

## CHAPTER 9.04

### SHORT PLAT SUBDIVISIONS

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**9.04.010 TITLE.** The title of this chapter shall be known as the Benton County Short Plat Code.  
[Ord. 103 (1974) § 1.01]

**9.04.011 PURPOSE.** The purpose of this chapter is to provide procedures and consistent criteria for the efficient and timely review and approval of division of land for the purpose of lease, sale or transfer into four (4) or fewer lots, parcels or tracts. The purpose of this chapter is also to ensure that such divisions do not create non-conformities with zoning and other county regulations; to provide a permanent record of such divisions; and to ensure that provisions are made for access, utility and other necessary easements.

[Ord. 484 (2011) § 1]

**9.04.012 APPLICABILITY.** Every division of land for the purpose of lease, sale, or transfer into four or fewer lots, parcels or tracts within the unincorporated area of Benton County shall proceed in compliance with this chapter.

[Ord. 103 (1974) § 1.02; Ord. 215 (1987) § 1; Ord. 484 (2011) § 2]

**9.04.014 EXEMPTIONS.** The provisions of this chapter shall not apply to the following:

(a) Any cemetery or burial plot, while used for that purpose.

(b) Division of land into lots or tracts each of which is one-thirty-second (1/32) of a section of land or larger, or twenty (20) acres or larger if the land is not capable of description as a fraction of a section of land; provided, that there is no dedication of land to a public body in connection with such division and for the purposes of computing the size of any lot under this section that 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 road or street and the side lot lines of the lot running perpendicular to such centerline.

(c) Any division made by testamentary provision or the laws of descent.

(d) Any division made in compliance with Chapter 9.08 BCC.

(e) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, or site nor create any lot, tract, parcel, or site that contains insufficient area and dimension to meet minimum lot area, lot depth, setbacks, or lot coverage requirements set forth in Title 11 of the Benton County Code; provided, the provisions of Chapter 9.06 BCC relating to boundary line adjustments are complied with.

When adjusting boundaries between an unplatted and platted lot or two platted lots from different subdivisions or short plats, a short plat or an amended short plat must be approved and recorded, if the portion of land being combined to the platted lot meets minimum requirements for width and area for a building site.

(f) Any division of property made by recorded survey or contract sale prior to July 1, 1974.

(g) Any division made pursuant to court order.

(h) Any 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.

(i) Any division of land into lots or tracts of less than three (3) acres that is recorded in accordance with Chapter 58.09 RCW and will be used only 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 any other zoning or permitting laws and regulations of Benton County. 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.

[Ord. 103 (1974) § 1.03; Ord. 107 (1975) § 2; Ord 107 (1975) § 3; Ord. 127 (1977) § 2; Ord. 184 (1985) § 1; Ord. 215 (1987) § 2; Ord. 484 (2011) § 3]

**9.04.016 ADMINISTRATOR.** The Benton County Planning Manager or his designated representative hereafter referred to as the Administrator is vested with the responsibility of administration of this chapter with authority to summarily approve, approve with conditions or disapprove proposed short plats. The Administrator shall initiate such procedure and/or forms and request such additional information as he deems essential to his duties.

[Ord. 103 (1974) § 1.04; Ord. 484 (2011) § 4]

**9.04.020 DEFINITIONS.** Whenever the following words and phrases appear in this chapter they shall be given the meaning attributed to them by this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "Shall" is always mandatory, and the word "May" indicates a use of discretion in making a decision.

(a) "Administrator" means the Benton County Planning Manager or his designated representative who shall be responsible for the administration of the Short Plat Code.

(b) "Block" means a piece or parcel of land entirely surrounded by public highways, streets, stream, railroad rights-of-way, park, etc., or a combination thereof.

(c) "Board of County Commissioners" means the Board of County Commissioners of Benton County, Washington.

(d) "Comprehensive Plan" means that plan or plans adopted by the Benton County Planning Commission and the Board of County Commissioners indicating the general locations recommended for major arterials, parks, streets, public buildings, other public improvements, and zoning districts.

