

## **Title 19**

### **SUBDIVISIONS**

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#### **Chapter 19.04**

### **SHORT PLATS**

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#### **19.04.010 Purpose.**

The laws of the State of Washington have determined that the process by which land is divided should be administered in a uniform manner and have mandated that cities, towns and counties adopt regulations, procedures, and appoint personnel for the approval of Short Plats and Short Subdivisions.

The purpose of this chapter is to comply with RCW 58.17; to regulate the subdivision of land; to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land; to lessen the congestion in the streets and highways; to promote effective use of the land; to promote safe and convenient travel by public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and school grounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the community; and to require uniform monumentation of land subdivisions and conveyancing by accurate legal description. (Ord. 638 § 1, 1989)

#### **19.04.020 Definitions.**

As used in this chapter, the following terms are defined in this section:

“Access panhandle” means a strip of land having a width narrower than that of the lot, tract or parcel to be served thereby and designed for the purpose of providing access to a lot, tract or parcel.

“Administrator” means the City Planning Advisor or his or her designee.

“Appellant” means one that appeals from a decision.

“Board” means the N. Bonneville City Council.

“Commission” means the North Bonneville Planning Commission.

“Contiguous Parcel” means land adjoining and touching other land not previously platted and having the same owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased at different times, lie in different sections, different government lots, or are separated from each other by public road or private rights-of-way.

“Council” means the North Bonneville City Council.

Dedication. See Public Dedication.

“Department” means the City Planning Department or any agent appointed by the Board.

“District Health Officer” means a representative of the Southwest Washington Health District.

“Easement” means a grant by a property owner to a specific person or persons, corporation or entity, or to the public to use land for a limited specific purpose or purposes.

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width, depth and area. The term shall include tracts or parcels.

“Lot Depth” means the distance measured between the mid-point of the lot line fronting a road or street, to the mid-point of the lot line opposite, or where the lot does not front on a road, depth shall refer to the greatest principal dimension.

“Lot Width” means the distance measured between the mid-points of the two (2) principal side lot lines and at approximately right angles to the lot depth.

“Owner(s)”. For purposes of this chapter, the term "owner" shall include a seller and/or purchaser and any person, firm, corporation or other legal entity in whose name record title to the property being short platted is recorded in the Skamania County Auditor's Records. Owner(s) does not mean a holder of any lien or other secured party.

“Private Road” means the easement or parcel created to provide access from a city or county road or state highway to lots.

“Public Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. For purposes of this chapter, "public

dedication" shall not be construed to include the deeding of additional right-of-way for the purposes of widening existing county roads.

"Road" means an improved and maintained public right-of-way which provides vehicular circulation or principal means of access to abutting properties, and which may also include provisions for public utilities, pedestrian walkways, cut and fill slopes and drainage.

"Shopping Center" means a parcel of ground owned by a single business entity which leases commercial building space to two (2) or more separate businesses and maintains common parking, entrances, signs, etc.

"Short Plat" means the map or representation of a short subdivision.

"Short Plat Administrator" means the Mayor or authorized representative.

"Short Subdivision" means the division or re-division of land into four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

"Short Subdivider" means any legal entity that undertakes to create a short subdivision, for the purpose of this ordinance. (Ord. 840 §§ 1,2, 2003: Ord. 638 § 2, 1989)

#### **19.04.030 Administration--Approval authority.**

The Administrator is vested with the duty of administering the provisions of this chapter. The Administrator shall make recommendations concerning approval or disapproval of proposed short plats. The commission is vested with the authority to summarily approve or disapprove proposed short plats. The Administrator and/or commission may prepare and require the use of such forms as deemed essential to the administration of this article. (Ord. 840 § 3, 2003: Ord. 638 § 3.01.010, 1989)

#### **19.04.040 Applicability of provisions.**

Within the City of North Bonneville, every division of land into four (4) or fewer lots, tracts, parcels sites or divisions, unless specifically exempt under Section 19.04.050, shall proceed in compliance with this chapter. (Ord. 638 § 3.01.020, 1989)

#### **19.04.050 Exemptions.**

The provisions of this chapter shall not apply to:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions of land into lots or tracts each of which is 1/128th of a section on land or larger, or five (5) acres or larger if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;
- C. Divisions made by testamentary provisions, or the laws of descent;
- D. A division made for the purpose of alteration by adjusting 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;
- E. Any division of land made in compliance with the City's ordinance governing Plats and Subdivisions;
- F. Any conveyance of land to a governmental agency or any conveyance of land for public purposes to any public or private utility including, but not limited to, the following services: telephone, television, electricity, water, sewer, natural gas;
- G. Any division of land in the form of a deed releasing a parcel of real estate from the terms of a real estate contract, from the real estate seller to the real estate purchaser, for the sole purpose of obtaining financing for the construction of a building for residential purposes thereon, provided the grantee and grantor, by affidavit, represent that such deed is given to accommodate a secured transaction and not an avoidance of the Short Plat Ordinance, and provided further that the released parcel will remain subject to

all other city, county and state laws including, but not limited to, the size of the lots as provided by this code now existing or hereafter amended. (Ord. 638 § 3.01.030, 1989)

**19.04.060 Partial exemption.**

Any division of land for which the short subdivider certifies that the lots are not intended for residential, commercial or industrial purposes may be granted a partial exemption from certain provisions of this chapter and all or portions of Sections 19.04.090 (additional application requirements), 19.04.100 (application), 19.04.230 (lot sizes, dimensions & proportions) and 19.04.260 (water supply and sanitary sewer systems) may be waived. The Administrator shall determine the applicable exemptions in this case; however, filing of a certification and a short plat will be required. (Ord. 840 § 4, 2003: Ord. 638 § 3.01.040, 1989)

**19.04.070 Further subdivision restricted.**

Land short-subdivided pursuant to this chapter may not be further divided in any manner within a period of five years without the filing of a final plat and complying with the provisions of the City's Plats and Subdivisions Ordinance, except that when the short plat contains fewer than the four (4) parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five (5) year period to create up to a total of four (4) lots within the original short plat boundaries. (Ord. 638 § 3.01.050, 1989)

**19.04.080 Application required/review process.**

A. The city shall provide any short subdivider intending to divide land by this chapter with an appropriate short plat application form. The applicant may then submit a completed application and short plat map.

