

Franklin County Development Regulations



Subdivision Ordinance #2-2008

Franklin County Development Regulations
Subdivision Ordinance #2-2008 adopted March 17, 2008
Amended on May 6, 2009 by Ordinance #6-2009



FRANKLIN COUNTY

BOARD OF COMMISSIONERS

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ORDINANCE NUMBER 2-2008

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON.

IN THE MATTER OF COUNTY PLANNING TO ADOPT FINDINGS OF FACT AND ENTERING A DECISION TO APPROVE AND ADOPT THE FRANKLIN COUNTY DEVELOPMENT REGULATIONS--SUBDIVISION ORDINANCE (FILE # TC-2007-01). THIS ORDINANCE REPEALS COUNTY ORDINANCE #3-2000.

WHEREAS, protection of the public health safety and general welfare require that the division of land proceed in accordance with the standards to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and school grounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

WHEREAS, by enacting Chapter 58.17 RCW, the Legislature has prescribed a method for accomplishing the aforesaid purposes and has vested counties with the responsibilities of controlling the division of land in unincorporated areas; and

WHEREAS, the Franklin County Planning Commission held public hearings on this matter March 6, 2007, April 3, 2007, May 1, 2007, July 10, 2007, and August 14, 2007 for the proposed Franklin County Development Regulations--Subdivision Ordinance; and

WHEREAS, the proposed Franklin County Planning Commission heard all testimony and considered all written evidence in the record, deliberated fully, adopted the Findings of Fact presented in the Staff Report, and forwarded a recommendation to the Franklin County Board of Commissioners to approve the Franklin County Development Regulations—Subdivision Ordinance; and

WHEREAS, the Franklin County Board of Commissioners have deliberated fully and have entered all evidence into the record and have taken public testimony regarding the application under its authority to render a final decision.

NOW THEREFORE be it ordained by the Franklin County Board of Commissioners as follows:

FINDINGS

- a. The Development Regulations (Subdivision Ordinance) Update is consistent with the requirements of the Growth Management Act – RCW 36.70A, including the Update requirements specified in RCW 36.70A.130.

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- b. The Development Regulations (Subdivision Ordinance) Update is consistent with the requirements of the Growth Management Act – RCW 36.70A for consistency and concurrency requirements.
- c. The Development Regulations (Subdivision Ordinance) Update is consistent with the State Platting requirements – RCW 58.17 (Plats-Subdivisions-Dedications).
- d. The Development Regulations (Subdivision Ordinance) Update is consistent with County Resolution 93-015 the County Wide Planning Policies.
- e. The Development Regulations (Subdivision Ordinance) Update process has been consistent with and is in compliance with the public participation requirements in RCW 36.70A.035 and 140 and the County's Public Participation Program.
 - i. Notification of public hearings were posted as per County Ordinances and State law.
 - ii. A Public Participation Program was disseminated by the Planning Department describing the Update timelines and requirements – as specified in RCW 36.70A.130 and 140.
 - iii. All public hearings were advertised as open to the public and public input opportunities were granted on each occasion.
 - iv. Both verbal and written comments have been received regarding the Development Regulations (Subdivision Ordinance) Update.
 - v. To further increase public awareness for the Update process, Public Service Announcements (radio and newspaper) were conducted for various dates. The increased public awareness through advertised workshops and open houses has increased the public participation and input during this Update process by County residents.

DECISION

The Board of County Commissioners, having conducted a public hearing, accepted public testimony, reviewed the record and adopted the Planning Commission's Findings and Recommendations, hereby ADOPT the Franklin County Development Regulations—Subdivision Ordinance.

SIGNED and dated at Pasco, WA this 17th day of March 2008.

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**



Robert E. Koch, Chairman



Rick Miller, Chair Pro Tem

Attest:



Clerk of the Board



Neva J. Corkrum, Member

ORDINANCE NUMBER 2-2008

FRANKLIN COUNTY SUBDIVISION ORDINANCE

Amended May 6, 2009 by Ordinance 6-2009

CHAPTERS:

1. General Provisions
2. Definitions
3. Roads
4. Blocks and Lots
5. Preliminary Plat
6. Final Plat
7. Subdivision Improvements
8. Short Subdivisions
9. Binding Site Plans
10. Boundary Line Adjustments
11. Tax Parcel Separations
12. Dedications And Reservations
13. Dedications for Parks
14. Enforcement
15. Fees

CHAPTER ONE

GENERAL PROVISIONS

SECTIONS:

- 1.1 Title
- 1.2 Purpose
- 1.3 Administration
- 1.4 Exemptions
- 1.5 Alteration or Vacation of Subdivision or Short Subdivision

1.1 TITLE. This title shall be known as the “Franklin County Subdivision Regulations.”

1.2 PURPOSE. The purpose of this Ordinance is to regulate the division of land within unincorporated Franklin County. This ordinance is to also further the purpose of promoting the health, safety, convenience, comfort, prosperity and general welfare of the present and future inhabitants of Franklin County, and to:

- (A) Prevent the overcrowding of land;
- (B) Lessen congestion and promote safe and convenient travel by the public on roads and highways;
- (C) Promote the effective use of land;
- (D) Provide for adequate light and air;
- (E) Facilitate adequate provision for water, sewerage, drainage, parks and recreational areas, and other public requirements;
- (F) Provide for proper ingress and egress;
- (G) Provide for the expeditious review and approval of proposed land divisions which comply with this Ordinance, the Franklin County Zoning Standards, other County Plans, policies and land use controls, and Chapter 58.17 R.C.W;
- (H) Adequately provide for the housing, commercial and industrial needs of the citizens of the State and County;
- (I) Require uniform monumenting of land divisions and conveyance by accurate legal descriptions;
- (J) Implement the goals, objectives and policies of the Franklin County Comprehensive Plan.

1.3 ADMINISTRATION. The Planning Director is vested with the duty of administering subdivision and platting regulations within the unincorporated areas of the County, and may prepare and require the use of such forms as are essential to their administration.

1.4 EXEMPTIONS. The provisions of this Ordinance shall not apply to:

- (A) Any cemetery or burial plot, while used for that purpose;
- (B) Divisions of land into lots or tracts each of which in one-one hundred twenty-eighth of a section of land or larger, or (20) twenty acres (net lot, tract or parcel area) or larger if the land is not capable of description as a fraction of a section of land;
- (C) Divisions made by testamentary provisions of the laws of descent;
- (D) A 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; and
- (E) A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used 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 the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. 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.

1.5 Alteration or Vacation of Subdivision or Short Subdivision. Any vacation or alteration of a subdivision or short subdivision granted under this Ordinance, as amended, shall be processed, pursuant to RCW Chapter 58.17.

CHAPTER TWO

DEFINITIONS

SECTIONS:

- 2.1 Interpretations and Construction
- 2.2 Alley
- 2.3 Binding Site Plan
- 2.4 Block
- 2.5 Board of County Commissioners
- 2.6 Boundary Line Adjustment
- 2.7 Comprehensive Plan
- 2.8 Cul-de-sac
- 2.9 Dedication
- 2.10 Developer, Subdivider or Platter
- 2.11 Easement
- 2.12 Final Approval
- 2.13 Final Plat
- 2.14 Improvements
- 2.15 Lot
- 2.16 Monument
- 2.17 Planning Commission
- 2.18 Plat or Subdivision
- 2.19 Preliminary Plat
- 2.20 Right of Way, Public
- 2.21 Road, Dead-End
- 2.22 Road, Frontage
- 2.23 Road, Local Access
- 2.24 Road, Private
- 2.25 Road, Public
- 2.26 Short Subdivision
- 2.27 Tax Parcel Consolidation
- 2.28 Tax Parcel Separation
- 2.29 Urban Growth Area

2.1 INTERPRETATION AND CONSTRUCTION. Except where specifically defined in this chapter all words in this Ordinance shall carry the customary meanings.

- (1) Words used in the present tense shall include the future;
- (2) Words in the singular number include the plural number, and words in the plural number include the singular, unless the context clearly indicates otherwise;
- (3) “Person” includes a corporation, a member or members of a partnership or other business organization, a committee, association, board, trustee, receiver, agent, or other representative and all other legal entities;
- (4) “Shall” is mandatory and not discretionary;
- (5) “May” is permissive;

- (6) “Use,” “used,” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” or “designed” to be used or occupied;
- (7) “County” means Franklin County;
- (8) Unless otherwise specified, all distances shall be measured horizontally;
- (9) Words not defined herein, but defined within the Uniform Building Code shall have the same meaning as defined within the Uniform Building Code;
- (10) Chapter and section headings contained in this Ordinance shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of this Ordinance.

2.2 ALLEY. “Alley” means a dedicated narrow service way, not more than twenty feet wide, providing a secondary means of public access to abutting properties.

2.3 BINDING SITE PLAN. “Binding site plan” means a drawing to scale utilized for the purposes of creating lots for selling, leasing, or otherwise transferring property rights from one person, firm, or corporation to another. A binding site plan identifies and shows the locations of all streets, roads, improvements, parcels, utilities, open spaces, and other information as required by this chapter.

2.4 BLOCK. “Block” means a piece or parcel of land making up one or more lots entirely surrounded by public highways, roads, streams, railroad rights-of-way, parks, etc., or a combination thereof.

2.5 BOARD OF COUNTY COMMISSIONERS “Board of County Commissioners” means the legislative authority of Franklin County and as defined by state statute.

2.6 BOUNDARY LINE ADJUSTMENT. “Boundary line adjustment” means the relocation of the boundaries between two or more lots, which relocation does not result in the creation of any additional lot or lots.

2.7 COMPREHENSIVE PLAN. “Comprehensive Plan” means the current comprehensive plan for the County, adopted by the County Commissioners pursuant to state law.

2.8 CUL-DE-SAC. “Cul-de-sac” means a road closed at one end by a circular area of sufficient size for turning vehicles around.

2.9 DEDICATION. “Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself 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 owner by the presentment for filing of a final plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the Board of County Commissioners of Franklin County.

2.10 DEVELOPER, SUBDIVIDER OR PLATTER. “Developer, subdivider or platter” means any person, firm or corporation undertaking the subdividing or resubdividing of a lot, tract or parcel of land.

2.11 EASEMENT. “Easement” means a grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for a specific purpose and on or over which the owner will not erect any permanent improvements which serve to interfere with the free exercise of that right.

2.12 FINAL APPROVAL. “Final approval” means that approval given by the County Commissioners which authorizes the subdivider to record his/her plat.

2.13 FINAL PLAT. “Final plat” means the plan of a plat, subdivision, or dedication, or any portion thereof prepared for filing for record by the County Auditor, and containing those elements and requirements set forth for final plats in these regulations

2.14 IMPROVEMENTS. “Improvements” means any required improvements including roads, curb, gutter, sidewalk, storm drainage, landscaping, utilities, pavement markings, signing, and other appropriate improvements.

