

FRANKLIN COUNTY ORDINANCE 01-2023

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, WASHINGTON

Text Change (TC 2022-01) to amend multiple sections of Franklin County Code Title 16, Subdivisions, to ensure consistency across jurisdictions, compliance with the Growth Management Act (GMA), and to implement the goals and policies of the Comprehensive Plan.

IN THE MATTER OF COUNTY PLANNING – TEXT AMENDMENTS TO TITLE 16 OF THE FRANKLIN COUNTY CODE PERTAINING TO DEVELOPMENT REGULATIONS (SUBDIVISIONS).

WHEREAS, Franklin County is a “fully planning” county within the context of the State of Washington Growth Management Act (GMA); and

WHEREAS, RCW 36.70A, also known as the “Growth Management Act (“the Act”), requires that counties subject to the Act adopt comprehensive plans and implementing development regulations consistent with the Act and further periodically take legislative action to review and revise, if needed, the comprehensive plan and development regulations in accordance with RCW 36.70A.130(5); and

WHEREAS, the County passed Ordinance 07-2021 adopting the **2018-2038 Franklin County Comprehensive Plan**; and

WHEREAS, County staff has prepared proposed revisions and coordinated review by County Departments and agencies with jurisdiction; and

WHEREAS, County staff submitted draft revisions to the State of Washington Department of Commerce, Growth Management Services, for a required 60-day review in compliance with RCW 36.70A.106, and the notice and documentation was accepted by Commerce on January 20, 2022; and

WHEREAS, the Planning Commission held two workshop meetings regarding the proposed amendments to Title 16, then a duly noticed public hearing on January 10, 2023, which was continued on February 7, 2023; and

WHEREAS, the county’s Planning Commission recommended the adoption of revisions to the county code, to implement the county’s comprehensive plan and to make other changes in advance of the public interest; and

WHEREAS, updates to the County’s development code are subject to review under the State Environmental Policy Act (SEPA); County staff reviewed the proposed revisions as to the environmental impacts of the proposal and issued a Notice of Application and a SEPA Optional Determination of Nonsignificance (ODNS) on December 15, 2022. The comment period for the determination and environmental impacts of the proposal closed

on December 29, 2022, and no comments were received. A Determination of Nonsignificance (DNS) was issued on the item on January 10, 2023; and

WHEREAS, many of the proposed changes to Title 16 are typographical or stylistic in nature, while substantive changes generally include revisions to Section 16.04.040 – Exemptions, Section 16.16.040 – Minimum lot dimensions – residential lots, Section 16.20.030 Preliminary Plat Application, Section 16.20.050 Public hearing required, Section 16.20.070 Findings of Fact and Conditions of Approval, Section 16.20.075 Appeal of recommendation, Section 16.24.050 Approval requirements, Section 16.28.100 Survey, Section 16.32.050 Administrative Duties, Section 16.32.100 Amending a recorded short plat, Section 16.40.040 Administrative Review, and Section 16.60.010 Fees; and

WHEREAS, additions to Title 16 include Chapter 16.18 – Plat and Survey Preparation and Section 16.18.020 Individual Wells; and

WHEREAS, the changes are necessary to implement the goals and policies of the Comprehensive Plan, ensure consistency across jurisdictions, to be in compliance with the Growth Management Act (GMA), to modernize outdated code language, and to improve how the code is administered and understood by property owners and applicants; and

WHEREAS, these amendments to the Franklin County Code and the adoption of this Ordinance meets the requirements of RCW 36.70A.130(5).

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1: The Franklin County Code, Title 16, is hereby amended as set forth in **Exhibit A**, attached hereto and incorporated by this reference as if set forth in full.

SECTION 2: SEVERABILITY: If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 3: EFFECTIVE DATE: This ordinance, being an exercise of a power specifically delegated to the County legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

SECTION 4: CORRECTIONS: The County Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's / clerical errors, references, ordinance numbering, section / subsection numbers and any references thereto.

SECTION 5: COPY TO DEPARTMENT OF COMMERCE: Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten days of adoption.

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APPROVED THIS 28th DAY OF MARCH, 2023.

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


Chair

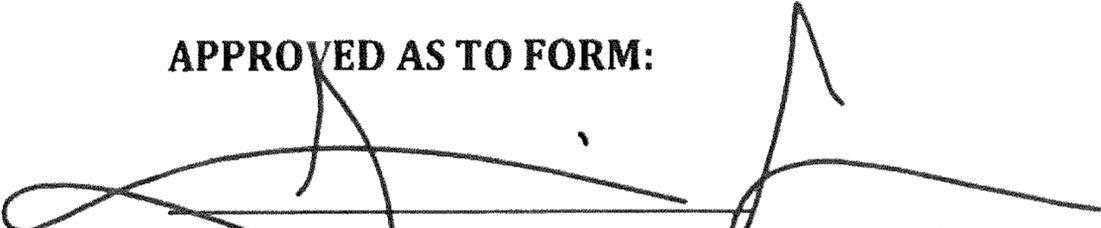

Chair Pro-Tem


Member

ATTEST:


Clerk to the Board

APPROVED AS TO FORM:


Franklin County Prosecuting Attorney's Office:

Josue Cuevas, APR 9

FRANKLIN COUNTY ORDINANCE 01-2023

EXHIBIT A.

TITLE 16 SUBDIVISIONS
Chapter 16.04 - GENERAL PROVISIONS

16.04.010 - Title.

This title shall be known as the "Franklin County Subdivision Regulations."

16.04.020 - Purpose.

The purpose of this title is to regulate the division of land within unincorporated Franklin County and to implement the goals, objectives, and policies of the Franklin County comprehensive plan. This title is also to 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 title, the Franklin County zoning standards, other county plans, policies and land use controls, and Chapter 58.17 RCW;
- 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. Permit flexibility that will encourage a more creative approach in the development of land, while ensuring the retention and use of the county's open spaces and farmlands;
- K. Provide a means for County residents to participate fairly and equitably in the land use decision-making process and contribute to the preservation and enhancement of the environment;
- L. Provide incentives to landowners who wish to protect and preserve certain identified lands;
- M. Provide opportunities and incentives to help both large and small farm owners to continue their farm operations;
- N. Permit a broad range of development design opportunities with flexibility to encourage more creativity in balancing the needs of environmental protection with the accommodation of future growth;
- O. Provide predictability so that landowners can make appropriate and reasonable use of their land;
- P. Protect the county's environmental resources; and
- Q. Ensure that archaeological resources are protected as required by state statutes, the county's comprehensive plan, and the implementation of development regulations.

16.04.030 - 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.

16.04.040 - Exemptions.

