

CHAPTER 9.07

SUBDIVISION-FINAL PLAT

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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

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) 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.

(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,

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 one (1) final plat on material approved by the Benton County Auditor, 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.

(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' 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 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 determines that the above standards are met, the Chairman of the Board shall sign on the appropriate signature block on the face of the plat. If the Board of County Commissioners finds these standards have not been met, the Board shall deny the final plat and return it to the applicant

for correction. The Board'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:

- (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
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

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's agenda for the appropriate regular meeting. The Planning Commission shall review and consider recommending either approval, approval with conditions, or disapproval of the proposed application for alteration. Any Planning Commission recommendation shall be submitted to the Board of County Commissioners, 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 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.

(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, 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

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]