2.15 LOT. “Lot” means a portion of a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development. The term shall include tracts or parcels.

2.16 MONUMENT. “Monument” means a permanent type survey marker, which conforms to the Franklin County standard detail for monuments, or an approved substitute.

2.17 PLANNING COMMISSION “Planning Commission” means that body of appointed persons as defined by state statute as designated by county body to perform a planning function or functions.

2.18 PLAT OR SUBDIVISION. “Plat or subdivision” means an area of land, which has been divided into two or more lots, tracts, parcels or other divisions of land, and shall include a map, or maps related thereto for the purpose, whether immediate or future, of transfer of ownership, or for building developments, including all designations in road lines, alley lines, public area boundaries, lot lines, easements, rights-of-way, pavement widths, curb lines, location and size of utilities, location and size of land areas to be dedicated; those divisions of land for agricultural purposes, where each parcel is (20) twenty acres or more in area and which does not include any new roads, easements, rights-of-way or other provisions for necessary public areas and facilities; and further provided this definition shall not apply to the division by description (segregations) of a portion of a platted lot.

2.19 PRELIMINARY PLAT. “Preliminary plat” means an approximate drawing of the proposed layout of roads, blocks, lots and other elements of a subdivision or plat from which the County Planning Commission gives approval to the general layout features of the subdivision or plat.

2.20 RIGHT OF WAY, PUBLIC. “Public right of way” means any publicly owned land set aside for surface transportation purposes, including vehicular, bicycle and pedestrian transportation, whether improved or not improved.

2.21 ROAD, DEAD END. “Dead end road” means a road, similar to a cul-de-sac, but providing no turn-around at its closed end.

2.22 ROAD, FRONTAGE. “Frontage road” means an access road which is generally parallel to and adjacent to arterial streets, traffic ways, limited access highways or railroad rights-of-way; and which provided access to abutting properties and protection from through traffic.

2.23 ROAD, LOCAL ACCESS. “Local access road” means a road of limited continuity, which serves or is intended to serve the local needs of the immediate community.

2.24 ROAD, PRIVATE. “Private road” means a road of limited continuity, which serves or is intended to serve the local needs of the immediate community and which has not been dedicated to the public.

2.25 ROAD, PUBLIC. “Public road” means a road, whether improved or unimproved, held in public ownership and intended to be open as a matter of right for public vehicular travel and to provide access now or in the future to adjacent properties.

2.26 SHORT SUBDIVISION “Short subdivision” means a division or re-division of land into four (4) or less lots, tracts, parcels, sites, or subdivisions for the purpose of sale, lease or transfer of ownership.

2.27 TAX PARCEL CONSOLIDATION. “Tax parcel consolidation” means the consolidation of contiguous lots of record which are under (1) 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 Director. Tax parcel consolidation requests shall be submitted to the Planning Director on forms provided by the Planning Department. If all applicable standards are met, the Planning Director shall submit a letter to the Franklin County Assessor’s Office requesting the tax parcel consolidation.

2.28 TAX PARCEL SEPARATION. “Tax parcel separation” means the separation of lots of record into two or more tax parcels for the purpose of sale, lease or transfer of ownership and which separation does not result in the creation of more parcels than lots of record.

2.29 URBAN GROWTH AREA. “Urban growth area” means an area designated on a land use map, per RCW 36.70A, identifying the limits of the extension of urban facilities and services. The cities of Connell, Mesa, Kahlotus, and Pasco each have a designated growth area capable of accommodating a 20-year projected urban population growth.

CHAPTER THREE

ROADS

SECTIONS:

- 3.1 Road Layout
- 3.2 Subdivision Road Standards
- 3.3 Road Improvements
- 3.4 Rural Lot Access

3.1 ROAD LAYOUT.

- A. Continuation of Existing Roads. Roads shall normally continue as an extension of existing roads unless good planning dictates a different solution. Road patterns shall take into consideration access needed to develop adjacent properties. Sketches of a proposed road system to serve adjoining properties may be required if it is owned by the subdivider.
- B. Dead End Roads. Dead end roads are prohibited, except where the comprehensive plan indicates a road is to continue past the subdivider's property, the legislative body may allow the dead end until such time as the road can be built through at a later date.
- C. Half Roads. Half roads shall be prohibited except that the County may permit their inclusion in cases where a normal alignment of a present or future planned road will fall half on an adjoining ownership.
- D. Road Names. When practical, roads shall be named to conform with existing roads on the same or reasonably similar alignment. New road names shall be reviewed by the Public Works Department, Fire Department, and/or Emergency 911 Coordinator to insure that no confusion with existing road names occurs.

3.2 SUBDIVISION ROAD STANDARDS.

- A. General. Newly created roads within a subdivision or short subdivision shall be in compliance with the Public Works Departments' County Road Standards in effect at the date of the application submittal. The intent of this section is that through the dedication of roads, the Administrator has the authority to require the construction of new roads by the developer and a bond be posted to guarantee that the roads will be constructed to County standards.
- B. Angle of Intersection. Under normal conditions, roads shall be laid out so as to intersect as nearly as possible at right angles, except where topography and other conditions justify variations. The minimum angle of intersection of roads shall be seventy (70) degrees.
- C. Intersections on opposite sides of a common road shall either be aligned or be offset a minimum of one hundred twenty-five (125) feet.

- D. Cul-de-sacs. Cul-de-sacs will be permitted where topography or other conditions justify their use.
- (i). They should normally be less than three hundred feet, but will be permitted up to six hundred (600) feet in length.
- (ii). Every cul-de-sac shall have a turn-around at its closed end with a minimum diameter of asphalt that is in compliance with the current County Standards.

3.3 ROAD IMPROVEMENTS.

- A. Adequate and proper right-of-way improvements shall be required, in accordance with current county standards, at the time adjoining property is developed and shall be required on all property. As a minimum a three-quarters (3/4) and/or twenty (20) ft. road standard will be required if the property being developed only fronts on one side of the road.
- B. Adequate and proper right-of-way improvements, in accordance with current county standards, shall include curb, gutter, sidewalk, illumination, traffic control devices, drainage control, engineered road bases, asphalt driving and parking lanes, and monumentation. All such improvements shall be approved by the County prior to construction and acceptance. The three-quarters (3/4) standard shall include curb, gutter and sidewalk on the developed side and a minimum of two complete traffic lanes.
- C. The developer of real property shall be responsible for installing the required improvements within the respective half of right-of-way width abutting the real property being developed, provided such improvements consist of at least two (2) traffic lanes.
- D. Minimum sidewalk widths, not including the six-inch curb, shall not be less than the minimum dimension for sidewalks as follows or meet current County Standards:
- (1) Residential Zones – four and a half (4.5) feet
- (2) Commercial Zones – six and a half (6.5) feet

3.4 RURAL LOT ACCESS: For lands outside a designated Urban Growth Area Boundary, the following lot access standards apply:

- A. Every lot shall be provided with satisfactory access by a road connecting to an existing public road, said road being a dedicated right-of-way or an easement which is permanent and inseparable from the lot served.
- B. Property zoned Residential, Commercial or Industrial: No more than two (2) lots shall be served by a private easement which is the exclusive means of access to the lots. Private easements shall be for ingress, egress, and utilities (public or private) and shall be shown on the short plat as such. Limited deviations to this standard may be reviewed by the Board of County Commissioners.

- i. Provision (B) above does not apply to areas identified as Rural Remote within the Franklin County Comprehensive Plan, as amended.
- C. Property zoned Agricultural: No more than four (4) lots shall be served by a private easement which is the exclusive means of access to the lots. Private easements shall be for ingress, egress, and utilities (public or private) and shall be shown on the short plat as such. Limited deviations to this standard may be reviewed by the Board of County Commissioners.
- D. Private access road easements shall be constructed as Fire Apparatus Access Roads as described in the Franklin County Design Standards.
- E. There shall be shown on the short plat a statement indicating that the County is not responsible for the maintenance of private easements.

CHAPTER FOUR

BLOCKS AND LOTS

SECTIONS:

- 4.1 Block Length
- 4.2 Block Width
- 4.3 Very large lots and Blocks
- 4.4 Minimum Lot Dimensions
- 4.5 Lot requirements
- 4.6 Contiguous Lot Ownership

4.1 BLOCK LENGTH. In general, intersecting roads shall be provided at such intervals as to serve cross traffic adequately and to meet existing roads or customary subdivision practice in the vicinity. Blocks shall not exceed thirteen hundred and twenty (1,320) feet. Blocks for business use shall normally not be less than six hundred (600) feet in length.

4.2 BLOCK WIDTH. The width of the block under normal conditions shall be sufficient to allow for two tiers of lots with easements. One tier of lots shall be provided between a local access road and an arterial. Blocks intended for business or industrial use should be of suitable width for the proposed use, taking due consideration for providing off-street parking and truck loading.

4.3 VERY LARGE LOTS AND BLOCKS. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future roads and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.

4.4 MINIMUM LOT DIMENSIONS. Lot areas shall conform as nearly as possible to the requirements of Franklin County Zoning Standards so as to avoid re-platting when building.

A. Width and Depth:

Excessive depth in relation to width shall be avoided. Lot depth exceeding three (3) times the lot width shall be avoided.

B. Frontage: A minimum frontage area for each lot shall be required as follows:

(1) Lots with less than 25,000 square feet in gross area shall have a minimum frontage of ninety (90) feet except lots fronting on cul-de-sacs, which shall have a minimum frontage of thirty-five (35) feet.

(2) Lots with more than 25,000 square feet in gross area shall have a minimum frontage of one hundred and twenty (120) feet except lots fronting on cul-de-sacs, which shall have a minimum frontage of fifty (50) feet.

C. Both 4.4 (A) and (B) above may be waived as follows: Short Subdivision frontage and lot width/depth requirements may be waived only by the Board of County Commissioners, through a recommendation by the Planning Director, if the proposal

is in compliance with the standards in Section 8.10. Subdivision frontage and lot width/depth requirements maybe waived only by the Board of County Commissioners, through a recommendation by the County Planning Commission, if the proposal is in compliance with the standards in Section 5.7.

- D. In subdivisions where septic tanks or other individual sewage disposal devices are to be installed, the size of lots shall be subject to the approval of the Benton/Franklin Health District, but by no means be smaller in size than the applicable zoning districts requirements for minimum lot size.

4.5 LOT REQUIREMENTS. Every lot shall abut on and be served by at least (1) one dedicated public road providing ingress and egress to and from the subdivision or short subdivision at not less than one point.