The provisions of this title 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 is one-thirty-second (1/32) of a section of land or larger, or 20 acres or larger if the land is not capable of description as a fraction of a section of land. Forty acres or more applies in area zoned Agricultural Production 40 as described in Chapter 17.12 of Franklin County Code, Title 17.
- C. Divisions made by testamentary provisions, or 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.
- F. Divisions and/or acquisitions of land pursuant to condemnation or threat of condemnation by a government agency for public purposes;
- G. The division of land due to an intervening dedicated public road right-of-way that currently contains a public road, or is scheduled on the six-year TIP to contain a public road; and
- H. Any division of land solely for the purpose of installation and maintenance of power, telephone, water supply, sewer service or other public/quasi-public utility facilities of a similar or a related nature; provided, that any remaining lot or lots are consistent with applicable zoning and lot size requirements.

16.04.050 - Alteration or vacation of subdivision or short subdivision.

Any vacation or alteration of a subdivision or short subdivision shall be processed pursuant to Chapter 58.17 RCW.

Chapter 16.08 - DEFINITIONS

16.08.010 - Interpretation and construction.

Except where specifically defined in this chapter all words in this title shall carry the customary meanings.

- A. Words used in the present tense shall include the future;
- B. Words in the singular number include the plural number, and words in the plural number include the singular, unless the context clearly indicates otherwise;

- C. "Person" means and 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;
- D. "Shall" is mandatory and not discretionary;
- E. "May" is permissive;
- F. "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;
- G. "County" means Franklin County;
- H. Unless otherwise specified, all distances shall be measured horizontally;
- I. Words not defined herein, but defined within the International Building Code shall have the same meaning as defined within the International Building Code;
- J. Chapter and section headings contained in this chapter shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of this title.

16.08.020 - Alley.

"Alley" means a dedicated narrow service way, not more than 20 feet wide, providing a secondary means of public access to abutting properties.

16.08.030 - 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.

16.08.040 - 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.

16.08.050 - Board of County Commissioners.

"Board of county commissioners" means the legislative authority of Franklin County and as defined by state statute.

16.08.060 - 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.

16.08.065 - Closed record appeal.

"Closed record appeal" means an appeal proceeding held before the board of county commissioners that is open to the public following an open record hearing on a project permit application when the review is limited to only the record and oral argument based on the record, and specifically excluding any new evidence.

16.08.070 - Comprehensive plan.

"Comprehensive plan" means the current comprehensive plan for the county, adopted by the county commissioners pursuant to state law.

16.08.080 - Cul-de-sac.

"Cul-de-sac" means a road closed at one end by a circular area of sufficient size for turning vehicles around.

16.06.085 - Critical area(s).

"Critical areas" means those environmentally sensitive areas which are regulated by Title 18, Chapter 18.08 or Title 18, Chapters 18.16.500-18.16.560 (Shoreline Regulations - Critical Areas) of the Franklin County Code.

16.08.090 - Dedication.

"Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself 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.

16.08.100 - Developer.

"Developer" means any person, firm, or corporation that prepares property for development, including, but not limited to, the subdivision of land or property boundary adjustments, installation of infrastructure, and/or other site work required on a site in order for the property to be "build ready". This definition includes parties that handle all aspects of the site development, including the building of structures on the site.

16.08.110 - 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.

16.08.120 - Final approval.

"Final approval" means that approval given by the county commissioners which authorizes the subdivider to record his/her plat.

16.08.130 - 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.

16.08.140 - Improvements.

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

16.08.150 - 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.

16.08.160 - Monument.

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

16.08.165 - Open record hearing.

"Open record hearing" means a public hearing in which testimony, evidence, and other information may be presented to the planning commission whereupon the record for the project permit application is developed.

16.08.170 - 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.

16.08.180 - 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; divisions of land for agricultural purposes, where each parcel is 20 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.

16.08.190 - 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.

16.08.200 - *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.

16.08.210 - *Road, dead end.*

"Dead end road" means a road that terminates, similar to a cul-de-sac, but providing no turn-around at its closed end.

16.08.220 - *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.

16.08.230 - *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.

16.08.240 - *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.

16.08.250 - *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.

16.08.260 - *Short subdivision.*

"Short subdivision" means a division or re-division of land into nine or fewer lots, tracts, parcels, sites, or subdivisions (for lands within a designated urban growth area) and a division or re-division of land into four or fewer lots (for lands outside a designated urban growth area) for the purpose of sale, lease or transfer of ownership.

16.08.261 - *Subdivider*

"Subdivider" means any person, firm, or corporation undertaking the subdividing or re-subdividing of a lot, tract, or parcel of land.

16.08.262 - *Surety.*

"Surety" means a bond, letter of credit, the deposit of a certified check in a county account, or other security acceptable to the county.

16.08.270 - *Tax parcel consolidation.*

"Tax parcel consolidation" means the consolidation of contiguous lots of record which are under 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.

16.08.280 - *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.

16.08.290 - *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, and building to an urban density. 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 16.12 - ROADS

16.12.010 - 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 to 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 ensure that no confusion with existing road names occurs.

16.12.020 - Subdivision road standards.

- A. General. Newly created roads within a subdivision or short subdivision shall be in compliance with the public works department's county road standards in effect at the date of acceptance of a completed application. The intent of this section is that through the dedication of rights-of-way, 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 70 degrees.
- C. Intersections on opposite sides of a common road shall either be aligned or be offset a minimum of 125 feet.
- D. Cul-de-sacs. Cul-de-sacs will be permitted where topography or other conditions justify their use.
 - 1. They should normally be less than 300 feet in length, but will be permitted up to 600 feet in length.
 - 2. 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 and/or International Fire Code standards adopted by the county.

16.12.030 - Road improvements.

- A. If new lots are proposed to be created, existing rights-of-way abutting the lot(s) are required to be improved in accordance with current county standards, at the time adjoining property is subdivided and shall be required on all property. As a minimum, a three-quarters road standard will be required if the property being developed only fronts on one side of the road. A dedication of one-half of the right-of-way, or the full right-of-way width may be required to accommodate the improvements as determined by the county engineer. Lots abutting more than one road (corner lots, etc.) are required to dedicate the required right-of-way for each of the roads, if not already dedicated, at the time of subdivision of the properties, regardless of the number of new lots being created. Minimum right-of-way widths for all roads shall be as follows (see the Comprehensive Plan for roadway designations):
 - 1. When outside the Urban Growth Areas, Rural Major Collectors and Rural Minor Collectors: 80 feet of total right-of-way width and 40 feet minimum right-of-way width from centerline;
 - 2. When outside the Urban Growth Areas, Rural Residential: 60 feet of total right-of-way width and 30 feet minimum right-of-way width from centerline;
 - 3. When within the Urban Growth Areas, Urban Principal Arterials, Urban Minor Arterials, Urban Major Collectors, and Urban Minor Collectors: 80 feet of total right-of-way width and 40 feet minimum right-of-way width from centerline;

4. When within the Urban Growth Areas, Urban Residential Roads: 60 feet of total right-of-way width and 30 feet minimum right-of-way width from centerline.
- 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. The right-of-way improvements for subdivisions within the Urban Growth Areas will additionally be subject to the design standards of the applicable municipality per determination by the County Engineer. All such improvements shall be approved by the county prior to construction and acceptance. The three-quarters 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 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—4.5 feet.
 2. Commercial zones—6.5 feet.

