
Unified Development Code (UDC)

Title 18 SJCC

**including Land Use, Land Division,
and Shoreline Master Program Regulations**

through December 31, 2002



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Chapter 18.70
LAND DIVISIONS

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18.70.010 General provisions.

A. Purpose. To further the purposes and objectives of the San Juan County Comprehensive Plan established pursuant to Chapter 36.70A RCW, to provide specific standards and administrative arrangements as an official control relating to the division of land in the unincorporated areas; to promote the public health, safety, and general welfare by requiring the division of land to proceed in accordance with controls, standards and procedures set forth in this code; to facilitate the appropriate development of land in accordance with the ability of the natural resources of the County to accommodate such development; to prevent the overcrowding of land with development; to lessen congestion in the streets and highways; to facilitate adequate provision for water supply, drainage, access, sewage disposal, fire protection, schools and other capital requirements; and to require uniform monumentation and conveyancing by accurate legal description.

B. Applicability. This chapter applies to all division of land into two or more lots, and to subdivisions, short subdivisions, simple land divisions, boundary line modifications, alterations of subdivision, vacations of subdivisions, and binding site plans established after the effective date of this code for the purpose of sale, lease, or other transfer in which any proposed lot, tract, or parcel is smaller than 40 acres. This chapter includes procedures for all types of land division, each of which is precisely defined in terms of application, review, hearings, actions, and appeals.

1. A combination, or series of divisions of an original parcel or tract of record shall be

considered as one division for purposes of this chapter. All contiguous property held in the same or substantially the same ownership, or under the control of the owner, whether or not the property is described in separate legal descriptions, shall be considered as part of the original tract of record.

2. Multiple applications or combinations of applications and exemptions within any five-year period shall not be utilized as a substitute for subdivision procedures.

C. Exemptions. The provisions and standards of this chapter shall not apply to land divided under the following conditions:

1. Any division of land resulting in two or more parcels, of which none is smaller than 40 acres.
2. Any cemetery or burial plot while used for that purpose.
3. Any division of land made by testamentary provision or the laws of descent; but any structure or use on the property must comply with all other applicable County regulations. This exemption does not apply to transfers during the benefactor’s lifetime.
4. Any division of land for the purpose of adding to existing County road rights-of-way or creation of new public road rights-of-way.
5. Any division of land for sale, lease or transfer for agricultural, noncommercial recreational, forestry or open space purposes, so long as no improvements are placed upon the land for

“human habitation” (*i.e.*, a place or site where people could live or sleep) including, but not limited to, tents, tent frames, trailers, campers or houses. These restrictions shall run with the land and shall be included in the instrument of conveyance or lease and the instrument shall be recorded.

6. Any division of land used solely for the installation of public roads or facilities, electric power, telephone, water supply, sewer or other utility facilities of a similar nature; except, however, that land leases for personal wireless communication service facility sites, as defined in Chapter 16.80 SJCC, are not exempt from the land division procedures and requirements.
7. Any boundary line adjustment where the purpose of recording instruments of conveyance is solely for the purpose of rectifying a boundary line.
8. Any division of land by condemnation or sale to an agency or government vested with the power of condemnation.
9. Any division of land solely for the purpose of transfer to a public or legitimate nonprofit conservation organization for the purposes of conservation of a property in perpetuity with the presence of species listed by the state as sensitive, threatened or endangered or by the County as species of local concern for the purpose of preservation or conservation of the habitat for the species of recognized biological value, or for the preservation of agriculture or timber lands, or for other open space resources addressed in the findings of the Open Space and Conservation Plan.
10. Any division of land solely for the purpose of transfer of a property listed on the National Register of Historic Places or Washington State Inventory of Historic Places, for the purpose of preservation or conservation of sites or landmarks of recognized archaeological or historic value; however, any subsequent transfer of such property for a purpose other than archaeological or historic preservation shall be in full compliance with the requirements of this chapter.

D. Allowable Density – Comprehensive Plan and Shoreline Master Program. The maximum allowable residential density for all parcels is as described in SJCC 18.30.020(D).

E. Minimum and Maximum Parcel Sizes.

1. **Eastsound Subarea Planning Area.** Some districts have minimum, or both minimum and maximum, parcel sizes provided in the Eastsound Subarea Plan (Chapter 16.55 SJCC).
2. **Lopez Village Urban Growth Area.** Some lands within the urban growth area have

minimum, or both minimum and maximum, parcel sizes provided in SJCC 18.30.210.

3. **Residential Activity Centers.** Some lands within these areas have minimum parcel sizes provided in SJCC 18.30.220.

4. **Rural Residential Cluster Development.** Land developed under the provisions of SJCC 18.60.210 shall be subject to the parcel and lot size and development provisions of that section.

F. For all rural (except AMIRDs), resource, or conservancy districts, and for all shoreline areas, land division shall be subject to the conservation design provisions in SJCC 18.70.060(B)(10).

G. Land division is prohibited in areas designated natural on the Comprehensive Plan official maps or Shoreline Master Program official maps.

H. Illegal Division and Development of Land. The division or development of land in violation of the procedures and requirements of this chapter is subject to the enforcement and penalty provisions of SJCC 18.100.080 and such other enforcement as may be provided by state law. (Ord. 11–2000 § 6; Ord. 2–1998 Exh. B § 7.1)

18.70.020 Application submittal process.

A. General Procedures.

1. **Application Standards.** Application standards are provided in this chapter for each type of land division action. The permit center is available to assist an applicant in determining which provisions of the UDC apply to a proposed project.
2. An application shall meet all application requirements of this code, including all required items, before it is considered complete. The permit center is available by appointment for a preapplication conference with any applicant.
3. Following receipt of an application, the administrator shall determine if the application is complete. All applications under this section shall be reviewed for completeness in accordance with the application and approval requirements specified in this chapter.
4. The County shall not be held responsible nor have any liability for any improvements made before preliminary land division approval.

B. Consolidated Review. The applicant may elect to have the review and decision process for proposed land divisions established by this code consolidated with the review and decision process on any other permits or reviews relating to the proposed project action, into a single application review and decision process. This procedure is termed “consolidated review.” The process for consolidated review is specified in SJCC 18.80.020(A)(2).

C. Vesting of Uses. Any application filed under the terms of this chapter, except as provided in RCW 58.17.170, shall be considered to be for the creation or modification of lots for the purpose of single-family residential development unless a different and specific intended use is identified in the application sufficiently for purposes of determining in the future if the intended use is vested as an allowable use regardless of changes to the Comprehensive Plan or this code that might otherwise prohibit or constrain such use.

D. Conformity with Other Codes. Except for exempt actions under SJCC 18.70.010(C), applications submitted under this section may be approved or approved with conditions if the application conforms to adopted County and state rules and regulations, including, but not limited to:

1. Chapter 43.21C RCW (State Environmental Policy) and San Juan County SEPA Rules;
2. Chapter 58.17 RCW (Subdivisions);
3. Chapter 36.70A RCW (Growth Management Act);
4. Chapter 36.70B RCW (Local Project Review);
5. San Juan County Unified Development Code (this code);
6. San Juan County board of public health – water and sewer rules and regulations (SJCC Title 13);
7. San Juan County Comprehensive Plan and Shoreline Master Program and their official maps.

E. Relationship to Other Regulations. This chapter is intended to be an official control by the County to regulate the division of land. It is not intended to supersede other local or state controls relating to land division and land development. Where conflicts with other regulations arise which are not addressed within this section, an interpretation shall be made by the administrator. The following describe the relationship of this chapter to other applicable regulations:

1. **Comprehensive Plan.** The Comprehensive Plan and its implementing ordinances (such as this code) supersede all other local ordinances. All land division and land development in the County must comply with the map designations and policies of the Comprehensive Plan. The process for determining compliance with the Comprehensive Plan is contained within the application and review procedures of this chapter.
2. **Shoreline Master Program.** Land division within 200 feet of the ordinary high water mark (OHWM) shall also comply with the County Shoreline Master Program (Element 3 of the Comprehensive Plan and Chapter 18.50 SJCC). Where conflicts arise with this chapter, the

Shoreline Master Program shall supersede. Note that if a proposal for a nonexempt shoreline development is to be included with an application for land division, a shoreline permit will also be required.

