

SKAMANIA COUNTY CODE

TITLE 17

SHORT PLATS

(Amended 3/27/07)

CHAPTER 17.64

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CHAPTER 17.64 SHORT PLATS AND SHORT SUBDIVISIONS

17.64.010 **CONFORMITY WITH COMPREHENSIVE LAND USE PLAN REQUIRED**

From and after June 22, 1981, all subdivisions and short plats shall conform to the county comprehensive land use plan in existence at the time of application for subdivision or short plat is made, subject to Skamania County Code, Chapters 17.64 and 17.52. (Ord. 1981-03).

17.64.015 **CONFORMITY WITH THE NATIONAL SCENIC AREA REQUIRED**

All short subdivisions located within the National Scenic Area shall be reviewed for consistency with this Chapter after approval has been granted per Skamania County Code Title 22. If a conflict arises between the requirements of Title 22 and this Chapter then Title 22 shall be controlling.

17.64.020 **DEFINITIONS**

Whenever the following words and phrases appear in this chapter, they shall be given the meaning attributed to them by this section. When inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision.

- A. **Access Panhandle** is 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, being less in width than the minimum lot width allowed by this chapter.
- B. **Board** is the Board of County Commissioners of Skamania County.
- C. **Department** is the Skamania County Planning Department.
- D. **Local Health Department authority** is a representative of the local Health Department authority.
- E. **Easement** is a grant by a property owner to specific person or persons, corporation or entity, or to the public to use land or a limited specific purpose or purposes.
- F. **Lease** is an agreement between a property owner and a tenant for the use of a described parcel of land for a period of five years or more. "Lease" does not

apply to any division of a single building into multiple businesses, or to Port District land.

- G. **Hearing Examiner** is an appointed official vested with the duties established by Skamania County Ordinance number 2006-26.
- H. **Lot** is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum requirements for width, depth and area. The term shall include tracts or parcels.
- I. **Lot Depth** is 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.
- J. **Lot Width** is the distance measured between the mid-points of the two principal side lot lines and at approximately right angles to the lot depth.
- K. **Owner(s)** for purposes of this Title includes any person, firm, corporation, or other legal entity who has an 'ownership interest' as defined herein.
- L. **Ownership Interest** for purposes of this Title includes any person, firm, corporation, or other legal entity who is a contract real estate purchaser and/or holds fee simple title of the property being subdivided.
- M. **Private Road** Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner but not by other persons. For the purpose of this chapter this shall apply only to roadways serving two (2) or more parcels of land. Nothing herein shall be construed as creating a County Road without the County's acceptance thereof.
- N. **Public Dedication** is the deliberate conveyance of land by an owned 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.
- O. **Road** is 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.
- P. **Short Plat** is a document consisting of a map of a Short Subdivision, together with written certificates and data, showing thereon the division of a tract of land into lots.
- Q. **Short Plat Administrator** is the Planning Director or his or her designee, also referred to as the Administrator.

- R. **Short Subdivision** is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.
- S. **Short Plat Subdivider** is any legal entity that undertakes to create a Short subdivision for the purpose of this chapter. (Ord. 1980-07 §4.0)

17.64.030 **APPLICABILITY OF CHAPTER PROVISIONS**

Every division of land into four or less lots, tracts, parcels, sites or subdivisions for the purpose of sale, lease, or transfer of ownership shall proceed in compliance with this chapter. Land contained within a short subdivision shall not be further divided for a period of five years from the date of filing of a short plat without the filing of a final (long) plat. (Ord. 1980-07 §3.10)

17.64.040 **EXEMPTIONS FROM CHAPTER APPLICABILITY**

The provisions of this chapter shall not apply to:

- A. Any cemetery or burial plot, while used for that purpose;
- B. Any division of land into lots, tracts or parcels where each lot is 20 acres or larger provided the division does not violate the minimum lot size required by the underlying zoning district. Where a road constitutes a lot border or portion thereof, the lot area may be computed from the centerline of said road;
- C. Any divisions of land made by a court order pursuant to testamentary provisions, or by such other laws of state-wide application dealing with distribution of real property, provided the division does not violate the minimum lot size required by the underlying zoning district;
- D. Any division of land made in compliance County Code, Title 17, Subdivisions, Chapters 17.04 through 17.60 inclusive;
- E. 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 which contains insufficient area and dimension to meet minimum lot size as established by the underlying zoning district.
- F. Divisions of land made by court order are exempt from the provisions of Title 17.64; PROVIDED, the division shall comply with all provisions of Title 21 and Title 22.