(e) "County Auditor" shall have the definition as set forth in Chapter 36.22 RCW as it now exists or is hereafter amended.

(f) "County Engineer" shall have the definition as set forth in Chapter 36.80 RCW as it now exists or is hereafter amended.

(g) "County Treasurer" shall have the definition as set forth in Chapter 36.29 RCW as it now exists or is hereafter amended.

(h) "Cul-de-sac" means a street closed at one end with such closed end of sufficient size to allow vehicles of normal size to turn around.

(i) "Dedication" means the deliberate appropriation of land by its owner for any general or public uses, reserving unto 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 an owner's presentment for filing of a signed final short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the final approval of the short subdivision.

(j) "Department" means the Benton County Planning Department.

(k) "Developer," "Subdivider," or "Platter" means any person, firm, or corporation undertaking the subdivision or resubdivision of any lot, tract, or parcel of land.

(l) "Discrepancy" means a boundary hiatus, an overlapping boundary or a physical appurtenance, which indicates encroachment, lines of possession, or conflict of title.

(m) "Easement" means a person or the public's interest in land owned by another person, consisting of the non-landowner's right to use or control the surface of the land for a specific limited purpose. For purposes of this chapter, the term "easement" does not include mineral easements.

(n) "Final Approval" means that approval given by the Administrator which authorizes recording of the short subdivision.

(o) "Final Short Plat" means the final drawing of the short subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this chapter.

(p) "Improvements" means street grading or gravelling, permanent street and corner monuments, street pavement, curbs and sidewalks, pedestrian ways, water mains, and storm and sanitary sewers.

(q) "Lot" means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(r) "Ownership Interest" means a fee interest in the surface of the parcel proposed for division and does not include lien holder interests, mineral right interests, mineral easements or easements of any other kind that are separate from the fee interest in the surface rights.

(s) "Private Road" means a road not dedicated to nor maintained by Benton County.

(t) "Public Road" means any improved road maintained by a city, the state or County at public expense.

(u) "Registered Engineer" means an individual, licensed by the State of Washington to practice civil engineering.

(v) "Short Plat" means the map or representation of a short subdivision.

(w) "Short Subdivision" means the division or redivision of land into four (4) or fewer lots, tracts, parcels, sites, or divisions for the purposes of sale, lease, or transfer.

(x) "Surveyor," "Land Surveyor" or "Registered Land Surveyor" means a professional land surveyor registered in the State of Washington in accordance with Chapter 18.43 RCW.

(y) "Urban Growth Area" means an area designated as such by the Benton County Board of Commissioners pursuant to RCW 36.70A.110. [Ord. 103 (1974) § 2.01; Ord. 215 (1987) § 3; Ord. 484 (2011) § 5; Ord. 541 (2014) § 1; Ord. 570 (2016) § 1]

**9.04.030 SHORT SUBDIVISION PROCEDURE - APPLICATION.** Any person desiring to subdivide a parcel of land in unincorporated Benton County under the provisions of this chapter shall submit to the Administrator an application for a short subdivision. An application for short subdivision shall consist of the following:

(a) A short subdivision application form completed and signed by all persons with an ownership interest in the parcel to be divided. The forms shall be supplied by the Administrator.

(b) Ten (10) copies of a short plat map prepared in accordance with the provisions of BCC 9.04.032 and one (1) reduced copy of the short plat map on eight and one-half (8 1/2) inch by eleven (11) inch or eleven (11) inch by seventeen (17) inch paper.

(c) A title certificate from a title company that is not over two (2) months old showing the names and addresses of anyone with an ownership interest in the land being subdivided and showing all easements on the property proposed for division.