- A. Rural lots in accordance with 3.4 (B) are exempt from this section.
- B. Lots with double frontage shall be avoided when possible.
- C. Corner lots in residential areas shall be wider than inside lots so as to allow for appropriate setback of a building from both roads.
- D. Side lines of lots shall be approximately at right angles to the road line or radial to curved road lines.
- E. Lots should be oriented so that frontages face the direction of most advantageous view and face away from adverse developments and land uses.
- F. Residential lots shall front on and be accessed from a local access road, rather than an arterial, unless the Board of County Commissioners grants specific exemption to this requirement.
- G. The plat of a subdivision containing lots adjacent to a designated arterial shall not be approved unless the plat recites a waiver of the right of direct access to the arterial, or the Planning Director grants specific exemptions to this requirement.

4.6 CONTIGUOUS LOT OWNERSHIP. In subdivisions or short subdivisions where the contiguous or adjoining land is owned by the subdivider or applicant, that adjoining property shall be included as part of the proposed division of land.

CHAPTER FIVE

PRELIMINARY PLAT

SECTIONS:

- 5.1 Purpose
- 5.2 Pre-Application Process
- 5.3 Preliminary Plat Application
- 5.4 Preliminary Plat Preparation
- 5.5 Public Hearing Required
- 5.6 Planning Commission Recommendation
- 5.7 Findings of Fact
- 5.8 Board of Commissioner Consideration
- 5.9 Notice of Decision.
- 5.10 Adjustment of an Approved Preliminary Plat
- 5.11 Large Developments
- 5.12 Fees

5.1 PURPOSE. The purpose of a preliminary plat is to provide the owner(s) of property wishing to divide their property into five (5) or more lots and the County an opportunity to review the overall concept prior to initial development. The intent of the preliminary plat process is to promote orderly and efficient community growth within the framework of RCW 58.17.035.

5.2 PRE-APPLICATION PROCESS. Prior to the filing of an application for a preliminary plat, the subdivider or his agent are encouraged to contact the following public agencies for the purpose of determining any requirements, which may have to be incorporated into the preliminary and final plats:

- A. Planning Department;
- B. Public Works Department;
- C. Applicable Fire District;
- D. Benton-Franklin Health District;
- F. Franklin County P.U.D. or other applicable utility district;
- G. Franklin County Irrigation District or other applicable irrigation district;
- H. City of Pasco or other applicable municipality

5.3 PRELIMINARY PLAT APPLICATION.

(A) All applications for preliminary plat approval shall be accompanied by applicable fees and include the following:

- (1) An application form provided by the Planning Department;
- (2) A completed SEPA Checklist;
- (3) Ten (10) copies of a preliminary plat proposal in accordance with the provisions of this chapter. In addition, one (1) copy of the preliminary plat shall be submitted to the Planning Department in a digital or electronic format.

- (4) A Certificate of Ownership (title report current within 30 days as provided by a licensed title company) and list of owners, with addresses, of all property within (500) five hundred feet of the applicants property within an Urban Growth Area Boundary and (1) one mile outside an Urban Growth Area Boundary as provided and certified by the County Assessor's Office or a licensed title company;
- (5) Written approval from the Benton-Franklin Health District.

5.4 PRELIMINARY PLAT PREPARATION.

- (A) A preliminary plat shall be prepared by a professional engineer or land surveyor licensed by the State of Washington.

The scale of the preliminary plat shall be one hundred (100) feet or less to the inch, except the vicinity sketch may be shown to any other appropriate scale. A preliminary plat shall be 24-inches by 36-inches in size.

- (B) A preliminary plat shall contain and conform to the following:
 - (1) General Information. The following general information shall appear on each sheet of a preliminary plat.
 - (a) Proposed name of the subdivision along with the words "Preliminary Plat." Names shall not too closely resemble names of existing subdivisions;
 - (b) Name and address of the applicant/developer;
 - (c) Name and address of the professional engineer or surveyor who prepared the preliminary plat;
 - (d) Numeric scale, graphic scale, true north point and date of preparation;
 - (e) Location of boundary lines in relation to section, quarter-section or quarter-quarter section lines, corners, and any adjacent corporate boundaries;
 - (f) Any vicinity map sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property, roads and other major man-made and natural features shall appear on the preliminary plat.
 - (2) Existing Conditions. Information on existing conditions shall appear on preliminary plats as follows:
 - (a) Names of adjacent subdivisions;

- (b) Topography at intervals of five (5) feet unless waived in writing by the County Engineer, also the locations of geography features;
 - (c) Location, width and name of each existing or platted road or other right-of-way, parks and other public open spaces, and permanent buildings, within the proposed subdivision;
 - (d) The location, widths and purposes of any existing easements lying within or adjacent to the proposed subdivision;
 - (e) The location of any well within the proposed subdivision or within one hundred (100) feet of the boundaries of the proposed subdivision.
- (3) Proposed Development. Preliminary plats shall contain the following information about proposed developments:
- (a) Location and width of proposed roads, alleys, pedestrian ways and easements;
 - (b) Indication of any portion or portions of the preliminary plat for which separate or successive final plats will be filed;
 - (c) Layout, numbers and approximate dimensions of lots (net and gross lot, parcel, or tract areas) and numbers of blocks;
 - (d) Location and size of all proposed parks, playgrounds, church sites, or other special uses of land considered for dedication, or reservation by deed of covenant for special use or for use of all property owners in the subdivision and any conditions of such dedication or reservation;
 - (e) Indication of proposed land use;
 - (f) Two copies of proposed road grades may be required by the County Engineer where conditions warrant their being furnished;
 - (g) For proposed subdivisions involving residential land uses, a table shall be provided on the preliminary plat containing the following information:
 - (1) Total area of proposed plat in gross and net acres;
 - (2) Number of lots and square footage (net & gross) of each lot;
 - (3) Minimum lot size;
 - (4) Maximum lot size;
 - (5) Average lot size;
 - (6) Number of lots per phase;
 - (7) Total area of proposed rights-of-way per phase.
 - (h) Preliminary layout of water, storm drainage and sanitary sewer systems.

5.5 PUBLIC HEARING REQUIRED.

- (A) Upon receipt of a complete application for preliminary plat approval, a date shall be set for a pre-decision open record hearing before the Planning Commission at the next regular meeting for which adequate notice can be given.
- (B) Any notice of public hearing required by this section shall include the hour and location of the hearing and a description of the property to be subdivided. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.
- (C) At a minimum, a notice of the pre-decision open record hearing to be given in the following manner:
 - (1) Notice shall be published not less than ten (10) days prior to hearing in a newspaper of general circulation within Franklin County;
 - (2) Notice shall be mailed to the owners of real property, as shown by the records of a certified title company, located within five hundred (500) feet of any portion of the boundary of the proposed subdivision;
 - (3) Where the proposed subdivision is located adjacent to the right-of-way of a state highway notice shall be mailed to the Washington State Department of Transportation;
 - (4) Where the proposed subdivision is located within two (2) miles of a publicly owned airport, notice shall be mailed to the Washington State Department of Transportation.

5.6 PLANNING COMMISSION RECOMMENDATION. After an open record pre-decision hearing on a proposed preliminary plat, the Planning Commission shall render a recommendation to the Board of County Commissioners as to whether the proposal based on the findings shall be denied, approved or approved with modifications or conditions.

5.7 FINDINGS OF FACT. Upon conclusion of the public hearing, the Planning Commission shall make and enter into findings from the record and conclusions thereof as to whether or not:

- (a) Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, roads, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and other public needs;
- (b) The proposed subdivision contributes to the orderly development and land use patterns in the area;

- (c) The public use and interest will be served by permitting the proposed subdivision;
- (d) The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the Board of County Commissioners;
- (f) The proposed subdivision conforms to the comprehensive plan and zoning requirements;
- (g) The proposed subdivision conforms to the general purposes of this Ordinance.

5.8 BOARD OF COMMISSIONERS CONSIDERATION. Unless a proper and timely appeal is filed or the Board of County Commissioners by majority vote deems further review is necessary, the recommendation of the Planning Commission shall be affected by proper action by the Board of Commissioners without further review. In the event the Board of Commissioners deems further review is necessary, it shall conduct a closed record hearing, notice of which shall be given in accordance with Section 5.5.

(A) In those cases that require further review, the Board of Commissioners shall at the conclusion of such a closed record hearing make and enter findings of fact following the review criteria within Section 5.7 and take one of the following actions:

- (1) Approve the preliminary plat with or without conditions;
- (2) Deny the preliminary plat.

5.9 NOTICE OF DECISION. Following proper action approving or denying a preliminary plat, the applicant shall be notified of the Board of County Commissioners decision. The notice shall be accompanied by a copy of the decision and shall also inform the applicant of applicable time limitations for final plat submittal if the preliminary plat was approved. The approved preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with preparation of the final plat.

5.10 ADJUSTMENTS OF AN APPROVED PRELIMINARY PLAT.

(A) Minor Adjustments:

Minor adjustments may be made and approved by the Planning Director. Minor adjustments are those which may affect the precise dimensions of the plat but which do not affect the basic character or arrangement of the lots and roads. The adjustments cannot be inconsistent with the requirements of the preliminary plat approval. The adjustments cannot cause the subdivision to be in violation of this Ordinance, the County Zoning Standards, any other applicable County land use controls, Chapter 58.17 RCW, or any other applicable state law or regulation.

(B) Major Adjustments:

Major adjustments are those when determined by the Planning Director, substantially change the basic design, layout, open space or other requirements of the plat. When the Planning Director determines a change constitutes a major adjustment, a new application for a preliminary plat is required and shall be processed as a new and separate application.

(C) Time Limitations.

A preliminary plat shall be valid for a five (5) year period following Board of County Commissioner approval of the preliminary plat.

5.11 LARGE DEVELOPMENTS. In order to discourage premature subdivision and unfeasible improvements of roads, the following procedure is provided for:

- (A) When a developer or group of developers have in their control an area of land which they wish to plat, but such a large size that the sale of a majority of the lots in the area would take more than a year, they may cause to be prepared a preliminary plat for the entire area of development;
- (B) On such preliminary plat, development divisions may be designated;
- (C) Upon approval of the preliminary plat, the developer may cause to be prepared a final plat for one or more development divisions, provided the order of development allows for logical provision of utilities and streets;
- (D) Each development division shall be considered as a final plat and provisions of these regulations shall be complied with for such development division.

5.12 FEES. At the time of filing an application for a preliminary plat, the subdivider shall pay a fee as identified in Chapter 15 of this Ordinance. In addition to the preliminary plat fee, the subdivider shall be responsible for reimbursing the County for costs related to field engineering as identified in Chapter 15 of this Ordinance.

CHAPTER SIX

FINAL PLAT

SECTIONS:

- 6.1 Application
- 6.2 Final Plat Preparation
- 6.3 Final Plat Contents
- 6.4 Title Certificate Required
- 6.5 Approval Requirements
- 6.6 Board of County Commissioner approval
- 6.7 Terms of approval
- 6.8 Filing and Distribution
- 6.9 Building and occupancy permits

6.1 APPLICATION.

(A) Within five years of the approval of a preliminary plat, the subdivider shall prepare and submit for approval a final plat for recording purposes, together with such supplementary information, certificates and bonds as may be required. The final plat shall be submitted to the Planning Director at least fifteen (15) days before the Board of County Commissioner meeting at which approval is sought.