G. Previously created or established lot or parcels.

17.64.050 **ADMINISTRATION - PLANNING DEPARTMENT AUTHORITY**

The Skamania County Planning Department, referred to in this chapter as the Department, is vested with the duty of administering the provisions of this chapter and with authority to summarily approve or disapprove proposed short subdivisions. The Department shall prepare and require the use of such forms as deemed essential to the administration of this chapter. (Ord. 1980-07 §5.0)

17.64.060 **PROCEDURES REQUIRED GENERALLY - DISTRIBUTION**

- A. Any property owner intending to divide land by this chapter shall obtain a short plat application from the Department. The applicant may then complete the application listing all required information as outlined within Section 17.64.155 of this chapter.
 - 1. Prior to the submission of a short plat application it shall be the responsibility of the short plat subdivider to inquire to the Local Health Department authority in order to ascertain whether lot sizes larger than required under Section 17.64.155, Standard Minimum Lot Sizes, Dimensions, and Proportions of this chapter are recommended for the intended lot use.
 - 2. For lots intended for residential use or other building structures, the Local Health Department authority shall require a site evaluation test to determine whether the lots are suitable for subsurface sewage disposal. If larger lots are recommended, the Local Health Department authority shall forward a statement in writing to the short plat subdivider and a copy to the Administrator to this effect and specify the lot sizes, and reasons and conditions for the recommendation.
- B. Upon submission of a short plat application, a date of receipt shall be affixed on the application. The Department 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 such rejection shall be accompanied by a written statement citing the reason for rejection.
- C. When the Short Plat Administrator determines that the proposed short plat application and map contains the required information and data as a basis for its approval or disapproval, copies of the short plat application and map shall be distributed to the following:
 - 1. County Engineer;

2. Local Health Department authority;
3. Washington State Department of Transportation if the short subdivision is located adjacent to the right-of-way of a state highway;
4. Any state or local agency which may have an interest in the short subdivision as determined by the Short Plat Administrator.
5. Written notice of the proposed short ~~plat~~ subdivision shall be mailed by United States first class mail to all property owners of record, as shown by the records of the County Assessor, located within three hundred (300) feet of any portion of the boundary of the subject property and any contiguous lots in the same ownership.

17.64.070 **APPLICATION - INFORMATION REQUIRED**

The short plat application shall contain the following information:

- A. The name, address and telephone number(s) of the owner(s) submitting the short plat application;
- B. The existing zoning classification;
- C. The Section, Township, and Range in which the property being short platted is located, and the County Assessor's Tax Lot Number;
- D. The proposed source of water supply and if a public system is used, the name of the supplier;
- E. The method of the sewage disposal and, if sanitary sewer is used, the name of the district having management over the system;
- F. A written legal description of the entire contiguous property;
- G. The location of existing buildings, wells and septic systems, the name of adjacent land owners and subdivisions, water courses and drainages and important natural topographic features relevant to the land proposed to be divided, shall be shown on a copy of the short plat map. (Ord. 1980-07 §6.10)

17.64.080 **APPLICATION - MAP REQUIREMENTS**

The short plat map shall be on a sheet of stable base mylar polyester film having dimensions of eighteen inches by twenty-four inches. All drawing and lettering

shall be in permanent black ink. All signatures affixed to the short plat map shall be original and written in permanent black ink. The short plat map shall, at a minimum, include the following information:

- A. The boundary of the entire contiguous parcel, proposed lot lines, including lengths and bearings of said parcel and lot lines;
- B. The number of each lot, the lot size in acreage or square feet (whichever is more appropriate);
- C. The scale of the map and North indication;
- D. The location of existing road and utility rights-of-way and easements including the width thereof, boundaries and section and township lines;
- E. The legal description of land contained within the short subdivision;
- F. The name, signature and certification stamp of the Washington State registered Professional Land Surveyor;
- G. A certificate giving:
 - 1. A statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner and owners and that all easements shown thereon are granted for the purpose stated on the easement;
 - 2. If the short subdivision includes a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individuals, religious society or societies or to any corporation, public or private as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road;
 - 3. The notarized signatures of the owner or owners having an interest in the land being short platted.
- H. Signature block for approval by Short Plat Administrator, County Engineer, County Treasurer, Sanitarian and space for the County Auditor as to filing of the plat for record;
- I. Statement: "Land within this short subdivision shall not be further subdivided for a period of 5 years unless a final (long) plat is filed pursuant to Skamania County Code, Title 17, Subdivision, Chapter 17.04 through 17.60 inclusive";

- J. Every short subdivision containing a private road shall bear the following language on the short plat map: "Warning: Purchasers of a lot, or lots, in this plat are advised that the lot, or lots, in this plat are serviced by private roads. Private roads are not maintained by Skamania County. Lot owners within this plat must pay for the maintenance of the private roads serving this plat, including grading, drainage, snow plowing, etc. The condition of the private road may affect subsequent attempts to divide your lot, or lots. Private roads must comply with Skamania County's private road requirements." (Ord. 1980-07 §6.20)

17.64.090 **APPLICATION - SUPPORTING DOCUMENTS REQUIRED**

Every short plat application shall be required to include a title report for legal proceedings confirming that title of the lands described by the short subdivision is in the name of the owner(s) signing the certificate as noted in Section 17.64.080(F)(3) and showing restrictions encumbering the land. (Ord. 1980-07 §6.30) Title reports shall not be more than two months old at the date of recording the short plat.

17.64.095 **FEE**

A short plat application review fee shall be established by the Board of County Commissioners from time to time. The fee shall be submitted to the Department along with the short plat application and map to cover the short plat application administrative review. Checks are to be made payable to the Skamania County Treasurer. Fees are not refundable. (Ord. 1992-08)

17.64.100 **REVIEW AND RECOMMENDATION PROCEDURES**

- A. The Short Plat Administrator shall set a date for return of findings and recommendation from each agency and adjacent property owner, the date to be within 20 working days from the date of transmittal to each agency and adjacent property owner.
- B. The County Engineer shall notify the Administrator that:
 - 1. Road access, surface drainage and road construction comply with current county standards.
 - 2. The short plat map and the accompanying legal description is adequate for the purpose of dividing land by this chapter.
- C. The Local Health Department authority shall notify the Administrator that:

1. Water supply methods and sanitary sewer disposal methods contemplated for use in the proposed short subdivisions, do or do not conform with current standards; and,
 2. Where sanitary sewers are not available, that each lot contains adequate area and proper soil, topographic and drainage conditions to be served by an on-site sewage disposal system. The Health Office shall require a sewage disposal system site evaluation to determine whether lots in a proposed short subdivision meet the current standards for on-site sewage disposal systems. A satisfactory site evaluation does not constitute an indefinite approval for a sewage disposal system permit. The provisions of RCW Chapter 58.17.170 shall apply to short subdivisions.
- D. Other agencies and adjacent property owners notified by mail, shall notify the Administrator of their concerns or grievances. (Ord. 1980-07 §5.20)

17.64.105 **OFFICIAL DETERMINATION OF COMPLIANCE**

- A. The Administrator shall review all information relevant to the short subdivision proposal and render an official determination of compliance within 30 days of the date of (receipt) initial filing of a complete application. If circumstances require the Department to extend the review period beyond 30 days, the Administrator shall notify the applicant, in writing, of the purpose and duration of the extension.
- B. After determination of compliance, the Short Plat Administrator shall:
 1. Approve the short subdivision, with or without conditions; or
 2. Return the short subdivision to the applicant for corrections or for the applicant's construction of improvements in a manner consistent with official findings; or
 3. Disapprove the short subdivision with written findings. (Ord. 1980-07 §5.30)