3. **State Environmental Policy Act.** Certain land divisions are subject to the SEPA process (*see* SJCC 18.80.050 for guidelines). SEPA shall not be required for land divisions that are categorically exempt under SEPA.
4. **Forest Practices Act.** All timber harvesting on lands which were formerly used for timber production shall comply with the provisions of the Washington State Forest Practices Act, Chapter 76.09 RCW and regulations thereunder and the applicable provisions of SJCC 18.40.120 through 18.40.180.

F. Bonding and Financial Guarantees. No land division shall be approved until all required improvements have been completed and approved. Bonds, assignments and sureties will not be accepted in lieu of satisfactory completion of the conditions of preliminary short subdivision approval except as expressly provided herein. A financial guarantee may be accepted, for a duration of no more than six months, to complete required long subdivision improvements, or for improvements required for a short subdivision within a village, hamlet, residential, or island center or master planned resort activity center or urban growth area, as approved by the County engineer and the administrator.

G. Administrator's Waiver. The administrator may waive specific submittal requirements determined to be unnecessary for review of an application required by this code. (Ord. 26–2002 § 5; Ord. 2–1998 Exh. B § 7.2)

18.70.030 Boundary line modifications.

A. Purpose and Procedures. To ensure compliance with RCW 58.17.040 and 58.17.060 and provide a procedure for the modification of property boundary lines common between lots. Boundary line modifications are reviewed according to the procedures in this section.

Boundary line modifications may make substantive changes in the boundary line location, and boundaries may be modified for purposes other than rectifying an error. Boundary line adjustments may only be used in order to rectify errors; *see* SJCC 18.70.010(C)(7).

1. A boundary line modification shall not:
 - a. Create any additional lot, tract, parcel, site, or division;
 - b. Affect access, easements or drainfields without the consent of the affected party;

- c. Amend the conditions of approval for previously platted property;
 - d. Violate Uniform Fire Code or Uniform Building Code requirements on developed commercial and multifamily property;
 - e. Adversely affect the public health, safety, and general welfare; or
 - f. Establish a lot line that causes an existing structure to violate setback or other standards of this code.
2. Multiple applications for boundary line modifications and simple land divisions or combinations of applications and exemptions shall not be used as a substitute for meeting the requirements for subdivisions or short subdivisions pursuant to this chapter.
 3. Boundary line modifications may include:
 - a. Boundaries that involve unplatted land; or
 - b. The elimination of unplatted lot(s) where boundary lines are modified to such a degree that a lot is eliminated between lots being enlarged. Notice of such modifications shall be recorded on the deed(s) to state that the original separately described parcels shall not be separately conveyed or further modified without legal division.
 - c. The modification of parcels such that the resultant parcel(s) cross(es) the applicable land use designation boundaries.
 4. A boundary line modification that affects a platted lot line (*i.e.*, that involves land which is included within a subdivision or short subdivision) shall be processed as a subdivision alteration, pursuant to the requirements of SJCC 18.70.080(A).
 5. The approval of a boundary line modification shall include a restriction prohibiting division for five years without a short or long subdivision, as follows:

Pursuant to RCW 58.17.060 the property subject to this authorization may not be divided in any manner within a period of five (5) years without the filing of an application for a short or long subdivision.

B. Notice of Application and Public Hearing.

1. **SEPA-Exempt, and No Shoreline Permit Required.** Where no SEPA review is required, and no shoreline permit is required, a notice of application is not required. No public hearing is required.
2. **SEPA Review or Shoreline Permit Required.** A notice of application is required as per SJCC 18.80.030. No public hearing is required unless a

shoreline permit is required.

C. Application Requirements. Applications for approval of boundary line modifications shall be submitted to the permit center in a form approved by the administrator, and must include:

1. A completed application page which includes property owner information for each lot, and existing legal descriptions for each affected lot;
2. A completed acknowledgment page, with signatures of all affected property owners;
3. A completed map page, certified by the property owner or surveyor, drawn to an engineering scale, with a north arrow, and including the following information where applicable:
 - a. Dashed lines for current boundaries and solid lines for proposed new lot lines;
 - b. Current legal descriptions for each new parcel;
 - c. Adjacent street names, if any, and locations;
 - d. Existing or proposed easements for access, drainage, utilities, or sensitive areas;
 - e. Existing structures and approximate distances to property lines;
 - f. Existing wells, septic tanks and/or drainfields and approximate distances to property lines; and
 - g. Identifying parcels as Lot A, Lot B, and so on, unless otherwise approved by the administrator.
4. Assessor's maps; and
5. Documentation that each parcel affected is in compliance with any applicable usable construction area requirement (*see* SJCC 18.70.060 (B)).

D. Review Authority. Boundary line modifications are reviewed and approved by the County pursuant to the authority provided in RCW 58.17.060.

1. The administrator shall determine whether or not the proposed boundary line modification complies with any applicable usable construction area requirement (*see* SJCC 18.70.060 (B)).
2. When a boundary line modification is approved that allows parcels larger or smaller than the average density, the administrator shall require a deed restriction to be recorded to credit or debit the allowable density of the appropriate parcels for purposes of future division, according to the allowable density in effect at the date of approval. If the allowable density for the parcels is changed at a future date, further subdivision may be allowed depending upon the density in effect at that later date.

3. The County engineer shall review all boundary line modifications to ensure that adequate future driveway access can be provided for parcels adjacent to County roads.
4. The County engineer shall review and approve all legal descriptions.
5. The County sanitarian shall review all boundary line modifications to ensure that they comply with the requirements of the San Juan County health and community services department for water and sewage disposal (SJCC Title 13).

E. Decisionmaking Authority. The administrator is vested with authority to approve or deny proposed boundary line modifications. Within five business days of accepting a completed application the administrator shall approve, disapprove, or return it if incomplete, and shall notify the applicant of action taken on the application.

F. Criteria for Approval. A boundary line modification shall only be approved if:

1. The application meets the requirements in SJCC 18.70.020 and this section and the applicable standards in Chapters 18.50 and 18.60 SJCC, and complies with the policies and requirements of Chapter 58.17 RCW, the Shoreline Master Program (if applicable), the State Environmental Policy Act, and the Comprehensive Plan;
2. The application satisfactorily addresses the comments of the reviewing authorities.
3. **Revisions.** Requests for revisions which are not made in response to staff review may require a new application if the administrator finds the revisions to be substantial and material.

G. Final Approval and Recording.

1. Approvals of boundary line modifications shall expire if the authorized deeds transferring property ownership, together with a copy of the approved boundary line modification and map, are not recorded within six months of the approval, unless the application identified the modification as subject to a pending development permit application as a documented contingency agreement between the prospective land seller and purchaser. In that event, the recordings required above shall be filed within 30 days of the effective date of the approved development permit or shall become void upon the denial of a development permit. Documentation authorizing the transfer of property ownership may be placed on the original boundary line map along with the legal descriptions of those portions of land being transferred.
2. The final map page shall contain an approval block to be signed by the administrator. The

County auditor shall insure that proposed boundary line modifications are first approved by the administrator prior to recording.

H. Appeals. Decisions by the administrator may be appealed to the hearing examiner in accordance with procedures specified in SJCC 18.80.140. (Ord. 12–2001 § 7; Ord. 2–1998 Exh. B § 7.3)

18.70.040 Simple land divisions.

A. Purpose.

1. To provide a procedure for the division of land by owners who have (a) only the rare occasion to divide property and then not in conjunction with other developments, or (b) owned property for a period of time and are required by circumstance to sell a portion of it to support themselves or to meet unanticipated expenses. Simple land divisions are reviewed according to the procedures in this section.
2. **Division of Parcels by Gift.** Simple land divisions include the division of a parcel by gift for love and affection only to members of the owner’s family. For purposes of this subsection, “family” includes parents, children, grandchildren, spouse, brother or sister.
3. A simple land division that affects a platted lot line (*i.e.*, that involves land which is included within a subdivision or short subdivision) shall be processed as a subdivision alteration, pursuant to the requirements of SJCC 18.70.080(A).

B. Notice of Application and Public Hearing.

1. **SEPA-Exempt, and No Shoreline Permit Required.** Where no SEPA review is required, and no shoreline permit is required, a notice of application is not required. No public hearing is required.
2. **SEPA Review or Shoreline Permit Required.** A notice of application is required as per SJCC 18.80.030. No public hearing is required unless a shoreline permit is required.

