

Chapter 16.05 SUBDIVISIONS

Sections:

Article I. General Provisions

16.05.010 General provisions.

Article II. Purpose

16.05.020 Purpose.

Article III. Scope

16.05.030 Scope.

Article IV. Preliminary Plat Procedure

16.05.050 Preliminary plat - Application.

16.05.080 Processing.

16.05.090 Recommendations of other agencies.

16.05.100 Hearing examiner hearing date.

16.05.120 Public hearings.

16.05.130 ~~Board~~ Hearing examiner action.

16.05.140 Preliminary plat approval.

16.05.150 Preparation of preliminary plats.

16.05.170 Subdivision design and minimum standards.

Article V. Final Plat Procedure

16.05.180 Filing period.

16.05.190 ~~Review by administrator.~~ Final Plat – Application.

16.05.200 ~~Submission to board.~~ Review by Administrator.

16.05.210 ~~Board action.~~ Disapproval of final plat.

16.05.220 Approval and recording.

~~16.05.230 Disapproval of final plat.~~

16.05.240 Standard format.

16.05.250 Surveys.

16.05.260 Improvement agreement.

Article VI. Development and Subdivision Design Standards

16.05.270 Access.

16.05.280 Public roads - Design and construction standards.

16.05.290 Private roads.

16.05.300 Design - Lots.

16.05.310 Design - Blocks.

16.05.320 Setbacks.

16.05.330 Easements.

16.05.340 Design and construction standards - Utility installations.

- 16.05.350 Fire protection standards.
- 16.05.360 Maintenance agreements.
- 16.05.370 Flood protection.
- 16.05.380 Dedications of land for public uses and open space.
- 16.05.390 Nonresidential subdivisions.

Article VII. Clustered Subdivisions

- 16.05.400 Standards for clustered development.
- Article VIII. Enforcement and Penalties
- 16.05.460 Recording prohibited.
 - 16.05.470 Permits prohibited.
 - 16.05.480 Action to restrain violations.
 - 16.05.490 Discontinuance of violation.
 - 16.05.500 Violation - Penalties.
 - 16.05.510 Criminal penalty.
 - 16.05.520 Unlawful representations.

Article I. General Provisions

16.05.010 General provisions.

- (1) Title. The title of this chapter shall be the Lewis County subdivision chapter.
- (2) Suitability for Subdivision. Land found to be unsuitable for division for want of conformance to applicable regulation or evidence presented to the commission of flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the safety and general health of future residents shall not be permitted to be divided unless adequate methods are provided for overcoming these conditions.
- (3) Conformance with Standards and Policies. All installation of improvements, including those serving but located outside the subdivision, shall be installed in conformance with all applicable regulations adopted by Lewis County.
- (4) Administrator. The Lewis County director of the community development department or ~~his~~ their designated representative, hereafter referred to as the administrator, is vested with the duty of administering subdivision and platting regulations in the unincorporated areas of Lewis County, and may prepare and require the use of such forms as are essential to their administration.

Article II. Purpose

16.05.020 Purpose.

The purpose of this chapter is to regulate the division of land into five or more lots in compliance with RCW [58.17.030](#) as amended.

Article III. Scope

16.05.030 Scope.

- (1) Applicability. Every subdivision of land into five or more lots as defined herein shall proceed in compliance with this chapter. Land divided by short subdivision within five years immediately preceding shall be subdivided pursuant to this chapter.
- (2) Exemptions. The provisions of this chapter shall not apply to:
- (a) Cemeteries and other burial plots while used for that purpose;
 - (b) Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for the purposes of computing the size of any lot under this chapter 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) Divisions made by testamentary provisions, or the laws of descent;
 - (d) A division for the purpose of lease when no structure other than mobile homes or travel trailers are to be placed on the land and the county has approved a binding site plan for the use of the land in accordance with the requirements of Chapter [15.30](#) LCC as now or hereafter amended;
 - (e) A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;
 - (f) Divisions of land into lots or tracts zoned or designated within urban growth areas for industrial or commercial development, rural industrial and commercial areas, and urban commercial and industrial reserve areas, when the county has approved a binding site plan for the use of the land in accordance with commercial binding site plan regulations, now or hereinafter existing.
- (3) Redivision of Land within an Existing Subdivision. The further division of any lot situated within an existing full subdivision established pursuant to either Chapter [58.16](#) or [58.17](#) RCW or this chapter into four lots or less for purposes of sale, resale, lease or transfer of ownership shall proceed in compliance with Chapter [16.10](#) LCC, as now or hereafter amended.

