



## CITY OF OTHELLO PLANNING COMMISSION

**Regular Meeting  
500 E. Main St.  
October 21, 2019  
6:00 PM**

1. Call to Order - Roll Call
2. September 16, 2019 Minutes Approval
3. Zoning Updates – Status Report
4. OMC 14.04.070 Unplatted Areas and 14.04.080 Platting Deemed Insufficient – Request for Direction
5. OMC Title 16 Subdivisions Amendments – Discussion

***Next Regular Meeting is Monday, November 18, 2019 at 6:00 P.M. at Othello City Hall***

**City Hall is accessible for persons with disabilities.  
Please let us know if you will need any special accommodations to attend the meeting.**



City of Othello  
Planning Commission  
September 16, 2019  
Jackee Carlson

#### **CALL TO ORDER**

Chair Roger Ensz called the meeting to order at 6:00 pm.

#### **ROLL CALL**

**Commissioners Present:** Roger Ensz, Chris Dorow, Brian Gentry, Kevin Gilbert

**Absent:** Tari Perez

**Staff:** Community Development Director Anne Henning, Building & Planning Secretary Jackee Carlson,

**Attendees:** Bob Carlson, Oscar Garza

Quorum Established.

#### **APPROVAL OF AUGUST 19, 2019 PLANNING COMMISSION MEETING MINUTES**

**Commission Action:** The Commissioners voted to accept the minutes from August 19, 2019 M/S Brian Gentry/Chris Dorow

#### **APPROVAL OF AUGUST 27, 2019 PLANNING COMMISSION SPECIAL MEETING MINUTES**

**Commission Action:** The Commissioners voted to accept the minutes from August 27, 2019 M/S Chris Dorow/Brian Gentry

#### **PUBLIC COMMENT**

Oscar Garza, 430 S 16<sup>th</sup> Ave – Mr. Garza spoke to the Commission regarding the vacant lot next to Johnson's Auto Glass and it being used as a display lot for hickory sheds. In a previous meeting, Mr. Jesse Dominguez had talked to the Commission on behalf of Mr. Garza regarding the use of the lot. The Commission agreed with staff, that what Mr. Garza intended for the lot to be used as was not an allowed use.

Mr. Garza asked the Commission if there was anything that could be done to allow it. He presented the Commission with a list of cities provided to him by Hickory Sheds, where the use is allowed and working ok. Commissioner Dorow asked him if the locations were display only and Mr. Garza responded he wanted to personally go check some of the locations because he did not know. Commissioner Dorow explained that they like the concept but the only thing they were concerned about what else it could let in and what could happen down the road. Commissioner Ensz suggested having a trial period to see and not being able to move the sheds for 4-6 months.

The Commission asked Ms. Henning what her thoughts were, and she stated there is a provision in 17.31.010 Permitted Uses (m) – Other uses with similar impacts as determined by the Planning Commission. This would allow the Commission to have flexibility and add some things. Ms. Henning also stated that they also could set condition to ensure that it stays similar. The Commission would like to

see what the other cities are doing, as far as if they have a sales office or just a display lot. Commissioner Ensz would like to see a provision that it would be reviewed in a year. The Commission discussed that they would like to see the lot graveled and the weeds maintained.

Mr. Garza is to look into what other cities do and get back to Ms. Henning. Commissioner Ensz will look into some as well.

#### **OMC 14.04 BUILDING CODES – UPDATES AND CORRECTIONS – RECOMMENDATION TO COUNCIL**

The Commission looked at sections of OMC 14.04 which talks about Building Codes, since they have not been updated since 2007. They reviewed the following:

**14.04.030(a) & (c)** - The building code allows permit exceptions for detached accessory structures under 120 SF (commercial) and 200 SF (residential). Currently, Othello does not exempt these structures from getting a permit. The Commission agreed to follow the IBC and allow the exception for these size structures.

**14.04.030 (b)** – Currently any project under \$500 does not need a building permit. Ms. Henning spoke to the inspector and he stated that there could be projects in which egress could be affected and safety could be compromised. Ms. Henning went over the permit valuation and stated the minimum permit fee would be about \$82.50. Staff suggest the exception be taken out. The Commission discussed it and would like to take this section out, requiring a building permit for anything under \$500.

**14.04.020 (2)** – In the draft, the word sections should read appendices.

**14.04.030 (K) - International Fire Code:** In the draft, 503.1.3 High Pile Storage – Is in the building code and state exemptions take it out, however the Fire Chief would like it added in.

**14.04.020(b)(4) - International Property Maintenance Code** – Staff proposed this code be added in, since it is a good enforcement code, which makes the City safer and better maintained.

**14.04.030 (g) – 118.2 Manufactured Accessory Structures** – Manufactured structures over 200 square feet in Residential Zones and over 120 square feet in Commercial or Industrial Zones shall be required to obtain a building permit. Manufactured accessory structures shall meet building codes and zoning codes. A manufactured accessory structure shall not be used as a dwelling. – Building Permit should read Placement Permit.

**The Commission carried a motion to present the amended draft, OMC 14.04 Building Codes for consideration and passage. Motion introduced by Chris Dorow. Motion was seconded by Kevin Gilbert. Vote was 4-0 in favor; motion passed.**

#### **ZONING UPDATES – STATUS REPORT**

Ms. Henning stated that she had spoken to the Mayor after the last study session and plan is to take to the Council the hard issues and have them discuss them amongst each other and then have the Public Hearing. The Commissioners would like to attend the meeting and notice will be given to the public.

**OTHER BUSINESS:**

None

**ADJOURNMENT**

Having no other business, the meeting was adjourned at 7:08 pm. Next scheduled meeting is Monday, October 21, 2019.

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Date: \_\_\_\_\_  
Roger Ensz, Chair

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Date: \_\_\_\_\_  
Jackee Carlson, Planning Secretary

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: October 21, 2019

SUBJECT: Municipal Code Update – Unplatted Property/Platting Deemed Insufficient – Request for Direction

A recent building permit situation has caused staff to look more closely at OMC 14.04.070 and 080, sections that deal with building on unplatted property (070) and building on property that lacks some of the improvements required by current platting codes (080).

### **Staff Comments**

1. OMC 14.04.070 was changed in 2001 from exempting building remodels from the platting requirement to only exempting a remodel that would not increase the assessed value by more than 5%, and this exemption is allowed only once in the lifetime of the building. This means that almost any remodel would trigger the platting requirement, which discourages owners from investing in improving their buildings. It seems unlikely that this provision has been enforced over time, as it requires substantial infrastructure expenses with even a minor remodel project. Staff recommends that this provision be removed or modified to set a more reasonable threshold before compliance is required. MRSC provides some guidance and examples (attached) of how to require street improvements tied to a building permit without going through the unplatted/platting deemed insufficient process.
2. Based on my experience in Moses Lake with the same City Attorney as Othello had at the time, I can say that existing OMC 14.04.080 was added to the code to address how to trigger improvements when the property was platted at a time before all of the current improvements, such as sidewalks, were required.
3. Also based on my experience in Moses Lake, it is my belief that the requirement in 14.04.070 that properties be platted before a building permit is issued stems from the same City Attorney's belief both that this was the only way to address unlawful segregations and also the only way to trigger street and utility improvements.
4. As may have been previously discussed, the requirement that properties be platted prior to a building permit seems to be uncommon in the state and found only in jurisdictions that shared this same City Attorney in the past. A more common process is to require that lots be "legal" (see attached examples) and to require improvements at the time of a building permit (as discussed in comment #1).

## Attachments

- Existing OMC 14.04.070 Unplatted Areas and 14.04.080 Platting Deemed Insufficient—When
- MRSC article: “Improvements Required Prior to Building Permit Issuance and Other Methods of Obtaining Streetscape Improvements.”
  - Puyallup Municipal Code 11.08.130-160 Street Improvements
  - Wenatchee Municipal Code 7.22 Sidewalk Construction Standards
  - East Wenatchee Municipal Code 15.48 Required Public Improvements, especially 15.48.010 General Application
  - Kent Municipal Code 6.02, especially 6.02.040 Scope and Exceptions
- Legal Lot example code language (all from the Subdivision title of the code)
  - Bothell Municipal Code 15.18 Enforcement and Appeals
  - Covington Municipal Code 17.15.070 Determining and Maintaining Legal Status of a Lot
  - La Center Municipal Code 18.225 Legal Lot Determinations
  - SeaTac Municipal Code 14.26.040 Lot Status
  - Sedro-Woolley Municipal Code 16.04.150 Building Prohibited
  - Spokane Valley Municipal Code 20.20.030 Legal Lot

**Action:** The Planning Commission should discuss the current regulations for unplatted areas and areas lacking platting improvements and provide direction to staff.

**14.04.070 Unplatted areas.**

Building permits shall be issued only for structures located within recorded plats except as provided in this chapter.

(a) Building permits may be issued in unplatted areas, only in the following cases:

- (1) Remodeling of an existing building which conforms to the current zoning; and provided further, that notwithstanding the provisions of subsection (b) of this section, the building official may issue a building permit for a remodel which does not increase the size or estimated assessed value of the existing structure by more than five percent and such a building permit may be issued by the building official only once during the lifetime of the structure;
- (2) Construction of a temporary structure; or
- (3) For the construction of buildings on not more than twenty-five percent of the lots designated in an approved preliminary plat subject to proof of fire protection and approved construction drawings. Proof of fire protection of combustible materials shall be established by location of the proposed structure within three hundred feet of an approved fire hydrant and existence of a street of no less than twenty feet in width improved with no less than six inches of gravel base. No building so constructed shall be occupied or be entitled to receive city water, sewer or other utilities until:
  - (A) The plat where the building is located has been fully approved by the city council and filed with the Adams County auditor; and
  - (B) Construction and acceptance by the city of all utilities and improvements to serve the building.

(b) No building permit or other development permit shall be issued for any lot, tract or parcel of land divided in violation of Chapter 58.17 RCW or the platting ordinances and regulations of the city. No building permit or other development permit shall be issued for any unplatted property not otherwise permitted to be issued a building permit unless the city council finds that the public interest will not be adversely affected by the issuance of such a permit. The standards to determine if the public interest will be adversely affected includes but is not limited to consideration of the installation or existence of adequate sewer and water, conformance to lot size requirements, existence of street, sidewalk and curb improvements, all as respects the proposed building site and the surrounding area. The council may condition the issuance of a building permit on unplatted land on the installation or completion of such utility, street and sidewalk improvements as the council upon recommendation of staff shall deem appropriate. The council shall make the grant of the privilege to build on unplatted land personal to the applicant and such privilege shall expire if a building permit is not obtained within thirty days of the adoption of the resolution provided for herein. The council shall only direct the issuance of such a permit by a resolution of the council.

(c) Building permits shall not be issued for any structure located within a preliminary plat except as provided for in this chapter. (Ord. 1114 § 1, 2001: Ord. 946 § 2 (part), 1995).

**14.04.080 Platting deemed insufficient—When.**

Property located within the city which is presently platted and which property was platted without the extension or of provision of city water, city sewer, storm sewer, curb, sidewalk, streets or other improvements through some or all the lots of the plat shall be deemed to be unplatted for purposes of the issuance of any development permit or building permit. Any lot so affected shall be permitted to develop and a building permit will be issued upon the installation of city water, city sewer, storm drains, curbs, sidewalks, streets and other improvements to community standards, including fire protection devices, or upon the posting of security in an amount approved by the city, which is equal to the estimated cost of the extensions and/or improvements remaining to be installed through the lot, in a form acceptable to the city attorney to insure the construction of the required improvements and extensions at the same time as construction of the building for which the building permit was issued or at the time of the improvement of the affected lot. (Ord. 946 § 2 (part), 1995).

# Improvements Required Prior to Building Permit Issuance and Other Methods of Obtaining Streetscape Improvements

## Introduction

Are there locations in your city or town where undeveloped lots are platted - or just exist - without the full range of improvements that are required in today's subdivisions? The most likely scenario is that the street serving those lots was a rural two-lane road without sidewalks, curb and gutter or storm drains. Sewer and water mains may or may not be present, but -normally - a house or business cannot be occupied without one or both of these. However, a house or business can be built and occupied without all the streetscape elements required in newer subdivisions.

A city or town which requires no streetscape improvements for undeveloped lots, yet wants relatively uniform standards for improvements throughout the city, will be continually frustrated by these pockets of "blight". On the other hand, requiring each undeveloped lot, without fail, to have half-street improvements, sidewalks, curb and gutter and storm drains may result in a haphazard pattern of improvements or may discourage infilling of vacant properties. A given block may have only one or two houses or businesses with full streetscape improvements. If , on this block most lots have houses or businesses already, the potential for completing improvements through the permit process is nil. Or, if only sidewalks are required, where should they be located in relation to the existing street, vertically and horizontally?

How can a city or town orchestrate streetscape retrofits adjacent to undeveloped lots so that the improvements are - in fact - installed, but in a manner that is not haphazard and is cost-effective for both the city or town and adjacent property owners? There is no easy, step-by step process that all cities and towns can use. Each city or town must adapt the tools given to it by the legislature to its own style of doing things and mesh them with its own ordinances. The following sections of this report describe available legal and financing tools and how other cities and towns in Washington have dealt with these issues.

[Note: The scope of this 'white paper' is limited to building permits for individual lots and not short plats and subdivisions.]

## Ordinances and Policies

### Sample Municipal Code Sections

Cities and towns have broad statutory authority to require basic levels of streetscape improvements as a condition of building permit issuance. Theoretically, a city or town may require road widening, storm drainage, curb and gutter, planting strips and sidewalks - all in conformance with current design standards. Selected, applicable municipal code sections are listed as follows:

- [Puyallup Municipal Code Sections 11.08.120 -160](#)
- [Marysville Municipal Code Sections 12.02A.090-120](#)

- [Des Moines Municipal Code Chapter 12.40](#)
- [Wenatchee Municipal Code Sections 7.22.020](#)
- [East Wenatchee Municipal Code Chapter 15.48](#)
- [Kent Municipal Code Chapter 6.02](#)
- [Port Angeles Municipal Code Section 14.01.115](#)

## **Level of Required Improvements**

As noted in the sample code sections, the level of improvements required adjacent to a property before a building permit can be issued ranges from sidewalks only to full half-street improvements, including right-of-way dedication. Each community must define its own level of required improvements, which may vary within given areas of the city. Some factors to be considered:

- General degree of existing building development
- Level of existing streetscape improvements
- Circumstances under which variances will be granted
- Allowable alternatives to construction of improvements
- Degree of certainty that improvements installed by the property owner will be in the right location at the right elevation for the ultimate roadway configuration

## **Overall Plans are Needed**

Unless no, or very minimal, improvements will be required before a building permit is issued, the city must be able to respond quickly and accurately when the permittee asks for information on the location and height of required improvements. This means that the city must know:

- Street classification (principal arterial, arterial, collector, local access) of each city street
- Street configuration (number and width of lanes, median strip, planting strip, sidewalk width, right-of-way width, etc.) for each classification
- Whether the ultimate street will be higher or lower than the existing street
- Method of storm drainage collection
- Utility locations, existing and proposed

## **Alternatives**

There will be locations or circumstances where it does not make any sense to require improvement construction as a condition of building permit issuance for a single property. Or, it may make more sense to have a whole city block (or more) receive its improvements all at one time. Alternatives include:

- Having the property owner construct all the street improvements in his/her block(or other geographical area) and establish a recovery contract under Chapter 35.72 RCW
- Using the sidewalk statutes (Chapters 35.68, 35.69 and 35.70 RCW)
- Using a waiver of protest against formation of a local improvement district
- Forming a local improvement district

- Waiving all or some requirements or granting a variance
- Constructing the improvements (arterial streets primarily) with city and/or grant funds

## Recovery Contracts

Chapter 35.72 RCW allows a city or town to enter into a 'recovery contract' or "latecomers agreement" with any property owner to provide for reimbursement for street improvements installed by the property owner which also benefit other properties in the area. A city must, however, have an ordinance in place that requires the street improvements as a condition of property development. A city may, if it participates in the improvement, be reimbursed for its share of the improvement costs in proportion to the benefit received by the specific properties included in the recovery contract area. In 1997, the Legislature amended this statute to allow a county, city, or town to create an assessment reimbursement area on its own initiative, without the participation of a private property owner, finance the costs of the road or street improvements, and become the sole beneficiary of the reimbursements that are contributed.

## Sidewalk Statutes

Three chapters, 35.68 RCW, 35.69 RCW and 35.70 RCW, provide cities and towns with the authority to require property owners abutting a public street to construct sidewalk improvements or, if the property owners refuse, to construct the improvements itself and assess the costs to them. Each of the statutes has a slightly different approach to the issue and must be read carefully to make sure all procedures particular to that statute have been followed.

Sidewalk Statute Summary			
Statute	Chapter 35.68	Chapter 35.69	Chapter 35.70
Applicability	all cities or towns	code cities, 1st & 2nd class cities, or charter cities of equal population	code cities or 2nd class cities and towns
Improvement Type	construct, reconstruct & repair sidewalks, curbs and gutters	sidewalk construction & reconstruction less than one block long	any form of sidewalk construction
Remarks	city may require improvements to be made or accomplish them through contract	city requires improvements to be made and, if not, then accomplishes them through contract	city requires improvements to be made and, if not, then accomplishes them through contract

All three statutes refer to limitations in RCW 35.69.020: a). an abutting property owner cannot be charged more than 50% of the valuation of the property, exclusive of improvements; b). an abutting property owner cannot be charged if action by city caused deterioration or damage or if the deterioration or damage was caused by failure of the city to enforce its ordinances.

## Local Improvement Districts

Local Improvement Districts (LIDs) are a means of assisting property owners in financing needed capital improvements through the formation of special assessment districts. Special assessment districts allow improvements to be financed and paid for over a period of time through assessments on the benefiting properties. They are similar to assessment districts which are created under the sidewalk statutes, but are not as limited in the scope of improvements (type and geographical area) that can be accomplished, nor are they subject to the limitations of RCW 35.69.020. They are subject, however, to approval (or more correctly, non-protest) by the property owners, whereas the sidewalk statutes are not. Basic LID processes are in Chapters 35.43 RCW through 35.56 RCW. Tacoma makes extensive use of LIDs to construct neighborhood improvements (contact Ralph K. Rodriguez at (253) 591-5522)..

Many cities allow (either outright or upon approval of a request) a property owner to sign a waiver of protest to the formation of a local improvement district which includes improvements that the property owner must make. Such waivers are subject to the limitations of [RCW 35.43.182](#). The waiver must specify the improvements to be financed by the potential district, must state the effective term of the agreement (not to exceed 10 years) and must be recorded with the county auditor. MRSC has sample waiver of protest agreements from several cities. These are available upon request.

## Grants and Loans

Cities and towns are eligible for a number of grant and loan programs for their share of the costs of participating with property owners in construction of improvements. Look at the [Infrastructure Assistance Coordinating Council \(IACC\)](#).

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**11.08.130 Street improvements, curbs, gutters and sidewalks – Construction required.**

(1) Any person who constructs or causes to be constructed any new building or remodels in excess of \$150,000 in valuation within any C, M, O, PF, Med, or RM zone, as well as any nonsingle-family residential use within an RS zone, fronting on any dedicated street or other publicly owned street shall construct curbs, gutters, sidewalks, storm drainage, and one-half street paving in accordance with the city's specifications and standards along all street frontage adjoining the property upon which such building or structure exists.

(2) Any person who constructs or causes to be constructed any new building or remodels in excess of \$150,000 in valuation for the purpose of accommodating a dwelling unit shall construct curbs, gutters, sidewalks and paving in accordance with the city's specifications along all street frontage adjoining the property upon which such dwelling unit will be placed, but only if said property is located within any RS-10, RS-08, RS-06 or RS-04 zone, as set forth in PMC Title [20](#), and if one of the following conditions exists:

(a) The property is located on an arterial or collector street or is identified as a nonmotorized transportation link route as determined by the city and designated on an official map located at the public works department; or

(b) Curbs, gutters, and/or sidewalks exist within 300 feet (across or along) of the property to be developed; or

(c) In the determination of the city engineer, the property requires curbs, gutters, sidewalks and/or paving to provide for a proper drainage system.

(3) The provisions of this section shall not apply where adequate curbs, gutters, sidewalks and paving already exist. Whether adequate curbs, gutters, sidewalks and paving already exist in accordance with the city's standard specification shall be determined in each instance by the city engineer and an endorsement to that effect shall be made upon each building permit at the time of issuance.

(4) The provisions of this section shall not apply when all of the following conditions exist:

(a) The structure is intended as a residential structure for low-income persons or is intended primarily to provide services to low-income persons; provided, however, that the provision of those services shall be to the benefit of the public at large without regard to race, color, national origin, sex, religion, age, marital status or disability;

(b) The construction of the structure involves some volunteer labor;

- (c) The structure is being constructed by an organization classified as a 501-C nonprofit organization by the Internal Revenue Service; and
- (d) For any building construction or remodeling in excess of \$200,000 in valuation, the street improvements which are required under subsections (1) and (2) of this section must be in the current CIP list and identified for construction within three years from the date of issuance of the building permit. (Ord. 2853 § 1, 2006; Ord. 2574 § 1, 1998; Ord. 2466 § 1, 1996; Ord. 2451 § 1, 1995; Ord. 2405 § 1, 1994; Ord. 2373 § 2, 1993).

#### **11.08.140 Effect of failure to construct.**

The building official shall deny final approval and shall refuse to allow final public utility connections to any such building or dwelling unless curbs, gutters and sidewalks, where required by this chapter, are constructed, or unless a surety to guarantee their construction is deposited with the city in a sum equal to the estimated cost of the construction of such improvements as determined by the city engineer, and provided such construction of the improvements are completed within 90 days. (Ord. 2373 § 2, 1993).

#### **11.08.150 Modification of requirements by reason of inadequate drainage.**

When the city engineer determines that area drainage facilities are inadequate and that the installation of all or a portion of the required public improvements would endanger the public welfare and safety by reason thereof, the city engineer may require that only portions of the required work be done. (Ord. 2373 § 2, 1993).

#### **11.08.160 Deviations from chapter.**

(1) Deviation from the application of this chapter may be granted by the city engineer upon the finding that deviation from the terms of this chapter will not be contrary to its intent or to the public interest, safety, health and welfare, and where due to special conditions or exceptional characteristics of the subject property, a literal enforcement of this chapter would result in practical difficulties or unnecessary hardships.

(2) Any person aggrieved by the decision of the city engineer regarding deviation from the provisions of this chapter may appeal such decision to the hearings examiner as outlined in PMC [11.04.080](#). (Ord. 2373 § 2, 1993).

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## Chapter 7.22 SIDEWALK CONSTRUCTION STANDARDS

Sections:

**7.22.010 Simultaneous construction of sidewalks and curbs required.**

**7.22.020 Sidewalks constructed during building improvement.**

**7.22.030 Waiver of provisions.**

**7.22.040 Penalties for violation.**

**7.22.010 Simultaneous construction of sidewalks and curbs required.**

No curb shall be constructed or placed on any street right-of-way in the corporate city limits abutting any lot of record or any zoning lot existing as of May 1, 1965, unless sidewalks are constructed or placed simultaneously with curb installations. No street shall be paved within the city unless sidewalks and curbs are simultaneously constructed in those instances where curbs and sidewalks are not in existence at the time of the paving. (Ord. 1861 § 1, 1965; Ord. 1802 § 1, 1964)

**7.22.020 Sidewalks constructed during building improvement.**

Curbs, gutters and sidewalks shall be constructed simultaneously with the improvement of real property on the street or streets abutting the property to be improved. "Improvement of the property" shall mean construction of a primary structure, or any remodels in any two-year period representing greater than 50 percent of the valuation of the structure as determined using the most recent ICC valuation and construction tables, or remodel adding 20 percent or more of gross floor area. The width of the sidewalk shall be determined by the city engineer after taking into consideration the width of existing sidewalks adjacent or contiguous to the property to be improved, the width of available right-of-way for the construction of sidewalks, and the zone in which the property is to be located; provided, however, that the minimum width of any sidewalk constructed pursuant to this chapter shall be four and one-half feet. In lieu of the above requirements, upon approval of the city engineer, the applicant shall dedicate right-of-way to the city of Wenatchee if adequate right-of-way is not available for required sidewalks. The amount of dedication required will be determined by the city engineer. (Ord. 2007-28 § 1; Ord. 2356 § 1, 1979; Ord. 1802 § 2, 1964)

**7.22.030 Waiver of provisions.**

Upon written application to the city commission, and upon their making a determination that the elimination of all or any portion of the provisions of WCC [7.22.010](#) and [7.22.020](#) will in no way be detrimental to the best interests of the city, those provisions as may be authorized by the city commission may be waived. The decision of the city commission shall be final. (Ord. 1820, 1964; Ord. 1802 § 4, 1964)

**7.22.040 Penalties for violation.**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$100.00, or by imprisonment not to exceed 30 days, or by both such fine and imprisonment. (Ord. 1802 § 3, 1964)

## **Chapter 15.48**

### **REQUIRED PUBLIC IMPROVEMENTS**

Sections:

**15.48.010 General application.**

**15.48.020 Right-of-way designation map adopted.**

**15.48.030 Location of improvements.**

**15.48.040 Dedication of right-of-way.**

**15.48.050 Fire hydrants.**

**15.48.060 Incompatible improvements.**

**15.48.070 Curbing.**

**15.48.080 Landscape strip.**

**15.48.090 Utility lines and appurtenances.**

**15.48.100 Engineering standards.**

**15.48.110 Modifications, deferments and waivers – Generally.**

**15.48.120 Modifications – Criteria.**

**15.48.130 Deferment – Criteria.**

**15.48.140 Deferments – Concomitant agreements.**

**15.48.150 Waiver – Criteria.**

**15.48.160 Property abutting multiple rights-of-way.**

**15.48.170 Completion of required improvements – Bonds.**

**15.48.180 Enforcement and penalty.**

**15.48.010 General application.**

The issuance of any city building permit shall be conditioned upon compliance by the applicant with the provisions of this chapter, unless:

- A. The cost of the proposed building improvement in any 12-month period will be less than 50 percent of the replacement cost of any building improvement that currently exists on the subject premises;
- B. The applicant, or the previous owner of the property installed street improvements in the adjacent right-of-way as part of a subdivision or discretionary land use permit approved within four years prior to the present building permit application; or
- C. The applicant or previous owner of the property is participating in an approved local improvement district to provide the equivalent required improvements. (Ord. 431 § 1, 1987)

### **15.48.020 Right-of-way designation map adopted.**

That certain map entitled "Functional Classification Map," Figure 8.0 in the Greater East Wenatchee area comprehensive plan, is adopted and incorporated herein as if set forth in full. The functional classification map shall be available for inspection at the clerk's office at City Hall during regular City Hall business hours. When any building permit application is granted for the improvement of property abutting any right-of-way designated on the functional classification map and as described in Chapter 12.51 EWMC, and the right-of-way abutted is unimproved or partially improved, the city engineer will identify the appropriate improvements to be made to the right-of-way in accordance with the standards and requirements of the comprehensive street standards, Chapters 12.50 through 12.60 EWMC, and any amendments. The specific right-of-way improvements to be made for the designated right-of-way are generally depicted in Figures 3-7a through 3-8 in Chapter 12.60 EWMC, Figures. All streets in a commercial zoning district require a minimum five-foot landscape strip on each side of the street. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.030 Location of improvements.**

Sidewalks may be located adjacent to the curb or between the landscape strip and the improved property. The utility strip may be combined with the landscape strip. Corner projects shall require the installation of wheelchair access in the sidewalk construction. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.040 Dedication of right-of-way.**

In the event the right-of-way of the property to be improved is not wide enough to permit construction of the required improvements, the applicant shall dedicate that amount of the property necessary to complete the required right-of-way improvements as designated on the functional classification map. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.050 Fire hydrants.**

The applicant shall install fire hydrants when required by law as directed by the Douglas County Fire District No. 2. The specific location of fire hydrants shall be approved by the city engineer and the fire marshal. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.060 Incompatible improvements.**

When improvements required by this chapter will connect with existing improvements in the same right-of-way that do not conform to the requirements of this chapter, the following shall apply:

- A. If the new improvements will connect with existing improvements of a greater dimension, the new improvements must be built at the greater dimension unless the city engineer determines that the dimensions of the existing improvements will be decreased in the future.
- B. If the new improvements will connect with existing improvements of a lesser dimension, and the city engineer determines that the dimension of the existing improvements will not be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements.
- C. If the new improvements will connect with existing improvements of a lesser dimension, and the city engineer determines that the dimension of the existing improvements will be increased in the future, the new improvements shall be installed the entire length of the abutting property and a temporary tapering shall be installed to connect the new right-of-way improvements to the existing right-of-way. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.070 Curbing.**

All curbing shall comply with EWMC 12.52.040(P), and any amendments. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.080 Landscape strip.**

The applicant shall plant all landscape strips with vegetation approved by the city engineer. The applicant shall execute a maintenance agreement, including a provision for irrigation of planted vegetation, in the form approved by the city engineer and said maintenance agreement shall run with the subject property and be recorded with the Douglas County auditor. All trees planted in the landscape strip must be approved as to species by the city engineer, and must be at least two inches in diameter and have a canopy that starts at least eight feet above finished grade at the time of planting as measured using the standards of the American Association of Nurserymen. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.090 Utility lines and appurtenances.**