C. Application Requirements. Applications for simple land divisions shall be made on forms approved by the administrator and submitted to the permit center, with the appropriate fees, and shall include the following information:

1. A completed simple land division application form, which contains the following information:
 - a. Application page, with identification of property owner(s) for each lot;
 - b. Current legal descriptions for each affected lot;
 - c. Map page, certified by the property owner or surveyor, drawn to an engineering scale with a north arrow and including the following

information:

- i. Dashed lines for current boundaries and solid lines for proposed new lot lines;
 - ii. Legal description of each new parcel;
 - iii. Adjacent street names, if any, and locations;
 - iv. Existing or proposed easements for access, drainage, utilities, or sensitive areas;
 - v. Existing structures and approximate distances to property lines;
 - vi. Existing wells, septic tanks, and/or drainfields, and approximate distances to property lines;
 - vii. Parcels identified as Lot A, Lot B, and so on, unless otherwise approved by the administrator;
 - viii. Existing and proposed access easements;
 - ix. Areas proposed as nonbuilding open space area(s) according to SJCC 18.70.060(B)(10);
- d. **Area Calculations.** For the purpose of simple land divisions only, the gross parcel area from the GIS legal-parcel map in effect at the date of application of the simple land division may be used to establish the required lot area, unless a recorded survey shows otherwise;
2. Documentation of water availability and adequacy for each parcel affected to meet the requirements of SJCC 18.60.020;
 3. Documentation that each parcel affected meets the sewage disposal requirements of SJCC 18.60.030, including a sewer availability letter if any vacant lot is proposed to be served by public sewer;
 4. Documentation that each parcel affected is in compliance with any applicable usable construction area requirement (*see* SJCC 18.70.060 (B)); and
 5. Statement of disclosure.

D. Standards.

1. Simple land divisions shall meet the conservation design standards of SJCC 18.70.060(B) (10).
2. Multiple applications for boundary line modifications and simple land divisions or combinations of applications and exemptions shall not be used as a substitute for meeting the requirements for subdivisions or short subdivisions pursuant to this chapter.
3. Simple land divisions shall not:

- a. Create parcels that cross land use designation boundaries;
- b. Further divide the property for a period of five years without a long subdivision. The approval of the simple land division shall include the following restriction:

Pursuant to RCW 58.17.060 the property subject to this authorization may not be further divided in any manner within a period of five (5) years without the filing of an application for a long subdivision.

E. Review of Applications.

1. The administrator shall determine whether or not the proposed simple land division complies with any applicable usable construction area requirement (*see* SJCC 18.70.060(B)).
2. The administrator shall require a deed restriction to be recorded for the nonbuilding area(s) established in accordance with SJCC 18.70.060(B)(10).
3. When a simple land division is approved that allows parcels larger or smaller than the average density, the administrator shall require a deed restriction to be recorded to credit or debit the allowable density of the appropriate parcels for purposes of future division, according to the allowable density in effect at the date of approval. If the allowable density for the parcels is changed at a future date, further subdivision may be allowed depending upon the density in effect at that later date.
4. The County engineer shall review all simple land divisions to ensure that adequate future driveway access can be provided.
5. The County sanitarian shall review all boundary line modifications to ensure that they comply with the requirements of the San Juan County health and community services department for water and sewage disposal (SJCC 18.60.020 and 18.60.030 and SJCC Title 13).
6. The County engineer shall review and approve all legal descriptions.

F. Decisionmaking Authority. The administrator is vested with authority to approve or deny proposed simple land divisions. Within five business days of accepting a completed application the administrator shall approve, disapprove, or return it if incomplete, and shall notify the applicant of action taken on the application.

G. Criteria for Approval. A simple land division shall only be approved if:

1. All of the following in subsections (G)(1)(a) or (b) must apply:

a. Division for the purposes of SJCC 18.70.010(A);

- i. The owner has owned the parcel to be divided for a period of at least five years;
- ii. No more than one new parcel will be created;
- iii. Each parcel is five acres or larger;
- iv. The boundaries of the tract of record that is being divided have remained unchanged for more than five years (except for exempt actions listed in SJCC 18.70.010(C)(4), (7) and (8); provided, that for the purposes of this section, the tract of record includes all contiguous property in the same ownership whether or not the property is described in separate legal descriptions;
- v. The approval of the simple land division shall include the following restriction:

Pursuant to RCW 58.17.060 the property subject to this authorization may not be further divided in any manner within a period of five (5) years without the filing of an application for a long subdivision unless eligible for redivision by short plat in accordance with state law.

b. Division of parcels by gift as per subsection (A)(2) of this section;

- i. The grantor has owned the parent parcel for 20 years or more;
- ii. The gift is being made only to members of the owner's family, which for purposes of this section includes parents, children, grandchildren, spouse, brother or sister;
- iii. Each gift is five acres or more, or is based on an average density of five acres or more, and accompanied by a density restriction approved by the prosecuting attorney. This provision shall apply in addition to maximum density requirements of the Comprehensive Plan and Shoreline Master Program;
- iv. The gift includes a prohibition against resale or redivision for a minimum of five years;
- v. The application is accompanied by a notarized statement of disclosure attesting to conformance to this section;

and

vi. No more than one parcel from the parent parcel may be given to any one grantee.

2. The application meets the requirements in SJCC 18.70.020 and this section and the applicable standards in Chapters 18.50 and 18.60 SJCC, and complies with the policies and requirements of Chapter 58.17 RCW, the Shoreline Master Program (if applicable), the State Environmental Policy Act, and the Comprehensive Plan.
3. The application satisfactorily addresses the comments of the reviewing authorities and is in the public interest (RCW 58.17.100 and 58.17.110).
4. **Revisions.** Requests for revisions which are not made in response to staff review may require a new application if the administrator finds the revisions to be substantial and material.

H. Final Approval and Recording.

1. The final approval of a simple land division must be recorded. Approval shall expire if the authorized deeds transferring property ownership, together with a copy of the approved simple land divisions, are not recorded within six months of the approval, unless the application identified the simple land division as subject to a pending development permit application as a documented contingency agreement between the prospective land seller and purchaser. In that event, the recordings required above shall be filed within 30 days of the effective date of the approved development permit or shall become void upon the denial of a development permit. Documentation authorizing the transfer of property ownership may be placed on the original simple land division map along with the legal descriptions of those portions of land being transferred.
2. The final map page shall contain an approval block to be signed by the administrator. The County auditor shall insure that proposed simple land divisions are first approved by the administrator prior to recording.

I. Appeals. Decisions by the administrator may be appealed to the hearing examiner in accordance with procedures specified in SJCC 18.80.140. (Ord. 26–2002 § 5; Ord. 11–2000 § 6; Ord. 2–1998 Ex. B § 7.4)

18.70.050 Preliminary subdivisions and short subdivisions, alterations, and revisions.

A. Purpose and Procedures. To specify application, approval, and recording requirements for the

segregation of land into subdivisions, short subdivisions, and alterations of subdivisions in accordance with applicable Washington State and San Juan County laws, rules, and regulations.

1. **Short subdivisions** involve the change and addition of boundary lines where four or fewer lots are to be created from the original parcel. Such land divisions may occur only on unplatted land or on land previously divided by a short subdivision that has not since been divided for a period of five years or more from the recording of the original short subdivision. Short subdivisions are reviewed according to the procedures in this section and SJCC 18.70.070.
2. **Long subdivisions** involve the change and addition of boundary lines where five or more lots are to be created from the original parcel, or into two or more parcels where the land has previously been divided less than five years prior to the application. Long subdivisions are reviewed according to the procedures in this section and SJCC 18.70.070.
3. **Alterations.** Division of a long subdivision lot is made through subdivision alteration procedures (SJCC 18.70.080).

B. Notice of Application and Public Hearing.

1. **Short Subdivisions.** Notice of application is required as per SJCC 18.80.030. No public hearing is required.
2. **Long Subdivisions.** Notice of application is required to be given by publication in the official County newspaper, by posting at the proposed project site, and by certified mail to property owners within 300 feet of the property containing the project site, all in accordance with SJCC 18.80.030(A). Notice of public hearing is by publication in the official County newspaper in accordance with SJCC 18.80.030(C). Additional notice of public hearing shall be provided as follows:
 - a. Notice of the filing of a preliminary subdivision adjacent to or within one mile of the municipal boundaries of the town of Friday Harbor or which contemplates the use of any town utilities shall be given to the appropriate town authorities.
 - b. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property, adjacent to the real property proposed to be subdivided, notice under RCW 58.17.090(1)(b) shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacent parcels of real property owned by the owner of the real

property proposed to be subdivided.

