



# The City of Othello

500 East Main Street OTHELLO, WASHINGTON 99344 Telephone (509) 488-5686  
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## Type III Development Review Staff Report & Recommendation

**Project Name: Sand Hill Estates #5 Preliminary Plat**

**Case Types:** Major Subdivision and SEPA review

**Location:** North of Sand Hill Estates #3 and east of Sand Hill Estates #4, north of Mt. Baker Street, between 11<sup>th</sup> and 14<sup>th</sup> Avenue, described as portions of Tax #2659 and 2660.

**Project Description:** Subdivide 8.965 acres into 32 residential lots in the R-2 Zone. Most of the current project was originally submitted as part of Sand Hill Estates #4 but was removed during review to address access issues. The subdivision will be served by City sanitary sewer, potable water, irrigation water, streets, and storm water infrastructure. Neighboring and internal streets will be extended and constructed generally in conformance with City Streets Standards, with some deviations, deferrals, and waivers required, specifically to have a temporary gravel turnaround for a street planned to be continued in a future phase, 60' right-of-way instead of 66', sewer mains offset from street centerlines, and no sidewalk on the east side of the street abutting the canal.

**Applicant(s):** Palos Verdes LLC

**Contact Person:** Angel Garza, Palos Verdes LLC  
509-989-0555  
[angel@palosverdesllc.com](mailto:angel@palosverdesllc.com)

**Property Owner(s):** Palos Verdes LLC  
PO Box 464  
Othello, WA 99344

**Zoning:** R-2 Residential

**Parcel Number:** Portions of 152903068-2659 & -2660

**Recommendation:** Approve Subject to Conditions

By: Anne Henning, Community Development Director Date issued: November 28, 2022

## AGENCY REVIEW

Agency Notified	Response Date	Agency Notified	Response Date
Building Dept	None	Century Link Telephone	None
City Engineer	11-17-22 11-22-22	East Columbia Basin Irrigation District	11-16-22 11-21-22
Public Works	None	US Bureau of Reclamation	None
Police	None	Adams County Development Council	None
Parks	None	Port of Othello	None
Fire Dept	11-17-22	WA Dept of Archaeology & Historic Preservation	None
County Assessor	None	WA Dept of Ecology	11-15-22
County Auditor	None	WA Dept of Transportation	None
County Bldg/Planning	None	WA Dept of Fish & Wildlife	None
County Public Works	None	WA Dept of Natural Resources	None
County Health Dept	None	US Fish & Wildlife	None
County 9-1-1	10-31-22 11-17-22	Colville Confederated Tribes	None
Avista Energy	None	Nez Perce Tribe	None
Big Bend Electrical Co-op	None	Spokane Tribe	None
Vyve (Cable)	None	Yakama Nation	11-15-22
Cascade Natural Gas	None		

**Applicable Codes:** Title 11 (Streets & Sidewalks); Title 12 (Water & Sewer); 13.04 (SEPA); Title 16 (Subdivisions); 17.20 (Residential Zones); 17.56 (General Provisions); 17.74 (Landscaping and Screening); Title 19 (Development Code); City of Othello Public Works Design Standards, and City of Othello Comprehensive Plan.

### **Public Notice:**

- Notice of application and public hearing was posted on the City's website, submitted to the SEPA Register, and emailed to agencies and departments October 31, 2022.
- Two land use notice signs with the notice of application and public hearing were posted on the subject property by the applicant on October 31, 2022.
- Notice of application (with Optional DNS) and public hearing was published in the Columbia Basin Herald/Sun Tribune on November 9, 2022.
- Notice of public hearing was posted on the City website calendar October 31, 2022 and mailed to property owners within 350 feet of the site and contiguous property owned by the developer on November 21 & 22, 2022 (2 batches, 110 letters total).
- Notice of issuance of the MDNS was posted on the City's website and submitted to the SEPA Register November 17, 2022. There were no agencies to notify. Since the optional DNS process was used, the MDNS did not need to be posted onsite or published in the newspaper.

