

## CHAPTER 9.10

### BOUNDARY LINE ADJUSTMENT

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#### **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]

**9.10.020 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;

(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) 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 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;

- (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;

(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;

(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 a copy of the recorded documents containing the recording certificate shall be returned to the Planning Administrator.

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