

**CITY OF NORTH BONNEVILLE
ORDINANCE NUMBER 1148**

**AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON,
AMENDING NORTH BONNEVILLE MUNICIPAL CODE CHAPTER 19.12
BOUNDARY LINE ADJUSTMENTS.**

WHEREAS, the City of North Bonneville has reviewed the current code relating to boundary line adjustments and finds it does not meet current City needs or circumstances, and;

WHEREAS, the City Council believes updating the code serves the City's best interests by clarifying requirements and standards, and;

WHEREAS, the City of North Bonneville after careful consideration and study has deemed it necessary and desirable to amend this code chapter to better reflect the current needs of the City.

NOW, THEREFORE, The City Council of the City of North Bonneville do hereby ordain as follows:

Legend: New language added = underlined
 Old language deleted = ~~strikethrough~~

Section 1.

Amending

CHAPTER 19.12 Boundary Line Adjustments as follows:

**Chapter 19.12
BOUNDARY LINE ADJUSTMENTS**

19.12.010 Purpose of provisions and conditions for adjustment.

~~To provide for adjustment of boundary lines, between platted or unplatted lots or both, 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.~~

A. The purpose of this chapter is to establish a procedure for the application, review and approval or denial of proposed boundary line adjustments, and to establish criteria and requirements for the same, consistent with the provisions of RCW 58.17.040(6) as now or hereafter amended.

B. The boundary lines separating two or more lots of record may be adjusted under the provisions of this chapter, provided that such adjustment:

1. Will not result in the creation of any additional lot, tract, parcel, site or division;
2. Will not create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet the requirements of city zoning regulations and applicable conditions, covenants and restrictions pertaining to the property;
3. Will not adversely affect access, utilities, easements, drainfields or public safety;
4. Will be in conformance with any applicable building setbacks, fire safety or similar regulations;
5. Will not increase the nonconforming aspects of an existing nonconforming lot;

6. Will not violate either restrictive covenants contained on the face of a final plat or conditions of preliminary plat approval;
7. Will not create an unreasonably hazardous approach to or from the property for access or egress purposes, nor increase the number of lots accessing to or from an arterial or collector street within the city;
8. Will not be contrary to the purpose of RCW 58.17 and Title 19 of this code.

19.12.020 Definitions.

—“Boundary line adjustment means a minor transfer of land between two (2) contiguous legally created lots within the same zoning district.

—“Lots” means a fractional part of a subdivided area having fixed boundaries and being of sufficient area and dimensions to meet minimum zoning requirements, and any identifiable parcel of unsubdivided land with established boundaries set forth in a deed or other form of conveyance. The term “lots” shall include tracts or parcels.

As used in this chapter: “Boundary line adjustment” means an alteration of the boundary lines between platted or unplatted lots or both, 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 dimensions to meet minimum requirements for width and area for a building site. All boundary line adjustments shall conform to the criteria set forth herein and the other provisions of this chapter.

“Lot” means a fractional part of a subdivided area having fixed boundaries and being of sufficient area and dimensions to meet minimum zoning requirements, and also means any identifiable parcel of unsubdivided land with established boundaries set forth in a deed or other form of conveyance. The term shall include tracts or parcels.

“Ordinance administrator” or administrator shall mean the zoning administrator or other person appointed by the mayor to administer and enforce this chapter.

“Person” means any natural person, partnership, corporation, association or other entity, and any governmental body.

19.12.030 Criteria for approval. Approval required.

Any proposed Boundary Line Adjustment will have consideration given to the following factors:

- A. All lots affected by boundary line adjustments shall be consistent with any applicable health, building or similar regulations.
- B. All lots created by boundary line adjustments shall meet the standards specified in, and shall result in all structures conforming to, the city's zoning ordinance.
- C. Boundary lines may not be adjusted where access, easements or drain fields would be adversely affected by the adjustment.
- D. Boundary lines may not be adjusted where the adjustment either increases or decreases the number of lots.
- E. Boundary lines may not be adjusted when more than three (3) lots, tracts or parcels are involved.
- F. Boundary line adjustments within formal plats shall not detrimentally affect access, design or preliminary plat approval.
- G. Boundary line adjustments shall not violate either restrictive covenants contained on the face of the final plat or conditions of preliminary plat approval.
- H. If a proposed boundary line adjustment will add unimproved street frontage to a lot with improved frontage, improvements may be required unless deemed undesirable by the city. The city may require an agreement to construct improvements at some time in the future in lieu of construction at the time the adjustment is made.

~~—I. If a proposed boundary line adjustment transfers property abutting a street or proposed street with less than recommended right-of-way to a parcel already possessing the recommended minimum right-of-way, then the city may require that the additional right-of-way be granted to the city to correct the deficiency.~~

~~—J. Where any lot affected by a proposed lot line adjustment is intended for residential use or other building structures and the lot is served, or is likely to be served in the future, by an on-site sewage disposal system, a site evaluation test by the District Health Officer shall be required to determine whether the proposed lot is suitable for subsurface sewage disposal. The District Health Officer shall furnish a written recommendation specifying the lot size required and the reasons and conditions for the recommendation.~~

~~—K. Where any lot affected by a proposed lot line adjustment is not intended for residential use or other building structures, site evaluation testing for subsurface sewage disposal will not be required. A notation shall be placed on the boundary line adjustment documents indicating that the lot is not intended for residential use or other building structures and further stating that the lot has not been tested for subsurface sewage disposal.~~

No person shall do or take any action which would cause or result in a boundary line adjustment as defined in this chapter, without first complying with the terms of this chapter and having the proposed boundary line adjustment approved as required herein.