The applicant shall locate sewer lines, water mains and storm drainage lines as directed by the city engineer. Utility lines, water meters and other utility appurtenances shall be located within the utility strip, unless an alternative location is required under the circumstances and approved by the city engineer. All utility lines shall be underground. Utility appurtenances shall be below the finished grade unless otherwise allowed by the city engineer. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.100 Engineering standards.**

The applicant shall comply with the comprehensive street standards, Chapters 12.50 through 12.60 EWMC, and any amendments, for all improvements in the right-of-way. These standards and specifications shall be made available to the public for inspection and copying in the clerk's office at City Hall during regular City Hall business hours. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.110 Modifications, deferments and waivers – Generally.**

The city council may grant a request for modification, deferment or waiver as defined in EWMC 15.48.120 through 15.48.160 under the conditions set forth in those sections. If the proposed development of the subject property requires approval of the city council, a request for modification, deferment or waiver will be considered as part of that process. In all other cases, the request for modification, deferment or waiver shall be made in writing to the city council, and the city council, at their next regular meeting, shall set a hearing date to consider the request no more than 30 days following the date of the regular meeting of the city council when the hearing date is set. Modifications, deferments or waivers granted are binding on the applicant, future owners of the subject premises, and the city for all building permits issued for the subject premises for the following three years. The city council shall prepare written

findings and decisions resulting from any hearings held in accordance with this chapter. Also see EWMC 12.50.150(D). (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.120 Modifications – Criteria.**

The city may grant a modification to the nature or extent of any required improvement as provided for in EWMC 12.50.100. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.130 Deferment – Criteria.**

The city may grant a deferment for the implementation of the required improvements at a later time for any of the following reasons:

- A. If the installation of the required improvements at the present time would create a serious safety hazard because compatible improvements have not yet been installed in the right-of-way fronting the neighboring property;
- B. If the proper vertical or horizontal alignment for the required improvements cannot be determined because the streets from which the alignment must be determined do not have the correct alignments;
- C. If constructing the required improvements in the proper vertical and horizontal alignment will cause the new improvements to function improperly or unsafely with existing connecting improvements; provided, that when the proper alignment can be determined but has not been, and the proposed development contains five or more dwelling units or 500 square feet or more of nonresidential gross floor area, the applicant shall have the necessary engineering completed for the establishment of the alignment; or
- D. If the subject property is not a corner lot, and there are no existing permanent right-of-way improvements similar to the standards required by this chapter on the same side of the adjacent right-of-way within 100 feet of the subject property, and the construction of the required improvements would not provide a useful link in the transportation and storm water system. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.140 Deferments – Concomitant agreements.**

In the event the city council approves a deferment, the applicant and the city must sign a concomitant agreement. The city will prepare such agreement at the applicant's expense. The agreement shall specify that the applicant will install or reimburse the city for construction of

the deferred improvements as directed by the city. The concomitant agreement shall be filed with the Douglas County auditor and run with the property. The concomitant agreement shall provide for a review of the subject property at three-year intervals and shall provide general criteria upon which the city may rely to make the necessary improvements at such later dates. Concomitant agreements shall expire 15 years after the date of execution. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.150 Waiver – Criteria.**

The city council may waive the implementation of the required improvements if the city council determines that the current level and extent of the improvements in the right-of-way adjacent to the subject property are not likely to be changed in the next 15 years. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.160 Property abutting multiple rights-of-way.**

If the subject premises abuts two or more rights-of-way, then applications for modifications, deferments or waivers must be considered separately for each abutted right-of-way. If the subject property is a corner lot, the highest level of improvement required must be constructed around the angle formed by the intersecting streets. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.170 Completion of required improvements – Bonds.**

The applicant for a building permit must complete the improvements required by this chapter before a building permit may be issued by the city. Prior to constructing the required improvements, the applicant may request and, if all other conditions involved in the building permit process have been complied with, is entitled to written assurance from the code compliance officer that the building permit will be issued upon completion of the required improvements and receipt of written approval of the improvements by the city engineer. In the event the applicant desires to commence the building permit construction prior to the completion of the required right-of-way improvements, the applicant shall post a bond with the city in compliance with the provisions of EWMC 12.50.110, and any amendments. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

### **15.48.180 Enforcement and penalty.**

Any person, firm, corporation, partnership or association, or any agent of any person, firm, corporation, partnership or association, who violates any of the provisions of this chapter is subject to the following penalties: the withholding or withdrawing approval of plans, forfeiture of financial security or nonacceptance of the work by the city. Those penalties shall be pursued in accordance with the provisions of EWMC 12.50.120, and any amendments. (Ord. 10-09 § 5, 2010; Ord. 431 § 1, 1987)

## Chapter 6.02 REQUIRED INFRASTRUCTURE IMPROVEMENTS\*

### Sections:

- [6.02.010](#) Construction standards adopted.
- [6.02.020](#) Intention.
- [6.02.030](#) Purpose.
- [6.02.040](#) Scope and exceptions.
- [6.02.050](#) General.
- [6.02.060](#) Procedure.
- [6.02.070](#) Criteria for requiring infrastructure improvements.
- [6.02.080](#) Criteria for deferral of infrastructure improvements.
- [6.02.090](#) Enforcement.
- [6.02.100](#) Appeals.

\***Cross reference(s)** – Department of public works, ch. [2.28](#); subdivisions, ch. [12.04](#).

**State law reference(s)** – Public improvements, RCW [35.43.010](#) et seq.

### **6.02.010 Construction standards adopted.**

The city hereby adopts the 2009 City of Kent Design and Construction Standards (“construction standards”) and all codes, standards, and provisions cited therein in Section 1.6. One (1) copy of the construction standards is on file in the city clerk’s office.

(Ord. No. [1672](#), § 1; Ord. No. [3325](#), § 1, 11-27-96; Ord. No. [3927](#), § 4, 8-18-09. Formerly Code 1986, § 4.04.010)

### **6.02.020 Intention.**

It is intended that the construction standards shall become the base specifications and standards for the construction of and improvements to city infrastructure including: streets, alleys, sanitary sewer systems, water distribution systems, storm drainage systems, and other transportation, telecommunications and utility systems and associated appurtenances. It is also intended that the construction standards shall govern all permits for excavation and grading in the city and be applicable to the city’s own projects for public works.

(Ord. No. [1672](#), § 1; Ord. No. [3325](#), § 2, 11-27-96; Ord. No. [3927](#), § 4, 8-18-09. Formerly Code 1986, § 4.04.020)

**State law reference(s)** – Streets, RCW [47.24.010](#) et seq.

### **6.02.030 Purpose.**

A. The purpose of this chapter is to establish:

1. The intention of the city to require each developer for a development permit (“developer”) to construct or install reasonable infrastructure improvements; and
2. Procedures to determine the nature, extent, and location of the required infrastructure improvements; and
3. Criteria that will be used to determine the nature, extent and location of the required infrastructure improvements.

B. The criteria established in this chapter do not satisfy or supersede additional requirements imposed by the city under other code provisions or the State Environmental Policy Act.

(Ord. No. [2224](#), § 1; Ord. No. [3927](#), § 4, 8-18-09. Formerly Code 1986, § 4.14.010)

### **6.02.040 Scope and exceptions.**

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All development in the city will require infrastructure improvements as conditions of permit except when:

- A. The permit is to make additions, alterations, or repairs of less than fifty thousand dollars (\$50,000) in cost to any site, as that term is defined in the standards. This threshold amount shall be automatically adjusted annually by the percentage increase or decrease in the Washington State Department of Transportation Construction Cost Index; or
- B. The permit is to make additions, alterations or repairs of fifty thousand dollars (\$50,000) or more in cost to any site, such threshold amount to be subject to the automatic adjustment described in subsection (A) of this section, if the developer proves to the public works director or his or her designee ("director") that the additions, alterations or repairs will result in no adverse impacts to existing infrastructure; or
- C. The permit is to make wholly interior improvements within an existing structure.

Provided, however, that if a developer chooses to make any infrastructure improvements for a development permit that would otherwise be exempt, then such improvements shall be in compliance with the construction standards.

(Ord. No. [2224](#), § 2; Ord. No. [2353](#), § 1; Ord. No. [3927](#), § 4, 8-18-09. Formerly Code 1986, § 4.14.020)

### **6.02.050 General.**

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The city shall require each developer not exempted by this chapter to install or otherwise provide for the following infrastructure improvements in compliance with the construction standards:

- A. Adequate rights-of-way and paved streets;
- B. Street lighting systems;
- C. Curbs, gutters, sidewalks, and landscaping;
- D. Storm drainage systems;
- E. Sanitary sewer systems;
- F. Domestic water and fire systems;
- G. Traffic control systems;
- H. Conduit for fiber optic systems.

(Ord. No. [2224](#), § 3; Ord. No. [3927](#), § 4, 8-18-09. Formerly Code 1986, § 4.14.030)

### **6.02.060 Procedure.**

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A. *Generally.* After consultation with representatives of the departments listed in subsection (B) of this section, the director shall tentatively determine:

1. The nature, extent, and location of the infrastructure improvements that are to be provided within the criteria set forth in KCC [6.02.070](#);
2. Whether to require the developer to:
  - a. Install necessary infrastructure improvements; and/or

- b. Pay a fee in lieu of construction; and/or
- c. Execute and record a covenant to run with the land agreeing not to protest the formation of a local improvement district to finance any deferred infrastructure improvements required under this chapter; and/or
- d. Provide plat guarantees as set forth in the construction standards to secure the later construction of the required infrastructure improvements.

The director shall discuss the tentative determination with the developer in relation to the criteria of KCC [6.02.040](#). After any resulting modifications deemed appropriate by the director, the director shall inform the developer of the final determination.

**B. Interdepartmental review.** Before making the final determination required by subsection (A) of this section, the director shall consult with and may incorporate or modify the recommendations of representatives from the following departments of the city:

1. Police;
2. Fire;
3. Community development;
4. Parks and recreation.

The director may consult with other city departments as appropriate. Department representatives shall use only the criteria in this chapter to formulate their recommendations.

(Ord. No. [2224](#), § 4; Ord. No. [3927](#), § 4, 8-18-09. Formerly Code 1986, § 4.14.040)

### **6.02.070 Criteria for requiring infrastructure improvements.**

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The director shall use only the following criteria in making the determinations required by KCC [6.02.060](#)(A)(1):

- A. If the city council, through an approved plan or policy, has, by ordinance or resolution, established the nature, extent, and location of infrastructure improvements to be provided in the vicinity of the property for which the development permit is sought, the director shall require infrastructure improvements under this chapter consistent with the nature, extent, and location thereof as established by the city council.
- B. If the city council has not established the nature, extent and location of infrastructure improvements in the vicinity of the property for which the development permit is sought:
  1. The director shall require the appropriate infrastructure improvements if the director has first explored alternatives to requiring the developer to provide the improvements and has found these alternatives in his opinion not reasonably feasible, and if the director additionally finds any of the following:
    - a. Similar infrastructure improvements already exist or are scheduled in the immediate vicinity of the property for which the development permit is sought;
    - b. The proposed use of the property for which the development permit is sought necessitates the installation of the infrastructure improvements;
    - c. The property for which the development permit is sought is located in close proximity to an activity center, defined as a park, school, commercial center, large employment center, large multifamily development or any other public or private development where people or activities are concentrated,

and that the required improvements will enhance access to this activity center and that it is in the best interests of the residents of the city to enhance access to this activity center;

- d. Physical characteristics of the property for which a development permit is sought, including but not limited to topography, slope, soil type, drainage pattern, or vegetation, necessitate the installation of infrastructure improvements;
- e. Infrastructure improvements are necessary to maintain water quality; or
- f. For any other reason, the infrastructure improvements are in the public interest. If the director requires infrastructure improvements under this subsection, the director shall make written findings and conclusions specifying the public interest that necessitates the improvements and the manner in which these improvements will fulfill this public interest.

2. The public works director shall require any infrastructure improvement to comply with the construction standards.

(Ord. No. [2224](#), § 5; Ord. No. [3927](#), § 4, 8-18-09. Formerly Code 1986, § 4.14.050)

#### **6.02.080 Criteria for deferral of infrastructure improvements.**

The director may allow the developer to defer the construction of portions of the required infrastructure improvements where such improvements will result in only partial structures, where anticipated future development and/or planned city public works projects will result in more complete and logical systems, and where such deferral is otherwise in the public interest. Upon the determination of the director to allow deferral, the developer shall secure its contribution pursuant to KCC [6.02.060\(A\)\(2\)](#).

(Ord. No. [2224](#), § 6; Ord. No. [3927](#), § 4, 8-18-09. Formerly Code 1986, § 4.14.060)

#### **6.02.090 Enforcement.**

A. Infrastructure improvements and the conditions of any deferrals required by the director under this chapter shall be listed as conditions of approval and shall become part of the approved development permit.

B. *Procedure.* The provisions required by the director under subsection (A) of this section shall be enforced as conditions of the approved development permits and otherwise as allowed by applicable law.

(Ord. No. [2224](#), § 7; Ord. No. [3927](#), § 4, 8-18-09. Formerly Code 1986, § 4.14.070)

#### **6.02.100 Appeals.**

A. The determination of the director regarding the nature, location, and extent of infrastructure improvements shall be final, unless an appeal by the developer is made to the hearing examiner within fourteen (14) days after the director's determination. The appeal shall be in writing to the hearing examiner and filed with the public works department. The hearing examiner shall act on the appeal within sixty (60) days unless an extension thereto is agreed to, in writing, by the developer. The hearing examiner should review the decision of the director to assure compliance with this chapter, the general purposes of the comprehensive plan of the city as well as all adopted ordinances, resolutions and standards.

B. A fee of twenty-five dollars (\$25) shall be paid at the time of filing the written appeal. The appeal will not be accepted unless accompanied by full payment.

C. The decision of the hearing examiner may be appealed to the city council pursuant to the rules and procedures established for the hearing examiner under Ch. [2.32](#) KCC.

D. Decisions of the director with respect to compliance with the construction standards shall be final with no administrative appeal.

(Ord. No. [2224](#), § 8; Ord. No. [3927](#), § 4, 8-18-09. Formerly Code 1986, § 4.14.080)

**Cross reference(s)** – Hearing examiner, ch. [2.32](#).

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**The Kent City Code is current through Ordinance 4331,  
passed August 20, 2019.**

Disclaimer: The City Clerk's Office has the official version of the Kent City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[Ordinance 4331](#) | [Ordinance 4331 Text](#)

## Chapter 15.18 ENFORCEMENT AND APPEALS

Sections:

- [15.18.010](#) Issuance of permit on illegally divided land.
- [15.18.020](#) Violations.
- [15.18.030](#) Appeals.

### **15.18.010 Issuance of permit on illegally divided land.**

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No building permit, septic tank permit, or other development permit shall be issued for any lot, tract or parcel of land divided in violation of Chapter [58.17](#) RCW or this title, unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. (Ord. 1815 § 1, 2000; Ord. 1632 § 1, 1996).

### **15.18.020 Violations.**

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Violations of this title shall be enforced as set forth in Chapter [11.20](#) BMC, Enforcement. (Ord. 1815 § 1, 2000; Ord. 1632 § 1, 1996).

### **15.18.030 Appeals.**

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Any decision approving or disapproving any plat may be appealed as set forth in Chapter [11.14](#) BMC, Open and Closed Record Decisions and Administrative and Judicial Appeals. (Ord. 1815 § 1, 2000; Ord. 1632 § 1, 1996).

**17.15.070 Determining and maintaining legal status of a lot.**

(1) A property owner may request that the Department determine whether a lot was legally segregated. A request for such a determination shall be accompanied by the fee for a Type 1 decision letter as set forth in the current fee resolution. The property owner shall demonstrate to the satisfaction of the Department that a lot was created in compliance with applicable State and local land segregation statutes or codes in effect at the time the lot was created including, but not limited to, demonstrating that the lot was created:

(a) Prior to June 9, 1937, and the lot has been:

- (i) Provided with approved sewage disposal or water systems or roads; or
- (ii) Conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase prior to October 1, 1972;
- (iii) Recognized prior to October 1, 1972, as a separate tax lot by the County Assessor;

(b) Through a review and approval process recognized by the County for the creation of four lots or less from June 9, 1937, to October 1, 1972, or the subdivision process on or after June 9, 1937;

(c) Through the short subdivision process on or after October 1, 1972; or

(d) Through the following alternative means allowed by State statute or County code:

- (i) For the raising of agricultural crops or livestock, in parcels greater than 10 acres, between September 3, 1948, and August 11, 1969;
- (ii) For cemeteries or other burial plots, while used for that purpose, on or after August 11, 1969;
- (iii) At a size five acres or greater, recorded between August 11, 1969, and October 1, 1972, and did not contain a dedication;
- (iv) At a size 20 acres or greater, recognized prior to the effective date of this title; provided, however, for remnant lots not less than 17 acres and no more than one per quarter section;
- (v) Upon a court order entered between August 11, 1969, to July 1, 1974;
- (vi) Through testamentary provisions or the laws of descent after August 10, 1969;
- (vii) Through an assessor's plat made in accordance with RCW [58.18.010](#) after August 10, 1969;
- (viii) As a result of deeding land to a public body after April 3, 1977, and that is consistent with City Code, access and Board of Health requirements (where applicable) so as to qualify as a building site pursuant to CMC [17.10.050](#); or
- (ix) By a partial fulfillment deed pursuant to a real estate contract recorded prior to October 1, 1972, and no more than four lots were created per the deed.

(2) In requesting a determination, the property owner shall submit evidence, deemed acceptable to the Department, such as:

(a) Recorded subdivisions or division of land into four lots or less;

(b) King County documents indicating approval of a short subdivision;

- (c) Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g., Lot 1 and Lot 2); or
- (d) Historic tax records or other similar evidence describing the lot as an individual parcel. The Department shall give great weight to the existence of historic tax records or tax parcels in making its determination.

(3) Once the Department has determined that the lot was legally created, the Department shall continue to acknowledge the lot as such, unless the property owner re-aggregates or merges the lot with another lot or lots in order to:

- (a) Create a parcel of land that would qualify as a building site; or
- (b) Implement a deed restriction or condition a covenant or court decision.

(4) The Department's determination shall not be construed as a guarantee that the lot constitutes a building site as defined in CMC [17.10.050](#).

(5) Re-aggregation of lots shall only be the result of a deliberate action by a property owner expressly requesting a permanent merger of two or more lots. (Ord. 20-07 § 94; Ord. 53-02 § 2 (19A.08.070))

#### **17.15.080 Removing limitations on nonbuilding lots.**

Limitations placed on a nonbuilding lot may be removed and the lot recognized by the City as a building lot by approval of a subdivision, short subdivision, binding site plan or alteration of a plat, short plat or binding site plan. (Ord. 53-02 § 2 (19A.08.080))

#### **17.15.090 Determining innocent purchaser status.**

- (1) An innocent purchaser of a parcel divided in violation of City of Covington subdivision requirements who files a notarized affidavit of innocent purchase with the Department on forms approved by the Director may seek to establish the parcel's eligibility for development approvals and for lawful future conveyance; provided, that nothing herein is intended to exempt development on innocent purchaser lots from compliance with development standards of CMC Title [18](#). A request for such a determination shall be accompanied by the fee for a Type 1 decision letter as set forth in the current fee resolution.
- (2) All contiguous parcels divided in violation of this title that are under common ownership at the time of application for innocent purchaser status shall be recognized only as a single lot.
- (3) Innocent purchaser status shall not be granted to any individual or group more than once. (Ord. 20-07 § 95; Ord. 53-02 § 2 (19A.08.090))

## Chapter 18.225 LEGAL LOT DETERMINATIONS

Sections:

### **18.225.010 Legal lot determinations.**

#### **18.225.010 Legal lot determinations.**

##### **(1) Purpose and Summary.**

(a) The purpose of this section is to provide a process and criteria for determining whether parcels are lots of record consistent with applicable state and local law, and to include a listing of potential remedial measures available to owners of property which do not meet the criteria.

(b) In summary, parcels are lots of record if they were in compliance with applicable laws regarding zoning and platting at the time of their creation. Zoning laws pertain primarily to the minimum lot size and dimensions of the property. Platting laws pertain primarily to the review process used in the creation of the lots. Specific provisions are listed herein.

##### **(2) Applicability.** The standards of this section apply to all requests for lot determinations, or for building permit, placement permit, site plan review, short plat, subdivision, conditional use permit, rezone, or comprehensive plan change application.

##### **(3) Determination Process.** Lot of record status may be formally determined through the following ways:

(a) Lot Determinations as Part of a Building Permit or Other Development Request. Building or other development applications for new principal structures on parcels which are not part of a platted land division shall be reviewed by the city for compliance with the criteria standards of this section, according to the timelines and procedure of the building permit or other applicable review involved. Lot determination fees pursuant to the La Center fee schedule shall be assessed, unless the parcel was recognized through a previous lot determination or other review in which such recognition was made. Lot determination fees will be assessed for placement or replacement of primary structures. A separate written approval will not be issued unless requested by the applicant.

(b) Lot Determination Requests Submitted Without Other Development Review. Requests for determinations of lot of record status not involving any other city development reviews shall submit an application for lot determination. A Type I process per LCMC [18.30.080](#) shall be used. The city will issue a letter of determination in response to all such requests.

##### **(4) Application and Submittal Requirements.** The following shall be submitted with all applications for lot determination, or applications for other development review in which a lot determination is involved. Applicants are encouraged to submit material as necessary to demonstrate compliance with this section:

(a) Prior city/county short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a lot of record;

(b) Sales or transfer deed history dating back to 1969;

(c) Prior segregation request, if any;

(d) Prior recorded survey, if any;

(e) At the discretion of the applicant, any other information demonstrating compliance with criteria of this section.

##### **(5) Approval Criteria.**

(a) Basic Criteria. Parcels which meet both of the following basic criteria are lots of record:

(i) Zoning. The parcel meets minimum zoning requirements, including lot size, dimensions and frontage width, in effect currently or at the time the parcel was created; and

(ii) Platting.

(A) The parcel was created through a subdivision or short plat recorded with Clark County; or

(B) The parcel is five acres or more in size and was created through any of the following:

(I) An exempt division which occurred prior to April 19, 1993;

(II) A tax segregation requested prior to April 19, 1993;

(III) A survey completed as to boundaries prior to April 19, 1993, and recorded prior to July 19, 1993; or

(IV) The parcel was created through a division or segregation of four or fewer lots requested prior to July 1, 1976; or

(V) The parcel was created through division or segregation and was in existence prior to August 21, 1969; or

(VI) The parcel was created through a court order, will and testament, or other process listed as exempt from platting requirements by RCW [58.17.035](#) or [58.17.040](#) or through an exemption from platting regulations provided by law at the time of creation of the parcel; or

(VII) The parcel was segregated at any time and is 20 acres or more in size;

(C) Prior Determination. Parcels which have been recognized through a previous lot determination review, or other city planning approval in which lot recognition is made, are lots of record. Such parcels shall remain lots of record until changed by action of the owner.

(b) Exceptions.

(i) Innocent Purchaser Exception. The responsible official shall determine that parcels which meet both of the following exception criteria are lots of record:

(A) Zoning. The parcel meets minimum zoning dimensional requirements, including lot size, dimensions and frontage width, which are currently in effect or in effect at the time the parcel was created; and

(B) Platting. The current property owner purchased the property for value and in good faith, and did not have knowledge of the fact that the property acquired was divided from a larger parcel after August 21, 1969, in the case of subdivisions, or after July 1, 1976, in the case of short plats, or after April 19, 1993, in the case of any segregation resulting in parcels of five acres or larger.

(ii) Public Interest Exception, Mandatory. The responsible official shall determine that parcels which meet the following criteria are lots of record:

(A) Date of Creation. The lot was created before January 1, 1995;

(B) Zoning. The parcel meets minimum zoning dimensional requirements currently in effect, including lot size, dimensions and frontage width; and

(C) Platting.

(I) The responsible official determines that improvements or conditions of approval which would have been imposed if the parcel had been established through platting are already present and completed; or

(II) The property owner completes conditions of approval which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards.

Preliminary and final submittal plans shall be required where applicable.

(iii) Public Interest Exception, Discretionary. The responsible official may, but is not obligated to, determine that parcels meeting the following criteria are lots of record:

(A) Zoning. The parcel lacks sufficient area or dimension to meet current zoning requirements but meets minimum zoning dimensional requirements, including lot size, dimensions and frontage width, in effect at the time the parcel was created; and

(B) Platting.

(I) The responsible official determines that conditions of approval which would have been imposed if the parcel had been established through platting under current standards are already present on the land; or

(II) The property owner completes conditions of approval which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards.

Preliminary and final submittal plans shall be required where applicable.

(C) The responsible official shall apply the following factors in making a lot of record determination under the discretionary public interest exception:

(I) The parcel size is generally consistent with surrounding lots of record within 1,000 feet;

(II) Recognition of the parcel does not adversely impact public health or safety;

(III) Recognition of the parcel does not adversely affect or interfere with the implementation of the comprehensive plan; and

(IV) The parcel purchase value and subsequent tax assessments are consistent with a buildable lot of record.

(V) Recognition of lot of record status based on the public interest exception shall be valid for five years from the date of lot determination or review in which the determination was made. If a building or other development permit is not sought within that time, the determination will expire. Applications for development or lot recognition submitted after five years shall require compliance with applicable standards at that time.

(6) De Minimum Lot Size Standard. For the purposes of reviewing the status of pre-existing lots for compliance with platting and zoning standards, parcels within one percent of minimum lot size requirements shall be considered in compliance with those standards. Parcels within 10 percent of lot size standards shall be similarly considered in compliance unless the responsible official determines that public health or safety impacts are present. [Ord. 2006-17 § 1, 2006.]

## 14.26.040 Lot Status

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- A. A lot, tract or parcel shall be considered legally created or adjusted where public records demonstrate it was:
  1. Divided in compliance with all State statutes and local subdivision codes applicable at the time the lot, tract or parcel was created; or
  2. Separated from a legally established parent lot by the dedication of public right-of-way.
- B. The City shall allow use of legally established substandard lots; provided, that such use remains otherwise consistent with the Zoning Code and any other applicable provisions of the SeaTac Municipal Code.
- C. The City shall bar any land use or development application that involves one (1) or more illegally created or adjusted lots, tracts or parcels; provided, that applicants may seek to correct the action by which such properties were allegedly created.
- D. The Director shall have the authority to determine the legal status of any lot, tract or parcel.
- E. Any individual may request a determination from the Director whether a lot, tract or parcel was legally established. Acceptable evidence of legal establishment may include, but is not limited to:
  1. Recorded subdivision plats, binding site plans or lot line maps bearing a verifiable recording number;
  2. Previous determinations of lot status or other authenticated documents indicating approval of a subdivision or lot line adjustment by King County or the City of SeaTac;
  3. Recorded deeds, contracts, or similar documents describing the subject property either individually or as part of a conjunctive legal description (e.g., Lot 1 and Lot 2);
  4. Historic tax records or other similar evidence, describing the lot as an individual parcel; or
  5. Other records as would be acceptable to the City for a determination of lot status.
- F. Any recorded subdivisions or tax lots created before 1937 under Chapter [58.08](#) RCW shall be reviewed in accordance with Chapter [58.17](#) RCW and the provisions of SMC Titles [14](#) and [15](#). The Director may make a positive determination of separate tax lot status for any separate lot not meeting the dimensional standards of SMC Title [15](#), provided the lot is not impacted by the following:
  1. Sensitive areas and their buffers as defined under SMC Title [15](#).
  2. Structures encroaching over property lines of any proposed separate tax lot, as defined under SMC Title [15](#). (Ord. 18-1008 § 1; Ord. 09-1012 § 1 (Exh. A))

**16.04.150 Building prohibited.**

No building or other development permit shall be issued for any lot subdivided in violation of this title unless the permit authority finds that the public interest will not be adversely affected thereby.

(Ord. [1487-04](#) § 2 (part), 2004)

**20.20.030 Legal lot.**

Development shall be permitted only on legally created lots. A lot is created in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created or binding site plan was approved including, but not limited to, demonstrating the lot was created through one of the following:

- A. Lots created through subdivision, on a plat approved by the City or Spokane County separately describing the lot in question; or
- B. Lots created through short subdivision, on a short plat approved by the City or Spokane County separately describing the lot in question; or
- C. Lots created pursuant to a binding site plan process in effect at the time the binding site plan was approved by the City or Spokane County; or
- D. A division of land prior to March 13, 1978; provided, that:
  1. A tax segregation request was received by the Spokane County assessor's office prior to said date; or
  2. A legal instrument(s) pertaining to said division was filed on record prior to said date; and
  3. All state and local land development regulations were met at the time the lot was created or can be met prior to the issuance of a building permit; or
- E. Development shall be allowed on a lot owned by an innocent purchaser. For purposes of SVMC [20.20.030](#)(E), an "innocent purchaser" is an owner of the property, other than the original owner that created the lot, and who did not have actual notice that the lot was created by a means other than specified in SVMC [20.20.030](#)(A) through (D); or
- F. In the event a lot was created by a means other than as specified in SVMC [20.20.030](#)(A) through (D), development shall be allowed on such lot if the development does not adversely affect the public interest. When determining the impact on the public interest, the City shall consider the following criteria:
  1. Whether the proposed development is consistent with the public health, safety, and general welfare;

2. Whether the use meets the underlying zoning requirements and is consistent with the use of at least one adjoining property; and
3. Whether the lot was created on or before December 31, 2016. In the event an illegally created lot does not meet the criteria of SVMC [20.20.030](#)(A) through (F), a development permit shall not be issued until such time that a legal lot is created. (Ord. 18-004 § 4, 2018; Ord. 09-002 § 1, 2009; Ord. 07-015 § 4, 2007).