17.64.110 **APPEAL - FROM SHORT PLAT ADMINISTRATOR DECISION**

Any person aggrieved by the decision of the Short Plat Administrator may request a review of that decision by the Hearing Examiner within 14 calendar days following the issuance of the decision. (Ord. 1980-07 §5.31)

17.64.115 **APPEAL - REVIEW AND PUBLIC HEARING**

If the decision of the Short Plat Administrator is appealed to the Hearing Examiner, the Hearing Examiner shall conduct a review and a public hearing under the procedure established for hearings by Skamania County and thereupon adopt its own recommendations for approval, disapproval or return the short subdivision to the applicant for modification, correction, construction of improvements, or meeting conditions of approval. (Ord. 1980-07 §5.32)

17.64.120 **PRELIMINARY APPROVALS**

If the recommendation of the Administrator under Section 17.64.105 requires meeting of conditions, construction of private roads and/or water systems or the applicant needs time to obtain required certifications; then the Administrator shall give the applicants short subdivision preliminary approval for a six-month period to complete said conditions. Upon fulfillment of said preliminary approval requirement(s), and upon acceptance of such proof by the Administrator, the Administrator shall then proceed with the final approval of the short subdivision. Upon application by the applicant within the initial preliminary approval period, the Administrator may, if the applicant has demonstrated good cause, grant a time extension for the preliminary approval. (Ord. 1980-07 §5.40)

17.64.125 **FINAL APPROVAL AND RECORDING**

- A. When the short plat map meets all the requirements of this chapter, and the subdivider has provided the required documentation/certification, and paid the short plat application fee; then written approval by the Administrator, County Engineer, Sanitarian and County Treasurer shall be inscribed upon the face of the short plat map. The action of approving a short subdivision shall become effective when the final short plat map has been filed for record with the Auditor of Skamania County. No final short plat map will be accepted for filing unless all currently due and payable taxes have been paid in full to the County Treasurer.
- B. It is the responsibility of the Short Plat Administrator to record the short plat map with the County Auditor. The short plat subdivider shall pay the current recording fee.
- C. Upon recording of the short plat map, the Administrator shall supply one copy each to the County Assessor, County Engineer, Local Health Department authority and the short plat subdivider. (Ord. 1980-07 §5.50)

17.64.135 **UNAPPROVED SHORT PLATS NOT TO BE FILED**

The Auditor shall refuse to accept for filing any short plat that does not bear the Administrator's certificate of approval. Should a short plat be filed without such a certificate, the Prosecuting Attorney shall apply for a Writ of Mandate on behalf of the Administrator, directing the Auditor to remove the unapproved plat from their files or records. (Ord. 1980-07 §11.0)

17.64.145 **DESIGN STANDARDS GENERALLY**

- A. 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 preliminary approval. These standards shall be those contained in this chapter or those promulgated by the Board or may be other than a County standard if approved by the County.
- B. Land on which exist any topographic conditions hazardous as defined in Skamania County Code Title 21A (Critical Areas), to the safety or general welfare of persons or property in or near a proposed short 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 as will not expose persons or property to the hazard.
- C. Protective improvements and restrictions on use shall be clearly noted on the short plat map. (Ord. 1980-07 §7.0)

17.64.150 **SURVEYS**

All short plats shall be prepared, signed and sealed by a Professional Land Surveyor registered in the State of Washington in conformance with the requirements of the Survey Recording Act RCW 58.09. Surveys shall be required for all lots within a short subdivision. All controlling corners on the boundaries of the short subdivision and all lot corners shall be monumented. All new and existing permanent monuments within the short subdivision shall be located and described. All monuments and markers shall be shown on the face of the final short plat.

