

CHAPTER 9.02

INTRODUCTION

SECTIONS:

9.02.010	Title
9.02.020	Purpose and Intent
9.02.030	Applicability
9.02.040	Definitions
9.02.050	Administration
9.02.060	Exemptions
9.02.070	Exemption Approval
9.02.080	Complete Application
9.02.090	Residential Density- Lot Size
9.02.100	Water Supply
9.02.110	Building Permit Issued Prior to Finalization
9.02.120	Vacation
9.02.130	Appeal of Administrative Decision
9.02.140	Fees
9.02.150	Violations and Penalties
9.02.160	Severability
9.02.170	Effective Date

9.02.010 TITLE.

This title shall be known as the Benton County Subdivision Regulations.

[Ord. 612 (2018) § 2]

9.02.020 PURPOSE AND INTENT.

In addition to those purposes set forth in Revised Code of Washington (RCW) 58.17.010, as now existing or hereafter amended, the following purposes are also essential to the regulation of the

9.02.040

subdivision of land within the unincorporated areas of Benton County:

(a) To prescribe procedures for the subdivision of land in accordance with officially adopted plans, policies, and standards, including the provisions of the Benton County Zoning Code and Benton County Comprehensive Plan; and

(b) To provide for consistent and efficient processing of applications without undue delay; and

(c) To provide uniform standards and regulations for the division of land; and

(d) To promote effective use of land consistent with environmentally sensitive development practices; and

(e) To implement State Environmental Policy Act chapter 43.21C RCW and WAC 197-11 as now existing or hereafter amended; and

(f) To require uniform monumentation of land subdivisions and conveyancing by accurate legal descriptions.
[Ord. 612 (2018) § 3]

9.02.030 APPLICABILITY.

This title applies to all division of land into two or more lots, and to subdivisions, short subdivisions, tax parcel separations, boundary line modifications, amendments, alterations, and vacations of short subdivisions and subdivisions hereafter established in unincorporated Benton County.
[Ord. 612 (2018) § 4]

9.02.040 DEFINITIONS.

(a) Whenever the following words and phrases 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 singular shall include the plural, and the plural the singular; the word "shall" is always

9.02.040

mandatory, and the word "may" indicates a use of discretion in making a decision. Except where specifically defined in this chapter all words in this title shall carry the customary meanings.

(1) "Alley" means a strip of land no more than sixteen (16) feet in width that abuts a public road, is dedicated to public use, and provides vehicular and pedestrian access to the rear portion of the properties.

(2) "Block" means a piece or parcel of land entirely surrounded by public highways, streets, stream, railroad rights-of-way, park, etc., or a combination thereof.

(3) "Board of County Commissioners" means the Board of County Commissioners of Benton County, Washington.

(4) "Boundary line adjustment" means the relocation of the boundaries between two or more lots, which does not result in the creation of any additional lot or lots.

(5) "Closed Record Appeal" means an appeal to the Benton County Board of Commissioners, on the record where no new evidence or information being submitted, of a decision made following an open record hearing on a project permit application.

(6) "Comprehensive Plan" means that plan or plans adopted by the Benton County Planning Commission and the Board of County Commissioners indicating the general locations recommended for major arterials, parks, streets, public buildings, other public improvements, and zoning districts.

(7) "County" means the County of Benton located in the State of Washington.

(8) "County Auditor" shall have the definition as set forth in Chapter 36.22 RCW as it now exists or is hereafter amended.

(9) "County Engineer" shall have the definition as set forth in Chapter 36.80 RCW as it now exists or is hereafter amended.

9.02.040

(10) "County Treasurer" shall have the definition as set forth in Chapter 36.29 RCW as it now exists or is hereafter amended.

(11) "Cul-de-sac" means a street closed at one end with such closed end of sufficient size to a fire truck to turn around.

(12) "Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving unto himself or herself 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 presentment for filing of a final subdivision or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the final approval of such plat for filing by the appropriate governmental unit.

(13) "Developer", "Subdivider", or "Platter" means any person, firm, or corporation undertaking the subdivision or re-subdivision of any lot, tract, or parcel of land.

(14) "Discrepancy" means a boundary hiatus, an overlapping boundary or a physical appurtenance, which indicates encroachment, lines of possession, or conflict of title.

(15) "Easement" means a person or the public's interest in land owned by another person, consisting of the non-landowner's right to use or control the surface of the land for a specific limited purpose. For purposes of this chapter, the term "easement" does not include mineral easements.

(16) "Final Approval" means that approval given by the Planning Administrator or the Board of County Commissioners which authorizes the recording of the short plat, subdivision, and/or dedication.

(17) "Final Plat" means the plan of a plat, subdivision or dedication of any portions thereof prepared for filing for record by the County Auditor and containing those elements

and requirements as set forth for final plats in these regulations.

(18) "Final Short Plat" means the final drawing of the short subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this chapter.

(19) "Hazardous Product" means petroleum, petroleum products, anhydrous ammonia, carbon dioxide, natural gas, flammable gas, or gas that is toxic or corrosive.

(20) "Hearings Examiner" means an examiner appointed by the Board of County Commissioners authorized to hear and make decisions on variances, land use permits, and certain appeals.

(21) "Hydrology Report" means a report prepared by a qualified hydrogeologist or professional engineer licensed in the State of Washington for the removal of excess water from the subdivision site. The report shall evaluate probable storm events that will generate excess water and compares the water discharges onto and from the site for pre-development conditions to post-development conditions. The report shall identify improvements and management practices to safely convey drainage and mitigate any impacts due to the proposed subdivision, all prepared in accordance with Benton County standards. A preliminary hydrology report shall be submitted with the preliminary plat. The final hydrology report shall be submitted with the final plat/road construction drawings.

(22) "Improvements" means street grading or gravelling, permanent street and corner monuments, street pavement, curbs and sidewalks, pedestrian ways, water mains, and storm and sanitary sewers.

(23) "Lot" means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(24) "Lot Consolidation" means the consolidation of contiguous lots of record which are under one ownership. The purpose of the consolidation shall be for planning and building purposes and any consolidation shall comply with all applicable zoning, subdivision, and other land use controls as deemed necessary by the Planning Administrator. Tax parcel consolidation requests shall be submitted to the Planning Administrator on forms provided by the Planning Department.

(25) "Open Record Hearing" means a hearing, conducted by a single hearing body or officer authorized by the Benton County Board of Commissioners, wherein a record will be created through the receipt of testimony and other appropriate evidence and information under procedures prescribed by the Benton County Code or by such body's or officer's rules of procedure.

(26) "Ownership Interest" means a fee interest in the surface of the parcel proposed for division and does not include lien holder interests, mineral right interests, mineral easements or easements of any other kind that are separate from the fee interest in the surface rights.

(27) "Pedestrian Way" means a right-of-way dedicated to the public use as a footpath which cuts across a block to facilitate pedestrian movement and access to adjacent streets and properties.

(28) "Planning Administrator" means the Benton County Planning Manager or his/her designated representative who shall be responsible for the administration of this title.

(29) "Planning Department" means the Benton County Planning ~~Department~~Division of the Community Development Department.

(30) "Planning Commission" means the Benton County Planning Commission.

(31) "Preliminary Plat" means a neat and approximate drawing of the proposed subdivision showing the general layout of

9.02.040

streets, blocks, lots and other elements of a subdivision consistent with the requirements of this chapter and which shall be the basis for the approval or disapproval of the general layout of the subdivision.

(32) "Private Road" means a road not dedicated to, nor maintained by, Benton County.

(33) "Public Road" means any improved road maintained by a city, the state or County at public expense.

(34) "Registered Engineer" means an individual, licensed by the State of Washington to practice civil engineering.

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

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

(37) "Street Dead-end" means a street open at one end and not provided with a turn-around at the closed end.

(38) "Street - Marginal" or "Street - Frontal Access" means an access street which is generally parallel to and adjacent to arterial streets, limited access highways, or railroad rights-of-way and which provides direct access to abutting properties and protection to through traffic.

(39) "Street - Local Residential," or "Street - Minor" means a public way of limited continuity which serves or is intended to serve the local traffic needs of the immediate vicinity.

(40) "Subdivision" means every division or re-division of any land within unincorporated Benton County for the purpose of sale, lease, or transfer of ownership that does not fall within the definition of short subdivision.

(41) "Surveyor," "Land Surveyor" or "Registered Land Surveyor" means a professional land surveyor registered in

9.02.040

the State of Washington in accordance with Chapter 18.43 RCW as now in effect or hereafter amended.

(42) "Urban Growth Area" means an area designated as such by the Benton County Board of Commissioners pursuant to RCW 36.70A.110, as now in effect or hereafter amended.

[Ord. 612 (2018) § 5]

9.02.050 ADMINISTRATION.

The administration of this title lies with the Planning Administrator. It is the purpose of these regulations to grant to the Planning Administrator, the Hearing Examiner, or Board of County Commissioners, the authority to approve, approve with conditions, or deny any land use action prescribed in this title. It is recognized that not all possible variations of requirements or processes which are required to administer this title can be listed or categorized. Any interpretation, administrative policies, or procedures which the Planning Administrator deems essential for the effective administration of this title shall be adopted by the Planning Administrator and shall be made available to the public upon request.

[Ord. 612 (2018) § 6]

9.02.060 EXEMPTIONS.

The provisions of this title shall not apply to the following:

- (a) Any cemetery or burial plot, while used for that purpose.
- (b) Any division made by testamentary provision or the laws of descent.
- (c) A division of land into lots or tracts each of which is ~~one-thirty-second (1/32)~~ sixteenth (1/16) ~~thirty-second (1/32)~~ of a section of land or larger, or ~~twenty (20)~~ forty (40) ~~twenty (20)~~ acres or larger if the land is not capable of description as a fraction of a section of land; provided, that there is no dedication of land to a public body in connection with such division and for the purposes of computing the size of any lot

under this section that borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline.

(d) Any division of property made by recorded survey or contract sale prior to July 1, 1974.

(e) Any division made pursuant to court order.

(f) Any division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

(g) Any division of land into lots or tracts of less than three (3) acres that is recorded in accordance with Chapter 58.09 RCW and will be used only for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from any other zoning or permitting laws and regulations of Benton County. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.

[Ord. 612 (2018) § 7]

9.02.070 EXEMPTION APPROVAL.

An exemption approval shall be obtained from the Planning Administrator for those exempt activities in section BCC 9.02.060 above. Any person considering himself/herself exempt thereunder shall apply for an exemption approval, which includes a minimum review for conformance to adopted county regulations and ordinances. An application for exemption approval shall be processed by the Planning Administrator and shall be approved or denied within ten (10) days following the submittal of a complete application and the payment of application fees.

(a) A complete application shall include the following:

(1) Completion of an application form supplied by the Planning Department.

(2) A non-refundable application fee as established by resolution of the Board of Benton County Commissioners.

(3) Copy of a record survey showing division(s) as prepared by a Washington State Licensed Surveyor, ~~as applicable.~~

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(4) Copy of legal descriptions as prepared by a Washington State Licensed Surveyor, ~~as applicable.~~

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(b) The Planning Administrator shall determine whether:

(1) The proposed division complies with BCC 9.02.060.

(2) The proposed division is served with a legal means of access including a recorded private access easement/road unless the newly created lot(s) has frontage on a public road/street.

(3) The proposed division is in conformance with adopted county regulations and ordinances including, but not limited to, the Benton County Comprehensive Plan and BCC 9.02.100 for water supply.

(c) The record survey, required in (a) (3), shall be recorded with the Benton County Auditor. A copy of the recording document containing the recording certificate shall be returned to the Planning Administrator including a digital copy of the survey in a format that is compatible with the County's current CAD system.

Ord. 612 (2018) § 8]

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9.02.080 COMPLETE APPLICATION.

An application is required for all actions administered by this title. An application shall be determined to be complete upon the applicant's submittal of all required application materials including the maps and exhibits required in the applicable section or chapter of this title, and the payment of fees required in conjunction with the processing of an application.

[Ord. 612 (2018) § 9]

9.02.090 RESIDENTIAL DENSITY- LOT SIZE.

(a) Residential densities and lot sizes shall conform to the Benton County Comprehensive Plan and Benton County Code. Residential density and lot size shall also conform to the lot size requirements of the Benton-Franklin Health District's on-site waste disposal standards, if applicable.

(b) Lot sizes in excess of minimum standards may be required for reason of sanitation, steep slopes, geological hazards, poor drainage, flood hazards or other unique conditions or features that warrant protection of the public interest.

[Ord. 612 (2018) § 10]

9.02.100 WATER SUPPLY.

(a) Water from a public water system(s) shall be provided to each lot in a short plat or subdivision, except as specified in subsection (b) of this section.

(b) Private water supplies may be utilized to serve a short plat or subdivision if an applicant demonstrates that the proposed water source is consistent with RCW 90.44.050, as existing or hereafter amended, with applicable rules adopted pursuant to RCW 90.22 and 90.54, as existing and hereafter amended, and with Chapter 15.18 BCC, if applicable.

[Ord. 612 (2018) § 11; Ord. 622 (2020) § 1]

9.02.110 BUILDING PERMIT ISSUED PRIOR TO FINALIZATION.

A single building permit may be issued on land which is located within the boundaries of a preliminary subdivision or short subdivision provided:

- (a) The site does not contain any structures which are being used primarily for residential uses;
 - (b) The building permit application illustrates the following:
 - (1) Boundary of the preliminary subdivision plat or short plat;
 - (2) Location of the structure for which a permit is requested; and
 - (3) Lot dimensions of the lot which the permit is being requested on.
 - (c) The building site has access which meets fire marshal requirements;
 - (d) The lot corners are established;
 - (e) The structure meets all required setbacks as if the lot were platted; and
 - (f) All state and local land development laws and regulations were met at the time the lot was created or can be met prior to the issuance of the building permit.
- [Ord. 612 (2018) § 12]

9.02.120 VACATION.

(a) When any person wishes to vacate any or all of the land from a short subdivision or subdivision, an easement granted by the plat or an entire area designated or dedicated for public use, that person shall file an application for vacation, as provided by the Planning Administrator, with the Board of County Commissioners and pay a non-refundable application fee as established by resolution of the Board of County Commissioners. The application shall set forth the reasons for vacation and shall contain

9.02.120

signatures indicating approval of all parties having an ownership interest in the land to be vacated from the subdivision and if an easement or area dedicated for public use is to be vacated, then the signature of all parties having an ownership interest within that portion of the subdivision. If the subdivision is subject to restrictive covenants filed at the time of approval of the subdivision, and the application for vacation would result in a violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants agreeing to terminate or alter the relevant covenants to accomplish the purpose of the vacation.

When the vacation application is specifically for a county road or street, the procedure for road vacation or street vacation in Chapter 36.87 RCW or Chapter 35.78 RCW, as now existing or hereafter amended, shall be used and shall take precedence over any inconsistencies within this chapter. When the application is for vacation of the entire plat together with the roads and/or streets, the procedure for vacation in this section shall be followed.

(b) The Board of County Commissioners shall give notice as provided in RCW 58.17.080 and RCW 58.17.090, as now existing or hereafter amended, and shall conduct an open record hearing on the application for vacation. If the subdivision is located within a city's Urban Growth Area boundary, such notice shall also be sent to that city. The notice shall also be given to cities located within one mile of the subdivision. If the subdivision is located adjacent to a state highway or within two (2) miles of a state or municipal airport, the notice shall be given to the Washington State Department of Transportation.

(c) The Board of County Commissioners shall determine whether the public use or benefit is served by the vacation of the subdivision. Those portions of the land contained in the subdivision that were dedicated to the public for public use or benefit but are approved for vacation shall be deeded to the county unless the Board of County Commissioners determines that the public use or benefit would not be served in retaining title to those lands.