(B) A complete application shall consist of an application form provided by the Planning Department, the original signed, dated and stamped mylar drawing of the subdivision, a title certificate, and the applicable instrument identified in Section 6.5 to cover the cost of outstanding improvements.

6.2 FINAL PLAT PREPARATION.

(A) Preparation

The final plat shall be prepared by a professional land surveyor licensed by the State of Washington. The preparer shall, by placing his or her signature and stamp upon the face of the plat, certify that the plat is a true and correct representation of the land actually surveyed by the preparer, that the existing monuments shown thereon exist as located and that all dimensional and geometric details are correct.

(B) Scale and format

The final plat shall be drawn in permanent black ink on mylar measuring twenty four (24) inches by thirty six (36) inches in size, allowing two (2) inches for a margin. The final plat shall be accurate, legible and drawn to an engineering (decimal) scale of one hundred (100) feet or fewer to the inch. If more than one (1) sheet is required, an index sheet showing the entire subdivision with road and highway names and block numbers (if any) shall be provided. Each sheet, including the index sheet, shall be of the above-specified size.

6.3 FINAL PLAT CONTENTS. The final plat shall show and contain the following information:

- (A) All survey points, survey notes, and data in accordance with Section 7.10 of this Ordinance.
- (B) Tract boundary lines, right-of-way lines of roads, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate courses, distances, dimensions, or deflection angles, complete curve data for road 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 curve to lot lines;
- (C) Name and right-of-way width of each road and other right-of-way, or easement;
- (D) Locations, dimensions and purpose of any easements;
- (E) Number, to identify each lot or site with accurate dimensions in feet and hundredths of feet;
- (F) A table showing the gross and net square footage of each lot in accordance with the Franklin County Zoning Ordinance;
- (G) Purpose for which sites, other than residential lots, are dedicated or reserved;
- (H) Location and description of monuments;
- (I) Reference to recorded subdivision plats of adjoining platted land by recorded name, date and number;
- (J) Certification by surveyor certifying to the accuracy of the survey and plat;
- (K) Statement by the owner dedicating roads; rights-of-way and any other sites for public use;
- (L) Name of the plat, scale, north point and date;
- (M) Spaces for certificates or approvals of the following officials or agencies:
 - (1) Chairman, Board of County Commissioners
 - (2) Chairman, County Planning Commission
 - (3) County Engineer
 - (4) Franklin County P.U.D or applicable utility provider.
 - (5) Appropriate Irrigation District (where applicable)
 - (6) County Assessor
 - (7) County Treasurer
 - (8) County Auditor
- (N) All signatures shall be in permanent black ink.

6.4 TITLE CERTIFICATE REQUIRED. All final plats submitted for approval shall be accompanied by a title company certification (current within 30 days as provided by a licensed title company) confirming that title of the land as described and shown in the plat are in the name of the owner(s) signing the plat.

6.5 APPROVAL REQUIREMENTS. Prior to approval of a final plat, 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, cash or irrevocable line of credit in an amount equal to 125% of the County Engineer's estimate of the cost to complete the required infrastructure. No certificate of occupancy will be issued for any structure in a subdivision until all infrastructure improvements are completed.

6.6 BOARD OF COMMISSIONER'S APPROVAL. The Board of County Commissioners shall have sole authority to approve final plats. Such approval shall occur by affirmative vote of the Board of Commissioners during a regular Board of Commissioners meeting. A final plat shall only be approved if the Board finds the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and the said subdivision meets the requirements of Chapter 58.17 RCW, other applicable state laws and this Ordinance which requirements were in effect on the date of preliminary plat approval.

6.7 TERMS OF APPROVAL. A subdivision shall be governed by the terms of approval of the final plat, and the zoning ordinance and regulations in effect on the date of preliminary plat approval for a period of five (5) years after final plat approval unless the Board of County Commissioners finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

6.8 FILING AND DISTRIBUTION. The original and copies of the approved final plat shall be distributed as follows:

- (A) The original shall be returned to the applicant once the Final Plat bears the certificate or approval of all appropriate officials or agencies and then forwarded to the County Auditor for filing;
- (B) After recording, one (1) paper copy shall be transmitted to the Planning Director and one (1) paper copy shall be transmitted to the County Assessor.
- (C) When the final plat is created in a digital format the applicant shall also provide the Planning Director with one copy of the final plat in a digital format as specified by the County Engineer and shall provide the County Assessor one copy of the final plat in a digital format as specified by the County Assessor.

6.9 BUILDING AND OCCUPANCY PERMITS.

- (A) No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved subdivision until all required improvements which will serve the subject lot or parcel have been constructed and accepted by the County Engineer or have been bonded or

otherwise guaranteed, provided the Fire Marshall has determined that adequate fire protection for the construction exists.

- (B) No occupancy permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a structure on a lot or parcel within an approved subdivision prior to final inspection and approval of all required improvements which will serve such lot.

CHAPTER SEVEN

SUBDIVISION IMPROVEMENTS

SECTIONS:

- 7.1 Plan Preparation and Approval
- 7.2 Road, Sanitary Sewer/Facilities and Water Plans
- 7.3 Road, Block and Lot Layout
- 7.4 Drainage
- 7.5 Changes in Grade
- 7.6 Road Signs and Channelization
- 7.7 Street Lighting
- 7.8 Fire Hydrants
- 7.9 Underground Utilities
- 7.10 Survey

7.1 PLAN PREPARATION AND APPROVAL. Plans for improvements shall be prepared, signed, dated and stamped by a professional civil engineer registered in the State of Washington and shall be in accordance with standard drawings and materials list and other specifications set forth by the County Engineer. Plans shall be submitted to the County Engineer, following preliminary plat approval, and no construction permit or approval shall be issued, and no construction activity shall commence relating to subdivision improvements until the plans required by this Chapter have been approved and signed by the County Engineer.

7.2 ROAD, SANITARY SEWER/FACILITIES AND WATER PLANS.

- (A) Plan/profile maps shall be prepared for all proposed roads, sanitary sewer systems and water systems. The horizontal scale of such plans shall be one (1) inch equal fifty (50) feet and the vertical scale shall be one (1) inch equals five (5) feet or as approved by the County Engineer. The plans required by this section shall show all existing and proposed topography, utilities, grades, lot lines with appropriate numbers, rights-of-way and all other features or additional information required by the County Engineer.
- (B) All community water supplies, sewage disposal systems, solid waste facilities and other sanitary facilities shall be designed and constructed in accordance with current standards promulgated by the Benton-Franklin District Health Department and/or the Department of Social and Health Services, and in effect at the time of construction.
- (C) All community water systems lines and irrigation lines (if irrigation water is available) shall be installed to current applicable standards and stubbed to each lot within the subdivision and tied to source. Water and irrigation lines shall be extended to the exterior boundaries of the subdivision and will not be capped off before reaching the boundary of the subdivision.

7.3 ROAD, BLOCK AND LOT LAYOUT. The layout, design, and construction of roads, alleys, lots and blocks shall conform in all aspects to the provisions of Chapters 3 and Chapter 4 of this Ordinance as well as applicable County Road Standards administered by the County Engineer.

7.4 DRAINAGE.

- (A) Drainage and site grading plans, when applicable, shall be prepared in conformance with the standard drawings and materials lists and shall be prepared by a professional Civil Engineer registered in the State of Washington.
- (B) Easements for drainage channels and ways, when applicable, shall be of sufficient width to assure that the same may be maintained and improved. Easements for storm sewers shall be provided and shall be of sufficient width and proper location to permit future installation

7.5 CHANGE IN GRADE. All changes in street grades shall be connected by vertical curves meeting the standards and requirements of the County Engineer.

7.6 ROAD SIGNS AND CHANNELIZATION. The subdivider shall provide and install all required traffic regulatory signs, street name signs and street striping and channelization as directed by the County Engineer and in compliance with all applicable standards and regulations.

7.7 STREET LIGHTING. Street lighting shall be installed and conform to the current standards of the County.

7.8 FIRE HYDRANTS. Fire hydrants and the installation shall conform to the International Fire Code standards adopted by the County.

7.9 UNDERGROUND UTILITIES.

- (A) All utility lines serving the subdivision, including but not limited to power, telephone and television cable shall be installed underground. Adequate easements shall be provided for all such utility lines, which will not be located within the right-of-way.
- (B) Whenever an intersection of an arterial and any other road is constructed or improved under the requirement of this Ordinance and when the County Engineer has determined that traffic signalization of such intersection will be needed in the future, the County Engineer shall require the subdivider to install underground conduit which will be necessary for and will facilitate such future signalization. The subdivider shall also be required to provide a proportionate share of the cost of needed signalization as determined by the County Engineer.
- (C) The design and location of all private utilities must be submitted to the County for approval at the same time that the road, drainage water and sewer design are submitted as required by Section 7.2.

7.10 SURVEY.

- A. The survey of every proposed subdivision, and the preparation of preliminary and final plats thereof, shall be made by or under the supervision of a Professional Land Surveyor, registered in the State of Washington, who shall certify on the final plat that it is a true and correct representation of the lands actually surveyed. All surveys shall conform to standards set forth by state statutes, drafting standards of this ordinance, and WAC 332-130. Where conflicts are identified, the most restrictive

standard shall apply. All distances shown on plat shall be reported in US Survey Feet.

- B. Primary survey control points shall be referenced to section corners and monuments. Corners of adjoining subdivision or portions thereof shall be identified and ties shown.
- C. The surveyor shall show on the plat and/or furnish the County Engineer with notes (filed notes in loose leaf Engineers notebook acceptable), which notes shall clearly show:
 - 1. The ties to at least two (2) permanent monuments, which shall include the State Plane Coordinates in accordance with WAC 332-130-060;
 - 2. At least three (3) durable, distinctive reference points or monuments, two of which may be the permanent monuments;
 - 3. Sufficient data to determine readily the bearing and length of each line; and
 - 4. Traverse closure notes of the boundaries of the subdivision and all lots and blocks showing closure that meets the requirements of WAC 332-130-090.
- D. Permanent control monuments shall be established at:
 - 1. The intersection of centerlines of roads within the subdivision;
 - 2. Points of intersection of curves of centerlines of roads if placement falls within the limits of the paved area; otherwise, monuments shall be placed at the beginning and ends of curves; and
 - 3. Angle points of centerlines of roads within the subdivision
- E. Permanent control monuments may be placed on offset lines where physical obstructions prevent actual location, and where approved by the County Engineer. The position and type of every permanent monument shall be noted on all plats of the subdivision.
- F. Permanent control monuments within the street shall be set after the roads are constructed. In the event a final plat is approved before roads are constructed, the surety deposited to secure construction of the roads shall be sufficient to pay the surveyor all costs, as estimated by the County Engineer, for setting such monuments.
- G. Permanent control monuments, cap, and monument case and cover shall meet Franklin County specifications and shall be installed in accordance with Franklin County Standard Plans H-6 and H-7. Standard plans of which can be acquired from the County Engineer.
- H. Every lot corner, beginnings and endings of curves, and angle points shall be marked in accordance with RCW 58.09.120.
- I. If any land in a subdivision is contiguous to a body of water, a meander line shall be established along the shore at a safe distance back, as determined by the surveyor, from the ordinary high-water mark. Property lying beyond meander line shall be defined by distances along the side property lines extended from the meander line.

