

ORDINANCE No. 487

AN ORDINANCE of the Board of Commissioners of Grays Harbor County, Washington, amending the Grays Harbor County Code, to address text amendments to Titles 16 and 18.

WHEREAS, the Grays Harbor Board of County Commissioners finds that the provisions of this Ordinance are in the best interest of and protect the health, safety and welfare of the citizens of the county;

WHEREAS, the text amendments proposed are mostly housekeeping in nature, and to be consistent with State law;

WHEREAS, staff has completed their review of the proposed amendments;

WHEREAS, the Grays Harbor County Planning Commission held a public hearing on October 3, 2023, and has recommended approval of the proposed text amendments;

WHEREAS, the Grays Harbor Board of County Commissioners held a public hearing on October 24, 2023; and,

WHEREAS, the Grays Harbor Board of County Commissioners concur with the proposed code amendments.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF GRAYS HARBOR COUNTY, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 16.08.110 of the Grays Harbor County Code is hereby added to read as follows:

16.08.110. Exception for innocent purchaser for value.

- A. A request for exception for innocent purchaser for value shall be submitted with the applicable review fee per the County's current fee schedule at the time of the request, and a notarized affidavit attesting to and demonstrating the following:
 - 1. The applicant purchased the lot, tract or parcel for market value, not reflecting the illegal division.
 - 2. At the time of purchase, the applicant did not know, after the exercise of reasonable care and diligence, that the lot, tract or parcel had been a part of a larger lot, tract or parcel divided in violation of state law or this title.
 - 3. The applicant has previously not been granted an exception for innocent purchaser by Grays Harbor County.
- B. An exception for innocent purchaser shall be granted to an individual person or entity only once. If more than one lot, tract or parcel is involved with the

request, the review shall be discretionary as provided in Subsection D of this section. The applicant for an exception under this section bears the burden of proof to demonstrate that the application meets the applicable requirements by a preponderance of the evidence, supported by adequate documentation.

- C. Mandatory Approval. The Administrator shall determine that parcels meeting the following criteria are lots of record:
1. Zoning/Comprehensive Plan. The parcel satisfies the minimum dimensional requirements currently in effect, including lot size, dimensions, access, etc.
 2. Subdivision.
 - a. Improvements or conditions of approval which would have been imposed if the parcel had been established through subdivision are already present or completed; or
 - b. The applicant completes conditions of approval such as, but not limited to: road, sidewalk, stormwater improvements, etc., which the Administrator determines would otherwise have been imposed if the parcel had been established through subdivision under current standards. Permits and fees may be required for subject improvements.
 3. Public Interest. Public health, safety and welfare will not be adversely affected by the granting of an exception for innocent purchaser. This may include certification that the proposed means of sewage disposal and water supply to the property is adequate and/or that there is adequate access.
- D. Discretionary Approval. The Administrator may, but is not obligated to, determine that parcels meeting the following are lots of record:
1. Zoning/Comprehensive Plan. The parcel lacks sufficient area or dimension to satisfy current requirements, such as lot size, dimensions, access, etc.
 2. Subdivision.
 - a. Improvements or conditions of approval which would have been imposed if the parcel had been established through subdivision are already present or completed; or
 - b. The applicant completes conditions of approval such as, but not limited to, road, sidewalk, stormwater improvements, etc., which the Administrator determines would otherwise have been imposed if the parcel had been established through subdivision under current standards. Permits and fees may be required for subject improvements.
 3. Public Interest. Public health, safety and welfare will not be adversely affected by the granting of an exception for innocent purchaser. This may include certification that the proposed means of sewage disposal and water supply to the property is adequate, and/or there is adequate access.
- E. All substandard contiguous parcels created in violation of this title which are under the same ownership at the time of application for an exception for

innocent purchaser shall be recognized only as a single parcel and shall be combined through a boundary line adjustment.

- F. If an exception for innocent purchaser is granted, a survey shall be recorded reflecting the subject parcel. If an existing survey of the subject parcel has been recorded with the Grays Harbor County Auditor, a new survey will not be required.