Article IV. Preliminary Plat Procedure

16.05.050 Preliminary plat - Application.

A preliminary plat application shall be processed as a Type ~~IV~~ **III** application per Chapter [17.05](#) LCC.

16.05.080 Processing.

Upon receipt of a complete preliminary plat application the administrator shall affix a file number and date of receipt to the application and promptly forward copies of the plat with a request for comment to the following agencies as appropriate:

- (1) The Lewis County public works department;
- (2) The Lewis County community development department;
- (3) The Lewis County building official;
- (4) The Lewis County fire marshal;
- (5) The Lewis County environmental health section;
- (6) Other county officials concerned within the scope of their municipal functions;
- (7) The proper city officials when the subject property is within one mile of the corporate limits of any city or town;
- (8) Engineer of the Washington State Department of Transportation when the subject property is adjacent to the rights-of-way of existing or proposed state highways;
- (9) Local school district;
- (10) Local fire district;
- (11) Utility purveyors;
- (12) Lewis County natural resources conservation district;
- (13) Municipalities whose urban growth boundaries or urban reserve areas overlay any portion of the subject property;
- (14) Any other agency with interest, expertise, or jurisdiction.

16.05.090 Recommendations of other agencies.

- (1) Each of the departments, municipalities, districts, public officials, utility companies, or other public agencies shall forward to the administrator written reports of its comments and recommendations.
- (2) County Engineer - Public Works Division. The public works division shall submit a report on:
 - (a) The improvements required under the provisions of this chapter;
 - (b) Any easements that may be required;
 - (c) The effect of subdivision development on drainage in the general area, and the adequacy of the plan for handling drainage and stormwater runoff submitted by the subdivider;
 - (d) Effects of the proposed subdivision on other public improvements under the jurisdiction of the county engineer/public works division;
 - (e) The accuracy of the technical information submitted;
 - (f) The adequacy of lot arrangement and dimensions for providing driveway access to buildings on such lots from an approved street;
 - (g) The adequacy of any proposed public and private roadways;

(h) The adequacy of transit stops, 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.

(3) Lewis County Environmental Health Section. The environmental health section shall submit a report on:

(a) Adequacy of the proposed method of sewage disposal;

(b) Adequacy of the proposed method of domestic water supply, and incorporating the determination of potability by the building official;

(c) The adequacy of lot arrangement and dimensions for obtaining any necessary sewage permits;

(d) Other matters related to the proposed subdivision which may affect public health.

(4) Lewis County Building Official. The county building official shall submit a report on:

(a) The adequacy of lot arrangement and dimensions for securing necessary building permits;

(b) Compliance with Chapter [15.15](#) LCC as now or hereafter amended;

(c) Compliance with the Chapter [15.35](#) LCC as now or hereafter amended;

(d) The availability of potable water.

(5) Lewis County Fire Marshal. The county fire marshal shall submit a report on:

(a) The adequacy of access for emergency vehicles;

(b) Adequacy of the water supply for fire protection purposes;

(c) Fire hydrant location and adequacy;

(d) Other matters affecting fire safety and fire protection, including any temporary fire protection measures needed during the construction phase of the subdivision.

(6) The Administrator. After receiving the comments from the departments or agencies, the administrator shall submit a report to the hearing examiner regarding the conformance of the proposed subdivision to the requirements of this chapter.

16.05.100 Hearing examiner hearing date.

Following the receipt of an application completed in compliance with the requirements of this article, the administrator shall set the date for public hearing before the Lewis County hearing examiner. Said hearing shall be held in accordance with Chapter [2.25](#) LCC. Any public notice and appeal period for an environmental review subject to Chapter [17.110](#) LCC shall be issued and expire prior to the public hearing.

16.05.120 Public hearings.

(1) Scope and Continuance.

(a) The hearing examiner shall consider the preliminary plat application for conformance to any adopted comprehensive plan, planning standards, and specifications, including Article VI of this chapter and other policies and standards of the county.

(b) The hearing examiner shall additionally ensure that:

(i) 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 items, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;

(ii) The public use and interest will be served by the platting of the subdivision and any dedications associated with the subdivision.

