

CHAPTER 9.03**SHORT SUBDIVISIONS****SECTIONS:**

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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

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) copies of a short plat prepared in accordance with the provisions of BCC 9.03.040; and

(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 right-of-ways 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.
 [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;

- (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]

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.

(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;

(4) The proposed short subdivision 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.

(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, the Planning Administrator shall notify the applicant of:

(1) Preliminary approval; or

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

(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,

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

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]