

Circumventing the Platting Process:

What's the worst that can happen?

PRESENTED BY:

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Michelle Mercer – Grant County Planning Manager

Most Common Pathways

- **Boundary Line Adjustment**

Minor changes to existing property lines between parcels

- **Lot Consolidation**

Elimination of shared boundary line between legal parcels under common ownership into a single lot of record

- **Segregation**

Division of land (*exempt from platting*) to create new parcels

DISCLAIMER NOTE:

Processes for BLA's and segregations will differ from county to county.

Exempt/Large Lot Segregation Definition

- **RCW 58.17.040(2)**

Divisions of land into lots or tracts each of which is one-one hundred twenty-eighth of a section of land or larger, or **five acres or larger** if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions.

- **Main Takeaways:**

Creation of new legal lots that are exempt from State's subdivision/platting process.

Benton County Code Exemptions

- **BCC 9.02.060(c)**

A division of land into lots or tracts each of which is one thirty-second ($1/32$) of a section of land or larger, or **twenty (20) acres or larger** if the land is not capable of description as a fraction of a section of land.

Variations in Segregation Codes

Minimum Lot Size

Survey Required

Proof of Water
Supply

Planning Review
and Approval
Process

Lot Buildability

Benton County Water Requirements

Exempt land divisions must still comply with the County's rural domestic water policies, RCW 90.44.050, and Ecology's guidance on exemptions for groundwater.

- Ecology allows an exemption from groundwater permit requirements for a single-family residence, however, for development projects water use limitations apply to an **entire project/development**, not just to individual wells, homes, or lots.
- The Department of Ecology exemption allocates 5,000 gallons per day and $\frac{1}{2}$ an acre **collectively to all lots created within the project**, not 5,000 gallons per each lot.
 - The Washington State Department of Health's standard of 350 gallons per day per dwelling equates to all developments relying on groundwater to be limited to 14 lots per project/development ($5000/14 = 357$ gallons per day per lot).

Ecology Guidance on Permit Exemptions

- All subdivisions must include provisions for adequate water supply.
- Subdivisions may rely on permit exempt wells when the following conditions are met:
 - Total quantity of domestic water use (all homes combined) will not exceed 5,000 gallons per day on peak use days;
 - Total amount of irrigated acreage for lawn and garden (all homes combined) does not exceed ½ acre; and
 - No single water system will serve 15 or more residences or be used for residential use by a non-residential population of 25 people for more than 60 days per year.

RECORD SURVEY

(EXEMPT PARCEL SEGREGATION)

A PORTION OF THE WEST HALF OF SECTION 34
TOWNSHIP 8 NORTH, RANGE 28 EAST, W.M.
BENTON COUNTY, WASHINGTON

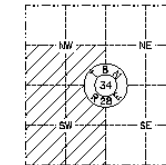
SURVEYOR'S NARRATIVE

THIS SURVEY WAS PERFORMED IN MAY 2021 AT THE REQUEST OF HORSE HEAVEN HILLS PROPERTIES, LLC. THE PURPOSE OF THIS SURVEY IS TO SEGREGATE THE PARCELS SHOWN HEREON. THIS SURVEY IS BASED ON RECORD SURVEY NO. 5325 FOR HORSE HEAVEN HILLS PROPERTIES, RECORDED IN VOLUME 1 OF SURVEYS, PAGE 5325, UNDER AUDITOR'S FILE NO. 2020-013435.

NOTES:

1. BASIS OF BEARING: WASHINGTON STATE PLANE (SOUTH ZONE) NAD 83 (2011) DATUM. DISTANCES ARE "GROUND" SCALED FROM STATE PLANE GRID USING A COMBINED FACTOR 0.999876135 AT LATITUDE 46°08'36" LONGITUDE 118°17'45"
2. O = DENOTES SET 5/8"x24" REBAR WITH ORANGE PLASTIC CAP STAMPED "OPB WA 41028"
3. W = DENOTES FOUND 5/8" REBAR & CAP STAMPED "WORLEY LS13352. (OUR RESEARCH DID NOT FIND ANY RECORD SUPPORTING THE ORIGIN OF THESE MONUMENTS)
4. ● = DENOTES FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "RSI-GBW 30440" OR MONUMENT AS NOTED
5. THIS SURVEY WAS PERFORMED TO ESTABLISH SOME OR ALL OF THE BOUNDARIES AND CORNERS OF THE PARCELS DESCRIBED HEREON. ANY EASEMENTS, RESTRICTIONS OR RESERVATIONS WHICH WOULD BE DISCLOSED BY A CURRENT TITLE REPORT MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY
6. EQUIPMENT AND PROCEDURES: THIS SURVEY WAS PERFORMED WITH A TRIMBLE RB-4 GPS SYSTEM CONFIGURED FOR REAL TIME KINEMATIC SURVEYING
7. THE CENTERLINE OF S.C. WILLIAMS ROAD ESTABLISHED FROM RECORD SURVEY 3125 & FIELD AS-BUILT LOCATION