9.02.130

(d) Title to vacated property shall vest with the rightful owners, as shown in county records. If the vacated land is land that was dedicated to the public for public use, other than a road or street, and the Board of County Commissioners has found that retaining title to the land is not in the public interest, title thereto shall vest with the rightful owners of the property on each side thereof, as determined by the Board of County Commissioners. When the road or street that is to be vacated is contained wholly within the subdivision and/or is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

(e) This section shall not be construed as applying to the vacation of any plat of state granted tide or shore lands.
[Ord. 612 (2018) § 13]

9.02.130 APPEAL OF ADMINISTRATIVE DECISION.

(a) Not later than fourteen (14) days following the mailing of the written decision of the Planning Administrator, the decision may be appealed to the Benton County Hearings Examiner by the applicant or any interested parties as defined below. The notice of appeal shall be on a form provided by the Planning Department and shall be filed with the Planning Administrator.

(b) Only persons or entities that have submitted written comments on the proposed land use action prior to the Planning Administrator's decision shall be considered interested parties for the purpose of BCC 9.02.130.

(c) A written appeal shall include:

(1) A statement containing specific references to any portions of the written findings contained in the Planning Administrator's decision alleged to be in error and any alleged errors of law.

9.02.130

(2) A statement of the relief sought, such as reversal of the Planning Administrator's decision or modification of conditions.

(3) The signature, mailing address, and telephone number of the appellant or the appellant's representative.

(4) An appeal fee as set by resolution of the Board of County Commissioners.

(d) The Planning Administrator shall notify the applicant and all interested parties, as defined in BCC 9.02.130(b) above, that an appeal has been filed. The Planning Administrator shall also forward the appeal to the Hearings Examiner and schedule an open record hearing.

(e) The Hearings Examiner shall conduct an open record hearing to consider the appeal. Written notice of the hearing shall be mailed to the appellant and all interested parties, as defined in BCC 9.02.130(b) above, and shall be published in the official county newspaper at least ten (10) days prior to the hearing.

(f) The Hearings Examiner shall review the written appeal, the record of the Administrator's decision, and receive any written or verbal public testimony at the open record hearing. After reviewing the record and any testimony presented, the Hearings Examiner shall either:

(1) Deny the appeal and affirm the Planning Administrator's decision; or

(2) Amend, reverse, or remand the Planning Administrator's decision.

(g) The Hearings Examiner shall enter findings of fact and conclusions of law based in support of his or her decision.
[Ord. 612 (2018) § 14]

9.02.140 FEES.

All applications shall be accompanied by the required fee. Fees for the administration of this title shall be established by resolution of the Board of County Commissioners.

[Ord. 612 (2018) § 15]

9.02.150 VIOLATIONS AND PENALTIES.

(a) It shall be unlawful to sell, lease, trade, or otherwise convey or offer to sell, lease, trade or otherwise convey any lot or parcel of land as part of, or in conformity with any plan, plat, or replat, of any short subdivision or subdivision unless and until said plat, replat, or plan shall have been first recorded in the office of the County Auditor.

(b) It shall be unlawful to receive or record in any public office any plan, plat, or replat of land laid out in building lots and streets, alleys, or other portions of the same intended to be dedicated to public or private use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto and located within the County until said plan, plat or replat has complied with the provisions of this chapter.

(c) No deed or contract for the sale of any parcel, lot or tract created or divided in violation of this title shall be recorded. The Benton County Treasurer shall neither receive nor certify the satisfaction of real estate excise taxes, if any, upon any such parcel, lot or tract unless and until all applicable provisions of this title have been complied with.

(d) The violation of any of the provisions of this chapter shall constitute an infraction, subject to a maximum penalty of five hundred (500) dollars, plus costs and assessments. Each such violation shall constitute a separate infraction for each and every day or portion thereof during which such violation is committed, continued or permitted.

[Ord. 612 (2018) § 16]

9.02.170

9.02.160 SEVERABILITY. Shall any chapter, section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this title.

[Ord. 612 (2018) § 17]

9.02.170 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.

[Ord. 612 (2018) § 85]

CHAPTER 9.03

SHORT SUBDIVISIONS

SECTIONS:

9.03.010	General Provisions
9.03.020	Pre-Application Meeting
9.03.030	Application Requirements
9.03.040	Short Plat Requirements
9.03.050	Administrative Review
9.03.060	Administrative Determinations
9.03.070	Administrative Decision
9.03.080	Appeal of Administrative Decision
9.03.090	Preliminary Short Subdivision Approval- Expiration-Null & Void Status
9.03.100	Preliminary Short Subdivision Approval- Expiration-Extension of Time
9.03.110	Final Short Subdivision-Review and Approval
9.03.120	Recording of Short Plat
9.03.130	Amending a Recorded Short Plat
9.03.140	Re-Subdivision Procedure
9.03.150	Severability
9.03.160	Effective Date

9.03.010 GENERAL PROVISIONS.

(a) The purpose of this chapter is to provide procedures and consistent criteria for the efficient and timely review and approval of the division of land into four (4) or fewer lots, parcels or tracts.

(b) Any person seeking to divide or re-divide land situated in unincorporated Benton County for the purpose of sale, lease, or transfer of ownership, unless exempted from the provisions of this title in BCC 9.02.050 shall submit an application for the approval

9.03.030

of a short subdivision to the Planning Administrator with the application requirements in BCC 9.03.030.

(c) If two or more short subdivisions on adjacent parcels under common ownership are proposed within a 6-month period, such contiguous platting must comply with the Subdivision-Preliminary Plat chapter of this title if the total number of resultant lots will exceed four (4). This includes contiguous parcels that have one or more common owners, one or more persons who have an interest in the entity that owns or has an ownership interest in contiguous parcels, or a developer who intends to develop contiguous properties.

[Ord. 612 (2018) § 18]

9.03.020 PRE-APPLICATION MEETING.

Any person(s) proposing a short subdivision pursuant to this title may request from the Benton County Planning Department a pre-application meeting. The purpose of the pre-application meeting is to enable the applicant to obtain the input of the affected county departments as to applicable standards and provisions of this title and other state and county regulations and how they relate to the proposed short subdivision.

[Ord. 612 (2018) § 19]

9.03.030 APPLICATION REQUIREMENTS.

Any person desiring to subdivide a parcel of land in unincorporated Benton County under the provisions of this chapter shall submit to the Planning Administrator an application for a short subdivision. An application for short subdivision shall consist of the following:

(a) A short subdivision application form completed and signed by all persons with an ownership interest in the parcel to be divided. The forms shall be supplied by the Planning Department.

(b) Copies of preliminary short plat:

(1) ~~Ten (10)~~ Three (3) copies of a short plat prepared in accordance with the provisions of BCC 9.03.040; and

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9.03.040

(2) One (1) reduced copy of the short plat map on eight and one-half (8 1/2) inch by eleven (11) inch or eleven (11) inch by seventeen (17) inch paper; and

(3) An electronic copy of the short plat.

(c) A title certificate from a title company that is not over two (2) months old showing the names and addresses of anyone with an ownership interest in the land being subdivided and showing all easements on the property proposed for division.

(d) Written verification from the Benton-Franklin Health District that the applicant has provided all necessary information to enable the health district to review and make recommendations on the proposed site.

(e) A non-refundable application fee as established by resolution of the Board of Benton County Commissioners.

(f) A completed SEPA Environmental Checklist, only if required by WAC 197-11-800 (6)(d), as currently existing or hereafter amended. [Ord. 612 (2018) § 20]

9.03.040 SHORT PLAT REQUIREMENTS.

A short plat shall be made by or under the supervision of a registered land surveyor of the State of Washington as a result of a land survey in compliance with the requirements of the Survey Recording Act, Chapter 58.09 RCW and the Washington Administration Code (WAC) 332-130 as they now exist or are hereafter amended, and all other requirements of this chapter pertaining to short subdivision of land. A short plat shall be drawn in ink on good quality paper, sheet size eighteen (18) inches by twenty-four (24) inches to a scale not to exceed one (1) inch equal to one-hundred (100) feet unless a larger scale has been specifically approved by the Planning Administrator.

The short plat shall be a sketch of the entire contiguous tract owned by the applicant(s) showing the following information:

(a) Boundaries of the total parcel included in the short subdivision and of each individual lot being created. The perimeter of the short subdivision shall be depicted with heavier lines than appear elsewhere on the short plat.

(b) Legal description of the total parcel included in the short subdivision.

(c) Land Surveyor Certificate:

"I, _____, a registered land surveyor, hereby certify that the short plat as shown is based upon actual field survey of the land described and that all angles, distances, and courses are hereon correctly shown and that the lot corners have been staked on the ground as shown on the map."

Signed _____ Registered Land Surveyor

_____ SEAL

(d) Location of any roads, easements or rights-of-way proposed to serve the short plat. The County Auditor's fee number shall be shown for all existing easements.

(e) All existing or proposed easements or rights-of-way proposed to be dedicated for any public use or for the common use of the property owners of the short subdivision. All such easements shall be depicted with dashed lines.

(f) The notarized signatures of all persons with an ownership interest in the lands being subdivided as well as notarized signatures of all persons with an ownership interest in property not being subdivided over which access or utility easements are proposed to pass (unless such easements are already recorded by separate instrument with the County Auditor's office) certifying the following statement:

(1) "We _____ hereby certify that we are all parties having ownership interest in the land described hereon, that said land has been surveyed and short platted into lots as shown with our consent and in accordance with our desires and that the easements on the short plat are hereby granted for the uses shown thereon; and

(2) In the case of a short subdivision containing a dedication of a public road:

"DEDICATION AND WAIVER OF CLAIMS"

"Know all persons by these present that _____ are all parties having ownership interest in the land hereon described; have with their free consent and in accordance with their desires caused the same to be surveyed and short platted as shown hereon; do hereby dedicate those roads and or rights-of-way shown as public dedications hereon to the use of the public; do hereby waive on behalf of themselves and their successors in interest all claims for damages against Benton County and other governmental authority which may occasioned to the adjacent land by the established construction, drainage and maintenance of said dedicated roads and/or rights-of-way; and do hereby grant and reserve the easements as shown hereon for the uses indicated."

Name

Name

(g) The notarial certificates used for notarization of signatures shall comply with the requirements of RCW 42.44.100 as it now exists or is hereafter amended or the law of the state where the notarization of signatures are completed.

(h) A vicinity map.

(i) Signature Blocks:

(1) Benton County Planning Administrator. A signature block for the Benton County Planning Administrator stating that the short plat is hereby approved by and for the County of Benton, State of Washington;

(2) Benton Franklin Health District. A signature block for the Benton Franklin Health District stating that the short plat is hereby approved by and for the Benton Franklin Health District.

(3) Benton County Engineer. A signature block for the Benton County Engineer stating that the short plat is hereby approved by the Benton County Engineer. For short subdivisions with road dedications and or improvements, the signature block shall also state that the proposed dedication and road improvements have been completed and approved by the Benton County Engineer.

(4) County Treasurer. County Treasurer's office certificate in substantially the following form:

"I hereby certify that all chargeable regular and special assessments collectible by this office that are due and owing on the property described hereon on the date of this certification have been paid."

Dated this _____ day of _____, _____.
Parcel Number: _____

Benton County Treasurer's Office

(5) County Auditor. A County Auditor's certificate that states:

"Filed for record at the request of _____
at _____ minutes past _____ this _____ day of
_____ and recorded in Volume _____ of short plats
at page _____ records of Benton County, Washington."

Benton County Auditor Fee Number

(6) Irrigation District. When the property lies wholly or partially within an irrigation district, a certificate of approval of the irrigation district and/or the manager or administrator of the project for the bureau of reclamation, if required by RCW 58.17.310 as it exists or is hereafter amended.

(j) When 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.

(k) Where any proposed short subdivision is located within a resource zoning designation or within five hundred (500) feet of a resource zoning designation, the following note must be placed on the face of the short plat map:

(1) "The property subject to this short subdivision is located is within or near designated agricultural lands, forestlands, or mineral resource lands on which a variety of commercial activities may occur that are nor compatible with residential development for certain periods of limited duration. Where mineral lands exist on or near this site an application may be made for mining related activities, which includes mining, extraction, washing, asphalt and concrete production, crushing, stockpiling, blasting, transporting and recycling of minerals which may also not be compatible with residential uses for a period of time."
[Ord. 612 (2018) § 21]

9.03.050 ADMINISTRATIVE REVIEW.

(a) Upon receipt of a complete application, as determined in BCC 9.02.080, for a short subdivision, the Planning Administrator shall distribute copies of the information to:

- (1) Benton County Engineer;
- (2) Benton-Franklin Health District;
- (3) Benton County Fire Marshal;
- (4) Benton County Assessor's Office;
- (5) Applicable Fire District;
- (6) Applicable Irrigation District;

9.03.060

(7) Applicable Utility provider(s);

(8) The legislative authority of any city adjacent to or within one mile of the proposed short subdivision;

(9) The State Department of Transportation, if the proposed short subdivision is within one mile of the right-of-way of any state highway or within two miles of the boundary of a state or municipal airport;

(10) The State Department of Ecology, or its successor, if the proposed short subdivision lies within a flood control zone designated pursuant to Chapter 86.16 RCW as now existing or hereafter amended; and

(11) Other involved parties, County Departments, or agencies as necessary for review.

(b) In transmitting the proposed short subdivision to the parties referenced above, the Planning Administrator shall solicit their comments and recommendations, and note the date by which comments and recommendations must be received by the Planning Administrator into order to be considered.

(c) Applicable comments are to be received by the Planning Department within 15 days. These comments shall be incorporated into the formal findings which will form the basis of the Planning Administrator's decision on the short subdivision. If no comments are received from any of the parties referenced above, the Planning Administrator may make such findings as he/she reasonably deems appropriate.

[Ord. 612 (2018) § 22]

Commented [DH2]: Verify in Permit Review; Recommend 14 days so that SEPA timelines and 36.70B timelines are consistent.

9.03.060 ADMINISTRATIVE DETERMINATIONS.

(a) The Planning Administrator shall, after conferring with appropriate officials and agencies, determine whether:

(1) The proposed short subdivision meets the requirements of this title.

9.03.070

(2) The proposed short subdivision is in compliance with the Benton County Comprehensive Plan, any applicable zoning requirements or other land use controls that may exist, and the provisions of Chapter 58.17 RCW.

(3) The proposed short subdivision contributes to the orderly development and land use patterns in the area and meets concurrency requirements for levels of service;

~~(4) The proposed short subdivision provides adequate provisions for public health, safety, and general welfare, for open spaces, drainage ways, street or roads, alleys, other public was, transit stops, potable water, sanitary wastes, parks and recreation, playgrounds, schools, school grounds, and sidewalks including safe walking conditions for students.is served with adequate road system/means of access, means of drainage, water supply, sewage disposal, or other necessary services and contain all necessary easements related thereto.~~

Commented [DH3]: Updated to match RCW 58.17.110 and provide consistency with BCC 9.05

(5) The public use and interest will be served by permitting the proposed division of property, which includes but is not limited to considering any objections to the proposed short subdivision submitted by the Benton-Franklin Health District or the Benton County Road Department.

(6) The applicable irrigation district has reviewed the proposed short subdivision to ensure compliance with RCW 58.17.310 as now existing or hereafter amended.

(7) The proposed short subdivision is in compliance with Chapter 15.02 BCC, Chapter 15.04 BCC, Chapter 15.06 BCC, Chapter 15.08 BCC, Chapter 15.12 BCC, and Chapter 15.14 BCC, as now existing or hereafter amended.

[Ord. 612 (2018) § 23]

9.03.070 ADMINISTRATIVE DECISION.

(a) ~~Within thirty (30) days of the receipt of a complete application for a short subdivision, unless a longer period is~~

~~agreed to by the applicant or the Planning Administrator makes written findings justifying a need for an additional amount of processing time,~~Consistent with the applicable timelines established in BCC 17.10, the Planning Administrator shall notify the applicant of:

- (1) Preliminary approval; or

9.03.100

- (2) Preliminary approval with conditions; or
- (3) Denial of the application.