C. Application Requirements.

1. **Application Documents.** Applications must consist of all materials required by the applicable development regulations; provide one copy of the application documents, 10 copies of the subdivision vicinity maps, and three copies of road plans and other maps; submit proof that notice was provided as required in subsection (B) of this section and SJCC 18.80.030; and include the following:
 - a. Completed application form(s), and a verified statement by the applicant that the application has been submitted with the consent of all owners and beneficial owners of the affected property or property interest;
 - b. Legal description of the site and any other property description required by the applicable development regulations;
 - c. Completed environmental checklist;
 - d. Health and community services department approval of available and adequate potable water source (this may or may not require the drilling of a well prior to preliminary plat approval);
 - e. Letter of approval of sewage disposal method from San Juan County health and community services department;
 - f. Preliminary plat (*see* subsection (C)(2) of this section);
 - g. Fire marshal approval;
 - h. Drainage analysis as defined in SJCC 18.60.070.
 - i. Title report;
 - j. Certificate of future connection from the appropriate sewage treatment and water purveyor for lots within an urban growth area or activity center which are proposed to be served by on-site or community sewage systems and/or group-B water systems or private wells;
 - k. Payment of application fees;
 - l. Additional items identified through the preapplication screening conference pursuant to SJCC 18.80.020(C) and other requirements of this code;
 - m. A description of the phasing of the land division, if proposed;
 - n. Information in the form required by the administrator and by any non-County capital facilities service providers, and sufficient to enable the County and other service providers to determine the concurrency

- requirements of the development, plus any additional capacity or noncapital alternatives proposed to funded by the applicant;
- o. Soil test hole log;
 - p. Well data on wells within the vicinity of the proposed subdivision, and the well test hole log and other data required by the health and community services department;
 - q. Description of how the subdivision meets the requirements of SJCC 18.60.230 through 18.60.250, where applicable; and
 - r. Planned unit development (PUD) application, if required.
2. The following shall be included on the preliminary plat:
 - a. Proposed name of the subdivision;
 - b. Location by section, township and range, or by other legal description;
 - c. Scale (no smaller than one inch equals 40 feet) and north arrow;
 - d. Contours of topography at five-foot contour intervals;
 - e. Land use designation;
 - f. Approximate lot sizes;
 - g. Number of lots, units, and proposed density;
 - h. Proposed land use(s);
 - i. Means of sewage disposal;
 - j. Source of potable water;
 - k. Vicinity map;
 - l. Delineation of existing conditions:
 - i. Exterior boundary line of proposed subdivision indicated by solid heavy line;
 - ii. Location, widths and names of all existing or prior platted streets or other public ways, utility rights-of-way, easements, parks and other public open spaces, permanent buildings and structures, and section and municipal corporation lines, within 100 feet of the proposed preliminary subdivision. Existing sewers, water mains, culverts or other underground facilities within or adjacent to the tract, indicating pipe sizes, grades and exact location, as obtained from public records;
 - iii. In the case of a subdivision alteration, the lots, blocks, streets, alleys, easements, parks and building lines (if any) of the original plat being altered shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat. The new subdivision shall be clearly shown in solid lines so as to avoid ambiguity;
- iv. Approximate boundary lines of adjacent tracts of unsubdivided and subdivided land, showing owners and approximate lot lines for a distance of 100 feet;
 - v. Existing land use designation of the proposed subdivision and adjacent property;
 - vi. Existing structures, wells, drainfields;
 - vii. Existing surface water features (*e.g.*, intermittent or permanent streams, ponds, *etc.*) and drainageways; and
 - viii. Wetlands and other environmentally sensitive areas (*see* SJCC 18.30.110 through 18.30.160), and other significant natural features (such as bluffs);
- m. Delineation of proposed conditions:
 - i. Layout of streets, their names, widths, and road profiles (horizontal and vertical alignment data shall be submitted when requested by the County engineer), driveways, connections to proposed future roads, and also the widths of alleys, and easements;
 - ii. Layout, numbers and dimensions of lots, and landscaping;
 - iii. Layout of proposed utilities, and community wells and drainfields;
 - iv. Layout of the drainage system (including any retention/detention facilities, water quality measures, and use of natural drainage features);
 - v. Proposed grades, and volume and deposition of excavated material; and
 - vi. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision, for common open space or conservation tracts, or for drainage, with an identification of the proposed use and owner.
 - n. Tree removal plan for shoreline areas.
3. **Material Errors.** If an application is found by the administrator to contain and be based on material errors, the administrator shall deem the application to be withdrawn and shall terminate review, and shall require that a new application be submitted.

D. Administrative Authority and Responsibility.

1. **Application Review for Long and Short Subdivisions.** The administrator shall accept, circulate, review proposed subdivisions, and shall notify the applicant in writing of action taken on the application. The administrator shall request recommendations from appropriate agencies, including the:
 - a. County engineer;
 - b. County sanitarian;
 - c. Relevant utility districts, and concurrency facilities providers;
 - d. State Historic Preservation Officer;
 - e. School, fire, and soil conservation districts; and
 - f. Appropriate planning commission subcommittee (or if the subcommittee so determines, the full planning commission).
2. **Long Subdivisions Report.** The administrator shall forward, in writing, a report regarding the application to the hearing examiner.

E. Decisionmaking Authority.

1. Where SEPA does not apply, or there is no appeal of a SEPA DNS, MDNS, or FEIS:
 - a. **Short Subdivisions.** The administrator is vested with authority to take one of the following actions for preliminary and again for final subdivisions, and shall notify the applicant in writing of the action taken:
 - i. Grant preliminary approval, subject to conditions;
 - ii. Return the application to the applicant for correction or completion; or
 - iii. Disapprove the proposed short subdivision and retain the application fee, with stated reasons for denial.
 - b. **Long Subdivisions.** The hearing examiner is vested with authority to hear and take action on these subdivisions.
2. **Long and Short Subdivisions.** Where SEPA applies, and there is an appeal of the issuance of a DNS, MDNS, or FEIS:
 - a. The appeal shall be consolidated with the administrator's report and recommendation for the application for an open-record hearing in accordance with SJCC 18.80.140; and
 - b. The hearing examiner is vested with authority to hear decide the SEPA appeal together with the merits of the proposal.
The decision of the hearing examiner is final, subject to any closed-record appeal to

the board of County commissioners.

F. Criteria for Approval. The preliminary subdivision shall be approved only if:

1. The application meets the requirements in SJCC 18.70.020 and this section, the standards in SJCC 18.70.060 and the applicable standards in Chapters 18.40, 18.50 and 18.60 SJCC; and complies to the policies and requirements of Chapter 58.17 RCW, the Shoreline Management Act (Chapter 90.58 RCW) and the policies in Element 3 of the Comprehensive Plan and the applicable regulations in Chapter 18.50 SJCC (the Shoreline Master Program), the State Environmental Policy Act, and the Comprehensive Plan.
2. The application satisfactorily addresses the comments of the reviewing authorities and is in the public interest (RCW 58.17.100 and 58.17.110).
3. Action has been completed on any shoreline permit that is required for subdivision improvements.
4. The associated planned unit development application, if required, is approved.
5. **Revisions.** Requests for revisions which are not made in response to staff review may require a new application if the administrator finds the revisions to be substantial and material.

G. Expiration Time and Extensions.

1. For all subdivisions receiving preliminary approval on or after the effective date of this code, such approval shall expire after a period of 60 months. If the subdivision is being developed in phases and final approvals for all of the phases have not been recorded within the time limits provided in this chapter, preliminary subdivision approval for all unrecorded phases shall expire and become void. Subsequently, the preliminary subdivision for any unrecorded phases must be resubmitted to the department as a new application, subject to the fees and regulations applicable at the time of submittal.
2. For all short subdivisions receiving preliminary approval on or after the effective date of this code, such approval shall be effective for a period of 18 months, plus one six-month extension upon application.
3. All other subdivision approvals shall continue to be effective pursuant to the timelines established by the codes in effect at the time of preliminary subdivision approval.