B. An application for a short subdivision shall be processed according to the procedures for Type II land use decisions established in Chapter 18.01, Land Use Administrative Procedures.

C. In addition to review under all requirements of Chapter 18.01, based on comments from city departments and applicable agencies, the city shall review the proposal subject to the criteria contained in this chapter, and shall approve any such proposal only when consistent with all of the provisions of this chapter. (Ord. 840 § 5, 2003: Ord. 638 § 4.01.010, 1989)

**19.04.090 Application--Additional requirements.**

A. Short Plats shall not be deemed to have "final approval" until filed for record with the County Auditor.

B. Prior to submitting a short plat application, it shall be the responsibility of the short plat subdivider to inquire to the District Health Officer in order to ascertain whether larger lot sizes than those called for in this or other applicable chapters are recommended for the intended lot use.

C. For lots intended for residential use or other building structures that do not have sanitary sewer service available, the District Health Officer shall require a site evaluation test to determine whether the lots are suitable for subsurface sewage disposal.

D. The District Health Officer shall certify to the department, in writing, that the minimum lot sizes applicable to this ordinance are acceptable; or, if larger lot sizes are recommended, the District Health Officer shall certify same, in writing, and specify lot sizes, reasons and conditions for the recommendation.

E. For lots 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 Short Plat map indicating that lots are not intended for residential use or other building structures and further stating that lots have not been tested for subsurface sewage disposal. (Ord. 638 § 4.01.020 through 4.01.024, 1989)

**19.04.100 Application--Information required.**

Four (4) copies of the short plat application are required to be submitted.

The short plat application shall include a map and related data containing the following information:

- A. The entire tract being divided;
- B. The name and address of adjacent land owners, as shown by the records of the County Assessor, located within three hundred (300) feet of any portion of the boundary of the proposed subdivision;
- C. Boundaries of the proposed lots;
- D. The number assigned to each lot;
- E. The location and size of all existing (and proposed, where ascertainable) buildings, rights-of-way, easements, wells, watercourses, high and low water marks, railroad lines, municipal boundaries, section lines, township lines and other important features relevant to the land proposed to be divided;
- F. The lot sizes in acreage or square feet, whichever is more appropriate, and the number of lots and acreage within the short subdivision;
- G. The scale of the map and north indication;
- H. The legal description of such tract and legal description of all proposed lots certified by a registered land surveyor or title company;
- I. The name, address and telephone number(s) of the owner or owners of said tract. (Ord. 840 § 6, 2006; Ord. 638 §§ 4.01.031, 4.01.032 (1) thru (9), 1989)

**19.04.120 Fee.**

An application fee as set forth in Chapter 18.02 for a short plat application is required at the time of submittal of the proposal. (Ord. 840 § 8, 2003; Ord. 683 § 10, 1991; Ord. 638 § 4.01.034, 1989)

**19.04.140 Agency review--Utility manager.**

The City Utilities Manager shall notify the Administrator whether:

- A. Road access, surface drainage and road construction comply with current city standards;
- B. The short plat map and the accompanying legal description are adequate for the purpose of dividing land by the ordinance codified in this section. (Ord. 634 § 4.01.041(a, b), 1989)

**19.04.150 Agency review--District health.**

The Administrator shall consult with the District Health Officer to determine whether:

- A. Water supply methods and sanitary sewer disposal methods contemplated for use in the proposed short plats do or do not conform to current standards; and
- B. Where sanitary sewers are not available, whether lot contains adequate area and proper soil, topographic and drainage conditions to be served by an on-site sewage disposal system. A sewage disposal system site evaluation is required to determine current standards for on-site sewage disposal systems. A satisfactory site evaluation does not constitute an indefinite approval for a sewage disposal system permit. (Ord. 840 § 10, 2003; Ord. 638 § 4.01.042(a & b), 1989)

**19.04.160 Approval.**

A. In addition to review under all requirements of Chapter 18.01, based on comments from city departments and applicable agencies, the city shall review the proposal subject to the criteria contained in this chapter, and shall approve any such proposal only when consistent with all of the provisions of this chapter.

B. The Administrator shall consult with the County and City Treasurers to determine if taxes and assessments have been duly paid, discharged or satisfied and forward all information to the Planning Commission for review. (Ord. 840 § 11, 2003)

**19.04170 Recording**

A. When a short plat is approved by the city, the applicant shall provide two (2) mylar originals of the approved plat for signatures and recording.

B. It shall be the duty of the Clerk/Treasurer to secure the required city signatures. The applicant shall secure all other required signatures.

C. After the short plat is approved and the required signatures secured, the applicant shall forward the signed mylars to the County Auditor for recording. One (1) signed and recorded original (mylar) shall be returned to the city for its files. (Ord. 840 § 12, 2003)

**19.04.180 Recording – Time limit.**

It is the responsibility of the short subdivider to record the short plat with the County Auditor within thirty (30) days of approval by the city. The County Auditor may require a recording fee. If the plat is not recorded within this time, it becomes null and void. Reapplication is on an original basis. (Ord. 840 § 13, 2003: Ord. 638 §§ 4.01.061, 4.01.062, 1989)

**19.04.190 Disapproval--Resubmittal/fee.**

A short plat disapproved by the commission must be revised if it is to be resubmitted. The full review process must be reinitiated and all fees must again be paid pursuant to Chapters 18.01 and 18.02 of this code. (Ord. 840 § 14, 2003: Ord. 638 § 4.01.070, 1989)

**19.04.220 Design standards--General requirements.**

All roads, private roads, bridges, drains, culverts, sidewalks, curbs, storm sewers and related structures or devices shall be constructed in accordance with standards currently in effect at the time of construction. These standards shall be those contained in this ordinance or those promulgated by the council or may be other than a city standard if approved by the council.