(c) If the examiner finds that the proposed subdivision and dedication make appropriate provisions and that the public use and interest will be served, then the examiner shall ~~recommend approval~~ approve of the proposed subdivision. Dedication of land to any public body and/or provision of public improvements to serve the subdivision may be required as a condition of subdivision approval.

16.05.130 ~~Board~~ Hearing examiner action.

~~(1) Upon receipt of the hearing examiner's recommendations, the board shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing examiner. During its consideration, the board shall inquire into the public use and interest to be served by the establishment of the subdivision or any dedication, based on the record established at the public hearing. If, after considering said recommendations at a public meeting, the board deems a change in the hearing examiner's recommendation approving or disapproving any preliminary plat is necessary, the board shall adopt its own recommendations and approve or disapprove the preliminary plat.~~

~~(2)~~ Every decision made by the ~~board~~ hearing examiner under this chapter to approve or disapprove a preliminary plat shall be in writing and shall include findings of fact and conclusions to support the decision.

~~(3)~~ Records. Records of the public hearings and public meetings concerning a preliminary plat shall be kept by the administrator ~~and by the clerk of the board, respectively,~~ and shall be open to public inspection.

16.05.140 Preliminary plat approval.

(1) Approval of the preliminary plat by the ~~board~~ hearing examiner shall provide notice to the subdivider that he/she may proceed to develop the subdivision's facilities and required improvements.

(2) Facilities and required improvements must be developed or bonded in strict accordance with the standards established by this chapter and imposed by the ~~board~~ hearing examiner.

(3) Any improvement work requiring review and approval by the county engineer/public works division shall not commence until the preliminary plat has been approved by the ~~board~~ hearing examiner and until the improvement plans have been checked for accuracy and approved by the county engineer/public works division. As the improvement work is undertaken, the subdivider shall arrange all

the inspections required by the county engineer/public works division. No stage of construction shall proceed until the preceding stage has been inspected.

(4) The approval of a preliminary plat shall not imply the approval to convey lots. Transferring of lots depicted on a preliminary plat shall not occur until a final plat has been recorded.

(5) A final plat in conformance with the approved preliminary plat must be submitted within the time period established in LCC [17.05.140](#).

(6) Minor or Major Adjustments. Once a preliminary plat has been approved, no alterations shall be made without receiving additional approvals. Minor or major adjustments may be applied for by the plat applicant.

(a) Minor adjustments shall be addressed as a Type I application.

(b) Major adjustments shall be addressed as a Type ~~IV~~ III application. Major adjustments are alterations that are determined to be of a substantial nature by the administrator, and require reconsideration of one or more of the approval elements under LCC [16.05.120](#).

16.05.150 Preparation of preliminary plats.

The preparation of every preliminary plat shall be made by or under the direction of a land surveyor or engineer licensed by the state of Washington.

16.05.170 Subdivision design and minimum standards.

Every subdivision shall conform with the design standards articulated in Article VI of this chapter.

Article V. Final Plat Procedure

16.05.180 Filing period.

At any time within the time period established in LCC [17.05.140](#), the subdivider may cause the subdivision to be surveyed and a final plat to be prepared. The original copy shall be filed with the administrator. Any failure to record a final plat within time limits specified in LCC [17.05.140](#) shall terminate all proceedings.

16.05.190 Final plat - Application.

A final plat application shall be processed as a Type I application per Chapter 17.05 LCC.

16.05. ~~190~~ 200 Review by administrator.

The administrator shall verify:

(1) That the final plat meets all standards established by Chapter [58.17](#) RCW and ~~this chapter relating to final plats;~~

~~(2) That~~ all conditions of preliminary plat approval have been met. No agency shall modify the conditions of approval without the consent of the subdivider;

~~(32)~~ That the proposed final plat bears all the dedications, acknowledgments, and endorsements required by LCC [16.05.240](#)(2). The subdivider shall be responsible for obtaining the endorsement of the county treasurer and the signature of the property owner(s) and the signature of the subdivider's surveyor prior to filing;

~~(43)~~ That a title report from a title insurance company authorized to do business in the state of Washington confirms that title of the land in the proposed subdivision is vested in the name of the owner(s) whose signatures appear in the plat dedication. The report shall have been issued within 30 days of the filing of the final plat;

~~(54)~~ That all private facilities and improvements required to be provided by the subdivider have been completed and that any such required public facilities or improvements have been completed or that the requirements of LCC [16.05.260](#) have been satisfied;

~~(65)~~ That any maintenance agreement required by LCC [16.05.360](#) has been submitted with the final plat;

~~(76)~~ That the recommendation of any agency furnishing sewage disposal or supplying water as to the adequacy of the proposed means of sewage disposal and water supply has been received.