CHAPTER EIGHT

SHORT SUBDIVISIONS

SECTIONS:

- 8.1 Purpose
- 8.2 Application-Submittal and fee
- 8.3 Application-Preparation
- 8.4 Application-Content
- 8.5 Administrative Duties
- 8.6 Administrative Determinations
- 8.7 Final Review, Approval and Filing
- 8.8 Short Plat Approval-Expiration
- 8.9 Appeals
- 8.10 Amending a recorded short plat
- 8.11 Re-subdivision procedure

8.1 PURPOSE. The purpose of a short plat is to provide a method of land subdivision allowing the creation of four (4) or fewer lots meeting the zoning and subdivision requirements established in the Franklin County Zoning Standards and Subdivision Ordinance. The intent of the short plat process is to promote orderly and efficient community growth within the framework of RCW 58.17.035.

8.2 APPLICATION-SUBMITTAL AND FEE. Any person desiring to divide land into four (4) lots or less for the purpose of sale, lease or transfer of ownership shall submit an application for short plat approval to the administrator together with an application fee as specified in Chapter 15 of this Ordinance.

8.3 APPLICATION- PREPARATION. Prior to applying for a short plat approval, anyone may present a preliminary site plan which contains (in a rough and approximate manner) all of the information required for a formal short plat application. The purpose of the preliminary site plan submittal is to enable the person presenting the plan to obtain a preliminary assessment from the jurisdiction as to the preliminary site plan's compliance with adopted plans, policies and ordinances. Official applications shall be accompanied by a proposed short subdivision survey which includes pertinent survey data compiled as a result of a survey made by or under the supervision of a State of Washington registered land surveyor.

8.4 APPLICATION - CONTENT. Applications for approval of short plats shall contain:

- (A) A completed application form provided by the Planning Department;
- (B) A Certificate of Ownership (title report current within 30 days as provided by a licensed title company) and list of owners, with addresses, of all property within (500) five hundred feet of the applicants property within an Urban Growth Area Boundary and (1) one mile outside an Urban Growth Area Boundary, as provided and certified by the County Assessor's Office or a licensed title company. The title company certification will confirm that the title of the lands described and shown in the short subdivision are in the name of the owner(s) signing the short plat;
- (C) Written approval from the Benton-Franklin Health District;

- (D) Ten (10) copies of a short plat (at a scale of one inch to one hundred feet) of the entire contiguous tract owned by the applicant subdivider, in a paper format of eighteen (18) inches x twenty-four (24) inches with two inch margins. In addition, one (1) copy of the short plat shall be submitted to the Planning Department in a digital or electronic format. The short plat shall show the following:
- (1) The owner's of adjacent land and names of any adjacent subdivision;
 - (2) A vicinity map;
 - (3) Lines marking the boundaries of proposed lots, square footages (gross and net acreage) of the proposed lots and number of each lot;
 - (4) Approximate locations of existing roads, cul-de-sacs, alleys and ways or easements for such roads, and rights-of-way within and adjacent to the tract;
 - (5) Location, dimensions and usage designations for all proposed and existing easements of record;
 - (6) Proposed source of water supply and method of sewage disposal for each lot;
 - (7) The legal description and parcel number of the said tract and legal descriptions of all proposed lots;
 - (8) The name and address of the owner or owners of the said tract;
 - (9) 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."
 - (10) Signatures of all recorded property owners agreeing to the division of property, as well as signatures of all owners of property over which access or utility easements pass unless such easements are already recorded by separate instruments with the Auditor's office;
 - (11) A "Utility Easement" statement shall be shown on the face of the final short plat and shall be worded in the same manner as required by the appropriate utility provider.
 - (12) The signature block of the following shall be included on the short plat:
 - (i) Franklin County Engineer
 - (ii) Franklin County Auditor
 - (iii) Franklin County Public Utility District or other utility district
 - (iv) The Appropriate Irrigation District (where applicable)
 - (v) The Franklin County Treasurer
 - (vi) The United States Bureau of Reclamation (where applicable)
 - (vii) Franklin County Planning Director

- (13) Statement: Land within this short subdivision shall not be further subdivided for a period of five (5) years unless a final plat is filed pursuant to this ordinance and RCW 58.17.

8.5 ADMINISTRATIVE DUTIES. The Planning Director is vested with the duty of administering the provisions of this chapter.

- (A) A complete short plat application shall be approved with conditions, returned to the applicant for modifications or denied within thirty (30) days of its receipt by the Planning Department unless the applicant agrees, in writing, to an extension of this period. The Planning Director shall not be considered to be in receipt of an application for short plat approval unless and until such time as the application meets the requirements of Sections 8.2, 8.3, and 8.4, and determined by the Planning Director.
- (B) Upon receiving a complete application for short plat approval, the Planning Director shall transmit a copy of the short plat, together with copies of any accompanying documents as the Planning Director deems appropriate, to the following:
1. County Engineer;
 2. Appropriate Fire District Chief;
 3. Benton-Franklin Health Department;
 4. The South Columbia Basin Irrigation district or the Franklin County Irrigation District, if the proposed subdivision is within the boundaries of the SCBID or the FCID, within their areas of responsibility, or will be served by the SCBID or the FCID;
 5. Any other County department, utility provider, school district or other public or private entity as the Planning Director deems appropriate.
 6. The legislative authority of any city or town adjacent to or within one (1) mile of the proposed short plat, or the public utilities of which are contemplated for use in the proposed subdivision;
 7. The State Department of Transportation, if the proposed short plat is adjacent to the right-of-way of any highway or within two (2) miles of the boundary of a state or municipal airport;
 8. The State Department of Ecology, or its successor, if the proposed subdivision lies within a flood control zone designated pursuant to Chapter 86.16 RCW;
 9. Owners of real property located within five hundred (500) feet of any portion of the proposed short subdivision if within a designated Urban Growth Area Boundary and one (1) mile if located outside a designated Urban Growth Area Boundary;

- (C) In transmitting the proposed short plat to the parties referenced above, the Planning Director shall solicit their comments and recommendations, and note the date by which comments and recommendations must be received by the Planning Director in order to be considered
- (D) Comments from property owners must be received by the Planning Director in writing within 10 days of the date of the notice in order to be considered. The Planning Director shall respond in writing to any property owner comments received within 5 working days of receipt of the comments
- (E) Applicable comments received within the 10 day notice period shall be incorporated into the formal findings which will form the basis of the Planning Director's decision on the short plat. If no comments are received from any of the parties referenced above, the Planning Director shall make such findings as he/she reasonably deems appropriate.

8.6 ADMINISTRATIVE DETERMINATIONS.

- (A) The Planning Director shall, after conferring with appropriate officials, determine whether:
 - (1) The proposed lots conform to the comprehensive plan and zoning requirements;
 - (2) The proposed short subdivision contributes to the orderly development and land use patterns in the area;
 - (3) The proposed lots are served with adequate road system/means of access, fire protection, drainage, water supplies and means of sanitary sewage disposal;
 - (4) Land must be dedicated for public right-of-way;
 - (5) Utility easements shall be required to serve the proposed lots within the short plat and/or adjacent properties;
 - (6) The public use and interest will be served by permitting the proposed divisions of the land;
 - (7) As a condition of short plat approval, that any required improvements be guaranteed by one of the methods described within this Ordinance.
- (B) The Planning Director shall consider all relevant findings and evidence, including the comments received, to determine whether the short plat be approved with conditions, returned to the applicant for modifications or denied.
- (C) Preliminary approval of the short plat shall constitute authorization for the subdivider (applicant) to develop the short subdivision's facilities and improvements in strict accordance with standards established by this ordinance and any conditions imposed by the Planning Director or other agency.

8.7 FINAL REVIEW, APPROVAL AND FILING.

- (A) The applicant is responsible for ensuring compliance with the requirements needed to obtain short plat approval. Further, the applicant is responsible for obtaining agency signatures required in Section 8.4 (D) (12).
- (B) In a final review of the short plat, the Planning Director shall determine compliance with the following:
 - (1) That the final short plat meets all standards established by State law and this ordinance relating to short plats;
 - (2) The short plat survey contains the information included in Section 6.3 of this Ordinance outlining the requirements for a final plat. The signature block requirements shall be consistent with Section 8.4 (D) (12) of this Ordinance.
 - (3) The short plat survey shall contain the information included in Section 7.10 for surveys.
 - (4) That the proposed short plat bears the certificate and statements of approval required by this ordinance and that every final short plat of a short subdivision filed for record must contain a certificate giving full and correct description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners;
 - (5) If the short plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all roads and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat;
 - (6) An officer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by local authorities as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quit claim deed to the said donee, grantee or grantees for his, her, or their use for the purposes intended by the donors or grantors as aforesaid;
 - (7) That a title insurance report furnished by the subdivider confirms the title of the land in the proposed short plat is vested in the name of the owners whose signatures appear on the short plat certificate or instrument of dedication;

- (8) That the facilities and improvements required to be provided by the subdivider have been completed, or alternatively, that the subdivider will provide a bond in a form acceptable to the County Engineer and in any amount and with surety commensurate with improvements remaining to be completed securing to the County the construction and installation of the improvements within a fixed time of two (2) years.
- (C) If the Planning Director determines that the foregoing requirements are met, he/she shall approve the short plat. The Planning Director shall conduct a final review of the short plat and be the final signature block approval obtained by the applicant.
- (D) Once the original has been signed by the Planning Director, the applicant or his designated representative shall record the original 18 x 24 inch mylar with the County Auditor;
- (E) After recording, one (1) paper copy shall be transmitted to the Planning Director and one (1) paper copy shall be transmitted to the County Assessor.
- (F) When the final mylar is created in a digital format the applicant shall also provide the Planning Director with one copy of the final plat in a digital format as specified by the County Engineer and shall provide the County Assessor one copy of the final plat in a digital format as specified by the County Assessor.

8.8 SHORT PLAT APPROVAL- EXPIRATION. Short plat approval shall be effective for one (1) year. If the short plat is not recorded within one (1) year from the date of original approval by the Planning Director, such approval of the short plat shall be null and void. Applicants unable to meet this timeline may request a 3 month extension from the Planning Director. The request shall be made in writing, including a written rationale and need for extension. This written request shall be submitted to the Planning Director prior to the one (1) year timeline for approval expires.