(d) A non-refundable application fee as established by resolution of the Board of Benton County Commissioners. [Ord. 103 (1974) § 3.01; Ord. 132 (1979) § 2; Ord. 185 (1985) § 5; Ord. 215 (1987) § 4; Ord. 484 (2011) § 6; Ord. 570 (2016) § 2]

**9.04.032 PLAT MAP--REQUIREMENTS.** A short plat map shall be made by or under the supervision of a registered land surveyor of the State of Washington as a result of a land survey in compliance with the requirements of the Survey Recording Act, Chapter 58.09 RCW and the Washington Administration Code (WAC) 332-130 as they now exist or are hereafter amended, and all other requirements of this chapter pertaining to short subdivision of land. A short plat map shall be drawn in ink on good quality paper, sheet size eighteen (18) inches by twenty-four (24) inches to a scale not to exceed one (1) inch equal to one-hundred (100) feet unless a larger scale has been specifically approved by the Administrator.

The plat map shall be a sketch of the entire contiguous tract owned by the applicant(s) showing the following information:

(a) Boundaries of the total parcel included in the short plat and of each individual lot being created. The perimeter of the short subdivision shall be depicted with heavier lines than appear elsewhere on the short plat.

(b) Legal description of the total parcel included in the short plat.

(c) 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."

Signed \_\_\_\_\_ Registered Land Surveyor

\_\_\_\_\_ SEAL

(d) Location of any roads, easements or rights-of-way proposed to serve the short plat.

(e) All existing or proposed easements or right-of-ways proposed to be dedicated for any public use or for the common use of the property owners of the short subdivision. All such easements shall be depicted with dashed lines. The County Auditor's fee number shall be shown for all existing easements.

(f) The notarized signatures of all persons with an ownership interest in the lands being subdivided as well as notarized signatures of all persons with an ownership interest in property not being subdivided over which access or utility easements are proposed to pass (unless such easements are already recorded by separate instrument with the County Auditor's office) certifying the following statement:

- (1) "We \_\_\_\_\_ hereby certify that we are all parties having ownership interest in the land described hereon, that said land has been surveyed and short platted into lots as shown with our consent and in accordance with our desires and that the easements on the short plat are hereby granted for the uses shown thereon; and

[**NOTE:** This section is continued on the following page.]

(2) In the case of a short subdivision containing a dedication of a public road:

"DEDICATION AND WAIVER OF CLAIMS"

"Know all persons by these present that \_\_\_\_\_ are all parties having ownership interest in the land hereon described; have with their free consent and in accordance with their desires caused the same to be surveyed and short platted as shown hereon; do hereby dedicate those roads and or rights-of-way shown as public dedications hereon to the use of the public; do hereby waive on behalf of themselves and their successors in interest all claims for damages against Benton County and other governmental authority which may occasioned to the adjacent land by the established construction, drainage and maintenance of said dedicated roads and/or rights-of-way; and do hereby grant and reserve the easements as shown hereon for the uses indicated."

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

(g) The notarial certificates used for notarization of signatures shall comply with the requirements of RCW 42.44.100 as it now exists or is hereafter amended or the law of the state where the notarization of signatures are completed.

(h) A signature block for the Benton County Short Plat Administrator stating that the short plat is hereby approved by and for the County of Benton, State of Washington;

(i) For short plats with road dedications, a signature block for the Benton County Engineer stating that the proposed dedication and road improvements have been completed and approved by the Benton County Engineer.

(j) County Treasurer's office certificate in substantially the following form:

"I hereby certify that all chargeable regular and special assessments collectible by this office that are due and owing on the property described hereon on the date of this certification have been paid."

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
Parcel Number: \_\_\_\_\_

\_\_\_\_\_  
Benton County Treasurer's Office

(k) A County Auditor's certificate that states:

"Filed for record at the request of \_\_\_\_\_  
at \_\_\_\_\_ minutes past \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
and recorded in Volume \_\_\_\_\_ of short plats at  
page \_\_\_\_\_ records of Benton County, Washington."

\_\_\_\_\_  
Benton County Auditor      Fee Number

(l) A vicinity map.

(m) When the property lies wholly or in part within an irrigation district, a certificate of approval of the irrigation district

and/or the manager or administrator of the project for the bureau of reclamation, if required by RCW 58.17.310 as it exists or is hereafter amended.