16.05.210 Disapproval of final plat.

~~(1) If the administrator verifies the matters in LCC 16.05.200, he or she shall approve the final plat unless:~~

~~(a) the administrator finds that the preliminary plat approval violated controlling state or federal law; and~~

~~(b) the administrator initiates a revocation procedure of the preliminary plat approval under LCC 17.05.150.~~

~~(2) If the administrator cannot verify the matters in LCC 16.05.200, he or she shall disapprove the final plat, advising the subdivider in writing of the reason for the disapproval and of the appeal procedure.~~

~~(3) Prior to disapproval under subsection (2) of this section, the administrator may provide courtesy notice to the subdivider of any curable issue, so as to allow cure and approval rather than disapproval.~~

16.05.200 Submission to board.

~~The administrator shall acknowledge the receipt of final plat application which meets the requirements of this article and shall forward the original to the board.~~

16.05.210 Board action.

~~(1) The board, at its next public meeting, shall determine:~~

~~(a) Whether the requirements of state law and this chapter, which were in effect at the time of preliminary plat approval, have been satisfied by the subdivider;~~

~~(b) Whether all conditions of preliminary plat approval have been met;~~

~~(c) Whether, if necessary, the requirements of LCC [16.05.260](#) have been satisfied.~~

~~(21) The board shall thereupon approve or disapprove the proposed final plat. Every decision made by the board under this chapter to approve or disapprove a final plat shall be in writing and shall include findings of fact and conclusions to support the decision.~~

16.05.220 Approval and recording.

The ~~action by the board approving a~~ final plat shall become effective when the subdivider has filed the original copy of the final plat for record in the office of the county auditor, with the notation made of the fact thereof that the same has been approved by the ~~board administrator~~ as herein provided. Failure to so file with the county auditor within 60 days after ~~board administrator~~ action shall automatically cause a lapse of approval, ~~and the same shall not be filed until further approval has been granted by the board.~~ The final plat shall be duly filed with and recorded by the county auditor upon receipt of the full amount of the filing fee according to the provisions of RCW [36.18.010](#). Two paper copies of the filed final plat shall be returned to the subdivider.

~~16.05.230 Disapproval of final plat.~~

~~Should for any reason the board disapprove a proposed final plat they shall so advise the subdivider thereof in writing stating the reasons of disapproval and advising of the appeal procedure.~~

16.05.240 Standard format.

(1) Maps and Drawings. Every final plat shall consist of one or more sheets each 18 inches by 24 inches clearly and legibly drawn on stable base mylar polyester film. All drawings and lettering on the final plat shall be in permanent black ink. A margin line shall be drawn completely around each sheet leaving an entirely blank margin of two inches on the left side and one inch on the remaining sides. The plat scale shall not be more than 50 feet to the inch nor less than 200 feet to the inch. If more than one sheet is required, each sheet shall be numbered, indexed, and contain the subdivision name. All signatures shall be written in permanent black ink. Every final plat shall include an accurate map of the subdivided land based upon a complete survey thereof. The map shall include the following:

- (a) The perimeter of the plat shall be depicted with heavier lines than appear elsewhere in the plat;
- (b) All section, township, municipal, and county lines lying within or adjacent to the subdivision;
- (c) The location of all monuments or other evidence used as ties to establish subdivision boundaries;
- (d) The location of all permanent control monuments found and established within the subdivision;
- (e) The length and bearings of all straight lines; the radii, arcs, and semi-tangents of all curves;
- (f) The boundaries of the subdivision with complete bearings and lineal dimensions;
- (g) The length of each lot line together with bearings and other data necessary for the location of any lot in the field;
- (h) The location, width, centerline, and name of all streets within or adjoining the subdivision;
- (i) The location and width, shown with broken lines, and description of all easements;
- (j) The numbers assigned to all lots and blocks within the subdivision;

(k) Delineation of the floodplain when present.