Land on which topographic conditions exist which may be hazardous to the safety or general welfare of persons or property in or near a proposed short subdivision shall not be sub-divided unless the construction of protective improvements will eliminate the hazards or unless land subject to the hazard is reserved for uses as will not expose persons or property to the hazard.

Protective improvements and restrictions on use shall be clearly noted on the short plat. (Ord. 638 §§ 5.01.011, 5.01.012, 5.01.013, 1989)

**19.04.230 Design standards--Lot sizes, dimensions, and proportions.**

A. Where lots are served by individual wells and individual sewage disposal systems, minimum lot size shall be two (2) acres. Lots shall be proportioned to facilitate future subdivision. Minimum lot width or depth of such shall be two hundred (200) feet.

B. Where an adequate public water supply and individual sewage disposal system are used, the minimum lot size shall be twelve-thousand (12,000) square feet. Minimum lot width shall be ninety (90) feet and minimum lot depth shall be one hundred twenty (120) feet.

C. Where adequate public water supply and adequate public sewer lines are used, the minimum lot size shall comply with the requirements contained in the Title 20, Zoning.

D. In any of the above three instances, the lot depth shall not exceed the lot width by more than a ratio of four (4) to one (1), four (4) being the depth. Access panhandles, as defined in Section 19.04.020, shall not be taken into account as part of the area calculations relative to minimum lot sizes as indicated above. (Ord. 840 § 17, 2003: Ord. 638 §§ 5.01.021, 5.01.022, 5.01.023, 5.01.024, 1989)

**19.04.240 Design standards--Lot access.**

Every lot shall be provided with satisfactory access by a private road or public road connecting to an existing public road, or by an easement which is permanent and inseparable from the lot served.

Lots adjacent to a road which has been designated an arterial by the City Utilities Manager shall be provided with access other than the arterial. The plat of a short subdivision containing lots adjacent to a designated arterial shall not be approved unless the plat recites a waiver of the right to direct access to the arterial. (Ord. 638 §§ 5.01.031, 5.01.032, 1989)

**19.04.250 Design standards--Public/private roads.**

A. Where a short subdivision abuts a road having insufficient width to conform to current city road standards, dedication of sufficient additional right-of-way to the City shall be required.

B. Private roads or access easements shall conform to the standards provided in Chapter 12.24, Street Design and Planning Standards, and Chapter 12.28, Street Construction Standards.

C. The construction, maintenance and snow removal of private roads are the responsibility of the short subdivider and land owner. (Ord. 840 § 18, 2003; Ord. 638 §§ 5.01.041, 5.01.042, 5.01.043, 1989)

**19.04.260 Design standards--Water/sewer systems.**

Where City water is reasonably available, it shall be utilized by each lot within the short subdivision.

Where a public sanitary sewer is reasonably available, it shall be utilized by each lot within the short subdivision, and septic tank drain fields will not be permitted.

All facilities and devices of water supply and sanitary sewer systems shall meet the standards of the Southwest Washington Health District and any local or state regulations. (Ord. 638 §§ 5.01.051, 5.01.052, 5.01.053, 1989)

**19.04.270 Design standards--Utility/drainage easements.**

Easements for electric, telephone, water, gas and similar utilities shall be of sufficient width to assure maintenance and to permit future utility installations.

Easements for drainage channels and ways shall be of sufficient width to assure that the same may be maintained and improved. Easements for storm sewers, where utilized, shall be provided and shall be of sufficient width and proper location to permit installation and maintenance. (Ord. 638 §§ 5.01.061, 5.01.062, 1989)

**19.04.280 Variances--Procedures/termination.**

A. Variances – General Criteria. When the Planning Commission finds that extraordinary hardship will result from strict compliance with the provisions contained in this chapter, it may the regulations; providing, that the adjustment authorized does not grant a special privilege inconsistent with the limitations imposed upon other properties in the vicinity and that the following circumstances are found to exist:

1. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, strict compliance would cause undue hardship and deprive the subject property of rights and privileges enjoyed by other properties in the vicinity.

2. That the granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the vicinity; and

3. That the granting of the variance will not have the effect of nullifying the intent or purpose of the regulations set forth in this chapter. (Ord. 840 § 19, 2003; Ord. 638 §§ 6.01.011, 6.01.012, 6.01.013, 6.01.014, 6.01.015, 1989)

**19.04.290 Sale, transfer, lease or division prior to approval prohibited--  
Enjoinment authorized.**

A. No person, firm or corporation, or any agent of these, shall transfer, sell, lease or offer for transfer, sale or lease, any land subject to the provisions of this chapter until a short plat has been approved and filed with the County Auditor.

B. When any person divides, or attempts to divide, land subject to the provisions of this chapter without having secured approval or prior to the filing of the short plat with the County Auditor, the Council may direct to the City Attorney to commence an action to enjoin further violations, or attempted violations, and to compel compliance with this chapter. The costs of such action shall be taxed against the person, firm or corporation transferring, selling or leasing the land.

C. Agreements to Transfer Land Conditioned on Final Plat Approval--Authorized. 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 under this chapter, the offer or agreement is not subject to subsection A above and does not violate any provision of this chapter. 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 final plat is recorded. (Ord. 772 § 1, 1999; Ord. 638 §§ 7.01.011, 7.01.012, 1989)

**19.04.300 Misrepresentation of purpose prohibited.**

Any person, firm or corporation, or agent of any of these, who knowingly certifies that a proposed short subdivision is not intended for residential, commercial or industrial purposes and/or misrepresents the stated purpose of the short subdivision shall be guilty of a misdemeanor. (Ord. 638 § 7.01.020, 1989)

**19.04.310 Illegal division--Permit refusal.**

No development permit including, by way of illustration but not limitation, a septic tank permit or building permit, shall be issued for any lot divided in violation of this chapter. (Ord. 638 § 7.01.030, 1989)

**19.04.320 Violations cumulative.**

Any person, firm or corporation, or any agent of these who violates this chapter or RCW Chapter 58.17 relating to the sale, offer for sale, lease or transfer of any lot within a short subdivision, shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease or transfer of each separate lot in violation of any provision of this chapter shall be deemed a separate and distinct offense. (Ord. 638 § 7.01.040, 1989)

