

Chapter 17.16

MAJOR SUBDIVISIONS

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ARTICLE I. GENERAL PROVISIONS

17.16.010 **Applicability.** Every subdivision of land into five or more parcels, lots, sites or divisions, as defined herein, shall proceed in compliance with this chapter. Land divided by short subdivision, within five years immediately preceding, shall be subdivided pursuant to this chapter. (Ord. 398 S1 (part), 1981.)

17.16.020 **Exemptions.** Except as stated in this chapter, every subdivision shall comply with the provisions of this chapter

- A. Cemeteries and other burial plots while used for that purpose.
- B. Any division of land not containing a dedication in which the smallest lot created exceeds twenty acres in area; provided, that for the purposes of computing the size of any lot, under this subsection only, which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the street or road, and the side lot line running perpendicular to such centerline.
- C. Divisions made by testamentary provisions, or the laws of descent.
- D. A division for the purpose of lease when no residential structures other than mobile homes or travel trailers are permitted to be placed upon the land, and the city council has approved a binding site plan for the use of the land. (Ord. 398 S1 (part), 1981.)

ARTICLE II. PRELIMINARY PLAT

17.16.030 **Procedures and requirements.** A preliminary plat of proposed subdivisions and dedications of land shall first be submitted to the planning commission for recommendations and then submitted to the city council for consideration and action. (Ord. 398 S1 (part), 1981.)

17.16.040 **Required information.** Information for preliminary plat of proposed subdivisions shall include, but not be limited to, the provisions set out in Sections 17.16.050 through 17.16.120. (Ord. 398 S1 (part), 1981.)

17.16.050 **Map specifications.** A preliminary plat map is required drawn to a scale not to exceed one hundred feet to the inch, and which includes the following:

- A. A vicinity map at a legible scale, showing the relationship of the proposed plat to surrounding schools, parks and all adjacent streets.
- B. The proposed name of the subdivision, the name and address of the owner or owners, the licensed engineer, land surveyor, landscape architect, or other comparable person preparing the plat, the name of all existing abutting streets and subdivisions, and a legal description of the exterior boundaries of the land to be subdivided.
- C. The location, width, and name of all proposed streets, the dimensions of other proposed rights-of-way, alleys, easements, parks, playgrounds, open spaces, schools and the like, the scale of the plat and a north arrow.
- D. The elevation, referenced to the U.S. Coast and Geodetic datum, at all property corners of the plat boundary, and any areas within the plat that are substantially different from the property corner elevations. Prior to preliminary plat approval, the city engineer may require the elevations of certain areas within the plat. The map will also show the location and areas of all natural watercourses, major tree masses, major rock outcroppings, and other similar landscape features.
- E. Lot and block numbers, the dimensions of each lot, the dimensions and acreage of the total plat, the smallest lot of the proposed plat, and the average lot size.
- F. An indication of those lots which are to be used other than for residential purposes, an indication of their intended use, and whether the lots are to be dedicated to a municipal corporation or school district.
- G. An indication of any portion of the plat for which successive or separate final plats are to be filed, and the approximate filing date of each. The filing date of successive separate final plats shall meet the requirements of Section 17.16.130 of this chapter.
- H. All existing structures proposed to remain on the area to be subdivided. (Ord. 395 S1 (part), 1981.)

17.16.060 **Proposed restrictive covenants.** Any preliminary restrictive covenants proposed to be included in the deeds are required. Final covenants shall be reviewed by the city council prior to final plat approval. (Ord. 398 S1 (part), 1981.)

17.16.070 **Application form -- Copy.** A preliminary plat application form which includes the signature of the owner, or a verified agent of the owner, with one reproducible copy of the proposed plat and twenty prints is required. (Ord. 398 S1 (part), 1981.)

17.16.080 **Application -- Fee.**

- A. A preliminary plat application for each lot in the proposed preliminary plat is required. Said fee shall be for the processing of said application by City staff. Fees are set by the most current resolution entitled "City Fee Schedule."
- B. Prior to final plat approval the applicant shall pay all engineering fees for the cost of review of plans, specifications, inspection of improvement, construction and testing, and all other services deemed necessary and actually rendered to assist the applicant in meeting the conditions of this chapter as billed by the City Engineer. Estimated review fees and engineering fees shall be provided to the applicant prior to review to the extent practicable.
- C. The applicant shall assume the cost of required publications.
- D. The applicant shall assume any costs required by the recording of the approved final plat. (Ord. 623, April 1995.)