17.64.151 **SURVEY DISCREPANCIES**

Whenever a survey of a proposed short plat reveals a discrepancy, the discrepancy shall be noted on the face of the short plat. Any discrepancy shall be disclosed in a title report prepared by a title insurer and issued after the filing of the short plat. As used in this subsection, "discrepancy" means:

- A. A boundary hiatus;
- B. An overlapping boundary;
- C. A physical appurtenance, which indicates encroachment, lines of possession, or conflict of title. (Ord. 1988-01)

17.64.155 **STANDARD MINIMUM LOT SIZES, DIMENSIONS AND PROPORTIONS**

Minimum lot sizes and dimensions shall be in conformity with any applicable zoning ordinance or the County Comprehensive Land Use Plan.

- A. The minimum lot size and dimensions for any short subdivision not included under a zoned area of the County or the County Comprehensive Land Use Plan shall be:
 - 1. Where water supply is individual wells and individual sewage disposal systems are used, the minimum lot size shall be two (2) acres. Minimum lot width shall be 200 feet.
 - 2. Where an adequate public water supply and individual sewage disposal systems are used, the minimum lot size shall be twelve thousand five hundred (12,500) square feet. Minimum lot width shall be ninety (90) feet and minimum lot depth shall be one hundred and twenty (120) feet.
 - 3. Where adequate public water supply and adequate public sewer lines are used, the minimum lot size shall be eight thousand (8,000) square feet. Minimum lot width shall be seventy (70) feet.
 - 4. For purposes of computing the size of lots in subsection A1, A2, or A3 of this section, shall be the applicable lot size for the Rural I Land Use Area of the Skamania County Comprehensive Land Use Plan.
- B.
 - 1. For purposes of computing the size of lots in subsection A1 of this section, the lot area may include public road rights-of-way and private road easements; provided said rights-of-way and easements shall not exceed 60 feet in overall width for purposes of lot area computation.
 - 2. For purposes of computing the size of lots in subsection A2 and A3 of this section, the lot area may not include public road rights-of-way and private road easements;

- C. In any of subsections A1 through A4 of this section, the lot depth should not exceed the lot width by more than a ratio of 4 to 1, 4 being the depth. Access panhandles shall not be taken into account as part of the area calculations relative to minimum lot sizes indicated above. (Ord. 1985-4 §3; Ord. 1980-07 §7.20)

17.64.160 **ACCESS REQUIREMENTS**

- A. Every lot shall be provided with satisfactory access by a public road or private road connecting to an existing public road, over an easement that is permanent and inseparable from the lot served.
- B. Double frontage lots shall be designed with an easement at least ten feet wide to be dedicated along the lot lines abutting a road which has been designated an arterial by the County Engineer, across which there shall be no right of access for the general public or adjoining property owners.
- C. Lots adjacent to a road which has been designated an arterial by the County Engineer may require access other than the arterial road if an unsafe condition exists. 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. 1980-07 §7.30)

17.64.175 **ROADS - PUBLIC AND PRIVATE ROADS**

- A. Where a short subdivision abuts a public road having insufficient width to conform to current County Public Road Standards, dedication of sufficient additional right-of-way to Skamania County may be required within the boundary of the designated lots of said short subdivision, if it can be demonstrated that said dedication is in the public interest or that the road is unsafe and/or the road in question is scheduled for right-of-way acquisition in conjunction with improvements under the current six-year road plan.
- B. Public and private roads shall be developed in accordance with the Skamania County public or private road standards.
- C. The construction, maintenance and snow removal of private roads are the responsibility of the short plat subdivider or land owner(s). Skamania County is in no way obligated for maintenance or snow removal until the roads meet County public road standards and are accepted by the Board as a county road. Development of private roads to meet the standards for acceptance by the Board as a county road is the responsibility of the land owner(s). (Ord. 1981-05 part; Ord. 1980-07 §7.40)

17.64.190 **WATER SUPPLY AND SANITARY SEWER SYSTEMS**

All facilities and devices of water supply and sanitary sewer systems shall meet the standards of the local Health Department authority and any local or state regulations. (Ord. 1980-07 §7.50)

17.64.200 **UTILITY AND DRAINAGE EASEMENTS**

- A. Easements for electric, telephone, water, gas and similar utilities shall be of sufficient width to assure maintenance and to permit future utility installations.
- B. 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. 1980-07 §7.60)

