

CHAPTER 9.06

BOUNDARY LINE ADJUSTMENTS

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9.06.010 PURPOSE. The purpose of this chapter is to provide procedures and consistent criteria for the efficient and timely review and approval or allowance of: (1) minor adjustments to boundary lines of legal lots or building sites in order to rectify defects in legal descriptions, (2) enlargement or merging of lots, (3) improvement or qualification of a lot as a building site, (4) allow increased setbacks from property lines or from sensitive areas; and, (5) correction of situations where an established use is located across a lot line. The purpose of this chapter is to also ensure that boundary line adjustments do not create non-conformities with zoning and other county regulations, to provide a permanent record of boundary line adjustments, and to ensure that provisions are made for access easements and utility easements.
[Ord. 473 (2010) § 2]

9.06.020 APPLICABILITY. This chapter shall apply to all boundary line adjustments within unincorporated areas of Benton County that are sought in reliance upon BCC 9.04.014(e) or 9.08.012(e).
[Ord. 473 (2010) § 3]

9.06.030 APPLICATION. An application for the review and approval of a boundary line adjustment is required. Applications for boundary line adjustments shall be reviewed as Type III decisions as provided in Title 17 BCC. An application is deemed complete when it meets the requirements of subsection (b).

(b) A complete application for review and approval of a boundary line adjustment consists of the following:

(1) submission of a completed application on a form provided by the administrator signed by all persons with a property interest in the parcels or lots being proposed for adjustment;

(2) payment of the application fee as set by resolution adopted by the Board of County Commissioners; and

(3) submission of a neat and readable plan, drawn to a standard decimal (engineer) scale which meets the requirements of BCC 9.06.040.

[Ord. 473 (2010) § 4]

9.06.040 PLAN FOR BOUNDARY LINE ADJUSTMENT. A plan, drawn to a standard decimal (engineer) scale is to be submitted with all applications for boundary line adjustments. The plan shall contain the following items:

(a) legal descriptions of all existing and proposed lots prepared by a land surveyor registered in the State of Washington;

(b) unless otherwise required by law, existing property lines that will remain and proposed new property lines shall be drawn as solid black lines. Existing property lines proposed for removal shall be shown as dashed lines. All new and removed lines shall be clearly labeled;

(c) dimensions of all property lines and total square footage of the lots less than one acre in size or total acreage for lots larger than one acre, both before and after the adjustment;

(d) location and footprint of all existing structures on the site and the setbacks of such structures from existing and newly created property lines;

(e) location and purposes of all existing easements on all lots within the plan;

(f) location and purposes of any newly created or extended easements; and

(g) location of adjacent public roads and points of access from the public roads (if a lot does not front on a public road, show how and where access is provided).

[Ord. 473 (2010) § 5]

9.06.050 CRITERIA FOR APPROVAL. The proposed plan may only be approved if it complies with the requirements and limitations set forth in this section. The administrator shall review the application and determine whether the plan complies with this section prior to approving the proposed boundary line adjustment:

(a) All legal descriptions of the existing and proposed lots have been prepared by a land surveyor registered in the State of Washington;

(b) The plan may not result in the creation of any additional lots, sites, parcels, or tracts of land;

(c) A boundary line adjustment may not result in the creation of nonconforming lots, sites, parcels or tracts of land with respect to lot area, lot depth, setbacks or lot coverage requirements set forth in Title 11 of the Benton County Code;

(d) The degree of nonconformance of existing nonconforming lots, sites, parcels or tracts may not be increased with respect to lot area, lot depth, setbacks or lot coverage;

(e) The boundary line(s) to be adjusted must be a common boundary line between two adjacent lots, sites, parcels or tracts;

(f) The plan must not be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;

(g) The plan must not result in the violation of the applicable building code, fire code, Benton Franklin Health Department regulation or any other locally administered applicable regulation; and

(h) The plan must not result in a lot, site, parcel or tract that

does not have legal access to a public road.
[Ord. 473 (2010) § 6]

9.06.060 APPROVAL OF BOUNDARY LINE ADJUSTMENT. Upon approval of the boundary line adjustment and prior to the recording of any documents to implement the boundary line adjustment, the following must be submitted to the administrator:

(a) Completed and executed deeds and excise tax affidavit forms with the legal descriptions of the adjusted lots that have been prepared by a land surveyor registered in the State of Washington; provided, all deeds must be executed in the presence of a notary public and include a certification of the property owners that all owners have signed the document;

(b) Any other documentation necessary to demonstrate that any conditions of approval imposed by the administrator have been met;

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

(d) The payment of any fees which may be required by any office prior to completion of the transaction.
[Ord. 473 (2010) § 7]

9.06.070 RECORDING. The applicant shall record the boundary line adjustment documents with the Benton County Auditor and a copy of the recorded documents containing the recording certificate shall be returned to the administrator.
[Ord. 473 (2010) § 8]

9.06.080 EXPIRATION. A boundary line adjustment application approval shall expire if all documents necessary to implement the boundary line adjustment have not been recorded within one year from the date of approval. Upon such expiration, a new application must be submitted in accordance with BCC 9.06.030.
[Ord. 473 (2010) § 9]

9.06.090 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

[Ord. 473 (2010) § 10]

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

[Ord. 473 (2010) § 11]