16.12.040 - 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 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.
 1. Subsection 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 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 and as described in the Franklin County design standards. Private access roads serving 1 or 2 lots shall be a minimum of 20 feet wide, and with a minimum of 14 feet of graveled surface, with no less than 4 inches of compacted gravel. Private access roads serving 3 or more lots shall be a minimum of 30 wide, with minimum of 20 feet of graveled surface, and with no less than 4 inches of gravel.
- 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 16.16 - BLOCKS AND LOTS

16.16.010 - 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 1,320 feet. Blocks for business use shall normally not be less than 600 feet in length.

16.16.020 - 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.

16.16.030 - 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.

16.16.040 - Minimum lot dimensions – residential lots.

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 times the lot width shall be avoided.
- B. Frontage. A minimum street frontage width for each lot shall be required as follows:
 - 1. Lots with less than 12,000 square feet in gross area shall have a minimum frontage of 45 feet except lots fronting on cul-de-sacs, which shall have a minimum frontage of 35 feet.
 - 2. Lots with 12,000 to 25,000 square feet in gross area shall have a minimum frontage of 60 feet except lots fronting on cul-de-sacs, which shall have a minimum frontage of 35 feet.
 - 3. Lots with more than 25,000 square feet in gross area shall have a minimum frontage of eighty feet except lots fronting on cul-de-sacs, which shall have a minimum frontage of 50 feet.
- C. Both subsections A and B above may be waived as follows:
 - 1. 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 16.32.060 (A) (1-7) of this Title.
 - 2. Subdivision frontage and lot width/depth requirements may be 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 16.20.070 of this Title.
- 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 than the applicable zoning districts requirements for minimum lot size.

16.16.050 - Lot requirements.

Every lot shall abut on and be served by at least 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 Section 16.12.040(B) of this Title 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 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.

16.16.060 - 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 16.18 - PLAT AND SURVEY PREPARATION

16.18.010 - Survey Requirements.

All land division actions (preliminary plat, final plat, short plat, boundary line adjustment, and Binding Site Plan) or alteration to an existing land division shall conform to the following survey standards:

- 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 chapter, and WAC 332-130. Where conflicts are identified, the most restrictive standard shall apply. All distances shown on plats shall be reported in international feet.
- B. The surveyor shall show on the plat and/or furnish the county engineer with notes (filed notes in loose-leaf engineer's notebook acceptable), which notes shall clearly show:
 1. The ties to at least two permanent monuments, which may include the State Plane Coordinates in accordance with WAC 332-130-060;
 2. At least three 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 closures notes of the boundaries of the subdivision and all lots and blocks showing closure that meets the requirements of WAC 332-130-090.
- C. All tracts, open spaces, and easements must be properly identified with the purpose stated.
- D. All reference monuments used in the establishment of the corners shall be identified, described, and noted as set or found on the plat. When appropriate, the survey shall reference the recorded or previous survey that was the basis for the currently proposed survey.
- E. All existing structures and improvements including buildings, fences, retaining walls, etc., shall be shown on the plat.
- F. Whenever a proposed land division action is adjacent to an existing County right-of-way, the centerline of that road shall be located on the survey. If the existing constructed County right-of-way section falls outside of the documented right-of-way, the surveyor shall identify the existing edge of pavement and limits of the maintained right-of-way section on the survey and show its relationship to said centerline;
- G. Short plats, long plats (subdivision), and Binding Site Plans shall contain the following statement:
"Approval of this land division does not guarantee the approval or issuance of future building permits";
- H. In the case of a short subdivision containing a dedication of a public road and/or public right of way the following shall be included with signature lines:

"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 Franklin 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."

16.18.020 – Long Plats and Short Plats with Individual wells.

- A. Adoption of state regulations. Chapters 246-290, 246-291 (State Board of Health drinking water regulations) and 173-160 WAC, and Chapter 18.104 RCW (Department of Ecology well construction regulations) are hereby adopted by reference.
- B. Health District rules. The Benton-Franklin Health District and the Washington State Board of Health have promulgated standards and requirements for siting of individual wells in Section XXXIV “Developments, subdivisions, and minimum land area requirements.” and/or WAC 246-272A-0320 Developments, subdivisions, and minimum land area requirements. Plats and surveys must be prepared consistent with the standards and rules of the health district, and must be reviewed and approved by the Health District, where applicable. Additionally, landowners and /or developers should consult with the Health District staff before drilling wells to confirm that the placement of a well will not render a lot or parcel unusable if an on-site sewage system is to be used on or near the lot.
- C. Exempt wells.
 - 1. Withdrawal of groundwaters from exempt wells is permitted in accordance with RCW 90.44.050 and subject to the requirements of that code section. The groundwater permit exemption allows the users of small quantities of groundwater to construct wells and develop their water supplies without first obtaining a water right permit from Ecology.
 - 2. If water supply is to be provided by a groundwater withdrawal exempt from permitting under RCW 90.44.050, the applicant's compliance with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW is sufficient in determining appropriate provisions for water supply for a subdivision, dedication, or short subdivision in accordance with Chapter 58.17.110 RCW.

Chapter 16.20 - PRELIMINARY LONG PLAT

16.20.010 - Purpose.

The purpose of a preliminary long plat is to establish specific review procedures and approval criteria for the division of land. A preliminary plat provides the county an opportunity to review the overall concept prior to initial development and is applicable when owner(s) wish to divide their property into ten or more lots for lands within a designated urban growth area and five or more lots for lands outside a designated urban growth area. The intent of the preliminary plat process is to promote orderly and efficient community growth within the framework of RCW 58.17.

16.20.020 - Pre-application process.

Prior to the filing of an application for a preliminary long plat, the subdivider or his or her agent are required to submit a pre-application conference form and site plan of the proposed development showing the proposed layout of streets, lots, and other features in relation to existing conditions. The Planning Department shall schedule a subdivision pre-application conference with the applicant and notify a representative from each of the following agencies when the agency has jurisdiction and/or can provide general information on the proposed subdivision:

- A. Planning department;
- B. Public works department;
- C. Applicable fire district;
- D. Benton-Franklin Health District;
- E. Reserved;

- F. Franklin County P.U.D., Big Bend Electric Cooperative (B.B.E.C.), or other applicable utility district;
- G. Franklin County irrigation district (F.C.I.D.), South Columbia Basin Irrigation District (SCBID) / U.S. Bureau of Reclamation, or other applicable irrigation district;
- H. City of Pasco or other applicable municipality.

16.20.030 – Preliminary long plat application.

