

**CITY OF STEVENSON
ORDINANCE 2022-1183**

**AMENDING THE STEVENSON MUNICIPAL CODE TITLE
16 - SUBDIVISIONS; STREAMLINING PROVISIONS
COMMON TO ALL PROPOSALS; AMENDING THE
APPROVAL CRITERIA, SUBMITTAL REQUIREMENTS,
AND ADMINISTRATION OF BOUNDARY LINE
ADJUSTMENT PROPOSALS; REPEALING ORDINANCE
750 IN ITS ENTIRETY; AND REPEALING PORTIONS OF
ORDINANCES 670, 884, 916 AND 1004.**

WHEREAS, the City of Stevenson has adopted a program to review and approve how real property boundaries are established and modified; and

WHEREAS, adoption dates of the aforementioned program range from 1976 to 2016 and result in several redundancies and/or conflicts between provisions; and

WHEREAS, the current program for the review and approve boundary line adjustment proposals lacks clarity, is not aligned with other City programs, and can authorize neighborhood changes out-of-scope with the administrative review of such proposals; and

WHEREAS, submittal requirements for boundary line adjustment proposals are insufficient to properly document real property ownership, boundaries, and encumbrances; and

WHEREAS, approval criteria for boundary line adjustments are insufficient to account for impacts of boundary line adjustments, and measures intended to limit impacts based on the existing insufficient criteria have been overturned upon appeal; and

WHEREAS, pursuant to Chapter 58.17 RCW and RCW 35A.63.100(3), and the police power granted the City of Stevenson by the Constitution and laws of the State of Washington, the City Council seeks to limit the number of redundancies, conflicts, and unclear provisions present in City codes; and

WHEREAS, this ordinance implements 1.4, 2.1, 2.2, 2.6, 2.14, 2.15, 3.1, 3.8, and 7.2 of the Stevenson Comprehensive Plan; and

WHEREAS, the text amendments of this ordinance result in no substantive changes respecting use or modification of the environment and is therefore categorically exempt from threshold determination and environmental impact statement requirements of the State Environmental Policy Act; and

AND WHEREAS, the Stevenson City Council finds that the best interests of the public health, safety and welfare would be served by the amendments herein,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STEVENSON, STATE OF WASHINGTON DO ORDAIN AS FOLLOWS:

- Section 1** – A new chapter, Chapter 16.01 – “General Provisions”, is added to the Stevenson Municipal Code, including sections 16.01.005 – “Purpose & Intent”, 16.01.015 – “Administrative Provisions”, 16.01.020 – “Preliminary Responsibilities & Inquiries”, and 16.01.030 – “Fees” as shown in Exhibit ‘A’.
- Section 2** – Chapter 16.02 – Short Plats and Short Subdivisions is amended by repealing SMC 16.02.005 – “Purpose”, 16.02.090 – “Application-Fee”, and 16.02.100 – “Application procedure-Administrator’s authority”, all adopted as parts of Ordinance 884, and amending 16.02.110 – “Application procedures-Receipt and distribution of copies”, the amendments delete the ~~struck-through~~ text and add the underlined text shown in Exhibit ‘B’. All other provisions of Chapter 16.02 remain in effect without amendment.
- Section 3** – Chapter 16.14 – “General Provisions” is amended by repealing SMC 16.14.005 – “Purpose”, adopted as part of Ordinance 1004, SMC 16.14.010 – “Administration”, adopted as section 4.10 of Ordinance 670, and SMC 16.14.015 – “Interpretation of Provisions”, adopted as part of Ordinance 1004. All other provisions of Chapter 16.14 remain in effect without amendment.
- Section 4** – Chapter 16.18 – “Preliminary Procedures” is amended by repealing SMC 16.18.020 – “Preliminary Conference”, adopted as section 6.20 of Ordinance 670, SMC 16.18.025 – “Site evaluation—Critical areas”, adopted as part of Ordinance 1004), SMC 16.18.030 – “Preliminary Responsibilities and inquiries”, adopted as section 6.30 of Ordinance 670, and SMC 16.18.050 – “Preliminary plat—Fees”, adopted as section 6.50 of Ordinance 670, amended by Ordinance 750, and further amended as part of Ordinance 1004. All other provisions of Chapter 16.18 remain in effect without amendment.
- Section 5** – Chapter 16.37 – “Boundary Line Adjustments-Review and Approval” is amended by deleting the ~~struck-through~~ text and adding the underlined text as shown in Exhibit ‘C’. The amendments occur in SMC 16.37.010 – “Purpose of provisions and conditions for adjustment”, 16.37.020 – “Definitions”, 16.37.040 – “Application requirements”, and 16.37.050 – “Administrative Review”, adopted as sections 1, 2, 4, and 5 of Ordinance 916, respectively. All other provisions of Chapter 16.37 remain in effect without amendment.
- Section 6** – This ordinance affects Title 16 of the Stevenson Municipal Code only insofar as set forth herein. All other provisions of Title 16 remain in full force and effect, and that where the provisions of this ordinance are the same as the provisions they replace, the provisions of this ordinance is interpreted as a continuation of those previous provisions and not as a new enactment.
- Section 7** – If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Section 8 – This ordinance shall become effective upon adoption according to law.