(b) The applicant shall be notified in writing of the Planning Administrator's decision, sent by regular mail.
[Ord. 612 (2018) § 24]

9.03.080 APPEAL OF ADMINISTRATIVE DECISION.

Any decision to approve, condition, or deny a short application based up on the requirements of this title may be appealed by any person aggrieved to the Benton County Hearings Examiner subject to the requirements in BCC 9.02.130.
[Ord. 612 (2018) § 25]

9.03.090 PRELIMINARY SHORT SUBDIVISION APPROVAL-EXPIRATION-NULL & VOID STATUS.

Preliminary approval of an application for a short subdivision, pursuant to BCC 9.03.070, shall automatically expire one (1) year after any preliminary approval is granted unless the final short plat is recorded within such time in accordance with this chapter or an application for time extension is approved. If a short plat is not so recorded or an application for an extension of time is not timely submitted and approved within the one (1) year period, the preliminary approval of the short subdivision shall be null and void.
[Ord. 612 (2018) § 26]

9.03.100 PRELIMINARY SHORT SUBDIVISION APPROVAL-EXPIRATION-EXTENSION OF TIME.

(a) A completed application for an extension of time, together with supporting information, must be submitted to the Planning Administrator not less than thirty (30) days prior to the expiration of the approval of a preliminary short subdivision.

Commented [DH4]: Verify (if applicable) in Permit Review

(b) The Planning Administrator may, but is not required to, approve an extension of time only if:

9.03.110

(1) There has been significant changes in conditions since the approval that would render filing of the final short plat contrary to the public health, safety or general welfare, and

(2) The applicant has taken substantial steps toward satisfying conditions of approval.

(c) The Planning Administrator may grant a one-time only extension for one (1) year under this section. The Planning Administrator shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. No additional time extensions may be granted.
[Ord. 612 (2018) § 27]

9.03.110 FINAL SHORT SUBDIVISION-REVIEW AND APPROVAL.

(a) If the short subdivision application is approved pursuant to BCC 9.03.070, the applicant may submit the short plat to the Planning Administrator for final approval after satisfying all conditions of approval.

(b) The submittal of a final short subdivision to the Planning Administrator shall include the following:

(1) A short plat drawn on an eighteen (18) inches by twenty-four (24) inches sheet of material approved by the County Auditor. All information provided on the short plat shall be in permanent black ink. The scale shall not exceed one hundred (100) feet to the inch, unless specifically approved by the Planning Administrator. If the entire plat cannot be contained on one sheet, two (2) or more sheets shall be used. Each sheet used shall have a title block in the lower right hand corner showing the name of the plat, the sheet number and the total number of sheets. Each sheet shall have a two (2) inch margin on the left side and a one-half (1/2) inch margin on all other sides;

(2) The short plat shall contain all signatures as required in BCC 9.03.040, except for those of the County Treasurer,

9.03.120

County Auditor, County Engineer and the Planning Administrator as these signatures will be obtained by the Planning Administrator.

(3) A digital copy of the final short plat in a format that is compatible with the County's current CAD system;

(4) An updated title certificate dated not more than two (2) months prior to the date of recording of the final short plat containing all information required by BCC 9.03.030(c).

(c) The Planning Administrator shall review the file and the final short plat to determine if:

(1) The final short plat complies with this title;

(2) The final short plat is consistent with the approved preliminary short plat;

(3) All changes and conditions of approval imposed by the preliminary short subdivision approval have been made and complied with;

(d) If the Planning Administrator makes the affirmative determinations required above by subsection (b), he/she shall approve the final short plat. The Planning Administrator will be the final signature block approval.

[Ord. 612 (2018) § 28]

9.03.120 RECORDING OF SHORT PLAT.

Once the final short plat has been signed by the Planning Administrator, the Planning Administrator shall record the original with the County Auditor. Auditor recording fees shall be paid by the short subdivision applicant. The short subdivision is not a legal subdivision until the short plat has been recorded with the County Auditor.

[Ord. 612 (2018) § 29]

9.03.130 AMENDING A RECORDED SHORT PLAT.

(a) Once a short plat has been recorded with the Benton County Auditor, no further division shall be made of any portion of said property for a period of five (5) years from the date of recording the short plat, unless the division has been granted an exemption under this title.

(b) A recorded short plat shall be amended only by recording an amended short plat in accordance with the following provisions:

(1) The amended short plat must meet all requirements of this title; except, that if the amendment does not alter the sizes of the lots, the requirements of the zoning ordinance and intent of the comprehensive plan in effect at the time of submittal of the short plat being amended shall be satisfied, rather than the zoning ordinance and comprehensive plan in effect at the time of the amendment.

(2) The title of the amended short plat shall be:

"Short Plat No. _____
Amending Short Plat No. _____"

(3) The amended short plat shall show all of the parcels shown in the original short plat and shall bear notarized signatures of all parties with an ownership interest in any of the lots in the original short plat.

(4) An amended short plat may increase the number of lots to a total of four (4) lots if the original short plat contained less than four (4) lots.

(5) The required five-year period before resubdivision shall run from the recording date of the short plat being amended rather than the recording date of the amended short plat if no new lots are created.

(6) An amended short plat may not be recorded until real property taxes and assessments on all lots changed or affected

9.03.160

by the amendment have been paid through the current year.

(c) Nothing in these requirements shall preclude the ability to correct a minor error by the affidavit of correction procedure outlined in Benton County Resolution No. 2477 dated October 13, 1970.

[Ord. 612 (2018) § 30]

9.03.140 RE-SUBDIVISION PROCEDURE.

Land within a short subdivision may not be further divided in any manner within a period of five (5) years without the recording of a final plat in compliance with Chapter 9.07 BCC or an amended short plat as allowed by BCC 9.03.130.

[Ord. 612 (2018) § 31]

9.03.150 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

[Ord. 612 (2018) § 84]

9.03.160 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.

[Ord. 612 (2018) § 85]

CHAPTER 9.05

SUBDIVISION-PRELIMINARY PLAT

SECTIONS:

9.05.010	General Provisions
9.05.020	Pre-Application Meeting
9.05.030	Application Requirements
9.05.040	Public Hearing
9.05.050	Review by Other Agencies
9.05.060	Preliminary Plat
9.05.070	Open Record Hearing
9.05.080	Consideration of Preliminary Subdivision
9.05.090	Disapproval Due to Flood, Inundation, or Wetland Condition
9.05.100	Planning Commission Recommendation for a Preliminary Subdivision
9.05.110	Preliminary Plat Approval
9.05.120	Phasing
9.05.130	Large Developments
9.05.140	Amendments to Preliminary Plats
9.05.150	Severability
9.05.160	Effective Date

9.05.010 GENERAL PROVISIONS.

(a) The purpose of this chapter is to provide procedures and consistent criteria for the efficient and timely review and approval of a division of land into five (5) or more lots, parcels or tracts.

(b) Any person seeking to divide or re-divide land situated in unincorporated Benton County into five (5) or more lots, for the purpose of sale, lease, or transfer of ownership, unless exempted

9.05.030

from the provisions of this title in BCC 9.02.050, shall submit an application for the approval of a subdivision to the Planning Administrator with the application requirements in BCC 9.05.030. [Ord. 612 (2018) § 32]

9.05.020 PRE-APPLICATION MEETING.

Any person(s) proposing to subdivide a parcel of land pursuant to this chapter may request from the Benton County Planning Department a pre-application meeting. The purpose of the pre-application meeting is to enable the applicant to obtain the input of the affected county departments as to applicable standards and provisions of this chapter and other state and county regulations and how they relate to the proposed subdivision. [Ord. 612 (2018) § 33]

9.05.030 APPLICATION REQUIREMENTS.

(a) Every application for preliminary plat consideration shall include the following:

(1) A complete preliminary plat application in the form provided by the Planning Department.

(2) Copies of preliminary plat map:

(i) ~~Forty (40)~~ Three (3) copies of a preliminary plat map prepared in accordance with the provisions of BCC 9.07.070; and

Commented [GW1]: Change from 40 copies to 3 copies

(ii) One (1) reduced copy of the preliminary plat map on eight and one-half (8 1/2) inch by eleven (11) inch or eleven (11) inch by seventeen (17) inch paper; and

(iii) An electronic copy of the preliminary plat map.

(3) A non-refundable fee as established by resolution of the Board of Benton County Commissioners.

9.05.030

(4) A title certificate from a title company that is not over two (2) months old showing the names and addresses of anyone with an ownership interest in the land being subdivided and showing all easements on the property proposed for division.

(5) Written verification from the Benton-Franklin Health District that the applicant has provided all necessary information to enable the health district to review and make recommendations on the proposed site.

(6) A completed environmental checklist as referenced in WAC 197-11 as now existing or hereafter amended, the State Environmental Policy Act (S.E.P.A.) Rules.

(7) A preliminary hydrology report with information required by the Benton County Road Department. Hydraulic calculations shall be based on the Stormwater Manual for Eastern Washington (04-10-076) as now existing and hereafter amended, using a minimum of a 25 year return frequency storm event.

(8) For properties within one-hundred and fifty (150) feet of a hazardous product transmission pipeline as reflected by the County's Geographic Information Systems, written documentation that the owner/operator of the pipeline has been contacted by the applicant, is aware of the project specifics, and has or does not have concerns that need to be considered in the project review.

(9) All additional materials required in writing by the Planning Department.

(b) The Planning Administrator shall not review any preliminary plat nor establish a hearing before the Planning Commission until all of the above elements are submitted and a complete application, consistent with BCC 9.02.080, has been determined for the application.

[Ord. 612 (2018) § 34]

9.05.040 PUBLIC HEARING.

(a) Upon receipt of a complete application, the Planning Administrator shall establish a file number for the subdivision. The ~~Planning Commission~~Hearings Examiner shall conduct an open record hearing on the preliminary plat proposal for the purpose of taking testimony, hearing evidence, considering the facts relevant to the proposal, and evaluating the proposal for consistency with the Benton County Code and Comprehensive Plan.

(b) Notice of the ~~Planning Commission~~Hearings Examiner hearing shall be given as follows:

~~(1) Publication of one or more legal notices at least ten (10) days prior to the hearing in a paper of general circulation in the County~~Publication and distribution of the notice shall conform with the requirements of BCC 17.10.

~~(2) By sending copies of the notice by U. S. mail not less than ten (10) days prior to the date of the hearing to all landowners of parcels within the boundaries of the plat, as identified on the title certificate, and to all adjacent landowners of properties within three hundred (300) feet of the exterior boundaries of the proposed subdivision, as identified by the records of the County Assessor.~~

~~(3) If the owner of the real property that is proposed to be subdivided owns another parcel or parcels adjacent to the parcel(s) at issue, notification shall be mailed to landowners of property located within three hundred (300) feet of any portion of such adjacent parcels as well.~~

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~~(42)~~ If the property proposed for subdivision is located within an Urban Growth Area for a city, that city shall be notified.

~~(53)~~ The notice shall also be given to all cities located within one (1) mile of the proposed subdivision.

~~(64)~~ If the location of a proposed subdivision is within one

mile of the right-of-way of a state highway or within two (2)

9.05.050

miles of the boundary of a state or municipal airport, the notice shall be given to the Washington State Department of Transportation.

~~(7) By U.S. mail to any other interested party or agency as determined by the Planning Administrator.~~

(c) All hearing notices shall include a description of the location of the proposed subdivision, which may be in the form of a legal description, a vicinity map or a written description other than a legal description. Failure to send notice to a person specified above in BCC 9.05.040(b) or failure of a person to receive the notice shall not invalidate any proceedings in connection with the application.

[Ord. 612 (2018) § 35]

9.05.050 REVIEW BY OTHER AGENCIES.

(a) The Planning Administrator shall use his or her best efforts to forward copies of the preliminary plat to other departments, municipalities, utility companies, owners or operators of a hazardous product transmission line located within one hundred and fifty (150) feet of any part of the plat, and public agencies determined by the Planning Administrator to have an interest in the subdivision. These agencies include, but are not limited to, the following:

- (1) Benton County Engineer;
- (2) Benton-Franklin Health District;
- (3) Benton County Fire Marshal;
- (4) Applicable fire district;
- (5) Applicable irrigation district;
- (6) Applicable utility provider(s);

9.05.060

(7) The legislative authority of any city adjacent to or within one mile of the proposed preliminary plat;

(8) The State Department of Transportation, if the proposed short plat is adjacent to the right-of-way of any highway or within two miles of the boundary of a state or municipal airport;

(9) The State Department of Ecology, ~~or its successor, when~~ SEPA is required and/or if the proposed preliminary plat lies within a flood control zone designated pursuant to Chapter 86.16 RCW as now existing or hereafter amended; and

(10) Other involved parties, County Departments, or agencies as necessary for review.

(b) In transmitting the proposed preliminary plat to the parties referenced above, the Planning Administrator shall solicit their comments and recommendations, and note the date by which comments and recommendations must be received by the Planning Administrator in order to be considered.

(c) Applicable comments are to be received by the Planning Department within 15 days. These comments shall be incorporated into the formal findings which will form the basis of the Planning Administrator's recommendation on the preliminary plat. Failure to report within (15) days from the date of transmittal shall be interpreted to indicate that the proposed subdivision will not adversely affect the agency or utility involved.
[Ord. 612 (2018) § 36]

9.05.060 PRELIMINARY PLAT.

The preliminary plat shall be drawn on a standard size sheet of paper twenty-four (24) inches by thirty-six (36) inches to a scale not to exceed one hundred (100) feet to the inch (unless specifically approved by the Planning Administrator) and shall include the following information:

(a) General

(1) Proposed name of the subdivision. (Names proposed shall not closely resemble those of existing subdivisions and given names or initials shall not be used with surnames in a plat name.)

(2) A legal description of the property showing location of boundary lines in relation to section, quarter-section, quarter-quarter section lines and any adjacent corporate limits, describing the property clearly and precisely.

(3) Names, addresses and telephone numbers of the developer and engineer or surveyor.

(4) Name, address and telephone of an individual designated by the applicant to act as a contact person for all information and correspondence relating to the preliminary plat.

(5) Date, scale and north arrow.

(6) Contour lines, not to exceed ten (10) foot intervals to adequately show the topography of the land to be subdivided referenced to the North American Vertical Datum of 1988 (NAVD 88). Those areas within the land to be subdivided having a slope of fifteen (15) percent or greater shall be indicated on the preliminary plat.

(7) A vicinity sketch, at a legible scale, showing the relation of the proposed plat to existing schools, parks, shopping centers, and so forth shall accompany the preliminary plat application.

(8) Tabular Summary showing the following information:

Land Use Summary
Gross acreage
Net lot acreage
Total number of lots

Average lot size
Minimum lot size
Average density
Present zoning
Type of water service
Type of sewerage
Area of public roads

(9) Indication on face of plat that it is a preliminary plat.

(b) Existing Development

(1) The location of permanent buildings, wells (including wells within one-hundred (100) feet of the proposed subdivision), water courses, bodies of water, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over and under the land proposed to be subdivided.

(2) Names of adjacent subdivisions and the location and names of all adjacent streets, as well as, names of adjacent property owners to the subdivision.

(3) The location, name, right-of-way widths, and type of surfacing of all streets and alleys located within and adjacent to the land to be subdivided.

(4) The location of any existing walks, curbs, gutters, culverts, buried conduits and subsurface drains on or within 100 feet of the parcel(s) to be subdivided.

(5) Approximate width, location and purpose of all existing easements on or within 100 feet of the parcel(s) to be subdivided.

(6) Delineation of the location and approximate boundaries of any natural features such as rivers, streams, drainageways, one hundred (100) year floodplain and floodways as shown on official FEMA maps, slopes in excess of fifteen

(15) percent, and wetlands within or adjacent to the land to be subdivided.