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: October 21, 2019

SUBJECT: Municipal Code Update - Subdivisions – Request for Direction

As discussed at the January 2019 Planning Commission meeting, OMC Title 16, Subdivisions, is in need of an update. There are many provisions that don't match up to current practice or actually conflict with other sections of the code. In addition, the Title is long, confusing, and overly complicated. Most sections of the Title have not been updated since initial adoption in 1995. The intent of updating the Subdivision Title is to streamline the process, organize it better, make it easier to understand, and eliminate discrepancies. Staff has been drafting updates as time allows, based on the Commission's direction in January.

#### **Staff Comments**

1. Subdivision standards are “development regulations” like zoning, so need to go through a public hearing process with a recommendation by the Planning Commission before adoption by the Council. Once the Commission has a draft they like, we will schedule a public hearing.
2. The most complete sections of the draft are:
  - a. 16.05, General Provisions and 16.09, Definitions, both of which have been extensively modified.
  - b. 16.10, Boundary Line Adjustment, which was reviewed last time. No further changes have been made.
  - c. 16.12 and 16.15, the proposed new chapters for Preliminary and Final review.
  - d. Almost all the existing provisions from 16.11 Short Subdivisions and 16.17, Major Subdivisions, have been struck out and the general content incorporated into the new chapters, with notes at each deletion to show how it is being addressed.
3. There are some policy issues in the existing code that the Commission should provide direction on. These are marked in yellow highlight in the draft and summarized below:
  - a. Waivers, deviations and deferrals. 16.11.050 and 16.17.050. The existing process has been Planning Commission review and Council approval for requests to not build to standards. This can include standards such as right-of-way width, pavement width, block length, or timing of installation of improvements like sidewalk or sewer. Staff has a request in to MRSC for examples of how other cities address these issues. The brief answer so far is that some cities don't allow any varying from the standards while others have some sort of staff approval process. Further information will be provided when it is received.

- b. Dedications on short plats. 16.11.060. Dedications such as right-of-way and park land are typically conveyed just by being dedicated on a plat. Since a short plat is approved administratively by staff, the current code calls for the dedication to be presented to Council for acceptance. The Commission should discuss whether this is the appropriate process. Some cities go through a similar process, others do not require it.
  - c. 16.15.070(5): If improvements are allowed to be bonded for and completed after the recording of the plat, should there be a process to extend that bond beyond one year after plat recording?
  - d. 16.17.140(f) Final Plat Review Procedure: By existing 19.03.030, the City Council reviews and approves final plats. However, per RCW 58.17.170(1), the approval criteria is whether the final plat conforms to all terms of the preliminary plat approval, and that the plat meets the requirements of RCW 58.17, other applicable state laws, and any local ordinances adopted under RCW 58.17. Per RCW 58.17.100, the legislative authority may delegate final plat approval to the Planning Commission or to administrative personnel (staff). Since there are no policy issues at final plat, just confirming that it meets what was previously approved, it seems it might be logical to delegate this to staff.
- 4. There are also some “big picture” items the Commission should consider while reviewing subdivision standards. Because the subdivision standards set the framework for residential development, the appearance and build-out of neighborhoods flows directly from the standards that are in place. Commissioners should think about what they want to see in new residential neighborhoods, using existing neighborhoods in Othello and in other locations you may have lived or visited as a starting point for the discussion. Do you have a favorite street or neighborhood? What do you like about it? Where do you feel welcome? Where do you feel safe? Where would you enjoy taking a walk? Where would you want to live? What characteristics of the street or neighborhood affect how you feel about it? Some design decisions that contribute to the feel of a neighborhood are:
  - a. Block length
  - b. Street width
  - c. Dead-end streets vs. grid network
  - d. Planter strips and street trees
  - e. Other components?
- 5. State law allows a short plat to be up to 9 lots. Othello current allows a short plat only for 4 lots or less. Do we want to raise the number of lots that can be approved through the administrative short plat process?
- 6. Not all sections of the draft have been updated yet.
  - a. Some sections still need extensive review, particularly 16.26 Binding Site Plans, 16.29 Design Standards, 16.33 Improvements.

- b. Other sections may or may not need updates, including 16.20 Open Space and Parks, 16.40 Waivers, Deviations and Deferrals; 16.40 Violations, 16.48 Comprehensive Plan, and 16.51 Reimbursement Agreements.
  - c. At least one section, 16.68 Personal Wireless Telecommunications Facilities, may also need review but is not logically part of the Subdivision title.
- 7. The draft also contains some highlighted notes of items that will need to be addressed. These are more of reminders and not anything the Commission needs to address:
  - a. 16.11.100 and 16.17.120 Improvements: These requirements need to be moved to the Public Works Design Standards.
  - b. 16.11.110(a)(2) and 16.17.130(2) Maintenance bond requirements need to be moved to the Public Works Design Standards.
  - c. 16.11.110(a)(4)(D), 16.12.020.A.2: Fees for various types of permits should be compiled in one location, typically an ordinance, resolution, or master fee schedule. Also need to incorporate 16.17.030(a)(10) which speaks to billing the developer for city review costs.
  - d. 16.17.030(b)(4) Street/Utility connectivity provisions need to be incorporated into the draft.

#### **Attachments**

- 10-21-19 Draft OMC Title 16, Subdivisions

**Action:** The Planning Commission should review the attached draft and the policy issues listed above and provide direction to staff.

## **Title 16**

### **SUBDIVISIONS\* \*\***

#### **Chapters:**

- 16.05 General Provisions**
- 16.09 Definitions**
- 16.10 Boundary Line Adjustment**
- 16.11 ~~Short Subdivisions~~**
- 16.12 Preliminary Short Subdivisions, Major Subdivisions, and Binding Site Plans**
- 16.15 Final Short Subdivisions, Major Subdivisions, and Binding Site Plans**
- 16.17 ~~Major Subdivisions~~**
- 16.20 Open Space and Parks**
- 16.26 ~~Binding Site Plans~~**
- 16.29 Design Standards**
- 16.33 Improvements**
- 16.40 Waivers, Deviations and Deferrals**
- 16.44 Violations**
- 16.48 Comprehensive Plan**
- 16.52 Reimbursement Agreements**
- 16.68 Personal Wireless Telecommunications Facilities**

\* For regulations pertaining to construction of driveways, curbs and gutters—See Chapter 11.12.

\*\* Planning and zoning by municipalities provided for by statute—See Chapter 35.63 RCW.

## Chapter 16.05

### GENERAL PROVISIONS

Sections:

- 16.05.010 Short title.
- 16.05.020 Purpose.
- 16.05.030 Jurisdiction Applicability.
- 16.05.040 Administrative authority.
- ~~16.05.050 Failure of planning commission to act.~~
- 16.05.060 Coordination of work.
- ~~16.05.070 Vesting of development rights.~~
- 16.05.080 Assignment of water rights for subdivision of land
- 16.05.090 Legal Lot.
- 16.05.100 Prohibition against sale, lease or transfer of property
- 16.05.110 General Standards.
- 16.05.120 Findings.

#### **16.05.010 Short title.**

This title shall be known as the subdivision ordinance of the city of Othello.

#### **16.05.020 Purpose.**

The purpose of this title is to:

- (a) regulate the subdivision of land in compliance with RCW 58.17; and to
- (b) promote the health, safety and general welfare in accordance with standards established by the city and the state; ~~to~~
- (c) prevent the overcrowding of land; ~~to~~ [OR: *promote effective use of land by preventing overcrowding or scattered development which would be detrimental to health, safety, or the general welfare due to lack of adequate utilities, access, or other public services, or excessive expenditure of public funds for such services*]
- (d) lessen congestion and promote safe and convenient travel by the public on in the streets and highways through the proper planning and coordination of new streets within subdivisions with existing and planned streets in the surrounding community;
- (e) promote effective use of land;
- (f) ~~; to~~
- (g) provide for adequate light and air; ~~to~~
- (h) facilitate adequate provision for water, sewage, park and recreation areas, sites for schools and school grounds, and other public requirements; ~~to~~
- (i) provide for proper ingress and egress;
- (j) provide for expeditious review and approval of subdivisions which conform to zoning standards and local plans and policies;
- (k) adequately provide for the housing and commercial needs of the community;
- (l) Ensure consistency with and further the goals and policies of the Comprehensive Plan; and to
- (m) require uniform monumenting of land subdivisions and conveying by accurate legal description.

#### **16.05.030 Jurisdiction. Applicability.**

(a) These subdivision regulations shall apply to all subdivisions of land and alterations of property lines within the corporate limits of the city, including the following:

1) Short Subdivision: The division of land into four or fewer lots, which has not been divided within the last five years per RCW 58.17.060;

2) Major Subdivision: The division of land into five or more lots;

3) Binding Site Plan: An alternate method of dividing property interest for non-residential development, or condominiums or manufactured home parks;

4) Boundary Line Adjustment: Adjusting property lines without creating any additional lots, tracts, parcels, or divisions.

(b) Exemptions. The provisions of this title shall not apply to:

- 1) Cemeteries and other burial plots when used for that purpose (RCW 58.17.040(1));
- 2) Divisions made by testamentary provisions, or the laws of descent (RCW 58.17.040(3);
- 3) Divisions of land into lots or tracts if such division is a result of either RCW 64.32 (Horizontal Regimes Act) or RCW 64.34 (Condominium Act) subsequent to the recording of a binding site plan for all such land (RCW 58.17.040(7);
- 4) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose (RCW 58.17.040(8);
- 5) A division of land into lots or tracts of less than 3 acres that is recorded in accordance with RCW 58.09 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 (RCW 58.17.040(9);
- 6) Division or acquisition of land for public right-of-way.

**16.05.040 Administrative authority.**

~~There is established regulations related to the municipal approval or disapproval of subdivisions or dedications. The administrator~~ Community Development Director is designated and assigned the administrative and coordinating responsibilities contained in this title, pursuant to the laws of the state as amended.

**16.05.050 Approval required prior to recordation.**

~~Any map, plat or plan, unless previously exempt, hereafter made of a proposed short subdivision, subdivision or binding site plan, or any part thereof, shall be presented for approval and be recorded as set forth in OMC 16.15. No such map, plat or plan shall be recorded or have any validity unless or until it has been approved by City departments and agencies with jurisdiction as required by OMC Title 16.~~

**16.05.050 Failure of planning commission to act.**

~~If in any instance the planning commission fails to act or carry out its responsibilities according to the regulations contained in this title, the city council shall assume all the duties of the planning commission as specified in this title relating to the application concerned.~~

**16.05.060 Coordination of work.**

All utilities, utility location, construction drawings, specifications and construction shall be proponent, owner or owner's agent's responsibility for coordination with approval by the city of Othello.

**16.05.070 Vesting of development rights.**

~~Applications for all use or development permits or permit components except subdivisions and short subdivisions shall be considered under the provisions of the municipal code and the other land use control ordinances and standards of the city in effect on the date a fully complete building permit application, meeting the requirements of the State Building Code, Chapter 17.27 RCW, including payment of all fees, is filed. Until a complete building permit application is filed, such use or development permit applications shall be reviewed subject to any zoning or other land use control ordinances that become effective prior to the date that notice of the administrator's decision on such applications is made in writing, if the decision can be appealed to the hearing examiner, or prior to the date of the administrator's decision if no hearing examiner appeal is available. If approval of a project is given by issuance of a use or development permit, and the project is delayed by litigation or administrative appeals beyond the vesting periods that apply by state law for the use of development permit issued, such approval shall be deemed withdrawn and that proposal shall be required to conform to codes, ordinances and standards in place at the time performance or construction shall actually commence. [Addressed in 19.07.060]~~

**16.05.080 Assignment of water rights for subdivision of land.**

(a) As a condition for the approval of the ~~a~~ preliminary short subdivision, major subdivision, or binding site plan of real property pursuant to Chapters 16.11, 16.17, and 16.2612 of this code, utilizing city-provided water for

residential consumption, irrigation, fire suppression, or commercial application, any property owner or developer of such property shall assign and transfer to the city any perfected application, certificate, permit or right of withdrawal of ground or surface waters, or such other water rights as may be appurtenant to such property in such quantities as is sufficient to serve the real property. This assignment and transfer shall not apply to individual service wells as those are exempt from certification under the laws of the state of Washington, or properties which receive sufficient irrigation water services provided under a perfected water right from a city-approved irrigation water service provider.

(b) In the event there are no water rights represented either by perfected application, certificate, permit or right for withdrawal appurtenant to the real property benefitted in subsection (a) of this section, the property owner or developer shall pay to the city, in lieu thereof, a water rights acquisition fee as established by the city council by resolution in its sole discretion. Such fee may be waived by implementation of a soil additive program, approved by the city, that provides for the retention of thirty percent or more of the applied irrigation water.

**16.05.090 Legal lot.**

Development shall be permitted only on legally created lots. A lot is created in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created or the binding site plan was approved including, but not limited to, demonstrating the lot was created through one of the following:

A. Lots created through subdivision or short subdivision, on a plat or short plat approved by the City or Adams County separately describing the lot in question; or

B. Lots created pursuant to a binding site plan process in effect at the time the binding site plan was approved by the City or Adams County; or

??C. A division of land prior to [date]; provided, that:

1. A tax segregation request was received by the Adams County assessor's office prior to said date; or

2. A legal instrument(s) pertaining to said division was filed on record prior to said date; and

3. All state and local land development regulations were met at the time the lot was created or can be met prior to the issuance of a building permit.

??D. Development shall be allowed on a lot owned by an innocent purchaser. For purposes of this section, an "innocent purchaser" is an owner of the property, other than the original owner that created the lot, and who did not have actual notice that the lot was created by a means other than specified in OMC 16.05.090(A) through (D); or

??E. In the event a lot was created by a means other than as specified in OMC 16.05.090(A) through (C), development shall be allowed on such lot if the development does not adversely affect the public interest. When determining the impact on the public interest, the City shall consider the following criteria:

1. Whether the proposed development is consistent with the public health, safety, and general welfare;

2. Whether the use meets the underlying zoning requirements and is consistent with the use of at least one adjoining property; and

3. Whether the lot was created on or before (adoption date). In the event an illegally created lot does not meet the criteria of OMC 16.05.090(A) through (E), a development permit shall not be issued until such time that a legal lot is created.

**16.05.100 Prohibition against sale, lease or transfer of property.**

No person shall sell, lease or offer to sell or transfer any lot, tract or parcel subject to the requirements of OMC Title 16 without first receiving approval hereunder by the City and recording the approved division with Adams County; provided, that if performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land is expressly conditioned on the recording of the subdivision, short subdivision or binding site plan containing the lot, tract, or parcel, the offer or agreement does not violate any provision of OMC Title 16.

**16.05.110 General Standards**

- (1) The subdivision shall make adequate provision for roads, streets, curbs, gutters, sidewalks, street lighting circuits, alleys, extensions of municipal utilities (sanitary sewer, water, storm sewer, and irrigation), drainage ways, irrigation water rights-of-way, other public ways or any municipal improvements as deemed necessary in conformance with city community street and utility standards and city design standards in effect at the time of plat approval.
- (2) The subdivision shall connect to an existing street. There shall be adequate access to all parcels. All lots shall front on a street. Streets shall be improved to city standards. Street lighting shall be provided.
- (3) The subdivision shall comply with all zoning and health regulations.
- (4) The subdivision shall be consistent with the city's comprehensive plan.
- (5) The subdivision shall provide for irrigation water rights-of-way pursuant to RCW 58.17.310 as now enacted or hereafter amended.
- (6) A street lighting plan as may be required by the city engineer must be provided. The plan must be approved by the electrical utility supplying service to the streetlights and include certification that all street lighting fees have been paid or that arrangements acceptable to the city and the electrical utility have been made for the payment of required fees.

**16.05.120 Findings.**

In compliance with RCW 58.17.110, prior to approving any preliminary subdivision, short subdivision, or binding site plan, the department in the case of short subdivisions and binding site plans or the hearing examiner in the case of major subdivisions shall determine and make written findings of fact that appropriate provisions are made for the following:

- A. The public health, safety, and general welfare;
- B. Open spaces;
- C. Drainage ways;
- D. Streets or roads, alleys, sidewalks, and other public ways;
- E. Transit stops;
- F. Public potable water supplies;
- G. Sanitary sewer;
- H. Parks and recreation;
- I. Playgrounds, schools and school grounds;
- J. Sidewalks and other planning features that assure safe walking conditions for students who walk to and from school;
- K. Whether the public interest is served by the major subdivision, short subdivision, or binding site plan;
- L. The proposed major subdivision, short subdivision, or binding site plan is in conformity with all applicable development code provisions; and
- M. Other requirements found to be necessary and appropriate and for which written standards and policies have been adopted.

## Chapter 16.09

### DEFINITIONS

Sections:

- 16.09.010 Generally.
- 16.09.020 Binding site improvement plan.
- 16.09.030 Block.
- 16.09.040 Certificate of segregation.**
- 16.09.045 City engineer.
- 16.09.050 Comprehensive plan.
- 16.09.060 Construction plans.
- 16.09.070 County auditor.
- 16.09.080 County treasurer.
- 16.09.090 Dedication.
- 16.09.100 Division of land.
- 16.09.110 Easement.
- 16.09.120 Final plat.
- 16.09.130 Improvements.
- 16.09.140 Land surveyor.
- 16.09.150 Lease.
- 16.09.160 Lot.
- 16.09.170 Maintenance bond.
- 16.09.180 Major subdivision.
- 16.09.190 Performance bond.
- 16.09.200 Planning commission.
- 16.09.210 Plat.
- 16.09.220 Plat administrator.
- 16.09.230 Preliminary plat.
- 16.09.240 Principal building.
- 16.09.250 Right-of-way.
- 16.09.260 Segregation.
- 16.09.270 Short plat.
- 16.09.280 Short subdivision.
- 16.09.290 Subdivider.
- 16.09.300 Subdivision bond.
- 16.09.310 Tract.

**16.09.010 Generally.**

As used in this title, the following words or phrases shall have the following meaning.

**16.09.020 Binding site improvement plan.**

“Binding site improvement plan” means a drawing to the scale specified herein which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified herein; contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established pursuant to this title, and contains provisions making any development be in conformity with the site plan. [Addressed in 16.05.030(a) Applicability]

**16.09.030 Block.**

“Block” means a group of lots, tracts or parcels within well defined and fixed boundaries.

**16.09.040 Certificate of segregation.**

“Certificate of segregation” means a written certificate, on a form provided by the public works department, that a legally described portion of land is located within and properly related to an approved binding site improvement

~~plan and which must accompany any building permit application for construction on said legally described portion of land. [Check if used anywhere in the Title]~~

**16.09.045 City engineer.**

“City engineer” means the properly credentialed public works director or the properly credentialed designee. [Need to update this definition, if it is needed]

**16.09.050 Comprehensive plan.**

“Comprehensive plan” means the plans, maps, texts and reports which comprise the official development plan as adopted by the council in accordance with RCW 35.63.

**16.09.060 Construction plans.**

“Construction plans” means the maps or drawings and specifications accompanying a plat showing the specific location and design of improvements to be installed or constructed in the subdivision.

**16.09.070 County auditor.**

“County auditor” is the Adams County auditor. [This seems too obvious to need a definition]

**16.09.080 County treasurer.**

“County treasurer” is the Adams County treasurer. [This seems too obvious to need a definition]

**16.09.090 Dedication.**

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

**16.09.100 Division of land.**

“Division of land” means the division of any parcel of land into two or more parcels.

**16.09.110 Easement.**

“Easement” means a grant of one or more of the property rights by the property owner to and/or for the use by the public, the city, a corporation or another person or entity.

**16.09.120 Final plat.**

“Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title. [Does this need a definition?]

**16.09.130 Improvements.**

“Improvements” means any street and utility (sanitary sewer, storm sewer, irrigation, and water) required in granting short plat, major plat or binding site improvement plan approval in conformance with City of Othello Public Works community street and utility standards and city design standards.

**16.09.140 Land surveyor.**

“Land surveyor” means an individual registered in accordance with the provisions of RCW 16.43 and licensed to perform land surveys.

**16.09.150 Lease.**

“Lease” means a contract or agreement whereby one party grants to another party general or limited rights, title or interest in real property. This definition is intended to apply to those agreements which are ordinarily considered “ground leases” and shall not apply to those which are ordinarily considered “space leases.”

**16.09.160 Lot.**

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

**16.09.170 Maintenance bond.**

~~“Maintenance bond” means any security or surety approved by the city attorney that may be accepted as a guarantee that improvements required as a part of any application for development will function as required for at least a one-year period of time following acceptance by the council. [Public Works Standards]~~

**16.09.180 Major subdivision.**

~~“Major subdivision” means the division or redivision of land into five or more lots, tracts, parcels, sites or divisions and/or the division or redivision of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. [Addressed in 16.05.030(a) Applicability]~~

**16.09.190 Performance bond.**

~~“Performance bond” means any security or surety approved by the city attorney that may be accepted as a guarantee that improvements required as a part of any application for development are satisfactorily completed within a specified period of time. [Public Works Standards]~~

**16.09.200 Planning commission.**

~~“Planning commission” means the body created pursuant to Chapter 2.21 of this code. [Obvious]~~

**16.09.210 Plat.**

~~“Plat” means a map or representation of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications. [Does this need a definition?]~~

**16.09.220 Plat administrator.**

~~“Plat administrator” means the planner charged with administering land development regulations. [Is this term useful? 16.05.040 designates the Community Development Director to administer the title]~~

**16.09.230 Preliminary plat.**

~~“Preliminary plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision. [Does this need a definition?]~~

**16.09.240 Principal building.**

~~“Principal building” means the principal structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. [Used only once, in 16.26.010]~~

**16.09.250 Right of way.**

~~“Right of way” means a permanent dedication to public use of a strip of land to be used for public roads, bikeways, sidewalks, mass transit, utilities or similar related public uses. [Doesn’t need a definition?]~~

**16.09.260 Segregation.**

~~“Segregation” means the division of land into two or more leasehold agreements. [Doesn’t need a definition?]~~

**16.09.270 Short plat.**

~~“Short plat” means a map or representation of a short subdivision.~~

**16.09.280 Short subdivision.**

~~“Short subdivision” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. [Addressed in 16.05.030(a) Applicability]~~

**16.09.290 Subdivider.**

~~“Subdivider” means a person, firm or corporation that undertakes to create a major subdivision, a short subdivision or a binding improvement plan. When improvements are involved and the community street and utility standards are referred to, the subdivider shall be considered to be the same as the contractor.~~

**16.09.300 Subdivision bond.**

“Subdivision bond” means any security or surety approved by the city attorney that may be accepted by the council as a guarantee that improvements required as a condition of preliminary and/or final plat approval are satisfactorily completed. *[Review if definition needed, or if this is addressed in the Public Works Standards]*

**16.09.310 Tract.**

“Tract” means a parcel of land prepared for subdivision or subdividing.

## Chapter 16.10

### **BOUNDARY LINE ADJUSTMENT & LOT CONSOLIDATION**

Sections:

- 16.10.010 Purpose.
- 16.10.020 Scope.
- 16.10.030 Boundary line adjustment review procedures.
- 16.10.040 Boundary line adjustment submittal standards.
- 16.10.050 Boundary line adjustment recording.

**16.10.010 Purpose.**

- (a) A boundary line adjustment (BLA) is a process for the purpose of adjusting boundary lines which:
  - (1) Does not create any additional lot, tract, parcel, site or division; and
  - (2) Does not 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.

**16.10.020 Scope.**

- (a) A boundary line adjustment shall be a minor alteration in the location of lot or parcel boundaries on existing lots or parcels.

- (b) In this chapter, "lot" shall mean a parcel of land having fixed boundaries described by reference to a recorded plat, a recorded binding site plan, by metes and bounds, or by section, township, and range, and be of sufficient area to meet minimum zoning requirements.

- (c) Boundary line adjustments may be used to document lot consolidations. The purpose of the lot consolidation process is to remove interior lot lines of a parcel comprised of two or more separate lots with contiguous ownership. Consolidation BLAs may create adjusted lots that are nonconforming provided the adjusted lots are less nonconforming than the previous lots.

- (d) Boundary line adjustments and lot consolidations must be consistent with the following:

- (1) Such alteration shall not increase the number of lots nor diminish in size open space or other protected environments;

- (2) Such alteration shall not diminish the size of any lot so as to result in a lot of less width, depth, or square footage than prescribed in the zoning regulations;

- (3) Such alteration shall not result in a building setback violation or site coverage to less than prescribed by the zoning regulations; and

- (4) All lots resulting from the boundary line alteration shall be in conformance with the design standards of this title.

- (b) (5) Boundary line adjustments across public roadways are not allowed.

- (e) (e) Blanket utility easements existing along lot lines, that are specifically required as a condition of development approval, may be moved during a boundary line adjustment; provided, there is compliance with RCW 64.04.175 and the easement is not occupied by a utility. If the easement is occupied, this provision is inapplicable, and the provisions of Chapter 16.29 and RCW 64.04.175 shall apply. [Need to verify if this is legal]

**16.10.030 Boundary line adjustment review procedures.**

Boundary line adjustment applications must be reviewed and approved to ensure compliance with current zoning requirements, through a Type I process, pursuant to Section 19.09.030.

**16.10.040 Boundary line adjustment submittal standards.**

Application submittal requirements for BLAs include:

- (a) A completed application form.
- (b) The appropriate fee.
- (c) A plat map for the lot; or if unplatted, a sales history since 1969 for each parcel to include:
  - (1) Copies of all deeds or real estate contracts showing previous owners or division of the original parcel;
  - (2) Prior segregation requests;
  - (3) Prior recorded surveys; and
  - (4) Other information demonstrating compliance with the approval criteria.
- (d) A site plan ~~and survey~~ showing current conditions, including:
  - (1) ~~The applicant's and contact person's name, mailing address and phone number;~~
  - (2) ~~Owner's name and address;~~
  - (3) Layout and dimensions of parcels drawn to scale (minimum eight and one-half by eleven inches);
  - (4) ~~(2) North arrow (oriented to the top, left or right of page), scale and date;~~
  - (5) ~~(3) Area of existing sites in acres or square feet;~~
  - (6) ~~(4) Location of all existing buildings/structures, septic tanks and drainfields, wells and on-site utilities, and their distance in feet from all property lines;~~
  - (7) ~~(5) Public and private roads and their dimensions and location; and~~
  - (8) ~~(6) Private ~~road~~ access and utility easements and their dimensions and location.~~
- (e) A site plan ~~and survey~~ showing proposed conditions, including:
  - (1) Layout and dimensions of adjusted parcels drawn to scale (minimum eight and one-half by eleven inches);
  - (2) North arrow (oriented to the top, left or right of page), scale and date;
  - (3) Area of adjusted sites in acres or square feet;
  - (4) Location of all existing buildings/structures, septic tanks and drainfields, wells and on-site utilities, and their distance in feet from all property lines;
  - (5) Public and private roads and their dimensions and location; and
  - (6) Private ~~road~~ access and utility easements and their dimensions and location.
- (f) Legal descriptions for the current condition lots.
- (g) Legal descriptions for the proposed conditions lots.
- (h) One copy each of all involved property owners' recorded deeds, verifying current ownership of the subject property(ies).

(i) A record of survey of the property may be required by the Community Development Director. The need for a survey will be determined based on an evaluation of the number of parcels, legal descriptions, appurtenances, disputed or apparent lines of ownership, and setbacks. If required, the survey must be completed by a professional land surveyor licensed in the state of Washington.

**16.10.050 Boundary line adjustment recording.**

Upon preliminary approval and a finding that the boundary line adjustment is compliant with city codes and Chapter 58.17 RCW, the BLA shall be final when the city records the BLA document consisting of both current and proposed condition surveys and legal descriptions. Costs for recording the BLA shall be borne by the applicant.