(2) Written Data. In addition to map(s) and drawings, every final plat shall contain the following written data:

(a) Subdivision name;

(b) Legal description of the land within the subdivision;

(c) The certification of the registered land surveyor who made or under whose supervision was made the survey of the subdivision, in substantially the following language:

I _____, Professional Land Surveyor, do hereby certify that the Plat of _____ is based on an actual survey and that the distances, courses, and angles are shown thereon correctly and that monuments have been set and lot corners staked on the ground as shown on the plat.

Signature of Land Surveyor

(d) A certificate of dedication or a separate written instrument which shall include the following:

Know all men by these present that _____ do hereby declare this plat and dedicate to the public forever all roads and ways shown hereon together with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon.

Following original reasonable grading of roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way, or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot shall be done by and at the expense of such owner.

In witness whereof, we have hereunto set our hand(s) and seal this _____ day of _____, 20____.

Signed and sealed _____

State of Washington }

}ss.

County of Lewis }

This is to certify that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public, personally appeared _____ to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that _____ signed and sealed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year last above written.

Notary Public in and for the

State of Washington, residing at

(e) The endorsements of the required county officials which shall be as follows, but do not signify acceptance of any improvements of property into county ownership and the county will have no responsibility for their maintenance unless separate agreements to that effect are concluded:

(i) Examined for survey datum, rights-of-way layout, and design of bridges and other structures required by a resolution of approval and approved.

Dated _____

County Engineer

(ii) Examined for ability to conform to Lewis County Health District Regulations pertaining to water supply and sewage disposal and approved.

Dated _____ Health Officer,
Lewis County Board of Health

(iii) I certify that all taxes and delinquent assessments for which the property may be liable as of this date have been paid and that deposits as required by law against taxes that may become payable in the year have been made.

Dated _____ County Treasurer

(iv) Examined for conformance to the conditions of preliminary plat approval and approved.

Dated _____ ~~Director of~~
~~Community Development Dept.~~ Community Development Dept. Administrator

(v) Examined and approved.

Dated _____

~~Chairman, Board of County Commissioners~~ Director of Community Development Dept.

(vi) Filed for record at the request of _____, this ____ day of _____, 20__ at ____ minutes past ____ o'clock __M, and recorded in Volume ____ of Plats, on Page _____, Records of Lewis County, Washington.

_____ Lewis County Auditor

_____ Deputy Auditor

16.05.250 Surveys.

(1) Accuracy. A traverse of the boundaries of the subdivision and all lots and blocks shall close within an error of one foot in 5,000 feet.

(2) Orientation of Subdivision. Primary survey control points shall be referenced to section corners and monuments. Corners of adjoining subdivisions or portions thereof shall be identified and ties shown.

(3) Permanent Control Monuments. Permanent control monuments shall be established at:

(a) All angle points on the boundaries of the subdivision;

(b) The intersections of the centerline of all roads within the subdivision;

(c) The beginnings and ends of all curves on centerline;

(d) Monuments shall be of the type shown on the monument and brass plug standard in the Lewis County road standards for urban and rural design.

16.05.260 Improvement agreement.

(1) Prior to the approval of any final plat ~~by the board~~, the subdivider shall either install all required improvements and repair any existing streets or other facilities damaged in the development of the subdivision or else execute and file an agreement between himself and Lewis County specifying the period acceptable to the county within which he shall complete all remaining public improvement work to the satisfaction of the county. If he/she shall fail to complete such work within such period, the county may complete the same and recover the full cost and expense thereof from the subdivider or his surety. The agreement shall provide for the inspection of all improvements by the county. Such agreement may also provide for:

(a) The construction of improvements in units;

(b) The extension of time under conditions specified therein;

(c) The termination of the agreement upon the completion of construction of improvements deemed by the county to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider; and

(d) For progressive remittances to the subdivider for any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in subsection (2) of this section; providing however, that no such progress payments shall be made for more than 90 percent of the value of any installment of work; and provided, that each installment of work shall be completed to the satisfaction of the county.

(2) Bonds.

(a) With the improvement agreement required by this article the subdivider shall submit a performance bond conditioned upon full construction of all required improvements in an amount equal to 125 percent of the estimated costs of said improvements. These estimated costs shall be verified by the county engineer. Said bond shall be executed by a surety company authorized to transact surety business in the state of Washington;

(b) In lieu of a corporate surety, the subdivider may deposit with the county auditor cash or other securities not subject to impairment or discharge in bankruptcy and readily convertible into cash by the county, in an amount fixed by the county engineer at 125 percent of the estimated costs of said improvements.