8.9 APPEALS.

- (A) Appeals of an administrative decision relating to a short plat may be made to the Planning and Building Department. When an appeal is received, a public hearing with the Board of County Commissioners will be scheduled. The appeal must be made in writing and filed together with the appeal fee listed in Chapter 15 of this Ordinance. The appeal shall be filed with the Planning Director within ten (10) working days from the date on which the decision was rendered if not, the decision of the Planning Director is final and no further appeal may be made.
- (B) The written appeal shall include a detailed explanation stating the reason for the appeal. The decision of the Board of County Commissioners shall be the final action.

8.10 AMENDING A RECORDED SHORT PLAT. Once a short plat has been recorded with the Auditor, it can be amended only by recording an amended short plat in accordance with the following provisions:

- (A) The amended short plat must follow the procedures in this Chapter;
- (B) The title of the amended short plat shall be:
Short Plat No. _____

Amending Short Plat No. _____

Filed under Auditor's File No. _____

- (C) The amended short plat shall show all of the parcels shown in the original plat and shall bear notarized signatures of all parties with an interest in any of the lots in the original plat;
- (D) An amended short plat shall not increase the number of lots above the total number of lots which is allowed by this Chapter;
- (E) Minor corrections to short plats may be corrected in accordance with the procedures outlined in Resolution 76-62 "Minor Corrections to Plat and Short Plats." A determination as to whether or not a correction is minor shall be made by the Planning Director and County Engineer.

8.11 RE-SUBDIVISION PROCEDURE. Land within an approved short plat may not be further subdivided through a short platting process within a five (5) year period unless a final plat of the re-subdivision has been approved and filed for record pursuant to the subdivision provisions of this ordinance. Property considered to be within a short subdivision shall be all lots which are recorded with a short subdivision and lot number and must include at a minimum all lots created which are less than twenty (20) acres in size.

CHAPTER NINE
BINDING SITE PLANS

SECTIONS:

- 9.1 Purpose
- 9.2 Applicability
- 9.3 Pre-Application
- 9.4 Application
- 9.5 Survey Required
- 9.6 Binding Site Plan Certifications Required
- 9.7 Binding Site Plan Title Report
- 9.8 Administrative Duties
- 9.9 Approval and Filing
- 9.10 Development Requirements
- 9.11 Standards for Binding Site Plans
- 9.12 Conformance to Requirements
- 9.13 Alterations
- 9.14 Vacation
- 9.15 Appeals
- 9.16 Enforcement

9.1 PURPOSE. The purpose of a binding site plan is to provide an alternative method of land subdivision to that which is provided under the standard subdivision or short plat process of this ordinance. The intent of the binding site plan process is to promote orderly and efficient community growth within the framework of RCW 58.17.035.

9.2 APPLICABILITY. The division of property by the binding site plan process may only be used for the following:

- (1) Division of land for the sale or lease of commercial or industrially zoned property as provided in the Franklin County Zoning Standards;
- (2) The division of land for the purposes of leasing space for mobile homes or travel trailers so long as the site plan complies with all applicable mobile home park and zoning regulations;
- (3) The division of land involving improvements constructed or to be constructed thereon that will be one or more condominiums or owned by an association or other legal entity.

9.3 PRE-APPLICATION. Prior to applying for binding site plan approval, anyone may present a preliminary site plan which contains (in a rough and approximate manner) all of the information required for a formal binding site plan application. The purpose of the preliminary site plan submittal is to enable the person presenting the plan to obtain a preliminary assessment from the jurisdiction as to the preliminary site plan's compliance with adopted plans, policies and ordinances of the jurisdiction. Prior to receiving binding site plan approval an applicant is required to submit a fully completed application. The pre-application review described herein creates no rights to the submitter or obligation to the submitter by the jurisdiction.

9.4 APPLICATION. Applications for binding site plan approval shall be filed with the Planning Department. To be considered complete and considered for approval, a binding site plan must contain the following:

- (1) Binding Site Plan drawn on 18" x 24" paper showing:
 - (a) Name of the binding site plan and space for numerical assignment;
 - (b) Legal description of the entire parcel, legal description of each proposed lot, square footage of each lot, date, scale and north arrow;
 - (c) Boundary lines, rights-of-way for roads, easements and property lines of lots and other sites with accurate bearings dimensions or angles and arcs and of all curve data;
 - (d) Names and rights-of-way widths of roads within the parcel and immediate adjacent to the parcel;
 - (e) Number of each lot and block;
 - (f) References to covenants, joint use, access easements or other agreements either to be filed separately or with the binding site plan;
 - (g) Zoning setback lines and building envelopes where applicable;
 - (h) Location, dimension and purpose of any easements noting if the easements are private or public;
 - (i) Location and description of monuments and all lot corners set and found;
 - (j) Datum, elevations and primary control points approved by the Engineering Department, descriptions and ties to all control points shall be shown with dimensions angles and bearings;
 - (k) A dedicatory statement acknowledging public and private dedications and grants;
 - (l) Parking areas, loading areas, general circulation, landscaping area;
 - (m) Proposed use and location of buildings with dimensions where applicable;
 - (n) The signature block of the following shall be included on the binding site plan:
 - (i) Franklin County Engineer
 - (ii) Franklin County Auditor
 - (iii) Franklin County Public Utility District or other utility district
 - (iv) The Appropriate Irrigation District (where applicable)
 - (v) The Franklin County Treasurer

- (vi) The United States Bureau of Reclamation (where applicable)
- (vii) Chairman, Board of County Commissioners

- (2) Be submitted with the documents required by Sections 9.5 and 9.6 and 9.7 below;
- (3) Be accompanied with a fee as specified in Chapter Fifteen (15) of this Ordinance;
- (4) A completed application form provided by the Planning Department;
- (5) A completed Environmental Checklist;
- (6) Written approval from the Benton-Franklin Health Department.

9.5 SURVEY REQUIRED.

- (1) A survey must be performed and filed with every binding site plan. The survey must be conducted by or under the supervision of a Washington State registered land surveyor. The surveyor shall certify on the binding site plan that it is a true and correct representation of lands actually surveyed and the survey was done in accordance with state law.
- (2) The survey must be consistent with the Survey standards stated in Section 7.10 of this Ordinance.
- (3) In all binding site plans, lot corner survey pins must be set before final approval can be granted.
- (4) In all binding site plans, perimeter monuments must be set before final approval can be granted.
- (5) In all binding site plans, control monuments must be set before final acceptance of public improvements.

9.6 BINDING SITE PLAN CERTIFICATIONS REQUIRED.

- (1) A certificate giving a full and correct description of the lands divided as they appear on the binding site plan, including a statement that the division was made with the free consent and in accordance with the desires of the owners of the land covered by the Binding Site Plan must be filed with the application. If the binding site plan is subject to a dedication the certificate or a separate written instrument shall also be required and contain a dedication of all roads and other public areas to the public;
- (2) A certification by a licensed surveyor, licensed in the state, that the binding site plan survey is accurate and conforms to the provisions of these regulations and state law must be filed with the application.

9.7 BINDING SITE PLAN CERTIFICATE OF OWNERSHIP. All binding site plans shall be accompanied by a title company certification (current within 30 days as provided and

certified by a licensed title company) confirming that title of the land as described and shown in the binding site plan are in the name of the owner(s) signing the binding site plan.

9.8 ADMINISTRATIVE DUTIES. The Planning Director is vested with the duty of administering the provisions of this chapter.

- (1) An application for binding site plan approval shall be approved with conditions, returned to the applicant for modifications or denied within thirty (30) days of its receipt by the Planning Director unless the applicant agrees, in writing, to an extension of this period. The Planning Director shall not be considered to be in receipt of an application for binding site approval unless and until such time as the application meets the requirements of Sections 9.4, 9.5, 9.6 and 9.7, as determined by the Planning Director.
- (2) Upon receiving a complete application for binding site plan approval, the Administrator shall transmit a copy of the binding site plan, together with copies of any accompanying documents as the Planning Director deems appropriate, to the following:
 - (a) County Engineer;
 - (b) Appropriate Fire District Chief;
 - (c) Benton-Franklin County Health Department;
 - (d) Any other County department, utility provider, school district or other public or private entity as the Administrator deems appropriate.
- (3) In transmitting the proposed binding site plan to the parties referenced above, the Planning Director shall solicit their comments and recommendations, and note the date by which comments and recommendations must be received by the Planning Director in order to be considered. Any comments received by that date shall be incorporated into the formal findings which will form the basis of the Planning Director's decision on the binding site plan. If no comments are received from any of the parties referenced above, the Planning Director shall make such findings as he/she deems just. However, in every case a proposed binding site plan shall contain a statement of approval from the County Engineer, as to the survey data, the layout of roads, alleys and other rights-of-way, design of sewer, and water systems and other infrastructure. The Planning Director shall not approve a binding site plan, which does not contain a statement signed by the County Engineer.
- (4) The Planning Director shall review the proposed binding site plan and determine its conformance to the general purposes of this Ordinance, its conformance with the Comprehensive Plan and its conformance with the Franklin County Zoning Standards and any other applicable land use controls. These determinations shall form the basis of the Planning Director's decision on the binding site plan.

9.9 APPROVAL AND FILING.

- (1) Upon approval of the binding site plan by the Planning Director, the applicant shall take the original mylar binding site plan, having obtained all other approvals from

affected agencies, utilities and the county treasurer, and file it with the Franklin County Auditor, conforming to statutory requirements.

- (2) The applicant must provide the Planning Director one (1) paper copy of the recorded document and the County Assessor one (1) paper copy of the recorded document before the binding site plan becomes valid.
- (3) When the plan is created in a digital format the applicant shall also provide the Planning Director with one copy of the final plat in a digital format as specified by the County Engineer and shall provide the County Assessor one copy of the final plat in a digital format as specified by the County Assessor.

9.10 DEVELOPMENT REQUIREMENTS. All developments must be in conformance with the recorded binding site plan.

9.11 STANDARDS FOR BINDING SITE PLANS. The following standards shall apply to binding site plans:

- (1) All binding site plans shall be drawn on mylar 18 inches x 24 inches;
- (2) Each such tract or lot created by a binding site plan shall have one designated front lot line and one rear lot line including those which have no road frontage;
- (3) All tracts, parcels and lots created by a binding site plan shall be burdened by an approved maintenance agreement maintaining access to the various lots, tracts and parcels and for the costs of maintaining landscaping and other common areas;
- (4) When any lot, tract or parcel is created without road frontage, access easements shall be provided and said easements shall be recorded in the Franklin County Auditor's Office with the recording number and an easement notation provided on the face of the binding site plan.
- (5) Sufficient parking for each use must be located on the lot where the use is located or through joint parking agreements with adjoining owners. Notations on parking agreements must be provided on the face of the binding site plan. All parking lots shall be paved and designed to control drainage on-site;
- (6) Except for interior lots all setbacks for structures shall be the same as required in the Franklin County Zoning Standards;
- (7) Lots within an approved binding site plan shall meet lot requirements as prescribed in this Ordinance and the Franklin County Zoning Standards.