## Chapter 16.11

### **SHORT SUBDIVISIONS**

**Sections:**

- 16.11.010 Purpose.**
- 16.11.020 Scope.**
- 16.11.030 Preliminary plat conditions and requirements.**
- 16.11.040 Referral to other departments, agencies and offices.**
- 16.11.050 Waivers, deviations and deferrals.**
- 16.11.060 Dedications.**
- 16.11.070 Preliminary short subdivision application review procedures.**
- 16.11.080 Expiration of preliminary plat.**
- 16.11.090 Appeals.**
- 16.11.100 Improvements.**
- 16.11.110 Final short subdivision plat application.**
- 16.11.120 Final plat review procedure.**
- 16.11.130 Final plat fees.**
- 16.11.140 Filing final plat.**
- 16.11.150 Vested rights.**
- 16.11.160 Appeals.**

**16.11.010 Purpose.**

~~The procedures regulating short subdivisions are established to provide for the orderly and efficient division of land on a small scale; to promote the public health, safety and general welfare; and to substantially comply with the provisions of Chapter 58.17 RCW. [16.05.020 has a purpose statement for the whole Title]~~

**16.11.020 Scope.**

~~The division or redvision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale or lease or transfer of ownership and which has not been divided into a short subdivision within a period of five years is subject to this chapter. [Addressed in 16.05.030(a) (Applicability)]~~

**16.11.030 Preliminary plat conditions and requirements.**

**(a) General Conditions and Requirements.**

- (1) The subdivision shall make adequate provision for roads, streets, curbs, gutters, sidewalks, street lighting circuits, alleys, extensions of municipal utilities (sewer and water), drainage ways, irrigation water rights of way, other public ways or any municipal improvements as deemed necessary in conformance with city community street and utility standards and city design standards in effect at the time of plat approval.**
- (2) The subdivision shall front on an existing street. There shall be adequate access to all parcels. Streets shall be improved to city standards. Street lighting shall be provided.**
- (3) The subdivision shall comply with all zoning and health regulations.**
- (4) The subdivision shall be consistent with the city's comprehensive plan.**
- (5) The subdivision shall provide for irrigation water rights of way pursuant to RCW 58.17.310 as now enacted or hereafter amended.**
- (6) A street lighting plan as may be required by the city engineer must be provided. The plan must be approved by the electrical utility supplying service to the streetlights and include certification that all street lighting fees have been paid or that arrangements acceptable to the city and the electrical utility have been made for the payment of required fees. [(1)-(6) Moved to 16.05.110, General Standards]**

(7) ~~The subdivision shall not have been previously divided in a short subdivision within the last five years and will not be further divided in any manner unless such proposed resubdivision complies with all provisions relating to major subdivisions in effect at the time the further subdivision is commenced.~~ [Moved to 16.05.030]

(8) ~~Unless an applicant for a preliminary plat approval requests otherwise, and the plat administrator agrees, a preliminary plat shall be processed simultaneously with the application for rezones, variances, planned unit developments, site plan approvals, and similar quasi judicial or administrative actions to the extent that procedural requirements applicable to those actions permit simultaneous processing.~~ [Covered in 19.07.030]

(9) ~~Every decision or recommendation made under this chapter by the council or planning commission shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.~~ [see 16.05.120]

(10) ~~After filing with the plat administrator, preliminary plats of any proposed short subdivision shall be approved, disapproved or returned to the applicant for modification within the period provided in RCW 58.17.140.~~ [See 16.15.030]

(11) ~~At the discretion of the plat administrator, the requirement that a preliminary short plat be submitted may be waived. Subject to the approval of the plat administrator, a short plat without improvements may be submitted as a final plat for review and approval.~~ [Preliminary should always be required]

(12) ~~A plat certificate from a title company licensed to do business in the state of Washington dated within thirty days of the date of filing of the final plat and application with the plat administrator confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the subdivision plat or instrument of dedication.~~ [See 16.12.020.A.7]

(b) Specific Conditions and Requirements.

(1) ~~Prior to submission of a short subdivision preliminary application and preliminary plat, the subdivider or the subdivider's representative shall schedule a preapplication conference with the plat administrator and representatives of other affected city departments. The subdivider shall present a conceptual idea of the plat. The plat administrator and representatives of affected city departments will respond informally and address potential items of concern to aid the subdivider in preparing the short subdivision preliminary application and preliminary plat.~~ [See 19.07.020]

(2) ~~The preliminary short subdivision application and plat shall be filed with the plat administrator on forms prescribed by the public works department. The application shall be accompanied by twelve copies of the preliminary plat. At the discretion of the plat administrator, the requirement that twelve copies of the preliminary plat be submitted may be waived. Processing of the preliminary plat may require fewer than twelve copies of the plat.~~ [See 16.12.020.A, Contents of Application]

(3) ~~The preliminary plat shall be a neat and accurate drawing, stamped and signed by a registered professional land surveyor licensed by the state of Washington on reproducible material at a decimal scale. The plat map shall measure eighteen inches by twenty-four inches. The preliminary plat shall be drawn in black permanent ink on two or more sheets if the scale necessary to accommodate the map on one sheet would unduly congest the drawing.~~ [See 16.12]

(4) ~~A nonrefundable fee of two hundred fifty dollars shall accompany each and every application for a preliminary short subdivision.~~ [Need to compile fees in one location, by ordinance or resolution]

(5) The preliminary plat shall contain the following:

(A) Name of proposed subdivision;

(B) Boundaries of proposed subdivision established by the preliminary survey;

(C) Location and dimensions of all existing and proposed irrigation water rights of way on and adjacent to the proposed subdivision;

- (D) Legal description of land within the proposed subdivision;
- (E) Any proposed land dedications;
- (F) Name, address and seal of the registered land surveyor who made the preliminary survey;
- (G) The date of the preliminary survey;
- (H) Horizontal scale of the proposed plat shall be not more than one hundred feet to the inch, except that the city engineer, subject to a request prior to plat submittal, may approve an alternative plat map scale not to exceed one hundred feet to the inch;
- (I) Monuments found and established during the preliminary survey;
- (J) Date map is prepared, scale and north point of the map. Approximate proposed lot lines with their dimensions, including lot numbers and block numbers;
- (K) If any of the parcels can be further divided or if only a portion of a tract is being divided, location of future streets, alleys and lot lines shall be shown by dotted lines; [See 16.12.020.C, Site Plan]
- (L) A vicinity map at a scale of not more than four hundred feet to the inch, except that the city engineer, subject to a request prior to plat submittal, may approve an alternative vicinity map scale exceeding four hundred feet to the inch. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or unplatted property to produce an advantageous development of the entire neighborhood;
- (M) Provide recommended street names for approval;
- (N) United States Bureau of Reclamation horizontal and vertical data including benchmarks; [See 16.12.020.B for A-J, L-O]
- (O) A site plan on a separate sheet showing the following information: [See 16.12.020.C, Site Plan]
  - (i) Location and sizing of existing and proposed utilities including water, sewer, storm drains, electricity, gas, street lighting, curbs and sidewalks, telephone and cablevision lines. Minimum size and scale shall be the same as the preliminary plat map; [See 16.12.020.C, Site Plan]
  - (ii) Existing and proposed structures and natural features and all proposed improvements within and adjoining the proposed subdivision; [See 16.12.020.C, Site Plan]
  - (iii) Topography of the area with a maximum of two foot intervals of contours as required by the city engineer; [See 16.12.020.C, Site Plan]
  - (iv) Present zoning classification on and adjacent to property; [See 16.12.020.C, Site Plan]
  - (v) Any proposed dedications or in lieu of payment (twenty-five dollars per lot) for park land subject to the approval of the planning commission; [Dedications covered in 16.12.020. In lieu payment info is outdated, see 16.20]
  - (vi) Any deed restrictions or covenants existing or proposed shall be drawn on the site plan and preliminary plat map; [Moved to 16.12.020.B, plat drawing requirements]
  - (vii) SEPA checklist; [Not a site plan item, moved to 16.12.020.A, submittal requirements]
  - (viii) Aviation easements; [Not relevant to Othello]
  - (ix) Critical areas. [See 16.12.020.C, Site Plan]

**16.11.040 Referral to other departments, agencies and offices.**

(a) Upon receipt of a complete and satisfactory preliminary plat application, the plat administrator shall distribute copies of the preliminary plat to each of the following offices, departments or agencies within two working days from receipt:

- (1) Electric utility serving the location of the plat;
- (2) Telephone company;
- (3) Fire department;
- (4) Adams County health district;
- (5) Any irrigation district with jurisdiction;
- (6) Adams County assessor;
- (7) Communications company;
- (8) Port of Othello.

(b) The plat administrator shall further notify the police department, park and recreation department and city administrator that a preliminary plat has been received.

(c) Notice of the filing of a preliminary plat of a proposed subdivision located in the city and adjoining the municipal boundaries thereof shall be given to the Adams County planning department.

(d) Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right of way of a state highway shall be given to the State Department of Highways. [This list is incomplete, and doesn't need to be in the ordinance. Routings are procedural.]

(e) Each office, department or agency shall file written recommendations with the plat administrator within eight calendar days from the date of filing of the preliminary plat and application with the plat administrator. If any such office, department or agency fails to file a written recommendation within the time limitation, it may be presumed that such office, department or agency has no recommendation. [Covered in 19.07.070]

(f) If the preliminary plat is found to be unacceptable, a certified letter shall be mailed to the subdivider within twenty calendar days of receipt of the application. [Covered in 19.09]

(g) The plat administrator may determine that a meeting shall be held to resolve major issues identified as a result of the recommendations of other offices, departments or agencies. Such meeting shall be attended by those offices, departments or agencies responsible for the recommendations and must include the applicant and the plat administrator. The proceedings and results of the meeting shall be documented by minutes. [A meeting is always an option, without needing to be formalized in the code]

**16.11.050 Waivers, deviations and deferrals.**

The subdivider may make application to the plat administrator on forms prescribed by the city public works department for a waiver, deviation or deferral of any provision contained in this title in accordance with Chapter 16.40; provided, that the request is received prior to the preliminary short plat approval by the plat administrator. [Is this still the process we want to use? We will need to incorporate some sort of process into the new chapters.]

**16.11.060 Dedications.**

In the event that the short plat includes a dedication of streets, rights-of-way, parks, playgrounds, easements, reservations, irrigation water rights-of-way, or any area to be dedicated to public use, the plat administrator shall forward the instrument of dedication together with any restrictions or limitations thereon to the council for approval. The council shall approve the instrument of dedication prior to any short plat approval by the plat administrator. Submission of an instrument of dedication shall constitute approval in writing by the applicant for a sixty-day extension of the short subdivision preliminary plat approval period as set out in Section 16.11.030(a)(10) of this

chapter. All dedications shall be recorded as part of the plat. [*Should street dedications, etc. be required to be accepted by Council? Some cities require, some don't.*]

**16.11.070 Preliminary short subdivision application review procedures.**

(a) Upon receipt of a complete preliminary short plat application, the plat administrator shall, within the time provided in Chapter 36.70B RCW, respond to the applicant in one of the following manners:

- (1) Preliminary approval is granted as submitted;
- (2) Preliminary approval is granted with modifications requested;
- (3) The proposed subdivision is denied and reasons stated;
- (4) Preliminary approval is withheld until planning commission and/or council approval of dedications or variance requests. [Addressed in 19.09.040(b)(2)]

(b) The short subdivision preliminary approval shall require approval of the plat administrator and the public works director. [Moved to 16.12.050]

(c) The decision of the plat administrator shall be final, unless an aggrieved party is made to the planning commission within fourteen working days of the date of decision of the plat administrator. Said appeal shall be in writing to the planning commission and submitted through the city clerk's office. The planning commission shall act on that appeal within fifty days unless an extension is agreed to in writing by the applicant. The decision of the planning commission shall be final and conclusive unless, within ten days, any aggrieved party files with the city administrator a written appeal. The council shall hear that appeal within thirty calendar days of the date of the appeal. [Covered in 19.11]

(d) Approval of the preliminary plat shall constitute approval for the applicant/subdivider to develop and submit construction plans and specifications for approval of all facilities and improvements and, when completed or bonded, to prepare the final plat. [Moved to 16.12.050]

**16.11.080 Expiration of preliminary plat.**

(a) Approval of any preliminary short plat shall expire and become null and void one year after the date of preliminary plat approval. [Moved to 16.12.060]

(b) The plat administrator may grant one extension of the preliminary plat approval for a period not to exceed one year; provided, that the request for an extension is filed at least thirty days before the expiration of the one year period from the date of the plat's preliminary approval. [Moved to 16.12.060]

**16.11.090 Appeals.**

Any decision approving or disapproving any preliminary short plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or non action by writ or review before the superior court of Adams County. Said application for a writ of review shall be made to the court within thirty days from any decision to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the party seeking review in the superior court and no transcripts or records shall be prepared or provided prior to receipt of payment for them. [Covered in 19.11]

**16.11.100 Improvements.**

(a) Following approval of the preliminary plat by the plat administrator, the applicant shall file with the plat administrator three complete sets of preliminary construction plans and specifications prepared by a professional engineer licensed by the state of Washington showing all street and utility improvements as required by the plat administrator in granting approval of the preliminary plat. All construction plans and specifications shall be in conformance with city design standards and the community street and utility standards. Sheet size shall be twenty-four inches by thirty-six inches and shall have a border of one inch on the left margin and one-half inch on the remaining three margins. The scale shall be five feet vertically unless grades exceed ten percent and forty feet horizontally.

(b) The preliminary construction plans and specifications shall be forwarded to the city engineer within two working days of receipt by the plat administrator. Within twenty calendar days of filing of the plans with the plat administrator the city engineer shall approve, conditionally approve or disapprove the plans. The subdivider shall submit one set of permanent reproducible mylar and three sets of specifications which have been approved for the city engineer's signature, records and use.

(c) After the city engineer has approved the construction plans and specifications, the subdivider shall complete and install all street and utility improvements required by the plat administrator in granting preliminary plat approval prior to filing of the final plat. A one year maintenance bond shall be required in the amount of one hundred percent of the construction cost.

(d) The public works department or a licensed professional engineer or engineering firm hired by the city shall be responsible for the inspection of all subdivision improvements to ensure conformance with approved plans and specifications. [Requirement for improvements before final plat moved to 16.15.010.A. Details about preparing plans, reviews, inspections, maintenance bond, etc. should be in Public Works Standards]

(e) In lieu of completing and installing all required street and utility improvements prior to filing of the final plat with the plat administrator, the subdivider may post a subdivision bond or other approved security in a form satisfactory to the city attorney. The subdivision bond or approved security shall be in an amount equal to one hundred fifty percent of the estimated cost as determined by the public works director, of such improvements required by the plat administrator in granting approval of the preliminary plat. In the event that all street and utility improvements are not completed within the time limit specified in the subdivision bond or approved security, the bond or security may be forfeited and the city may undertake the installation and completion of all required street and utility improvements.

(1) All street and utility improvements listed in the subdivision bond must be installed, completed and accepted by the city within one year of approval of the final plat by the plat administrator.

(2) The plat administrator may grant one extension of the subdivision bond for a period not to exceed one year; provided, that said request for an extension is filed with the plat administrator at least sixty calendar days prior to the expiration date of the bond.

(3) In the event that a time extension is granted, a new subdivision bond or other approved security shall be submitted in an amount sufficient to cover one hundred fifty percent of the cost of completing utility extensions and street improvements. The bond will be updated with new estimates of cost on all uncompleted improvements and all increased cost estimates shall be passed onto the bond. If these increased costs are not accepted by the surety, then the city shall foreclose on the bond and the plat will be held in abeyance. Departments issuing recommendations for new subdivision bonds or other approved security shall not modify the terms and requirements of the bond or security other than to pass on all increased cost estimates as determined by the public works director to the bond or security to cover the cost of completing utility extensions and street improvements without the written consent of the applicant. [See 16.15.070 for performance bond.]

#### **16.11.110 Final short subdivision plat application.**

(a) General Requirements.

(1) The final short subdivision application and plat will be filed with the plat administrator on forms provided by the public works department. [See 16.12.010.B]

(2) All required street and utility improvements must be constructed by the applicant and must be accepted by the city of Othello or a subdivision bond or other approved security shall be submitted in an amount sufficient to cover one hundred fifty percent of the estimated cost of completing all required utility extensions and street improvements as determined by the public works director. [See 16.15.010.A] Upon completion of the required public improvements and prior to acceptance by the council, the subdivider/developer must submit a maintenance bond or alternative security approved by the city attorney in an amount determined by the city engineer and approved by the public works director. The maintenance bond amount shall be one hundred percent of the actual cost of construction. An alternative security shall be in an amount not less than ten percent

~~nor more than one hundred percent of the actual cost of construction. The amount shall be determined on a case by case basis based upon the city engineer's estimated cost of repair or maintenance should repair or maintenance be required. The subdivider/developer shall submit documentation of the cost of construction to the city engineer for his review and approval and use in determining the required bond or alternative security amount. Said bond shall be in effect for one year from the date of acceptance.~~ [Maintenance bond requirements need to be in Public Works Standards, not Subdivision Code. Need to revise Public Works Standards to have a set percentage that is less than 100%]

(3) The instrument of dedication of all streets, rights of way, parks, playgrounds, easements, reservations, irrigation water rights of way, and any area to be dedicated to public use, together with any restrictions or limitations thereon shall be submitted as a part of the final plat. [Dedications would be shown on the plat map; dedications in conjunction with a BSP have been moved to the application documents list in 16.15.010.]

(4) The application shall be accompanied by the following:

(A) A plat certificate from a title company licensed to do business in the state of Washington dated within thirty days of the date of filing of the final plat and application with the plat administrator confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the subdivision plat or instrument of dedication; [See 16.15.010.B]

(B) A certificate from the Adams County treasurer indicating that all taxes and assessments on the property included in the final plat, subdivision or dedication have been paid according to the provisions of RCW 58.08.030 and RCW 58.10.040 as now enacted or hereafter amended; [Does not match current procedure. Taxes and assessments must be paid before the Treasurer will sign the plat for recording. A certificate is unnecessary]

(C) A certificate from the city finance director indicating that there are no delinquent special assessments or liens on the property included in the final plat, subdivision or dedication; [Not part of current procedure]

(D) A check payable to the city in the amount of two hundred fifty dollars to cover the cost of checking the final short plat without improvements; [Need to compile fees in one location, by ordinance or resolution]

(E) All covenants proposed to run with the land. [Any covenants the City is requiring would be formatted and provided by the City]

(5) The final short plat (twelve sets of prints plus the original tracing, AutoCad discs, and a reproducible Mylar copy) shall include all items in Section 16.11.030(b)(5) and any additional information and modifications requested in the preliminary approval. At the discretion of the plat administrator, the requirement that twelve copies of the final plat be submitted may be waived. Processing of the final plat may require fewer than twelve copies. [See 16.15.020]

The final plat shall be prepared in a neat and legible manner in black permanent drawing ink on mylar drafting film. All documents, maps and survey notes shall contain the name of the subdivision, the name(s) of the subdivider(s) and the name of the registered land surveyor responsible to the subdivider(s). The trimmed size of the final plat shall be eighteen inches by twenty four inches with a one and a half inch margin on the top or left margin and a one half inch border on the remaining three margins. The final plat shall be recorded on two or more sheets if the scale necessary to accommodate the map on one sheet would unduly congest the drawing. [See 16.15.020.A]

(6) The final short plat subdivision plat shall be approved or disapproved within twenty days from the date of filing of the final plat with the plat administrator. This time period shall be binding unless the applicant consents to an extension of time in writing. [Review time frames are addressed in OMC Title 19 and RCW 58.17 Subdivisions]

(7) ~~No final short subdivision plat may be approved unless the city makes a written finding of fact that the proposed subdivision is in conformance with any applicable zoning ordinances, or other land use controls which may exist. [This review needs to happen at preliminary plat stage. Final plat is too late. See 16.05.120]~~

(8) ~~No final short subdivision plat shall be approved for any subdivision which lies in whole or in part in an irrigation district organized pursuant to Chapter RCW 87.03 unless there has been provided an irrigation water right of way pursuant to RCW 58.17.310 as now enacted or hereafter amended. [See 16.05.110(5)]~~

(b) Specific Requirements.

(1) ~~The final plat shall clearly show the following information: [See 16.15.020 for final plat formatting requirements]~~

(A) ~~The lines and names of all streets or other public ways, parks, playgrounds and easements intended to be dedicated for public use, or granted for use of inhabitants of the subdivision; [16.15.020.J, M]~~

(B) ~~The lines and names of all existing or platted streets or other public ways, parks, playgrounds and easements adjacent to the final plat, subdivision or dedication, including municipal boundaries, township lines and section lines; [16.15.020.I, J]~~

(C) ~~The lengths and bearings of all straight lines, curve radii, arcs and semitangents of all curves; [16.15.020.O]~~

(D) ~~All dimensions along the lines of each lot, with the true bearings and also any other data necessary for the location of any lot lines in the field; [16.15.020.L, O]~~

(E) ~~Suitable primary control points, approved by the city engineer or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data given on the plat shall be referred; [16.15.020.P]~~

(F) ~~The location of all permanent monuments; [16.15.020.N]~~

(G) ~~The names of all subdivisions immediately adjacent thereto; [16.15.020.K]~~

(H) ~~The date, true north point, scale, datum plane and date of survey; [16.15.020.C,D]~~

(I) ~~The boundary of the tract, the courses and distances marked thereon, as determined by a field survey made by a registered and qualified land surveyor of the state and to close with an allowable error not to exceed one foot in five thousand feet and not to exceed one foot in ten thousand feet in the central business district; [Updated, more accurate standard proposed, see 16.15.020.R]~~

(J) ~~The elevations of all permanent monuments based on a datum plane approved by the city engineer; [16.15.020.N]~~

(K) ~~A vicinity sketch map of not more than four hundred feet to the inch, except that the city engineer, subject to a request prior to plat submittal, may approve an alternative vicinity map scale exceeding four hundred feet to the inch; [16.15.020.F]~~

(L) ~~Street names; [16.15.020.M]~~

(M) ~~Certification by registered land surveyor of accuracy of plat and survey; [16.15.020.CC.1]~~

(N) ~~Statement by owner dedicating streets, rights of way, and any sites for public use; [16.15.020.CC.3]~~

(O) ~~Location and dimensions of all irrigation water rights of way; [16.15.020.X]~~

(P) ~~Provide legal description of the plat boundaries. [16.15.020.G]~~

(2) All linear dimensions shall be given in feet and decimals of a foot to the nearest hundredth. [16.15.020.V]

(3) The scale of the final plat shall not be more than one hundred feet to the inch, except that the city engineer, subject to a request prior to plat submittal, may approve an alternative plat map scale not to exceed one hundred feet to the inch. [16.15.020.E]

(4) If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown by dotted lines in their proper positions in relation to the new arrangement of the plat, the new plat being so clearly shown in solid lines as to avoid ambiguity. [16.15.020.AA]

(5) The final plat shall be accompanied by improvement plans and specifications including utilities, streets, grades, and appurtenances as provided for in Section 16.11.100, Improvements. [Improvements would have been already completed or bonded for]

(6) The subdivider's land surveyor shall set all required monuments and shall stake all lot corners as shown on the final plat before the plat is submitted for final approval [16.15.020.BB]

(7) The final plat shall contain the legal description of the subdivision and the following dedication, acknowledgment and endorsement statements shall appear in the following sequence in black permanent ink either by hand or mechanical device: [Legal description 16.15.020.G. Dedication statement 16.15.020.CC.3]

## ~~Dedication~~

The owner of the land described herein fee simple is \_\_\_\_\_ . The owner declares this plat and dedicates to the public forever, all streets, roads, alleys, easements or whatever public property there is shown thereon for any and all public purposes not inconsistent with the uses shown on this plat.

Dated \_\_\_\_\_

Signed \_\_\_\_\_

## ~~Acknowledgment~~

~~State of Washington~~

~~County of Adams~~

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument and acknowledged it to be his/her and voluntary act for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

---

~~Notary Public~~

**Print or Type Name of Notary Public**

~~My appointment expires~~

**Surveyor's Certification and Declaration**

I hereby certify that this plat is a true and correct representation of the lands actually surveyed.

I hereby declare that the plat of \_\_\_\_\_ is based on actual survey and subdivision of a portion of Section \_\_\_\_\_ Township \_\_\_\_\_ North Range \_\_\_\_\_ East, W.M., that the distances and courses and angles are shown thereon correctly to the best of my knowledge, information, and belief; and that proper monuments have been set and lot corners are staked on the ground.

\_\_\_\_\_  
Licensed Land Surveyor [Surveyor Certificate 16.15.020.CC.1]

EXAMINED AND APPROVED BY THE OTHELLO PUBLIC WORKS DEPARTMENT

\_\_\_\_\_  
PUBLIC WORKS DEPARTMENT [City approvals 16.15.020.CC.4]

EXAMINED AND APPROVED BY THE OTHELLO CITY ADMINISTRATOR ON  
\_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_

ATTEST:  
\_\_\_\_\_

City Clerk

This is to certify that all taxes and assessments which are now due and payable according to the records of Adams County have been fully paid.

\_\_\_\_\_  
Treasurer [Treasurer statement 16.15.020.CC.5]

\_\_\_\_\_  
Date

Filed for record at the request of the City of Othello this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
at \_\_\_\_\_ m., and recorded in Volume \_\_\_\_\_ of Plats, on Page \_\_\_\_\_, records of Adams County,  
Washington.

\_\_\_\_\_  
Adams County Auditor

\_\_\_\_\_  
Deputy County Auditor - [Auditor Certificate 16.15.020.CC.2]

(8) Submit all lot, block, and boundary closures to the city engineer with the final plat submittal. [Moved to 16.15.010.B, application submittal requirements]

**16.11.120 Final plat review procedure.**

(a) Upon receipt of the final subdivision application and plat, the plat administrator shall, within two working days of receipt, distribute copies to all offices, departments and agencies receiving the preliminary plat. Each office, department or agency shall file written recommendations with the plat administrator within fifteen calendar days from the date of filing of the final plat with the plat administrator. If any such office, department or agency fails to

~~file a written recommendation within the time limitation, it may be presumed that such office, department or agency has no recommendation.~~ [Superseded by 19.07.070]

~~All offices, departments and agencies issuing recommendations for final plat approval shall not modify the terms of preliminary plat recommendations without consent of the subdivider.~~ [Moved to 16.15.030]

~~(b) Within fifteen days of filing of the final plat the city engineer shall review the final plat and submit to the plat administrator a written report with respect to the following conditions:~~

- ~~(1) That the proposed final plat bears the required certificates and statements of approval;~~
- ~~(2) That a title report furnished by the subdivider confirms the title of the land and the proposed subdivision is vested in the name of the owner whose signature appears on the plat certificate;~~
- ~~(3) That the facilities and improvements required to be provided by the subdivider have been completed or alternatively that the subdivider has submitted with the proposed final plat a performance bond or other security in conformance with Section 16.11.100 of this chapter;~~
- ~~(4) That the plat is technically correct as certified by the land surveyor responsible for the plat.~~ [Moved to 16.15.040]

~~(c) Within fifteen days of filing of the final plat, the Adams County health district or other agency furnishing sewage disposal and supplying water shall review the final plat and submit to the plat administrator a written report recommending approval or disapproval of the final plat as to the adequacy of the proposed means of sewage disposal and water supply.~~ [City cannot compel another agency to provide a report. We can route the project to them and give them an opportunity to comment]

~~(d) Within fifteen days of filing of the final plat the appropriate irrigation district serving or from which the real property is entitled to be served with irrigation water shall review the final plat and submit to the plat administrator a written report recommending approval or disapproval of the final plat as to the adequacy of the proposed means of the delivery of irrigation district entitlement water and as to the adequacy of the proposed means of removal of irrigation wastewater.~~ [City cannot compel another agency to provide a report. We can route the project to them and give them an opportunity to comment]

~~(e) Final Plat Approval.~~

- ~~(1) The plat administrator shall, within twenty days from the date of filing of the final subdivision application and plat, approve or disapprove the final plat, unless the subdivider consents to an extension of that time period in writing.~~ [16.15.030]
- ~~(2) If the plat administrator finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, the requirements of Chapter 58.17 RCW, other applicable state laws and any other requirements, the plat administrator shall approve the final plat.~~ [16.15.030]
- ~~(3) The decision of the plat administrator shall be final, unless an appeal by any aggrieved party is made to the planning commission within ten days of the date of decision of the plat administrator. Said appeal shall be in writing to the planning commission and submitted through the public works department. The public works department shall date and record the receipt of said appeal. The planning commission shall act on that appeal within forty calendar days unless an extension is agreed to in writing by the applicant. The decision of the planning commission shall be final and conclusive unless, within ten days, any aggrieved party files with the city administrator a written appeal. The council shall hear that appeal within twenty days of the date of appeal.~~ [Superseded by OMC 19.11]

#### **16.11.130 Final plat fees.**

Upon approval of the final short plat by the plat administrator, the subdivider shall remit the following fees prior to the plat being officially signed and recorded with the county auditor:

- (a) When applicable, voluntary payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed subdivision as allowed by and pursuant to RCW 82.02.020;
- (b) When applicable, a certificate from the Adams County auditor certifying that covenants to the property title have been recorded and filed shall accompany final plat fees;
- (c) Any applicable fees to the state Department of Social and Health Services (DSHS) and Department of Ecology (DOE);
- (d) The applicant shall be responsible to reimburse the city for administrative costs incurred by the city to review, process and approve, modify or disapprove the plat submitted. The applicant shall be responsible for all engineering, legal and other consulting fees and costs incurred by the city to the extent said fees and costs exceed the application fees, and the applicant shall be advised of those costs by the city clerk. The applicant shall pay such fees as billed by the city clerk. A failure to pay within thirty days any such fee billed by the city clerk shall result in a suspension of the processing of the plat on the basis that such failure to pay evidences an abandonment of the plat application. The applicant shall pay such costs in full before the final plat is signed by the city administrator;
- (e) Upon signing of the final short plat by the city administrator, the applicant shall pay all recording fees and have the plat recorded with the Adams County auditor, and return two copies along with a set of Mylars, and recorded covenants (if any) to the city within thirty days. [See 16.15.060, Recording]

**16.11.140 Filing final plat.**

- (a) Upon receipt of all required final plat fees the plat shall be signed by the following officials:
  - (1) Public works director;
  - (2) City administrator. [These signatures are listed in new section 16.15.020.CC.4]
- (b) The plat administrator shall transmit the original Mylar plat to the county auditor for final filing. One reproducible copy shall be forwarded with the original to be confirmed and returned to the city engineer for the city engineer's record. One paper copy shall be filed with the county assessor. [This existing section conflicts with existing 16.11.130(e). Both are proposed for deletion; See 16.15.060 for replacement]

**16.11.150 Vested rights.**

A subdivision shall be governed by the terms of approval of the final plat and the statutes, ordinances and regulations in effect at the time of approval pursuant to RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. In the event the developer has elected to proceed to post a bond or other security approved by the city attorney in lieu of completion of plat improvements in order to obtain final plat approval, building permits may issue for buildings within the plat, but no certificates of occupancy will issue until all plat improvements are constructed, approved and a maintenance bond posted for those improvements. [Addressed in 19.07.060]

**16.11.160 Appeals.**

Any decision approving or disapproving any final short subdivision plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of Adams County. Said application for a writ of review shall be made to the court within thirty days from any decision to be reviewed. The cost of transcriptions of all records ordered certified by the court for such review shall be borne by the party seeking review in the superior court and no transcripts shall be prepared or provided prior to receipt of payment for them. [See 19.11]

## Chapter 16.12

### PRELIMINARY SHORT SUBDIVISIONS, MAJOR SUBDIVISIONS, AND BINDING SITE PLANS

Sections:

- 16.12.010 Application.
- 16.12.020 Contents of application.
- 16.12.030 Processing applications.
- 16.12.040 Distribution of plans.
- 16.12.050 Approval.
- 16.12.060 Expiration of preliminary approval.
- 16.12.070 Time extensions.