Passed by a vote of _____ at the City Council meeting of _____, 2022.

SIGNED:

ATTEST:

Scott Anderson
Mayor of Stevenson

Leana Kinley
Clerk/Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich
City Attorney

SMC 16.01 – GENERAL PROVISIONS

SMC 16.01.005 – Purpose & Intent.

- A. The purpose of this title is to:
 - 1. Prescribe regulations and procedures for the division of land and modification of real property boundaries in the City to promote the public health, safety and general welfare; and
 - 2. Implement the various plans, policies, and standards adopted by the State and the City including, but not limited to, Revised Code of Washington chapters 35A.63, 58.09, 58.17, and 65.08 and the Stevenson Comprehensive Plan.
- B. The regulations contained herein are intended to:
 - 1. Prevent the overcrowding of land;
 - 2. Lessen congestion in the streets and highways;
 - 3. Promote effective use of land;
 - 4. Promote safe and convenient travel by the public on streets and highways;
 - 5. Provide for adequate light and air;
 - 6. Facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and schoolgrounds and other public requirements;
 - 7. Provide for proper ingress and egress;
 - 8. Provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies;
 - 9. Adequately provide for the housing and commercial needs of the citizens of the state;
 - 10. Require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

SMC 16.01.015 – Administrative Provisions.

- A. Short Title. This title shall be known and may be cited as the “Stevenson Land Division Code”.
- B. Administrative Authority.
 - 1. The City shall regulate, and may withhold, condition, or deny permits or approvals requested under this title to ensure the proposed action is consistent with the requirements of this title.
 - 2. Except as otherwise specifically provided herein, the Land Division Administrator, referred to as the administrator, is vested with the duty of administering the provisions of this title.
 - 3. For the purposes of ensuring enforcement and conformity, the Administrator shall develop application forms and permitting procedures to review proposals and administer the provisions of this title.
- C. Relationship to Other Regulations.
 - 1. This title shall apply in addition to zoning and other regulations adopted by the city.
 - 2. Compliance with the provisions of this title does not constitute compliance with other local, state, or federal reviews, regulations, or permit requirements (e.g., SEPA, SMP, HPA, etc.). The proponent is responsible for complying with such requirements, apart from the process established in this title.
 - 3. When any provisions within this title or any existing regulation, easement, covenant, or deed restriction conflicts with this title, the most restrictive requirements shall prevail.

Exhibit 'A'

- D. Interpretation of Provisions. It shall be the duty of the City Council, Planning Commission, Board of Adjustment, and Land Division Administrator to interpret and/or administer the provisions of this title in such a way as to carry out the intent and purpose of the Comprehensive Plan. Where this title is not clear, or where there are inconsistencies within this title, the Comprehensive Plan shall be referred to for interpretation and guidance.

SMC 16.01.020 – Preliminary Responsibilities & Inquiries.