9.12 CONFORMANCE TO REQUIREMENTS. All binding site plans shall conform with all of the jurisdiction's ordinances and policies regarding the use and development of properties contained within the binding site plan with the exception of the exclusions provided for herein.

9.13 ALTERATION. The recorded binding site plan may be altered at the Administration's discretion by processing through the review/approval procedure. Alterations to a binding site plan must be recorded.

9.14 VACATION. The recorded binding site plan may be vacated by the Planning Director, but only after approval and recording of a new binding site plan.

9.15 APPEALS.

- (1) Appeals of an administrative decision relating to a binding site plan may be made to the Board of County Commissioners. Such an appeal must be made in writing and filed together with the appeal fees listed in Chapter 15 of this Ordinance with the Planning Director within ten (10) working days from the date on which the decision was rendered if not, the decision of the Planning Director is final and no further appeal may be made.
- (2) The written appeal shall include a detailed explanation stating the reason for the appeal. The decision of the Board of County Commissioners shall be the final action.

9.16 ENFORCEMENT. The Auditor shall refuse to accept for recording any binding site plan, which does not bear the verification of approval as defined by this chapter. The jurisdiction will prosecute violation of this ordinance and commerce actions to restrain and enjoin a violation of this Ordinance and compel compliance with the provision of this chapter. The costs of such action shall be the responsibility of the violator.

CHAPTER TEN

BOUNDARY LINE ADJUSTMENT

SECTIONS:

- 10.1 Purpose
- 10.2 Applicability
- 10.3 Application
- 10.4 Administrative review

10.1 PURPOSE. The purpose of a boundary line adjustment is to provide an administrative method of modifying the boundary lines between two (2) or more lots of record. 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.

10.2 APPLICABILITY. The boundary lines separating two (2) or more lots of record may be adjusted under the provisions of this chapter, provided that such adjustment:

- (A) Will not result in the creation of any additional lot, tract, parcel, site or division;
- (B) Will not create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet all of the requirements of the Franklin County Zoning Standards;
- (C) Will not adversely effect access, easement or drain fields;
- (D) Will be consistent with any applicable health, building or similar regulations;
- (E) Will not increase the nonconforming aspects of an existing nonconforming lot or structure.

10.3 APPLICATION.

- (A) Application for a boundary line adjustment shall be made on forms to be provided by the Planning Department, and shall be submitted to the Planning Department together with the applicable fee identified in Chapter 15 of this Ordinance. Applications shall include one (1) digital or electronic copy and seven (7) paper copies of a record survey for a boundary line adjustment, drawn to scale and accurately dimensioned, clearly showing the following information:
 - (1) The proposed lot lines for all affected lots, indicated by heavy solid lines;
 - (2) The existing lot lines proposed to be changed, indicated by heavy broken lines;
 - (3) The location of all structures existing upon the affected lots;

- (4) The location and dimensions of any drain field, wellhead protection area, easement or right-of-way existing within or adjacent to any affected lot;
 - (5) The area and dimensions of each lot (net & gross lot area) following the proposed adjustment;
 - (6) Parcel numbers for all effected lots;
 - (7) Legal description of the existing lots and a legal description of the area involved in the boundary line adjustment;
 - (8) The existing and if applicable, proposed future method of sewage disposal for each affected lot. Where any lot affected by a proposed boundary line adjustment is served or is likely to be served in the future by an on-site sewage disposal system, a percolation test for each such lot may be required if it is determined that the proposed adjustment could adversely affect the ability of such lot to be adequately served by such on-site system.
- (B) All record surveys for boundary line adjustments shall be prepared by a licensed land surveyor in order to ensure the accuracy of the new legal descriptions and drawing.

10.4 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 Director. The Planning Director shall not be considered to be in receipt of a complete application unless and until such time as the application meets the requirements of Section 10.3, as determined by the Planning Director.

- (A) The Planning Director shall forward one (1) copy of the proposed boundary line adjustment plan to the County Engineer, the Benton Franklin Health Department (if applicable), and the applicable Fire Department who shall review the plan and submit comments to the Planning Director within ten (10) days of receipt.
- (B) The Planning Director shall forward one (1) copy of the proposed boundary line adjustment plan to the Franklin County P.U.D, Franklin County Irrigation District if applicable and all other effected utility providers. These agencies identified in this subsection shall review the plan and submit comments to the Planning Director within ten (10) days of receipt. Failure of a utility provider to respond to the application within ten (10) days shall be deemed as approval by the specific utility provider.
- (C) Following receipt of the comments of those consulted under Subsections A and B above, but not later than fifteen (15) days following receipt of a complete application, the Planning Director shall approve or deny the requested boundary line adjustment. If the boundary line adjustment is denied, the Planning Director shall make appropriate findings of fact in writing. Following approval, the Planning Director shall notify the applicant and the County Assessor. The applicant shall then record new deeds reflecting the changes of ownership for the effected properties and when required record the Boundary Line Adjustment survey (record survey) with the Franklin County Auditor within thirty (30) days or the boundary line adjustment shall be null and void. After recording, one copy (digital copy) of the boundary line

adjustment in a digital format shall be provided to the Planning Department and one copy to the County Assessor.

- (D) (1) Appeals of an administrative decision relating to boundary line adjustments may be made to the Board of County Commissioners. Such an appeal must be made in writing and filed together with the appeal fees listed in Chapter 15 of this Ordinance with the Planning Director within ten (10) working days from the date on which the decision was rendered if not, the decision of the Planning Director is final and no further appeal may be made.
- (2) The written appeal shall include a detailed explanation stating the reason for the appeal. The decision of the Board of County Commissioners shall be the final action.

CHAPTER ELEVEN

TAX PARCEL SEPARATION

SECTIONS:

- 11.1 Purpose
- 11.2 Applicability
- 11.3 Application
- 11.4 Administrative Review

11.1 PURPOSE. The purpose of a tax parcel separation is to provide an administrative method to separate lots of record into parcels suitable as building sites. The intent of a tax parcel separation is to address problems pertaining to multiple platted lots being parceled as one taxable unit and to promote orderly and efficient community growth.

11.2 APPLICABILITY. A tax parcel containing two (2) or more lots of record may be segregated under the provisions of this chapter, provided that such separation:

- (A) Will not result in the creation of more tax parcels than platted lots;
- (B) Will not create any lot, tract, parcel, or site which contains insufficient area and dimensions to meet the requirements of the Franklin County Zoning Standards;
- (C) Will not adversely effect access, easements or drain fields;
- (D) Will be consistent with any applicable health, building or similar regulations;
- (E) Will not increase the nonconforming aspects of an existing nonconforming lot or structure.

11.3 APPLICATION.

- (A) Application for tax parcel separation shall be made on forms to be provided by the Planning Director, and shall be submitted to the Planning Department together with the applicable fee identified in Chapter 15 of this Ordinance and seven (7) 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 legal description(s) and parcel number(s) of the effected parcel(s);
 - (3) The location of all structures existing upon the effected parcel(s);
 - (4) 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);

- (5) The area and dimensions of each parcel following the proposed separation;
 - (6) The existing and, if applicable, proposed future method of sewage disposal for each affected parcel. Where any parcel effected by a proposed separation is served or is likely to be served in the future by an on-site sewage disposal system, a percolation test for each such parcels may be required when it is determined that the proposed separation could adversely effect the ability of such parcel(s) to be adequately served by such on-site system.
- (B) The Planning Director may require tax parcel separations to be prepared by a licensed land surveyor in order to ensure the accuracy of the new legal descriptions and drawing.

11.4 ADMINISTRATIVE REVIEW. An application for tax parcel separation shall be approved, approved with conditions, returned to the applicant for modifications or denied within fifteen (15) days of its receipt by the Planning Director. The Planning Director shall not be considered to be in receipt of a complete application unless and until such time as the application meets the requirements of Section 11.2 and 11.3 as determined by the Planning Director.

- (A) The Planning Director shall forward one (1) copy of the proposed tax parcel separation plan to the County Engineer, the Benton-Franklin Health Department, and the applicable Fire Department who shall review the plan and submit comments to the Planning Director within ten (10) days of receipt.
- (B) Following review of the comments submitted, but no later than fifteen (15) days following receipt of a complete application, the Planning Director shall approve or deny the requested tax parcel separation. If the tax parcel separation is denied the Planning Director shall make appropriate findings of fact in writing. Following a decision, the Planning Director shall notify the applicant.
- (C) The Planning Department shall provide the Franklin County Assessor's Office with documentation of acceptance for all approved tax parcel separations. The applicant shall be responsible for completion of all conditions imposed by the Franklin County Assessor and the Franklin County Treasurer. The County's acceptance of the tax parcel separation shall be valid for a period or sixty (60) days in which the applicant must satisfy all requirements of the Franklin County Assessor and the Franklin County Treasurer or the acceptance of the tax parcel separation shall be null and void.
- (D) (1) Appeals of an administrative decision relating to a tax parcel separation may be made to the Board of County Commissioners. Such an appeal must be made in writing and filed together with the appeal fees listed in Chapter 15 of this ordinance with the Planning Director within ten (10) working days from the date on which the decision was rendered if not, the decision of the Planning Director is final and no further appeal may be made.

- (2) The written appeal shall include a detailed explanation stating the reason for the appeal. The decision of the Board of County Commissioners shall be the final action.

CHAPTER TWELVE

DEDICATIONS AND RESERVATIONS

SECTIONS:

- 12.1 Dedications Required
- 12.2 Dedication Process
- 12.3 Reservations

12.1 DEDICATION REQUIRED.

- (1) No plat shall be approved unless adequate provision is made in the subdivision for such drainage ways, roads, alleys, easements, parks, playgrounds, sites for schools, school grounds, and other general purposes as may be required to protect the public health, safety, welfare and open spaces. Dedication of the land to any public body may be required as a condition of a final plat, short subdivision, or binding site plan approval.
- (2) Every final plat of a subdivision filed for record must contain a certificate giving full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
- (3) If the plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all roads and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private as shown on the plat and a waiver of all claims from damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.
- (4) Every plat containing a dedication filed for record must be accompanied by a title report (current within thirty (30) days) confirming the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
- (5) An offer of dedication may include a waiver of right of direct access to any road from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by local authorities as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quit claim deed to the donee, grantee or grantees for his, her, or their use for the purpose intended by the donors or grantors as aforesaid.
- (6) Protective improvements and easements to maintain such improvements shall be dedicated.