17.64.205 **SIDEWALKS**

Sidewalks may be required to be constructed in conjunction with short subdivision public and private roads in areas of the county where school bus service is not provided and students walk to and from school. (Ord. 1992-08)

17.64.210 **RE-SUBDIVISION RESTRICTIONS**

Lots within a short subdivision, approved within five (5) years immediately preceding, may not be further divided until a final (long) plat of the re-subdivision has been approved and filed for record pursuant to Skamania County Code, Title 17, Subdivisions, Chapters 17.04 through 17.60 inclusive. When the original short subdivision contains less than four (4) lots, the above prohibition shall not apply to the creation of additional lots, not to exceed a total of four (4) within the five (5) year period. (Ord. 1980-07 §8.0)

17.64.230 **ENFORCEMENT**

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

- B. No developmental permit (such as a septic tank permit, building permit, or road approach permit) shall be issued for any lot divided in violation of this chapter.
- C. Any person, firm or corporation, or any agent of these who violates this chapter or RCW 58.17 relating to the sale, lease or transfer of any lot within a short subdivision, shall be guilty of a gross misdemeanor, and each 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. 1980-07 §10.0)

17.64.241 **SHORT PLAT ALTERATION INVOLVING A PUBLIC DEDICATION**

- A. When any person is interested in the alteration of any short plat that involves a public dedication or the altering of any portion thereof that involves a public dedication, except as provided in Section 17.64.040(F), that person shall submit an application to request the alteration to the Hearing Examiner. The application shall contain the signatures of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject short plat or portion to be altered. If the short plat is subject to restrictive covenants which were filed at the time of the approval of the short plat, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the short plat or portion thereof.
- B. Upon receipt of an application for alteration, the Hearing Examiner shall provide notice of the application to all owners of property within a short plat, and as provided for in Section 17.64.060. The notice shall establish a date for public hearing.
- C. The Hearing Examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the short plat, such land may be altered and divided equitably between the adjacent properties.

- D. After approval of the alteration, the Hearing Examiner shall order the application to produce a revised drawing of approved alteration of the short plat, which after signature of the Administrator, shall be filed with the County Auditor to become the lawful plat of the property.
- E. This section shall not be construed as applying to the alteration or replatting of any short plat of state-granted tide or shore lands. (Ord. 1988-01)

17.64.242 **SHORT PLAT ALTERATIONS NOT INVOLVING A PUBLIC DEDICATION**

- A. When any person is interested in the alteration of any short plat that does not involve a public dedication or the altering of any portion thereof which does not involve a public dedication, except as provided in Section 17.64.040(F), that person shall submit an application to request the alteration to the Short Plat Administrator. The application shall contain the signatures of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject short plat or portion to be altered. If the short plat is subject to restrictive covenants which were filed at the time of the approval of the short plat, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the short plat or portion thereof.
- B. Upon receipt of an application for alteration, the Short Plat Administrator shall provide notice of the application to all owners of property within a short plat, and as provided for in Section 17.64.060.
- C. The Short Plat Administrator shall determine the public use and interest in the proposed alteration in the same manner as provided in Section 17.64.100 and may deny or approve the application for alteration in the same manner as provided in Section 17.64.125. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the short plat, such land may be altered and divided equitably between the adjacent properties.
- D. After approval of the alteration, the Short Plat Administrator shall order the applicant to produce a revised drawing of the approved alteration of the short plat, which after signature of those officers as required in Section 17.64.125, shall be filed with the County Auditor to become the lawful plat of the property.

- E. This section shall not be construed as applying to the alteration or replatting of any short plat of state-granted tide or shore lands. (Ord. 1988-01)