#### 16.12.010 Application.

Prior to filing an application for a preliminary major subdivision, short subdivision, or binding site plan, a pre-application conference pursuant to the provisions of OMC Title 19 is required unless this requirement is waived by community development director.

#### 16.12.020 Contents of application.

Every preliminary short subdivision, major subdivision, or binding site plan shall consist of the appropriate application form, applicable fees, and the following:

##### A. Maps and Exhibits.

1. Application form, signed by the property owner
2. Applicable fees [Need to compile fees in one location, such as resolution or fee schedule. Currently \$250 prelim short plat, \$250 final short plat plus costs if they exceed; \$500 prelim major plat + \$50/lot]
3. Seven copies of the preliminary short plat, major plat, or binding site plan which shall be a legibly drawn map, 18 by 24 inches in size at a standard engineering scale of 1" = 50' or 1" = 100'. If approved by the department, an alternative appropriate scale may be used;
4. One reduced copy (11 by 17 inches) of the preliminary short plat, major plat, or binding site plan;
5. A written narrative describing the proposal including, but not limited to, the number of proposed lots, nature of surrounding properties, proposed access, zoning, utility providers, and timing of phasing of the development (if any). The narrative shall also address compliance with applicable sections of the development code and other applicable regulations;
6. For major subdivisions which require public hearing notice:
  - (a) One copy of the Adams County assessor's map clearly indicating the subject property and the parcel numbers of all properties within 400 feet of the subject property, unless the applicant owns adjacent property, in which case the map shall show the location and parcel number of all properties within 400 feet of the applicant's ownership.
  - (b) One paper copy and one electronic copy of a spreadsheet of the parcel number, owner's name, and owner's mailing address for all parcels shown on the map in section (a).
  - (c) The assessor's map and property owner information shall be current within 60 days of issuing the notice of application. If the information is more than 60 days old at the time the notice of application is issued, the applicant shall provide current information;

7. SEPA environmental checklist for preliminary major subdivisions and binding site plans. An environmental checklist will be required for a preliminary short plat if the construction of improvements will involve more than 500 cubic yards of grading, excavation or fill, or if critical areas exist on site; and

8. A plat certificate dated within 30 days of the application filing date confirming that the title of the lands as described and shown on the short plat, major plat, or binding site plan is in the name of the owners signing.

9. If applicable, any requests for potential reimbursement or latecomers contracts, or city involvement in the cost sharing of any improvements.

B. Preliminary short subdivision, major subdivision, or binding site plan data (to be included on the preliminary short plat, plat or binding site plan).

1. Name, address and telephone number of the owner of the subject property and the person with whom official contact should be made regarding the short plat, plat, or binding site plan;

2. Title of the proposed short subdivision, major subdivision, or binding site plan;

3. Location of subject property by quarter-quarter(s) of the section, township and range;

4. Legal description of the subject property with the source of the legal description clearly indicated;

5. A vicinity map at a scale of not more than 400 feet to the inch, except that the community development director may approve an alternative scale if justified. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or unplatte property to produce an advantageous development of the entire neighborhood;

6. North arrow. The drawings shall be oriented so that north is generally up;

7. Graphic scale of 1" = 50' or 1" = 100';

8. Boundary of the proposed short plat, major plat, or binding site plan;

9. Boundaries of all blocks, block numbers, lot numbers, lot lines, lot dimensions, and lot areas in square feet;

10. Any proposed land dedications;

11. Location, names and widths of all existing and proposed streets, roads, and access easements within the proposed short subdivision, major subdivision, or binding site plan and within 100 feet thereof, or the nearest City street if there is no City street within 100 feet of the subject property;

12. All existing easements that affect the subject property;

13. All proposed easements, including municipal easements, utility easements, and tracts proposed to be dedicated for any public purpose or for the common use of the property owners of the short plat, major plat, or binding site plan;

14. Location and dimensions of all existing and proposed irrigation water rights-of-way on and adjacent to the proposed subdivision;

15. Whether adjacent property is platted or unplatte. If platted, give the name of the subdivision. If the proposed short subdivision, major subdivision, or binding site plan is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown and a copy of the existing plat, along with the recording numbers of any recorded covenants and easements; and

16. Name, address and seal of the registered land surveyor who made the preliminary survey;

17. The date of the preliminary survey and the date map was prepared;
18. Monuments found and established during the preliminary survey;
19. Provide recommended street names for approval;
20. United States Bureau of Reclamation horizontal and vertical data including benchmarks;
21. Any existing or proposed deed restrictions or covenants.

C. A site plan on a separate sheet, at the same size and scale as the preliminary plat, showing the following information:

1. Basic information from the plat drawing, such as plat boundaries, blocks, lots, dedications, and easements.
2. Location and sizing of existing and proposed utilities including water, sewer, storm drains, electricity, gas, street lighting, curbs and sidewalks, telephone and cablevision lines;
2. Existing and proposed structures and improvements within and adjoining the proposed subdivision;
3. Location of any natural features such as significant vegetation, wetlands, streams, drainage ways, special flood hazard areas identified on the Flood Insurance Rate Map, or critical areas as defined in OMC Title 13;
4. Topographic information at two-foot maximum contour intervals, or at five-foot intervals where overall site topography is too flat to be depicted by two-foot intervals. Delineate areas with any slopes that are greater than 30 percent. For topography, the land survey data shall be based on the North American Vertical Datum (NAVD-88); [Need to confirm which datum we want to use]
5. Stormwater management plan;
6. Present zoning classification on and adjacent to the property;
7. If any of the parcels can be further divided or if only a portion of a tract is being divided, location of future streets, alleys and lot lines shall be shown by dotted lines;

#### **16.12.030 Processing applications.**

All applications shall be processed according to the applicable provisions of OMC Title 19. The type of application shall be classified according to OMC 19.09. Short plats and binding site plans shall be approved by the plat administrator and city engineer.

#### **16.12.040 Distribution of plans.**

When the department determines that the application is complete pursuant to OMC 19.07.050, the department shall distribute a Notice of Application to affected agencies and departments. The department or reviewing agencies may request additional information during the review process.

#### **16.12.050 Approval.**

- (a) Short subdivisions and binding site plans shall be approved by the plat administrator and city engineer.
- (b) Major subdivisions shall be approved by the Hearing Examiner.
- (c) Approval of the preliminary plat or binding site plan shall constitute approval for the applicant to develop and submit construction plans and specifications for approval of all municipal improvements and, when completed or bonded, to prepare the final plat or binding site plan.

**16.12.060 Expiration of preliminary approval.**

(a) Approval of a preliminary short subdivision or binding site plan shall automatically expire one year from the date of approval unless a complete application for a final short subdivision or binding site plan meeting all requirements under this title is submitted to the City.

(b) Approval of a preliminary major subdivision shall automatically expire five years from the date of approval unless a complete application for a final major subdivision meeting all requirements under this title is submitted to the City.

(c) Extension of time may be granted as provided in OMC 16.12.070.

**16.12.070 Time extensions.**

An application request and supporting data for time extension requests shall be submitted to the department at least 30 days prior to the expiration of the preliminary short subdivision, major subdivision, or binding site plan. Time extension requests shall be processed as a Type I application pursuant to Chapter 19.09 OMC.

The department may approve an extension provided there are no significant changed conditions or changed development regulations which would render recording of the short subdivision, major subdivision, or binding site plan contrary to the public health, safety, or general welfare.

The department may grant an initial one-year time extension. Additional one-year extensions may be granted by the department. Prior to granting time extensions, the department shall circulate the time extension request to affected agencies for comments. Additional or altered conditions recommended by the department or affected agencies may be required as a condition of this extension. This may include new or updated City regulations deemed necessary to protect the public health, safety, or general welfare.

The department shall issue a written decision approving or denying the time extension request and provide copies to affected agencies, the applicant, and those parties requesting a copy of such decision. Appeals of a time extension shall be filed in a manner consistent with the provisions of Chapter 19.11 OMC.

## Chapter 16.15

### FINAL SHORT SUBDIVISIONS, MAJOR SUBDIVISIONS, AND BINDING SITE PLANS

Sections:

- 16.15.010 Final submittal.
- 16.15.020 Contents of final plat or binding site plan.
- 16.15.030 Processing final short plat, major plat, or binding site plan.
- 16.15.040 Review criteria
- 16.15.050 Mylars
- 16.15.050 Recording
- 16.15.060 Recordation.
- 16.15.070 Surety in lieu of constructing improvements.

#### **16.15.010 Final submittal.**

A. The final short subdivision, major subdivision, or binding site plan shall incorporate all conditions of the preliminary approval. The application shall not be submitted for review until all required municipal improvements have been completed and accepted by the City Council, or a subdivision bond or alternate security is approved.

B. All final major subdivision, short subdivision, or binding site plan submittals shall include the following:

1. Application form signed by the property owner;
2. Application fees;
3. 7 full size copies of the proposed final short plat, major plat, or binding site plan;
4. 1 reduced copy (11 x 17") of the final short plat, major plat, or binding site plan;
5. Lot, block, and boundary closures; and
6. A plat certificate from a title company licensed to do business in the State of Washington, dated within 30 days of submitting the final application, confirming that the title of the lands as described and shown on the short plat, subdivision, or BSP is in the name of the owners signing.
7. For a binding site plan, a separate instrument of dedication for any streets, right-of-way, parks, playgrounds, easements, reservations, irrigation water rights-of-way, and any other area to be dedicated to public use.

#### **16.15.020 Contents of final plat or binding site plan.**

All surveys shall comply with the Survey Recording Act (Chapter 58.09 RCW), minimum standards for survey and land descriptions (Chapter 332-130 WAC), and any applicable City standards. The contents of a final short subdivision, major subdivision, or binding site plan shall include the following:

A. The final short plat, major plat, or binding site plan shall be a legibly drawn, printed, or reproduced permanent map measuring 18 by 24 inches. A two-inch margin shall be provided on the left edge, and a one-half-inch margin shall be provided at the other edges of the drawing. If more than one sheet is required, each sheet shall show sheet numbers for the total sheets.

B. The name of the short plat, major plat, or binding site plan shall be formatted as follows:

(Name of subdivision, short subdivision, or binding site plan) Short Plat/Major Plat/Binding Site Plan

If applicable: A Replat of (list the underlying subdivision, or portion thereof, with lot and block numbers)

A portion of the (directional) 1/4 of the (directional) 1/4 of Section (number), Township (number) N, Range (number) E, Willamette Meridian, Othello, Adams County, Washington

C. The date of the drawing, datum plane, and date of survey;

D. A north arrow is required. The drawings shall be oriented so that north is generally up.

E. The scale shall be 50 or 100 feet to the inch. If approved by the department, another appropriate standard engineering scale may be used. The scale shall be shown in text form as well as a graphic bar scale.

F. A vicinity map at a scale of not more than 400 feet to the inch, except that the community development director may approve an alternative scale if justified. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed subdivision connect with existing and proposed streets and alleys in neighboring subdivisions or unplatte property to produce an advantageous development of the entire neighborhood;

G. Legal description of the plat or binding site plan boundaries, with a statement of total area within the legal description.

H. A bold boundary line shall delineate the existing perimeter boundary of the short plat, major plat or binding site plan prior to any dedication to the public.

I. Municipal boundaries, township lines and section lines must be shown;

J. The location and widths of streets, alleys, rights-of-way, and easements serving the property, parks and open spaces proposed within the division and those platted easements existing immediately adjacent to the division shall be shown and or identified. Areas to be dedicated to the public must be labeled.

K. Layout and names of adjoining subdivisions, subdivision lots, or portions thereof shall be shown within and adjacent to the subdivision, short subdivision, or binding site plan boundary.

L. The layout, lot and block numbers, dimensions, and area of all lots shall be shown.

M. Street names;

N. All monuments found, set, reset, replaced or removed and not replaced; describing their kind, size, location, elevation, and any other relevant data;

O. Basis of bearings, bearing, and length of all straight lines; and curve radii, arcs, and semitangents of all curves;

P. Suitable primary control points, approved by the city engineer or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data given on the plat shall be referred: [From existing]

Q. Any other data necessary for the interpretation of the various items and locations of the points, lines, and areas shown;

R. The allowable error of mathematical closure for the final plat map shall not exceed one foot in 80,000 feet or 0.04 foot, whichever is greater;

S. Arrows shall be used to show limits of bearings and distances whenever any chance of misinterpretation could exist;

T. Plat boundary and street center lines having curves shall show radius, arc, central angle and tangent for each curve and radial bearings where curve is intersected by a non-tangent line. Spiral curves shall show two spiral curve elements in addition to the chord bearing and length;

U. Lots along curves shall show arc length and radius. For lot corners that are on non-tangent or non-perpendicular curves, the radial bearing shall be shown. If a curve table is provided, it shall show angle for each segment of the curve along each lot, arc length, tangent length, and radius;

V. All dimensions shall be shown in feet and hundredths of a foot. All bearings and angles shall be shown in degrees, minutes and seconds. All partial measurements shown shall equal the total overall measurements shown;

W. Existing easements and utility easements shall be identified, shown and labeled. Recording information for the easement(s) shall be provided on the survey. Any easement and/or utility easement being created by this division shall be so identified, shown and labeled.

X. Location and dimensions of all irrigation water rights-of-way;

Y. Plat restrictions required as conditions of preliminary short subdivision, major subdivision, or binding site plan approval shall be shown.

Z. Any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas, and connections to adjacent state highways shall be shown.

AA. If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown by dotted lines in their proper positions in relation to the new arrangement of the plat, the new plat being so clearly shown in solid lines as to avoid ambiguity.

BB. The applicant's land surveyor shall set all required monuments and shall stake all lot corners as shown on the final plat before the plat is submitted for final approval

CC. Signatures

1. The Surveyor's Certificate shall be on the first sheet and read as follows:

a. For major plats and short plats:

SURVEYOR'S CERTIFICATE AND DECLARATION

I hereby certify that this (plat/binding site plan) is a true and correct representation of the lands actually surveyed. I hereby declare that the plat of (name) (Major Plat/Short Plat) is based on actual survey and subdivision of a portion of Section \_\_\_\_\_ Township \_\_\_\_\_ North, Range \_\_\_\_\_ East, W.M., that the distances and courses and angles are shown thereon correctly to the best of my knowledge, information, and belief, and that property monuments have been set and lot corners staked on the ground.

(Seal) (Signature) (Date)

b. For binding site plans:

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 \_\_\_\_\_ in \_\_\_\_\_, 20\_\_\_\_\_.

(Seal) (Signature) (Date)

2. The Auditor's Certificate shall be on the first sheet and read as follows:

ADAMS COUNTY AUDITOR'S CERTIFICATE

Filed for record at the request of the City of Othello this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_ m., and recorded in Volume \_\_\_\_\_ of (Plats or Surveys), on \_\_\_\_\_ Pages \_\_\_\_\_, records of Adams County, Washington.

\_\_\_\_\_  
Adams County Auditor

By \_\_\_\_\_

Deputy County Auditor

3. The owner's statement shall be on the last sheet and read as follows:

a. For short plats and major plats:

Dedication

The owner(s) of the land described herein in fee simple is \_\_\_\_\_.  
The owner declares this plat and dedicates to the public forever, all streets,  
roads, alleys, easements or whatever public property that is shown on this plat  
for any and all public purposes not inconsistent with the uses shown on this plat.

Dated \_\_\_\_\_

Signed \_\_\_\_\_

b. For binding site plans:

Declaration:

The owner in fee simple of the land herein described is \_\_\_\_\_. The  
owner does hereby establish a Binding Site Plan for the purpose of sale or lease  
of portions thereof, pursuant to RCW Chapter 58.17 and Title 16 of the Othello  
Municipal Code, and that the undersigned declares that development of the  
property herein described shall conform to all inscriptions contained hereon.

\_\_\_\_\_  
Signature Date

c. The owner's signature in (a) or (b) needs to be notarized, using the following  
format:

Acknowledgment

State of Washington

County of Adams

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed  
this instrument and acknowledged it to be his/her and voluntary act for the uses  
and purposes mentioned in the instrument.

Dated \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Name of Notary Public

\_\_\_\_\_  
My appointment expires \_\_\_\_\_

4. City Approvals

a. EXAMINED AND APPROVED BY THE OTHELLO CITY ENGINEER

---

City Engineer Date

b. EXAMINED AND APPROVED BY THE OTHELLO CITY  
ADMINISTRATOR

---

City Administrator Date

5. Treasurer's Statement

This is to certify that all taxes and assessments which are now due and payable according  
to the records of Adams County have been fully paid.

---

Treasurer Date

**16.15.030 Processing final short plat, major plat, or binding site plan.**

The final short plat, major plat, or binding site plan shall be submitted to the department for review. It shall be  
routed to appropriate departments and agencies in order to review for compliance with the conditions of approval.  
All offices, departments, and agencies issuing recommendations for final plat approval shall not modify the terms of  
preliminary plat recommendations without consent of the applicant. Once all reviewing departments and agencies  
are satisfied, all conditions have been met or appropriate bonding and surety obtained pursuant to OMC 16.15.050,  
the final short plat, major plat, or binding site plan mylars shall be submitted to the department for obtaining the  
required signatures. Final plats and short plats shall be approved, disapproved, or returned to the applicant within 30  
days from the date of receipt thereof, unless the applicant consents to an extension of such time period (RCW  
58.17.140).

**16.15.040 Review Criteria**

(b) Within the comment period on the final plat or binding site plan, the city engineer shall review the final plat  
or binding site plan and submit to the plat administrator a written report with respect to the following conditions:

- (1) That the proposed final plat or binding site plans bears the required certificates and statements of  
approval;
- (2) That a title report furnished by the applicant confirms the title of the land and the proposed subdivision  
is vested in the name of the owner whose signature appears on the plat certificate;
- (3) That the facilities and improvements required to be provided by the applicant have been completed or  
alternatively that the applicant has submitted with the proposed final plat or binding site plan a performance  
bond or other security in conformance with Section 16.15.060 of this chapter;
- (4) That the plat or binding site plan is technically correct as certified by the land surveyor responsible for  
the plat.

**16.15.050 Mylars**

Once the final plat or binding site plan has been approved, the following are required for recording:

(a) 3 sets of mylar drawings, each with original signatures. Before submittal to the City, the mylars shall have  
the following signatures:

---

(1) Owner(s) as shown on the plat certificate

(2) Notary acknowledgement of owner signature

(3) United States Bureau of Reclamation, if applicable

(4) Jurisdictional Irrigation District, if applicable

(b) Electronic copy of the drawings, in PDF and AutoCAD.

(c) Updated plat certificate, dated within 30 days of recording of the plat or binding site plan.

(d) All fees, reimbursements, and payments required as a condition of approval

(e) Any covenants required to run with the land, signed, notarized, and recording fee provided.

(f) All taxes and advance taxes required by the Adams County Treasurer must be paid.

(g) If the City will be transmitting the documents for recording, a check, payable to the Adams County Auditor, for the recording fees.

#### **16.15.060 Recording**

(a) Before recording, the applicant shall remit the following fees:

(1) When applicable, voluntary payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed subdivision as allowed by and pursuant to RCW 82.02.020;

(2) Any applicable fees to local, state, or federal agencies;

(3) The applicant shall be responsible to reimburse the city for administrative costs incurred by the city to review, process and approve, modify or disapprove the plat or binding site plan. The applicant shall be responsible for all engineering, legal and other consulting fees and costs incurred by the city to the extent said fees and costs exceed the application fees, and the applicant shall be advised of those costs by the city clerk. The applicant shall pay such fees as billed by the city clerk. A failure to pay within thirty days any such fee billed by the city clerk shall result in a suspension of the processing of the plat on the basis that such failure to pay evidences an abandonment of the plat application. The applicant shall pay such costs in full before the final plat or binding site plan is signed by the city administrator

(b) Upon signing of the final short plat, major plat, or binding site plan by the city administrator, the applicant shall pay all recording fees and have the document recorded with the Adams County auditor, and return two mylar copies along with any covenants, easements, or other documents recorded at the same time, to the city within thirty days.

(c) No certificate of occupancy shall be issued for any structures until the plat is recorded with Adams County.

#### **16.15.070 Surety in lieu of constructing improvements.**

In lieu of the completion of the actual construction of any required improvements prior to the approval of the final major plat, short plat, or binding site plan, the city may accept a surety in an amount and with conditions satisfactory to the city consistent with the provision of RCW 58.17.130, the Public Works Design Standards, and the criteria listed below. Required improvements may include, but are not limited to, streets, sidewalks, water, sewer, stormwater, irrigation, and street lighting.

1. The improvements must be completed within one year of the date of final approval of the plat or binding site plan;

2. The improvements must be completed before any Certificate of Occupancy will be issued for any buildings on the property.

3. The applicant for the surety does not have any outstanding improvements that have not been timely completed within other major plats, short plats, or binding site plans within the City;
4. The surety is in the form of a performance bond, cash savings assignment, or irrevocable letter of credit in an amount of at least 150 percent of the City-approved value of the outstanding improvements.
5. Extension of performance bond??

## Chapter 16.17 MAJOR SUBDIVISIONS

### Sections:

- 16.17.010 Purpose.
- 16.17.020 Scope.
- 16.17.030 Preliminary plat conditions and requirements.
- 16.17.040 Referral to other departments, agencies and offices.
- 16.17.050 Waivers, deviations and deferrals.
- 16.17.060 Planning commission public hearing.
- 16.17.070 Notice of public hearing.
- 16.17.080 Planning commission action.
- 16.17.090 City council action.
- 16.17.100 Expiration of preliminary plat.
- 16.17.110 Appeals.
- 16.17.120 Improvements.
- 16.17.130 Final major subdivision plat application.
- 16.17.140 Final plat review procedure.
- 16.17.150 Final plat fees.
- 16.17.160 Filing final plat.
- 16.17.170 Vested rights.
- 16.17.180 Appeals.

### **16.17.010 Purpose.**

The procedures regulating major subdivisions are established to provide for the orderly and efficient division of land within the city, to promote the public health, safety, and general welfare, and to substantially comply with the provisions of Chapter 58.17 RCW. 16.05.020 has a purpose statement for the whole Title]

### **16.17.020 Scope.**

The division or redivision of land into five or more lots, tracts, parcels, sites or divisions and/or the division or redivision of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. Any land which has been divided under the short subdivision procedures within five years. All shall be within the scope of this chapter. [Addressed in 16.05.030(a) (Applicability)]

### **16.17.030 Preliminary plat conditions and requirements.**

#### (a) General Conditions and Requirements.

- (1) The subdivision shall make adequate provision for roads, streets, curbs, gutters, sidewalks, street lighting circuits, alleys, the extension of municipal utilities (sewer and water), irrigation water rights of way, drainage ways, other public ways, public access, or any municipal improvements as deemed necessary in conformance with community street and utility standards and city design standards in effect at the time of plat approval.
- (2) The subdivision shall front on public streets. There shall be adequate access to all parcels. Streets shall be improved to city standards. Street lighting shall be provided.
- (3) The subdivision shall comply with all zoning, fire and health regulations.
- (4) The subdivision shall be consistent with the city's comprehensive plan.

(5) The subdivision shall provide for irrigation water rights of way pursuant to RCW 58.17.310 as now enacted or hereafter amended.

(6) The street lighting plan must be approved by the electric utility serving the plat and include certification that all fees have been paid or that arrangements acceptable to the city and the electrical utility have been made for the payment of the required fees. [Moved (1)-(6) to 16.05.110, General Standards]

(7) Environmental information shall be prepared and submitted in accordance with the guidelines established under the State Environmental Policy Act of 1971, as amended. Said information is a part of and must accompany the preliminary plat application. [Moved to 16.12.020.A.7, Contents of Application]

(8) Unless an applicant for a preliminary plat approval requests otherwise, and the plat administrator agrees, a preliminary plat shall be processed simultaneously with the application for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedure requirements applicable to these actions permit simultaneous processing. [Covered in 19.07.030]

(9) A major subdivision fee of five hundred dollars per plat plus fifty dollars per lot shall be collected at the time of application. This fee includes the public hearing fees, SEPA checklist fees, filing fees, review of construction plans and final plan review process. [Fees should be compiled in one resolution or a fee schedule. Noted in 16.12.020.A.2]

(10) Additionally, the developer shall be responsible for all contracted staff review expenses, consultant fees incurred to be able to review the application, publication costs and the costs of any independent inspector employed by the city to inspect installations of utilities to be delivered to the city upon completion as a condition of the platting process. This inspector will be on site as requested by the city. Written reports documenting the project is constructed per the approved set of plans, specifications, and accepted standards shall be submitted to the city as requested by the public works director. The developer is responsible for all costs for environmental impact study, traffic studies, soil studies, and other reports required for project evaluation. [Need to incorporate this statement into new chapters, or revise fee structure to address]

(11) Every decision or recommendation made under this chapter by the council, hearing examiner or planning commission shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation. [see 16.05.120]

(12) Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved or returned to the applicant for modification within the time provided under Chapter 36.70B RCW unless the applicant consents to an extension of such time period. [See Title 19 for review time frames]

(13) A plat certificate from a title company licensed to do business in the state of Washington dated within thirty days of the date of filing of the final plat and application with the plat administrator confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the subdivision plat or instrument of dedication. [See 16.12.020.A.7]

(14) A certificate of occupancy shall not be issued until the final major plat has been recorded with the Adams County auditor. [See 16.15.060.c]

(b) Specific Conditions and Requirements.

(1) Prior to submission of a major subdivision preliminary application and preliminary plat, the subdivider or the subdivider's representative shall schedule a pre-application conference with the plat administrator and representatives of other affected city departments. The subdivider shall present a conceptual idea of the plat. The plat administrator and representatives of affected city departments will respond informally and address potential items of concern or clarification to aid the subdivider in preparing the major subdivision preliminary application and preliminary plat. [See 19.07.020]

(2) The preliminary major subdivision application and plat shall be filed with the plat administrator on forms prescribed by the public works department. Said application shall be accompanied by twelve copies of the preliminary plat. [See 16.12.020.A, *Contents of Application*]

(3) The preliminary plat shall be a neat and accurate drawing, stamped and signed by a registered professional land surveyor licensed by the state of Washington on reproducible material at a decimal scale. [See 16.12.020.A.3, *Contents of Application*]

(4) Rights-of-way dedicated for streets and utilities shall be consistent with the comprehensive right-of-way and transportation plans of the city. Such dedication shall be at no cost to the public as to the portion required by the plat. [Need to incorporate into new chapters, unless it is adequately addressed by 16.05.110(1) & (4)?]