(7) Existing uses of parcel(s) to be subdivided, including the location and use of all existing structures and wells and which such structures and wells will remain on the property after platting.

(c) Proposed Development

(1) Location, width and names of proposed streets, alleys, pedestrian ways, and all necessary easements, including but not limited to easements for all utilities, watercourses, drainage ways, channels, or streams that traverse the subdivision with a width determined by the County Engineer for all easements for watercourses, drainage ways, channels or streams.

(2) Indication of any portion or portions of the plat for which successive or separate final plats are to be filed.

(3) Layout, number, and approximate dimensions of lots and blocks, the size of each lot in acres and square feet, and any structural setback requirements identified in Title 15 BCC. Lot sizes shall be in compliance with the size prescribed by the applicable zoning code.

(4) Location and size of all parks, playgrounds, church sites, or other special uses of land considered for dedication, or reservation by deed or covenant, for special use or for the use of all property owners within the subdivision and any conditions of such dedication or reservation.

(5) Indication of any lots of which a use other than residential is proposed by the developer.

(d) Supplemental Information

(1) Two (2) copies of proposed street grades may be required

by the County Engineer where, in his or her opinion, conditions warrant them.

(2) Preliminary grading plan.

(3) Where any proposed subdivision is located within a resource zoning designation or within five hundred (500) feet of a resource zoning designation, the following note must be placed on the face of the plat map:

(a) "The property subject to this subdivision is located is within or near designated agricultural lands, forestlands, or mineral resource lands on which a variety of commercial activities may occur that are nor compatible with residential development for certain periods of limited duration. Where mineral lands exist on or near this site an application may be made for mining related activities, which includes mining, extraction, washing, asphalt and concrete production, crushing, stockpiling, blasting, transporting and recycling of minerals which may also not be compatible with residential uses for a period of time."

[Ord. 612 (2018) § 37]

9.05.070 OPEN RECORD HEARING BEFORE THE HEARINGS EXAMINER.

(a) The open record hearing on the proposed subdivision shall be held before the ~~Planning Commission~~Hearings Examiner. The ~~Planning Commission~~Hearings Examiner shall consider all relevant information, including but not limited to:

(1) The complete record of the application submitted by the applicant.

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(2) The report of the Planning Department.

~~(3)~~ Any written comments or concerns expressed by other reviewing agencies.

~~(3)~~ Oral and written testimony from persons present at the hearing.

(b) If the ~~Planning Commission~~Hearings Examiner finds that additional information is needed, the ~~Planning Commis~~iHearings Examiner may hold the record open for a period of time that they deem sufficient but not more than ~~on may continue the hearing for up to~~ thirty-five (35) days ~~for or such longer period as agreed to by the applicant and direct that~~ the additional information be gathered.

[Ord. 612 (2018) § 38]

9.05.080 CONSIDERATION OF PRELIMINARY SUBDIVISION.

After conducting the open record hearing and ~~considering all information presented,~~ prior to approving any preliminary subdivision, the Hearings Examiner shall determine and make written findings of fact that: the public interest will be served by the subdivision, the proposed subdivision is in conformity with all applicable development regulations, and that appropriate provisions have been made for the following: ~~the Planning Commission shall consider a recommendation to the Board of County Commissioners regarding whether the preliminary plat subdivision be approved, approved with conditions, or denied as proposed. Prior to making any recommendation for approval, the Planning Commission shall make the following written findings:~~

(a) That the proposed subdivision conforms to the Benton County Comprehensive Plan, any applicable zoning requirements and other applicable land use controls;

9.05.090

(b) That the County Engineer, or designee, has provided a written representation that the proposed subdivision provides adequate means of access and conformance with the road and drainage requirements of Benton County;

(c) That the proposed subdivision meets the requirements of this chapter;

(d) That the public interest will be served by the proposed division and dedication and meets concurrency requirements;

(e) That appropriate provisions are made for the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water, sanitary wastes, parks and recreation, playgrounds, schools, school grounds, and sidewalks;

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(f) That the Benton-Franklin Health District has reviewed the proposed subdivision for compliance with its rules and regulations and has not expressed objection to the proposed subdivision; and,

(g) If any portion of the proposed subdivision is located within an irrigation district, that the applicant has compiled with RCW 58.17.310 as it now exists or is hereafter amended.
[Ord. 612 (2018) § 39]

9.05.090 DISAPPROVAL DUE TO FLOOD, INUNDATION, OR WETLAND CONDITION.

(a) Pursuant to RCW 58.17.120 as it now exists or is hereafter amended, the Planning Commission Hearings Examiner shall consider the physical characteristics of a proposed subdivision site and may recommend disapproval of the proposed subdivision because of flood, inundation or wetland conditions.

(b) If consistent with Chapter 15.02 BCC, Chapter 15.04 BCC, Chapter 15.06 BCC, Chapter 15.08 BCC, Chapter 15.12 BCC, and Chapter 15.14 BCC, as amended, construction of protective improvements may be required as a condition of approval and such improvements shall be noted on the final plat.

9.05.110

(c) No preliminary plat shall be approved that includes land situated in a flood control zone as provided in Chapter 86.16 RCW, as it now exists or is hereafter amended, without the prior written consent of the Washington State Department of Ecology.
[Ord. 612 (2018) § 40]

~~9.05.100 PLANNING COMMISSION RECOMMENDATION FOR A PRELIMINARY SUBDIVISION.~~

~~The Planning Commission's written record, including its findings, conclusions and recommendation, if any, shall be submitted to the Benton County Board of Commissioners no later than fourteen (14) days from the date of the execution of the written recommendation by the Chairman or Chairman Pro Tem of the Planning Commission. The Planning Administrator shall forward the Planning Commission's recommendation to the Board of County Commissioners for the Board to consider the application.~~
~~[Ord. 612 (2018) § 41]~~

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9.05.110 PRELIMINARY PLAT APPROVAL.

(a) ~~Upon the Board of County Commissioners receipt of the Planning Commission's written record and recommendation, if any, the Planning Administrator shall set a date for a closed record appeal for the Board to consider the application. Following its closed record appeal, the Board of County Commissioners may adopt, modify or reject the recommendation of the Planning Commission. The decision of the Board of County Commissioners to approve, conditionally approve or deny the preliminary plat shall be based on the written record prepared by the Planning Commission. The decision of the Board of County Commissioners shall be in writing and effective upon its adoption. Every decision of the Hearings Examiner shall be in writing and shall include findings of fact and conclusions of law to support the decisions.~~

(b) The written decision of the Hearings Examiner on an application for preliminary subdivision shall be final. There are no administrative appeals on the applications for a preliminary subdivision. Judicial appeals of the Hearings Examiner's decision must be made in accordance with applicable state law.

(C) The ~~Beard of County Commissioners' Hearings Examiner's~~ decision to approve, conditionally approve or deny the preliminary plat shall be made within ~~the timelines established in BCC 17.10.ninety (90) days of the County's receipt of the complete preliminary plat application, except as follows:~~

~~(1) If an Environmental Impact Statement is required, the ninety (90) day period shall not include the time spent preparing and circulating the statement,~~

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~~(2) If the plat is located in a flood control zone as provided in Chapter 86.16 RCW as now existing or hereafter amended, the ninety (90) days shall be extended if necessary until the project receives written approval from the Department of Ecology, or~~

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~~(3) If the applicant consents in writing to an extension of such ninety (90) day period.~~

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A copy of the ~~resolution~~decision, along with the findings and conclusions, indicating the action of the ~~Board of County Commissioners~~Hearings Examiner shall promptly be sent to ~~the Planning Department, the County Engineer, the County Assessor, the Benton-Franklin Health District, the applicant, the applicant's surveyor, to any person who submitted substantive comments on the application and to any person who, prior to the rendering of the decision, requested notice of the decision~~all agencies and parties of record.

~~(e)~~ The approval of a preliminary subdivision by the Hearings Examiner~~Board of County Commissioners, if it approves the preliminary plat,~~ authorizes the applicant to proceed with the preparation of the final plat map in accordance with all the requirements of this chapter and any conditions of preliminary plat approval imposed by the ~~Board of County Commissioners~~Hearings Examiner.

~~(d)~~ Preliminary plats~~subdivisions~~ approved on or before December 31, 2007 shall be effective for ten years from the date of approval by the Board of County Commissioners. Such preliminary plats~~subdivisions~~ shall be null and void after the ten (10) year period unless:

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(1) A final plat for all phases has been submitted, reviewed and signed by the ~~Chairman of the Planning Commission~~County and all required infrastructure improvements including as

built drawings and data of all underground utilities necessary to serve said plat must be constructed and accepted by the county engineer. In lieu of actually completing all improvements, the developer may provide the county with a bond or

9.05.110

irrevocable line of credit in an amount equal to one hundred twenty-five (125) percent of the county engineer's estimate of the cost to complete the required infrastructure; or

(2) A written application for time extension has been submitted to the Planning Administrator at least thirty (30) days prior to the expiration of the ten (10) year period and the applicant demonstrates that the applicant has attempted in good faith to satisfy the conditions of plat approval for all phases within the ten (10) year period. In such case, one extension of one year shall be granted, but additional or altered conditions and requirements may be imposed.

(ef) Except as otherwise provided in subsection (f) below, preliminary plat subdivision approved on or after January 1, 2015 shall be effective for five (5) years from the date of ~~approval by the Board of County Commissioners~~. Such preliminary plat subdivision shall be null and void after the five (5) year period unless:

(1) A final plat map for all phases has been submitted, reviewed and signed by the Chairman of the Planning Commission and all required infrastructure improvements including as built drawings and data of all underground utilities necessary to serve said plat must be constructed and accepted by the county engineer. In lieu of actually completing all improvements, the developer may provide the county with a bond or irrevocable line of credit in an amount equal to one hundred twenty-five (125) percent of the county engineer's estimate of the cost to complete the required infrastructure; or

(2) A written application for time extension has been submitted to the Planning Administrator at least thirty (30) days prior to the expiration of the five (5) year period and the applicant demonstrates that the applicant has attempted in good faith to satisfy the conditions of plat approval for all phases within the five (5) year period. In such case, one extension of one year shall be granted, but additional or altered conditions and requirements may be imposed.

9.05.120

(f) Preliminary plats that were approved between January 1, 2008 and December 31, 2014 shall be effective for seven (7) years from the date of such approval by the Board of County Commissioners. Such preliminary plats shall be null and void after the seven (7) year period unless:

(1) A final plat map for all phases has been submitted, reviewed and signed by the ~~Chairman of the Planning Commission~~County and all required infrastructure improvements including as built drawings and data of all underground utilities necessary to serve said plat must be constructed and accepted by the county engineer. In lieu of actually completing all improvements, the developer may provide the county with a bond or irrevocable line of credit in an amount equal to one hundred twenty-five (125) percent of the county engineer's estimate of the cost to complete the required infrastructure; or

(2) A written application for time extension has been submitted to the Planning Administrator at least thirty (30) days prior to the expiration of the seven (7) year period and the applicant demonstrates that the applicant has attempted in good faith to satisfy the conditions of plat approval for all phases within the seven (7) year period. In such case, one extension of one year shall be granted, but additional or altered conditions and requirements may be imposed.

[Ord. 612 (2018) § 42]

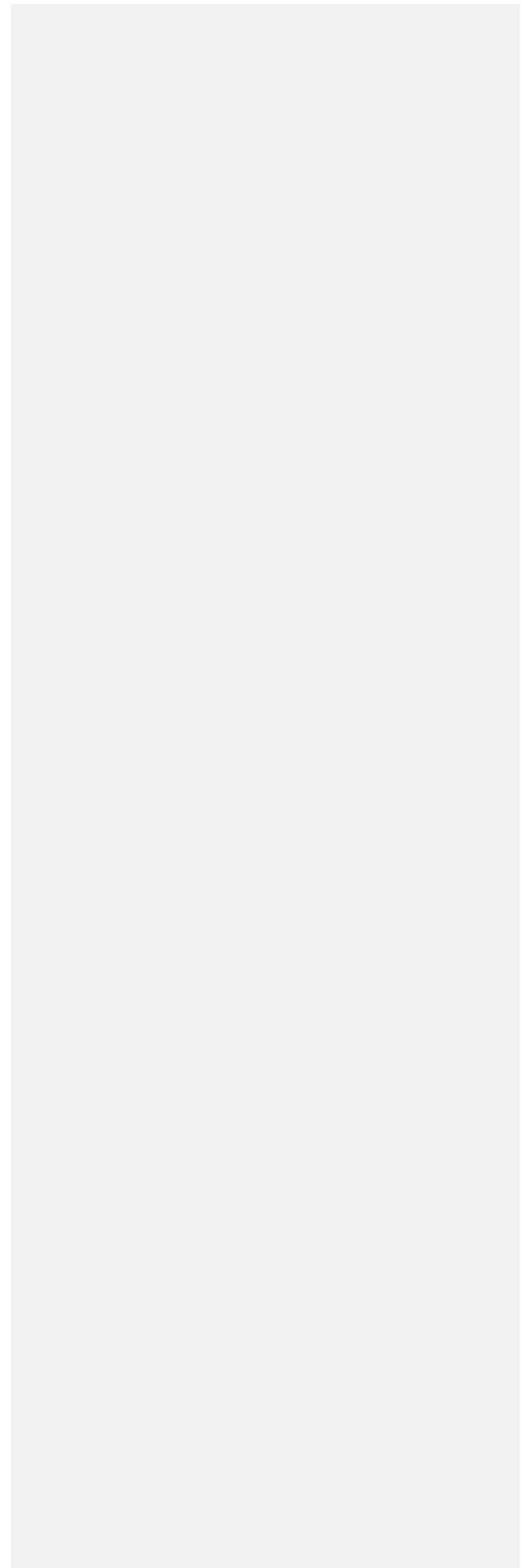
9.05.120 PHASING.

(a) Any subdivision may be developed in phases or increments. Phasing of short subdivisions is not permitted. A master phasing plan shall be submitted with the preliminary plat for approval by the Planning Administrator. The phasing plan may be approved provided:

(1) The phasing plan includes all land identified within the legal notice; and

(2) The sequence of phased development is identified by a

map; and



9.05.130

(3) Each phase has reasonable public or private infrastructure to support the number of dwelling units contained in that phase; and

(4) Each phase constitutes an independent planning unit with facilities, adequate circulation, and any requirements established for the entire subdivision; and provided that any unfinalized portion meets the minimum lot size of the underlying zone for the proposed use; and

(5) The County Engineer approves the necessary documents so that all road improvement requirements are assured for that phase.

(b) A phasing plan may be amended following preliminary approval. Said plan may be approved administratively provided the above criteria are met.

[Ord. 612 (2018) § 43]

9.05.130 LARGE DEVELOPMENTS.

When a developer or group of developers have in their control an area of land which they wish to plat, they may prepare a preliminary plat of the entire area of the development. Once the total preliminary plat is approved, the project may be final platted and developed in two or more phases provided that:

(1) Each phase is final platted in accordance with the provisions of Chapter 9.07 BCC Final Plat and the provisions of preliminary plat approval; and

(2) Each final plat is developed to allow for the systematic and logical extension of roads and utilities; and

(3) No final plat for any phase may be submitted after the preliminary plat for the entire area of the development has expired pursuant to BCC 9.05.110.

[Ord. 612 (2018) § 44]

9.05.140 AMENDMENTS TO PRELIMINARY PLATS.

An approved preliminary plat may be amended prior to submission of a final plat in accordance with the following criteria and limitations. Such a request for amendment shall be submitted on a form provided by the Planning Administrator. The Planning Administrator shall determine whether to process a proposed amendment as a minor or major amendment.

(a) Minor Amendments. Minor amendments may only address changes to an approved preliminary plat that the Planning Administrator determines fall within the scope of the original approval and do not have the likely potential to increase impacts to governmental agencies or surrounding properties.