H. Appeals.

1. **Short Subdivisions.** These decisions may be appealed in accordance with procedures

specified in SJCC 18.80.140.

2. **Long Subdivisions.** The decision of the hearing examiner is final, subject to a closed-record appeal to the board of County commissioners in accordance with SJCC 18.80.140. Appeals of board of county commissioner decisions must be filed with the superior court and served on all parties within 21 days of the issuance of the decision. Procedures for such appeals are specified in RCW Chapter 36.70C.
3. **SEPA Appeals.** Any action pursuant to SEPA may be appealed by a party of record with standing to file a land use petition in superior court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW. (Ord. 26–2002 § 5; Ord. 12–2001 § 7; Ord. 14–2000 § 7(JJJ), (KKK); Ord. 11–2000 § 6; Ord. 2–1998 Exh. B § 7.5)

18.70.060 Subdivision and short subdivision design and development standards.

A. General Standards. The standards contained in this section and other sections of the UDC shall apply to subdivisions and short subdivisions regulated by this section, unless otherwise stated in this code.

B. Subdivision Design Standards.

1. **Access to Shorelines and Common Easements.**
 - a. Subdivisions and short subdivisions adjacent to water subject to the jurisdiction of the Shoreline Master Program shall provide dedication of access to such bodies of water as required by the Shoreline Master Program.
 - b. Dedications to the lot owners for access shall be to the low water mark if the subdivider holds ownership or a lease of the tidelands.
 - c. Subdivisions shall provide a common easement for a common water supply for individual lots of less than 15 acres.
2. **Clustering.** The administrator shall encourage clustering of units and lots in land division proposals, and shall inform applicants of alternatives to standard land division. Clustering may not be used to create lots smaller than the allowed minimum lot sizes where established by SJCC 18.70.010(E) or in applicable subarea plans. The sanitarian shall consider an approved water system or a proven common well supply in lieu of individual wells on clustered lots.
3. **Conforming to Natural Features and Topography.** To the greatest degree possible, all subdivisions shall be designed to conform to the natural features of the land. Problems such as eroding cliffs or other potentially hazardous

conditions must be divided with the general welfare and safety of persons and property in mind.

4. **Usable Construction Area.** All proposed lots shall provide a usable area for the construction of a dwelling unit, approved sewage system, and an approved water supply.
5. **Division of Lots by Roads.** Individual lots shall not be divided by roads or road rights-of-way. Where a pre-existing road divides a lot where there is no alternative to such a division the administrator may grant a discretionary exception.
6. **Buffers and Setbacks.** All subdivisions shall meet the setback requirements and other density, dimension, and open space standards of SJCC 18.60.050, and the landscaping and screening requirements of SJCC 18.60.160.
7. **Number of Lots.** Subdivisions may include any number of lots. Short subdivisions are limited to no more than four lots.
8. **Standards for Agricultural and Forest Resource Lands.** On all agricultural or forest resource lands (AG and FOR) the maximum area of development which is not related to agricultural or forestry uses and activities shall be limited to 20 percent of the parcel area, but not less than one acre, regardless of the assigned density. Further, in the division of a parcel by any means, the allowable area for conversion of the parent parcel to nonfarm and/or nonforestry use shall not be exceeded. This shall not apply to parcels smaller than five acres.
9. **Standards for Rural Farm-Forest (RFF) Districts.** In RFF land use districts, no more than 30 percent of the area of a parcel shall be covered by impervious surfaces, exclusive of roads and driveways.
10. **Conservation Design Requirements.** All land divisions in resource land, conservancy, and rural designations (outside of areas of more intensive rural development), and all shoreline areas shall protect open space and scenic resources as well as natural resources by meeting the following design and development requirements:
 - a. At a minimum, 60 percent of the area of the parcel to be divided shall be maintained as open space area from which all construction related to residential use (houses, residential outbuildings, parking and residential landscaping) shall be excluded. Wells, septic systems, biofiltration, and ponds approved as pumper supply points, may be placed within the nonbuilding area of a parcel.

- b. The significance and sensitivity of open space resources shall be identified for the entire parcel to be divided using the landscape information in Parts III and IV (Open Space Atlas and Map Folio) of the San Juan County Open Space and Conservation Plan (SJCC 18.30.190(F)) and the criteria and rating scales in Part III of that plan.
- c. The land division design shall adhere to the following principles to the extent practicable:
 - i. Establish nonbuilding portions of new parcels to be contiguous with one another and to contain the most sensitive open space features of the site within them.
 - ii. Establish the location of roads, individual driveways, houses and outbuildings, and utilities, to minimize intrusion on the most sensitive open space features of the site.
 - iii. Maintain existing orchards, meadows and pasture areas.
 - iv. Leave ridgelines and contrasting edges between landscape types unbroken by structures.
 - v. On rolling open or steep open slopes, locate building areas so that buildings will be screened by existing vegetation or terrain.
 - vi. Ensure that the protection of features such as wetlands and wildlife habitat.
- d. Use and management provisions for the nonbuilding area of each parcel shall be specified on the face of the plat.
- e. Building and nonbuilding locations of each parcel shall be indicated on the face of the plat.
- f. **Alternative Design.**
 - i. At least 60 percent of the entire parcel to be divided may be retained within a single tract maintained as open space from which all construction related to residential use (houses, residential outbuildings, parking, and residential landscaping) shall be excluded. Wells, septic systems, biofiltration, and ponds approved as pumper supply points, may be placed within the conservation area. Individual building lots shall be clustered or otherwise located in a manner consistent with the principles in subsection (B)(10)(c) of this section.
 - ii. The open space area shall be owned and managed as a single entity. The open space tract or easement may be transferred as indivisible open space to a conservation organization, held in perpetuity as an indivisible portion of one of the lots, or held by the lot owners in common. Use and management provisions for the conservation tract shall be specified on the face of the plat.
 - iii. If the conservation tract is created as a lot separate from a residential lot it may be leased for agricultural or forest management uses. Outbuildings other than structures for human habitation may be provided for to support agricultural activity on land in agricultural use.
 - iv. All other requirements of this subsection (B)(10) shall apply.
- g. **San Juan Valley Heritage Plan Overlay District Conservation Incentive Bonus.** Division of parcels in the San Juan Valley heritage plan overlay district located within that portion of the agricultural resource land area designated on the official maps at densities of 10 acres per unit shall be eligible for a density of up to five acres per unit if the following standards are met in addition to the requirements of subsection (B)(10) of this section, Conservation Design Requirements.
 - i. The required open space area shall include at least 75 percent of the parcel to be divided and in no case shall the required open space area be smaller than 10 acres.
 - ii. The maximum lot size for residential use shall be 1.5 acres and the minimum lot size for residential use shall be one-half acre.
 - iii. Building lots may be grouped on the parcel to be divided; provided, that no individual group of building lots shall include more than six lots and groups of lots shall be separated from each other by at least 100 feet.
 - iv. Building lots shown on the plat shall be presumed to be residential building locations.
 - v. Existing parcels may be recombined for redivision according to this subsection (B)(10)(g).

C. Road and Drainage Standards.

1. Design and Construction Standards.

- a. All roads serving two or more lots shall comply with the road design and construction standards specified in SJCC 18.60.080(A), (B) and (C).
- b. A drainage analysis shall be performed in conformance with SJCC 18.60.070, and drainage systems shall be designed to the standards in subsection (B) of this section and SJCC 18.60.070.

2. **Submittal of Final Plat.** Information in drawing form shall be submitted to the administrator to meet the requirements of SJCC 18.60.100 (D).

3. **Responsibility for Road Improvements.** The applicant bears the responsibility to make offsite private road improvements necessary to meet the road standards.

D. Road Inspections. The following inspections are required:

- 1. First inspection prior to preliminary approval;
- 2. Second inspection prior to final approval and to establish bonding;
- 3. Third inspection for release of road bond if necessary.

E. Health Standards. The following health standards apply to all subdivisions and short subdivisions:

- 1. **Water.** All land divisions shall comply with the requirements of the San Juan County health and community services department for water (SJCC Title 13).
- 2. **Sewer.** All land divisions shall comply with the requirements of the San Juan County health and community services department for sewer (SJCC Title 13).
- 3. **Storm Drainage.** Stormwater flows from the subdivision shall not adversely affect critical aquifer recharge areas. All subdivisions and short subdivisions must meet critical area regulations for aquifer recharge (*see* Chapter 18.30 SJCC).