**19.04.330 Cumulative short plats.**

Cumulative short plats are not permitted. The short subdivision process may not be utilized to apply for a series of short plats within two (2) years from the application, thereby circumventing the full subdivision process. (Ord. 840 § 20, 2003)

## Chapter 19.08

### SUBDIVISIONS

**Sections:**

- 19.08.010 General provisions.**
- 19.08.020 Definitions.**
- 19.08.030 Preliminary plat review process.**
- 19.08.060 Preliminary plat approval.**
- 19.08.070 Final plat approval.**
- 19.08.080 Dedications.**
- 19.08.090 Design standards.**
- 19.08.100 Tests.**
- 19.08.110 Survey requirements and standards.**
- 19.08.120 Plat standards.**
- 19.08.130 Variances.**
- 19.08.150 Violation--Penalties.**

**19.08.010 General provisions.**

A. Administration. The City Planning Director, or other person as may be designated by the Mayor (hereinafter referred to as the "Administrator") is vested with the duty of administering subdivisions and

platting regulations within the incorporated areas of the city subject to review by the planning commission and approval by the City Council.

B. Restriction on Redivision. Every subdivision of land within the incorporated area of the City shall proceed in compliance with this chapter. Land divided as a short subdivision may not be further divided in any manner within a period of five (5) years; provided, however, an application may be submitted to the City and may be resubdivided as a subdivision pursuant to this chapter.

C. Exemptions. The provisions of this chapter shall not apply to:

1. Any division of land not containing a dedication, such as a public road, pathway or park, in which the smallest lot created by the division is ten (10) acres or more;
2. Any cemetery or burial plot, while used for that purpose;
3. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land, when said leases comply with the provisions of the city mobile home park ordinance;
4. A division made for the purpose of adjusting boundary lines between platted or unplatted lots, or both, which does not create any additional lot, tract, parcel, site, or division which contains insufficient area or dimensions to meet minimum requirements for width and area for a building site;
5. Divisions of land into lots or tracts classified for industrial or commercial use when the City has approved a binding site plan for the use of the land in accordance with local regulations;
6. Divisions of land into lots or tracts in accordance with RCW 58.17.040(7), including any amendments thereto. (Ord. 721 § 1, 1995)

#### **19.08.020 Definitions.**

Whenever the words and phrases defined in this section appear in this chapter, they shall be given the meaning attributed to them by this section. When not inconsistent with the context, words used in the present tense shall include the future, the plural the singular. The word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision.

"Administrator" means the person appointed by the Mayor to administer the chapter.

"Access panhandle" is a strip of land having a width narrower than that of the lot to be served thereby and designed for the purpose of providing access to a lot.

"Alley" means a strip of land dedicated to public use providing vehicular and pedestrian access to the rear side of properties which abut and are served by a public road.

"Binding site plan" means a drawing to a scale specified by city ordinance which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by city regulations; (b) contains attachments setting forth appropriate limitations and conditions for the use of the land; and (c) includes the signatures of city officials and the applicant.

"Block" means a group of lots, tracts or parcels within well-defined and fixed boundaries.

"Council" or "City Council" means the North Bonneville City Council.

"Cul-de-sac" means a road closed at one end by a circular area of sufficient size for turning vehicles around.

"Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner of the presentment for filing of a final plat showing dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the City Council.

"District Health Officer" means a representative of the Southwest Washington Health District, Vancouver, Washington, or its successor.

"Easement" means a grant by a property owner to use land for a specific purpose or purposes.

"Final plat" means the final drawing of the subdivision and dedication prepared for filing for record with the Skamania County Auditor and containing all elements and requirements set forth in RCW 58.17 and as hereafter amended.

"Hammerhead" means a type of turnaround at the end of a street consisting of a short segment of street set at a right angle to the main street, more or less in a "T" configuration.

"Lot" means a fractional part of subdivided lands having fixed boundaries, being of sufficient area in dimension to meet minimum requirements for width, depth and area. The term includes tracts or parcels.

"Lot depth" means the distance measured from the midpoint of the lot line fronting a road or street to the midpoint of the lot line opposite.

"Lot width" means the distance measured between the midpoints of the two (2) principal side lot lines and at approximately right angles to the lot depth.

"Planning Commission" or "Commission" means the North Bonneville Planning Commission.

"Plat" means a map or representation of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, roads, and alleys or other divisions and dedications.

"Preliminary plat" means a drawing of the proposed subdivision showing the general layout of roads and alleys, lots, blocks and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

"Protective improvements" shall mean flood control devices, drainage facilities, detention ponds, construction devices which eliminate or reduce a topographical hazard to an acceptable level, and the necessary easements for maintenance and access to the same.

"Public utility district" means Public Utility District No. 1 of Skamania County.

"Redivision" means the division of a platted lot or lots within a subdivision or short plat that has been approved within the previous five (5) years.

"Reverse frontage lot" means a lot having road frontage along two (2) opposite boundaries.

"Road" means an improved and maintained public or private right-of-way which provides vehicular circulation or principal means of access to abutting properties and which may also include provisions for public utilities, pedestrian walkways, landscaping, cut and fill slopes, and drainage.

"Short subdivision" means the division of land into four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale or lease.

"Standard sheet" is twenty-two (22) inches by thirty-two (32) inches with a one-half (1/2) inch border on three (3) edges and a two (2) inch border along the left-hand edge for binding purposes. For final plats the material will be a stable-base mylar polyester film or equivalent approved by the administrator.

"Street, arterial" means a major street in the city's street system that serves as an avenue for the circulation of traffic onto, out, or around the city and carries high volumes of traffic.

"Street, collector" means a street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties.

"Street, local" means a street whose sole function is to provide access to abutting properties.

"Subdivider" means a person, including a corporate person, who undertakes to create a subdivision.