(1) General Requirements. Any additions or expansions proposed through minor amendments that exceed the requirements of this section shall be reviewed as a major amendment and shall be subject to current development regulations.

~~(2) Planning Commission Review. A copy of all applications and any pre-decision Department recommendation that exists shall be routed to the Planning Commission. The Planning Commission may provide comments to the Planning Administrator regarding the preliminary plat amendment proposal.~~

(3) Required Written Findings and Determinations. The Planning Administrator's written decision on a minor plat amendment shall include findings and conclusions, based on the record, to support the decision. A proposed minor plat amendment shall not be approved unless the Planning Administrator makes written findings that:

(i) The proposal does not result in a change of use of any proposed lot from what was identified in the original approval;

(ii) There are no proposed changes to conditions of approval;

9.05.140

(iii) Proposed changes to the proposal will not modify the intent of the original decision or result in increased storm water, traffic, open space, noise or any other type of impacts to the surrounding property owners;

(iv) The perimeter boundary of the original site is not being increased;

(v) The change does not increase the number of residential lots, residential units, or residential density;

(vi) The proposed change does not increase the number of dwelling units on any lot created by the plat;

(vii) The proposal does not reduce the designated buffers or open space set forth in the preliminary plat;

(viii) Access points identified on the preliminary plat are not reduced, increased or significantly altered;

(ix) The amendment will not negatively impact the future owners of the lots, tracts or parcels created by the subdivision;

(x) The proposal does not reduce required setbacks;

(xi) The proposal does not alter the location or grade of any public roadways; and,

(xii) The proposal does not alter the course of any drainage way or drainage easement.

(43) Approvals. ~~After reviewing comments, if any, of the Planning Commission,~~ The Planning Administrator has the authority to approve or deny any proposed minor amendment and may impose additional or altered conditions and requirements

as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan and other applicable County codes and state laws.

(b) Major Amendments. Any proposed amendment to an approved preliminary ~~plat subdivision~~ that is not considered minor by the Planning Administrator shall constitute a major amendment. The following are required for all proposed amendments that are not considered minor amendments by the Planning Administrator or that the Planning Administrator elects to have considered under the criteria and limitations for major amendments.

(1) Open Record Hearing Required. The Department shall set a date for an open record hearing before the ~~Planning Commission~~Hearings Examiner after all requests for additional information under BCC 9.05.030(a)(9) have been satisfied and, if applicable, either a determination or a mitigated determination of non-significance, or an environmental impact statement, if required, has been issued pursuant to the State Environmental Policy Act (SEPA). The open record hearing shall follow the procedures set forth in BCC 9.05.040 and BCC 9.05.070.

(2) Other Land Use Actions. Any amendment that requires a discretionary permit other than those granted in conjunction with the original preliminary plat approval shall require the approval of such permit before or with the decision on the proposed major plat amendment.

(3) Written Findings and Determinations. The ~~Planning Commission~~Hearings Examiner shall ~~consider making a written recommendation and the Board of County Commissioners shall~~ make the final decision on a proposed major amendment following the same procedure and the same criteria as for the initial decision to approve, conditionally approve or deny the preliminary plat. Additionally, the proposed preliminary plat, as amended by the proposed major change, shall not be approved unless the ~~Board of Commissioners~~Hearings Examiner can and does make the written findings required for the approval of all preliminary plats.

9.05.160

(4) Approvals. The ~~Board of County Commissioners~~Hearings Examiner has the authority to approve or deny any proposed major amendment and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan and other applicable County codes and state laws.

[Ord. 612 (2018) § 45]

9.05.150 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

[Ord. 612 (2018) § 84]

9.05.160 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.

[Ord. 612 (2018) § 85]

CHAPTER 9.07

SUBDIVISION-FINAL PLAT

SECTIONS:

9.07.010	General Provisions
9.07.020	Final Plat-General Requirements
9.07.030	Request for Final Plat Approval
9.07.040	Final Plat Review by Agencies
9.07.050	Final Plat Review by Planning Administrator
9.07.060	Board of County Commissioners' Planning Administrators Approval
9.07.070	Recording
9.07.080	Final Plat Requirements
9.07.090	Certificates Required-Final Plat
9.07.100	Recording Requirements
9.07.110	Alteration of Plat
9.07.120	Severability
9.07.130	Effective Date

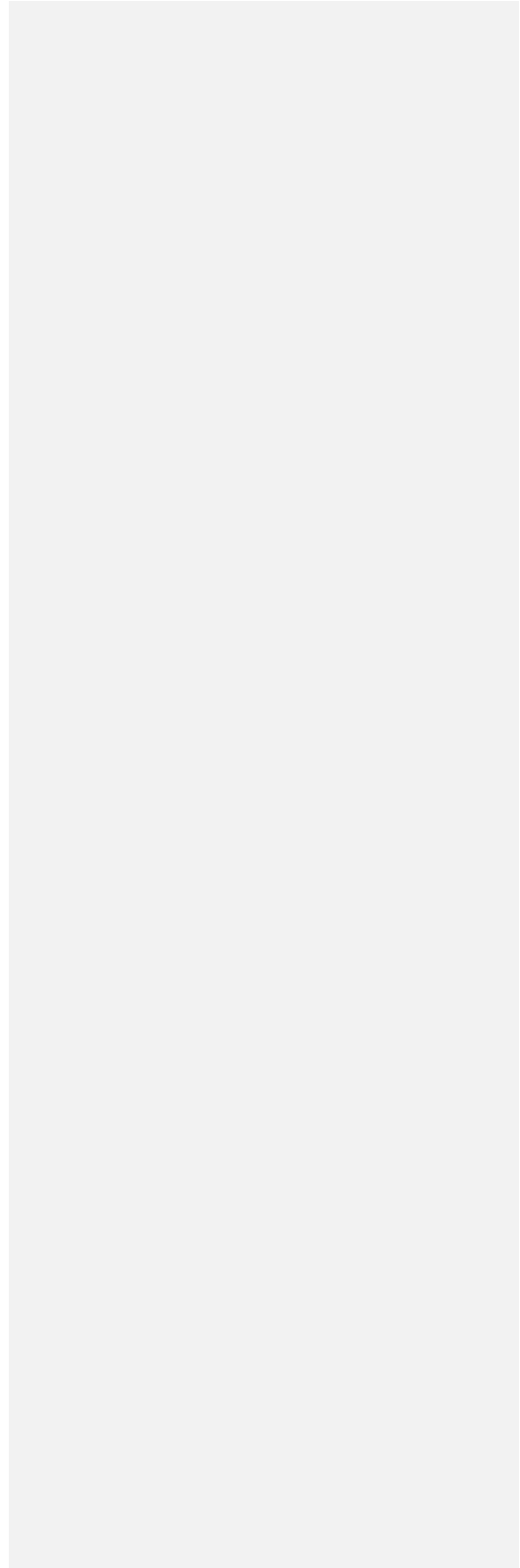
9.07.010 GENERAL PROVISIONS.

(a) The purpose of this chapter is to provide procedures and consistent criteria for the efficient and timely review and approval of a final plat.

(b) Any person seeking to finalize and record a plat that is creating five (5) or more lots that has completed the preliminary plat approval process pursuant to Chapter 9.05 BCC shall submit an application for the approval of a final plat to the Planning Administrator with the application requirements in BCC 9.07.020. [Ord. 612 (2018) § 46]

9.07.020 FINAL PLAT-GENERAL REQUIREMENTS.

(a) Developers shall submit to the Planning Administrator all



9.07.020

final plats prepared in accordance with the provisions of BCC 9.07.080 and the provisions of the preliminary plat approval.

(b) The following information shall be submitted to the Planning Department in order to seek final plat approval:

(1) A request for final plat approval on a form provided by the Planning Department.

(2) ~~Ten (10)~~ Three (3) copies of the final plat as specified in BCC 9.07.080, one eleven (11) inches by seventeen (17) inches reproducible copy of the final plat and any required supplementary materials.

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(3) Proof that road and utility plans prepared in accordance with the provisions of BCC 9.09.030 through BCC 9.09.060 have been prepared and submitted to the County Engineer. All required infrastructure improvements including as built drawings and data of all underground utilities necessary to serve said plat must be constructed and accepted by the county engineer. In lieu of actually completing all improvements, the developer may provide the county with a bond or irrevocable line of credit in an amount equal to one hundred twenty-five (125) percent of the county engineer's estimate of the cost to complete the required infrastructure.

(4) A title certificate from a title company that is not more than two (2) months old, showing the names and addresses of anyone with an ownership interest in the land being subdivided and all easements on the property proposed for division.

(5) Written verification from the Benton-Franklin Health District that it has reviewed the final plat and that the applicant has included all necessary information and notes on the final plat as directed by said District.

(6) Complete field and computation notes showing original or re-established corners with descriptions of them and actual traverse showing error of closure and method of balancing,

9.07.050

and a sketch showing all distances, angles, and calculations required to determine distances and corners of the plat. The allowable error shall not exceed one (1) foot in ten thousand (10,000) feet.

(7) A digital format of the final plat that is fully compatible with the County's current CAD system.

(8) A non-refundable fee as established by resolution of the Board of Benton County Commissioners.

[Ord. 612 (2018) § 47]

9.07.030 REQUEST FOR FINAL PLAT APPROVAL.

After receiving a request for final plat approval, the Department shall review the request for completeness as if it were an application under BCC 17.10.090 to determine if it is complete and contains all the information as required in BCC 9.07.020.

[Ord. 612 (2018) § 48]

9.07.040 FINAL PLAT REVIEW BY AGENCIES.

(a) The Planning Administrator shall forward copies of the final plat map to other County departments, the relevant municipality if the plat is located in an Urban Growth Area, and utility companies or public agencies determined to have an interest in the subdivision.

(b) All reviewing agencies shall have fourteen (14) days from the date of mailing to forward their comments to the Planning Administrator.

[Ord. 612 (2018) § 49]

9.07.050 FINAL PLAT REVIEW BY PLANNING ADMINISTRATOR.

(a) The Planning Administrator shall review the file and the final plat map to determine if:

(1) The final plat complies with the requirements of this title;

(2) The final plat is consistent with the approved preliminary plat;

(3) All changes and conditions imposed in connection with the approved preliminary plat approval have been made and complied with;

(4) The County Engineer has approved the road and utility plans. All required infrastructure improvements including as built drawings and data of all underground utilities necessary to serve said plat must be constructed and accepted by the county engineer. In lieu of actually completing all improvements, the developer may provide the county with a bond or irrevocable line of credit in an amount equal to one hundred twenty-five (125) percent of the county engineer's estimate of the cost to complete the required infrastructure; and,

(5) All fees and charges for engineering plan review and construction inspection shall be paid.

(b) If the Planning Administrator makes the affirmative determinations required above by subsection (a), the applicant shall promptly submit:

(1) one (1) final plat on material approved by the Benton County Auditor, the signatures of the County Engineer, County Assessor, County Treasurer and any applicable irrigation district must be on the final plat as required by BCC 9.07.090., and the Planning Administrator shall inform the Chairman of the Planning Commission of his or her determination who, in turn, shall sign the final plat and authorize that it be forwarded to the Board of County Commissioners.

(2) If applicable, bond documentation for any improvements not being constructed prior to recording the final plat map.

(3) Any other necessary certificates, bonds, or endorsements.

(c) Prior to scheduling the final plat before the Board of County Commissioners for approval at a public meeting, ~~the signatures of the County Engineer, Planning Commission Chairman, County~~

~~Assessor, County Treasurer and any applicable irrigation district must be on the final plat as required by BCC 9.07.090.~~
[Ord. 612 (2018) § 50]

9.07.060 ~~BOARD OF COUNTY COMMISSIONERS~~ PLANNING ADMINISTRATOR APPROVAL.

~~(a) The Board of County Commissioners shall consider each final plat at a public meeting. The Planning Administrator shall, in~~

~~coordination with Board of County Commissioners' staff, set the time, date and place for the meeting to review the following information:~~

~~(1) The original final plat complete with all signatures EXCEPT those of the Chairman of the Board and the County Auditor.~~

~~(2) An updated title certificate dated no more than two (2) months from the date the final plat was submitted to the Benton County Board of Commissioners, containing all information required by BCC 9.07.020(b) (4).~~

~~(3) The developers' provision for bond for improvements.~~

~~(4) Any other necessary certificates, bonds or endorsements.~~

(b) The ~~Board of County Commissioners~~ Planning Administrator shall review ~~the Planning Administrator's recommendation~~ and approve the final plat for recording if the following standards are met:

(1) The final plat is consistent with the preliminary plat;

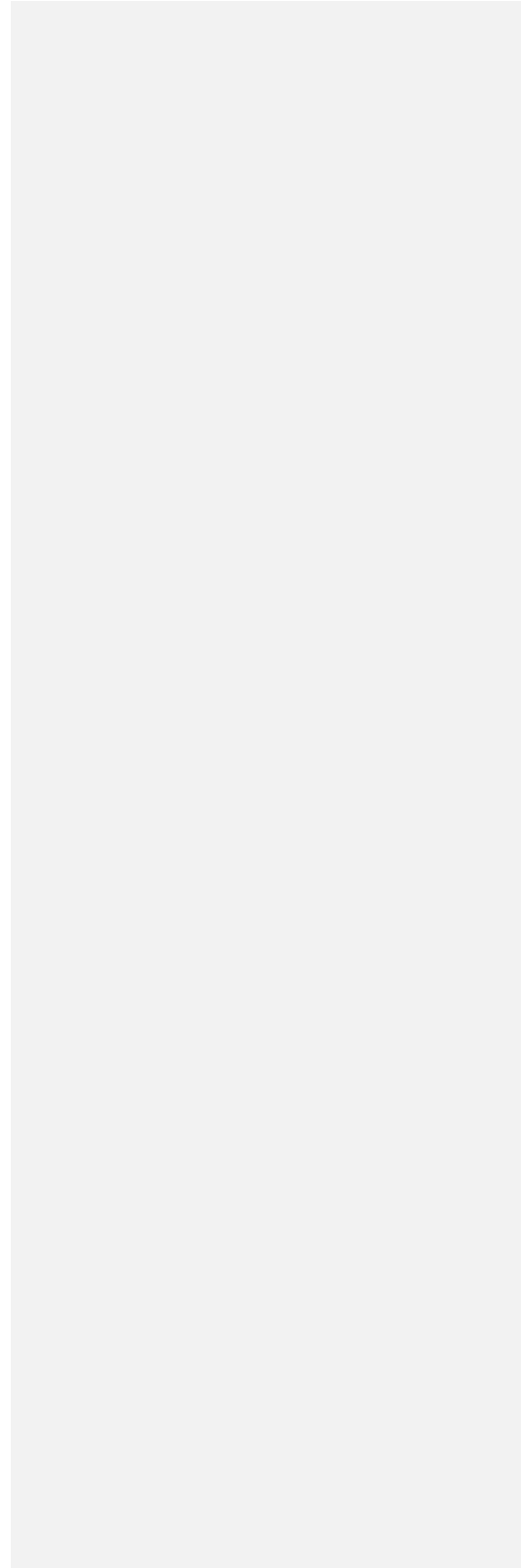
(2) The final plat includes all of the information required by BCC 9.07.080;

(3) All changes and conditions imposed on the preliminary plat approved by the Board have been made and complied with; and

(4) All applicable requirements of the state law and this title have been satisfied.