17.64.243 **SHORT PLAT VACATION**

- A. Whenever any person is interested in the vacation of any short plat or any portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the Hearing Examiner. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the short plat subject to vacation. If the short plat is subject to restrictive covenants which were filed at the time of the approval of the short plat, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the short plat or portion thereof.
- B. When the vacation application is specifically for a county road, the procedures for road vacation in Chapter 36.87 RCW shall be utilized for the road vacation. When the application is for the vacation of the short plat together with the roads and/or streets, the procedure for vacation in this section shall be used, but vacations of roads may not be made that are prohibited under RCW 36.87.130.
- C. The Hearing Examiner shall give notice as provided in Section 17.64.060 and shall conduct a public hearing on the application for vacation and may approve or deny the application for vacation of the short plat after determining the public use and interest to be served by the vacation of the short plat. If any portion of the land contained in the short plat was dedicated to the public for public use or benefit, such land, if not previously deeded to the County, shall be deeded to the County unless the Hearing Examiner shall set forth findings that the public use would not be served in retaining title to such lands. Any vacation of land that was deeded to the County must first receive a letter of authorization to vacate from the Board of County Commissioners.
- D. Title to the vacated property shall vest with the rightful owner as shown by County records. If the vacated land is land that was dedicated to the public, for public use other than a road and the Hearing Examiner has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the Hearing Examiner. When the road that is to be vacated was contained wholly within the short plat and is part of the boundary of the short plat, title to the vacated road shall vest with the owner or owners of property contained within the vacated short plat.

- E. This section shall not be construed as applying to the vacation of any plat of state-granted tide or shore lands. (Ord. 1988-01)

CHAPTER 17.68 - CONVEYANCES

17.68.010 NOTIFICATION OF SUBDIVISION OR EXEMPTION

The County Auditor, from and after the effective date of the ordinance codified in this chapter, shall not accept any instruments of sale or conveyances of land existing outside the corporate limits of any town or city for filing or recording until, in addition to those items required to be furnished by the prospective recorder from the County Treasurer's office, there appears, together with the instrument to be recorded, a notation in a form designed by the County Assessor showing indication by the County Assessor or his or her duly authorized representative that the property which is the subject matter of the instrument has either been properly subdivided or is exempt there from. (Ord. 1977-08 §1)

17.68.020 ACCEPTANCE BY PUBLIC AGENCY - SIGNATURE VERIFICATION

From and after the effective date of the ordinance codified in this chapter, the County Auditor shall not accept for recording or filing any purported conveyance to the public of roads, parkways or other parcels of land without evidence that some public agency has agreed to accept the conveyance; i.e., in the case of roads, the agency shall be the County Road Department, in the case of streets, the agency shall be the City Council, and in the case of parks, the agency shall be the County Parks Department. In all other cases, if the agency responsible for the acceptance of the conveyance is not readily available on the face of the instrument, or any question exists as to the proper official's signature, the County Auditor's office shall verify the same and may rely with acquittance on advice from the office of the Prosecuting Attorney as to an acceptable signature. (Ord. 1977-08 §2)

17.68.030 BOUNDARY LINE ADJUSTMENTS

- A. Conveyances shall be titled "Boundary Line Adjustment".
- B. Conveyances shall state that the parcel being conveyed shall become a part of the parcel to which it is being added.
- C. The conveyance shall contain the following wording:

“The purpose of this deed is to affect a boundary line adjustment between adjoining parcels of land owned by the Grantor and Grantee; it is not intended to create a separate parcel, and is therefore exempt from the requirements of RCW 58.17 and the Skamania County Short Plat Ordinance. The property described in this deed cannot be segregated and sold without conforming to the State of Washington and Skamania County subdivision laws.”

- D. A boundary line adjustment shall not be used to violate the Short Plat Ordinance. For example, no boundary line adjustment shall allow an exempt 20-acre lot to be reduced below 20 acres in size.
- E. A boundary line adjustment shall not be used to reduce the acreage of a conforming lot to below the minimum lot size.
- F. A non-conforming lot within or outside of a zoned area may be reduced in size but all resulting lots shall at a minimum meet the requirements of §17.64.155(A).
- G. If the Administrator determines that the above has been met, then the Administrator shall stamp the deed with a stamp that generally states that the deed is in compliance with the County’s subdivision ordinance, and then initial at the bottom of each page of the deed.
- H. No deed shall be recorded with the Auditor’s Office unless that deed contains the same legal description as a previously recorded deed, is a lot created by a recorded subdivision or short subdivision, or contains the stamp and initials as indicated in G, above.