Section 2. Section 16.08.120 of the Grays Harbor County Code is hereby added to read as follows:

16.08.120. Relief for an innocent purchaser for value.

- A. All purchasers or transferees of property divided in violation of this title shall comply with provisions of this title. Each such purchaser and transferee may recover their damages from any individual, firm, corporation or agent selling or transferring land in violation of this title. This may include any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this title as well as the cost of investigations, suit and reasonable attorneys' fees occasioned thereby.
- B. Such purchaser or transferee may, as an alternative to conforming to these requirements, rescind the sale or transfer and recover the costs of investigation, suit and reasonable attorneys' fees occasioned thereby.

Section 3. Section 16.08.130 of the Grays Harbor County Code is hereby added to read as follows:

16.08.130. Legal lot criteria for transfer of ownership.

Grays Harbor County will presume the validity of a lot if it meets any one of the criteria listed below. It shall be the responsibility of the applicant to provide the necessary information. The Planning and Building Division may review the submitted materials to determine completeness and authenticity. If determined to be complete and authentic, the lot is deemed legal. Further review is not required unless an appeal is filed, or an innocent purchaser for value is requested. Any lot created in a legal manner as described below or through innocent purchaser status, remains a separate legal lot regardless of non-conformity, or whether it is buildable.

- A. Surveys for the purpose of land division recorded with the Grays Harbor County Auditor prior to June 6, 1983.
- B. Land created by a legal description and transferred in ownership through a deed recorded with the Grays Harbor County Auditor prior to October 17, 1983.
- C. Land created by a legal description and transferred in ownership through a deed, and surveys for the purpose of land division, either of which is recorded with the Grays Harbor County Auditor prior to May 23, 2005, where all lots involved were each at least 20 acres or one-thirty-second of a section if describable as a fraction of a section.

Section 4. Section 18.06.460 of the Grays Harbor County Code is hereby amended to read as follows:

18.06.460. Best available science for designating frequently flooded areas, and developing base flood elevations for development in Approximate Zone A areas.

- A. The designation of frequently flooded areas shall include those areas identified by the Federal Insurance Administration in the following report "The Flood Insurance Study for Grays Harbor County, Washington, and Incorporated Areas," dated September 18, 2020, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM), and any revisions thereto. The flood insurance study and FIRM shall be maintained on file in the planning and building division office, 100 West Broadway, 3rd Floor, Montesano, Washington. The best available information for flood hazard area identification shall be the basis for the regulations contained herein until such time that new FIRM is issued incorporating updated hazard identification.
- B. The floodplain classification is designed to carry out the mandate contained in the National Flood Insurance Program (NFIP) and the protection of frequently flooded areas. The Federal Insurance Administration will determine the zone classification for those areas that are not included in the flood insurance rate map (FIRM) prior to the issuance of any development permit for the property.
- C. Where base flood elevation data has not been provided or is not available from another authorized source, it may be generated for subdivision proposals and other proposed developments using the Federal Emergency Management Agency's Technical Guide #265 or its successor, for obtaining and developing base flood elevations in Approximate Zone A areas.

(Ord. No. 448, § 2, 9-3-2019; Ord. No. 456, § 3, 9-18-2020)

Section 5. Corrections. The codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

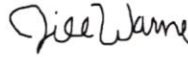
Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

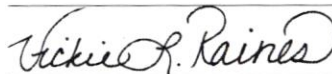
Section 8. Effective Date. This ordinance shall become effective immediately after passage and approval as provided by law.

ADOPTED this 24th day of October, 2023.

BOARD OF COUNTY COMMISSIONERS
GRAYS HARBOR COUNTY, WASHINGTON



Jill Warne, Chair



Vickie Raines, Commissioner



Kevin Pine (Oct 26, 2023 11:03 PDT)

Kevin Pine, Commissioner

ATTEST:



Clerk of the Board

APPROVED AS TO FORM:

Bryan D. Lane, WSBA No. 18246

Bryan D. Lane, WSBA No. 18246 (Oct 27, 2023 08:05 PDT)

Deputy Prosecuting Attorney