

RESOLUTION NO. 128-81

AMENDMENTS TO MASON COUNTY CODE TITLE 16 - PLATS & SUBDIVISIONS

WHEREAS, the Board of Mason County Commissioners did on December 20, 1971, adopt a Plats and Subdivisions Ordinance for Mason County, with amendments on July 1, 1974; May 10, 1976; April 30, 1979; March 16, 1981; and on September 14, 1981; according to RCW 58.17; and

WHEREAS, it has now become apparent that some revisions of the Code as adopted are required; and

WHEREAS, the Mason County Planning Commission held a public hearing on September 21, 1981, for the purpose of considering several amendments which have been mandated by the State of Washington to be incorporated in local ordinances and codes; and

WHEREAS, the Mason County Planning Commission accepted such amendments and recommended that the Board of Mason County Commissioners do the same; and

WHEREAS, the Board of Mason County Commissioners agrees that such amendments should be included in the Mason County Code;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the following amendments to Title 16, Plats and Subdivisions, of the Mason County Code be adopted:

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

16.08.200 Short Subdivision. "Short Subdivision" every division or redivision of land into four (4) or fewer lots any one of which is less than five (5) acres or one-one hundred twenty-eight (1/128) of a section of land, for purposes of sale, lease, or transfer of ownership.

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

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

16.16.020 Public Hearing. Upon receipt of an application for preliminary plat approval the planner shall set a date for a public hearing. At a minimum, notice of the hearing shall be given in the following manner:

(a) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located;

(b) Special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

16.16.060 Approval. Add a third paragraph to subsection (a). Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

16.16.060 Paragraph (c) Change

(c) Approval of the preliminary plat shall be effective for three (3) years from the date of approval by the Board of County Commissioners, during which time a final plat or plats may be submitted. A final plat meeting all requirements of this title shall be submitted to the board of county commissioners for approval within three (3) years of the date of preliminary plat approval. An applicant who files a written request with the planning department at least thirty (30) days before the expiration of this three (3) year period shall be granted one one-year extension upon showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period. Knowledge of the expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. Mason County is not responsible for providing notification of expiration, although it may notify the application of the date of expiration.

16.16.060 New Paragraph (4th Paragraph)

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

16.20.010 Procedure for Filing. Add (e)

(e) An approved subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of five years until final plat approval unless the board of county commissioners finds that a change in condition creates a serious threat to the public health or safety in the subdivision.

16.20.100 Filing and Fees. Change (b)

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

16.40.040 Boundary Line Adjustment. New Section

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

(a) The proponent is issued a boundary line adjustment certificate from the planning department verifying that the proposed division conforms to requirements of this subsection;

(b) The proponent has paid the fee prescribed by the approved fee schedule for review and issuance of the certificate;

(c) The proponent has filed an application which includes:

(1) An adjusted legal description of the lots affected by the adjustment prepared and certified by the registered land surveyor or title company;

(2) A scale drawing of the lots affected by the adjustment.

(d) The certificate, legal description, scale drawing and notarized declaration have been recorded with the county auditor by the planning department.

This title is amended and shall be in full force, and effective this date.

DATED this 5th day of October, 1981.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

Annette S. McGee  
Chairman

Ed Johnston  
Commissioner

William O. Hunter  
Commissioner

ATTEST:

Louaine Coots  
Clerk of the Board

APPROVED AS TO FORM:

John H. Buchwalter DPA  
Prosecuting Attorney of  
Mason County

cc: Cmmrs  
Auditor ✓  
Planner  
Assessor  
Prosecutor