"Subdivision" means the division of land into five (5) or more lots, tracts, parcels, sites or divisions for the purposes of sale or lease and includes all resubdivision of land. (Ord. 721 § 2, 1995)

### **19.08.030 Preliminary plat review process.**

#### **A. Preliminary Responsibilities and Inquiries.**

1. If public water and/or sewer are not available to a site prior to the submission of a preliminary plat it shall be the responsibility of the subdivider to inquire to the District Health Officer to ascertain whether larger lot sizes than those called for in this chapter are recommended. (See Section 19.08.090(C).)

2. The District Health Officer may require percolation tests or other similar tests. The District Health Officer's agency may require a fee for this service.

3. If larger lots are recommended, the District Health Officer shall forward a statement in writing to the subdivider and a copy to the Administrator to this effect and specify the minimum lot sizes, and the reasons for the recommendation.

B. An application for a preliminary plat shall be processed according to the procedures for Type III land use decisions established by Chapter 18.01, Land Use Administrative Procedures.

C. In addition to review under all requirements of Chapter 18.01, based on comments from city departments and applicable agencies, the city shall review the proposal subject to the criteria contained in this chapter, and shall approve any such proposal only when consistent with all of the provisions of this chapter.

D. At least five (5) copies of the preliminary plat must be submitted to the Administrator. Additional copies may be requested by the Administrator to fulfill requests by other agencies. (Ord. 841 § 1, 2003)

**19.08.060 Preliminary plat approval.**

A. Effect of Approval. Preliminary plat approval by the council shall constitute authorization for the subdivider to develop the subdivision's facilities and improvements in strict accordance with standards established by this chapter and any conditions imposed by the council.

B. Expiration of Approval--Forfeiture of Fees. Preliminary plat approval shall be effective for three (3) years from date of approval by the council. If, except as provided in subsection C of this section, during this period a final plat is not filed with the Administrator within three (3) years of the date of approval of the preliminary plat, the preliminary plat shall be null and void. All fees paid to the Clerk/Treasurer shall be forfeited.

C. Extensions. An applicant who files a written request with the City Council at least thirty (30) days before the expiration of the three (3) year period shall be granted a one (1) year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period. No additional fee is required.

D. Approval Not to Authorize Further Divisions or Transfers. Preliminary plat approval does not permit land to be further subdivided, sold, leased, transferred, or offered for sale, lease or transfer.

E. Disposal – Resubmittal Fee. A preliminary plat disapproved by the City Council must be revised by the applicant if it is to be resubmitted. The full review process must be reinstated and all fees must again be paid pursuant to Chapters 18.01 and 18.02 of this code. (Ord. 841 § 4, 2003; Ord. 721 § 6, 1995)

**19.08.070 Final plat approval.**

A. Filing of Final Plat--Time Limit. The subdivider shall file the original and six (6) copies of a proposed final plat with the Administrator within three (3) years following the Council's approval of a preliminary plat.

B. An application for a final plat shall be processed according to the procedures for Type IV land use decisions established in Chapter 18.01, Land Use Administrative Procedures.

C. Additional Criteria for Administrator Review and Acceptance.

1. In addition to review under all requirements of Chapter 18.01, based on comments from city departments and applicable agencies, the city shall review the proposal subject to the criteria contained in this chapter, and shall approve any such proposal only when consistent with all of the provisions of this chapter.

2. The Administrator shall be satisfied:

a. That the final plat presents the items required by the final plat standards of this chapter;

b. That the proposed final plat bears the certificates and statements of approval required by this chapter;

c. That a title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision and is vested in the name of the owners whose signatures appear on the plat's certificate;

d. That the facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the sub-divider will provide a performance bond subject to approval of the council;

e. That the Clerk/Treasurer and County Treasurer have certified that taxes and assessments have been collected.

3. If the final plat submitted varies from the approved preliminary plat, the Administrator may require that the plat be reviewed by the Planning Commission before being scheduled for City Council review.

D. Performance Bond--In Lieu of Completion of Improvements.

1. In lieu of completing improvements required before final plat approval, the City may accept a performance bond from the subdivider in an amount and with sureties commensurate with improvements remaining to be completed, se-curing to the city the construction and installation of the improvements within a fixed time to be set by the City Council. The bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the city's acceptance of such improvements.

2. No building permit, septic tank permit, or other development permit shall be issued until the bonded improvements have been approved and accepted by the city.

3. The city may require the posting of a bond securing to the city the successful operation of improvements for a period of two (2) years after final approval.

E. Approval or Disapproval--Considerations.

1. The Council shall, at a public meeting determine:

- a. Whether conditions imposed when the preliminary plat was approved have been met;
- b. Whether the Clerk-Treasurer and County Treasurer have certified that taxes and assessments have been duly paid, satisfied or discharged;
- c. Whether the public use and interest will be served by approving the proposed final plat;
- d. Whether the bond, if there is one, by its terms assures completion of improvements;
- e. Whether the requirements of state law and this chapter have been satisfied by the subdivider.

2. The council shall thereupon approve or disapprove the proposed final plat.

3. When the council approves a final plat, the applicant shall provide two (2) mylar originals of the approved plat for signatures and recording. It shall be the duty of the Clerk-Treasurer to secure the required signatures. The applicant shall secure all other required signatures.

F. Recording. After a final plat is approved and required signatures secured, the applicant shall forward the original final plat(s) to the County Auditor for recording. One (1) signed and recorded original final plat (mylar) shall be returned to the city for its files.

G. Recording Fee. Before the County Auditor shall officially record a plat, the subdivider shall pay a recording fee for each plat filed. (Ord. 841 § 5, 2003; Ord. 721 § 7, 1995)

**19.08.080 Dedications.**

A. Indication on Plats. All dedications of land shall be clearly and precisely indicated on plats.

B. Required Dedication Provisions. No plat shall be approved unless adequate provision is made in the subdivision for such drainage ways, roads, alleys, easements, sidewalks, parks, playgrounds, sites for schools, school grounds, and other general purposes as may be required to protect the public health, safety and welfare.

C. Protective Improvements -- Dedication Required. Protective improvements and easements to maintain such improvements shall be dedicated.

D. Private Roads--Landowner Responsibility.

1. The Council shall, after considering the Public Works Director's recommendations, determine if a private road may be platted and if an easement is required for City access.