19.12.040 Application—Content. Application requirements.

The applicant shall submit an application package for a boundary line adjustment consisting of the following:

- ~~—A. Application Form, filled out completely and signed by the applicant.~~
- ~~—B. Legal Description of the existing parcel or lots, and of the new adjusted parcels or lots.~~
- ~~—C. Declaration of Ownership signed and notarized by all parties with an interest in the property, indicating approval of the proposal.~~
- ~~—D. Proposed Boundary Line Adjustment Map showing present and revised rights-of-way, easements and property lines with accurate bearings, dimensions and lot numbers.~~
- ~~—E. Boundary Line Adjustment Certificate. A current title company certificate confirming that the title of the land as described and shown on the Boundary Line Adjustment Application is in the name of the owners signing the Declaration of Ownership.~~

A. Application for boundary line adjustment shall be made on forms to be provided by the city and shall be submitted to the same with the applicable nonrefundable fee. The application will include the following:

1. The signatures of the owners of the property, or their representative, involved in the adjustment, indicating approval of the proposal;
2. A copy of the title(s) or proof of ownership of the subject properties;
3. The existing legal descriptions and proposed legal descriptions, prepared by a registered professional land surveyor or title company, attesting to the accuracy of the legal descriptions;
4. Description of any restrictive covenants or conditions on the subject property;
5. A nonrefundable fee as established by city resolution and which may be revised from time to time.

B. In addition to the application, the applicant must also submit an original and two copies of a plot plan or survey drawn to scale and accurately dimensioned, clearly showing the following information:

1. Name of boundary line adjustment;
2. The existing and proposed boundary lines and identification by lot and parcel number for all affected lots;
3. North arrow and scale;
4. The area and dimensions of each proposed lot;

5. The location of all structures existing upon the affected lots accurately showing the distance of each such structure from all existing and proposed lot lines and from each other structure;
6. The location of all generally observable natural features, such as slopes, bluffs, streams and wetlands on the affected lots;
7. The location and dimension of any drainfield easements, right-of-way or streets within or adjacent to any affected lot;
8. The existing public utilities and, if applicable, a statement regarding proposed future method of sewage disposal for each affected lot;
9. Where any lot reduced in size by a proposed boundary line adjustment is served or likely to be served in the future by an on-site sewage disposal system, a report provided by the local health district officer, a registered sanitarian, civil engineer or similarly qualified professional confirming that the lot or lots will continue to meet existing standards for an on-site septic disposal system for each such lot;
10. A signature line for planning administrator approval and the following statement:
"This boundary line adjustment is exempt from City and State platting regulations as provided by RCW 58.17.040(6)."

C. Surveys. A survey by a licensed professional land surveyor shall be required for a boundary line adjustment, except for the following cases:

1. For existing lots, tracts or parcels where a new boundary line is being established parallel to an existing boundary that is described by deed or as part of a recorded survey;
2. For lot lines within a recorded subdivision or short plat where lot corners are still in place or can be found and verified.

19.12.050 — Application Fee.

~~—An application fee as established in Chapter 18.02 of this code for a boundary line adjustment is required at the time of submittal of the proposal.~~

19.12.060 — Application review.

~~—An application for a boundary line adjustment shall be processed according to the Type I-B land use decisions established in Chapter 18.01 NBMC, Land Use Procedures.~~

19.12.070 — Administrative approval.

~~—Following administrative approval of the boundary line adjustment, the city will date, stamp and sign the map and legal description.~~

19.12.050 - Administrative review.

A complete application for a boundary line adjustment shall be approved, approved with conditions, returned to the applicant for modification, or denied within twenty business days of its receipt by the city. The city shall not be considered to be in receipt of a complete application unless and until such time as the application meets the requirements of Section 19.12.040.

A. The administrator may forward one copy of the proposed boundary line adjustment plan to the public works director for review if deemed necessary. In such cases, the public works director shall respond within ten business days of receipt.

B. In approving or denying the application, the director shall make appropriate findings of fact and conclusions in writing and notify the applicant.

C. Any conditions of approval may be required to be contained in and executed as a restrictive covenant against and running with the land, in form and substance approved by the administrator.

D. The decision of the administrator may be appealed as contained in Chapter 18.01.

19.12.080 — Recording and filing

~~After a boundary line adjustment is approved and the required signatures are secured, the applicant shall forward the signed documents to the County Auditor for recording. One (1) signed and recorded copy of the documents shall be returned to the city by the applicant for the city's files.~~

19.12.060 - Recording.

A. Upon approval of the application, the administrator shall notify the applicant. The applicant shall then record the certificate or document issued by the administrator indicating approval of the boundary line adjustment, together with the legal document transferring title, any applicable restrictive covenants, and the plot plan or survey, if one was required and has not yet been recorded, with the Skamania County auditor. If the documents are not recorded within ninety days of approval, the boundary line shall automatically become null and void.

B. A boundary line adjustment does not become effective until the documents required for recording in subsection A have been recorded or filed for record with the Skamania County auditor. One copy of each recorded document shall be returned to the city by the applicant.

Section 2.

Severability.


If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3.

Effective Date and Publication.

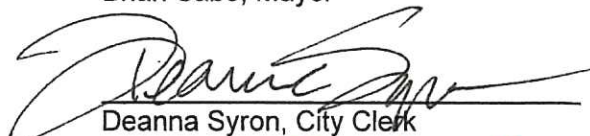
This Ordinance shall be effective five days after publication of the Ordinance, or a summary thereof consisting of its title, in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON MAY 10, 2022.



Brian Sabo, Mayor

Attest:



Deanna Syron, City Clerk

Approved as to Form:



Kenneth B. Woodrich, City Attorney