## PUBLIC COMMENT

As of the date of this staff report, no comments from the public were received.

## PROJECT OVERVIEW

The subject property is 8.965 acres out of a larger property, located north of Sand Hill Estates #1, 2, & 3, and east of Sand Hill Estates #4. These previous phases have been built out since 2017. Starting with Sand Hill Estates #4, the developer tried to design the streets to discourage cut-through traffic and high traffic speeds by adding some curves and cul-de-sacs.

The Sand Hill Estates properties have previously been used for agriculture. The Sand Hill #5 site slopes up from elevation 1117' at the southwest corner to 1121' at 14<sup>th</sup> Avenue. No environmentally sensitive areas have been identified on or adjacent to the site.

The developer will build a new street, Mt. Cascade Street, west from 14<sup>th</sup> Ave. This street will end in a cul-de-sac east of 11<sup>th</sup> Avenue, with an emergency access protected by bollards. This access can also function as a pedestrian connection and utility connection. The developer will also extend 13<sup>th</sup> Ave. north in two segments. Another new street, Mt. Si Street (Mt. Lago Street), will extend west from the northernmost extension of 13<sup>th</sup> Avenue. This street will end with a temporary gravel turnaround until the street is extended in a future phase. Sand Hill Estates #5 is the fifth development of a concept plan with eventual full build-out of about 250 lots. Each plat is independent, so no approvals for development beyond the current plat #5 have been applied for, although the plat cover page shows a potential layout of the remainder of the property.

The zoning and uses for both the subject and surrounding properties are noted in the following table:

Compass	Zoning	Current Land Use
Site	R-2	Vacant/Former Agriculture
North	R-2 north of Cascade Street Open Space Reserve north of Mt. Si (Mt. Lago) Street	Vacant/Former Agriculture
East	Adams County General Agriculture	14 <sup>th</sup> Ave, Canal, Agriculture
South	R-2	Residential (Sand Hill Estates #2)
West	R-2	North half: Vacant/Former Agriculture South half: Residential (Sand Hill Estates #4)

## ENVIRONMENTAL REVIEW

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], the City of Othello must determine if there are possible significant adverse environmental impacts associated with this proposal. On November 17, 2022, the City issued an **MDNS – Mitigation Determination of Non-Significance** with 11 conditions related to deleterious materials spills, stormwater, track-out, fill, site stabilization, street and utility improvements, fire hydrants, parks and open space, and water rights. The conditions of the MDNS automatically become conditions of the project approval.

## **SUBDIVISION REVIEW**

After the SEPA review, staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period.

### **Major Issues**

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

### **Comprehensive Plan:**

The following Comprehensive Plan Goals, Objectives, and Policies are relevant to this proposal:

**Finding 1** – Land Use Goal 1.6: Provide a land use pattern that can be efficiently provided with services.

**Finding 2** – Land Use Objective 1.8.3: Encourage new growth to locate in or near the built-up area of Othello or where utilities are readily available for extension.

**Finding 3** – Housing Goal 2.1: Provide for a diverse mix in housing types, density, location, and affordability.

**Finding 4** – Transportation Element, Alternative Transportation Standards section: “Reduced road widths can have significant benefits including reduced runoff, reduced maintenance responsibilities, reduced urban temperatures, reduced on street parking, reduce the initial cost of installation, and can have significant effects on the calming (i.e. slowing) of traffic. Under existing code, right-of-way width and road width are determined by code and can only be varied by using the Planned Development codes. The City commits to support developments that propose alternative road designs provided it can be found that the proposed designs facilitate the safe travel of the public and that they meet the intended purpose of the transportation system.”

**Finding 5** – Transportation Goal 4.1: Provide a safe and reliable transportation system with the City of Othello.

**Finding 6** – Parks & Recreation Policy 6.1.1: Ensure that developers, and/or the City as applicable, provide for the availability of park and recreation facilities to support development, concurrent with the impacts of such development, in accordance with the level of service standards stated herein.

**Finding 7 – Parks & Recreation Policy 6.5.2:** Require the dedication of land, improvements, or fees in lieu thereof, for park and recreational purposes in all new subdivisions in the City.