(n) When a survey of a proposed short plat reveals a discrepancy, the discrepancy shall be noted on the face of the short plat. Any discrepancy shall be disclosed in a title report prepared by a title insurer and issued after the filing of the short plat. [Ord. 103 (1974) § 3.02; Ord. 107 (1975) § 4; Ord. 108 (1975) § 1; Ord. 108 (1975) § 2; Ord. 111 (1976) § 2; Ord. 215 (1987) § 5; Ord. 484 (2011) § 7; Ord. 570 (2016) § 3]

**9.04.033 SHORT SUBDIVISION APPLICATION--ADMINISTRATIVE REVIEW.** Upon receipt of a complete application for a short subdivision, the Administrator shall distribute copies of the information to the County Engineer, the Benton-Franklin Health Department, and other involved parties or agencies as necessary for review. The Administrator with the assistance of other reviewing agencies shall determine whether:

(a) The proposed short subdivision meets the requirements of this title.

(b) The proposed short subdivision is in compliance with the Benton County Comprehensive Plan, any applicable zoning requirements or other land use controls that may exist, and the provisions of Chapter 58.17 RCW.

(c) The proposed lots are served with adequate means of drainage, water supply, sewage disposal, or other necessary services and contain all necessary easements related thereto.

(d) The proposed lots have adequate means of ingress and egress.

(e) The public use and interest will be served by permitting the proposed division of property, which includes but is not limited to

considering any objections to the proposed short subdivision submitted by the Benton-Franklin Health District or the Benton County Public Works Department.

(f) The applicable irrigation district has reviewed the proposed short subdivision to ensure compliance with RCW 58.17.310.

(g) The proposed short subdivision is in compliance with the Benton County Critical Areas Ordinance, Title 15 BCC. [Ord. 103 (1974) § 3.03; Ord. 484 (2011) § 8]

**9.04.034 ACCESS.** (a) All lots in a short plat must have a means of legal access to a city street, county road or state highway. In those cases where the lots are served by private access easement, the access shall be labeled on the plat map as "Private Road Easement," and a statement placed on the plat that construction and maintenance responsibility for the easement is not Benton County's. If the private road easement extends to land outside the boundaries of the short plat, recording details and parcels served outside the short plat shall be shown.

(b) Except as set forth in BCC 9.04.034(d), private access easements are permissible to meet the access requirements for a new short plat imposed by BCC 9.04.034(a); provided, the width of such easement shall be at least forty (40) feet.

(c) Private access easements may be combined with utility easements, but not irrigation easements.

(d) A private access easement does not constitute adequate means of ingress and egress for the proposed lots if approval of the short plat would result in one private access easement serving more than twelve (12) lots. In such instances, access must be by a dedicated and constructed public road with widths and standards as required by the County Engineer.

(e) Private access easements are not built, improved, or maintained by Benton County, and the enforcement of all easement rights are the responsibility of the holder(s) of such rights and not Benton County.

(f) Road encroachment permits for all proposed private access easements abutting a county maintained public road shall be obtained prior to final short plat approval. When adjacent to a public road, the approach shall be shown on the final short plat.

(g) All dead-end private access easements shall be designed to include provisions for emergency vehicle turnarounds in accordance with standards established by the Benton County Code.

(h) A second public road must be provided for ingress and egress if the requested creation of lots otherwise would result in access to 50 lots or more by a single public road.

(i) Cul-de-sacs and other dead-end streets, roads, or access easements will be permitted where topography or other conditions justify their use. Cul-de-sacs and other dead-end streets, roads, or access easements shall be limited to six hundred (600) feet in length unless a longer length is approved in writing by the Fire Marshal. Cul-de-sacs and other dead-end streets, roads, or access easements exceeding two hundred (200) feet shall end with a turnaround approved by the Fire Marshal. The turnaround shall be designed so that a pumper fire truck has to make no more than one back-up motion in order to reverse its direction.

[Ord. 103 (1974) § 3.04; Ord. 107 (1975) § 5; Ord. 484 (2011) § 9]

**9.04.034A RESIDENTIAL DENSITY--LOT SIZE.** (a) Residential densities and lot sizes shall conform to the Benton County Comprehensive Plan and Benton County Code. Residential density and lot size shall also conform to the lot size requirements of the Benton-Franklin Health District's on-site waste disposal standards, if applicable.