12.2 DEDICATION PROCESS.

- (1) All dedications of land shall be clearly and precisely indicated on the face of the plat.
- (2) If the Board of County Commissioners concludes that the public interest will be served thereby, the Board may, in lieu of requiring dedication of land in a subdivision for protective improvements, drainage ways, roads, alleys, sidewalks, parks, playgrounds, recreational, community or other general purposes, allow the said land to be conveyed to a home owners' association or similar nonprofit corporation.
- (3) In approving a final plat, short subdivision, or binding site plan, the Board may impose an addition to the regulations or standards expressly specified by this Ordinance, other conditions found necessary to protect the best interest of the surrounding property, the neighborhood, or the community as a whole. Specifically the Board shall give special attention to fencing requirements and shall, when it is determined necessary for the protection of the surrounding property owners, whether they be private or public bodies, require suitable fencing, both internally and around the perimeter of the development and that a home owners' association or similar nonprofit corporation to be required to be created for the continued maintenance of any said fencing or other perimeter requirements.
- (4) A subdivider who wishes to make a conveyance, or is required to by Section 12.2 (2), shall, at or prior to the time of filing a final plat for approval, supply the Board with copies of the grantee organization's articles of incorporation and by-laws, and with evidence of the conveyance or a binding commitment to convey. The articles of incorporation shall provide the membership in the organization shall be appurtenant to ownership of land in the subdivision; that the construction and maintenance of the improvements and property owned by the corporation, and that such other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

12.3 RESERVATIONS.

- (1) Any public agency with power to acquire land or partial taking for roads and trails and other public purposes by condemnation or otherwise for public uses, may, at any time prior to final approval of a preliminary plat, notify the Board and the subdivider of his intention to acquire some or all of the land or partial interest in the land in a proposed subdivision for public use.
- (2) If the Board finds that the public health, safety or general welfare will be served thereby, and is convinced that the public agency requesting the reservation is genuinely interested in acquiring said land, and is adequately prepared and adequately financed to proceed with legitimate negotiations for the purchase of said property, the Board may require as a condition precedent to approval of the final plat, that the said land or partial interest or such part of it as the Board deems appropriate be designated on the plat as reserved land, and that for a stated period not to exceed six (6) months following the Board's approval of the final plat or such shorter period as the

Board deems sufficient the reserved land shall not be developed during which time the agency may acquire the land. A public agency may accelerate the expiration date of a reservation period by filing written notice of its intention to abandon its right to acquire the reserved land with the County Auditor.

- (3) The subdivider may indicate on the plat that if the reserved land or partial interest is not acquired for public use, it shall be subdivided, and if the subdivider does so, the plat shall show the configuration and dimensions of proposed lots, blocks, roads, easements and like features in the reserved area.
- (4) No building permit, septic tank permit or other development permit shall be issued for improvements on reserved land during the period of reservation except as expressly authorized by the Board at the time of final plat approval.
- (5) If the public agency has not acquired or commenced proceedings to acquire reserved land within the period set by the Board, the subdivider and the subdivider's successors may proceed to develop land lying within the reserved area in conformity with the plat. No improvements shall be made upon reserved land available for development until adequate surety for development thereon has been provided.

CHAPTER THIRTEEN

DEDICATIONS FOR PARKS

SECTIONS:

- 13.1 Provision for park/playground required
- 13.2 Determination of Value
- 13.3 Cash payment in lieu of dedication
- 13.4 Disposition of land and cash payments
- 13.5 Applicability

13.1 PROVISION FOR PARK REQUIRED. To assure appropriate and adequate provision for parks and other recreation facilities is made at the time of short plat or subdivision approval, the subdivider shall be required to dedicate, by statutory warranty deed, a parcel or parcels of land as selected by the County in such amount to be at least equal in value to the total value of park and recreation demand generated by the short plat or subdivision as determined in Section 13.2. Said land shall be exclusive of required subdivision improvements and free of any and all encumbrances, including all labor and material liens, or the subdivider shall provide a bond in lieu thereof.

13.2 DETERMINATION OF VALUE. Based on the proposed short plat or subdivision and the zoning classification thereto, a total number of dwelling units expected to be contained by the short plat or subdivision shall be determined. Said total number of dwelling units shall then be multiplied by the base park fund fee as specified herein, the product of which shall represent the total value of the park and recreation demand expected to be generated by the proposed subdivision.

- a. **Urban Growth Area Boundaries:** The base value of three hundred (\$300.00) dollars per expected dwelling unit.
- b. **Rural Areas (lands outside Urban Growth Area Boundaries):** The base value of fifty (\$50.00) dollars per expected dwelling unit.

13.3 CASH PAYMENT IN LIEU OF DEDICATION. In lieu of dedication of land as required in Section 13.1, the Board of Commissioners may, at its discretion, require a cash payment equal to the total value of park and recreation demand expected to be generated by the proposed short plat or subdivision. The Board of Commissioners may, at its discretion, require a combination of land dedication and cash payment provided the total combined value is at least equal to the total value of park and recreation demand. The cash payment is required to either be paid to the Public Works Department prior to final short plat/subdivision approval or prior to a residential (dwelling unit) building permit being issued. The decision of when the cash payment is to be paid is at the discretion of the applicant.

13.4 DISPOSITION OF LAND AND CASH PAYMENTS. Any land deeded under the provisions of this chapter may be held for future sale or for park/recreation use improvements; however, any such land not to be improved shall be offered for sale within three (3) years from the effective date of the deed or before fifty percent (50%) of the subdivision is developed, which ever occurs later. The proceeds from the sale of any land dedicated under the requirements of this

chapter and any cash payment in lieu of such dedication shall be deposited in the park acquisition and development fund as administered by the Franklin County Public Works Department. 100% of cash payments received in designated Rural Areas shall be designated towards Regional Park funds. Funds received in Urban Growth Areas shall be designated as follows: 90% Urban Growth Area Parks and 10% Regional Parks.

13.5 APPLICABILITY. The provisions of this chapter shall apply to any short plat or subdivision or portion thereof receiving final approval subsequent to the effective date of the ordinance. However, a preliminary plat with a fully completed application properly filed for review or approved prior to the effective date of this ordinance need not comply with the provisions of this chapter at the time of final approval of the short plat/subdivision or portion thereof.

CHAPTER FOURTEEN

ENFORCEMENT

SECTIONS:

- 14.1 Development of Illegally Divided Land
- 14.2 Penalties
- 14.3 Enforcement of Provisions of the Final Plat
- 14.4 Offer to Sell Lots Following Preliminary Plat Approval
- 14.5 Advance Notice
- 14.6 Severability
- 14.7 Repealer

14.1 DEVELOPMENT OF ILLEGALLY DIVIDED LAND.

- (1) An application for a building permit for any lot, tract or parcel of land divided in violation of state law or this ordinance shall not be granted without prior approval of the Board. Such approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the Board that:
 - (a) The Benton-Franklin Health Department has certified that the proposed means of sewage disposal and water supply on and to the lot, tract or parcel are adequate;
 - (b) The County Engineer has certified that the lot, tract or parcel is served with an adequately designed means of ingress and egress, and with adequate drainage facilities, none of which interfere with or impair existing or planned public highway and drainage facilities in the vicinity;
 - (c) The Planning Commission has certified that the proposed development conforms to the Comprehensive Plan and all zoning regulations;
 - (d) The proposed development will not adversely affect the safety, health or welfare of adjacent property owners, or interfere with their enjoyment of their property; and
 - (e) If the applicant innocently purchased the lot, tract or parcel for value, the applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of state law or this ordinance.
- (2) Except as provided in Section 1.4 of this ordinance, all purchasers or transferees of illegally divided property shall comply with provisions of this ordinance and each purchaser or transferee may recover his damages from any person, firm, corporation, or agent selling or transferring land in violation of this ordinance, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this ordinance as well as the cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorney's fees occasioned thereby.

14.2 PENALTIES.

- (1) Whenever any parcel of land is divided into two or more lots, tracts, or parcels of land and any person, firm or corporation or any agent of any of them sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a final plat of such subdivision, short plat, or binding site plan recorded with the County Auditor's Office, the Prosecuting Attorney shall commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this ordinance. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property;
- (2) Any person who violates any court order or injunction issued pursuant to this ordinance shall be subject to a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than ninety (90) days or both;
- (3) In the enforcement of this ordinance, the Prosecuting Attorney may accept an assurance of discontinuance of any act or practices deemed in violation of this ordinance from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the Superior Court of the County in which the alleged violation occurs. A violation of such assurance shall constitute prima facie proof of a violation of this ordinance; and
- (4) The Franklin Count Prosecutor shall prosecute violators in accordance with RCW 58.17.300 for any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this ordinance or any local regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provisions of this ordinance or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.

14.3 ENFORCEMENT OF PROVISIONS OF THE FINAL PLAT. To further the mutual interest of the residents of a platted residential development and of the public in the preservation of the integrity of the plat as finally approved, and to insure that modifications, if any, in the plat shall not impair the reasonable reliance of the said residents upon the provisions of the final plat, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plat as finally approved shall be subject to the provisions of this section.

The provisions of the final plat relating to the following items shall run in favor of the county and shall be enforceable in law or in equity by the county without limitation on any powers of regulation otherwise granted by the county by law:

- (a) Use, bulk and location of buildings and structures;
- (b) Quantity and location of common open space;
- (c) Intensity of use or the density of residential units;
- (d) Design;
- (e) Development of improvements;
- (f) Surveys;
- (g) Dedications;

- (h) Sewer and water; and
- (i) Fire protection.

14.4 OFFER TO SELL LOTS FOLLOWING PRELIMINARY PLAT APPROVAL. If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat or short plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this ordinance, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 or Section 14.2(1) and 14.2(4) of this ordinance, and does not violate any provision of this ordinance. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

14.5 ADVANCE NOTICE. The County shall establish procedures to provide reasonable advance notice of proposals to adopt, amend, or repeal this Ordinance. These procedures shall include but not be limited to advance notice to individuals or organizations which have submitted requests for notice. Reasonable fees may be charged to defray the costs of providing notice.

14.6 SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances shall not be affected.

CHAPTER FIFTEEN

FEES

SECTIONS:

15.1 Fees

15.1 FEES. Whenever an application requiring a fee under this Ordinance in addition to all other required data, the applicant shall pay an application fee to the County according to the following fee schedule.

- (1) Subdivisions (5 or more lots) - \$800.00 plus \$25.00 per lot;
- (2) Short Subdivisions (4 or less lots) - \$350.00 plus \$25.00 per lot;
- (3) Binding Site Plan - \$350.00;
- (4) Boundary Line Adjustment - \$150.00;
- (5) Tax Parcel Separation – No Fee Established;
- (6) Environmental (SEPA) Checklist - \$150.00;
- (7) Appeal - \$200.00 plus the costs of transcriptions. A \$500.00 deposit is required for the preparation of appeal transcripts.

No application shall be processed unless the respective application fee listed above has been paid in full, which fee shall be non-refundable.