- A. Preliminary Conference. When the administrator deems it necessary a conference may be called between the applicant and appropriate officials involved with application approval, prior to submission of an application for review.
- B. Site Evaluation—Critical Areas. Prior to preparation of preliminary plans for a proposal requiring approval under this title and prior to site disturbing activities, the applicant shall meet with the administrator to assess whether the proposed development site includes one or more critical areas as identified, classified and protected by SMC 18.13. A joint visit to the site may be necessary. If the administrator determines that a critical area is present or likely to be impacted by a proposed development, the applicant shall first complete a critical areas application, review and report, with appropriate protective measures identified, prior to preparation of preliminary development plans. The intent of this section is to minimize design conflicts, unnecessary costs and misunderstandings that could arise later. The applicant will be able to proceed with greater certainty about the physical limitations of a particular site.
- C. Site Evaluation—On-Site Sewage Disposal. When a proposal involves service by an on-site sewage disposal system, site evaluations by the health officer shall be obtained by the applicant prior to the submission of an application. The evaluation shall be submitted to the administrator and indicate whether larger lot sizes than those called for in this title are recommended.

SMC 16.01.030 – Fees.

- A. An application for approval under this title shall be accompanied by a review fee payable to the city in an amount established and periodically adjusted by resolution of the City Council.
- B. Payment of fees under this section does not guarantee that an approval will be issued.

Exhibit 'B'

SMC Title 16 Subdivisions

SMC 16.02 – Short Plats and Short Subdivisions

~~SMC 16.02.005 – Purpose.~~

~~The purpose of this chapter pursuant to RCW Title 58, RCW Chapter 35.63, and RCW Chapter 65.08 is to regulate the subdivision of land and to promote public health, safety and general welfare. The regulations contained in this chapter are designed, among other things, to encourage the most beneficial use of land throughout the city; to lessen traffic congestion and accidents; to secure safety from fire; to promote the coordinated development of vacant areas; 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 facilitate adequate provisions of transportation, water sewage and other public uses and requirements; to require uniform monumentation of land in short subdivisions; and to require conveyance by accurate legal description.~~

~~SMC 16.02.090 – Application Fee.~~

~~A fee of seventy five dollars shall be submitted to the city, along with the short plat application and map, to cover the short plat subdivision administrative review. Checks are to be made payable to the city of Stevenson. Fees are not refundable.~~

~~SMC 16.02.100 – Application procedure-Administrator’s Authority.~~

~~The short plat administrator, referred to as the administrator, is vested with the duty of administering the provisions of this chapter and with authority to summarily approve or disapprove proposed short plats pursuant to the procedures set forth in this chapter. The administrator shall prepare and require use of such forms as are necessary for the administration of this chapter.~~

SMC 16.02.110 – Application procedures-Receipt and distribution of copies.

- A. Any property owner intending to divide land by this chapter shall obtain a short plat application form and map sheet from the city. The applicant shall then complete the application and map sheet listing all required information as outlined within Sections 16.02.050 and 16.02.090.
 1. ~~Sewage Disposal System. When proposed lots are to be served by an on site sewage disposal system, site evaluations by the district health officer shall be obtained by the applicant prior to the submission of the short plat application. [Reserved]~~
 2. Private Roads-Maintenance. Every short plat containing a private road serving two or more lots shall be accompanied by a private road maintenance agreement signed by the short plat subdivider. The agreement shall be recorded with the auditor.
- B. Upon submission of a short plat application, a date of receipt shall be affixed on the application. The administrator shall then determine whether the requirements of this chapter have been met. An application or map lacking sufficient information for review or not meeting the requirements of the chapter shall be rejected by the short plat administrator and returned to the applicant, and such rejection shall be accompanied by a written statement citing the reason for rejection.

Exhibit 'B'

- C. After the short plat administrator determines that the proposed short plat application and map contain the required information and data, the administrator shall distribute copies of the short plat application and map to the following as is necessary:
1. City public works department;
 2. City clerk-treasurer;
 3. ~~Southwest Washington Health District~~Health officer;
 4. City planning commission;
 5. Washington State Department of Transportation if the short plat is located adjacent to the right-of-way of a state highway;
 6. Any state or local agency which may have an interest in the short plat as determined by the administrator;
 7. The administrator will mail a notice of the proposed short plat to the latest recorded real property owners as shown by the records of the county assessor, who share a common boundary line with property being short platted, by United States first class mail.