17.16.090 **Title insurance.** A certificate from a title insurance company showing ownership of the property involved, and a list of names and addresses of all property owners within three hundred feet are required. (Ord. 398 S1 (part), 1981.)

17.16.100 **Fencing.** The location and design of fencing to be constructed along certain abutting streets is required, as stated in Section 17.28.080. (Ord. 398 S1 (part), 1981.)

17.16.110 **On-site waste disposal.** Those plats utilizing individual on-site waste disposal systems as the means of sewage disposal must receive written verification from the Benton-Franklin Health District that a complete sanitation submittal has been received and found in conformance with District Regulation No.2, governing on-site waste disposal. The preliminary plat submittal package shall include the following:

- A. Written verification that the health district regulations have been met.
- B. Written verification stating that all required information has been received by the health department, and an estimated date when a final health department determination will be made. If the necessary information is

not received prior to the planning commission public hearing, then consideration will be given to a continuance of the matter. If the applicant does not agree to a continuance as provided in Section 17.16.210, then the planning commission shall recommend that the plat be approved, modified or denied. (Ord. 398 S1 (part), 1981.)

17.16.120 **Irrigation connection.** A statement of whether or not the plat is to be connected to an irrigation source, and, if not, written verification from the appropriate irrigation district as to what is involved to connect to an irrigation source. (Ord. 398 S1 (part), 1981.)

17.16.130 **Notice of filing.** Notice of filing a preliminary plat of a proposed subdivision adjacent to or within one mile of another municipal boundary shall be given to the appropriate municipal official. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the county and/or existing or proposed right-of-way of any state or federal highway shall be given to the State Department of Highways. Notice of the filing of a preliminary plat of a proposed subdivision may be given to any other agency deemed necessary by the city. (Ord. 398 S1 (part), 1981.)

17.16.140 **Hearing -- Notice.** Within thirty days of the receipt of an application for preliminary plat approval, the planning commission will set a public hearing. Notice of such public hearing shall be given publication of at least one notice, not less than ten days prior to the hearing, in the newspaper of general circulation within the city, and shall include the hour and the location of the hearing and a description of the property to be platted. Additional notice of such hearing shall be given by mail to the owner and abutting landowners within three hundred feet of the property as recorded on public record. (Ord. 398 S1 (part), 1981.)

17.16.150 **Hearing -- Recommendation.** The planning commission shall hold a public hearing to review all proposed subdivisions, and to make recommendations of approval, conditional approval, or disapproval thereon to the city council, to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city. The planning commission shall act on the application within sixty days of filing of a completed preliminary plat application with its supporting documents. The sixty day period excludes the time required to comply with RCW Chapter 43.21 C, State Environmental Policy Act. Reports of the planning commission shall be advisory only. Such recommendations shall be submitted to the city council not later than fourteen days following action by the agency. Upon receipt of the recommendation of any preliminary plat, the city clerk shall set the date for a public hearing for the earliest practical city council meeting. The city council, after the public hearings, may confirm the planning commission's recommendation, or adopt its own

recommendation, and approve conditionally approve, or disapprove the preliminary plat. A record of all public meetings and hearings shall be kept by the city, and shall be open for public inspection. (Ord. 398 S1 (part), 1981.)

17.16.160 **Determination if in public interest.** The planning commission and city council shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The city shall review all plats to determine their relationship with the comprehensive plan, comprehensive water plan, utilities plan, comprehensive park and recreation plan, and any other information deemed necessary to assist in determining if appropriate provisions are made in the subdivision for, but not limited to, public health, safety and general welfare; for open spaces, drainage ways, streets, alleys, or other public ways; parks, playgrounds and sites for schools and school grounds, water supplies, and sanitary wastes, and shall consider all other relevant facts to determine whether the public interest will be served by the subdivision and the dedication. If it is determined that the proposed plat makes appropriate provisions for the public use and interest will be served by the platting of such subdivision, then it shall be approved. If the city finds that the proposed plat does not make such appropriate provisions, or that the public use and interest will not be served, then the city council may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval, and shall be clearly shown on the final plat. The council shall not, as a condition to the approval of any plat, require a release from damages to be procured from other property owners. (Ord. 398 S1 (part), 1981.)