**Conclusion (Comprehensive Plan):** Staff concludes that the proposed project is consistent with the relevant portions of the Comprehensive Plan by constructing utilities in a modified grid network which is the most efficient way to provide services while adding some street curves and cul-de-sacs to deter cut-through traffic and reduce vehicle speed and improve safety, located next to existing development where utilities are available, providing a mix of lot sizes which will encourage a mix of housing sizes and affordability, reducing street width for the benefits to reducing runoff, maintenance, and cost; expanding the transportation system in a safe and reliable manner, and providing for availability of park and recreation facilities by collecting a fee in lieu of park dedication.

#### **Land Use and Subdivision Codes:**

**Finding 1 - Permitted Use** –The R-2 Zone allows one- and two-family dwellings and accessory dwelling units as permitted uses (OMC 17.20.030 Table 1). Setbacks, lot coverage, parking, height, etc. will be reviewed when a building permit is submitted.

**Finding 2 – Lot Size** – The minimum lot size is 6000 square feet in the R-2 Zone (OMC 17.20.060 Table 2). Per the Lot Area Table on Sheet 5 of the plat drawing, the smallest lot is 7717 square feet.

**Finding 3 – Water Rights** – OMC 16.05.080 requires residential subdivisions to transfer any water rights associated with the property, or pay a fee in lieu of dedication, sufficient to supply the subdivision. This condition was included in the MDNS.

**Finding 4 - Open Space and Parks** – Subdivisions are required to dedicate 5% of the gross project area for public open space or pay a fee in lieu of dedication (OMC 16.20.040). This condition was included in the MDNS.

**Finding 5 – General Subdivision Requirements – Improvements** – OMC 16.17.030(a)(1), (2), and (6) require the subdivision to make adequate provisions for roads, streets, curbs, gutters, sidewalks, street lighting circuits, alleys, the extension of municipal utilities (sewer, water, and irrigation), irrigation water rights-of-way, drainage ways, other public ways, public access, and any other municipal improvements deemed necessary. Improvements shall conform to community street and utility standards and city design standards in effect at the time of plat approval. Streets shall be improved to city standards. Street lighting shall be provided. The street lighting plan must be approved by the electric utility. All of these issues will be verified when the street and utility construction plans are reviewed after approval of the preliminary plat. The street and utility improvements will need to be completed or bonded for before the final plat is accepted for review. Some exceptions to the Municipal Code and/or Public Works Design Standards for streets and utilities were requested, see below.

**Finding 6** – General Subdivision Requirements - Layout – OMC 16.17.030(a)(2) requires that the subdivision shall front on public streets. There shall be adequate access to all parcels. These layout requirements are met by the proposed plat layout.

**Finding 7** – General Subdivision Requirements – OMC 16.17.030(a) requires compliance with all zoning, fire, and health regulations, consistency with the comprehensive plan, submittal of environmental information, payment of review fees, written decisions, processing under state timelines, a plat certificate to confirm ownership, and no certificate of occupancy until the final plat has been recorded. With deferrals, deviations, and waivers granted for sewer main location, temporary turnaround, ROW width, and sidewalk on the far side of 14<sup>th</sup> Avenue, the proposed plat will comply with zoning, fire, and health regulations and will be consistent with the comprehensive plan. The procedural requirements related to environmental information, fees, written decisions, timelines, plat certificate, and certificate of occupancy will all be met.

**Finding 8** – Specific Subdivision Requirements – OMC 16.17.030(b) includes the specific standards of the preliminary plat drawing. The drawings submitted 10-12-22 (paper) and 10-17-22 (electronic) were reviewed for compliance by the City Engineering Department and comments were issued 11-17-22 and 11-22-22.

**Finding 9** – General Subdivision Requirements – Right of Way (ROW) - OMC 16.17.030(b)(4) requires that rights-of-way dedicated for streets and utilities shall be consistent with the comprehensive right-of-way and transportation plans of the city. With a deviation for ROW width to address the inconsistency in the code caused by reducing the constructed width standard but not yet the ROW width standard, this requirement is met by the proposed plat layout.

