundred (100) foot intervals.
- (b) Bearings of the roadway centerline and a North arrow.
- (c) Curve data on all horizontal curves.
- (d) Right-of-way lines and widths for all roads and streets.
- (e) Topography within the right-of-way limits, including location of all utilities.
- (f) Contour lines at intervals of five (5) feet for rolling and mountainous terrain, and two (2) feet for flat terrain.
- (g) Labels or names on all streets and adjoining subdivisions.
- (h) Typical roadway sections of proposed roads.
- (i) Bridge plans, if applicable.
- (j) All natural flow and proposed drainage structures and flow direction together with such controls, holding basins or other design features necessary.
- (k) All critical areas (wetlands, streams, slopes, slide areas, frequently flooded areas, and aquifer recharge areas).
- (l) Scale of map. Suggested scale 1" = 100' or 1" = 50'.

Profile

The profile of the roadway centerline shall show:

- (a) The original ground line at the centerline of the new roadway.
- (b) Stationing in intervals of one hundred (100) feet.
- (c) Control elevation on border of sheet.
- (d) Gradients in percent and vertical curve data.
- (e) Datum source used and all benchmark elevations.
- (f) Profile scale shall be vertical 1" = 10', horizontal 1" = 100' or vertical 1" = 5', horizontal 1" = 50'.

NOTE: Profile scale shall be 10:1 ratio, horizontal to vertical. Plan and profile sheets shall be submitted on 24" x 36" sheets, or 24" x 18".

16.48.020 Classification of Roadway.

County Arterial. A County road primarily serving through traffic to, from, and between principal population, commercial or industrial areas; such arterial routes are designated on the County's Arterial System. (Such "County Arterials" may be "Major Arterials", "Secondary Arterials", or "Collector Arterials"; these terms are not to be confused with the classification of streets within the plat below the grade of "County Arterial".)

Primary Collector. A road or street that carries traffic from Secondary Collectors, Local Access, and Marginal Access roads or streets to the major system of arterial streets and highways. Generally, Primary Collectors will serve an area containing more than 100 lots.

Secondary Collector. A road or street that carries traffic from Local Access and Marginal Access roads or streets to the Major Collectors. Generally, Secondary Collectors will serve areas containing more than 25 and less than 100 lots.

Local Access Road or Street. A road or street that serves primarily a limited number of abutting properties. Generally, Local Access roads or streets will serve 25 or fewer lots.

NOTE: Probability and possibility of future function of street will be of prime importance in establishing classifications. Local access roads or streets and secondary collectors shall be used primarily to serve lots within the subdivision and not afford possibility of extension.

16.48.030 Specific Requirements. (a) When a subdivision road intersects a County road or a State highway, an approved road access permit issued by the Department of Public Works or the Washington State Department of Transportation shall be required;

(b) Roads shall be constructed so as to minimize disruption of the natural water flow which occurred prior to the road construction. Where it is necessary to collect surface water, concentration and collection points and paths shall be located and constructed to restore the original drainage as nearly as possible;

(c) Evidence of a recorded maintenance agreement shall be provided for private roads. This agreement shall run with the land and shall describe levels of maintenance, management powers, and enforcement provisions. The enforcement provisions shall provide adequate means to assure that the intent of the agreement is complied with by the road maintenance administrators and the property owners;

(d) Intersections shall be as nearly at right angles as is practicable, but no less than 75 degrees or more than 105 degrees. Jogs with offsets of less than one hundred twenty-five (125) feet shall be avoided;

(e) All construction, except as modified herein shall conform to the Washington State Department of Transportation's Standard Specifications for Roads, Bridges, and Municipal Construction and all subsequent amendments thereto;

(f) When a reasonable potential for future development within a subdivision or an easement through the property accessing other unrelated property exists, the Public Works Director and/or Hearing Examiner may, at the time of preliminary plat approval, impose higher road classification standards to accommodate future growth potential. Conversely, the Public Works Director and/or Hearing Examiner may, at the time of preliminary plat approval, assign lower road classification standards when such action would better serve the general public interest;

(g) Traffic signs, warning and regulatory, as required by the Public Works Director and in conformity with the Manual for Uniform Traffic Control Devices, current edition, shall be provided. Informational signs shall not be allowed within the right-of-way of the road;

(h) All work must be inspected and approved by the Public Works Director before successive

elements of construction are begun. The Director shall be notified in advance of all operations so as to afford adequate opportunity to inspect each element. Any work accomplished without adequate advance notice to and approval by the Director may be rejected until proof satisfactory to the Director has been produced. All costs of determining the suitability of work so rejected and later submitted for approval shall be borne by the developer and shall be in addition to all other fees and inspection charges;

(i) All private roads constructed for any reason prior to the initiation of the platting procedures shall be subject to all the requirements herein when application is sought.

16-48.040 Basic Requirements (See footnotes indicated). This section specifies the minimum standards for the construction of roads in subdivisions approved after June 25, 1991 in Mason County. Such roads shall be constructed according to their classification or potential classification - County Arterial, Primary Collector, Secondary Collector, and Local Access Road or Street.