- A. All applications for preliminary long plat approval shall be accompanied by applicable fees and include the following:
 1. An application form provided by the planning department, bearing the signature(s) of all persons with an ownership interest in the parcel(s) to be divided;
 2. A completed environmental (SEPA) Checklist;
 3. Two full-size copies of a preliminary long plat proposal in accordance with the provisions of this chapter. In addition, one copy of the preliminary plat shall be submitted to the planning department in a digital or electronic format as a Portable Document Format (PDF). If available, CAD (DXF) file shall also be included;
 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 feet of the applicant's property within an urban growth area boundary and one mile outside an urban growth area boundary as provided and certified by the county assessor's office or a licensed title company;
 5. Stamped, addressed envelopes for all property owners within 500 feet of the applicant's property within an urban growth area boundary or 1 mile outside an urban growth area boundary, as provided and certified by the Franklin County Assessor's Office or a licensed title company.
 6. Written approval from the Benton-Franklin Health District.

16.20.040 - Preliminary long plat preparation.

- A. A preliminary long plat shall be prepared by a professional engineer or land surveyor licensed by the state of Washington. The scale of the preliminary long plat shall be 100 feet or less to the inch, except the vicinity sketch may be shown to any other appropriate scale. A preliminary long 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 long plat.
 - a. Proposed name of the subdivision along with the words "preliminary plat." Names shall not 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 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 100 feet of the boundaries of the proposed subdivision.
3. Proposed Development. Preliminary long 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 (“phasing”);
 - c. Layout, numbers, and approximate dimensions of lots (net and gross lot, parcel, or tract areas), and numbers of blocks;
 - d. All lots shall be labeled and identified by unique numerical designation. All tracts, if permitted, shall be identified by alphabetical designation. All lot sizes shall be labeled or listed in a table;
 - e. 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;
 - f. Indication of proposed land use;
 - g. Two copies of proposed road grades may be required by the county engineer where conditions warrant their being furnished;
 - h. For proposed subdivisions involving residential land uses, a table shall be provided on the preliminary long plat containing the following information:
 - i. Total area of proposed plat in gross and net acres,
 - ii. Number of lots and square footage (net and gross) of each lot,
 - iii. Smallest lot size,
 - iv. Largest lot size,
 - v. Average lot size,
 - vi. Number of lots per phase,
 - vii. Total area of proposed rights-of-way per phase;
 - i. Preliminary layout of water, storm drainage, and sanitary sewer systems.
 - i. If water supply is to be provided by a groundwater withdrawal exempt from permitting under RCW 90.44.050, the applicant's compliance with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW is sufficient in determining appropriate provisions for water supply for a subdivision, dedication, or short subdivision in accordance with Chapter 58.17.110 RCW.

16.20.050 - Public hearing required.

- A. Upon receipt of a complete application for preliminary long 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 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 500 feet of any portion of the boundary of the proposed subdivision if the subdivision is located within an urban growth area boundary and within one mile outside an urban growth area boundary.

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 miles of a publicly owned airport, notice shall be mailed to the Washington State Department of Transportation and to the airport operator.
5. When the proposed subdivision is located in an Urban Growth Area, notice shall be mailed to the appropriate City.

16.20.060 - Planning commission recommendation.

After an open record pre-decision hearing on a proposed preliminary long plat, the planning commission shall render a written recommendation to the board of county commissioners as to whether the proposal based on the findings shall be denied, approved, approved with modifications/conditions or no recommendation given.

16.20.070 - Findings of fact and recommended conditions of approval.

- A. 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:
 1. Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways (stormwater retention and detention), roads, alleys, sidewalks, other public ways, potable water supplies, sanitary wastes, parks, playgrounds and recreation, and other public needs;
 2. The proposed subdivision contributes to the orderly development and land use patterns in the area and assures for safe walking conditions for students;
 3. The public use and interest will be served by permitting the proposed subdivision;
 4. The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the board of county commissioners, including but not limited to the comprehensive plan and its resource land designations, critical area protections, and zoning requirements including zoning overlays and;
 5. The proposed subdivision conforms to the comprehensive plan and zoning requirements;
 6. The proposed subdivision conforms to the general purposes of this chapter.
- B. Upon conclusion of the public hearing, the planning commission shall make and enter into recommended conditions of approval necessary to protect the health, safety, and welfare of the property users, consistency with the comprehensive plan and development code, appropriate provisions for factors enumerated in RCW 58.17.110 and the mitigation of probable adverse environmental impacts both within and adjacent to property to be subdivided such as but not limited to:
 1. Relocation of lots, streets, sidewalks, pedestrian walkways, and utility easements and other plat features;
 2. Regulation of lot sizes;
 3. Regulation of street width;
 4. Dedication and improvements of public access to public parks, playgrounds, open spaces, and schools;
 5. County review of maintenance agreements, any restrictive covenants, and homeowner's association and bylaws;
 6. Other conditions that will make the possible the development in an orderly and efficient manner, and in conformity with this code and the Comprehensive Plan.

16.20.075 - Appeal of recommendation.

Any recommendation of the planning commission regarding a preliminary long plat may be appealed. The appeal shall be based on a violation of law, process, procedure, or direct material harm to the appellant. The burden is on the appellant to show supporting facts for justification of the claim. The appeal must be filed in accordance with one of the following methods:

- A. Applicant. Within 14 calendar days from the date of the planning commission recommendation, the applicant shall file written appeal with the Planning Director stating the basis of appeal of said recommendation.
- B. Other person. Within 14 calendar days from the date of the planning commission recommendation, the other person shall file written appeal with the planning director stating the basis of appeal of said recommendation.
- C. Either method of appeal shall include payment of an appeal fee
- D. A proper and timely appeal shall cause the board of county commissioners to schedule a closed record appeal, notice of which shall be given in accordance with Section 16.20.050 of this chapter to consider the appeal of the planning commission's recommendation.

16.20.080 - Board of commissioners' consideration.

- A. 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.
- B. In the event the board of commissioners deems further review is necessary, it shall conduct a closed record appeal, notice of which shall be given in accordance with Section 16.20.050 of this title.
- C. Prior to the closed record appeal, the board of county commissioners will review the meeting record from the planning commission's open record hearing. At the closed record appeal, the board of commissioners may ask questions of persons in attendance based upon the planning commission's meeting record. The planning commission's meeting record shall be the basis for any discussion as it relates to questions asked by the county commissioners and responses by the attending public or applicant. New testimony or testimony that was not deemed part of the planning commission's meeting record will not be permitted or considered by the county commissioners.
- D. The board of county commissioners at the conclusion of a closed record appeal shall make and enter findings of fact following the review criteria within Section 16.20.070 of this chapter and take one of the following actions:
 - 1. Approve the preliminary long plat with or without conditions;
 - 2. Deny the preliminary long plat.

16.20.090 - Notice of decision.

Following proper action approving or denying a preliminary long 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 inform the applicant of applicable time limitations for final plat submittal if the preliminary long plat was approved. The approved preliminary long plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with preparation of the final plat.

16.20.100 - Adjustments of an approved preliminary long 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 chapter, 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 long plat shall be valid for a five-year period following board of county commissioner approval of the preliminary plat.

16.20.110 - 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 ("phasing");
- D. Each development division, or "phase" shall be considered as a final plat and provisions of these regulations shall be complied with for such development division.