17.16.170 **School sites and electrical facilities.** Should school district or electrical utility plans indicate that property within the proposed subdivision is required for a school site, or electrical facility, the requirement shall be submitted in writing, prior to preliminary plat approval, indicating intent to consider acquiring the necessary property. The letter of intent shall include the area and location of the property to be acquired. Within forty-five days after submittal of a preliminary plat or approval of a final plat, whichever comes first, the school district or electrical utility and the applicant shall indicate, in writing, that an agreement has been reached for the acquisition of the required property. Should an agreement not be reached within the time period, then the city will consider approval of the plat, unless an extension of time is requested by the applicant, as provided in Section 17.16.210. Development of the school site or electrical facility shall be in accordance with the regulations of the zoning district in which it is located. (Ord. 398 S1 (part), 1981.)

17.16.180 **Park dedications.** For any plat, land shall be dedicated for park purposes, or fees in lieu thereof shall be collected, as set forth in Section 17.36.010. (Ord. 398 S1 (part), 1981.)

17.16.190 **Flood protection requirements.** The city council, after a recommendation from the planning commission, shall consider the physical characteristics of a proposed subdivision site, and may disapprove a proposed plat because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved by the city council governing any land situated in a flood control zone, as provided in RCW Chapter 86.16 without the prior written approval of the Department of Ecology, state of Washington. All conditions of Chapter 86.16 RCW shall be complied with. (Ord. 398 S1 (part),1981.)

17.16.200 **Approval -- Conditions.** In approving a preliminary plat, the city may require conditions necessary to adjust the development of the area to be subdivided, in order to protect the health, safety and welfare of the property owners both within the subdivision and in the areas adjacent to the property to be subdivided. Such conditions may be in addition to other ordinances of the city and may include, but not be limited to, the following:

Relocation of lots, streets and/or other plat features; regulation of lot sizes; regulation of street width; dedication and/or improvement of public access to public parks, playgrounds, open spaces, and schools; city review of any restrictive covenants, and/or homeowner's association and bylaws; and such other conditions as will make possible development of the city in an orderly and efficient manner, and in conformity with the intent and purposes set forth in this title and the adopted comprehensive plan. (Ord. 398 S1 (part), 1981.)

17.16.210 **Approval -- Decision period.** Preliminary plats of any subdivision shall be approved, conditionally approved, disapproved or returned to the applicant for modification or correction, within ninety days from the date of filing thereof, unless the applicant consents to an extension of such time period; provided, however, that the ninety day period shall not include the time spent in making an environmental assessment determination, and the preparation and circulation of any environmental impact statement required by RCW 43.21.030. (Ord. 398 S1 (part), 1981.)

17.16.220 **Approval - - Submission of final plat.**

- A. A final plat shall be submitted to the City Council for approval within seven (7) years of the date of preliminary plat approval if the date of the

preliminary plat approval is on or before December 31, 2014, and within five (5) years of the date of preliminary plat approval if the date of preliminary plat approval is on or after July 1, 2015.

- B. A final plat meeting all requirements of this Title shall be submitted to the City Council for approval within nine (9) years of the date of preliminary plat approval if the project is within the City limits of the City of Benton City, not subject to the requirements adopted under Chapter 90.58 RCW (Shoreline Management Plan), and the date of preliminary plat approval is on or before December 31, 2007.
- C. Any lots in such final plat shall be a valid land use not covered by the terms of the approval of the final plat, the statutes, ordinances, and regulations in effect at the time of approval during that period of nine (9) years, unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision. (Ord. 903, May 2012; Ord. 643, September 1996.)