<u>CLASSIFICATION</u>	<u>LOCAL ACCESS</u>	<u>SECONDARY COLLECTOR</u>	<u>PRIMARY COLLECTOR</u>	<u>COUNTY ARTERIAL</u>
Horizontal Curves				
Maximum Degree/min. rad.				
Flat Terrain	26°/220'	20°/287'	10°/573'	7°/819'
Rolling Terrain	38°/150'	26°/220'	15°/382'	10°/573'
Mountainous	38°/150'	38°/150'	23°/249'	20°/287'
Superelevation	0.03 ft/ft	0.05 ft/ft	0.06 ft/ft	0.08 ft/ft
Crown	0.03 ft/ft	0.03 ft/ft	0.03 ft/ft	0.03 ft/ft
Gradient - Maximum Percent				
Flat Terrain	10%	8%	6%	6%
Rolling Terrain	12%	10%	8%	8%
Mountainous	12%	12%	10%	10%
Bridges (See Note 1)				
Clear width - min.	26 ft.	28 ft.	30 ft.	(Shoulder width)
Design Load AASHTO	HS-20	HS-20	HS-20	HS-20
All bridges shall be of permanent-type construction.				
Pavement (See notes 2a, 3, and 4)				
Width - min. ft.	20	20	22	22
Type - min.	BST C1. "A" 3-coat	BST C1. "A" 3-coat	BST C1. "A" 3-coat	BST C1. "A" 3-coat
Stopping Sight Distance Min./MPH				
Flat Terrain	200/30	250/35	325/40	425/45
Rolling Terrain	160/25	200/30	250/35	325/40
Mountainous Terrain	120/20	160/25	200/30	250/35

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Road Bed (See notes 2, 3, and 4)					
Shoulder to shoulder width					
Unpaved	27 ft.	29 ft.	31 ft.	35 ft.	(See note 5)
Paved	26 ft.	28 ft.	30 ft.	34 ft.	(See note 5)
Compact Gravel Base	6"	6"	6"	9"	
Crushed Surf. Min. Top Crs.	2"	2"	2"	2"	
Right-of-Way Minimum (See note 6)	40'	60'	60'	80'	
Slopes - Steepest Allowable (See notes 2b, 2c, and 7)					
Downslope in cut section (ditch cut)	3:1	3:1	3:1	3:1	
Downslope in Fill Section	1½:1	1½:1	1½:1	1½:1	
Backslope in Cut	1:1	1:1	1½:1	1½:1	
Side Ditches - Minimum (See note 8)					
Depth below Finished Shoulder	2'	2'	2'	2'	
Cul-de-Sac					
Pavement Diameter	54'	54'	Not Allowed	Not Allowed	
Roadway Diameter (paved)	60'	60'	" "	" "	
Roadway Diameter (unpaved)	62'	62'	" "	" "	
Right-of-Way Diameter ft.	100	100	" "	" "	
Maximum Slope (Grade)	3%	3%	" "	" "	
Intersections					
Minimum Angle, Degrees	75°	75°	75°	75°	
Minimum Shoulder Radius	20'	20'	30'	55'	
Minimum R/W Radius	30'	30'	40'	70'	

Culverts

All culverts shall be sized adequately to accommodate runoff and to facilitate cleaning and maintenance (18" minimum diameter for cross culverts, 12" minimum diameter for access driveways). In critical situations, the Director of Public Works may require submission of a hydrologic survey of the drainage area for the proposed culvert.

Culverts shall be constructed of reinforced concrete, corrugated aluminum, or galvanized corrugated steel or equivalent. The Director of Public Works may require that in locations where corrosive soil or water may be present, that the culvert be coated with asphalt.

NOTES:

1. All bridges shall have a minimum clear width between curbs equal to or greater than the finished shoulder width of the adjacent roadway. All bridges shall be designed by a professional structural engineer and shall be subject to design review and approval by the Director of Public Works.
2. (a) Roadbed on all curves sharper than ten degrees and flatter than fifteen degrees shall be widened two feet. Curves of fifteen degrees and over shall be widened three feet. Widening shall be added to the inside edge of the curve.
(b) All fills less than 3 feet in height from toe to shoulder shall be no steeper than 3 feet horizontal to 1 foot vertical (3:1); fills 3 to 10 feet shall be widened one foot on each shoulder; fills over 10 feet shall be widened two feet on each shoulder.
(c) Cuts of less than 5 feet above the shoulder shall be sloped at 2:1.
3. (a) When required, bituminous surface treatment shall be applied as follows:
Two coats initially and third coat the following year. (See Specifications for seasonal restrictions.)
(b) In lieu of 3-coat BST, the application of 1-1/2" compacted thickness of asphaltic concrete class "B" may be substituted, laid on compacted 2" top course without prime coat.
4. Private roads serving subdivisions with a total of five (5) to twenty-five (25) lots or parcels may not be required to provide pavement.
5. (a) Minimum shoulder widths will be, in each case, dictated by anticipated traffic demands and County standards for arterials.
(b) County "arterial" standards will be required for all arterial routes for which construction or reconstruction is necessitated by the proposed division. Minimum stipulated right-of-way widths will be required in all instances.
6. Right-of-way shall contain all cut and fill slopes; exceptions may be permitted when coordinated with site grading.
7. Backslopes may be steepened if actual soil tests conclusively indicate that material will conform permanently to a steeper slope. Slopes must be flattened as required to prevent erosion, caving, and slumping.
8. Side drainage ditches on steep grades will require special analysis and may require special design and construction to prevent erosion and/or flooding.