16.20.120 - Fees.

At the time of filing an application for a preliminary long plat, the subdivider shall pay a fee as identified in Chapter 16.60 of this title. In addition to the preliminary plat fee, the subdivider shall be responsible for reimbursing the county for costs related to public hearing notifications and Development Engineering as identified in Chapter 16.60 of this title.

Chapter 16.24 - FINAL LONG PLAT

16.24.010 - Application.

- A. Within 5 years of the approval of a preliminary long plat, the subdivider shall prepare and submit for approval a final long plat for recording purposes, together with such supplementary information, certificates, and bonds as may be required. The final long plat shall be submitted to the planning director at least 15 days before the board of county commissioners 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 drawing of the subdivision, a title certificate, and the applicable instrument identified in Section 16.24.050 of this chapter to cover the cost of outstanding improvements.

16.24.020 - Final long plat preparation.

- A. Preparation. The final long 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 long plat shall be drawn in permanent black ink on good quality material approved by county auditor measuring 24 inches by 36 inches in size, allowing two inches for a margin. The final plat shall be accurate, legible and drawn to an engineering (decimal) scale of 100 feet or fewer to the inch. If more than one 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.

16.24.030 - Final plat contents.

The final long plat shall show and contain the following information:

- A. All survey points, survey notes, and data in accordance with Section 16.18.010 and Section 16.28.100 of this title;
- 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 (show radial information for non-tangent curves);

- 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 regulations;
- G. Purpose for which sites, other than residential lots, are dedicated or reserved;
- H. Location and description of monuments noted as calculated, set or found, and date visited;
- 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. Chairperson, board of county commissioners,
 - 2. Planning Director,
 - 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;
 - 9. Benton-Franklin Health District;
- N. All signatures shall be in permanent black ink.

16.24.040 - Title certificate required.

All final long 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.

16.24.050 - Approval requirements.

Prior to approval of a final long 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 percent of the county engineer's estimate of the cost to complete the required road infrastructure, such as curb, gutter, sidewalk, illumination, traffic control devices, drainage control, engineered road bases, asphalt driving and parking lanes, and monumentation. Bonds cannot be provided for non-road related improvements such as utilities, irrigation, grading and so forth. No certificate of occupancy shall be issued for any structure in a subdivision until all infrastructure improvements are completed.

16.24.060 - Board of commissioners' approval.

The board of county commissioners shall have sole authority to approve final long plats. Such approval shall occur by affirmative vote of the board of commissioners during a regular board of commissioners meeting. A final long 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 chapter which requirements were in effect on the date of preliminary long plat approval.

16.24.070 - Terms of approval.

A subdivision shall be governed by the terms of approval of the final plat, and the zoning regulations and regulations in effect on the date of preliminary long plat approval for a period of five years after final long 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.

16.24.080 - Filing and distribution.

The original and copies of the approved final long plat shall be distributed as follows:

- A. The original shall be returned to the applicant once the final long 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 paper copy shall be transmitted to the planning director and one paper copy shall be transmitted to the county assessor;
- C. When the final long plat is created in a digital format the applicant shall also provide the planning director with one copy of the final long plat in a digital format as specified by the county engineer and shall provide the county assessor one copy of the final long plat in a digital format as specified by the county assessor. If available, CAD (DXF) file shall also be included

16.24.090 - 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 marshal 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 infrastructure and subdivision improvements.

Chapter 16.28 - SUBDIVISION IMPROVEMENTS

16.28.010 - 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.

16.28.020 - 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-inch equals 50 feet and the vertical scale shall be one-inch equals 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, exempt wells that are to be used for drinking water, 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 Health District and/or the Department of Health and/or the Department of Ecology, 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, stubbed to each lot within the subdivision, and tied to the 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.

16.28.030 - 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 16.12 and 16.16 of this title as well as applicable county road standards administered by the county engineer.

16.28.040 - 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.

16.28.050 - Change in grade.

All changes in street grades shall be connected by vertical curves meeting the standards and requirements of the county engineer.

16.28.060 - 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.

16.28.070 - Street lighting.

Street lighting shall be installed and conform to the current standards of the county.

16.28.080 - Fire hydrants.

Fire hydrants and the installation of hydrants shall conform to the International Fire Code standards adopted by the county.

16.28.090 - 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 chapter 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 16.28.020 of this title.

16.28.100 - Survey.

Surveys shall meet the requirements in Section 16.18.010 and conform to the standards below:

- A. 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.
- B. Permanent control monuments meeting the requirements of RCW 58.09.120 and RCW 58.17.240 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.
- C. 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.
- D. 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.
- E. 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.
- F. Every lot corner, beginnings and endings of curves, and angle points shall be marked (staked) in accordance with RCW 58.09.120 and Chapter 332-130 WAC.
- G. 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.
- H. All lot staking shall be completed prior to the recording of the land division action. However, in the event the applicant has bonded for final improvements, the staking shall take place as the improvements are made;

Chapter 16.32 - SHORT PLATS

16.32.010 - Purpose.

The purpose of a short plat is to provide a method of land subdivision allowing the creation of nine or fewer lots (for lands within a designated urban growth area boundary) and four or fewer lots (for lands outside a designated urban growth area) meeting the zoning and subdivision requirements established in the Franklin County zoning and subdivision regulations. The intent of the short plat process is to promote orderly and efficient community growth within the framework of RCW 58.17

16.32.020 - Application—Submittal and fee.

Any person desiring to divide land into nine or fewer lots (for lands within a designated urban growth area boundary) and four or fewer lots (for lands outside a designated urban growth area) 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 Chapter 16.60 in this title.

16.32.030 - 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 regulations. Official applications shall be accompanied by a proposed short subdivision survey which includes pertinent survey data compiled from a survey made by, or under the supervision of, a State of Washington registered land surveyor.

16.32.040 - Application—Content.

Applications for approval of short plats shall contain:

- A. A completed application form provided by the planning department, bearing the signature(s) of all persons with an ownership interest in the parcel(s) to be divided;
- 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 feet of the applicants property within an urban growth area boundary and 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. Proof of water availability and capacity;
- D. Two paper copies of a short plat (at a scale of 1 inch to 500 feet) of the entire contiguous tract owned by the applicant subdivider, in a paper format of 18 inches × 24 inches with two inch margins. In addition, one copy of the short plat shall be submitted to the planning department in a digital or electronic format as a Portable Document Format (PDF). The short plat shall show the following:
 - 1. The owners 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, culs-de-sac, 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." which includes a signature and seal.
 - 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, as applicable, 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 years unless a final plat is filed pursuant to Franklin County Code Chapter 16.20, Franklin County Code Chapter 16.24, and RCW 58.17.

