

BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, WASHINGTON

Modify Interim Ordinance TLS 22-07-44A  
Which amended 17.04.020 (B) (3) (c)  
(Exempt Segregations)

ORD 22-12-54A  
Applicability  
) (REF TLS  
) LAND SERVICES

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 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 amendment to DCC 17.04.020 with the Douglas County Regional Planning Commission for review, and

Whereas, a Notice of Availability was published initiating a 60 day comment period by interested agencies and members of the public, and

Whereas, the SEPA Responsible Official published a Determination of Non-Significance for this proposal using the alternate DNS method, and

Whereas, the amendment was submitted to the Department of Commerce for their 60 day review, and

Whereas: the Douglas County Regional Planning Commission conducted a properly noticed public hearing on September 14, 2022 to take public testimony regarding this proposal, and

Whereas, the Douglas County Regional Planning Commission discussed the interim controls focusing on the issues of placing the recording number for the necessary easements on the exempt segregation drawing and including language that requires the exempt segregation to be consistent with the minimum lot size found in the underlying zoning, and

Whereas, the Planning Commission will conduct a second public hearing as the 60 day comment period draws to a close so made no recommendation to the Douglas County Board of County Commissioners, and

Whereas, the Douglas County Board of County Commissioners conducted a properly noticed public hearing on September 20, 2022 at which no member of the public gave testimony, and

Whereas, the Board of Commissioners heard and considered the points raised by the Planning Commission, and

Whereas, the Board of Commissioners heard testimony from staff regarding the progress of the work plan and the input offered by the planning commission, and

Whereas, the Board of Commissioners determined that exempt segregations provide a valuable tool for the development of property, and

Whereas, the Board of Commissioners determined the input provided by the Planning Commission has merit, and

Whereas, the Board of Commissioners determined the interim controls avoid placing unnecessary expense on the cost of development, and

Whereas, the Board of Commissioners determined that modifying the interim controls consistent with the input of the Planning Commission serves the interests of the public, and

Whereas, the Board of Commissioners determined the procedural requirements of RCW 36.70A.290 have been met,

NOW, THEREFORE, the Board of County Commissioners hereby adopts the findings and conclusions found in the recitals of this resolution and

Be it further, adopts the modifications to the amendments to DCC 17.04.020 found as attachment A to this ordinance.

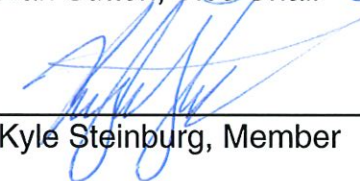
Dated this 27th day of September, 2022 in Waterville, Washington.

BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, WASHINGTON



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

  
\_\_\_\_\_  
Dan Sutton, Vice Chair

  
\_\_\_\_\_  
Kyle Steinburg, Member

ATTEST:

  
\_\_\_\_\_  
Tiana Rowland, Clerk of the Board

Approved as to form:

  
\_\_\_\_\_  
Jim Mitchell, Civil Deputy Prosecuting Attorney  
WSBA #31031

**Ordinance # TLS 22-12-54A**  
**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 ~~recorded~~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 and reference all such easements by Auditors File Number on the segregation form.;
  - d. All lots created through exempt segregations may exceed but not be smaller than the minimum lot size required by the underlying zoning.