SECTION INDEX



1" = 400'

AUDITOR'S CERTIFICATE

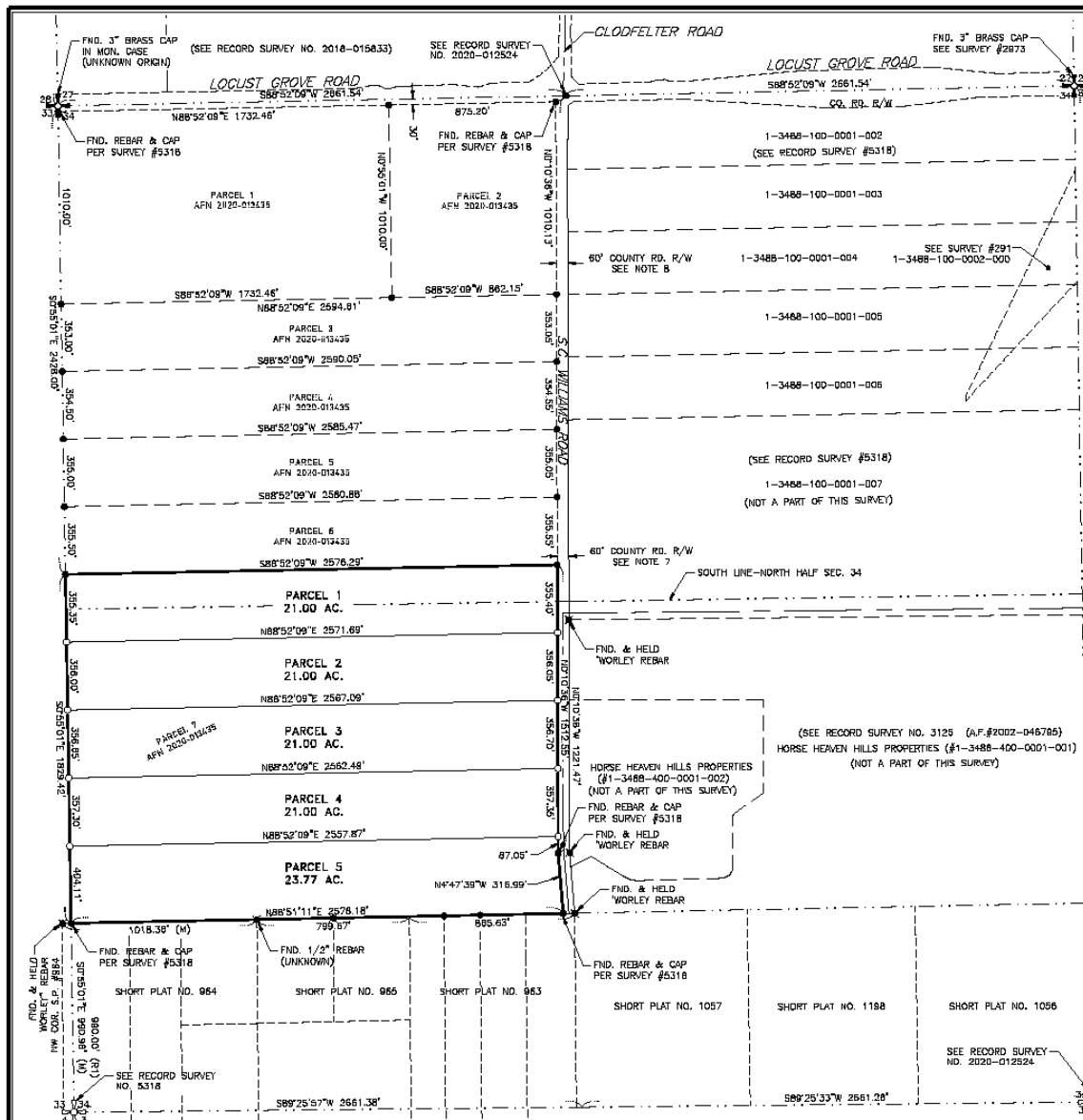
FILED FOR RECORD THIS _____ DAY OF _____, 20____ A.D., AT _____
MINUTES PAST _____ M. AND RECORDED IN VOLUME _____ OF SURVEYS,
PAGE _____, AT THE REQUEST OF ROGERS SURVEYING.