16.32.050 - 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 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 16.32.020, 16.32.030, and 16.32.040 of this title, 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 District;
 4. The South Columbia Basin Irrigation District/US Bureau of Reclamation -or the Franklin County Irrigation District (FCID), 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 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 state highway;
 8. Owners of real property located within 500 feet of any portion of the proposed short subdivision if within a designated urban growth area boundary and one 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 department in writing within ten days of the date of the notice in order to be considered. The planning director, or designee, shall respond in writing to any property owner comments received within five working days of receipt of the comments.
- E. Applicable comments received within the ten 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.

16.32.060 - Administrative determinations.

- A. The planning director shall, after conferring with appropriate officials, determine whether:
1. The proposed lots conform to the comprehensive plan-including its resource land designations; to the county subdivision code; to zoning requirements including zoning overlays; to the Franklin County Critical Areas Ordinance (Chapter 18.08 Franklin County Code); and to Chapter 58.17 RCW;
 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 ingress and egress, fire protection, drainage, water supplies, and means of sanitary sewage disposal, and all necessary easements related thereto;
 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 chapter;

8. The short plat meet the conditions for Innovative Agricultural Short Plat, as detailed in Franklin County Code sections 17.10.050(F)(1) and 17.12.050(F)(1), where applicable.
- B. The planning director shall consider all relevant findings and evidence, including the comments received, to determine whether the short plat be preliminarily approved with conditions, returned to the applicant for modifications or denied.
- C. Conditions of preliminary approval may include but are not limited to:
 1. Improvements necessary 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;
 2. Modifications to the proposed preliminary plat to contribute to the overall orderly development and land use patterns in the area;
 3. Modifications to the proposed preliminary plat or improvements necessary to serve the public use and interest;
- D. 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 chapter and any conditions imposed by the planning director or other agency.

16.32.070 - Final review, approval and filing.

- A. The applicant is responsible for ensuring compliance with the requirements needed to obtain final short plat approval. Further, the applicant is responsible for obtaining agency signatures required in Section 16.32.040 (D)(12) of this chapter.
- 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 chapter relating to short plats;
 2. The short plat survey contains the information included in Section 16.24.030 and Section 16.18.010 of this title outlining the requirements for a final plat. The signature block requirements shall be consistent with Subsection 16.32.040 (D)(12)-of this chapter.
 3. The short plat survey shall contain the information included in Section 16.18.010 and 16.28.100 of this title for surveys.
 4. That the proposed short plat bears the certificate and statements of approval required by this Title and that every final short plat 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; A certificate of ownership (title report current within 30 days as provided by a licensed title company) must be provided with a submittal for a final plat approval request.
 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 offer 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 road improvements (such as curb, gutter, sidewalk, illumination, traffic control devices, drainage control, engineered road bases, asphalt driving and parking lanes, and monumentation) remaining to be completed securing to the county the construction and installation of the improvements within a fixed time of two years, provided that bonds cannot be provided for non-road related improvements such as utilities, irrigation, grading and so forth; and-
 9. That all conditions contained in the preliminary approval of the short plat have been met.
- C. If the planning director determines that the requirements of subsection (B) of this chapter 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 document, measuring 18 × 24 inch printed on good quality material approved by the county auditor with the county auditor;
 - E. After recording, one paper copy shall be transmitted to the planning director and one paper copy shall be transmitted to the county assessor.
 - F. When the final document 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. If available, CAD (DXF) file shall also be included

16.32.080 - Short plat approval—Expiration.

Short plat approval shall be effective for one year. If the short plat is not recorded within one 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 three-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 when the one year timeline for approval expires.

16.32.090 - 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 16.60 of this title. The appeal shall be filed with the planning director within fourteen (14) 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, prior to a judicial appeal.

16.32.100 - 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;

16.32.110 - Re-subdivision procedure.

Land within an approved short plat may not be further subdivided through a short platting process within a five-year period unless a final plat of the re-subdivision has been approved and filed for record pursuant to the subdivision provisions of this chapter. 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 20 acres in size.

16.32.120 - Innovative agricultural short plat

Lands located within the zoning districts of Agricultural Production 20 (AP-20) and Agricultural Production 40 (AP-40), may create lots less than the permitted minimum lot size through the innovative agricultural short plat process. The purpose behind the innovative agricultural short plat process is to provide flexibility for property owners who need to separate their home or farm building site from the main agricultural production area due to real estate or taxation purposes. Approval process for the innovative short plat is exactly the same as a short plat except for the conditions listed below:

- A. All lots created shall have a minimum lot size of one acre;
- B. Innovative short plat shall consist of no more than four lots. This includes no more than three lots with a lot size less than the minimum lot size of the respective zoning district. The remaining farm lot shall comply with the required density standards of respective zoning district.
- C. AP-20 zoning district, a minimum of twenty acres needs to be set aside in the main farm lot for each lot created less than twenty acres. A note on the plat indicating the main farm lot, along with the amount of acres set aside to said farm lot is required.
- D. AP-40 zoning district, a minimum of forty acres needs to be set aside in the main farm lot for each lot created less than forty acres. A note on the plat indicating the main farm lot, along with the amount of acres set aside to said farm lot is required.

Chapter 16.36 - BINDING SITE PLANS

16.36.010 - 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 (long plat) or short plat process of this chapter. The intent of the binding site plan process is to promote orderly and efficient community growth within the framework of RCW 58.17.035.

16.36.020 - Applicability.

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

- A. Division of land for the sale or lease of commercial or industrially zoned property as provided in the Franklin County zoning regulations;
- B. The division of land for the purposes of leasing space for mobile homes, tiny houses or tiny homes with wheels as defined in RCW 35.21.686, or travel trailers so long as the site plan complies with all applicable mobile home park and zoning regulations;
- C. 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.

16.36.030 - 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 regulations 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.

16.36.040 - 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:

- A. Binding site plan drawn on 18 inch by 24 inch paper showing:
 - 1. Name of the binding site plan and space for numerical assignment,
 - 2. Legal description of the entire parcel, legal description of each proposed lot, square footage of each lot, date, scale, and north arrow,
 - 3. 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,
 - 4. Names and rights-of-way widths of roads within the parcel and immediate adjacent to the parcel,
 - 5. Number of each lot and block,
 - 6. References to covenants, joint use, access easements, or other agreements either to be filed separately or with the binding site plan,
 - 7. Zoning setback lines and building envelopes where applicable,
 - 8. Location, dimension, and purpose of any easements noting if the easements are private or public,
 - 9. Location and description of monuments and all lot corners set and found,
 - 10. 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,
 - 11. A dedicatory statement acknowledging public and private dedications and grants,
 - 12. Parking areas, loading areas, general circulation, landscaping area,
 - 13. Proposed use and location of buildings with dimensions where applicable,
 - 14. The signature block of the following shall be included on the binding site plan:
 - a. Franklin County engineer,
 - b. Franklin County auditor,
 - c. Franklin County public utility district or other utility district,
 - d. The appropriate irrigation district (where applicable),
 - e. The Franklin County treasurer,
 - f. The United States Bureau of Reclamation (where applicable),
 - g. Chairperson, board of county commissioners;
- B. Be submitted with the documents required by Sections 16.36.050 through 16.36.070 of this chapter;
- C. Be accompanied with a fee as specified in Chapter 16.60 of this title;
- D. A completed application form provided by the planning department;
- E. A completed environmental (SEPA) checklist;
- F. Written approval from the Benton-Franklin Health District.