Exhibit 'C'

SMC Title 16 Subdivisions

SMC 16.37 – BOUNDARY LINE ADJUSTMENTS-REVIEW AND APPROVAL

SMC 16.37.010 – Purpose of provisions and conditions for adjustment.

- 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 as a building site or otherwise 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;
 - ~~7.8. Will not increase the number of lots accessing to or from any access onto an arterial or collector street within the city if alternate access is available~~ comply with city standards and policies for access and will not result in a lot, tract, parcel, site or division without access consistent with city standards and policies;
 9. Will not be contrary to the purpose of RCW 58.17 and Title 16 of this title nor be used to circumvent subdivision or short subdivision procedures set forth in this title. Factors which indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include numerous and frequent adjustments to existing contiguous lot boundaries, and/or a large number of contiguous lots being proposed for boundary line adjustments at the same time;
 - ~~8.10.~~ Will not result in the need for a reasonable use allowance or other exception under the Critical Areas Code.

SMC 16.37.020 – Definitions.

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. A boundary line adjustment is generally between two lots. All boundary line adjustments shall conform to the criteria set forth herein and the other provisions of this chapter.

Exhibit 'C'

"Building site" means a parcel of land which meets area requirements, setbacks and access standards, is serviceable by utilities, and meets the provisions of the zone in which the parcel is located, excepting lands with slopes greater than fifteen percent, unbuildable geology, unstable slopes, and lands which lie within the one-hundred-year floodplain.

"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". See SMC 1.08.010.J. means any natural person, partnership, corporation, association or other entity, and any governmental body.~~

SMC 16.37.030 – Approval Required.

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.

SMC 16.37.040 – Application requirements.

- 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~~No application will be deemed complete nor a decision issued until a complete application is submitted to the City. A complete application consists of the following:
1. ~~A completed application on a form provided by the City. The application shall include the signatures of all owners, or their representatives, of the lots involved in the boundary line adjustment. The signatures of the owners of the property, or their representative, involved in the adjustment, indicating approval of the proposal;~~
 2. ~~A title report furnished by the applicant which confirms the title of the land in the proposal is vested in the name of the owners signing the application and which provides copies of all shows restrictions, covenants, and conditions encumbering the land. 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.~~
 4. Other documentation necessary to demonstrate compliance with other applicable city permits or regulations.
- 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~~by a licensed professional land surveyor, clearly showing the following information:

Exhibit 'C'

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.~~

SMC 16.37.050 – 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 16.37.040.

- A. The administrator may forward one copy of the proposed boundary line adjustment plan to the public works director and/or fire marshal for review if deemed necessary. In such cases, ~~the public works directors~~ said official 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.

Exhibit 'C'

- D. The decision of the administrator may be appealed as contained in [Chapter Section 16.4002.170](#).

SMC 16.37.060 – 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.

SMC 16.37.070 – Violations-Penalties.

- A. Any person who makes any transfer or conveyance or enters into any contract for the transfer or conveyance of any property which would constitute a boundary line adjustment as defined by this chapter, and who fails to comply with the provisions of this chapter, shall be guilty of a Class 1 civil infraction punishable by a fine not to exceed two hundred fifty dollars, or as set by statute, plus court costs and statutory assessments for each violation. However, it shall not be a violation to contract for the transfer or conveyance of property so long as the transfer or conveyance is expressly conditioned upon boundary line adjustment approval.
- B. In addition, any such transfer or conveyance shall be null and void, and the city may record any appropriate document to nullify or may initiate any appropriate action to enjoin or set aside such transfer, conveyance or any sale or agreement in the appropriate court with jurisdiction, and may recover, together with any other amounts, such reasonable attorney's fees and costs incurred in bringing such action as may be allowed under the laws of the state of Washington.