F. Fire and Utility Standards. All subdivisions and short subdivisions must meet the fire protection improvement standards contained in Chapter 13.08 SJCC. (Ord. 2–2002; Ord. 11–2000 § 6; Ord. 2–1998 Exh. B § 7.6)

18.70.070 Final subdivisions and short subdivisions.

A. Final Review Procedures.

- 1. Following approval of the preliminary subdivision, one drawing of the final plat of the subdivision shall be submitted to the administrator. Every final plat shall include an

accurate map of the land being subdivided, based upon a complete survey thereof, prepared by a registered land surveyor, in accordance with state law (Chapters 58.09, 58.17 RCW and Chapter 332–130 WAC).

2. All final subdivisions shall conform with the use, density, dimensional, and other standards of Chapters 18.60 and 18.70 SJCC. No lot or portion of a lot shall be subdivided or sold, nor its ownership transferred in violation of such standards.

3. Short subdivisions may not be further divided in any manner within a period of five years without the filing of an application for a subdivision, except that when the short subdivision contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an application for a final subdivision alteration within the five-year period to create up to a total of four lots within the original short subdivision boundaries (RCW 58.17.060).

B. Decisionmaking Authority.

1. **Short Subdivisions.** The administrator is vested with authority to take one of the following actions for final subdivisions, and shall notify the applicant in writing of the action taken:

- a. Grant final approval after satisfactory completion of conditions;
- b. Return the application to the applicant for correction or completion; or
- c. Disapprove the proposed short subdivision and retain the application fee, with stated reasons for denial.

2. **Long Subdivisions.** The hearing examiner is vested with authority to take action on these subdivisions.

C. Criteria for Approval. The final subdivision shall be approved only if:

1. The application meets the conditions and requirements of preliminary and final approval in SJCC 18.70.020, 18.70.050, this section, 18.70.100 and 18.70.120, the standards in SJCC 18.70.060 and the applicable standards in Chapters 18.40, 18.50 and 18.60 SJCC; and complies to the policies and requirements of Chapter 58.17 RCW, the Shoreline Management Act (Chapter 90.58 RCW) and the policies in Element 3 of the Comprehensive Plan and the applicable regulations in Chapter 18.50 SJCC (the Shoreline Master Program), the State Environmental Policy Act, and the Comprehensive Plan.

2. The application satisfactorily addresses the comments of the reviewing authorities, receives

the necessary approvals, and is in the public interest (RCW 58.17.100 and 58.17.110).

3. **Time Limits.** The application meets the time limits and requirements for approval, revision, alteration, extension, and phasing, as applicable, of SJCC 18.70.050(F), 18.70.080(A), and 18.70.110.

D. Appeals. Decisions by the administrator may be appealed to the hearing examiner in accordance with procedures specified in SJCC 18.80.140. All decisions of the hearing examiner are final, subject to a closed-record appeal to the board of County commissioners in accordance with 18.80.140. Appeals of BOCC decisions must be filed with the superior court and served on all parties within 21 days of the issuance of the decision. Procedures for such appeals are specified in RCW Chapter 36.70C.

E. Phased Development for Long Subdivisions. Portions of an approved preliminary long subdivision (this provision does not apply to short subdivisions) may be processed separately, with the review and approval of the approval authority, for the purpose of recording divisions, if:

1. All divisions are approved within the prescribed time limits for preliminary subdivisions;
2. All conditions of approval are met; and
3. The division does not violate the intent of the preliminary subdivision approval.

F. Final Subdivision Recording. The recording of final subdivisions is required.

1. **General Provisions.**

- a. **Payment of Delinquent Taxes.** Any and all delinquent taxes on the subject property must be paid in advance of recording.
- b. **Recording Map and Legal Descriptions.** The final plat (recording map) and legal descriptions shall be prepared in accordance with Chapter 332-130 WAC, Chapter 58.09 RCW and this chapter, and be recorded with the County auditor as required by this code.
- c. **Time Limits.** Approval of a preliminary subdivision shall expire if the final subdivision is not recorded within the time periods provided in SJCC 18.70.050(G).

2. **Survey and Drawing Standards.** The standards set forth in this section for survey and drawings shall be followed, except where a deviation from any standard is approved in writing by the County engineer:

- a. The perimeter of the subdivision shall be depicted with heavier lines than appear elsewhere on the plat;
- b. The scale shall be 100 feet to the inch, or such other scale acceptable to the County

engineer, on sheets allowing for a one-half inch border. The final plat shall be photo-mylar or original ink on not less than .003-inch minimum thickness mylar;

- c. 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 the remaining sides for subdivisions and two inches on the left side and one-half inch on the remaining sides for short subdivisions;
- d. Each sheet shall contain the subdivision's name and the north arrow; each plan sheet shall contain in addition a legend and scale;
- e. All signatures affixed to a final mylar shall be original signatures written in permanent black ink;
- f. The final plat for a short subdivision shall be 18 inches by 24 inches in size. The final plat for a subdivision shall be 24 inches by 36 inches in size. Both shall allow one-half inch for a border. If more than one sheet is required, each sheet, including the index sheet, shall be of the above specified size. The index sheet must show the entire subdivision with street and highway names and block numbers.;
- g. The plat shall be based on a complete survey of the section or sections in which the subdivision is located, or as much thereof as may, with the concurrence of the County engineer, be deemed necessary to locate and orient the subdivision properly within the section(s);
- h. A base meridian reference note (basis of bearing);
- i. The complete legal description of land contained within the subdivision;
- j. All section, township and municipal lines lying within or adjacent to the subdivision;
- k. The length and bearings of all straight lines; the central angle, radii, arc length and/or semi-tangents of all curves;
- l. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the fields;
- m. The locations, dimensions, center line, and names and numbers of all roads within and adjoining the subdivision;
- n. The locations, dimensions, names, purposes, references or descriptions (AFN) of all easements within or serving the subdivision;
- o. Dedication of the subdivision, including easements thereto and any areas of common

or public ownership, signed by the fee owners and other parties with a vested interest in the property; provided, that where the land is subject to a real estate contract both the contract vendee in possession and his contract vendor shall sign;

- p. The graphic location of developed water sources, including wells, within the subdivision, or by reference to sources outside the subdivision supplying the subdivision, where required by this code;
- q. The acreage of each parcel, including common area parcels, and the acreage of that portion of any public road right-of-way used in computing the gross lot size, as computed on the basis of the survey;
- r. The residual shall not be required to be located by means of survey; provided, that when the residual is not surveyed, the approximate boundaries of the residual shall be shown on the plat, with a note indicating that the boundaries shown are approximate and not based on a current survey, and the plat must note the approximate acreage. In cases where the residual is not surveyed, but the County road right-of-way adjacent to the residual is required to be dedicated to the public, the County road centerline shall be surveyed and the centerline data and dedicated width of right-of-way shall be shown on the plat;
- s. If a body of water forms the boundary of a subdivision, the OHWM shall be located by survey and dimensions on the plat;
- t. A lot designation for each parcel shall be required. If a parcel divided by roads or easements has been approved by the administrator, lines connecting all of the pieces of that parcel must be included;
- u. **Monumentation.** All subdivision monumentation shall consist of one-inch galvanized iron pipe, 5/8-inch rebar or approved equivalent, a minimum of 24 inches long, driven in the ground with the surveyor's designation provided on each monument, for all lot corners, subdivision boundaries and lot corner offsets. (Offsets on lot corners will be used only where physical obstructions prevent actual corner location). A two-inch by two-inch hub or approved equivalent extending above the ground level showing the adjacent lot or lots shall be provided. Subdivisions shall be provided with adequate monumentation detail, subject to the County engineer's approval, for permanent control throughout

the subdivision, including the exterior boundaries. All control monumentation shall be of the same type as stated above. If road construction is required, permanent control monuments when designated within the streets shall be set after the roads are graded. In the event a final plat is approved before roads are graded, the bond deposited to secure grading shall be sufficient to pay the costs estimated by the County engineer of setting such monuments;