16.36.050 - Survey required.

- A. 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.
- B. The survey must be consistent with the survey standards stated in Section 16.18.010 and Section 16.28.100 of this title.

- C. In all binding site plans, lot corner survey pins must be set before final approval can be granted.
- D. In all binding site plans, perimeter monuments must be set before final approval can be granted.
- E. In all binding site plans, control monuments must be set before final acceptance of public improvements.

16.36.060 - Binding site plan certifications required.

- A. 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;
- B. 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.

16.36.070 - 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.

16.36.080 - Administrative duties.

The planning director is vested with the duty of administering the provisions of this chapter.

- A. An application for binding site plan approval shall be approved with conditions, returned to the applicant for modifications or denied within 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 16.36.040 through 16.36.070 of this chapter, as determined by the planning director.
- B. 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:
 1. County engineer;
 2. Appropriate fire district chief;
 3. Benton-Franklin County Health District;
 4. Any other county department, utility provider, school district or other public or private entity as the administrator deems appropriate.
- C. 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 appropriate. 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.
- D. The planning director shall review the proposed binding site plan and determine its conformance to the general purposes of this chapter, 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.

16.36.090 - Approval and filing.

- A. Upon approval of the binding site plan by the planning director, the applicant shall take the original 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.
- B. The applicant must provide the planning director one paper copy of the recorded document and the county assessor one paper copy of the recorded document before the binding site plan becomes valid.
- C. When the 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. If available, CAD (DXF) file shall also be included.

16.36.100 - Development requirements.

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

16.36.110 - Standards for binding site plans.

The following standards shall apply to binding site plans:

- A. All binding site plans shall be drawn in black ink on good quality material approved by the Franklin County Auditor measuring 18 inches by 24 inches;
- B. 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;
- C. 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;
- D. 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;
- E. 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;
- F. Except for interior lots all setbacks for structures shall be the same as required in the Franklin County zoning standards;
- G. Lots within an approved binding site plan shall meet lot requirements as prescribed in this chapter and the Franklin County zoning standards.

16.36.120 - Conformance to requirements.

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

16.36.130 - 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.

16.36.140 - 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.

16.36.150 - Appeals.

- A. 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 the current Franklin County fee schedule with the planning director within ten 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.

16.36.160 - 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 chapter and commence actions to restrain and enjoin a violation of this chapter and compel compliance with the provision of this chapter. The costs of such action shall be the responsibility of the violator.

Chapter 16.40 - BOUNDARY LINE ADJUSTMENT

16.40.010 - Purpose.

The purpose of a boundary line adjustment is to provide an administrative method of modifying the boundary lines between two or more lots of record. The intent of a boundary line adjustment is to address existing problems pertaining to building encroachment, irregular shaped lots, nonconforming lots sizes, or to modify lot lines to promote orderly and efficient community growth.

16.40.020 - Applicability.

The boundary lines separating two 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 affect 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, except for lots meeting the innovative short plat lot dimensions as expressed in FCC 16.32.120.

16.40.030 - 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 16.60 of this title. Applications shall include one digital or electronic copy and two 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 and gross lot area) following the proposed adjustment;
 - 6. Parcel numbers for all affected 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. Surveys must be consistent with the survey standards stated in Section 16.18.010 and Section 16.28.100 of this title.

16.40.040 - Administrative review.

An application for a boundary line adjustment shall be approved, approved with conditions, returned to the applicant for modifications, or denied within 21 days of its receipt by the planning director. This deadline is extended to 45 days in cases where federal agencies with interests are involved, such as U.S. Bureau of Reclamation Columbia Basin Project facilities, or Army Corps of Engineers easements. The planning director shall not be considered to be in receipt of a complete application unless and until the application meets the requirements of Section 16.40.030 of this chapter, as determined by the planning director.

- A. The planning director shall forward one copy of the proposed boundary line adjustment plan to the county engineer, the Benton-Franklin Health District (if applicable), and the applicable fire department who shall review the plan and submit comments to the planning director within ten days of receipt.
- B. The planning director shall forward one copy of the proposed boundary line adjustment plan to the Franklin County P.U.D or B.B.E.C, Franklin County irrigation district or S.C.B.I.D. if applicable, and all other affected utility providers. These agencies identified in this subsection shall review the plan and submit comments to the planning director within ten days of receipt. Failure of a utility provider to respond to the application within ten days shall be deemed as approval by the specific utility provider, except that up to 21 days is granted for responses from federal agencies, in those cases where federal interests are involved (i.e. U.S. Army Corps of Engineer or U.S. Bureau of Reclamation reservations, plats, or other land interests are involved).
- C. Following receipt of the comments of those consulted under subsections A and B above, but not later than 21 days following receipt of a complete application, the planning director shall approve or deny the requested boundary line adjustment, except that this time frame is extended to 45 days in cases where federal interests are involved. 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 affected properties and when required record the boundary line adjustment survey (record survey) with the Franklin County auditor within 6 months or the boundary line adjustment shall be null and void. After recording, one copy of the boundary line adjustment in a digital format (digital copy) shall be provided to the planning department and one copy to the county assessor. If available, CAD (DXF) file shall also be included
- D. Appeals
 - 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 16.60 of this title with the planning director within 14 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 16.44 - TAX PARCEL SEPARATION

16.44.010 - 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.

16.44.020 - Applicability.

A tax parcel containing two 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 affect 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.

16.44.030 - 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 16.60 of this title and ~~(2)~~2 paper copies and 1 digital copy of a plan, drawn to scale and accurately dimensioned, clearly showing the following information:
 - 1. The proposed parcel lines for all affected lots, indicated by heavy solid lines;
 - 2. The legal description(s) and parcel number(s) of the affected parcel(s);
 - 3. The location of all structures existing upon the affected 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 affected 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 affected 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 affect 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.

16.44.040 - Administrative review.

An application for tax parcel separation shall be approved, approved with conditions, returned to the applicant for modifications or denied within 21 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 Sections 16.44.020 and 16.44.030 of this title as determined by the planning director.

- A. The planning director shall forward one copy of the proposed tax parcel separation plan to the county engineer, the Benton-Franklin Health District, and the applicable fire department who shall review the plan and submit comments to the planning director within ten days of receipt.
- B. Following review of the comments submitted, but no later than 21 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 of 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. Appeals.
 - 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 16.60 of this title with the planning director within ten 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 16.48 - DEDICATIONS AND RESERVATIONS

16.48.010 - Dedication required.

- A. No plat shall be approved unless adequate provision is made in the subdivision for such drainage ways, roads, pedestrian amenities, 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.
- B. 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.
- C. 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.
- D. Every plat containing a dedication filed for record must be accompanied by a title report (current within 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.
- E. 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.
- F. Protective improvements and easements to maintain such improvements shall be dedicated.