(b) Lot sizes in excess of minimum standards may be required for reason of sanitation, steep slopes, geological hazards, poor drainage, flood hazards or other unique conditions or features that warrant protection of the public interest.

[Ord. 484 (2011) § 10]

**9.04.035 SHORT SUBDIVISION APPLICATION--ADMINISTRATOR'S DECISION.** Within thirty (30) days of the receipt of a complete application for a short subdivision, unless a longer period is agreed to by the applicant or the Administrator makes written findings justifying a need for an additional amount of processing time, the Administrator shall notify the applicant of approval, approval with conditions or denial of the application. The applicant shall be notified in writing of the Administrator's decision, sent by regular mail.

[Ord. 103 (1974) § 3.05; Ord. 107 (1975) § 6; Ord. 286 (1996) § 1; Ord. 484 (2011) § 11]

**9.04.036 PROCEDURE - APPEAL OF ADMINISTRATOR'S DECISION TO HEARINGS EXAMINER.** (a) Not later than fourteen (14) days following the mailing of the written decision of the Administrator regarding a short plat, the decision may be appealed to the Benton County Hearings Examiner by the applicant or any interested parties as defined below. The notice of appeal shall be on a form provided by the Department and shall be filed with the Administrator.

(b) Only persons or entities that have submitted written comments on the proposed short plat prior to the Administrator's decision shall be considered interested parties for the purpose of BCC 9.04.036.

(c) A written appeal shall include:

(1) A statement containing specific references to any portions of the written findings contained in the Administrator's decision alleged to be in error and any alleged errors of law.

(2) A statement of the relief sought, such as reversal of the Administrator's decision or modification of conditions.

(3) The signature, mailing address, and telephone number of the appellant or the appellant's representative.

(4) An appeal fee as set by resolution of the Board of County Commissioners.

(d) The Administrator shall notify the applicant and all interested parties, as defined in BCC 9.04.036(b) above, that an appeal has been filed. The Administrator shall also forward the appeal to the Hearings Examiner and schedule an open record appeal hearing.

(e) The Hearings Examiner shall conduct an open record appeal hearing to consider the appeal. Written notice of the open record appeal hearing shall be mailed to the appellant and all interested parties, as defined in BCC 9.04.036(b) above, and shall be published in the official county newspaper at least ten (10) days prior to the open record appeal hearing.

(f) The Hearings Examiner shall review the written appeal, the record of the Administrator's decision, and receive any written or verbal public testimony at the open record appeal hearing. After reviewing the record and any testimony presented, the Hearings Examiner shall either:

(1) Deny the appeal and affirm the Administrator's decision;  
or

(2) Amend, reverse, or remand the Administrator's decision.

(g) The Hearings Examiner shall enter findings of fact and conclusions of law based in support of his or her decision.  
[Ord. 103 (1974) § 3.06; Ord. 286 (1996) § 2; Ord. 484 (2011) § 12; Ord. 541 (2014) § 2]

**9.04.036A PRELIMINARY SHORT SUBDIVISION--CONDITIONAL APPROVAL--EXPIRATION--NULL & VOID STATUS.** Conditional approval of an application for a short subdivision shall automatically expire one (1) year after any conditional approval is granted unless the final short plat is recorded within such time in accordance with this chapter or an application for time extension is approved. If a short plat is not so recorded or an application for an extension of time is not timely submitted and approved within the one (1) year period, the conditional approval of the short plat shall be null and void.  
[Ord. 484 (2011) § 13]

**9.04.036B CONDITIONAL APPROVAL--EXPIRATION--EXTENSION OF TIME.** (a) A completed application for an extension of time, together with supporting information, must be submitted to the Administrator not less than thirty (30) days prior to the expiration of the conditional approval of a preliminary short plat.