(5) The subdivider shall submit a list of the names and addresses of all owners of record of property within three hundred feet of the external boundaries of the proposed subdivision. In addition, the subdivider shall submit a list of the names and addresses of all owners of record of real property within three hundred feet of real property which lies adjacent to the external boundaries of the proposed subdivision and is owned by the subdivider. If the subdivider is unable to obtain the required list, the city can create it with all costs to do so paid by the developer. [See 16.12.020.A.6]

(6) The subdivider shall submit in writing any requests of the city and/or adjacent land owners as it concerns potential reimbursement or latecomers contracts, or city involvement in the cost sharing of any improvements. [Moved to 16.12.020.A.9]

(7) The preliminary plat shall contain the following:

(A) Name of proposed subdivision which has been approved by the plat administrator; [16.12.020.B.2]

(B) Boundaries of proposed subdivision established by the preliminary survey; [16.12.020.B.8]

(C) Location and dimension of all existing and proposed streets, alleys, utilities, rights of way, all easements on, adjacent to, or serving the proposed subdivision; [16.12.020.B.11]

(D) Location and dimensions of all existing and proposed irrigation water rights of way on, adjacent to, and serving the proposed subdivision; [16.12.020.B.14]

(E) Legal description of land within the proposed subdivision; [16.12.020.B.4]

(F) Proposed land and infrastructure dedications; [16.12.020.B.13]

(G) Name, address, and seal of the registered land surveyor who made the preliminary survey; [16.12.020.B.16]

(H) The date of the preliminary survey; [16.12.020.B.17]

(I) Horizontal scale of the proposed plat shall be no more than one hundred feet to the inch; [16.12.020.B.7]

(J) Monuments found and established during the preliminary survey; [16.12.020.B.18]

(K) Date map is prepared, scale and north point of the map. Approximate proposed lot lines with their dimensions, including lot numbers and block numbers; [16.12.020.B.6,7,9,17]

(L) If any of the parcels have more than twenty thousand square feet, or can be further divided at some future date, or if only a portion of a tract is being divided, location of future streets, alleys, utilities and lot lines shall be shown by dotted lines; [16.12.020.C.7 Site Plan]

(M) A vicinity map at a scale of not more than four hundred feet to the inch, except that the city engineer, subject to a request prior to plat submittal, may approve an alternative vicinity map scale

~~exceeding four hundred feet to the inch. The vicinity map shall show all adjacent parcels. It shall show how the streets, alleys, zones and utilities in the proposed subdivision may connect with existing and proposed improvements and zones in neighboring subdivisions or unplatte property to produce an advantageous development of the entire neighborhood; [16.12.020.B.5]~~

(N) ~~Provide recommended street names for approval; [16.12.020.B.19]~~

(O) ~~United States Bureau of Reclamation horizontal and vertical data including bench marks; [16.12.020.B.20]~~

(P) ~~A site plan on a separate sheet showing the following information: [See 16.12.020.C for Site Plan requirements]~~

(i) ~~Location and sizing of existing and proposed utilities including water, sewer, storm drains, electricity, street lighting, and gas, telephone, cablevision lines, and curb and sidewalk. Minimum size and scale shall be the same as the preliminary plat map;~~

(ii) ~~Existing and proposed improvements and natural features within and adjoining the proposed subdivision;~~

(iii) ~~Topography of the area with a maximum of two foot intervals of contours and a stormwater management plan;~~

(iv) ~~Present and/or proposed zoning classification on and adjacent to property;~~

(v) ~~Any proposed dedications for park land subject to the approval of the planning commission;~~

(vi) ~~Name(s) of owner(s) of the proposed subdivision; [16.12.020.B. plat drawing]~~

(vii) ~~SEPA checklist, with proposed mitigation, [not a site plan requirement, moved to 16.12.020.A, submittal requirements]~~

(viii) ~~Critical areas;~~

(ix) ~~Any deed restrictions or covenants existing or proposed shall be drawn on the site plan or preliminary plat map or attached in text form. [moved to 16.12.020.B, plat drawing]~~

**16.17.040 Referral to other departments, agencies and offices.**

(a) ~~Upon receipt of a complete and satisfactory preliminary plat application, the plat administrator shall distribute copies of the preliminary plat to each of the following offices, departments or agencies within two working days from receipt: [This list is incomplete, and doesn't need to be in the ordinance. Routings are procedural.]~~

(1) ~~Electric utility serving the location of the plat;~~

(2) ~~Telephone company;~~

(3) ~~Fire department;~~

(4) ~~Adams County health district;~~

(5) ~~Any irrigation district with jurisdiction;~~

(6) ~~Adams County assessor;~~

(7) ~~Communications company;~~

(8) ~~Port of Othello.~~

- (b) The plat administrator shall further notify the police department, park and recreation department and city administrator that a preliminary plat has been received.
- (c) Notice of the filing of a preliminary plat of a proposed subdivision located in the city and adjoining the municipal boundaries thereof shall be given to the Adams County planning department.
- (d) Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right of way of a state highway shall be given to the state Department of Highways.
- (e) Each office, department or agency shall file written recommendations with the plat administrator within fifteen calendar days from the date of filing of the preliminary plat and application with the plat administrator. If any such office, department or agency fails to file a written recommendation within the time limitation, it may be presumed that such office, department or agency has no recommendation. [Covered in 19.07.070]
- (f) If the preliminary plat is found to be unacceptable, a certified letter shall be mailed to the subdivider within twenty calendar days of receipt of the application. [Covered in 19.09]
- (g) The plat administrator may determine that a meeting shall be held to resolve major issues identified as a result of the recommendations of other offices, departments or agencies. Such meeting shall be attended by those offices, departments or agencies responsible for the recommendations and must include the applicant and the plat administrator. The proceedings and results of the meeting shall be documented by minutes. [A meeting is always an option, without needing to be formalized in the code]

#### **16.17.050 Waivers, deviations and deferrals.**

(a) The subdivider may make application to the planning commission on forms prescribed by the city for a waiver, deviation or deferral of any provision contained in this title in accordance with Chapter 16.40; provided, that the request is received concurrently with the proposed subdivision or dedication. Such application shall include any and all details necessary to support the application. All waiver, deferral or deviation variance requests must be forwarded to the council for approval with the preliminary plat and the planning commission's recommendation.

(b) In granting variances, the council may require such conditions as will secure, insofar as practicable, the objectives of the requirement varied. Any variance authorized shall be entered in the minutes of the council together with the circumstances that justify the variance granted. . [Is this still the process we want to use? We will need to incorporate some sort of process into the new chapters.]

#### **16.17.060 Planning commission public hearing.** [Superseded by existing OMC 19.03.050 Hearing Examiner and existing OMC 19.09.050 Type II quasi-judicial review of applications]

When the plat administrator determines that the completed subdivision application and preliminary plat is acceptable, the plat administrator shall set a date for a public hearing before the planning commission. The planning commission shall conduct a hearing on the preliminary plat not less than twenty days nor more than forty five days after receipt of the completed subdivision application and preliminary plat.

#### **16.17.070 Notice of public hearing.** [Superseded by existing OMC 19.07.080 Notice of public hearing]

The plat administrator shall give notice of the time, location and purpose of the public hearing in the following manner:

- (a) At least one public notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the city and the area where the real property that is proposed to be subdivided is located.
- (b) Three notices shall be posted on or adjacent to the land proposed for subdivision at least ten days prior to the public hearing date.
- (c) One notice shall be mailed to each owner of property within three hundred feet of the property proposed for subdivision at least ten days prior to the public hearing.
- (d) If the owner of the real property which is proposed for subdivision owns another parcel or parcels of real property which lies adjacent to the real property proposed to be subdivided, one notice shall be mailed to each owner

~~of real property located within three hundred feet of any portion of the boundaries of such adjacent located parcels of real property owned by the owner of the real property proposed to be subdivided.~~

~~(e) Notice shall be sent to the Adams County planning department and to the state Department of Highways respectively if the subdivision is adjacent to municipal boundaries or if the subdivision is adjacent to a state highway. [This is part of the procedural routing of the notice of application, not the notice of public hearing]~~

**16.17.080 Planning commission action.**

~~(a) The plat administrator shall transmit the application, the plat, respective comments and recommendations from other offices and agencies, comments and recommendations from city departments to the planning commission prior to the hearing.~~

~~(b) The planning commission shall review the preliminary plat, municipal recommendations, testimony and exhibits submitted at the hearing and make recommendations thereon to the council to assure conformance of the proposed subdivision with the comprehensive plan, zoning ordinance, community street and utility standards, and city design standards. The planning commission shall recommend the council approve, conditionally approve or disapprove the preliminary plat. [Superceded by existing OMC 19.03.050 Hearing Examiner and existing OMC 19.09.050 Type II quasi-judicial review of applications]~~

**16.17.090 City council action.**

~~(a) Upon receipt of a planning commission recommendation, the council at its next regular meeting, shall set a date for a public meeting to be scheduled for the council's next regular meeting. The council shall consider and adopt or reject the planning commission's recommendation with respect to the general and specific requirements of this chapter.~~

~~(b) If the council, after considering the recommendation at a public meeting deems necessary a change in the recommendation of the planning commission, such a change shall not be made until the council holds a public hearing to consider their own recommendations. The hearing before the council shall be given public notice and conducted in the manner prescribed for the planning commission.~~

~~(c) Council approval of the preliminary plat shall constitute approval for the applicant/subdivider to develop construction plans and specifications for all facilities and improvements and to prepare the final plat. [Superceded by existing OMC 19.03.050 Hearing Examiner and existing OMC 19.09.050 Type II quasi-judicial review of applications]~~

**16.17.100 Expiration of preliminary plat.**

~~(a) Approval of any preliminary major plat shall expire and become null and void three years after the date of preliminary plat approval.~~

~~(b) The council may grant one extension of the preliminary plat approval for a period not to exceed one year; provided, that the request for an extension is filed at least thirty calendar days before the expiration of the three year period and upon showing that the applicant has attempted in good faith to submit the final plat within the three year period. [See new sections 16.12.060 Expiration of preliminary approval & 16.12.070, Time extensions]~~

**16.17.110 Appeals.**

~~Any decision approving or disapproving any preliminary major subdivision plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of Adams County. Said application for a writ of review shall be made to the court within thirty days from any decision to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the party seeking review in the superior court and no transcripts or records shall be prepared or provided prior to receipt of payment for them. [Covered in 19.11]~~

**16.17.120 Improvements.**

~~(a) Following approval of the preliminary plat by the council, the applicant shall file with the plat administrator, three complete sets of preliminary construction plans and specifications prepared by a professional engineer licensed by the state of Washington showing all street and utility improvements as required by the council in granting approval of the preliminary plat. The construction plans and specifications shall be accompanied by a minimum plan~~

~~check fee as per the rate schedule established by the city engineer. All construction plans and specifications shall be in conformance with city design standards and the community street and utility standards. Sheet size shall be twenty four inches by thirty six inches and shall have a border of one inch on the left margin and one half inch on the remaining three margins. The scale shall be five feet vertically and forty feet horizontally.~~

(b) ~~The preliminary construction plans and specification shall be forwarded to the city engineer within two working days of receipt by the plat administrator. Within twenty days of filing of the plans with the plat administrator, the city engineer shall approve, conditionally approve or disapprove the plans. The subdivider shall submit one set of permanent reproducible Mylar and three sets of specifications which have been approved for the city engineer's signature, records and use.~~

(c) ~~After the city engineer has approved the construction plans and specifications, the subdivider shall complete and install all street and utility improvements required by the council in granting preliminary plat approval prior to filing of the final plat. A one year maintenance bond shall be required in the amount of one hundred percent of the construction cost.~~

(d) ~~The public works department or a licensed professional engineer or engineering firm hired by the city shall be responsible for the inspection of all subdivision improvements to insure conformance with the approved plans and specifications. [Requirement for improvements before final plat moved to 16.15.010.A. Details about preparing plans, reviews, inspections, maintenance bond, etc. should be in Public Works Standards]~~

(e) ~~In lieu of completing and installing all required and utility improvements prior to filing of the final plat with the plat administrator, the subdivider may post a subdivision bond or other approved security in a form satisfactory to the city attorney. The subdivision bond or approved security shall be in an amount equal to one hundred fifty percent of the estimated cost as determined by the municipal services director, of such improvements required by the council in granting approval of the preliminary plat. In the event that all street and utility improvements are not completed within the time limit specified in the subdivision bond or approved security, the bond or security may be forfeited and the city may undertake the installation and completion of all required street and utility improvements.~~

(1) ~~All street and utility improvements listed in the subdivision bond must be installed, completed and accepted by the city within two years of council approval of the final plat.~~

(2) ~~The council may grant one extension of the subdivision bond or security for a period not to exceed two years; provided, that the request for an extension is filed with the plat administrator at least sixty days prior to the expiration date of the bond or security.~~

(3) ~~In the event that time extension is granted, a new subdivision bond or other approved security shall be submitted in an amount sufficient to cover one hundred fifty percent of the cost of completing utility extensions and street improvements. The bond will be updated with new estimates of cost on all uncompleted improvements and all increased cost estimates shall be passed onto the bond. If these increased costs are not accepted by the surety, then the city shall foreclose on the bond and the plat will be held in abeyance. Departments issuing recommendations for new subdivision bonds or other approved security shall not modify the terms and requirements of the bond or security other than to pass on all increased cost estimates as determined by the municipal services director to the bond or security to cover the cost of completing utility extensions and street improvements without the written consent of the applicant. [See 16.15.070 for performance bond.]~~

#### **16.17.130 Final major subdivision plat application.**

(a) **General Requirements.**

(1) ~~The final major subdivision application and plat will be filed with the plat administrator on forms provided by the public works department. [16.15.010.B.1]~~

(2) ~~All required street and utility improvements must be constructed by the applicant and must be accepted by the city or a subdivision bond or other approved security shall be submitted in an amount sufficient to cover one hundred fifty percent of the estimated cost of completing all required utility extensions and street improvements as determined by the public works department. [See 16.15.010.A] Upon completion of the~~

~~required improvements and prior to acceptance by the council, the subdivider/developer must submit a maintenance bond or alternative security approved by the city attorney in an amount determined by the city engineer and approved by the public works director. The maintenance bond amount shall be one hundred percent of the actual cost of construction. An alternative security shall be in an amount not less than ten percent nor more than one hundred percent of the actual cost of construction. The amount shall be determined on a case by case basis based upon the city engineer's estimated cost of repair or maintenance should repair or maintenance be required. The subdivider/developer shall submit documentation of the cost of construction to the city engineer for his review and approval and use in determining the required bond or alternative security amount. Said bond shall be in effect for one year from the date of acceptance.~~ *[Maintenance bond requirements need to be in Public Works Standards, not Subdivision Code. Need to revise Public Works Standards to have a set percentage that is less than 100%]*

(3) ~~Required dedication of all streets, rights of way, parks, playgrounds, easements, reservations, irrigation water rights of way, and any area to be dedicated to public use, together with any restrictions or limitations thereon shall be submitted as a part of the final plat.~~ *[See 16.15.020.B.J]*

(4) ~~The application shall be accompanied by the following:~~

(A) ~~A plat certificate from a title company licensed to do business in the state of Washington dated within thirty days of the date of filing of the final plat and application with the plat administrator confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the subdivision plat or instrument of dedication.~~ *[See 16.15.010.B.6]*

(B) ~~A certificate from the Adams County treasurer indicating that all taxes and assessments on the property included in the final plat, subdivision or dedication have been paid according to the provisions of RCW 58.08.030 and RCW 58.10.040 as now enacted or hereafter amended.~~ *[Does not match current procedure. Taxes and assessments must be paid before the Treasurer will sign the plat for recording. A certificate is unnecessary]*

(C) ~~A certificate from the city finance director indicating that there are no delinquent special assessments or liens on the property included in the final plat, subdivision or dedication.~~ *[Not part of current procedure]*

(D) ~~All covenants proposed to run with the land.~~ *[Any covenants the City is requiring would be formatted and provided by the City]*

(5) ~~The final plat (twelve sets of prints plus the original tracing, AutoCad discs, and a reproducible Mylar copy) shall include all items in subsection B of this section and any additional information and modifications requested in the preliminary approval. The final plat shall be prepared in a neat and legible manner in black permanent drawing ink on high grade tracing cloth or drafting film. All documents, maps and survey notes shall contain the name of the subdivision, the name(s) of the subdivider(s), the name of the registered land surveyor responsible to the subdivider(s). The trimmed size of the final plat shall be eighteen inches by twenty four inches with a one and a half inch margin on the top or left margin and a one half inch border on the remaining three margins. The final plat shall be recorded on two or more sheets if the scale necessary to accommodate the map on one sheet would unduly congest the drawing.~~ *[See 16.15.010.B.3 & 16.15.020.A,B]*

(6) ~~The final major subdivision plat shall be approved or disapproved within thirty days from the date of filing of the final plat with the plat administrator. This time period shall be binding unless the applicant consents to an extension of time in writing.~~ *[Review time frames are addressed in OMC Title 19 and RCW 58.17 Subdivisions]*

(7) ~~No final major subdivision plat may be approved unless the city makes a written finding of fact that the proposed subdivision is in conformance with any applicable zoning ordinances, or other land use controls which may exist.~~ *[This review needs to happen at preliminary plat stage. Final plat is too late. See 16.05.120]*

(8) No final major plat shall be approved for any subdivision which lies in whole or in part in an irrigation district organized pursuant to Chapter RCW 87.03 unless there has been provided an irrigation water right of way pursuant to RCW 58.17.310, 58.17.060 and 58.17.110 as now enacted or hereafter amended. [See 16.05.110(5)]

(b) Specific Requirements.

(1) The final plat shall clearly show the following information: [See 16.15.020 for final plat formatting requirements]

(A) The lines and names of all streets or other public ways, parks, playgrounds and easements intended to be dedicated for public use, or granted for use of inhabitants of the subdivision; [16.15.020.J, M]

(B) The lines and names of all existing or platted streets or other public ways, parks, playgrounds and easements adjacent to the final plat, subdivision or dedication, including municipal boundaries, township lines and section lines; [16.15.020.I, J]

(C) The lengths and bearings of all straight lines, curve radii, arcs and semitangents of all curves; [16.15.020.O]

(D) All dimensions along the lines of each lot, with the true bearings and also any other data necessary for the location of any lot lines in the field; [16.15.020.L, O]

(E) Suitable primary control points, approved by the city engineer or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred; [16.15.020.P]

(F) The location of all permanent monuments; [16.15.020.N]

(G) The names of all subdivisions immediately adjacent thereto; [16.15.020.K]

(H) The date, true north point, scale, datum plane and date of survey; [16.15.020.C,D]

(I) The boundary of the tract, the courses and distances marked thereon, as determined by a field survey made by a registered and qualified land surveyor of the state and to close with an allowable error not to exceed one foot in five thousand feet and not to exceed one foot in ten thousand feet in the central business district; [Updated, more accurate standard proposed, see 16.15.020.R]

(J) The elevations of all permanent monuments based on a datum plane approved by the city engineer; [16.15.020.N]

(K) A vicinity sketch map of not more than four hundred feet to the inch, except that the city engineer, subject to a request prior to plat submittal, may approve an alternative vicinity map scale exceeding four hundred feet to the inch; [16.15.020.F]

(L) Street names; [16.15.020.M]

(M) Certification by registered land surveyor of accuracy of plat and survey; [16.15.020.CC.1]

(N) Statement by owner dedicating streets, rights of way, and any other sites for public use; [16.15.020.CC.3]

(O) Location and dimensions of all irrigation water rights of way; [16.15.020.X]

(P) Provide legal description of the plat boundaries; [16.15.020.G]

(Q) Provide block and lot locations including dimensions and number designations. [16.15.020.L]

(2) ~~All linear dimensions shall be given in feet and decimals of a foot to the nearest hundredth.~~  
[16.15.020.V]

(3) ~~The scale of the final plat shall be not more than one hundred feet to the inch, except that the city engineer, subject to a request prior to plat submittal, may approve an alternative plat map scale not to exceed one hundred feet to the inch.~~ [16.15.020.E]

(4) ~~If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown by dotted lines in their proper positions in relation to the new arrangement of the plat, the new plat being so clearly shown in solid lines as to avoid ambiguity.~~ [16.15.020.AA]

(5) ~~The final plat shall be accompanied by improvement plans and specifications including utilities, streets, grades, and appurtenances as provided for in Section 16.17.120, Improvements. [Improvements would have been already completed or bonded for]~~

(6) ~~The subdivider's land surveyor shall set all required monuments and shall stake all lot corners as shown on the final plat before the plat is submitted for final approval.~~ [16.15.020.BB]

(7) ~~The final plat shall contain the legal description of the subdivision and the following dedication, acknowledgment, and endorsement statements shall appear in the following sequence in black permanent ink either by hand or mechanical device:~~ [Legal description 16.15.020.G. Dedication statement 16.15.020.CC.3]

#### Dedication

The owner of the land described herein in fee simple is \_\_\_\_\_ and \_\_\_\_\_. The owner declares this plat and dedicates to the public forever, all streets, roads, alleys, easements or whatever public property there is shown thereon for any and all public purposes not inconsistent with the uses shown on this plat.

Dated \_\_\_\_\_

Signed \_\_\_\_\_

#### Acknowledgement

State of Washington  
County of Adams

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument and acknowledged it to be his/her and voluntary act for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Print or Type Name of

Notary Public

My appointment expires

\_\_\_\_\_  
Surveyor's Certification and Declaration [Surveyor Certificate 16.15.020.CC.1]

I hereby certify that this plat is a true and correct representation of the lands actually surveyed.

I hereby declare that the plat of \_\_\_\_\_ is based on actual survey and subdivision of a portion of Section \_\_\_\_\_ Township \_\_\_\_\_ North, Range \_\_\_\_\_ East, W.M., that the distances and courses and angles are shown thereon correctly to the best of my knowledge, information, and belief; and that proper monuments have been set and lot corners are staked on the ground.

---

(Seal)

~~Licensed Land Surveyor~~

~~EXAMINED AND APPROVED by the Othello Public Works Department on~~  
~~\_\_\_\_\_~~, 20 ~~\_\_\_\_\_~~.

## ~~City Engineer~~

~~EXAMINED AND APPROVED by the Planning Commission on~~ , 20

~~Planning Commission Chairman~~

~~EXAMINED AND APPROVED by the Othello City Council on \_\_\_\_\_, 20 \_\_\_\_.~~

## City Administrator

~~ATTEST:~~

### **City Clerk [City approvals 16.15.020.CC.4]**

This is to certify that all taxes and assessments which are now due and payable according to the records of Adams County have been fully paid.

Adams County Treasurer

Date [Treasurer statement 16.15.020.CC.5]

Filed for record at the request of the City of Othello this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
at \_\_\_\_\_ m., and recorded in Volume \_\_\_\_\_ of Plats, on Page \_\_\_\_\_, records of Adams  
County, Washington.

~~Adams County Auditor~~

---

by Deputy Auditor [Auditor Certificate 16.15.020.CC.2]

(8) ~~Submit all lot, block, and boundary closures to the city engineer with the final plat submittal. [Moved to 16.15.010.B, application submittal requirements]~~

**16.17.140 Final plat review procedure.**

(a) ~~Upon receipt of the final subdivision application and plat, the plat administrator shall, within two working days of receipt, distribute copies to all offices, departments, and agencies receiving the preliminary plat. Each office, department, or agency shall file written recommendations with the plat administrator within fifteen days from the date of filing of the final plat with the plat administrator. If any such office, department, or agency fails to file a recommendation within the time limitation, it may be presumed that such office, department, or agency has no recommendations for final plat approval [Superseded by 19.07.070] and shall not modify the terms of preliminary plat recommendations without the written consent of the subdivider. [Moved to 16.15.030]~~

(b) ~~Within fifteen days of filing of the final plat the city engineer shall review the final plat and submit to the plat administrator a written report with respect to the following conditions:~~

(1) ~~That the proposed final plat bears the required certificates and statements of approval;~~

(2) ~~That a title report furnished by the subdivider confirms the title of the land and the proposed subdivision is vested in the name of the owner whose signature appears on the plat certificate;~~

(3) ~~That the facilities and improvements required to be provided by the subdivider have been completed or alternatively that the subdivider has submitted with the proposed final plat a performance bond or other security in conformance with Section 16.17.120 of this chapter;~~

(4) ~~That the plat is technically correct as certified by the land surveyor responsible for the plat. [Moved to 16.15.040]~~

(e) ~~Within fifteen days of filing of the final plat, the Adams County health district or other agency furnishing sewage disposal and supplying water shall review the final plat and submit to the plat administrator a written report recommending approval or disapproval of the final plat as to the adequacy of the proposed means of sewage disposal and water supply. [City cannot compel another agency to provide a report. We can route the project to them and give them an opportunity to comment]~~

(d) ~~Within fifteen days of filing of the final plat the appropriate irrigation district serving or from which the real property is entitled to be served with irrigation water shall review the final plat and submit to the plat administrator a written report recommending approval or disapproval of the final plat as to the adequacy of the proposed means of the delivery of irrigation district entitlement water and as to the adequacy of the proposed means of removal of irrigation waste water. [City cannot compel another agency to provide a report. We can route the project to them and give them an opportunity to comment]~~

(e) ~~Within twenty days of filing of the final plat the planning commission shall review the final plat as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication and shall recommend to the city council that said plat be approved or disapproved. [Not current process per existing OMC 19.03]~~

(f) Council Action.

(1) The council shall, within thirty days from the date of filing of the final subdivision application and plat, approve or disapprove the final plat unless the subdivider consents to an extension of such time period in writing.

(2) If the council finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, the requirements of Chapter 58.17 RCW, other applicable state laws, and any other requirements which were in effect at the time of preliminary plat approval, it shall approve the final plat and by

such action direct the city administrator to sign the plat. [Need to discuss what the process should be. Should final plats continue to be approved by Council or should this authority be delegated? There are no judgement calls, either the final plat is consistent with the preliminary plat or it is not.]

**16.17.150 Final plat fees.**

Upon council approval of the final plat, the subdivider shall remit the following fees prior to the plat being officially signed and recorded with the Adams County auditor:

- (a) When applicable, voluntary payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed subdivision as allowed by and pursuant to RCW 82.02.020.
- (b) When applicable, a certificate from the Adams County auditor certifying that covenants to the property title have been recorded and filed shall accompany final plat fees.
- (c) The applicant shall be responsible to reimburse the city for administrative costs incurred by the city to review, process and approve, modify or disapprove the plat submitted. The applicant shall be responsible for all engineering, legal and other consulting fees and costs incurred by the city to the extent said fees and costs exceed the application fees, and the applicant shall be advised of those costs by the city clerk. The applicant shall pay such fees as billed by the city clerk. A failure to pay within thirty days any such fee billed by the city clerk shall result in a suspension of the processing of the plat on the basis that such failure to pay evidences an abandonment of the plat application. The applicant shall pay such costs in full before the final plat is recorded.
- (d) Upon signing of the final plat by the city administrator, the applicant shall pay all recording fees and have the plat recorded with the Adams County auditor, with the original and two copies of the signed and recorded Mylars, and filed covenants (if any) returned to the city within thirty days. [See 16.15.060, Recording]

**16.17.160 Filing final plat.**

(a) Upon receipt of all required final plat fees the plat shall be signed by the following officials:

- (1) Public works director;
- (2) City administrator. [These signatures are listed in new section 16.15.020.CC.4]

(b) The plat administrator shall transmit the original Mylar plat to the county auditor for final filing. One reproducible copy shall be forwarded with the original to be confirmed and returned to the city engineer for his records. One paper copy shall be filed with the county assessor. [This existing section conflicts with existing 16.17.150(d). Both are proposed for deletion; See 16.15.060 for replacement]

**16.17.170 Vested rights.**

A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of approval pursuant to RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. In the event the developer has elected to proceed to post a bond or other security approved by the city attorney in lieu of completion of plat improvements in order to obtain final plat approval, building permits may issue for buildings within the plat, but no certificates of occupancy will issue until all plat improvements are constructed, approved and a maintenance bond posted for those improvements. [Addressed in 19.07.060]

**16.17.180 Appeals.**

Any decision approving or disapproving any final major subdivision plat shall be reviewable for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of Adams County. Said application for a writ of review shall be made to the court within thirty days from any decision to be reviewed. The cost of transcriptions of all records ordered certified by the court for such review shall be borne by the party seeking review in the superior court and no transcripts shall be prepared or provided prior to receipt of payment for them. [See 19.11]

## Chapter 16.20

### OPEN SPACE AND PARKS

Sections:

- 16.20.010 Scope and application.
- 16.20.020 Exceptions.
- 16.20.030 Definitions.
- 16.20.040 Open space requirements.
- 16.20.050 Open space qualifications.
- 16.20.060 Fee in lieu of open space dedication.

**16.20.010 Scope and application.**

Except as set forth below, the requirements and standards of this chapter shall apply to each and every residential development as defined herein, including subdivisions, apartments, townhouses, site plans and mobile home parks, and, as deemed necessary by the responsible official to meet the purposes of this chapter, to each and every action subject to review by the city pursuant to the subdivision chapters of the Othello Municipal Code. (Ord. 1269 § 1 (part), 2008).