**Finding 10** – Cost sharing – OMC 16.17.030(b)(6) requires the subdivider to submit in writing any requests for potential reimbursements, latecomer contracts, or city involvement in the cost sharing of any improvements. The subdivider has not submitted any requests for city participation, latecomer contracts, or reimbursements.

**Finding 11** - Preliminary Approval – Preliminary approvals for major plats shall expire and become null and void three (3) years after the date of preliminary approval per OMC 16.17.100(a). One twelve-month extension may be requested per OMC 16.17.100(b). Application for an extension must be received 30-calendar days prior to expiration and the applicant must show they have made a good faith attempt to submit the final plat within the three-year approval period.

**Finding 12** - Final Plat – An application meeting the standards of OMC 16.17.130 must be submitted in order to request final plat approval. In order to obtain approval of the final plat, the subdivision must conform to these conditions of approval and meet the standards of OMC 16.17.

**Finding 13** – Design Standards – OMC 16.29.010 requires plats to conform to the requirements of this chapter, OMC 16.33 (Improvements), city design standards, and the



fire code. Sections of OMC 16.29 include street alignment in conformity with the master plan, continuation/extension of existing streets, discouragement of through traffic, access to improved streets, street curves, intersection angles, street grades, the requirement to dedicate and complete any street along the boundary of a subdivision, street names, curbs, alleys not required for residential lots, easements for hydrants, water mains, sewer mains, and unusual facilities such as high-voltage electric lines, irrigation canals, and pond areas; block length ordinarily between 300 and 1200', block depth sufficient for two tiers of lots between streets, mid-block crosswalks when needed to provide access to community facilities, street planting plans, disposal of storm drainage, connection to sanitary sewer, connection to City water, fire hydrants, street lighting, electrical, telephone, and cable service; street signs and traffic control signs, improvements to City standards, and monuments and lot corners. The plat as proposed complies with most of the standards of OMC 16.29, see exceptions discussed below.

**Finding 14 – Design Standards – Dead-End Streets - OMC 16.29.050** limits streets with no outlet to not more than 20 dwellings. The cul-de-sac street east of 11<sup>th</sup> Avenue has 14 lots, so meets the standard if all are developed as single family homes. However, since the area is zoned R-2, duplexes and/or accessory dwelling units are possible. In order to keep this street segment in compliance with the 20-unit limit, there needs to be some way to keep track and notify everyone of the limitation. **A note with the restriction clearly shown needs to be added to the face of the plat.**

**Finding 15 – Design Standards –Street Widths - OMC 16.29.100** sets right-of-way (ROW) width for neighborhood streets at 66'. However, recently the City Council reduced the constructed width of neighborhood streets from 40' to 36', without addressing ROW width. The narrower improvements fit in a narrower ROW, so there is no reason to require the old standard for ROW width. The Planning Commission recommended that this deviation be granted.

**Finding 16 – Design Standards –Lots—Size - OMC 16.29.250** requires lot width and area to conform with zoning restrictions, with corner lots to have extra width to accommodate the setback from each street. The proposed plat complies with these requirements.

**Finding 17 – Design Standards –Lots—Size - OMC 16.29.250** also requires lot depths not more than 150' unless rear access is available for the fire department. The previous phase of this development had a few lots that did not meet this requirement, but the corresponding lots in Phase 5 are configured differently so do not have the same problem. Block 3, Lot 4 may have portions more than 150' deep, but this lot also has rear access via 14<sup>th</sup> Avenue.