(b) The Administrator may, but is not required to, approve an extension of time only if:

(1) there has been significant changes in conditions since the approval that would render filing of the final short plat contrary to the public health, safety or general welfare, and

(2) the applicant has taken substantial steps toward satisfying conditions of approval.

(c) The Administrator may grant only one (1) extension for one (1) year under this section. The Administrator shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. No additional time extensions may be granted.  
[Ord. 484 (2011) § 14]

**9.04.036C SHORT PLAT MAP--FINAL APPROVAL.** If the short subdivision application is either approved or conditionally approved, the applicant may submit the short plat to the Administrator for final approval after satisfying all conditions of approval. The submittal of a final short plat map to the Administrator shall include the following:

(a) A short plat drawn on an eighteen (18) inches by twenty-four (24) inches sheet of material approved by the County Auditor. All information provided on the short plat shall be in permanent black ink. The scale shall not exceed one hundred (100) feet to the inch, unless specifically approved by the Administrator. If the entire plat cannot be contained on one sheet, two (2) or more sheets shall be used. Each sheet used shall have a title block in the lower right hand corner showing the name of the plat, the sheet number and the total number of sheets. Each sheet shall have a two (2) inch margin on the left side and a one-half (1/2) inch margin on all other sides;

(b) The short plat shall contain all signatures as required in BCC 9.04.032, except for those of the County Treasurer, County Auditor, County Engineer and the Administrator;

(c) A digital copy of the final short plat in a format that is compatible with the County's current geographic information system;

(d) The signature of the Benton County Treasurer, on forms provided by the County, certifying that all property taxes due and owing for the affected property have been paid; and

(e) An updated title certificate dated not more than two (2) months prior to the date of recording of the final short plat containing all information required by BCC 9.04.030(c).  
[Ord. 484 (2011) § 15; Ord. 570 (2016) § 4]

**9.04.036D RECORDING OF SHORT PLAT.** Once the original short plat has been signed by the Administrator, the Administrator shall record the original with the County Auditor. The short subdivision is not a legal subdivision until it has been recorded with the County Auditor.  
[Ord. 484 (2011) § 16]

**9.04.037 AMENDING A RECORDED SHORT PLAT.** Once a short plat has been recorded with the Benton County Auditor, no further division shall be made of any portion of said property for a period of five (5) years from the date of recording the short plat, unless the division has been granted an exemption under this chapter. A recorded short plat shall be amended only by recording an amended short plat in accordance with the following provisions:

(a) The amended short plat must meet all requirements of this chapter; except, that if the amendment does not alter the sizes of the lots, the requirements of the zoning ordinance and intent of the comprehensive plan in effect at the time of submittal of the short plat being amended shall be satisfied, rather than the zoning ordinance and comprehensive plan in effect at the time of the amendment.

(b) The title of the amended short plat shall be:

"Short Plat No. \_\_\_\_\_  
Amending Short Plat No. \_\_\_\_\_"

(c) The amended short plat shall show all of the parcels shown in the original short plat and shall bear notarized signatures of all parties with an ownership interest in any of the lots in the original short plat.

(d) An amended short plat may increase the number of lots to a total of four (4) lots if the original short plat contained less than four (4) lots.

(e) The required five-year period before resubdivision shall run from the recording date of the short plat being amended rather than the recording date of the amended short plat if no new lots are created.

(f) An amended short plat may not be recorded until real property taxes and assessments on all lots changed or affected by the amendment have been paid through the current year.

Nothing in these requirements shall preclude the ability to correct a minor error by the affidavit of correction procedure outlined in Benton County Resolution No. 2477 dated October 13, 1970.

[Ord. 111 (1976) § 3; Ord. 184 (1985) § 2; Ord. 215 (1987) § 6; Ord. 484 (2011) § 17; Ord. 570 (2016) § 5]

**9.04.040 FEES--APPLICATION FEES--STATUTORY FILING FEES.** (a)

At the time of the filing of a short subdivision application, the applicant shall pay a non-refundable filing fee as established by resolution of the Board of Benton County Commissioners.

(b) At the time of final approval of a short plat map, the subdivider shall pay to the Administrator the statutory filing fees.