(3) Monitoring of Improvement Agreements. The administrator shall monitor the progress of all improvement work covered by improvement agreements. ~~and two weeks before the expiration of the period specified for the completion of all improvement work, s~~Should said work not be completed to the satisfaction of the county prior to expiration, shall notify the board of said expiration the administrator shall document expiration in file.

(4) Forfeiture of Surety. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and improvement agreement, the county shall complete the same and shall call upon the surety for reimbursement, or appropriate from any deposit funds for reimbursement. If the amount of the surety bond or deposit is less than the costs and expenses incurred by the county, the subdivider shall be liable to the county for the difference.

(5) Release of Surety. No progress payments from such cash deposit or release of surety bond or cash deposit shall be made except upon certification by the county engineer and the administrator that the work covered thereby has been satisfactorily completed and approval by the ~~board~~ administrator has been granted.

Article VI. Development and Subdivision Design Standards

16.05.270 Access.

Access to the subdivision entrance shall be by public road.

16.05.280 Public roads - Design and construction standards.

All subdivision streets and roads to become part of the county public road system shall conform to the Lewis County road standards for urban and rural design or any variance granted thereto, as approved by the board, in effect at the time any preliminary plat of the subdivision is submitted for approval.

16.05.290 Private roads.

Private roads shall be allowed in subdivisions when the following criteria are met:

- (1) Location. The road location is approved by the county engineer.
- (2) Construction Specifications. The private roads shall be constructed to no less than those standards for private roads contained in the Lewis County road standards for urban and rural design, as approved by the board by ordinance or resolution, in effect at the time any preliminary plat is submitted for approval.

(3) Ownership. Private roads within subdivisions shall be owned by a property owner's association and provisions shall be established for their maintenance and repair as specified in LCC [16.05.360](#).

16.05.300 Design - Lots.

(1) Access. Each lot shall be provided with satisfactory access by means of a public road connecting to an existing public road or by some other legally sufficient right of access which is permanent and inseparable from the lot. Existing forest service roads are not considered suitable access for subdivision purposes unless this provision is waived by the ~~board~~ hearing examiner upon the recommendation of the forest supervisor of the appropriate national forest.

(2) Design. Each lot shall be designed to provide an identifiable feasible building site taken as a rectangle of not less than 1,200 square feet with the narrowest dimension of not less than 16 feet and, if required, an identifiable feasible drainfield area and well location.

(3) Size. The minimum area of each lot shall be determined as follows:

(a) When served by sanitary sewers and community or public water supply the minimum lot size shall be 6,000 square feet;

(b) When served by individual septic tanks and drain fields and/or individual water supply, minimum lot sizes shall meet the requirements of the sewage disposal rules and regulations of the Lewis County board of health;

(c) When other methods of sewage disposal are used such as a community septic system, minimum lot sizes shall be as recommended by the Lewis County board of health or the Washington State Department of Health. If off-lot location of the community drain field is approved and if there is a public water supply then the minimum lot size provided in subsection (3)(a) of this section can be used.

(4) Width. The minimum width for each lot as measured between the midpoints of the side lot lines shall be 60 feet.

(5) Frontage. A minimum road frontage of 30 feet shall be required for each lot.

(6) Reverse Frontage Lots. No residential lot shall have road frontage along two opposite boundaries unless topographical features or the need to provide separation of lots from traffic arterials, commercial activities, or industrial activities justify the designing of reverse frontage lots. For such lots a strip of land not less than 10 feet wide in addition to any other minimum dimension required herein shall be provided along the lot line adjoining such arterials or other disadvantageous use across which there shall be no right of vehicular access.

(7) Design. All lots shall be of compact design; lot lines shall be straight lines except insofar as they may follow the radius of a road curve and may form a three-, four-, or five- sided figure. No easement for access or unusual features as provided in LCC [16.05.330](#)(2) and (3) shall be permitted to bisect a lot.

(8) Markers. Each lot shall have lot markers made of wood with lettering of lot and block numbers and located to be visible from the road and to be in place prior to final plat approval.

16.05.310 Design - Blocks.

(1) Length. In general, blocks shall be as long as is reasonably possible, consistent with the topography and the needs of convenient access, circulation, control, and safety of street traffic and the type of land use proposed, but ordinarily block lengths shall not exceed 1,500 feet or be less than 500 feet.