**16.20.020 Exceptions.**

The requirements and standards of this chapter do not apply to solely commercial or industrial development, including subdivisions, site plans, and other developments which do not include residential dwelling units. (Ord. 1269 § 1 (part), 2008).

**16.20.030 Definitions.**

(a) “Dwelling unit” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family, or any lot designated and intended for such use.

(b) “Gross area” means the total area to be subdivided or otherwise developed without subtracting any open space, rights-of-way, public lands, nonresidential lots, or utility lands and easements.

(c) “Net built area” means the developed area directly associated with dwellings, including all setbacks and yards. The net built area is calculated by subtracting any designed open space, public rights-of-way, public lands, commercial or industrial lots not to include dwelling units, and lands to be used exclusively for utilities, such as stormwater or sewage storage or treatment facilities, high voltage power lines, or natural gas transmission lines, from the total area to be platted or otherwise developed.

(d) “Open space” means an area of land or water designated and reserved primarily for uses which require minimal buildings and impermeable surfaces and which is supplemental and in addition to any setbacks, yards, streets, vehicular access or parking areas and similar areas ordinarily associated with residential development. Open space may include but is not limited to green belts, parks, athletic fields, recreation areas and trails, or environmentally sensitive areas.

(e) “Qualified open space” means open space that has all of the attributes and characteristics set forth in Section 16.20.050.

(f) “Residential development” means any proposal to construct, install, or to subdivide land for the purpose of constructing or installing, any building for use and occupancy as a dwelling unit, not including hotels, motels, recreational vehicle parks, and similar developments intended solely for temporary or seasonal occupancy. (Ord. 1269 § 1 (part), 2008).

**16.20.040 Open space requirements.**

(a) All residential developments shall include, as a condition of approval, either the dedication of a portion of the site to be developed as qualified open space for public purposes, or the payment of a fee in lieu of dedication, or

both, pursuant to this chapter. The applicant may either dedicate the land, or make payment of a fee in lieu thereof pursuant to this chapter.

(b) For purposes of all single-family residential developments, any dedication of open space pursuant to this chapter shall be five percent of the gross area of the proposed development and shall be qualified open space as provided by Section 16.20.050. For purposes of all multifamily residential developments and combined single-family and multifamily residential developments, any dedication of open space pursuant to this chapter shall be ten percent of the gross area of the proposed development and shall be qualified open space as provided in Section 16.20.050.

(c) The city may waive the dedication requirements of this chapter, provided the applicant makes an adequate showing that the purposes of this chapter will be served by the creation of a private open space that otherwise meets the requirements of qualified open space. Under such circumstances, the city may, in its sole discretion, authorize the establishment of a private open space under appropriate terms and conditions.

(d) The city may also, in its sole discretion, allow both the imposition of a fee in lieu of dedication and the dedication of open space, provided the city determines that the purposes of this chapter are served by allowing a combination of both. Under such circumstances, the fee in lieu of dedication shall be reduced proportionately with the amount of open space dedicated. (Ord. 1269 § 1 (part), 2008).

#### **16.20.050 Open space qualifications.**

To qualify as open space for purposes of this chapter, all dedicated open space must have the following attributes and characteristics:

(a) Use. Open space shall be dedicated for one or more of the following uses:

- (1) Environmental interpretation or other education.
- (2) Park, recreational land, or athletic field.
- (3) Off-road footpaths or bicycle trails.
- (4) Any other use found by the city to further the purposes of this chapter.

(b) Suitability. All areas dedicated as open space must be suitable for one or more of the uses described in subsection (a) of this section and be of such topographic, geologic, and other physical characteristics so as to be, in the view of the city engineer and the city administrator, suitable. Areas including above ground utilities and stormwater retention facilities are declared to be unsuitable, except to the extent such facilities are available for seasonal use and the city finds that the land is otherwise qualified open space.

(c) Siting. All open space lands must be located and sized to be suitable for their intended purposes. The city may deny approval of the dedication where proposed open spaces are so located or sized as to be unreasonably inefficient for the public or private owner to maintain or utilize, or which the city deems to be isolated by barriers or unreasonably remote by distance from the intended users or to be of no benefit to the residents of the proposed development or to the public.

(d) Access. In order to serve the recreational needs of the public, at least seventy-five percent of dedicated open space associated with each development must be accessible to either the general public or to all residents of the associated development.

(e) Ownership. The applicant shall warrant that he or she is dedicating full fee title to the open space free and clear of any and all encumbrances. All documents associated with such dedication shall be subject to review and approval by the city. The city may require that any such documents be recorded as appropriate in the form of the document.

(f) Notice—Amendment. Notice of the dedication shall be provided by means appropriate to the intended use. Such notice shall include at a minimum one posted sign and one form of public record of the dedication use which

can reasonably be expected to be revealed by a title abstract of the property. Such record may include a statement on the face of a recorded plat or recorded deed covenants and restrictions.

(g) Off-Site Open Space. The dedicated open space may be off site and outside the proposed development; provided, that the open space is qualified open space in all other respects, that the applicant certifies and warrants that he or she has the necessary authority to convey the off-site property in fee title to the city, free and clear of any and all encumbrances, and that such off-site open space is within the boundaries of the city.

(h) Failure of Qualifications. Where no site within the proposed development meets the above qualifications, the city may require that the applicant offer lands outside the development or pay the fee in lieu of dedication, in either respect pursuant to this chapter. (Ord. 1269 § 1 (part), 2008).

**16.20.060 Fee in lieu of open space dedication.**

(a) Unless land within a proposed development is dedicated in accordance with Section 16.20.040, final approval of the development shall be contingent upon payment of a fee in lieu of dedication from the developer to the city. The fee so collected shall be appropriated only for the acquisition and development of open space, park sites, and recreational facilities within the city. Expenditure of such fees shall only be through capital budget and program appropriations by the city council. Fees collected must be allocated to specific neighborhood park, open space, or recreation projects within five years of fee acceptance.

(b) The fee in lieu of dedication of open space for a single-family residential development shall be five percent of the value of the gross area of the proposed development or multiple-family residential development shall be ten percent of the value of the gross area of the proposed development.

(c) Such fees shall be due and payable prior to issuance of the final residential development approval by the city with which such fee is associated. Where a property lien is granted, the city may allow deferral of payment until such time as building permits are to be issued. Such fee shall be deposited in the appropriate fund of the city. Should such fee not be expended within five years of receipt by the city, upon written demand to the finance officer, the fee will be refunded to the then owner of such residence or lot to which the fee is attributable. (Ord. 1269 § 1 (part), 2008).

## Chapter 16.26

### BINDING SITE PLANS

***[THIS CHAPTER WILL BE PROPOSED FOR MODIFICATION OR DELETION, AFTER DETERMINING  
ALL PROVISIONS HAVE BEEN ADDRESSED ELSEWHERE]***

Sections:

- 16.26.010 Purpose.
- 16.26.020 Binding site plan conditions and requirements.
- 16.26.025 Preliminary nonbinding advisory review.
- 16.26.030 Referral to other departments, agencies and offices.
- 16.26.040 Final filing fees.
- 16.26.050 Final filing.
- 16.26.060 Certificate of segregation—Building permit.
- ~~16.26.070 Vested rights.~~
- 16.26.080 Appeals.

**16.26.010 Purpose.**

~~The procedures regulating binding site plans are established to provide an alternative procedure for the orderly and efficient division of platted land into parcels for the purpose of lease or sale for industrial or commercial uses of the land upon which no residential structures will be placed when more than one principal building is to be constructed on one lot of record; to provide an alternative procedure for the orderly and efficient division of platted land into parcels for the purpose of lease for mobile homes or travel trailers; to promote the general health, safety and welfare; and to substantially comply with the provisions of Chapter 58.17 RCW. The binding site plan procedures specified in this chapter are available as a complement to other methods for subdividing land for commercial and industrial development. The binding site plan shall be the required method of development for mobile home parks. The binding site plan procedures of this chapter shall have principal application to commercial and industrial parks and mobile home parks. (Ord. 947 § 2 (part), 1995). [16.05.020 has a purpose statement for the whole Title.~~

*16.05.030(a)(3) defines scope of binding site plans]*

**16.26.020 Binding site plan conditions and requirements.**

(a) General Conditions and Requirements.

- (1) Binding site plans shall be filed as a record of survey in the Adams County auditor's office.
- (2) A commercial or industrial binding site plan authorizes a sale or transfer of a parcel. The binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the parcel. The sale or transfer of such parcel in violation of the binding site plan, or without obtaining a binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW. The sale or other transfer of ownership of a parcel of a commercial or industrial binding site plan shall be filed as a record of survey in the Adams County auditor's office.
- (3) Mobile home park and recreational vehicle park binding site plans shall not authorize the sale or transfer of ownership of a parcel of the binding site plan.
- (4) Alteration of an approved binding site plan shall be accomplished by submitting an amended binding site plan to the plat administrator. The amended binding site plan shall be processed subject to all the procedures and requirements of this chapter.
- (5) All improvements (i.e., water services, fire lines, building sewers, private access streets, etc.) within the binding site plan boundaries shall be privately held and maintained by the property owner(s). The binding site

plan shall make adequate provision for internal private access streets, curbs, gutters, sidewalks, street lighting circuits, alleys, connections to municipal utilities (sewer and water) in the existing dedicated street the binding site plan adjoins, drainage ways, other public ways, or other municipal improvements as deemed necessary in conformance with the city of Othello community street and utility standards and the city of Othello design standards in effect at the time of the binding site plan approval. All internal streetlights required shall be supported by the formation of a streetlight utility local improvement district (ULID) coexistent with the boundaries of the binding site plan to cover the operation and maintenance costs of such streetlights.

(6) The binding site plan shall front on an existing dedicated street. There shall be adequate access to all parcels. Existing dedicated streets shall be improved to the city of Othello's community street and utility standards. Private streets shall have direct access onto a dedicated street.

(7) The binding site plan shall comply with all zoning, fire and health regulations.

(8) The binding site plan shall be generally consistent with the city of Othello's comprehensive plan.

(9) The binding site plan shall provide for irrigation water rights-of-way as now enacted or hereafter amended and shall be approved by the irrigation district.

(10) Environmental information shall be prepared and submitted in accordance with the guidelines established under the State Environmental Policy Act of 1971, as amended. Said information is a part of and must accompany the binding site plan application.

(11) Unless an applicant for a binding site plan requests otherwise and where the public works director and plat administrator agrees, a binding site plan shall be processed simultaneously with the application for platting, rezones, variances, waivers, deferrals or deviations, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

(12) Binding site plans shall be approved, disapproved, or returned to the applicant for modification within the time provided in Chapter 36.70B RCW.

(b) Specific Conditions and Requirements.

(1) Prior to submission of a binding site plan application and map, the subdivider or the subdivider's representative shall schedule a preapplication conference with the plat administrator and representatives of other affected departments and agencies. The subdivider shall present a conceptual idea of the binding site plan. The representatives of affected agencies and departments will respond informally and address potential items of concern to aid the subdivider in preparing the binding site plan.

(2) The binding site plan application and map shall be filed with the plat administrator on forms prescribed by the city public works department. Said application shall be accompanied by five twenty-four-inch-by-thirty-inch copies and one eleven-by-seventeen-inch copy of the binding site plan and map.

(3) The binding site plan shall be a neat and accurate drawing in black permanent ink prepared, stamped, and signed by a registered professional land surveyor licensed by the state of Washington. The trimmed size of the binding site plan shall measure eighteen inches by twenty-four inches with a one-and-a-half-inch margin on the top or left margin and a half-inch border on the remaining three margins. The binding site plan shall be drawn on two or more sheets if the scale necessary to accommodate the map on one sheet would unduly congest the drawing.

(4) The binding site plan shall bear all inscriptions or attachments setting forth appropriate limitations and conditions for the use of the land.

(5) The binding site plan shall contain provisions making all developments conform with the binding site plan.

- (6) A nonrefundable fee of five hundred dollars plus fifty dollars for each parcel shall accompany each and every application for a binding site plan.
- (7) All public dedications shown on the plat being overlaid shall also be shown on the binding site plan.
- (8) The binding site plan shall be accompanied by the following:
  - (A) A plat certificate from a title company licensed to do business in the state of Washington and dated within thirty days of the date of filing of the binding site plan and application with the public works director confirming that the title of the land as described and shown on the binding site plan is in the name of the owners signing the binding site plan or instrument of dedication;
  - (B) A certificate from the Adams County treasurer indicating that all taxes and assessments on the property included in the binding site plan or dedication have been paid according to the provisions of RCW 58.08.030 and 58.10.040 as now enacted or hereafter amended;
  - (C) All covenants proposed to run with the land.
- (9) The binding site plan shall contain the following:
  - (A) All documents, maps, and survey notes shall clearly show the name of the binding site plan, the name(s) of the subdivider(s) and the name of the registered land surveyor responsible to the subdivider(s).
  - (B) The title shall include the type of binding site plan (commercial, industrial, mobile home park or recreational vehicle park) and read as follows:

(TYPE OF) BINDING SITE PLAN  
OF  
(NAME OF THE PLAT/SHORT PLAT)  
A Record of Survey

- (C) The lines and names of all existing or platted streets or other public ways, parks, playgrounds, and easements adjacent to the binding site plan, or dedication, including municipal boundaries, township lines, and section lines.
- (D) Parcel locations including dimensions and number or letter designations.
- (E) The lengths and bearings of all straight lines, curve radii, arcs, and semi-tangents of all curves.
- (F) All dimensions along the lines of each parcel with the true bearings and also any other data necessary for the location of any parcel in the field.
- (G) Suitable primary control points, approved by the Adams County public utility district or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data given on the plan shall be referred.
- (H) The location of all permanent monuments, property corners, and parcel corners.
- (I) The names of all subdivisions immediately adjacent thereto.
- (J) The date, true north point, scale, datum plane, and date of survey.
- (K) The boundary of the binding site plan, the courses and distances marked thereon, as determined by a field survey made by a registered and qualified land surveyor of the state, and with an allowable error not to exceed one foot in five thousand feet and one foot in ten thousand feet in the central business district.

- (L) The elevations of all permanent monuments based on datum plane approved by the public works director.
- (M) Certification by a registered land surveyor of accuracy of the binding site plan map and survey.
- (N) Location and dimensions of all irrigation water rights-of-way.
- (O) All linear dimensions shall be given in feet and decimals of a foot to the nearest hundredth.
- (P) The scale of the binding site plan shall be not more than one hundred feet to the inch. Except that the public works director, subject to a request prior to binding site plan submittal, may approve an alternative binding site plan map scale not to exceed one hundred feet to the inch.
- (Q) If the binding site plan is a redivision or amendment to an existing binding site plan, the parcels of the preceding binding site plan shall be shown by dotted lines in their proper positions in relation to the new arrangement of the binding site plan, the binding site plan being so clearly shown in solid lines as to avoid ambiguity.
- (R) The subdivider's land surveyor shall set all required monuments and shall stake all parcel corners as shown on the binding site plan before the binding site plan is submitted for approval.
- (S) A vicinity map at a scale of not more than four hundred feet to the inch. Except that the city engineer, subject to a request prior to plat submittal, may approve an alternative vicinity map scale exceeding four hundred feet to the inch. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or unplatted property to produce an advantageous development of the entire neighborhood.
- (T) The street address for the binding site plan will be assigned to the major access to the dedicated street the binding site plan fronts upon.
- (U) United States Bureau of Reclamation horizontal and vertical data including bench marks.
- (10) Any deed restrictions or covenants existing or proposed shall be drawn on the binding site plan.
- (11) Submit all parcel and boundary closures to the public works director.
- (12) The binding site plan shall contain the legal description of the subdivision and the following declaration, acknowledgment, and endorsement statements shall appear in the following sequence in black permanent ink either by hand or mechanical device:

Legal Description:

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Declaration:

The owner in fee simple of the land herein described is \_\_\_\_\_. The owner does hereby establish a Binding Site Plan for the purpose of lease of portions thereof, pursuant to RCW Chapter 58.17 and Title 16 of the Othello Municipal Code and that the undersigned declares that development of the property herein described shall conform to all inscriptions contained hereon.

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Signature Date   Signature Date

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---

Signature Date   Signature Date

Acknowledgment:

State of Washington  
County of Adams

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print or Type Name of Notary Public

My appointment expires \_\_\_\_\_

Land Surveyor's Declaration:

I hereby certify that this Binding Site Plan is a true and correct representation of the lands actually surveyed.

I hereby declare that the Binding Site Plan \_\_\_\_\_, the heretofore described tract of land, is based upon an actual survey and that all the distances and courses shown thereon are correct to the best of my knowledge, information, and belief; and that I have fully complied with the provisions of the statutes and platting regulations.

\_\_\_\_\_  
Professional Land Survey

Certificate No. \_\_\_\_\_

Approvals:

Examined and approved by the Othello City Administrator on \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City Administrator

Filed for the record at the request of the City of Othello this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, in Volume \_\_\_\_\_ of the Book of Surveys, on page \_\_\_\_\_, records of Adams County, Washington.

\_\_\_\_\_  
Adams County Auditor

\_\_\_\_\_  
by Deputy Auditor

**16.26.025 Preliminary nonbinding advisory review.**

(a) The subdivider may request a preliminary nonbinding advisory review of the proposed binding site plan by the public works director prior to preparation and submittal of a conclusive binding site plan. Upon a request for a preliminary nonbinding advisory review, the proposed binding site plan must be submitted to the public works department in substantial compliance with Section 16.26.020 of this chapter, entitled Building site plan conditions and requirements, as approved by the public works director.

(b) The binding site plan will be referred to other departments, agencies and offices in compliance with Section 16.26.030 of this chapter.

**16.26.030 Referral to other departments, agencies and offices.**

(a) Upon receipt of a complete and satisfactory conclusive binding site plan application, the public works director shall distribute copies of the binding site plan to each of the following offices, departments or agencies within two working days from receipt:

- (1) Electric utility serving the location of the plat;
- (2) Telephone company;
- (3) Fire department;
- (4) Adams County health district;
- (5) Any irrigation district with jurisdiction;
- (6) Adams County assessor;
- (7) Communications company;
- (8) Port of Othello.

(b) The public works director shall further notify the police department, park and recreation department, and city administrator that a binding site plan has been received.

(c) Notice of the filing of a binding site plan located in the city of Othello adjoining the municipal boundaries thereof shall be given to the Adams County planning department.

(d) Notice of the filing of a binding site plan located adjacent to the right-of-way of a state highway shall be given to the state Department of Highways.

(e) Each office, department or agency shall file written recommendations with the public works department within fifteen calendar days from the date of filing of the binding site plan with the public works director. If any such office, department or agency fails to file a written recommendation within the time limitation, it may be presumed that such office, department or agency has no recommendation.

(1) Within fifteen calendar days of filing of the binding site plan the public works director shall review the binding site plan and submit to the city administrator a written report with respect to the following conditions:

- (A) That the proposed binding site plan bears the required certificates and statements of approval;
- (B) That a title report furnished by the subdivider confirms the title of the land and the proposed binding site plan is vested in the name of the owner whose signature appears on the binding site plan;
- (C) That the binding site plan is technically correct as certified by the land surveyor responsible for the binding site plan.

(2) Within fifteen days of filing of the binding site plan the appropriate irrigation district serving or from which the real property is entitled to be served with irrigation water shall review the binding site plan and

submit to the public works director a written report recommending approval or disapproval of the binding site plan as to the adequacy of the proposed means of the delivery of irrigation district entitlement water and as to the adequacy of the proposed means of removal of irrigation wastewater.

(f) If the binding site plan is found to be unacceptable, a certified letter shall be mailed to the subdivider within twenty days of receipt of the application.

(g) The public works director may determine that a meeting shall be held to resolve major issues identified as a result of the recommendations of other offices, departments or agencies responsible for the recommendations and must include the applicant and public works director. The proceedings and results of the meeting shall be documented by minutes.

**16.26.040 Final filing fees.**

Upon approval of the binding site plan by the city administrator and within fifteen days thereafter, the applicant shall remit the following fees prior to the binding site plan being officially signed and recorded with the Adams County auditor:

(a) When applicable, voluntary payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed binding site plan as allowed by and pursuant to RCW 82.02.020;

(b) When applicable, a certificate from the Adams County auditor certifying that covenants to the property title have been recorded and filed shall accompany the binding site plan.

(c) The applicant shall be responsible to reimburse the city for administrative costs incurred by the city to review, process and approve, modify or disapprove the binding site plan submitted. The applicant shall be responsible for all engineering, legal and other consulting fees and costs incurred by the city to the extent said fees and costs exceed the application fees, and the applicant shall be advised of those costs by the city clerk. The applicant shall pay such fees as billed by the city clerk. A failure to pay within thirty days any such fee billed by the city clerk shall result in a suspension of the processing of the binding site plan on the basis that such failure to pay evidences an abandonment of the binding site plan application. The applicant shall pay such costs in full before the final plat is recorded.

(d) Upon approval of the binding site plan by the city administrator, the applicant shall pay all recording fees and have the binding site plan recorded with the Adams County auditor, with the original and two copies of the signed and recorded Mylars, and filed covenants (if any) returned to the city within thirty days.

**16.26.050 Final filing.**

(a) Upon receipt of all required final fees the binding site plan shall be signed by the city administrator.

(b) The public works director shall transmit the original Mylar to the county auditor for final filing. One reproducible copy shall be forwarded with the original to be confirmed and returned to the city administrator for his records. One paper copy shall be filed with the county assessor.

(c) Any record of survey filed as a binding site plan which does not bear the approval of the city administrator is not a valid binding site plan and shall not confer any rights or privileges upon the property or its owners.

**16.26.060 Certificate of segregation—Building permit.**

(a) Prior to the issuance of any building permit for construction within an approved binding site plan, that portion of the binding site plan for which the building permit is requested must be legally described and receive a certificate of segregation from the public works department. Said certificate shall ensure the segregation of construction complements of the approved binding site plan.

(b) Approval of the binding site plan shall constitute approval for the binding site plan applicant to develop construction plans and specifications for all on-site street utility improvements.

**16.26.070 Vested rights.**

~~A binding site plan shall be governed by the terms of approval of the binding site plan. Parcels in a binding site plan filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. [Addressed in 19.07.060]~~

**16.26.080 Appeals.**

Any decision approving or disapproving any binding site plan shall be reviewable as provided by law by writ of review before the superior court of Adams County. Said application for a writ of review shall be made to the court within thirty days from any decision to be reviewed. The cost of transcriptions of all records ordered certified by the court for such review shall be borne by the party seeking review in the superior court and no transcripts shall be prepared or provided prior to receipt of payment for them.

## Chapter 16.29

### DESIGN STANDARDS

**[THIS CHAPTER NEEDS TO BE REVIEWED]**

Sections:

- 16.29.010 Conformance required.
- 16.29.020 Alignment of major streets—Conformity with master plan.
- 16.29.030 Streets—Relation to adjoining street systems.
- 16.29.040 Minor streets—Discouragement of through traffic.
- 16.29.050 Dead-end streets.
- 16.29.060 Access.
- 16.29.070 Street curves.
- 16.29.080 Street intersections.
- 16.29.090 Street grades.
- 16.29.100 Street widths.
- 16.29.140 Streets along subdivision boundaries.
- 16.29.150 Street names.
- 16.29.160 Curbs.
- 16.29.170 Alleys—Required when.
- 16.29.180 Alleys—Standards.
- 16.29.190 Easements—Public utilities.
- 16.29.200 Easements—Unusual facilities.
- 16.29.210 Blocks—Length.
- 16.29.220 Blocks—Depth.
- 16.29.230 Blocks—Crosswalks.
- 16.29.250 Lots—Size.
- 16.29.270 Lots—Double frontage.
- 16.29.280 Tree planting.
- 16.29.300 Disposal of surface drainage.
- 16.29.310 Utilities—Sanitary sewers.
- 16.29.320 Utilities—Water supply.
- 16.29.330 Utilities—Street lights.
- 16.29.340 Utilities—Electrical, telephone and cable television.
- 16.29.350 Installation of street signs.
- 16.29.370 Physical developments and improvements—Standard specifications.
- 16.29.380 Monuments.

**16.29.010 Conformance required.**

Each and every plat shall conform to the requirements set forth in this chapter, Chapter 16.33, the city design standards, and the fire code.

**16.29.020 Alignment of major streets—Conformity with master plan.**

The alignment of major streets shall conform as nearly as possible with that shown on the master plan of the city.

**16.29.030 Streets—Relation to adjoining street systems.**

The layout of streets shall provide for the continuation of principal streets existing in adjoining subdivisions or for future projection of streets into areas which presently are not subdivided. Where a tract is subdivided into lots of an acre or more, the commission may require an arrangement of lots and streets such as to permit a later subdivision in conformity with the street requirements specified in this chapter.

**16.29.040 Minor streets—Discouragement of through traffic.**

Minor streets which serve primarily to provide access to abutting property only shall be designed to discourage through traffic.

**16.29.050 Dead-end streets.**

Streets having no outlet shall not service more than twenty dwellings, assembly uses, or large commercial structures, nor be longer than seven hundred feet to the outermost driveway and shall be provided at the closed end with a turnaround. Where deemed necessary, a fire lane for secondary access, or pedestrian route, may be required. Dead-end streets less than one hundred fifty feet long require a sixty-foot diameter turn around. Streets over one hundred fifty feet long shall have a turn around no less than one hundred feet in diameter measured from curb face to curb face. (

**16.29.060 Access.**

The subdividing of land shall provide each lot satisfactory access to an improved public street.

**16.29.070 Street curves.**

Street centerlines deflecting from each other shall be connected by a curve for the design speed limit but not less than thirty-five miles per hour.

**16.29.080 Street intersections.**

Street intersections and industrial, commercial, school, church, and other high traffic driveways shall be as nearly at right angles and opposite each other as is practicable. When the most feasible plan entails an intersection angle that deviates more than fifteen degrees from a right angle, curves of suitable radius and lengths shall be provided. Intersections with centerline offsets of less than two hundred feet shall be avoided.

**16.29.090 Street grades.**

Streets shall provide for stormwater flow, and when possible conform closely to the natural contour of the land, except where a different grade has been established by the city authorities. Grades shall be not less than three-tenths percent and not more than four percent, and shall not exceed two percent within one hundred feet of an intersection. Changes in grades shall be connected by appropriate vertical curves.

**16.29.100 Street widths.**

Right-of-way and surface width shall be no less than as shown in the following table:

Classification of Street	R-O-W in Feet	Surface in Feet	Minimum Edge Improvement
Commercial	100	70	8 ft. sidewalk
Industrial	90	60	6 ft. shoulder then ditch
Arterial	80	60	
Collector	70	48	
Neighborhood	66	40	5 ft. sidewalk
Dead end under 350 ft.	40	30	5 ft. sidewalk
Private lanes	40	30	5 ft. sidewalk
Commercial alley	25	20	2 ft. shoulder

Notes:

1. Street rights-of-way to have an additional ten-foot utility easement on each side.
2. See any transportation plan for right-of-way preservation to find classification of route, and any additional criteria for a particular segment of roadway.

3. Any lot on a neighborhood street shall not be more than one thousand feet to the nearest collector.
4. Right-of-way street width may be increased based on a traffic analysis for the particular use, i.e., bus routes, bike paths, turn lanes, truck traffic, etc.

**16.29.140 Streets along subdivision boundaries.**

A street lying along the boundary of a subdivision will be dedicated and completed to its full width.

**16.29.150 Street names.**

Streets that are obviously in alignment with others already existing and named shall bear names of the existing streets (except for short, isolated cul-de-sacs or short segments). Other streets shall not bear names that duplicate or phonetically approximate the name of existing streets. Insofar as possible, a new street shall preserve and continue any alphabetical or numerical sequence and type of name already established in nearby subdivisions.

**16.29.160 Curbs.**

All streets shall be improved at edge of the paved roadway with Type A portland concrete curbs. Such curbs shall be similar in design and construction to concrete curbs adopted as standard for the city unless special conditions warrant the waiver of this requirement by the commission.

**16.29.170 Alleys—Required when.**

Alleys shall be provided at the rear of all commercial lots, except that this requirement may be waived upon request by the commission where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Alleys are not required for residential lots. Fire lanes may be used in lieu of alleys for schools, industrial and other large parcels for fire suppression services.

**16.29.180 Alleys—Standards.**

Dead-end alleys shall be avoided wherever possible but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end. Alley intersections and sharp changes in direction shall be avoided but, where they are necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Alley right-of-way width shall be not less than twenty-five feet in commercial or industrial zones. Except as otherwise provided in this title, alleys shall follow the general standards governing streets.

**16.29.190 Easements—Public utilities.**

Fire hydrants and water mains must be located in easements (such as an alley). Sewer mains which cross a street between easements shall provide a manhole or cleanout at each right-of-way crossing. The termination or end of the sewer main shall be located in the right-of-way crossing, and a manhole shall be provided at the terminus point. An access easement fifteen feet wide shall be located from right-of-way to utility easement at each manhole location within the block. The width of utility easements shall be determined by the public works director.

**16.29.200 Easements—Unusual facilities.**

Easements for unusual facilities, such as high-voltage electric lines, irrigation canals and pondage areas, shall be of such width as is adequate for the purpose, including any necessary maintenance roads.