**Finding 18 – Design Standards – Lots—Double Frontage - OMC 16.29.270** restricts lots which have street frontage along two opposite boundaries 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 10' wide along the lot lines or other consideration abutting

such a traffic arterial shall be maintained by the homeowners' association or adjacent property owner. Block 3, Lots 1-4 have frontage on parallel streets, and Lot 1 has frontage on three streets. This layout was necessary to create a street pattern that reduces traffic speed and cut-through traffic by not creating straight connections between collectors. **A 10' planting screen, maintained by the property owner, is required on the 14<sup>th</sup> Avenue frontage of Block 3, Lots 1-4.**

**Finding 19 – Improvements –** OMC 16.30 sets some requirements for the plat improvements. Improvement plans will be reviewed by City Engineering and Public Works for compliance with OMC 16.30 and the Public Works Design Standards after the preliminary plat has been approved.

**Finding 20 – Waivers, Deviations, and Deferrals –** OMC 16.40 establishes a procedure for granting waivers, deviations, and deferrals of the regulations in the Subdivision Title. A subdivider can make application to the Planning Commission for a waiver of, deviation from, or deferral of any provision in the Subdivision Title. The Commission's recommendation is forwarded to the decision maker on the preliminary plat. The Commission must make findings related to the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of unusual physical conditions, which would cause unusual or unnecessary hardship on the subdivider to comply with the provisions of the Title. The Commission may require conditions that will secure the objectives of the requirement being waived or deferred. On November 21, 2022, the Planning Commission made the following recommendations:

1. Grant the request to deviate from centerline location for sewer main and manholes, to eliminate the conflict with required street monuments, which are more important to be located on centerline.
2. Grant the request for a temporary gravel turnaround at the west end of Mt. Si (Mt. Lago Street, with an easement and covenant to guarantee construction of a permanent turnaround if the street is not extended within 5 years. It would be an unusual and unnecessary hardship to require a permanent turnaround now, when the street is expected to be extended within a few years. The covenant and easement will guarantee that a permanent turnaround will be installed if the street is not extended.
3. Grant the request for 60' right-of-way for neighborhood streets. The code will be corrected in the next update to eliminate this conflict on future developments. All improvements can fit within the 60' ROW so it is appropriate to allow the extra space to be owned by the homeowner, who would be required to maintain it anyway.
4. Grant a waiver of sidewalks on the east side of 14<sup>th</sup> Avenue, since this sidewalk is unnecessary due to there being only a canal on that side of the street. Requiring the developer to build this sidewalk would be unnecessary hardship on the developer. This request was made as part of Sand Hill #4 but then this portion of the plat was removed from consideration so no action was taken on the request at that time. The developer did not make a new request for Sand Hill #5 but staff noticed during the review process that it was necessary and added it.

**Finding 21 – Landscaping –** OMC 17.74, Landscaping and Screening, sets specific requirements for new development, including residential subdivisions. Per OMC



17.74.020(c), a residential subdivision requires street trees and residential landscaping at the time of construction of each house. The street tree requirement consists of a medium or large tree for every 75' of street frontage. Residential landscaping is trees, shrubs, lawn, and other natural and decorative features within at least 50% of the front yard setback, installed within one year of Certificate of Occupancy. Landscaping will be addressed lot-by-lot as each house is built.

**Finding 22** –Street Names – OMC 16.29.150 prohibits street names that duplicate or phonetically approximate the names of existing streets. Adams County 9-1-1 rejected the submitted name of Mt. Lago Street since there is a Lake Dr. in the Othello area. The developer proposed to replace it with “Mt. Si Street”, which was approved by 9-1-1. **The street name correction will need to be made on the construction plans and final plat when they are submitted.**

**Conclusion (Land Use, Subdivision, and Municipal Codes):** Staff concludes that deviations are needed for sewer main not on centerline and right-of-way width, a deferral for a temporary turnaround, and a waiver of sidewalk on the east side of 14<sup>th</sup> Ave, and that conditions are needed to limit the number of units to 20 on a dead-end street, landscape screening on double-frontage lots, and changing a street name. The project otherwise meets applicable OMCs and the City’s Comprehensive Plan, and makes adequate provisions for public health, safety, and welfare.

#### **Public Works and Engineering:**

**Finding 1** – OMC 16.29 “Design Standards” – Full width street improvements are required by OMC 16.29.140 within the subdivision and along the boundary of the subdivision. Street lighting will be required in accordance with OMC 16.29.330.