- v. Primary survey control points shall be referenced to sectional subdivision corners and monuments. Corners of adjoining subdivisions or recorded surveys or positions thereof shall be identified and ties shown;
- w. **Dedications.** The following dedications shall be provided on all plats:
 - i. A statement granting to the lot owners a nonexclusive easement for purposes of ingress and egress over and across the areas designated on the plat as private road rights-of-way, providing a right of entry for the installation and maintenance of utilities within the easement and providing for the right to cut and fill on and drain surface runoff over lots within the subdivision;
 - ii. A statement declaring the existence of an easement for utilities to all lots in the subdivision; the statement shall provide for the relocation of any easement at the request of the lot owner and with the concurrence of the affected utilities;
 - iii. A statement declaring that all road rights-of-way (except those dedicated to the public) and all easements are privately owned; that the County is not responsible for the construction or maintenance of any roads or easements within the subdivision; and that all persons acquiring property in the short subdivision agree to hold the County harmless for all costs of construction or maintenance of all roads or easements within the subdivision;
 - iv. Where additional public right-of-way is required, a statement dedicating the additional right-of-way to the public, including the right to cut and fill on and drain surface runoff, along natural drainage ways, over lots adjacent to the County road. Where no additional public right-of-way is required, the right to cut and fill on and drain surface

- runoff along natural drainage ways onto lots adjacent to the County road shall be dedicated to the County; and
- v. Where common areas are proposed, they shall be shall be dedicated to all lot owners within the subdivision;
 - x. The following restrictions shall be shown verbatim on the face of the plat:
 - i. This subdivision has been approved by the responsible County officials on the premise that each lot will be occupied by no more than one single-family dwelling and lawfully related outbuildings. No lot shall be otherwise occupied unless the owner can first demonstrate to the County's satisfaction that the provisions for water supply, sewage disposal, circulation, lot size and related planning consideration are adequate to serve the proposed use. Compliance with this provision shall be effected by written application to the subdivision administrator who shall be responsible for coordinating the review of such requests and for making the required determination.
 - ii. For subdivisions containing a private road or community water system: maintenance of the road, the well, or other water source, and the water distribution system serving the lots in this subdivision is shared equally by the lot owners.
 - iii. There may be additional private conditions, covenants or restrictions in addition to those shown on the face of this plat. Such private conditions may not be shown on plats. Any private deed restrictions are supplemental to the requirements of this code. The County shall not be party to any private restrictions;
 - y. The following shall be shown on the face of the plat:
 - i. Surveyor's certificate;
 - ii. Treasurer's certificate;
 - iii. Administrator's certificate;
 - iv. Auditor's certificate;
 - v. County sanitarian's certificate (for subdivisions only);
 - vi. County engineer's certificate (for subdivisions only); and
 - vii. Street addresses, as required by state law, for all areas where the department

of public works has established or requires the assignment of street addresses;

- z. The final plat and associated drawings shall be submitted in digital form to be used for mapping and Geographic Information Systems (GIS) purposes, and will be released to the public consistent with the County public information access policy;
- aa. The final plat and associated drawings shall be submitted in San Juan County Geographic Information System (GIS) coordinates as defined by the County engineer. (Ord. 26-2002 § 5; Ord. 14-2000 § 7(LLL), (MMM); Ord. 11-2000 § 6; Ord. 2-1998 Exh. B § 7.7)

18.70.080 Alteration and vacation of subdivisions.

A. Subdivision Alterations.

1. **Alteration Applications.** Alterations of subdivisions shall be processed in accordance with RCW 58.17.060 and 58.17.215 through 58.17.218. Alteration applications shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered.
If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof (RCW 58.17.215).
2. **Notice and Public Hearing.** Notice of alterations shall be consistent with the notice provisions (SJCC 18.80.030) of this code. Mailing notification shall also include owners of each lot or parcel of property within the subdivision to be altered. A public hearing (SJCC 18.80.040) shall be required for long subdivision alteration proposals.
3. **Decisionmaking Authority.** The administrator is authorized to take action on proposed alterations of short subdivisions. The hearing examiner is vested with authority to hear and decide on proposals for the alteration of subdivisions pursuant to Chapter 18.80 SJCC and RCW 58.17.330.
4. **Criteria for Approval.** The alteration of a subdivision shall be approved only if:

- a. The application meets the requirements of this chapter, and complies with the applicable policies and requirements of RCW 58.17.330, the Shoreline Master Program, the State Environmental Policy Act, and the Comprehensive Plan;
 - b. The application satisfactorily addresses the comments of the reviewing authorities and is in the public interest (RCW 58.17.100, 58.17.110, 58.17.215);
 - c. Any outstanding assessments (if any land within the alteration is part of an assessment district) are equitably divided and levied against the remaining lots, parcels, or tracts, or are levied equitably on the lots resulting from the alteration; and
 - d. Any land within the alteration that contains a dedication to the general use of persons residing within the subdivision is divided equitably.
5. **Appeals.** Decisions by the administrator may be appealed to the hearing examiner in accordance with procedures specified in SJCC 18.80.140. All decisions of the hearing examiner are final, subject to a closed-record appeal to the board of County commissioners in accordance with 18.80.140. Appeals of board of County commissioner decisions must be filed with the superior court and served on all parties within 21 days of the issuance of the decision. Procedures for such appeals are specified in RCW Chapter 36.70C.
 6. **Approved Alterations.** After approval of an alteration, the administrator or BOCC shall direct the applicant to produce a revised drawing of the approved alteration (*cf.* SJCC 18.70.050(C) (2)(l)(iii)), to be processed and recorded in the same manner as set forth for final plats in this code. All persons with an ownership or security interest in property to be altered must sign the altered plat. Altered plats shall only alter or supersede the original plat in the specific ways approved by the administrator or BOCC.

B. Vacations of Subdivisions. Vacations of subdivisions shall be processed as follows and in accordance with the provisions of RCW 58.17.060 and 58.17.212:

1. Vacations of subdivisions shall be processed in accordance with RCW 58.17.060, 58.17.212, 58.17.217., Vacation applications shall set forth the reasons for vacations and shall contain signatures of all parties having an ownership interest in the portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the

application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof (RCW 58.17.212).

2. Applications for vacations of County roads may be processed pursuant to this subsection only when such road vacations are proposed in conjunction with the vacation of the subdivision.
 - a. County road vacations are subject to procedures specified in state law at Chapter 36.87 RCW and to the policies in the transportation element of the Comprehensive Plan. Vacations of County road ends shall not be permitted when prohibited under RCW 36.87.130. (Vacations that are limited to County roads only are subject to Chapter 36.87 RCW – *see* SJCC 18.80.150).
 - b. Applications for vacations of County roads, road rights-of-way, or any portion of one shall also meet the requirements of SJCC 18.60.090(C).
3. **Notice and Public Hearing.** Notice of vacations of subdivisions shall be consistent with the notice provisions (SJCC 18.80.030) of this code. Mailing notification shall also include owners of each lot or parcel of property within the subdivision to be vacated. A public hearing (SJCC 18.80.040) shall be required for proposals to vacate long subdivisions.
4. **Decisionmaking Authority.** The administrator is authorized to take action on proposed vacations of short subdivisions. The hearing examiner is vested with authority to hear and make recommendations on proposals to vacate long subdivisions. The board of County commissioners is vested with authority to take action on these vacations of subdivisions.
5. **Criteria for Approval.** The vacation of a subdivision shall be approved only if:
 - a. The application meets the requirements of this chapter, and complies with the applicable policies and requirements of Chapters 58.17 and 36.87 RCW, SJCC 18.60.090(C), the Shoreline Master Program, the State Environmental Policy Act, and the Comprehensive Plan (especially the transportation element);
 - b. The application satisfactorily addresses the comments of the reviewing authorities and is in the public interest (RCW 58.17.10,

58.17.110, 58.17.212,);

- c. No lands are included for which vacation is prohibited by RCW 35.79.035, 36.87.130 or 58.17.212; and
 - d. Any land within the subdivision that was dedicated to the public for public use or benefit, if not already deeded to the County, is deeded to the County unless the board finds that the public use would not be served in retaining title to those lands.
6. **Appeals.** Decisions by the administrator may be appealed to the hearing examiner in accordance with procedures specified in SJCC 18.80.140. Appeals of BOCC decisions must be filed with the superior court and served on all parties within 21 days of the issuance of the decision. Procedures for such appeals are specified in RCW 36.70C.005. (Ord. 26–2002 § 5; Ord. 12–2001 § 7; Ord. 2–1998 Exh. B § 7.8)

18.70.090 Binding site plans.

A. Purpose and Procedures. Binding site plans are intended to (1) provide an alternative administrative method for division of land for commercial and industrial-zoned property; (2) provide for the sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and (3) provide an alternative to subdivision procedures for condominiums, planned unit developments or residential cluster developments as a result of subjecting a portion of a parcel or tract to either Chapter 64.32 or 64.34 RCW (Condominiums).