(c) If the ~~Board of County Commissioners~~ Planning Administrator determines that the above standards are met, the ~~Chairman of the Board~~ Planning Administrator shall sign on the appropriate signature block on the face of the plat. If the ~~Board of County Commissioners~~ Planning Administrator finds these standards have not been met, the ~~Board Administrator~~ shall deny the final plat and

return it to the applicant



9.07.080

for correction. The ~~Board's Administrator's~~ approval of the final plat shall constitute County acceptance of all dedications.
[Ord. 612 (2018) § 51]

9.07.070 RECORDING.

(a) The final plat shall be recorded with the Benton County Auditor after receiving final approval from the Board of County Commissioners.
[Ord. 612 (2018) § 52]

9.07.080 FINAL PLAT REQUIREMENTS.

(a) Scale and sheet size - The final plat shall be drawn in black ink on good quality material approved by the Benton County Auditor with a scale of not more than one hundred (100) feet to the inch unless otherwise specifically approved by the Planning Administrator. All plats shall be drawn on a standard sheet twenty-four (24) inches by thirty-six (36) inches. If the entire plat cannot be contained on one standard sheet, two (2) or more sheets shall be used. Each sheet shall have a title block in the lower right hand corner showing the name of the plat, the sheet number and the total number of sheets. Each sheet shall have a two (2) inch margin on the left side and a one-half (1/2) inch margin on all other sides.

(b) Map Information - The final plat shall be made by or under the supervision of a registered land surveyor of the State of Washington as a result of a land survey in compliance with the requirements of the Survey Recording Act, Chapter 58.09 RCW and the Washington Administration Code (WAC) 332-130 as they now exist or are hereafter amended. Each final plat shall include an accurate map of the subdivided land, based upon a complete survey thereof and shall include the following information:

(1) Primary control points and descriptions and ties to such control points, to which all angles, bearings, dimensions, and similar data on the plat shall be referred.

(2) The final plat shall be accompanied by complete field and computation notes showing original or re-established corners with descriptions of them and actual traverses showing error of closure and method of balancing, with sketch showing all distances, angles, and calculations required to determine distances and corners of the plat. The allowable error shall not exceed one (1) foot in ten-thousand (10,000) feet.

(3) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines or residential lots and other sites with accurate bearings, dimensions, deflection angles, complete curve data for street centerlines and property lines and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curves to lot lines.

(4) Name and right-of-way width of each street and other rights-of-way or easements.

(5) Locations, dimensions, and purposes of each easement.

(6) Purpose for which sites, other than residential lots, are dedicated or reserved.

(7) Number to identify each parcel or lot.

(8) Location and description of all monuments.

(9) Reference to recorded plats of adjoining land by record name, date and number.

(10) Located on the bottom or right edge of each sheet of the final plat:

(i) A title block identifying the business name of the firm and/or land surveyor that performed the survey;

(ii) On every sheet of multiple sheets, an identification number, i.e., "sheet 1 of 5";

(iii) A County Auditor's Certificate that states:

"Filed for record at the request of _____ at _____ minutes past _____, this _____ day of _____, __, and recorded in Volume _____ of plats at page _____, records of Benton County, Washington.

Benton County Auditor Fee Number

The Auditor's Certificate shall be on the first sheet of multiple sheets; however, space on each sheet of a multiple page final plat shall be provided for the Auditor's fee number, volume, and page numbers.

(iv) The surveyor's certificate on the first sheet of multiple sheets stating:

"I _____, Professional Land Surveyor, do hereby certify that the plat of _____ is based upon an actual survey of the above described property; that the distances, courses and angles are shown thereon correctly and that the monuments and lot corners have been set on the ground as shown on the plat."

Surveyor's Signature and seal

On each additional sheet, the seal and signature of the land surveyor and the date signed.

(c) General Information - In addition to the map or maps, every final plat shall contain the following written data:

9.07.090

(1) Name of the subdivision.

(2) The legal description of land contained within the subdivision.

(3) The date, north point and scale. In general, all plats shall be oriented on the paper with the north towards the upper edge of the sheet.

(4) The area of each lot within the subdivision shall be placed on the face of the plat or a separate sheet accompanying the plat showing lot acreage or square footage.

(5) A vicinity map showing the location of the plat.

(6) The street address of each lot, tract, and/or parcel, as determined by Benton County or applicable agency.

[Ord. 612 (2018) § 53]

9.07.090 CERTIFICATES REQUIRED-FINAL PLAT.

The following certificates shall be shown and all signatures affixed to a final plat shall be original signatures written in permanent black ink by the landowner's, the official involved or their designated representative:

- (a) County Engineer
- County Assessor
- County Treasurer
- ~~Chairman of County Planning Commission~~
- ~~Chairman of the Board of County Commissioners~~
- ~~County Planning Administrator~~
- Benton Franklin Health District
- Public Utility District
- Owners' certificate in the form set forth below in subsection (d).
- Certificates, if any, required by subsection (e) below.

(b) The final plat shall be accompanied by complete field and computation notes showing original or re-established corners with

descriptions of them and actual traverses showing error of closure

and method of balancing, with sketch showing all distances, angles, and calculations required to determine distances and corners of the plat. The allowable error shall not exceed one (1) foot in ten-thousand (10,000) feet.

(c) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines or residential lots and other sites with accurate bearings, dimensions, deflection angles, complete curve data for street centerlines and property lines and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curves to lot lines.

(d) A certificate in the following form shall be executed by all parties having an ownership interest in the lands subdivided and acknowledged before a Notary Public:

Know all persons by these present that _____ are all parties having ownership interest in the land hereon described; have with their free consent and in accordance with their desires caused the same to be surveyed and subdivided as shown hereon; do hereby dedicate those roads and/or rights-of-way shown as public dedications hereon to the use of the public; do hereby waive on behalf of themselves and their successors in interest all claims for damages against Benton County and any other governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said dedicated roads and/or rights-of-way; and do hereby grant and reserve the easements as shown hereon for the uses indicated.

(Name)

(Name)

(e) When the subdivision lies wholly or in part within an irrigation district, a certificate of approval of the irrigation district and/or the manager or administrator of the project for

9.07.110

the bureau of reclamation, if required by RCW 58.17.310 as now existing or hereafter amended.
[Ord. 612 (2018) § 54]

9.07.100 RECORDING REQUIREMENTS.

(a) The original final plat shall be submitted to the County Auditor who may accept it for recording only if all certifications and requirements of this title have been complied with.

(b) At the time of the recording of a final plat, the subdivider shall pay to the County Auditor the statutory recording fees.

(c) When restrictive covenants or other deed restrictions are to be placed upon the lots created by the subdivision, such covenants shall be recorded with the final plat.
[Ord. 612 (2018) § 55]

9.07.110 ALTERATION OF PLAT.

(a) When any person wishes to alter any portion of an approved final subdivision plat that person shall submit to the Planning Administrator an application to request the alteration with a preliminary plat map and a non-refundable application fee as established by resolution of the Board of County Commissioners. Plat alterations may consist of a change in designation on a plat or a change in location or size of a parcel or easement or other feature of a plat. The elimination of land from a plat, the elimination of an easement granted by the plat, or the elimination of an area dedicated for public use from the plat, shall require a vacation and must be processed under BCC 9.02.120.

(b) Application for plat alteration shall contain the signatures of those persons having an ownership interest in the majority of lots, tracts, parcels or sites in the subject subdivision or portions thereof to be altered. If a parcel is owned by more than one person, all persons with an ownership interest in said parcel shall sign the application in order to count said parcel when determining if owners of a majority of lots, parcels, tracts, or sites have signed the application. If the subdivision is subject

to restrictive covenants which were filed at the time of the approval of the subdivision 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 relative covenants to accomplish the purpose of the subdivision or portion thereof.

(c) Upon issuance of a letter of completeness of such application pursuant to BCC 17.10-~~090~~, the Planning Administrator shall place the item on the Benton County ~~Planning Commission~~Hearings Examiner's agenda for the appropriate regular meeting. The ~~Planning Commission~~Hearings Examiner shall review and ~~consider recommending either~~ make a decision to either ~~approval~~approve, ~~approval~~approve with conditions, or ~~disapproval~~deny the proposed application for alteration. ~~Any Planning Commission recommendation shall be submitted to the~~ The Board of County Commissioners~~Hearings Examiner, who~~ shall conduct an open record hearing on the application for alteration, and, as provided for in RCW 58.17.080 and RCW 58.17.090, as they now exist or hereafter amended, provide notice for such open record hearing and describe the plat to be altered. The notice shall establish a place, date and time for an open record hearing. If the subdivision is located within a city's Urban Growth Area boundary, such notice shall also be sent to that city. The notice shall also be given to cities located within one mile of the subdivision. If the subdivision is located adjacent to a state highway or within two (2) miles of a state or municipal airport, the notice shall be given to the Washington State Department of Transportation.

(d) The ~~Board of County Commissioners~~Hearings Examiner shall determine the public use and interest in the proposed alteration, and may approve or deny the application for alteration. If any land within the alteration is part of an assessment district, all 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 an alteration results in a reduction in size, but not elimination of a parcel or area dedicated to the general use of persons residing within the

subdivision, the area no longer dedicated as a result of the alteration may be divided equitably among the adjacent properties.

9.07.120

(e) After approval of an alteration, the applicant shall produce a survey containing a revised drawing of the approved alteration of the final plat. The survey shall contain information as required in BCC 9.07.080 and BCC 9.07.090. The information to be provided by the applicant, prior to obtaining permission to record an altered plat, shall include:

(1) One altered plat on materials approved by the Benton County Auditor and ten (10) copies of the altered plat as specified in BCC 9.07.080, one eleven (11) inches by seventeen (17) inches paper copy of the altered plat and any required supplementary materials.

(2) A title certificate no older than two (2) months, containing all information required by BCC 9.07.020(b) (4).

(3) Written verification from the Benton-Franklin Health District that it has reviewed the altered subdivision and that the applicant has provided all necessary information and notes on the final plat.

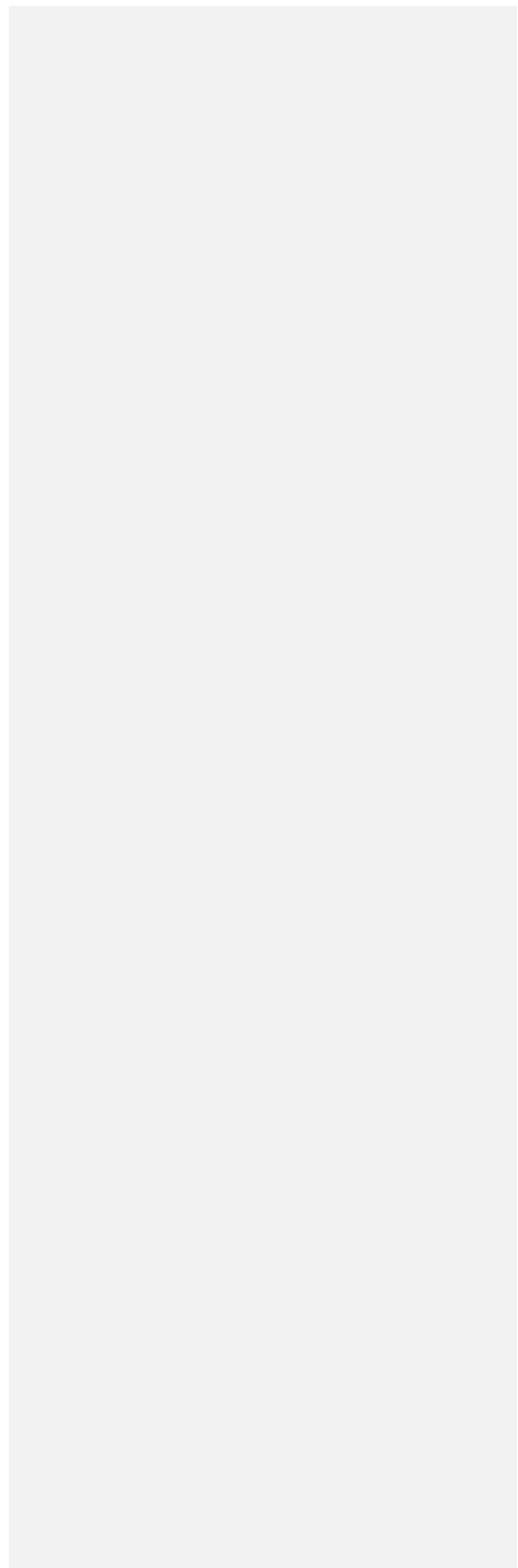
(4) Complete field and computation notes showing original or reestablished corners with descriptions, actual traverse showing error of closure and method of balancing, and a sketch showing all distances, angles, and calculations required to determine distances and corners of the plat. The allowable error shall not exceed one (1) in ten thousand (10,000) feet.

(f) After obtaining the signature of the ~~Board of County Commissioners~~ Planning Administrator, the final plat as altered shall be filed with the County Auditor and become the plat of the property. This section shall not be construed as applying to the alteration or replatting of any plat of state granted tide or shore lands, and the alteration shall be disclosed in a title report prepared by a title insurer and issued after the filing of the final plat.

[Ord. 612 (2018) § 56]

9.07.120 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any

person or circumstance is held invalid, the constitutionality of



9.07.130

the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.
[Ord. 612 (2018) § 84]

9.07.130 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 612 (2018) § 85]

CHAPTER 9.09

DESIGN AND IMPROVEMENTS

SECTIONS:

9.09.010	General Provisions
9.09.020	Short Subdivision-Private Access Easement Requirements
9.09.030	Design and Construction Standards-General Layout Design Standards
9.09.040	Road Design and Construction
9.09.050	Utility Design and Construction
9.09.060	Monuments
9.09.070	Severability
9.09.080	Effective Date

9.09.010 GENERAL PROVISIONS.

(a) All subdivisions and short subdivisions shall comply with the following standards of design and improvements except as noted elsewhere in this title.

(b) The design of plats shall conform to the requirements of all applicable county plans and standards, and any official control relating to land use which has been adopted to implement the Benton County Comprehensive Plan. In addition:

(1) The design, shape, size, and orientation of the lots should be appropriate for the use for which the divisions are intended, and the character of the area in which they are located.

(2) Block dimensions should reflect due regard to the needs of convenient access, public safety, emergency vehicle

9.09.020

access, topography, road maintenance, and the provision of suitable sites for the land use planned.

(3) Road alignments should be designed in accordance with Benton County Standards For the Design and Construction of Roads and Bridges; with appropriate consideration for existing and planned roads, anticipated traffic patterns, topographic and drainage conditions, public safety, and the proposed use of the land so divided.

(4) Where a lot is platted into lots of one (1) acre or more in size, the Planning Administrator may require an arrangement of the lots and roads, such as to permit a subsequent re-division in conformity with roads or plans adopted by Benton County.

(5) Lots should not be divided by the boundary of any city, county, zoning designation, public right-of-way, or drainage easement.

(c) All installation of improvements required in connection with the approval of a plat, including those serving a subdivision but located outside the subdivision, shall be installed in conformance with all applicable ordinances, codes and policies adopted by Benton County.

(d) Private Road Easements.