**Finding 2** – The location of fire hydrants is subject to review and approval by the Fire Chief, but must also meet the minimum requirement of OMC 16.33.030, spacing at 500’ intervals.

**Finding 3** – Construction Plan Review – Prior to construction, plans and profiles of the proposed infrastructure shall be submitted to the City. Plans must meet City of Othello Public Works Design Standards.

**Finding 4** –City Engineering’s initial comment was about needing to dedicate or show the land needed for the temporary cul-de-sac. This condition was included in the recommendation for granting of the deferral of the cul-de-sac improvements. The City Engineer also did a technical review; those comments should be addressed as conditions of approval. Some of the comments will be resolved if the requested deferrals and deviations are granted.

**Finding 5** - A traffic impact analysis for the full build-out of all Sand Hill Estates phases was required and accepted with Sand Hill Estates #3. No further traffic information was required for this phase.

**Finding 6** – In the previous phase, the Public Works Director required **lighting near each end of the emergency access/pedestrian connection, for safety**. The current project is essentially a mirror image of that project so should have the corresponding conditions.

**Conclusion (Public Works and Engineering):** Conditions are needed for easement or right-of-way for the temporary cul-de-sac, lighting near each end of the emergency access/pedestrian connection, and addressing the City Engineer’s comments. The proposed project is otherwise able to meet the standards set forth in the applicable Othello Municipal Code and Public Works Design Standards.

**Fire Protection:**

**Finding 1** – Residential lots shall not exceed 150’ in depth without alley access. OMC 16.29.250

**Finding 2** – Dead-end roads that exceed 150’ shall provide an approved turn around. IFC 503.2.5

**Finding 5** – Fire hydrant spacing and locations shall be approved by the fire code official to meet the needs of the local fire department. IFC 507

**Conclusion (Fire Protection):** Conditions are needed to address the comments from Adams County Fire District 5.

**East Columbia Basin Irrigation District**

**Finding 1** – The letter references Sand Hill Estates IV, but as clarified on Nov. 21, it was actually intended to apply to Sand Hill Estates V.

**Finding 2** – There is a \$300 plat fee that must be paid prior to signing the plat

**Finding 3** – The District’s signature line shall state: EAST COLUMBIA BASIN IRRIGATION DISTRICT SECRETARY-MANAGER.

**Conclusion (East Columbia Basin Irrigation District):** Provided the recommended conditions of approval are included in the decision, the proposed development should meet the standards necessary for an approval of the project by the East Columbia Basin Irrigation District.

**United States Bureau of Reclamation (USBR):**

**Finding 1** – No comments were received, but the project is located within Farm Units, so the USBR must review and sign the plat before it can be recorded. USBR typically has standard requirements and language that must be included on the plat. **Any requirements must be resolved between the proponent and USBR.**

**Conclusion (USBR):** Any conditions required by USBR will need to be addressed by the applicant before USBR will sign the plat.

**Washington State Department of Ecology (Ecology):**

**Finding 1** – Obtain coverage under the Construction Stormwater General Permit for Phase 5.

**Finding 2** – Ecology bases comments upon information submitted for review. As such, comments made do not constitute an exhaustive list of the various authorizations you may need to obtain, nor legal requirements you may need to fulfill in order to carry out the proposed action. Applicants should remain in touch with their Local Responsible Officials or Planners for additional guidance.

**Conclusion (Department of Ecology):** The project can address Department of Ecology concerns subject to the attached conditions of approval for platting the property.

**Confederated Tribes and Bands of the Yakama Nation:**

**Finding 1** – The letter received in response to the project routing was information that there is a new point of contact for cultural resource matters, Casey Barnes. Staff forwarded the routing documents, including the submitted cultural resources report, to Mr. Barnes the same day the letter was received. There has been no further communication.

**Finding 1** – A cultural resources report was submitted and routed to the appropriate agencies for review.

**Conclusion (Yakama Nation):** The comments received were not specific to the project, only instructions on where to route projects. There are no further comments that need to be addressed.