2. The construction and maintenance of private roads, and snow removal, are the responsibility of the landowner or a homeowners' association and the City is in no way obligated to maintain such roads, to remove snow, or to accept such roads at a later date. Every subdivision containing a private road shall bear the following note on the face of the plat:

NOTE: Purchasers of lots in this plat are advised that the road (roads) within this plat is (are) private. Private roads are not maintained by the City of North Bonneville. The lot owners within the plat must pay for all maintenance of the private road(s) including grading, surfacing, drainage and snow plowing. The size, design and condition of the private road(s) may effect subsequent attempts to divide lots or to dedicate the road to the city.

E. Lot Access Required.

1. Convenient access to every lot shall be provided by a public or private road.
2. In addition, if the council determines that the public use and interest will be served thereby, it may require that provisions be made for sidewalks or pedestrian pathways or easements, as provided by RCW 58.17.110.

F. Requirements for Conveyance to Home-owners' Association or Similar Corporation.

1. Land dedicated in a subdivision for protective improvements, drainage ways, roads, alleys, sidewalks, parks, playgrounds, recreational, community or other public purpose may be conveyed to a homeowners' association or similar corporations if the council determines that public interest will be served thereby.
2. A subdivider who wishes to make such a conveyance shall supply the council and the Administrator with copies of the grantee organization's articles of incorporation and bylaws, and with evidence of the conveyance or a binding commitment to convey. The articles of incorporation shall provide that membership in the organization shall be a right and obligation appurtenant to ownership of land in the subdivision; that the corporation is empowered to assess such land for costs of construction and maintenance of the improvements and property owned by the corporation, and that such assessments shall be a lien upon the land. The council may impose such other conditions as it deems appropriate to ensure that property and improvements owned by the corporation will be adequately constructed and maintained for the public health, welfare and safety. (Ord. 841 § 6, 2003; Ord. 721 § 8, 1995)

**19.08.090 Design standards.**

A. General Standards. All roads, bridges, drains, culverts, sidewalks, curbs, storm sewers, fire protection systems, and related structures or devices shall be constructed in accordance with standards currently in effect at the time of construction. These standards shall be those contained in this chapter or those promulgated or approved by the council.

B. Required Protective Improvements.

1. Land on which there exists any topographic condition hazardous to the safety or general welfare of persons or property in or near a proposed subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazards or unless land subject to the hazard is reserved for uses that will not expose persons or property to the hazards.
2. Protective improvements and restrictions on use shall be clearly noted on the final plat.

C. Lot Size and Dimensions.

1. Where water supply is by individual wells and where individual sewage disposal systems are used, minimum lot size shall be that required by current health district regulations; provided, that the minimum dimensions of a lot shall be not less than two hundred (200) feet wide or two hundred (200) feet deep. Lots shall be proportioned in size and shape to reasonably allow future subdivision.
2. Where an adequate public water supply and individual sewage disposal systems are used, the minimum lot size shall be twenty thousand (20,000) square feet or that required by current health district regulations, whichever is greater. Minimum lot width shall be one hundred (100) feet, and minimum lot depth shall be one hundred twenty (120) feet.
3. Where adequate public water supply and adequate public sewer lines are used, the minimum lot size shall comply with zoning for the district in which the property lies.

D. Reverse Frontage Lots.

1. No residential lots shall have road frontage along two (2) opposite boundaries unless topographical features or the need to provide separation of the lots from arterial roads, railways, commercial activities or industrial activities justifies the use of reverse frontage lots.
2. Reverse frontage lots abutting a traffic arterial shall have no right of access to the traffic arterial.

E. Lot Access.

1. Every lot shall be provided with satisfactory access by a public road or a private road connecting to a public road.

2. Lots adjacent to a road which has been designated an arterial by the Public Works Director shall be provided with access other than the arterial, unless a variance is granted to this requirement.

3. The plat of a subdivision containing lots adjacent to a designated arterial shall not be approved unless the plat contains a waiver of the right to direct access to the arterial, or a variance is granted to this requirement.

F. Utility Easement. Easement for electric, telephone, water, gas and other utilities shall be of sufficient width to ensure maintenance and to permit future utility installations.

G. Underground Utility Installations. Under-ground installation of utilities is required.

H. Drainage and Storm Sewer Easements. Easements for drainage channels and ways shall be of sufficient width to ensure that the same may be maintained and improved. Easements for storm sewers shall be provided and shall be of sufficient width and proper location to permit future installation. Storm drainage improvements may be required by the City as a condition of plat approval.

I. Water Supply and Sanitary Sewer Systems.

1. Where a public water supply is the source of water, potable water shall be provided by the subdivider to each lot within a subdivision. In areas of the city not presently served by a public water system, the subdivider shall be required to develop a water plan and analysis to demonstrate the adequacy of water supply, fire flows, storage and the distribution system serving the proposed subdivision.

2. Where a public sanitary sewer is installed, a connection shall be provided to each lot within a subdivision. The subdivider shall provide an analysis of flow demands and impacts on the city treatment plant capacity.

3. All facilities and devices of water supply and sanitary sewer systems shall meet the standards of the Department of Ecology, and the Department of Health and city regulations.

4. The subdivider shall provide all improvements to the water and sewer systems for the lots in the subdivision, as identified in the water and sewer plan analysis.

J. Sidewalks or Pathways. Sidewalks or path-ways shall be required in a subdivision and, where feasible, shall be integrated with the city's existing pathway system. Sidewalks or pathways shall be located within dedicated right-of-ways, easements or common areas and shall be accessible to all subdivision lots.

1. Easements for pedestrian sidewalks or pathways shall be a minimum of ten (10) feet wide. Structure setbacks shall be a minimum of fifteen (15) feet from the edge of the easement.

2. Sidewalk or pathway shall conform to the standards provided in Chapter 12.24, Street Design and Planning Standards.

K. Roads--General.

1. All subdivisions shall be served by one (1) or more public roads providing ingress to and egress from the subdivision.

2. Major roads within every subdivision shall conform with the city comprehensive plan and shall provide for the continuation of major roads which serve property contiguous to the subdivision.