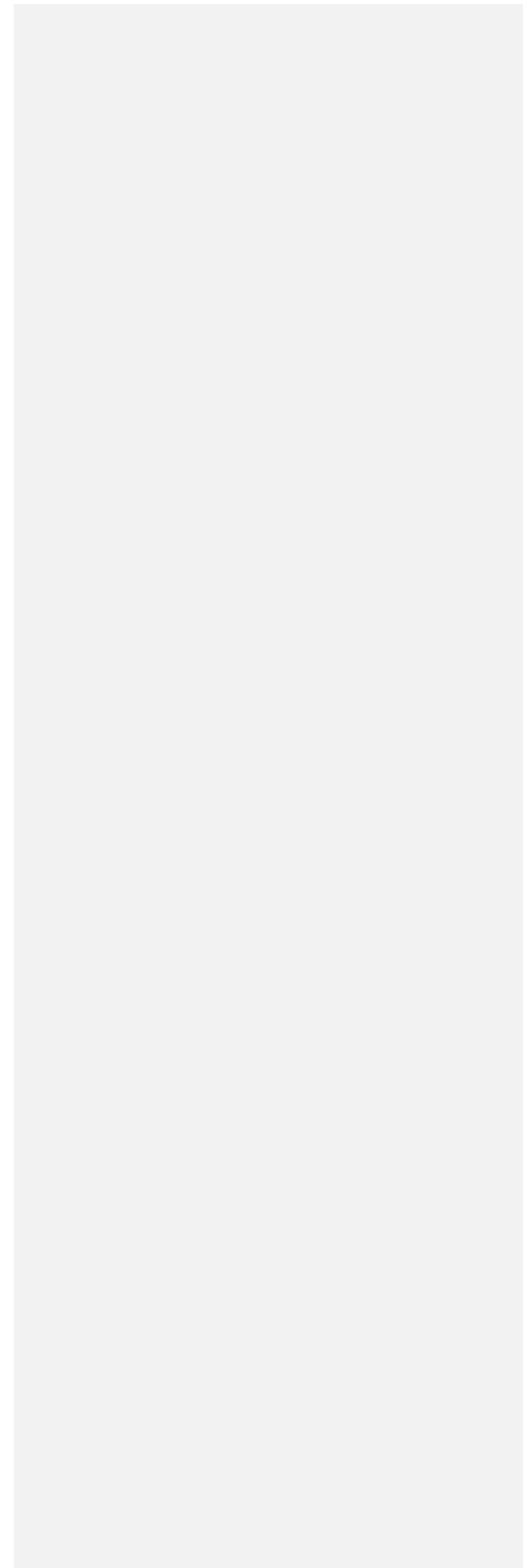
(1) Short Subdivision: ~~New~~ Private road easements are permissible to meet the access requirements for a new short subdivision subject to the requirements in BCC 9.09.020.

(2) Subdivisions: ~~New~~ Private road easements are not permissible to meet the access requirements for a new subdivision.

[Ord. 612 (2018) § 57]

9.09.020 SHORT SUBDIVISION-PRIVATE ACCESS EASEMENT REQUIREMENTS.

(a) All lots in a short subdivision must have a means of legal access to a city street, county road or state highway. In those



9.09.020

cases where the lots are served by private access easement, the access shall be labeled on the plat map as "Private Road Easement," and a statement placed on the plat that construction and maintenance responsibility for the easement is not Benton County's. If the private road easement extends to land outside the boundaries of the short plat, recording details and parcels served outside the short plat shall be shown.

(b) Except as set forth in BCC 9.09.020(d), private access easements are permissible to meet the access requirements for a new short subdivision imposed by BCC 9.09.020(a); provided, the width of such easement shall be at least forty (40) feet.

(c) Private access easements may be combined with utility easements, but not irrigation easements.

(d) A private access easement does not constitute adequate means of ingress and egress for the proposed lots if approval of the short plat would result in ~~one~~ private access easements serving more than twelve (12) lots. In such instances, access must be by a dedicated and constructed public road with widths and standards as required by the County Engineer.

(e) Private access easements are not built, improved, or maintained by Benton County, and the enforcement of all easement rights are the responsibility of the holder(s) of such rights and not Benton County.

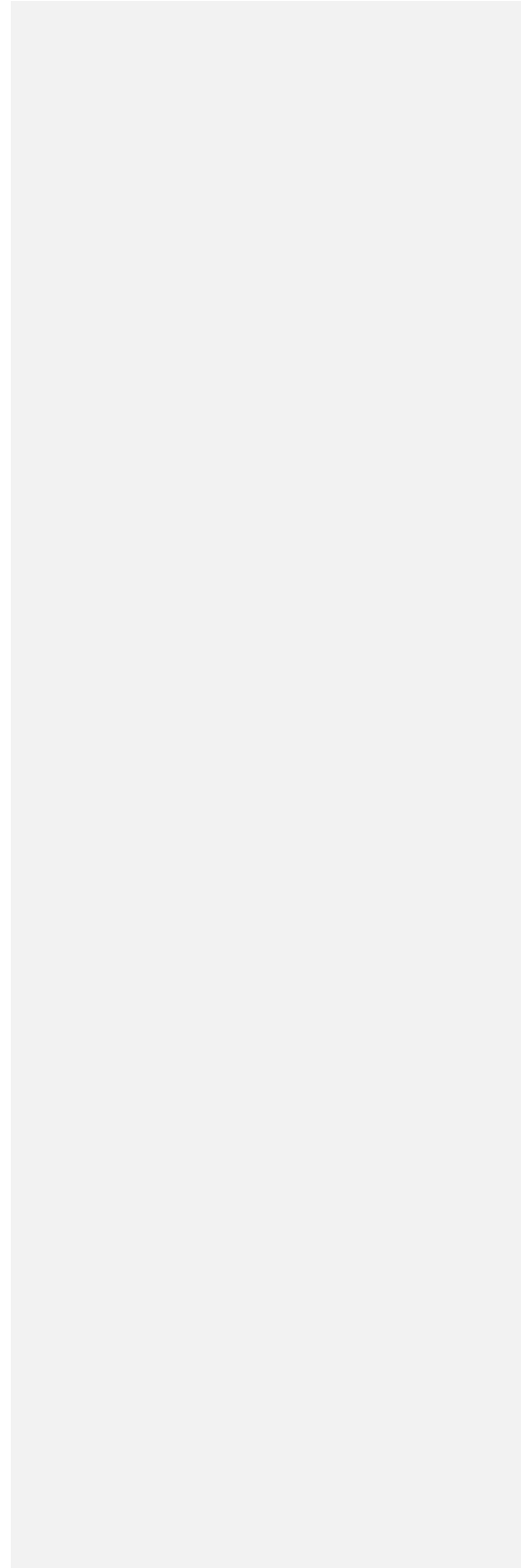
(f) ~~Road Approach/encroachment p Permits~~ for all proposed private access easements abutting a county maintained public road shall be obtained, and all improvements completed, prior to final short plat approval. When adjacent to a public road, the approach shall be shown on the final short plat.

Commented [DH1]: Left out acronym (RAP) because it is not used elsewhere in this code.

(g) All dead-end private access easements shall be designed to include provisions for emergency vehicle turnarounds in accordance with standards established by the Benton County Code.

(h) Cul-de-sacs and other dead-end streets, roads, or access easements will be permitted where topography or other conditions

justify their use. Cul-de-sacs and other dead-end streets, roads,



9.09.030

or access easements shall be limited to six hundred (600) feet in length unless a longer length is approved in writing by the Fire Marshal. Cul-de-sacs and other dead-end streets, roads, or access easements exceeding two hundred (200) feet shall end with a turnaround approved by the Benton County Fire Marshal. The turnaround shall be designed so that a pumper fire truck has to make no more than one back-up motion in order to reverse its direction.
[Ord. 612 (2018) § 58]

Commented [DH2]: Check with FM

9.09.030 DESIGN AND CONSTRUCTION STANDARDS-GENERAL LAYOUT DESIGN STANDARDS.

(a) Location and alignment of all proposed streets within a short subdivision or subdivision shall conform to any corresponding provisions in the County Comprehensive Plan and shall be compatible with existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.

(b) Where future alignment of roads is not shown in the County Comprehensive Plan, the alignment of roads in a subdivision shall:

(1) Be designed with appropriate consideration, as determined by the County Engineer, for existing and projected roads, anticipated traffic volumes and patterns, topographic and drainage conditions, public convenience, public safety, and the proposed uses of the land served; and

(2) Conform to all other standards set by the County Engineer.

(c) Proposed streets shall continue as extensions of existing streets unless good site planning dictates a different solution. Street patterns shall take into consideration access needed to develop all adjacent properties presently unsubdivided. Sketches of a proposed street system for adjoining properties may be required if owned by the subdivider or if the arrangement of the large tracts makes it necessary to provide future access through the property under consideration.

9.09.030

(d) Local access streets shall be planned so as to discourage through traffic and to conveniently channel traffic onto collector streets and arterial roads.

(e) When a tract is subdivided into larger than normal lots or parcels, such parcels shall be so arranged as to permit the logical resubdivision and opening of future streets with provision for adequate utility connections for such resubdivisions.

(f) When dead end streets are created by the development of a portion of a larger plat because of the desirability of continuing a street into a presently unplatted parcel a temporary turnaround shall be provided unless the length of the dead end street, as measured from the center of the nearest intersection, is 100 feet or less or the County Engineer recommends against the provision of such a turnaround. If such turnaround includes private property the right of way for the turnaround shall be protected by an easement that shall remain in force until such time as the street is extended and the need for the turnaround has ceased to exist. Private driveways shall not be permitted to be used as a turnaround. All temporary turn arounds shall be surfaced in the same manner as the adjacent plat roads and the size and configuration of such turn arounds shall be approved by the County Engineer.

(g) Dead end streets created by the development of a parcel that are not planned to be extended in the future shall be terminated with a cul-de-sac regardless of their length. ~~No dead-Dead~~ end streets exceeding 600 feet, as measured from the center of the nearest intersection to the center of the cul-de-sac ~~are not shall~~ be permitted, except in situations when the County Engineer determines there is no other feasible alternative. Cost and/or convenience to the developer shall ne be factors in the determination of feasibility. Cul-de-sacs shall be designed and constructed in accordance with the standards on file at the office of the County Engineer.

Commented [DH3]: Added this language instead of PW version with was "if"

(h) Street names shall be assigned to conform with existing streets on the same or similar alignment. New street names shall not be so similar to existing street names as may cause confusion.

(i) Streets shall be laid out so as to intersect as nearly as possible to right angles, EXCEPT where topography or other

conditions justify variations. The minimum angles of intersection of streets shall be seventy-five (75) degrees.

(j) Intersections ~~and driveways on arterial and collector roads~~ shall be spaced in accordance with the Benton County Standards For the Design and Construction of Roads and Bridges.~~not less than 300 feet apart measured centerline to centerline. Intersections on local access roads shall be spaced not less than 200 feet apart measured centerline to centerline.~~

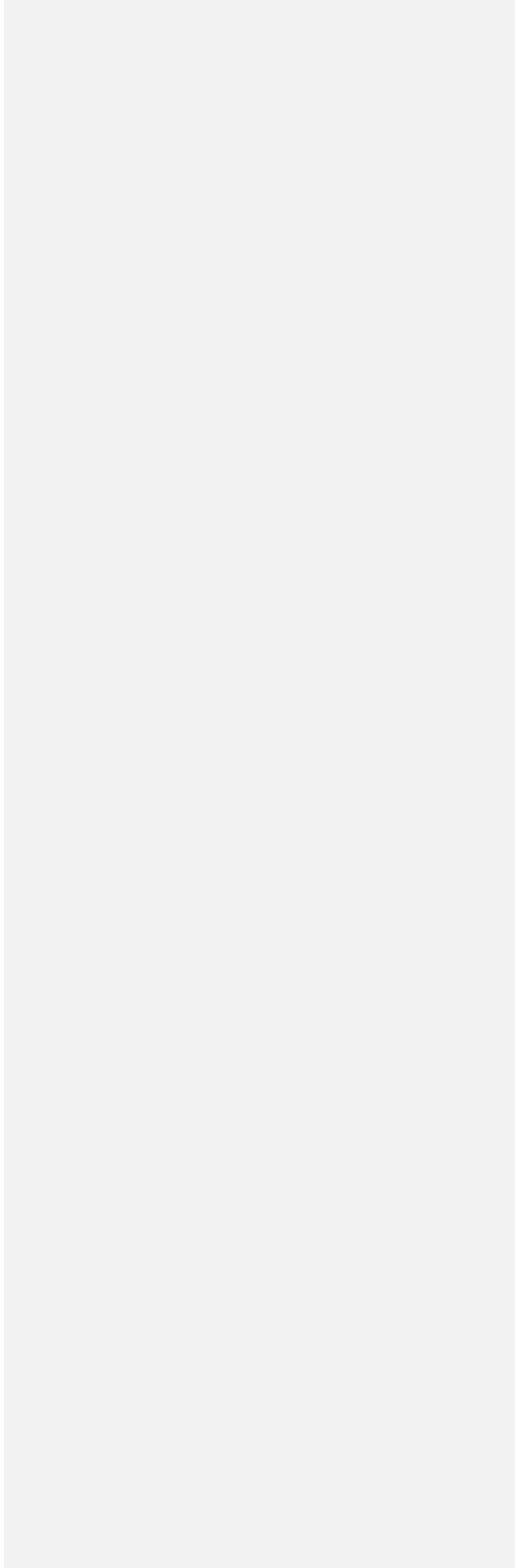
~~(k) Driveways on arterial and collector streets shall be spaced at not less than 300 feet measured centerline to centerline. Where the Developers property frontage does not permit such spacing the County Engineer may fix driveway locations to allow for a lesser spacing.~~

(~~k~~) Sight distance calculations shall be done utilizing the WSDOT Design Manual for all intersections and driveways within the project. Dedication of additional right of way may be required to encompass clear vision triangles. Use the following guidelines for determining required site distances:

- (1) For residential driveways and residential private roads use design vehicle P.
- (2) For commercial driveways and commercial private roads use design vehicle (SU-30 & CITY-BUS).
- (3) For all roadway intersections within the urban growth area use design vehicle (SU-30 & CITY-BUS).
- (4) For all roadway intersections in the rural area use deign vehicle (WB-40 & WB-67). On a case by case basis the County Engineer may permit a lower design vehicle in the rural area when the nature of the approaching road is determined to be primarily residential.

(~~m~~) Wherever the proposed land division contains or is adjacent to a railroad right-of-way or the right-of-way of a limited access highway, freeway, or primary arterial, provision may be required

for a marginal or frontal access street at a distance appropriate to the proposed use of land between the right-of-way and the



9.09.030

marginal access street. Such distance shall be determined with due consideration to future grade separations and for required lot depths.

(~~am~~) Corner lots in residential areas shall be ten (10) percent wider than minimum lot widths to allow for adequate setback of a building from both streets.

(~~en~~) Side lines of lots shall be approximately at right angles to the street in front or radial to curved street lines.

(~~po~~) Lots with double frontage shall be avoided wherever possible.

(~~ap~~) All lots shall front on a dedicated street other than an alley.

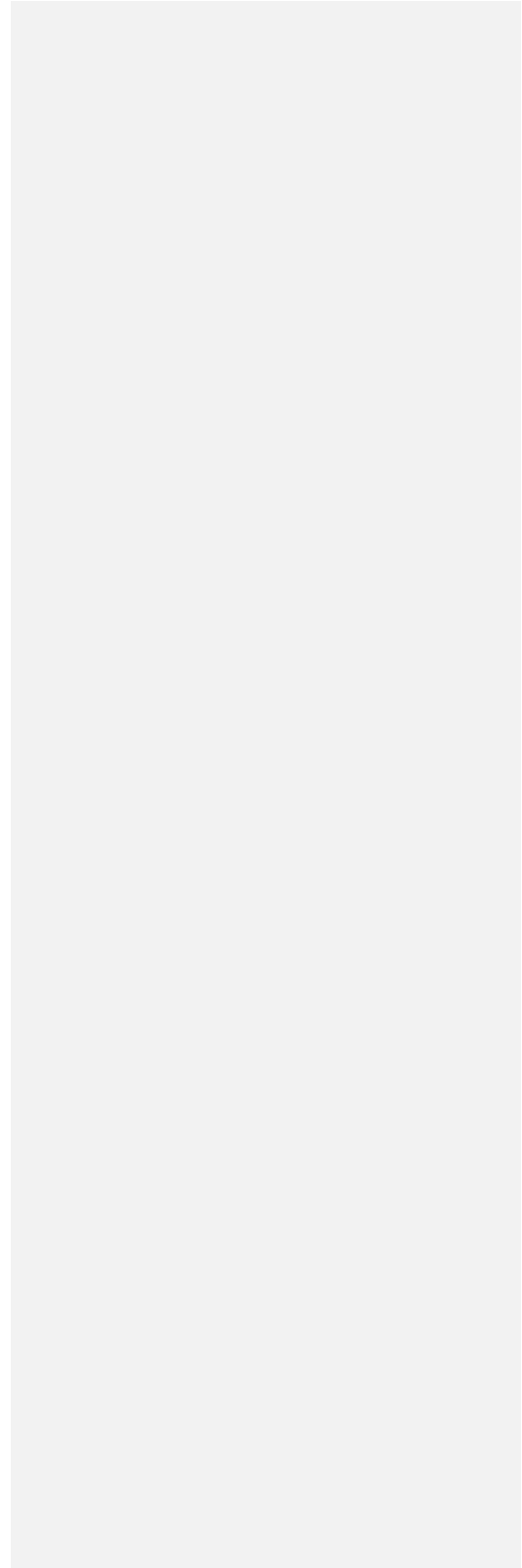
(~~sq~~) In developments where individual sewage disposal systems are to be used, the size of the lots shall be subject to the approval of the Benton-Franklin Health District.