**Adams County 9-1-1 (E911):**

**Finding 1** – The name “Mt Lago” is not approved by E911 as there is already a “Lake Dr” with an Othello zip code just slightly south of Hwy 24. This could potentially cause delays in emergency services, therefore is not approved.

**Finding 2** – The proponent proposed renaming this street to “Mt. Si Street”, which was approved by E911.

**Conclusion (E911):** The project will address the E911 comments by changing the street name as reviewed and approved by E911.

<b>Recommended Conditions of Approval</b>
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1. Conditions in the Mitigated Determination of Non-Significance (MDNS) are conditions of approval of this subdivision.

2. Street and utility development on the subject parcels shall be coordinated with all utility providers serving the site and general area. Utility easements on adjacent parcels that are required for development of the subject property shall be in place prior to development of the subject property.
3. If needed to extend infrastructure, including irrigation, to the property, the property owner may need to grant easements and/or right-of-way on his property to the north, and may need to acquire additional right-of-way and/or easements to the north.
4. Streets having no outlet shall not services more than 20 dwellings (OMC 16.29.050). The cul-de-sac end of Mt. Cascade needs to be clearly noted on the face of the plat as allowing no more than 20 dwellings, since the R-2 Zone allows also duplexes and accessory dwelling units.
5. In order to retain usability of the emergency access/utility connection/pedestrian path as emergency access, parking needs to be restricted at each end, and the developer shall install a method approved by the City and Adams County Fire District 5 to prevent unauthorized vehicle traffic, such as lockable bollards. For safety, the access needs to be adequately lighted. The developer shall take this into consideration when designing the street lighting layout.
6. To maintain the cul-de-sac's usefulness as a turnaround, no on-street parking is allowed within the cul-de-sac. The developer shall install methods as approved by the city to restrict parking, such as signs and/or curb painting.
7. A 10' planting screen, maintained by the property owner, is required on the 14<sup>th</sup> Avenue frontages of Block 3, Lot 1-4. OMC 16.29.270
8. Grant the request to deviate from centerline location for sewer main and manholes, since this conflicts with required centerline monuments, which are more important to be located on centerline.
9. Grant the request for a temporary gravel turnaround at the west end of Mt. Si (Mt. Lago) Street, with an easement and covenant to guarantee construction of a permanent turnaround if the street is not extended within 5 years. It would be an unusual and unnecessary hardship to require a permanent turnaround now, when the street is expected to be extended within a few years. The covenant and easement will guarantee that a permanent turnaround is installed if the street is not extended.
10. Grant the request for 60' right-of-way for neighborhood streets. The code has not been updated to match the recent revisions which reduced the required constructed width of the street improvements. All improvements can fit within the 60' ROW so it is appropriate to allow the extra space to be owned by the homeowner, who would be required to maintain it anyway.
11. Waive the requirement for sidewalks on the east side of 14<sup>th</sup> Avenue. Requiring this sidewalk would be an unnecessary hardship on the developer, since there is only a canal on this side of the street.
12. "Mt. Lago Street" is not an approved street name. "Mt. Si Street" has been approved by E911 as a replacement name. The approved name must be shown on the street and utility construction plans and the final plat.
13. The comments of City Engineering dated 11-22-22 must be addressed.
14. The comments of Adams County Fire District 5 dated 11-17-22 must be addressed.
15. All requirements of the East Columbia Basin Irrigation District and US Bureau of Reclamation shall be met prior to final plat recording.

16. All requirements of Washington State Department of Ecology shall be met.
17. Before a final plat application can be accepted, the following are required (OMC 16.17.120):
  - A. Construction plans for all required street and utility improvements must be approved, and
  - B. The street and utility improvements must be completed by the developer and accepted by the City Council, or guaranteed by a bond or other security.
18. An application meeting the standards of OMC 16.17.130 must be submitted to request final plat approval. In order to obtain approval of the final plat, the subdivision must conform to these conditions of approval and meet the standards of OMC 16.17.
19. Preliminary approval for a major plat expires and becomes null and void three years after the date of preliminary approval unless a 12-month extension has been approved. See OMC 16.17.100.
20. Except as noted, all proposals of the applicant shall be considered conditions of approval.