3. Road networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.

4. The road pattern shall conform to the general circulation of the area and provide for future roads and connections.

5. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided by the applicant, at no cost to the city at the time of subdivision.

L. Road Design Standards. Unless superseded by another city ordinance or set of adopted standards, all subdivision roads to be dedicated shall conform to the following minimum standards:

1. All subdivision roads shall conform to the standards provided in Chapter 12.24, Street Design and Planning Standards, and Chapter 12.28, Street Construction Standards.

2. All subdivision roads and drainage facilities shall be designed by a professional engineer licensed in the State of Washington. (Ord. 841 §§ 7-9, 2003; Ord. 721 § 9, 1995)

**19.08.100 Tests.**

A. Test Standards. Tests required by this chapter shall be in accordance with the standards of the applicable agency performing the tests. Such agency may be the Southwest Washington Health District or the Underwood Soil Conservation District.

B. Tests Required When. The Administrator and/or the Southwest Washington Health District may require tests whenever there is a question relating to the public safety, such as the suitability of any land for any land for subsurface sewage disposal system or land subject to flooding or landslides.

C. Submittal of Test Data. Any agency or representative of an agency that conducts tests under this chapter shall promptly furnish the Administrator with complete data and an interpretation of such data. (Ord. 721 § 10, 1995)

**19.08.110 Survey requirements and standards.**

A. Required--Standards--Certification. The survey of every proposed subdivision and the preparation of preliminary and final plats thereof shall be made by or under the supervision of a registered professional land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standard practices and principles for land surveying.

B. Data Required. At least fourteen (14) days prior to submitting a final plat, the surveyor shall furnish the administrator with sufficient survey data and information to clearly show and substantiate the following:

1. The ties of each permanent monument;
2. At least three (3) durable, distinctive reference points or monuments;
3. Sufficient data to determine readily the bearing and length of each line;
4. The base meridian referred to.

C. Section Reference Points Required. Primary survey control points shall be referenced to section corners and monuments. Corners of adjoining subdivisions or portions thereof shall be identified and ties shown.

D. Monument Reference--Coordinate System. Monuments shall be referenced to the prevailing, local coordinate system.

E. Permanent Control Monuments--Required Locations--Standards.

1. Permanent control monuments shall be established at:
  - a. All controlling corners on the boundaries of the subdivision;
  - b. The intersections of centerline of roads within the subdivision;
  - c. The beginnings and ends of curves on centerline;
  - d. All block corners;
  - e. All meander corners.

2. Permanent control monuments may be placed on offset lines. The position and type of every control monument shall be noted on all plats of the subdivision. Permanent control monuments shall be set in two (2) inch pipe, twenty-four (24) inches long, filled with concrete or shall be constructed of an approved equivalent.

F. Permanent Control Monuments in Roads. Permanent control monuments within the streets shall be set after the roads are constructed.

G. Lot Corner Demarcation. Every lot corner shall be marked by a one-half (1/2) inch diameter by twenty-four (24) inch long iron rod bearing the surveyor's stamped plastic cap, driven into the ground.

H. Property Contiguous to Water—Demarcation. If any land in a subdivision is contiguous to a body of water, a meander line shall be established along the shore at a safe distance back from the ordinary high water mark. Property lying upland from the meander line shall be defined by distances along the side property lines extended from the meander line. (Ord. 721 § 11, 1995)

**19.08.120 Plat standards.**

A. Preliminary Plat Standards and Specifications.

1. Every preliminary plat shall consist of one (1) or more maps, the horizontal scale of which shall be a minimum of one hundred (100) feet to the inch on standard survey sheets (22" ( 32" or 24" ( 36").

2. Plans, profiles and sections of streets and roads, water and sewer lines, and drainage facilities shall be prepared by a registered professional engineer at convenient scale on standard sheets.

3. Maps, drawings and written data are to be in such form that when considered together shall clearly and fully disclose the information listed as follows:

- a. Proposed subdivision name;
- b. The names, addresses and telephone numbers of the persons, firms or corporations holding interests in the proposed subdivision;
- c. If a field survey has been made, the name, address, telephone number and seal of the registered land surveyor who made it or under whose supervision it was made;
- d. The date of such survey;
- e. All existing monuments and markers located by such survey;
- f. The boundary lines of the proposed subdivision along with the bearings and lengths of these lines;
- g. The boundaries of all blocks and lots within the subdivision together with the numbers proposed to be assigned each lot and block and the bearings and lengths of these boundary lines;
- h. The locations, names and width of all proposed and existing streets, roads and easements within and adjacent to the proposed subdivision;
- i. The location, and where ascertainable, sizes of all permanent buildings, wells, watercourses, bodies of water, high and low water marks, all overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over or under the land proposed to be subdivided;
- j. Preliminary plans of proposed water distribution systems, sewage disposal systems and drainage systems, indicating locations;
- k. Contour lines at a minimum of five-foot intervals to show the topography of the land to be subdivided referenced to either the United States Coast and Geodetic Survey datum, City datum or other datum acceptable to the Public Works Director;
- l. A layout of proposed streets, alleys, utility easements and parcels proposed to be dedicated or reserved for public or community, school, park, playground or other uses;
- m. A sketch of the general vicinity in which the land proposed for subdivision lies, upon which are identified owners of land adjacent to the subdivision, the names of any adjacent subdivisions, section corners and section boundaries;
- n. A copy of all restrictive covenants proposed to be imposed upon land within the subdivision;
- o. In subdivisions requiring site evaluation by the Health District, the location of test holes, together with a copy of their report;
- p. Indication of lot sizes and acreage within the subdivision.
- q. Where appropriate, location of floodplain areas, slopes of fifteen (15) percent or more, landslide hazard areas, wetland areas and proposed buffers.

**B. Final Plat--Standards.**

1. Every final plat shall consist of one (1) or more standard sheets. All drawings and lettering shall be in permanent black medium.

2. The subdivision perimeter shall be depicted with heavier lines than appear elsewhere on the plat. The scale shall be a minimum of one hundred (100) feet to the inch.