1. Any person seeking the use of a binding site plan to divide his or her property for the purpose of sale, lease, or transfer of ownership of commercially or industrially zoned property, or creation of condominium units, including creation of planned unit developments or cluster residential developments, is required to apply for, complete, and have approved a binding site plan, as provided in Chapter 58.17 RCW and as required by this section.
2. Binding site plans shall be required for any commercial or industrial development that involved two or more leases or transfers of ownership which do not undergo a short plat or subdivision procedure.
3. The site that is subject to the binding site plan shall consist of one or more contiguous legal lots of record.
4. Phasing of development shall not be allowed through the binding site plan process. Subdivision is required.

5. Binding site plans shall be subject to the application requirements of SJCC 18.70.050(C) and 18.80.170(C), and preliminary and final approval procedures of SJCC 18.80.170.
6. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchases or any other person acquiring a lease or other ownership interest in any lot, parcel or tract created pursuant to the binding site plan.
7. Any sale, transfer, or lease of any lot, tract or parcel, created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.
8. All public and private site improvements required by the approved binding site plan must be completed and accepted by the County prior to issuing the first building permit for the site.
9. After approval of a binding site plan for industrial or commercial divisions subject to a binding site plan, the approval for improvements and finalization of specific individual commercial or industrial lots shall be done by administrative approval.

B. Design and Development Standards.

1. The project as a whole shall comply with the density, dimension and open space standards of SJCC 18.60.050, and the subdivision design and development standards of SJCC 18.70.060. Individual lots created by the binding site plan are not required to meet these standards in relation to other lots within the area of the binding site plan.
2. **Unified Site Design.** The binding site plan shall ensure that the collective proposal functions as a single site with respect to, but not limited to, lot access, interior circulation, open space, landscaping; water, sewer and drainage facilities; facility maintenance and parking.
3. The binding site plan may provide for sharing of open space, parking, access, and other improvements among contiguous properties subject to the binding site plan.
4. When a binding site plan is being considered concurrently with another land use or development application for the site, the administrator will incorporate all conditions and limitations imposed on the concurrent application into the binding site plan.

C. Survey and Drawing Standards. The final binding site plan shall meet the standards of SJCC 18.70.070(F)(2) for final subdivisions, with the following additions and exceptions:

1. **Exceptions.** The following requirements for subdivisions are not required for binding site plans:
 - a. SJCC 18.70.070(F)(2)(w)(i) and (ii).
 - b. SJCC 18.70.070(F)(2)(x), restrictions shown verbatim on face of plat shall not be required unless specified by the administrator.
2. The following statement shall appear verbatim on the face of the plat for binding site plans other than condominiums:

All development and use of the lands described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

3. For binding site plans subject to the provisions of Chapter 64.32 or 64.34 RCW (Condominiums), the following shall appear on the face of the plat, as required by RCW 58.17.040(7)(e):

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

4. Conditions of use, maintenance, and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified on the binding site plan. (Ord. 11–2000 § 6; Ord. 2–1998 Exh. B § 7.9)

18.70.100 Dedications and reserved lands.

A. Notification of Public Intention to Acquire. Any public agency with power to acquire land by condemnation for public uses, may, at any time prior to approval of a preliminary subdivision or short subdivision, or prior to the preliminary approval of a binding site plan, notify the BOCC and the applicant of its intention to acquire some or all of the land in a proposed subdivision or binding site plan for a specific public use.

B. Request to Reserve for Delayed Public Acquisition. If the applicant does not dedicate the reserved land for specific public uses, a public agency may request that the BOCC require, as a condition of preliminary approval of a subdivision or short subdivision, or preliminary approval of a binding site plan, the reservation of such land for a stated purpose and period, not to exceed two years after the filing of the final application or binding site plan application, during which the agency may acquire the land; provided, that the land is used for the stated public purpose.

C. Reservation for Delayed Public Acquisition. If the BOCC finds that the public health, safety or general welfare will be served, the BOCC may require, as a condition of approval of the final plat or final binding site plan map, that the land or such part of it as the BOCC deems appropriate be designated on the plat or map as reserved land. The BOCC may also require that, for a period the BOCC deems sufficient, the reserved land not be developed for uses other than the contemplated specific public use as defined by the notification required by state law. A public agency may accelerate the expiration date of a reservation period by filing written notice of its intention to abandon its right to acquire the reserved land with the County auditor.

D. Reserved Land to Show on Plat or Binding Site Plan Map. The applicant shall show on the plat or map the proposed reserved land and its specified public use. The applicant may indicate on the plat or map that if the reserved land is not acquired for public use it shall be subdivided or developed. If the applicant so elects, the plat or map shall show the configuration and dimensions of proposed lots, blocks, roads, easements and like features in the reserved area. This alternative plan shall become effective at the end of the period of reservation, upon payment of such additional fees as would have been required for the additional lots at the time the preliminary application or binding site plan application was submitted.

- E. Reserved Land – No Development.** No building permit, septic tank permit, or other development permit shall be issued for improvements on reserved land during the period of reservation except as expressly authorized by the BOCC at the time of final subdivision or binding site plan approval.
- F. Reserved Land – Development if Not Acquired.** If the public agency has not acquired or commenced proceedings to acquire reserved land within the period set by the BOCC, the subdivider or binding site plan applicant and the subdivider’s or applicant’s successors may proceed to develop land lying within the reserved area in conformity with the plat or binding site plan map. No improvements shall be made upon reserved land available for development until adequate surety for development thereon has been provided.
- G. Conveyance to Private Ownership in Lieu of Dedication.** If the BOCC concludes that the public interest will be served thereby, it may, in lieu of requiring the dedication of land in a subdivision or binding site plan, allow the land to be conveyed to a homeowner’s association or similar nonprofit corporation. A subdivider or binding site applicant who wishes to make such a conveyance shall, at or prior to the time of filing a final plat or final binding site plan map, supply the BOCC with copies of the grantee organization’s articles of incorporation and by-laws and with evidence of the conveyance or binding commitment to convey. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership of land in the subdivision or binding site plan; that the corporation is empowered to assess the said land for cost of construction and maintenance of the improvements and property owned by the corporation; and that such assessments shall be a lien upon the land. The BOCC may impose such other conditions as it deems appropriate to assure that the property and improvements owned by the corporation

will be adequately constructed and maintained. (Ord. 11–2000 § 6; Ord. 2–1998 Exh. B § 7.10)

18.70.110 Time extensions.

- A.** An applicant who files a written request with the permit center prior to expiration of the preliminary approval of a subdivision or short subdivision, or prior to the expiration of the preliminary approval of a binding site plan, shall be granted an extension for up to one year for subdivisions or binding site plans, and up to six months for short subdivisions, if the administrator determines that the applicant has received approval of engineering plans, paid all construction inspection fees, submitted the final maps, paid all fees due, and posted all required bonds.
- B.** If the subdivision is being developed in phases and final approvals for all of the phases have not been recorded within the time limits provided in this chapter, preliminary subdivision approval for all unrecorded phases shall expire and become void. (Ord. 11–2000 § 6; Ord. 2–1998 Exh. B § 7.11)

18.70.120 Concurrency.

Land divisions and binding site plans are subject to the concurrency testing and requirements of SJCC 18.60.200. Information shall be provided in the form required by the administrator and by any non-County capital facilities service providers, and sufficient to enable the County and other service providers to determine the concurrency requirements of the development, plus any additional capacity or noncapital alternatives proposed to be funded by the applicant. Concurrency requirements will be identified at the time of preliminary application or binding site plan application; completion is a necessary condition of final subdivision or final binding site plan approval. (Ord. 11–2000 § 6; Ord. 2–1998 Exh. B § 7.12)