**16.29.210 Blocks—Length.**

In general, blocks shall be as long as is reasonably possible consistent with the topography and the needs for convenient access, circulation, control and safety of street traffic, and type of land use proposed, but ordinarily, block lengths shall not exceed twelve hundred feet or be less than three hundred feet.

**16.29.220 Blocks—Depth.**

Except for reverse frontage parcels, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed, that is, normally not less than two hundred feet nor more than three hundred feet for the sum of two lot depths in residential subdivisions.

**16.29.230 Blocks—Crosswalks.**

A paved pedestrian crosswalk right-of-way not less than fifteen feet wide shall be provided approximately at the midpoint of any block exceeding six hundred feet in length, or in any block of lesser length where such a crosswalk

is deemed essential, to provide circulation or access to schools, playgrounds, shopping centers, transportation lines and other community facilities. An approved wheelchair ramp will be installed.

**16.29.250 Lots—Size.**

Lot widths and lot areas shall conform with the zoning restrictions that are applicable to the area, except that corner lots for which side yards are required shall have extra width to permit appropriate setback from and orientation to both streets. Lot depths shall be suitable for the land use proposed but not more than one hundred fifty feet in residential lots unless rear access is available for the fire department (see IFC 503.1.1).

**16.29.270 Lots—Double frontage.**

Lots which have street frontage along two opposite boundaries shall be avoided except for reverse frontage lots which are essential to provide separation of development from highway arteries or to overcome specific disadvantages in topography and orientation. For such lots, there shall be a planting screen at least ten feet wide along the lot lines or other consideration abutting such a traffic arterial shall be maintained by the homeowners' association or adjacent property owner.

**16.29.280 Tree planting.**

Street planting plans in duplicate must be submitted to the commission and receive its approval before planting is begun. Care of any trees that are planted by the subdivider will be the responsibility of the adjacent landowner.

**16.29.300 Disposal of surface drainage.**

Surface drainage from streets and other areas shall be disposed of through an adequate system of gutters and storm sewers.

**16.29.310 Utilities—Sanitary sewers.**

All subdivisions shall be required to connect to the city sanitary sewer system. If adequate grade is not available to the city sanitary sewer system, a sewage lift station or transfer station of a design acceptable to the city public works department will be required. The subdivision shall be provided with a complete sanitary sewer serving each lot.

**16.29.320 Utilities—Water supply.**

The source of water for domestic use and fire protection shall be the city system. The subdivider shall provide and install looped water mains, together with fire hydrants and all necessary fittings, to bring water within required connection and hydrant distance to all lots in his subdivision as required by the fire code. The minimum mainline size and maximum hydrant spacing along streets shall be eight inches and five hundred feet in residential zones, ten inches and three hundred fifty feet in commercial zones and twelve inches and two hundred fifty feet in industrial zones. The kind of pipe and fittings, the manner of installation, and the installation itself, whether by the water department or by the subdivider under the supervision of the water department of the city shall be to city standards.

**16.29.330 Utilities—Street lights.**

All new subdivisions shall be required to provide for and install street lighting circuitry in accordance with plans and specifications prepared by the Adams County public utility district and approved by the public works director. Subdivisions in R-1, R-2 and commercial zones shall use metal poles. It shall be the responsibility of the subdivider, in conjunction with the electrical utility, to provide circuitry for all required street lighting to be located in the proposed subdivision. The electrical utility shall prepare a street lighting plan for the new subdivision. All plans and specifications must be approved by the public works director prior to installation of said lighting circuitry such that the city will pay the utility only for energy and maintenance.

**16.29.340 Utilities—Electrical, telephone and cable television.**

All subdivisions shall conform to standards set forth by the local authority governing electrical, telephone and cable television utilities. All utilities shall be underground per Chapter 14.56.

**16.29.350 Installation of street signs.**

Street signs corresponding in design to those adopted as standard for the city shall be installed at each intersection for convenient identification of streets. Any other regulatory signs that the authority with jurisdiction deems necessary, such as fire lane marking, dead ends, no parking, and similar signs, will also be installed by the developer or owner at his expense.

**16.29.370 Physical developments and improvements—Standard specifications.**

Physical developments and improvements required by this title shall be designed and installed in accordance with applicable construction standards of the city. Construction shall be performed under the supervision of the public works director. As-built drawings will be given to the city upon completion of all improvements.

**16.29.380 Monuments.** *[Delete from here and just have in Public Works Standards? P.5-3]*

Monuments shall be installed as follows:

(a) Concrete or iron pipe monuments approved by the public works director and installed in a cast iron monument case shall be set at the centerlines of all streets at intersections, all points of curvature and points of the beginning and ending of a tangent in street centerlines, and at the radial points of any cul-de-sac.

(b) The corners of all lots within the subdivision shall be marked by iron pins, not less than three-fourths of an inch in diameter, and twenty-four inches in length, firmly driven for their full length into the ground.

[POSSIBLE ADDITIONAL LANGUAGE]

**20.20.090 General design.**

The design of short subdivisions, subdivisions, and binding site plans shall comply with the requirements of all applicable City plans, regulations, and design and development standards. In addition:

A. The design, shape, size, and orientation of the lots shall be appropriate for the use for which the divisions are intended, and the zoning and land use classification identified in the Comprehensive Plan of the area in which they are located.

B. Lot Arrangement.

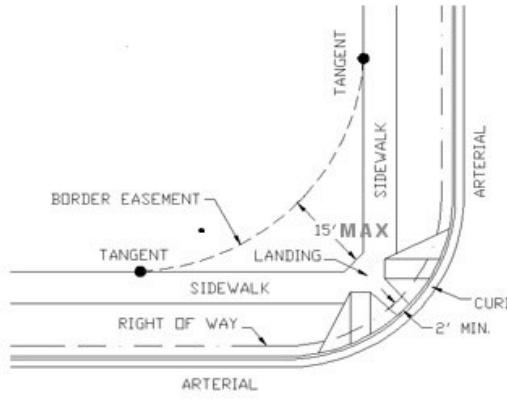
1. Side lot lines shall generally be perpendicular to public street rights-of-way, but may be within 20 degrees of perpendicular, or radial to the right-of-way in the case of curvilinear streets or cul-de-sacs.

2. Corner Lots.

a. The lot lines at the intersection of two public streets shall be located a minimum of two feet behind the back of curb.

b. At the intersection of two arterial streets (collector, minor or principal), the applicant may be required to provide a widened border easement or right-of-way area behind the pedestrian ramp landing for the placement of traffic control devices and street lights and their related appurtenances (see Figure 20.20.01). The limits of the border easement and right-of-way area shall be determined by the City at the time of application. This area shall not extend more than 15 feet behind the landing. The boundary of this area may be defined by an arc that is tangent at each end to the standard border easement, typically located behind the back of sidewalk, or right-of-way if there is no border easement in the vicinity. If this area is already fully contained within right-of-way then no additional border easement width shall be required. The only utilities allowed within this area are those necessary for the function of the proposed lights, signals, et cetera.

**Figure 20.20.01**



**3. Lot Dimensions.**

- a. Lot dimensions shall comply with the minimum standards established in Chapter 19.70 SVMC;
- b. Flag lots are prohibited. Reverse flag lots providing access to alleys or amenities located to the rear of the property are permitted.

**4. Double Frontage Residential Lots.**

- a. Double frontage and reverse frontage lots shall be permitted only where necessary to separate residential development from arterial roadway or to overcome specific disadvantages of topography and orientation;
- b. When lots back to arterials, screening shall be installed on the lot(s) limiting visibility between the arterial and the adjoining lots in accordance with SVMC 22.70.070;
- c. No building, except buildings designed and constructed as two-family dwellings or one-family attached dwellings, shall be constructed on or across existing lot lines. Where buildings are designed and constructed on or across lot lines, the building shall be located so that the common wall separating the individual living units is located on and along the common lot lines of the adjoining lots.

C. Block dimensions shall reflect due regard to the needs of convenient access, public safety, connectivity, emergency vehicle access, topography, road maintenance, and the provision of suitable sites for the land use planned.

1. Block Length. Block length shall comply with the adopted street standards.
2. Block and Lot Labeling. Blocks and lots shall be identified in sequential numerical order.
3. Street alignments shall be designed and constructed with appropriate consideration for existing and planned streets, anticipated traffic patterns, topographic and drainage conditions, public safety, adopted street standards, Comprehensive Plan and the proposed use of the land so divided.

D. Lots shall not be divided by the City boundary or public right-of-way, and shall not be divided by any zoning designation unless exceptional circumstances exist.

E. Every lot shall have direct access to a paved public street, private street, or an easement for a private driveway.

F. Prior to filing the final short subdivision, subdivision or binding site plan application, the applicant shall improve or make appropriate provisions for the construction of the public or private streets, alleys or private driveways that

provide access to lots being created through the short subdivision, subdivision, or binding site plan consistent with applicable City-adopted standards.

G. Wastewater design shall comply with all applicable City regulations and other jurisdictional agency regulations.

H. Adequate public domestic water supply and/or fire protection shall be provided in compliance with all applicable City regulations and other jurisdictional agency regulations.

I. All road designs shall comply with Chapter 22.130 SVMC and adopted street standards.

J. Provisions for stormwater runoff shall comply with City regulations for stormwater management as set forth in Chapter 22.150 SVMC.

K. Existing and proposed easements for electric, water, sewer, gas, and similar utilities shall be illustrated on the short plat, plat, or binding site plan. The utility purveyors shall indicate to the department in writing that the easements are adequate for their service needs.

L. The short subdivision, subdivision, or binding site plan shall provide for the location of underground utilities within public rights-of-way, border easements, alleys or utility easements including, but not limited to, those for electricity, communications and street lighting. When conditions make underground installation impractical, the city manager may waive the requirement for underground utilities. (Ord. 18-004 § 4, 2018; Ord. 17-004 § 3, 2017; Ord. 12-008 § 1, 2012; Ord. 09-002 § 1, 2009; Ord. 07-015 § 4, 2007).

## Chapter 16.33

### IMPROVEMENTS

**[THIS CHAPTER NEEDS TO BE REVIEWED]**

*[Replace whole chapter with: "All street and utility improvements must be in compliance with the Public Works Design Standards"?]*

Sections:

- 16.33.010 Procedure for installing improvements.
- 16.33.020 Minimum improvements.
- 16.33.030 Water mains.
- 16.33.040 Sewer mains.
- 16.33.050 Drainage.
- 16.33.060 Streets.
- 16.33.070 Alleys.
- 16.33.080 Sidewalks.
- 16.33.090 Monuments.
- 16.33.100 Conformity.
- 16.33.110 Arterials.
- 16.33.120 New utilities.
- 16.33.130 Bicycle paths.
- 16.33.140 Special improvements.

**16.33.010 Procedure for installing improvements.**

The city engineer shall make available street and utility standards and American Public Works Association (A.P.W.A.) Standards to the subdivider or his representatives. Also, comprehensive plans for the orderly development of the city's utilities and streets will be available to guide in preparation of preliminary plats and specifications. The engineer may require a soil test to ensure adequate base designs for streets, retaining walls, utilities and structures within the subdivision.

**16.33.020 Minimum improvements.**

Minimum improvements shall include the following:

- (a) All streets and alleys shall have all trees and brush removed from the right-of-way.
- (b) All streets and alleys shall be grubbed by the removal of all large rocks, roots, snags, logs, brush, etc., upon the surface of the ground and refilling all excavations and holes left by the removal within the confines of the street.

**16.33.030 Water mains.**

(a) The subdivider shall install water mains as shown on drawings after approval by the city engineer. The city shall make connections between the existing water main and the newly installed water main. The subdivider or his contractor shall reimburse the city for all expenses in testing mains and making connections.

(b) Should the subdivider be required to install water mains larger than eight inches in diameter to implement the development of the comprehensive plan for trunk mains to serve areas other than the subdivision, the city will negotiate the installation of the required water main and reimburse the subdivider for the additional cost for the larger water main. If bids are required (material only), a percentage of cost will be determined prior to bid award.

(c) Fire hydrants shall be located at five-hundred-foot to six-hundred-foot intervals along residential streets. Fire hydrant locations in other areas shall not exceed three-hundred-foot intervals along streets.

(d) When a subdivider is required to install a water main through or adjacent to property other than his proposed subdivision, he shall not be required to install fire hydrants other than those required within his proposed subdivision. However, he shall be required to install T's in the required water main at appropriate intervals to

facilitate the future installation of fire hydrants when the property adjoining this portion of the water main is subdivided or developed.

**16.33.040 Sewer mains.**

(a) Sewer mains shall be installed by the subdivider or his contractor as shown on drawings as approved by the city engineer. Sewer mains, manholes, lamp poles, and lift stations and force mains when required shall be installed in all subdivisions prior to any water service being connected to any improvements.

(b) Should the subdivider be required to install sewer mains larger than eight inches in diameter or lift stations and force mains larger than the subdivider's subdivision requirements to implement the development of the comprehensive plan, the city will negotiate the installation of the required sewer facilities and reimburse the subdivider for the additional costs for the larger facilities (materials only). If bids are required, a percentage of cost will be determined prior to bid award.

**16.33.050 Drainage.**

(a) All drainage in and through the subdivision shall be the responsibility of the subdivider.

(b) The subdivider may divert or enclose the natural drainage system approved by the city engineer. The subdivider shall bear all costs associated with diverting or enclosing natural drainage.

(c) All drainage in rights-of-way must be in underground pipes and culverts except where permitted in gutters.

(d) Drainage design and construction shall be similar to sewer requirements.

(e) Should the subdivider be required to install street drainage facilities which are over and above the subdivision requirements to implement the development of the comprehensive plan, the city will negotiate the installation of the required drainage facilities and reimburse the subdivider for the additional cost for the larger facilities (materials only). If bids are required, a percentage of cost will be determined prior to bid award.

**16.33.060 Streets.**

(a) Excavation of all streets shall be to full width of the right-of-way to subgrade. Retaining walls may be required in areas exceeding three feet in cut or fill.

(b) Street area shall be graveled with crushed aggregate as shown on approved plans.

(c) Curbs shall be installed in accordance with street and utility standards.

(d) Streets shall be paved with an approved asphalt mix or a portland cement concrete as approved by the city engineer.

**16.33.070 Alleys.**

(a) Alleys adjacent to properties zoned for uses other than residential shall be paved in conformance with the street and utility standards.

(b) Alleys, when required in residential areas, shall be graded and graveled in conformance with the street and utility standards.

**16.33.080 Sidewalks.**

(a) Sidewalks shall be required in all zones and shall be constructed as shown in the community street and utility standards. Sidewalks may be located next to the curb. Sidewalks shall be constructed so as to avoid physical obstructions unless the council has previously approved the placement of physical obstructions such as but not limited to light poles, fire hydrants, planter boxes, trees, or tree wells in or on the area reserved for sidewalks. Sidewalks shall be constructed so as to avoid placement over water, gas, sewer or other utility lines.

(b) Sidewalk widths in the central business district zone (C-1) shall be full dimension, meaning that all area between the back of the curb and the abutting property lines shall be constructed in conformance with the community street and utility standards describing sidewalk construction.

(c) All sidewalk requirements shall be completed prior to an occupancy permit being granted for any new building.

**16.33.090 Monuments.**

Monuments shall be placed at all street intersections, boundary angle points of curves in streets, and at such intermediate points as required by the city engineer. The monuments shall be of concrete filled pipe or tile, weighing at least fifty pounds, capped with standard markers. Street monuments shall be set between six inches and one foot below official furnished street grades and in paved streets shall be enclosed in a standard monument case. If a monument is placed in an open field or unpaved street, the land surveyor shall place an iron pin in the center of the concrete or tile pipe.

**16.33.100 Conformity.**

(a) Paved streets, curbs and sidewalks shall be required on all dedicated street rights-of-way in all new subdivisions. All improvements shall be constructed in conformance with the community street and utility standards and shall be made from intersection to intersection, intersection to subdivision boundary, or from subdivision boundary to subdivision boundary unless the council has previously approved a variation in conformity.

(b) On streets where a proposed subdivision adjoins an existing subdivision or existing street dedication in midblock and the existing subdivision or existing street dedication is unpaved, the subdivider shall be responsible for installing paving, curbs and sidewalks on that portion of the street right-of-way within the proposed subdivision.

**16.33.110 Arterials.**

Should the subdivider be required to construct or reconstruct a community arterial within a proposed subdivision and if that community arterial is designed to serve areas of the city other than just the proposed subdivision, the city may participate in the cost of construction. The city council shall approve the percentage of participation prior to bonding or bid award for community arterial construction.

(a) The city's maximum participation will only be for the required extra width and construction materials which are over and above the forty feet of pavement width required of a residential street.

(b) In a residential subdivision containing lots which front on a residential street and have an arterial street parallel to the residential street and adjacent to the back lot line, those lots shall be defined as through lots. The city's maximum participation shall be fifty percent of the sidewalk construction costs along the arterial on all through lots.

(c) In no event should this title be construed to establish an affirmative obligation upon the city to participate, or to participate in any fixed percentage in any project. The city's participation shall be limited by the funds available, priority of projects throughout the city, and the desirability of the particular project.

**16.33.120 New utilities.**

Where telephone, electric and cablevision utilities are not existing in a proposed subdivision and additional utility construction is required, all new utility construction shall be underground improvements.

**16.33.130 Bicycle paths.**

The subdivider shall be required to provide bicycle paths for suitable and safe bicycle traffic where the city's comprehensive plan requires bicycle paths or lanes within the boundaries of the subdivision.

**16.33.140 Special improvements.**

(a) The subdivider's land surveyor or engineer shall submit all specifications or contract documents to be used in construction of all improvements within easement and right-of-way of proposed plat. A maintenance bond as required by the city and approved by the city attorney shall be included with contract document.

(b) The city engineer shall approve all street design, alignment, vertical curves, horizontal curves, water design, sewer disposal methods, storm drains and traffic control required.

## Chapter 16.40

### WAIVERS, DEVIATIONS AND DEFERRALS

**[THIS CHAPTER NEEDS TO BE REVIEWED]**

Sections:

16.40.010 Waivers, deviations and deferrals.

#### **16.40.010 Waivers, deviations and deferrals.**

There is established a procedure for granting waivers, deviations and deferrals of the regulations contained in this title, as follows:

(a) Any subdivider can make application to the planning commission for a waiver of, deviation from or deferral of any provision contained in this title, provided the request is received concurrently with the proposed subdivision or dedication. Such application shall include any and all details necessary to support the application. All waiver, deviation and deferral requests must be forwarded to the city council with the preliminary plat and with the planning commission's findings, conclusions and recommendations.

(b) The planning commission shall not grant a waiver, deviation or deferral of the subdivision regulations unless it shall find that the following condition exists in each case of a request:

(1) Where, because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of unusual physical conditions, the strict compliance with the provisions of this title would cause an unusual and unnecessary hardship on the subdivider, the planning commission may waive, defer or deviate from the requirements set forth in this title.

(2) In granting waivers, deviations and deferrals, the planning commission may require such conditions as will secure, insofar as practicable, the objectives of the requirement waived or deferred. Any waiver, deviation or deferral authorized shall be entered in the minutes of the planning commission together with the circumstances that justify the waiver, deviation or deferral granted.

(c) If a short plat has not been approved as final within six months after the waiver, deferral or deviation is granted, that waiver, deferral or deviation shall become null and void.

## **Chapter 16.44**

### **VIOLATIONS**

**[THIS CHAPTER NEEDS TO BE REVIEWED]**

Sections:

16.44.010 Violation deemed misdemeanor.

**16.44.010 Violation deemed misdemeanor.**

State law provides any person, firm, corporation or association, or any agent of any person, firm, corporation or association who violates any provision of Chapter 16.05 through 16.40 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, is guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of Chapter 16.05 through 16.40, or any local regulation adopted pursuant thereto, is deemed a separate and distinct offense. (Ord. 947 § 2 (part), 1995).

## Chapter 16.48

### COMPREHENSIVE PLAN

**[THIS CHAPTER NEEDS TO BE REVIEWED]**

Sections:

16.48.010 Adoption of comprehensive plan goals, policies and maps.

**16.48.010 Adoption of comprehensive plan goals, policies and maps.**

The Othello planning commission has recommended for adoption a comprehensive planning map, plan, goals and policies. That plan, map, goals and policies are incorporated by reference and are made a part of this title as if set forth fully herein, and that plan, map, goals and policies are adopted as a plan for the physical and other generally advantageous development of the city to encourage the most appropriate use of the land throughout the city, to lessen traffic congestion and accidents, to secure safety from fire, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to promote a coordinated development of the unbuilt areas, to encourage the formation of neighborhood or community units, to secure an appropriate allotment of land area in new developments for the requirements of the community life, to conserve and restore natural beauty and other natural resources, to facilitate the adequate provision of transportation, water, sewerage, and other public uses and requirements. That plan, map, goals and policies shall be the comprehensive land use plan and map of the city until appropriately amended, and upon any such amendment or amendments being duly made, the plan, map, goals and policies or any of them, as may be appropriate from the nature of the amendment, shall be deemed changed to conform to any said amendment. (Ord. 947 § 2 (part), 1995).

## **Chapter 16.52**

### **REIMBURSEMENT AGREEMENTS**

**[THIS CHAPTER NEEDS TO BE REVISED]**

Sections:

- 16.52.010 Application authorized—Purpose—Term.
- 16.52.020 Rights and nonliability of city.
- 16.52.030 Application requirements.
- 16.52.040 Eligibility of applicants.
- 16.52.050 Procedures for reimbursement agreements.
- 16.52.090 Enforcement responsibility and future services.
- 16.52.100 Relief—Similar facilities.
- 16.52.110 Severability.

**16.52.010 Application authorized—Purpose—Term.**

Any developer utilizing private funds to install infrastructure (street, water, or sewer (sanitary and/or storm)) improvements and appurtenances may apply to the city to establish a latecomer agreement for recovery of a prorated share of the cost of constructing said public improvement from other properties that will later derive a benefit from said improvements. This chapter is intended to apply to all street system improvements and all utility system improvements where the construction of such improvements are the result of a city ordinance or ordinances that require such improvements as a prerequisite to property development. No reimbursement agreement/latecomer agreement shall extend from a period longer than fifteen years from the date of final acceptance by the city unless a longer period is allowed pursuant to RCW 35.72.020 or 35.91.020. The city council shall have discretion to authorize or not to authorize latecomer agreements on a case-by-case basis and to determine the length of the term of any latecomer agreement. (Ord. 1332 § 1 (part), 2010).

**16.52.020 Rights and nonliability of city.**

The city has discretion and reserves the right to refuse to enter into any latecomer agreement or to reject any application therefor. All applications for latecomer agreements shall be made on the basis that the applicant releases and waives any claims for any liability of the city in establishment and enforcement of latecomer agreements. The city shall not be responsible for locating any beneficiary or survivor entitled to benefits by or through latecomer agreements. (Ord. 1332 § 1 (part), 2010).

**16.52.030 Application requirements.**

All applications for latecomer agreements shall be on forms approved and established by the city and reviewed and approved by the city attorney. Applicants for latecomer agreements shall comply with the following procedures as a prerequisite to a latecomer agreement with the city:

(a) The owner desiring to contract with the city shall notify the city administrator, in writing, at least thirty days prior to construction of the facilities of the owner's request to enter into a latecomer agreement with the city.

(b) The notice shall contain the following information:

- (1) The description of the facilities to be installed;
- (2) The description of the area where the facilities are to be installed and a map showing the location thereof;
- (3) The cost estimate of the facilities.

(c) The owner shall submit the final construction costs to the city administrator within thirty days from the date of final approval of the construction by the city. The matter shall then be submitted to the city council which shall determine whether or not to enter into a latecomer agreement with the owner. If the project is approved for a

latecomer agreement by the city council, the city shall have ninety days thereafter to finalize the agreement. In the event the owner fails to comply with the time limitations set forth in this chapter, then and in that event the owner shall have waived the owner's right to enter into a latecomer agreement with the city.

(d) In addition to the amounts agreed to be collected by the city, the city shall charge a sum equal to fifteen percent of the agreed amount to defray the cost of labor, bookkeeping and accounting.

(e) The ownership of all water and sewer main lines installed on private property shall be conveyed to the city and the owner shall grant the city an easement therefor. All deeds and easements for said main line shall be submitted to the city within sixty days of the completion of construction. The ownership of all other improvements under the latecomer agreement shall be conveyed to the city by appropriate deed and/or conveyance document within sixty days of completion of construction. (Ord. 1332 § 1 (part), 2010).

#### **16.52.040 Eligibility of applicants.**

In order to be eligible for processing of latecomer agreements, applicants for latecomer agreements shall be in compliance with all city ordinances, rules, and regulations. (Ord. 1332 § 1 (part), 2010).

#### **16.52.050 Procedures for reimbursement agreements.**

(a) If a reimbursement agreement is requested, the property owner shall submit project plans and a site plan, map or diagram of the proposed benefitted area prepared by a licensed professional engineer, ownership reports on properties within the proposed benefitted areas, a cost estimate for the project based upon the plans of a licensed civil engineer from which reimbursable costs shall be estimated, and such other information as the city may require.

(b) Property owners requesting a reimbursement agreement shall submit, along with the application, a nonrefundable payment in the amount of one thousand five hundred dollars to be applied to the city's legal, engineering and administrative costs (including but not limited to staff time and costs for title reports, appraisers, or other costs) associated with preparing the reimbursement agreement, which costs shall be included as reimbursable costs in the reimbursement agreement; provided, that whenever city engineering, legal, and administrative costs exceed the payment required herein, the city shall not process the application until such costs have been paid in full.

(c) The city administrator will formulate an assessment reimbursement area (benefit area) based upon a determination of which parcels did not contribute to the original cost of such infrastructure improvement and which connect to or specially benefit from such infrastructure.

(d) The city administrator, based on information submitted by the owner, will estimate pro rata share of costs. The city administrator may require engineering costs or construction bids to be provided.

(e) The city administrator, in the city administrator's discretion, may utilize the application fee to pay the costs of an appraiser to be retained by the city to assist the city administrator in formulating an assessment reimbursement area.

(f) The preliminary determination of area boundaries and assessments, along with a description of the property owner's rights and options, shall be forwarded by first class mail to the property owners of record as shown on the records of the Adams County assessor within the proposed assessment area. A hearing shall be held before the city council, notice of which shall be given to all affected property owners at least twenty days in advance of the council meeting. At the hearing, the city council determines whether to accept, reject, or modify the proposed reimbursement agreement. If the city council accepts, it shall establish the reimbursement area; provided, that the city council may only increase the reimbursement area upon new notice to the owners of the affected property. Improvements constructed subsequent to preliminary approval and prior to the final council action on a proposed agreement are done at the owner's or developer's own risk. The approval of a preliminary latecomer agreement does not create or vest any right to a final latecomer agreement.

(g) Prior to commencing construction of the project, the owner shall submit a construction bid on forms provided by the public works department based upon city-approved plans to the city. Upon completion of the project, a reasonable pro rata share of project costs shall be established by the city, which shall then notify owners of the benefitted properties of the amount of reimbursement connection charges against their property and the date the reimbursement agreement shall be presented to the city council for public hearing. On the date scheduled, the city

council shall hear from affected parties and thereafter set the terms of the reimbursement agreement and maximum amount and terms of reimbursement from affected properties. The decision of the city council shall be final and determinative.

(h) The latecomer agreements must be recorded in the Adams County auditor's office within thirty days of the final execution of the agreement. It shall be the sole responsibility of the latecomer applicant to record said agreement.

(i) Once recorded, the latecomer agreement shall be binding on owners of record within the assessment area who are not party to the agreement.

(j) The latecomer applicant shall be solely responsible for keeping the city informed of their correct mailing address and contact information by providing the city with written notice thereof at least every two years following execution of the latecomer agreement. (Ord. 1332 § 1 (part), 2010).

**16.52.090 Enforcement responsibility and future services.**

It shall be the responsibility of the owner of the latecomer agreement to monitor, enforce and notify the city of any connections to improvements which come within the terms of the latecomer agreement. The city will use its best efforts to collect latecomer fees but will not accrue any liability for failure to collect fees due. The city has no obligation to provide notice of the latecomer agreement to any party other than as provided in this chapter. Neither preliminary nor final approval of a latecomer agreement shall be construed to vest or grant the right to the extension or allocation of water and/or sewer to properties affected by the latecomer agreement. (Ord. 1332 § 1 (part), 2010).

**16.52.100 Relief—Similar facilities.**

The city, through its designated agency, may relieve a parcel of a latecomer fee if the property has a benefit from either (but not both) of two similar facilities. Relief shall be based upon sound engineering and policy justifications as to which facility(ies) benefit and/or are utilized by the parcel. Absent such justifications, the city shall give the applicant the choice of facilities to utilize. The assessment due shall be that associated with the utilized facility. (Ord. 1332 § 1 (part), 2010).

**16.52.110 Severability.**

If any section, subsection, sentence, clause, phrase, or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or work of the ordinance codified in this chapter. (Ord. 1332 § 1 (part), 2010).

**Chapter 16.68**

**PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES**

(No change in text, but should be moved out of the Subdivision Title)