3. All signatures affixed to a final plat shall be original and written in permanent black ink.

**C. Final Plat--Map--Required--Contents.** Every final plat shall include an accurate map of the subdivided land, based upon a complete survey thereof, which map shall include:

1. All sections, township, municipal and county lines lying within or adjacent to the subdivision;
2. The location of all monuments and other evidence used as ties to establish the subdivision boundaries;

3. The location and description of all permanent control monuments found and established within the subdivision;
4. The boundary of the subdivision with complete bearings and lineal dimensions;
5. The length and bearings of all straight lines, the radii, arcs, and semi-tangents of all curves;
6. The length of each lot line together with bearings and other data necessary for the location of any lot line in the field;
7. The location, width, centerline and name or number of all streets within and adjoining the subdivision;
8. The location and width, shown with broken lines and description of all easements;
9. Numbers assigned to all lots and blocks within the subdivision;
10. Protective improvements and restricted areas;
11. The seal of the registered land surveyor performing the survey and making the plat;
12. Area of each lot in square feet or acres;
13. Map scale and legend.

D. Final Plat--Section Reference Map--Required--Contents. Every final plat shall include a map of the section or sections wherein the subdivision is located. The map shall be of sufficient size to display the following information:

1. Bearings and distances of all section, quarter-section and sixteenth-section lines relative to the survey of the plat;
2. Tie from nearest permanent control monument (section corner, quarter-section corner, etc.) to initial point of the plat.

E. Final Plat--Required Written Data and Documents. In addition to the map or maps, every final plat shall contain written data including:

1. The name of the subdivision;
2. The legal description of land contained within the subdivision;
3. A certificate of the registered professional land surveyor who made, or under whose supervision was made, the survey of the subdivision in substantially the following language:

"I, \_\_\_\_\_, registered as a professional land surveyor by the State of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by me or under my supervision, during the period of   (date)  , through   (date)  ; that the distances, course, and angles are shown thereon correctly; and that monuments other than those monuments approved for setting at a later date, have been set and lot corners staked on the ground as depicted on the plat."

4. A statement of approval signed by the Public Works Director or City Engineer as to:
  - a. Survey data,
  - b. Layout of roads, alleys and easements,
  - c. Road names or numbers,
  - d. The design and/or construction of protective improvements, bridges, water, sewage and drainage systems, and other utility systems;
5. Written certification from subdivider's engineer that all required improvements have been constructed according to approved plans;
6. If any portion of the subdivision lies within a flood control zone, a written statement of approval from the State Department of Ecology;
7. A certificate bearing the typed or printed names of all persons having an interest in the subdivided land, signed by such persons and acknowledged by them before a notary public, consenting to the subdivision of such land and reciting a dedication by them of all land shown on the plat to be dedicated for public uses and a waiver by them and their successors of all claims for damages against any governmental authority arising from the construction and maintenance of public facilities and public property within the subdivision;

8. A certificate signed by the County Treasurer and City Clerk-Treasurer that all taxes on land within the subdivision, including the taxes for the current year, and current and delinquent assessments for which the land within the subdivision may be liable, have been duly paid, satisfied or discharged;

9. Space for approval by the City Council, minimum size one and one-half (1-1/2) inches by four (4) inches;

10. Space for the County Auditor as to filing of the plat for record, minimum size three (3) inches by four (4) inches. (Ord. 721 § 12, 1995)

**19.08.130 Variances.**

A. Variances--General Criteria. When the Planning Commission finds that extraordinary hardship will result from strict compliance with the provisions contained within this chapter, it may vary the regulations; providing, that the adjustment authorized does not grant a special privilege inconsistent with the limitations imposed upon other properties in the vicinity and that the following circumstances are found to exist:

1. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, strict compliance would cause undue hardship and deprive the subject property of rights and privileges enjoyed by other properties in the vicinity;

2. That the granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the vicinity;

3. That the granting of the variance will not have the effect of nullifying the intent and purpose of the regulations set forth in this chapter. (Ord. 721 § 13, 1995)

**19.08.150 Violation--Penalties.**

A. Violation Deemed Civil Infraction. Any violation of the platting and subdivision regulations as contained in this chapter or any amendment thereto shall, except as set forth in subsection B of this section, be a civil infraction punishable by a fine of up to one thousand dollars (\$1,000.00).

B. Illegal Transfer Designated. It is illegal for any person, firm or corporation to transfer, sell or lease, or offer or option for transfer, sale or lease, any land regulated by this chapter before such land has been approved by the City and before the same has been filed for record in the County Auditor's office. Violation of this provision shall be a misdemeanor. Each lot or parcel illegally transferred, leased or sold, or agreed and/or optioned to be sold in violation of this section shall be a separate offense.

C. Agreements to Transfer Land Conditioned on Final Plat Approval--Authorized. 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 under this chapter, the offer or agreement is not subject to subsection B above and does not violate any provision of this chapter. 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 final plat is recorded. (Ord. 772 § 2, 1999; Ord. 721 § 15, 1995)

**Chapter 19.12**

**BOUNDARY LINE ADJUSTMENTS**

**Sections:**

- 19.12.010 Purpose.**
- 19.12.020 Definitions.**
- 19.12.030 Criteria for approval.**
- 19.12.040 Application--Content.**
- 19.12.050 Application--Fee.**

- 19.12.060**     **Application review.**
- 19.12.070**     **Administrative approval.**
- 19.12.080**     **Recording and filing.**

**19.12.010**     **Purpose.**

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. (Ord. 869 (part), 2005: Ord. 631 § 1 ¶1, 1989)

**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. (Ord. 869 (part), 2005: Ord. 631 § 1, 1989)

**19.12.030**     **Criteria for approval.**

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. (Ord. 869 (part), 2005: Ord. 631 § 2, 1989)

**19.12.040 Application--Content.**

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. (Ord. 869 (part), 2005: Ord. 631 § 3.02, 1989)

**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. (Ord. 869 (part), 2005)

**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. (Ord. 869 (part), 2005)

**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. (Ord. 869 (part), 2005)

**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. (Ord. 869 (part), 2005: Ord. 631 § 4.04(a, b), 1989)