(2) Width. Except for reverse frontage parcels, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed; that is normally not less than 200 feet for the sum of two lot depths.

(3) Super Blocks. For large parcels with access provided by a series of cul-de-sacs or loop streets entering from the periphery and for large parcels platted into half acre and larger lots, the criteria in subsections (1) and (2) of this section shall be disregarded in favor of considerations on an individual basis. Blocks of acreage-type lots shall have block lengths and widths that will lend themselves to later resubdivision in accordance with the standards prescribed in this chapter.

(4) Crosswalks. In industrial and commercial plats, crosswalks of not less than 10 feet in width will be constructed at each intersection of roadways. Crosswalks may be required at the midpoint of any block exceeding 1,000 feet in length where such a crosswalk is deemed essential to provide circulation or pedestrian access to business concerns, schools, playgrounds, shopping centers, and other community facilities. The necessity of such crosswalks shall be left to the discretion of the administrator.

16.05.320 Setbacks.

The designed provision for any building site within a subdivision shall be in compliance with the requirements of Chapters [15.15](#) and [17.145](#) LCC as now or hereafter amended.

16.05.330 Easements.

(1) Public Utilities. The subdivider shall submit a letter to the administrator from each of the proposed service utilities informing the administrator that the proposed utility construction is adequate and satisfies the needs of both the subdivider and the utility, and is adequate to meet the requirements of the subdivision. The letter shall inform the administrator as to the general construction plan agreed upon between the subdivider and the utility.

(2) Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines shall be of such width as is adequate for the purpose, including any necessary maintenance roads.

(3) Watercourses. Where a subdivision is traversed by a watercourse, drainage way, waste way, channel, or stream, there may be required a stormwater easement or drainage right-of-way extending 15 feet landward from the ordinary high water mark and conforming substantially to the line of such watercourse, drainage way, waste way, channel, or stream.

16.05.340 Design and construction standards - Utility installations.

(1) Public Water Supply. For connection to existing Group A public water systems, installation shall be to the design and construction standards of the supplying utility. For newly created Group A water systems and Group B water systems, installation shall meet Lewis County and Department of Health standards and specifications.

(2) Sanitary Sewers. Installation of sanitary sewers shall be to the design and construction standards of the supplying utility.

(3) Electrical Power, Telephone, Cable Television, and/or Natural Gas. Electrical power and telephone cable shall be provided to each lot. Natural gas and television cable may be required where feasible.

Installation shall be to the standards of the supplying utility. Undergrounding shall be required except where determined by the supplying utility not to be feasible.

16.05.350 Fire protection standards.

(1) When Required. The installation of fire hydrants and the sizing of water lines for fire flow shall be required for all subdivisions which either create a new Group A public water supply or connect to an existing Group A system.

(2) Fire Flow Sizing. Water distribution mains on which fire hydrants shall be located shall be sized to the standards specified in a current Insurance Service Office's Guide for Determination of Fire Flow.

(3) Hydrants. When hydrants are required, the spacing between hydrants shall be determined by the appropriate fire protection agency except in those instances where that agency fails to make such a determination in which case said spacing shall be that specified by a current Washington State Chapter, American Public Works Association Standards and Specifications.

(4) Ingress - Egress. For subdivisions of 20 units or more, at least two ingress-egress routes may be required by the county fire marshal or fire protection agency.

16.05.360 Maintenance agreements.

(1) When Maintenance Agreements Required. Maintenance agreements, in a form approved by the administrator, shall be required for all subdivisions which have private roads, common areas, recreation areas, or utility systems, any of which are jointly owned. These agreements shall be accompanied by a certificate from a private attorney assuring perpetual maintenance of the appropriate property or improvements and shall be submitted prior to final plat approval.

(2) Minimum Contents and Requirements. All maintenance agreements shall at a minimum provide for the following:

(a) Membership of lot owners in a property owner's association established for the maintenance and repair of the appropriate property or improvements;

(b) An equitable means of assessment for maintenance or necessary improvement costs;

(c) Ownership of all improvements; and

(d) Any other matters necessary to guarantee a workable organization.

(3) Encumbrance. Maintenance agreements shall be of record in the office of the Lewis County auditor and shall be referenced by identifying notation on the final plat.

16.05.370 Flood protection.

Any subdivision which falls within an area of special flood hazard (100-year frequency floodplain) as identified by the Federal Emergency Management Agency shall comply with all the requirements of the National Flood Insurance Program and Chapter [15.35](#) LCC.