16.48.020 - Dedication process.

- A. All dedications of land shall be clearly and precisely indicated on the face of the plat.
- B. 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 homeowners' association or similar nonprofit corporation.
- C. 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 chapter, 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/sight protection (walls or other sight obscuring mechanisms) 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. Such fencing may be required both internally and around the perimeter of the development and a

homeowners' association or similar nonprofit corporation shall be required to be created for the continued maintenance of any said fencing or other perimeter requirements.

- D. A subdivider who wishes to make a conveyance, or is required to by subsection B of this section, 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 details on the membership in the organization which shall be appurtenant to ownership of land in the subdivision, directions on the construction and maintenance of the improvements and property owned by the corporation, and that such other conditions deemed appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

16.48.030 - Reservations.

- A. Any public agency with power to acquire land or acquire through partial taking for roads, 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 or her intention to acquire some or all of the land or partial interest in the land in a proposed subdivision for public use.
- B. 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 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.
- C. 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.
- D. 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.
- E. 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 16.52 - DEDICATIONS FOR PARKS

16.52.010 - 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 16.52.020 of this chapter. 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.

16.52.020 - 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 \$300.00 per expected dwelling unit.
- B. Rural Areas (Lands Outside Urban Growth Area Boundaries). The base value of \$50.00 per expected dwelling unit.

16.52.030 - Cash payment in lieu of dedication.

In lieu of dedication of land as required in Section 16.52.010 of this chapter, 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.

16.52.040 - 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 years from the effective date of the deed or before 50 percent of the subdivision is developed, whichever 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. One hundred percent 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 percent urban growth area parks and ten percent regional parks.

16.52.050 - 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 codified in this chapter. However, a preliminary plat with a fully completed application properly filed for review or approved prior to the effective date of this chapter is considered vested to those standards/conditions in place, and as provided, at the time of preliminary approval, and need not comply with the provisions of this chapter at the time of final approval of the short plat/subdivision or portion thereof.

Chapter 16.56 - ENFORCEMENT

16.56.010 - Development of illegally divided land.

- A. An application for a building permit for any lot, tract, or parcel of land divided in violation of state law or this chapter 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:
 - 1. The Benton-Franklin Health District has certified that the proposed means of sewage disposal and water supply on and to the lot, tract, or parcel are adequate;
 - 2. 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;
 - 3. The planning commission has certified that the proposed development conforms to the comprehensive plan and all zoning regulations;
 - 4. 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
 - 5. 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 chapter.
- B. Except as provided in Section 16.04.040 of this title, all purchasers or transferees of illegally divided property shall comply with provisions of this chapter and each purchaser or transferee may recover his or her damages from any person, firm, corporation, or agent selling or transferring land in violation of this chapter, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter 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.

16.56.020 - Penalties.

- A. 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 chapter. The costs of such action shall be taxed against the person, firm, corporation, or agent selling or transferring the property;
- B. Any person who violates any court order or injunction issued pursuant to this chapter shall be subject to a fine of not more than \$5,000.00 or imprisonment for not more than 90 days or both;
- C. In the enforcement of this chapter, the prosecuting attorney may accept an assurance of discontinuance of any act or practices deemed in violation of this chapter 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 chapter; and
- D. The Franklin County 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 chapter 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 chapter or any local regulation adopted pursuant thereto, shall be deemed a separate and distinct offense.

16.56.030 - 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 ensure 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.

16.56.040 - 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 chapter, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 or Section 16.56.020(A) and (B) of this chapter, and does not violate any provision of this chapter. 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.

16.56.050 - Advance notice.

The county shall establish procedures to provide reasonable advance notice of proposals to adopt, amend, or repeal this chapter. 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.

16.56.060 - Severability.

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

Chapter 16.60 - FEES

Whenever an application requiring a fee under this chapter in addition to all other required data, the applicant shall pay an application fee to the county according to the fee schedule adopted by resolution.

Note: No application shall be processed unless the respective application fee listed in the County's adopted fee schedule is paid in full, which fee shall be nonrefundable.

Agenda Summary Report (ASR)**Franklin County Board of Commissioners**

DATE SUBMITTED: March 17, 2023	PREPARED BY: MillieAnne VanDevender (AHBL)
Meeting Date Requested: March 28, 2023	PRESENTED BY: MillieAnne VanDevender
ITEM: (Select One) <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Brought Before the Board Time needed: 10 minutes	
SUBJECT: Adoption of Ordinance to update FCC Title 16 "Subdivisions" (File #TC 2022-01 and SEPA #2022-30)	
FISCAL IMPACT: No direct fiscal impact. Completion of the Periodic Update to the Comprehensive Plan and Development Regulations will ensure that the County is not prevented from receiving certain state grants.	
BACKGROUND: The County Commissioners passed Ordinance 2021-07 adopting the 2018-2038 Franklin County Comprehensive Plan and the County is now in the process of adopting updates to its Development Regulations as part of the periodic update process, required under RCW 36.70A.130(5)(c). Any such changes are made with the adoption of an ordinance. Staff proposed updates of Franklin County Code Title 16 "Subdivisions" to ensure consistency across jurisdictions, to ensure compliance with the Growth Management Act (GMA), to modernize outdated code language, and to improve readability and administration of the codes. Additionally, many of the proposed changes to Title 16 will better implement the goals and policies of the 2018-2038 Comprehensive Plan. The Planning Commission held two workshops and one duly noticed public hearing on the proposed amendments and has recommended BOCC approval of the changes.	
RECOMMENDATION: Staff and the Planning Commission recommend passage of the ordinance which will update Franklin County Code Title 16 "Subdivisions". <i>Suggested Motion:</i> I move to Pass Ordinance #_____, amending Franklin County Code Title 16.	
COORDINATION: All public notification requirements were met. Staff coordinated with the County Engineer; the County Surveyor; the County Building Official; the Benton-Franklin Health District; representatives from Fire Districts #1, 2, 3, 4, 5; the Fire Code Official; the Franklin PUD; BBEC; South Columbia Irrigation District; Franklin Irrigation District; U.S. Bureau of Reclamation; the City of Connell; WSDOT; and the City of Pasco. Staff issued a SEPA Determination of Nonsignificance (DNS) for the proposal on Jan. 11, 2023. Staff has provided an enclosed memo to document the rationale of some changes. The County's Prosecuting Attorney's office has reviewed the ordinance.	
ATTACHMENTS: (Documents you are submitting to the Board) (1) Memo (2) Draft Ordinance (3) Minutes and agendas from Planning Commission workshops, public hearing, and continued public hearing (4) SEPA Checklist and DNS	
HANDLING / ROUTING: (Once document is fully executed it will be imported into Document Manager. Please list <u>name(s)</u> of parties that will need a pdf) To the Clerk of the Board: 1 Original Ordinance; To Planning: 1 Copy Ordinance	

I certify the above information is accurate and complete.

 Derrick Braaten