[Ord. 103 (1974) § 4.01; Ord. 185 (1985) § 6; Ord. 484 (2011) § 18]

**9.04.041 RECORDING OF INSTRUMENTS AND RECEIPT OF EXCISE TAX FOR PARCELS IN VIOLATION PROHIBITED.** No deed or contract for the sale of any parcel, lot or tract created or divided in violation of this chapter shall be recorded. The Benton County Treasurer shall neither receive nor certify the satisfaction of real estate excise taxes, if any, upon any such parcel, lot or tract unless and until all applicable provisions of this chapter have been complied with. [Ord. 184 (1985) § 3]

**9.04.042 VIOLATIONS AND PENALTIES.** No person shall transfer, sell, lease, or offer for transfer, sale or lease any land subject to the requirements of short plat approval, until a short plat has been approved and recorded with the Benton County Auditor in accordance with this chapter.

No lot, tract, parcel, site or subdivision subject to the provisions of this chapter shall be placed on the assessment rolls until an approved short plat has been recorded with the County Auditor.

The violation of any of the provisions of this chapter shall constitute an infraction subject to a maximum penalty of \$500.00, plus costs and assessments. Each such violation shall constitute a separate infraction for each and every day or portion thereof during which such violation is committed, continued, or permitted. [Ord. 103 (1974) § 4.02; Ord. 214 (1987) § 22; Ord. 215 (1987) § 7; Ord. 484 (2011) § 19]

**9.04.043 RESUBDIVISION PROCEDURE.** Land within a short subdivision may not be further divided in any manner within a period of five (5) years without the recording of a final plat in compliance with Chapter 9.08 BCC or an amended short plat as allowed by BCC 9.04.037. [Ord. 103 (1974) § 4.03; Ord. 107 (1975) § 7; Ord. 132 (1979) § 3; Ord. 215 (1987) § 8; Ord. 484 (2011) § 20]

**9.04.045 PROCEDURE - VACATION OF SHORT SUBDIVISION WITH OR WITHOUT DEDICATION.** When any person wishes to vacate any short plat or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation, provided by the Administrator, with the Department and pay a non-refundable fee as established by resolution of the Board of County Commissioners. The application shall set forth the reasons for vacation and shall have the written approval of all parties having an ownership interest in any land within the boundaries of the short plat. If the vacation will result in the violation of a restrictive covenant, the application shall contain written approval signed by all parties subject to the covenants agreeing to terminate or alter the relevant covenants to accomplish the purpose of the vacation.

When the vacation application is to vacate a county road or city or town street, the procedures for road vacation or street vacation found in Chapter 36.87 RCW or Chapter 35.78 RCW shall be utilized. An application for vacation of a county road shall be supplied by the Benton County Engineer's Office. When the application is for the vacation of the plat together with the roads and/or streets, the procedure for vacation in this section shall be followed. Vacations of streets prohibited under RCW 35.79.030 and vacation of roads prohibited under RCW 36.87.130 shall not be approved.

The Board of County Commissioners shall give notice and shall conduct a public hearing on the application for a vacation. The Board of County Commissioners shall determine whether the public use or benefit is served by the vacation of the short plat. If the vacation of the plat is approved, those portions of the land in the short plat dedicated to the public for public use or benefit as a road or street, if any, shall be deeded by all owners of land within the short plat to a city, town, or county as determined by the Board of County Commissioners unless the Board of County Commissioners determines that the public use or benefit would not be served in retaining title to those lands.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land that was dedicated to the public for public use, other than a road or street, and the Board of County Commissioners has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons with an ownership interest in the property on each side thereof, as determined by the Board of County Commissioners. When the road or street that is to be vacated is contained wholly within the short plat and is part of the boundary of the short plat, title to the vacated road or street shall vest with the persons with an ownership interest in the property contained within the vacated short plat.

This section shall not be construed as applying to the vacation of any plat of state granted - tide or shore lands.

[Ord. 215 (1987) § 9; Ord. 484 (2011) § 21; Ord. 570 (2016) § 6]