

CHAPTER 9.11

LOT CONSOLIDATION

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9.11.010 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 lot consolidation.

(b) Any person seeking to eliminate the boundary/lot line between two (2) or more lots of record in unincorporated Benton County shall submit an application for a lot consolidation to the Planning Administrator with the application requirements in BCC 9.11.020.

(c) The intent of a lot consolidation is to consolidate contiguous lots of record which are under one ownership. The consolidation shall comply with all applicable zoning, subdivision, and other land use controls.

[Ord. 612 (2018) § 72]

9.11.020 APPLICATION.

Application for lot consolidation shall be made on forms to be provided by the Planning Administrator, and shall be submitted to the Planning Department together with the following:

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

(b) The parcel number(s) of the effected parcel(s).

(c) Platted lots: Provide a copy of the recorded plat.

(d) Un-platted lots: Provide existing and proposed legal descriptions. The Planning Administrator may require the legal descriptions be prepared by a licensed land surveyor in order to ensure the accuracy of the new legal descriptions.

(e) Two (2) copies of a plan, drawn to scale and accurately dimensioned, clearly showing the following information:

(1) The proposed parcel lines for all effected lots, indicated by heavy solid lines;

(2) The location of all structures existing upon the effected parcel(s);

(3) The location and dimensions of any drain field, wellhead protection area, easement or right-of-way existing within or adjacent to any effected parcel(s);

(4) The area and dimensions of each parcel following the proposed consolidation;

[Ord. 612 (2018) § 73]

9.11.030 ADMINISTRATIVE REVIEW.

An application for lot consolidation 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 9.11.020 as determined by the Planning Administrator.

(a) The Planning Administrator shall forward one copy of the proposed lot consolidation to the County Assessor's Office and the Benton County Engineer for review. Other agencies will be contacted by the Planning Administrator if determined by the Planning Administrator to be applicable to the review of the lot consolidation. 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 lot consolidation. If the lot consolidation 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) § 74]

9.11.040 CRITERIA OF APPROVAL.

The proposed lot consolidation may only be approved if it complies with the requirements and limitations set forth in this section.

The Planning Administrator shall, after conferring with appropriate officials and agencies, review the proposal to ensure that the lot consolidation will not result in the following:

(a) Creation of any additional lot, tract, parcel, site or division.

(b) Result in a lot, tract, parcel, site or division which contains insufficient area or dimension to meet the minimum requirements for area and dimension as set forth in Title 11 of the Benton County Code and local health codes and regulations.

(c) Diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site or division.

(d) Diminish any easement or deprive any parcel of access of utilities, unless alternate easements, access or utilities can be satisfactorily provided.

(e) No approval shall result in inconsistency with state or local platting requirements.

(f) Amend the conditions of approval for previously platted property.

[Ord. 612 (2018) § 75]

9.11.050 APPROVAL OF LOT CONSOLIDATION.

Upon approval of the lot consolidation and prior to the recording of any documents to implement the lot consolidation, the following items shall 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 (if required by the Planning Administrator); 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) § 76]

9.11.060 APPEAL OF ADMINISTRATIVE DECISION.

Any decision to approve, condition, or deny a lot consolidation 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) § 77]

9.11.070 RECORDING.

The applicant shall record the lot consolidation 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) § 78]

9.11.080 EXPIRATION.

A lot consolidation application approval shall expire if all documents necessary to implement the lot consolidation 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 9.11.020.

[Ord. 612 (2018) § 79]

9.11.090 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]

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

[Ord. 612 (2018) § 85]