BENTON COUNTY AUDITOR

AUDITOR'S FILE NUMBER

REV: NONE

CLIENT	HORSE HEAVEN HILLS PROPERTIES, LLC	JOB	14621
PROJECT	PARCEL SEGREGATION		
	SEC.34 T.8N., R.28E., W.M.		
DRAWN BY	MPL	SCALE	1" = 400'
APPROVED	DPB	DATE	05/19/2021
		F. B. NO.	TSC-B
		ACAD	VER - C3021
		FILE	14621.dwg
			SHEET_1
			OF_2



SURVEYOR'S CERTIFICATE

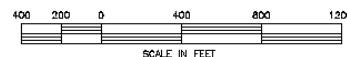
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF HORSE HEAVEN HILLS PROPERTIES, LLC, IN MAY, 2021.

DAVID P. BAALMAN LS# 41028

DATE



GRAPHIC SCALE



Loarst Grove Rd

1

2

9

10

11

12

13

3

4

5

6

7

8

X

X

X

C Williams Rd

375 PR SE

Why Segregate Property?



SELL SMALLER
PARCELS



ESTATE
PLANNING
(DIVIDE AMONG HEIRS)



RESIDENTIAL OR
COMMERCIAL
DEVELOPMENT



FINANCING -
INVESTMENT
PURPOSES

Boundary Line Adjustment (BLA) Definition

- **RCW 58.17.040(6)**

- A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to **meet minimum requirements for width and area for a building site.**

- **Main Takeaways:**

- No new lots created (*same number or fewer*)
- Parcels must be buildable

Common Reasons for a BLA

Correct
encroachments
across parcel lines
(e.g., fence, structures, etc.)

Improve lot shape or
usability

Adjust for access or
utilities

Increase
nonconforming lot
size

Rectify defects in
legal descriptions

Benton County BLA/LC/Segregation Process:



Unintended Consequences of Bad BLA/Segregation Codes



ENCROACHMENT
DISPUTES



PUBLIC SAFETY
ISSUES



REGULATORY
VIOLATIONS



NONCONFORMING
LOTS



FINANCIAL
ISSUES



DEFECTIVE LEGAL
DESCRIPTIONS

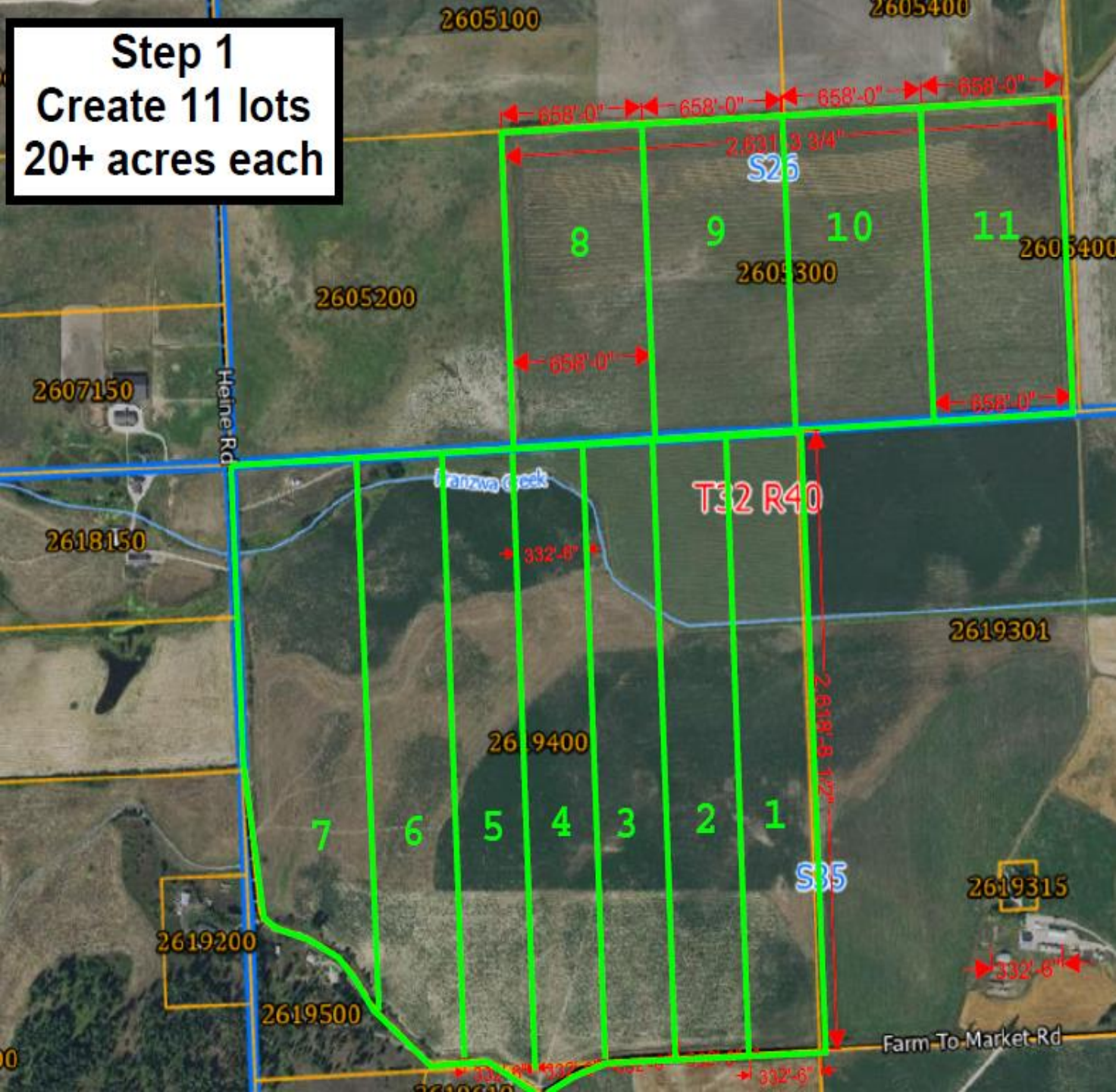
Existing Conditions
Page 1 of 3



What could go wrong?

- Existing parcels

Step 1
Create 11 lots
20+ acres each



What could go wrong?

- Complete segregation process

What's to stop someone from:

- Taking 210 contiguous acres and dividing it into 10 exempt lots
 - Then adjusting the boundaries to create 9 lots of 5 acres each with 1 remaining lot of 165 acres.
- And then creating 8 more exempt lots from the remaining 165 contiguous acres
 - Then adjusting the boundaries to create 7 lots of 5 acres each with 1 remaining lot of 130 acres.
- And then creating 6 more exempt lots from the remaining 130 contiguous acres.
 - Then adjusting the boundaries to create 5 lots of 5 acres each with 1 remaining lot of 105 acres.

They could continue this process through a series of exempt segregations and BLAs which would result in:

35 5-acre lots and one remaining 35-acre parcel - all without any plat approval.

- The remaining 35 acres could then be platted which would result in one plat approval only for a total of 39 - 42 lots.

**The best
planning
solutions
are forged..**



**...from the
hottest
dumpster
fires.**

Challenges

Communication
between
departments

Common
understanding of
terms/acronyms

Verification of
legal descriptions

Cost

Applicants
confused by
process

Survey recorded
without deeds
recorded

Current
Use/Open Space
Status

Difficult to
decipher between
QCD types

Checks &
balances for
accuracy

How Does Your County Address Serial Exemptions & BLAs?

- How does your jurisdiction address serial exemptions and BLAs?
- Do you have locally adopted regulation to support your policy?
- Is RCW 58.17.040(2) consistent with the GMA?
- Are future uses of segregated lots required to be identified at the time of segregation?
- How does your jurisdiction manage segregation/BLA shuffle within shoreline jurisdiction?

Questions?

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