

**BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, WASHINGTON**

In re	)	
	)	Ordinance No. TLS 22-07-44A
Adoption of Interim County Code	)	
Amendments to Chapter 17.04.020	)	Land Services
(B)(3)(c) Applicability-Exempt	)	
Segregations	)	

WHEREAS, Douglas County has adopted a Comprehensive Plan pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A; and

WHEREAS, Douglas County has adopted land use controls implementing the policies found in the comprehensive plan in accordance with the powers granted to counties by RCW 36.32, RCW 36.70A and other applicable laws and statutes; and

WHEREAS, Douglas County Code (DCC) 17.04.020 establishes 20 acres as the minimum lot size to which the subdivision code requirements apply; and

WHEREAS, the Revised Code of Washington 58.17.040 establishes 5 acres as the minimum lot size to which subdivision regulations apply; and

WHEREAS, RCW 58.17.040 allows Counties to adopt regulation regarding the lot size and process which applies to "exempt segregations"; and

WHEREAS, the Douglas County Regional Planning Commission has requested the Board of County Commissioners to assign staff to prepare amendments reducing the minimum lot size from 20 acres to 5 acres consistent with state law; and

WHEREAS, the Douglas County Board of County Commissioners finds the expeditious adoption of the proposed amendments benefits the public; and

WHEREAS, RCW 36.70A.390 states a county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption; and

WHEREAS, If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing; and

WHEREAS, The Board of County Commissioners has approved a work plan that involves docketing the amendments to DCC 17.04.020 with the Douglas County Regional Planning Commission for review; and

NOW THEREFORE BE IT RESOLVED, the Board of County Commissioners hereby adopts the amendments to DCC 17.04.020 as presented in attachment A.

BE IT FURTHER RESOLVED, the Board of County Commissioners hereby sets a public hearing for September 20, 2022 at 9:15 AM in the Commissioners' Chambers in Waterville, WA.

BE IT FURTHER RESOLVED, the Board of County Commissioners adopts the Findings of Fact and Conclusions hereby recited; and

Adopted this 23<sup>rd</sup> day of August, 2022, in regular session at the Douglas County Courthouse, Waterville, Washington.

BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, WASHINGTON



3882  
\_\_\_\_\_  
Marc Straub, Chair

[Signature]  
\_\_\_\_\_  
Dan Sutton, Vice Chair

[Signature]  
\_\_\_\_\_  
Kyle Steinburg, Member

ATTEST

[Signature]  
\_\_\_\_\_  
Tiana Rowland, Clerk of the Board

Approved as to form:

[Signature]  
\_\_\_\_\_  
Jim Mitchell, Civil Deputy Prosecuting Attorney

WSA 31031

**Ordinance # TLS 22-07-44A**  
**Attachment A**  
**Amendments to 17.04.020 3 (c)**

**17.04.020 Applicability.** 

A. The provisions of this title shall apply to the division of land for the purpose of sale, lease or transfer into two or more lots, parcels or tracts in unincorporated Douglas County.

B. The provisions of this title shall not apply to:

1. Any cemetery or burial plot while used for that purpose;
2. Any division of land by testamentary provisions or the laws of descent;
3. Any division of land that does not dedicate land to public use and for which the smallest lot, parcel or tract created by such division is at least twenty 5 acres or one thirty-second one hundred twenty-eighth of a section in size; provided, that:
  - a. Conveyance instruments for lots, parcels or tracts shall contain notes that water, road construction and maintenance, and emergency services are not the responsibility of the county;
  - b. For purposes of computing the size of any lot under this subsection which borders on a public street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the public street or road and the side lot lines of the lot running perpendicular to such centerline; and
  - c. Persons proposing such divisions shall submit to the county assessor an affidavit declaring that documents have been prepared and have been recorded with the county auditor that establish easements for access and utilities to each lot, tract or parcel proposed to be created;