ARTICLE III. FINAL PLATS

17.16.230 **Improvements**. In lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the city council may accept a bond, savings account assignment, or escrow, in an amount and with surety and conditions satisfactory to the city, providing for and securing to the city actual construction and installation of such improvements, within a period specified by the city and expressed in the security agreement. In addition, the city may require methods of security, such as a bond, savings account assignment, or comparable, securing to the city for an appropriate period of time, up to two years, that any defects in workmanship and/or materials of the original installation of the improvements shall be corrected. The city is authorized to enforce bonds, savings account assignment, and other comparable methods of security under this section, by all appropriate legal and equitable remedies. Improvements, such as structures, sewers and water systems shall be designed and certified by, or under the supervision of, a registered civil engineer prior to the acceptance of such improvements. All required utility and street improvements for any plat, replat, or portions thereof approved after the effective date of the ordinance codified in this chapter, shall be completed to the approval of the city engineer prior to the final inspection and occupancy of any structure within the plat. (Ord. 398 S1 (part), 1981.)

17.16.240 **Approval authority**. Sole authority to approve final plats shall reside in the city council. (Ord. 398 S1 (part), 1981.)

17.16.250 **Procedure and requirements**. Each and every plat submitted for final

approval by the city council shall be accompanied by the following agency's recommendation for approval or disapproval:

- A. Local health department, as to the adequacy of the proposed means of sewage disposal and water supply;
- B. Planning commission as to compliance with all terms of the preliminary plat, subdivision or dedication;
- C. City engineer, or city council designate.
- D. Submitted on material approved by the County Auditor. (Ord. 954, 2016; Ord. 398 S1 (part), 1981.)

17.16.260 **Statement of approval.** Each and every plat or replat filed for record shall contain a statement of approval from the city engineer, or from a licensed engineer acting on behalf of the city, as to the survey data, the layout of streets, alleys, and other rights-of-way, design of bridges, sewage and water systems, and other structures. (Ord. 398 S1 (part), 1981.)

17.16.270 **Complete survey.** Every plat or replat filed for record shall be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted, with complete field computation notes, showing the original or reestablished corners, with descriptions of same, and the actual traverse, showing error of closure and method of balancing. A sketch showing all distances, angles and calculations required to determine corners and distances of the plat, shall accompany this data. The allowable error of closure shall not exceed one foot in ten thousand. (Ord. 398 S1 (part), 1981.)

17.16.280 **Deed acknowledgement.** Every plat or replat filed for record shall be acknowledged by the person filing the plat before the auditor of Benton County, or any other officer who is authorized by law to take acknowledgement of deeds, and a certificate of the acknowledgement shall be enclosed or annexed to the plat, and recorded therewith. (Ord. 398 S1 (part), 1981.)

17.16.290 **Tax certification.** Every plat or replat filed for record shall contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification, have been duly paid, satisfied or discharged. (Ord. 398 S1 (part), 1981.)

copies shall be made available to other agencies at no expense to the city. Any lots in a final plat for record shall be a valid land use, notwithstanding any change in zoning laws, for a period of five years from the date of filing. (Ord. 398 S1 (part), 1981.)

ARTICLE IV. SURVEY REQUIREMENTS

- 17.16.320** **Permanent control monuments.** Except for subdivision excluded under Section 17.16.0103 permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The city engineer shall determine the number and location of monuments of permanent control monuments buried within the plat, if any. The monuments shall consist of two-inch iron pipe buried to a minimum depth of thirty-six inches. (Ord. 398 S1 (part), 1981.)
- 17.16.330** **Certification - Survey.** The survey of the proposed subdivision and preparation of the final plat shall be made by or under the supervision of a registered land surveyor, who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. (Ord. 398 S1 (part), 1981.)
- 17.16.340** **Certification - Description.** Every final plat of a subdivision filed for record must contain a certificate giving a 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 owners'. (Ord. 398 S1 (part), 1981.)
- 17.16.350** **Certification - Dedications.** If the plat contains a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, an 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 for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of the streets. The certificate shall be signed and acknowledged before a notary public by all parties having an interest in the lands subdivided. Every plat containing a dedication filed for record must be accompanied by a title report confirming that the title of lands, as described and shown on the plat is in the names of the owners signing the certificate. An offer of dedication may include a waiver of right of direct access to any street from the property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by the city as a condition of approval. Roads not dedicated to the city 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 or donees, grantee of

grantees, for his, or her, or their use, for the purpose intended by the donors or grantors. (Ord. 398 S1 (part) 1981.)