16.05.380 Dedications of land for public uses and open space.

(1) Necessity of Dedications - Public Uses. The burden of proof for the necessity of reservations for public uses shall rest with the agency or individuals deeming it necessary.

(2) When Required. The ~~board~~ hearing examiner may require that suitable land be reserved for such public uses as parks, playgrounds, recreation areas, fire stations, schools, or utility facilities, and the preservation of natural features and amenities where such reservations would be appropriate. Such lands shall remain undeveloped for the period of time set by the ~~board~~ hearing examiner to permit the affected agency to purchase the land.

(3) General Requirements. Each required reservation shall be suitable in size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned. The area shall be shown and marked on the final plat as being reserved for the intended purpose.

16.05.390 Nonresidential subdivisions.

(1) A nonresidential subdivision shall be subject to all the requirements of plat approval set forth in this subdivision chapter. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the ~~board of county commissioners of Lewis County~~ hearing examiner.

(2) In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(a) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated;

(b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated;

(c) Special requirements may be imposed by the ~~board~~ hearing examiner with respect to street, curb, gutter, and sidewalk design and construction;

(d) Special requirements may be imposed by the ~~board~~ hearing examiner with respect to the installation of public utilities, including water, sewer, and stormwater drainage;

(e) Reasonable effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing residential areas and provisions for a noise and sight buffer and a permanently landscaped buffer strip when necessary;

(f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing residential areas.

Article VII. Clustered Subdivisions

16.05.400 Standards for clustered development.

- (1) Clustered subdivisions shall meet the standards in Chapter [16.18](#) LCC.
- (2) The review process for clustered subdivisions shall be the same as for preliminary and final plats.
- (3) The standards and requirements of this chapter may be modified by the ~~board, upon the recommendation of the~~ [hearing examiner](#).
- (4) Clustered subdivisions shall have the same standard format as that required for final plats in LCC [16.05.240](#).

Article VIII. Enforcement and Penalties

16.05.460 Recording prohibited.

No map, plat, replat, or plan of a subdivision subject to the provisions of this chapter 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 ~~board of county commissioners~~ [administrator](#).

16.05.470 Permits prohibited.

No building permit, septic tank permit, or other development permit shall be issued for any lot, tract, or parcel of land divided in violation of this chapter or local regulations adopted pursuant thereto unless the authority to issue such permits finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with the provisions of this chapter and each purchaser or transferee may bring action to recover his damages from any person, firm, corporation, or agent selling or transferring land in violation of this chapter, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter, as well as costs of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may, as an alternative to conforming this property to these requirements, bring action to rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorney's fees occasioned thereby. [Ord. 1269 §3, 2016; Ord. 1169, §1,III,QQ, 2000]

16.05.480 Action to restrain violations.

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, leases, transfers, or offers or advertises for sale, lease, or transfer any such lot, tract, or parcel without having a final plat of such subdivision filed for record, the prosecuting attorney shall commence an action to restrain and enjoin further subdivisions for sale, lease, transfer, or offers for sale, lease, or transfer and compel compliance with all provisions of this article on those lands which previously have been subdivided, sold, leased, transferred, or offered for sale, lease, or transfer in noncompliance with this chapter. The costs of such action shall be taxed against the person, firm, corporation, or agent selling, leasing, or transferring the property.

16.05.490 Discontinuance of violation.

In the enforcement of this chapter, the prosecuting attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter from any person engaging in, or who has

engaged in, such action or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of Lewis County. A violation of such assurance shall constitute a prima facie proof of a violation of this chapter.

16.05.500 Violation - Penalties.

Any person who violates any court order or injunction issued pursuant to this chapter shall be subject to a fine of not more than \$5,000 or imprisonment for not more than 90 days or both.

16.05.510 Criminal penalty.

Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this chapter or any subsequent regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land shall be subject to the penalties in RCW [58.17.300](#).

16.05.520 Unlawful representations.

It shall be unlawful for any person, firm, or corporation owning a plat or subdivision of land within the county to represent that any improvement upon any of the streets, alleys, or other public ways of said plat or subdivision has been constructed according to the plans and specifications approved by the county engineer or has been supervised or inspected by the county engineer when such improvement has not been so constructed, supervised, or inspected.