(~~er~~) Drainage easements for storm sewers or open channel ditches may be required where it is not feasible to carry storm drainage under the streets or rights-of-way. Open channel easements may be required where there is evidence of a present or future natural drainage pattern which may carry water at such time as the general water table of the area is raised, or increased runoff will result from altered land use. Drainage easements shall be placed adjoining or straddling property boundary lines. The developer may be required to alter the grading of the proposed development in order to direct the drainage pattern to the established easements.

(~~es~~) Where the roadway is at a higher elevation than the adjacent terrain the Developer shall be required to show how runoff from the roadway impacts the adjacent land in relation to ponding or pass through of stormwater, and design and construct all necessary facilities to mitigate said impacts, as approved by the County Engineer.

(~~ut~~) Storm water analysis and facility design shall be based on the Stormwater Management Manual for Eastern Washington. The

design storm for all calculations shall be the SCS Type IA storm with a 25 year return period. The Developer shall, at a minimum,



retain the difference between the pre-developed condition storm water runoff volume and the post developed condition storm water runoff volume within the project boundary. Impervious surfaces that are not infiltrated on-site shall be limited to no more than 10% in rural areas.

(~~v~~u) Infiltration rates for untested soils shall be fixed at ~~2-1.5~~ inches/hour. If the developer wishes to utilize a ~~higher~~ different infiltration rate they shall ~~be required to~~ provide certified infiltration test results from a licensed professional engineer qualified to perform such tests.

(~~w~~v) All stormwater originating from the roadways shall be contained on the plat and shall utilize surface infiltration (ditches, swales, ponds) for detention, unless otherwise approved by the County Engineer. Roadside ditches and drainage facilities shall be capable of storing and infiltrating all runoff from the required design storm without overtopping. Particular attention must be paid to low points in roadways to ensure adequate stormwater retention is provided. Roadside ditches in excess of a 2% gradient shall not be considered to store any runoff except at locations where a barrier causes the water to pool (e.g. driveway crossing with no culvert). Check dams will only be permitted in the ditch with express approval of the County Engineer. The developer shall have an infiltration test performed at each proposed detention area. Tests shall be done with an infiltrometer using the falling head or constant head method. Other methods of infiltration rate determination require approval from the County Engineer or their designated representative.

Commented [DH4]: Added to PW proposed language

(~~w~~) Connection to an approved public water supply and/or an approved public sewer system may be required if deemed to be in the best interest of the public and/or the future residents of the subdivision.

(~~x~~) Irrigation distribution facilities shall be provided as required under RCW 58.17.310 as now existing or hereafter amended, as directed by the applicable irrigation district.

(~~y~~) Maximum profile gradient for rural roadways of all classes is

Commented [DH5]: PW proposed: "The developer shall have an infiltration test performed at each proposed detention area. Tests shall be done with an infiltrometer using the falling head or constant head method. Other methods of infiltration rate determination shall be approved by the County." I modified this language in the last sentence to note that 'other methods' require approval from CE...the original wording could be interpreted that the County Engineer *must* approve any other methods presented and that this was not discretionary.

7.0%. Maximum profile gradient for urban roadways of all classes is 10.0%. All roadways with curb and gutter shall have a minimum profile gradient of 0.5%.

(~~aa~~) Horizontal and vertical alignments shall be based on the requirements set forth in the Washington State Department of

9.09.040

Transportation Design Manual in order to provide stopping sight distance. The County Engineer shall determine the design speed for each roadway to be used in alignment design.

| (~~baa~~) All fore slopes and back slopes of a height greater than 12 inches shall be within the County right of way. Additional right of way and/or slope easements may be required to encompass the slope areas.

| (~~ebb~~) All subdivision plats with an average lot size of less than one (1) gross acre in size and more than sixteen (16) proposed dwelling units must include a second public road for access if otherwise served by a single public road over six hundred (600) feet in length.

| (~~dcc~~) All subdivision plats containing more than fifty (50) lots shall have a second access via a public road.
[Ord. 612 (2018) § 59]

9.09.040 ROAD DESIGN AND CONSTRUCTION.

(a) Required Improvements - Before the final plat or final short plat is recorded, all streets and other public rights-of-way shall be improved in accordance with minimum road requirements as set forth hereinafter, or if improvements are greater than the minimum requirements herein set forth, then as approved by the County Engineer; or in lieu thereof, a bond must be provided for the full amount of the cost of such work as estimated and/or approved by the County Engineer, including construction inspection costs, but in no case less than one thousand (1,000) dollars. Said bond shall be for a period of not less than two (2) years and shall guarantee that all construction inspection costs be paid and all streets and other public rights-of-way shall be improved within a period of one (1) year in accordance with the approved plans. If, after one (1) year, and total costs are not paid and/or all streets are not so improved, Benton County may cause such streets to be improved in accordance with the approved plans, and the cost thereof, including inspection costs shall be paid by the bonding company. The bond shall be approved by the County Engineer. If the road improvements are bonded, no building permits shall be issued for

lots within the final plat or final short plat until the roads are constructed to at least subgrade standards.

(b) All design and/or construction of plat streets shall be performed in accordance with standards, specifications and policies adopted by the Board of County Commissioners and on file in the office of the Benton County Engineer.
[Ord. 612 (2018) § 60]

9.09.050 UTILITY DESIGN AND CONSTRUCTION.

(a) Required Improvements - Before the final plat or final short plat is recorded, all proposed utilities shall be installed in accordance with the minimum utility requirements as set forth hereinafter, or if improvements are greater than the minimum requirements herein set forth, then as approved by the County Engineer and utility provider; or in lieu thereof, a bond must be provided for the full amount of the cost of such work as estimated and/or approved by the County Engineer, including construction inspection costs, but in no case less than one thousand (\$1,000) dollars. Said bond shall be for a period of not less than two (2) years and shall guarantee that all construction inspection costs be paid and all proposed utilities shall be improved within a period of one (1) year in accordance with the approved plans. If, after one (1) year and total costs are not paid and/or all utilities are not so improved, Benton County may cause such utilities to be improved in accordance with the approved plans, and the cost thereof, including inspection costs, shall be paid by the bonding company. The bond shall be approved by the County Engineer.

(b) All utility design and construction pertaining to subdivisions shall be performed in accordance with the standards, specifications and policies adopted by the Board of County Commissioners and on file in the office of the Benton County Engineer.

~~(1) Office of the Benton County Engineer - Guidelines for Road and Utility Planning and Construction for Subdivisions, December 3, 1973, as amended.~~

9.09.080

~~(2) Other standards as set by the County Engineer and adopted by the Board of County Commissioners.~~

[Ord. 612 (2018) § 61]

9.09.060 MONUMENTS.

(a) Concrete or iron pipe monuments approved by the County Engineer shall be set at the intersection of the centerlines of all streets; all angle points of street centerlines; all points of curvature and points of tangents in street centerlines at the radial point on cul-de-sacs; and all external corners of the subdivisions.

(b) The corners of all lots within the subdivision shall be marked by a 1" minimum diameter iron pipe or 5/8" minimum diameter iron pin thirty (30) inches in length firmly driven into the ground to a depth of at least twenty-four (24) inches.

[Ord. 612 (2018) § 62]

9.09.070 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

[Ord. 612 (2018) § 84]

9.09.080 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.

[Ord. 612 (2018) § 85]

CHAPTER 9.10

BOUNDARY LINE ADJUSTMENT

SECTIONS:

9.10.010	General Provisions
9.10.020	Application
9.10.030	Record Survey for Boundary Line Adjustment
9.10.040	Administrative Review
9.10.050	Criteria for Approval
9.10.060	Approval of Boundary Line Adjustment
9.10.070	Appeal of Administrative Decision
9.10.080	Recording
9.10.090	Expiration
9.10.100	Severability
9.10.110	Effective Date

9.10.010 GENERAL PROVISIONS.

(a) The purpose of this chapter is to provide procedures and consistent criteria for the efficient and timely review and approval of a boundary line adjustment.

(b) Any person seeking to modify the boundary lines between two (2) or more lots of record in unincorporated Benton County shall submit an application for a Boundary Line Adjustment to the Planning Administrator with the application requirements in BCC 9.10.020.

(c) The intent of a boundary line adjustment is to address existing problems pertaining to building encroachment, irregular shaped lots, non-conforming lots sizes or to modify lot lines to promote orderly and efficient community growth.
[Ord. 612 (2018) § 63]

9.10.030

9.10.020 APPLICATION.

(a) An application for the review and approval of a boundary line adjustment is required. An application is deemed complete when it meets the requirements of subsection (b).

(b) A complete application for review and approval of a boundary line adjustment consists of the following:

(1) Submission of a completed application on a form provided by the Planning Administrator signed by all persons with an ownership interest in the parcels or lots being proposed for adjustment;

(2) Payment of a non-refundable application fee as set by resolution adopted by the Board of County Commissioners; and

(3) Submission of two (2) copies and one (1) electronic copy of a Record Survey for Boundary Line Adjustment. The Record Survey for Boundary Line Adjustment shall comply with the requirement of BCC 9.10.030.

[Ord. 612 (2018) § 64]

9.10.030 RECORD SURVEY FOR BOUNDARY LINE ADJUSTMENT.

A Record Survey for Boundary Line Adjustment is to be submitted with all applications. The survey is to be prepared by a land surveyor registered in the State of Washington. The survey shall contain the following items at a minimum.

(a) Legal descriptions of all existing and proposed lots prepared by a land surveyor registered in the State of Washington;

(b) Unless otherwise required by law, existing property lines that will remain and proposed new property lines shall be drawn as solid black lines. Existing property lines proposed for removal shall be shown as dashed lines. All new and removed lines shall be clearly labeled;

9.10.040

(c) Dimensions of all property lines and total square footage of the lots less than one acre in size or total acreage for lots larger than one acre, both before and after the adjustment;

(d) Location and footprint of all existing structures on the site and the setbacks of such structures from existing and newly created property lines;

(e) Location and purposes of all existing easements other than mineral easements within the boundaries of all existing and proposed lots;

(f) Location and purposes of any newly created or extended easements; and

(g) Location of adjacent public roads and points of access from the public roads (if a lot does not front on a public road, show how and where access is provided).

[Ord. 612 (2018) § 65]

9.10.040 ADMINISTRATIVE REVIEW.

An application for a boundary line adjustment shall be approved, approved with conditions, returned to the applicant for modifications or denied within ~~fifteen (15)~~thirty (30) days of its receipt by the Planning Administrator. The Planning Administrator shall not be considered to be in receipt of a complete application unless and until such time as the application meets the requirements of BCC 9.10.020 as determined by the Planning Administrator.

(a) The Planning Administrator shall forward one (1) copy of the proposed boundary line adjustment to the County Assessor's Office and Benton County Engineer for review. Other agencies ~~will~~may be contacted by the Planning Administrator if determined to be applicable to the review of the boundary modification. These agencies include.

(1) Benton-Franklin Health District;

9.10.050

- (2) Benton County Fire Marshal;
- (3) Applicable Fire District;
- (4) Applicable Irrigation District;
- (5) Applicable Utility provider(s);
- (6) Other involved parties, County Departments, or agencies as necessary for review.

(b) Following review of the comments submitted, ~~but no later than fifteen (15) days following receipt of a complete application,~~ the Planning Administrator shall approve or deny the requested boundary line adjustment. If the boundary adjustment is denied the Planning Administrator shall make appropriate findings of fact in writing. Following a decision, the Planning Administrator shall notify the applicant.

[Ord. 612 (2018) § 66]

9.10.050 CRITERIA FOR APPROVAL.

The proposed boundary line adjustment may only be approved if it complies with the requirements and limitations set forth in this section. The Planning Administrator shall review the application and determine whether the survey complies with this section prior to approving the proposed boundary line adjustment:

(a) The Record Survey for Boundary Line Adjustment and all legal descriptions of the existing and proposed lots have been prepared by a land surveyor registered in the State of Washington;

(b) The boundary line adjustment may not result in the creation of any additional lots, sites, parcels, or tracts of land;

(c) The boundary line adjustment may not result in the creation of nonconforming lots, sites, parcels or tracts of land with respect to lot area, lot depth, setbacks or lot coverage requirements set forth in Title 11 of the Benton County Code;

9.10.060

(d) The degree of nonconformance of existing nonconforming lots, sites, parcels or tracts may not be increased with respect to lot area, lot depth, setbacks or lot coverage;

(e) The boundary line(s) to be adjusted must be a common boundary line between two adjacent lots, sites, parcels or tracts;

(f) The plan must not be inconsistent with any restrictions or conditions of approval for a recorded final plat or short plat;

(g) The boundary line adjustment must not result in the violation of the applicable building code, fire code, Benton Franklin Health District regulation or any other locally administered applicable regulation; and

(h) The boundary line adjustment must not result in a lot, site, parcel or tract that does not have legal access to a public road. [Ord. 612 (2018) § 67]

9.10.060 APPROVAL OF BOUNDARY LINE ADJUSTMENT.

Upon approval of the boundary line adjustment and prior to the recording of any documents to implement the boundary line adjustment, the following must be submitted to the Planning Administrator:

(a) Completed and executed deeds and excise tax affidavit forms with the record survey and legal descriptions of the adjusted lots that have been prepared by a land surveyor registered in the State of Washington; provided, all deeds must be executed in the presence of a notary public and include a certification of the property owners that all owners have signed the document;

(b) Any other documentation necessary to demonstrate that any conditions of approval imposed by the Planning Administrator have been met;

9.10.100

(c) The signature of the Benton County Treasurer, on forms provided by the County, certifying that all property taxes due and owing for the affected property have been paid; and

(d) The payment of any fees which may be required by any office prior to completion of the transaction.
[Ord. 612 (2018) § 68]

9.10.070 APPEAL OF ADMINISTRATIVE DECISION.

Any decision to approve, condition, or deny a boundary line adjustment application based upon the requirements of this title may be appealed by any person aggrieved to the Benton County Hearings Examiner subject to the requirements in BCC 9.02.130.
[Ord. 612 (2018) § 69]

9.10.080 RECORDING.

The applicant shall record the Record Survey for Boundary Line Adjustment documents with the Benton County Auditor, and supply and a copy of the recorded documents containing the recording certificate shall be returned to the Planning Administrator including a digital copy of the survey in a format that is compatible with the County's current CAD system to the Planning Administrator.

Commented [GW1]: New language- added

[Ord. 612 (2018) § 70]

9.10.090 EXPIRATION.

A boundary line adjustment application approval shall expire if all documents necessary to implement the boundary line adjustment have not been recorded within one (1) year from the date of approval. Upon such expiration, a new application must be submitted in accordance with BCC 9.10.020.
[Ord. 612 (2018) § 71]

9.10.100 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any

person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.
[Ord. 612 (2018) § 84]

9.10.110

9.10.110 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 612 (2018) § 85]