## **PROCESS AND APPEALS**

This report to the Hearings Examiner is a recommendation from the Building and Planning Department for the City of Othello, Washington.

The examiner may adopt, modify or reject this recommendation. The examiner will render a decision within 14 calendar days of closing the public hearing. The City will mail a copy of the decision to the applicant and all parties of record within 7 days of receipt of the decision from the examiner.

The decision may be appealed to the superior court of Adams County by the applicant or any "Party of Record". To qualify as a party of record, you must have submitted written comments or a written request to be identified as a Party of Record prior to the closing of the record.

An accurate mailing address for those submitting comments must be included or they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision. An appellant must submit an appeal to the superior court of Adams County within 30 calendar days after the written decision is mailed.

Refer to OMC 16.17.110 Appeals, for the appeal of Major Plats and OMC 19.11.020 for the appeal of hearing examiner decisions.

## **EXHIBITS**

Exhibit #	Document	Pages
Exhibit 1	Staff Report	14
Exhibit 2	Land Use Application Submittals: <ol style="list-style-type: none"><li>1. Land Use Application &amp; narrative rec'd 8-16-22</li><li>2. Submittal emails 8-15-22, 8-17-22, 9-2-22, 9-15-22, 9-20-22, 10-17-22</li><li>3. Invoice &amp; receipt 10-12-22</li><li>4. Plat drawing rec'd 10-17-22</li></ol>	85

Exhibit #	Document	Pages
	<ol style="list-style-type: none"> <li>5. Street &amp; utility construction drawing rec'd 8-17-22</li> <li>6. Plat Certificate rec'd 8-23-22</li> <li>7. Cultural Resources Report rec'd 9-22-22</li> <li>8. Previous versions of the plat drawing rec'd 8-16-22, 9-15-22, 9-21-22</li> </ol>	
Exhibit 3	<p>Public Notice documentation:</p> <ol style="list-style-type: none"> <li>1. 10-31-22 Notice of Application &amp; Public Hearing document</li> <li>2. 10-31-22 Screenshot of Land Use Notices page on City website</li> <li>3. 10-31-22 Agency routing email &amp; SEPA Register confirmations</li> <li>4. 10-31-22 email routing the Cultural Resources Report</li> <li>5. 11-15-22 additional routings to Yakama Nation</li> <li>6. Newspaper notice &amp; newspaper confirmation</li> <li>7. Nov. 9 Legal Notices from Columbia Basin Herald</li> <li>8. Affidavit of Posting</li> <li>9. Letter mailed 11-21-22 to property owners within 350'</li> <li>10. Map of area letters were sent &amp; spreadsheet of addresses that letters were sent to</li> <li>11. Lists of names and addresses of owners within 350' as submitted by applicant</li> <li>12. Property owner address response and map</li> </ol>	41
Exhibit 4	<p>Comments received:</p> <ol style="list-style-type: none"> <li>1. E911 10-31-22, 11-17-22</li> <li>2. Yakama Nation rec'd 11-15-22</li> <li>3. Fire District 11-17-22</li> <li>4. Ecology 11-15-22</li> <li>5. East Columbia Basin Irrigation District 11-16-22, 11-21-22</li> <li>6. City Engineer 11-17-22, 11-22-22</li> </ol>	11
Exhibit 5	<p>Environmental review documents:</p> <ol style="list-style-type: none"> <li>1. MDNS issued 11-17-22</li> <li>2. SEPA Environmental Checklist submitted 9-20-22, with staff comments</li> <li>3. SEPA Register confirmation &amp; publication</li> <li>4. Assessed land values for calculation of park fee in lieu of dedication</li> <li>5. 11-17-22 Letter to proponent about MDNS</li> <li>6. 8-19-22 Guidance from SEPA Help on revising existing MDNS</li> </ol>	24
Exhibit 6	<p>Deferral/Deviation/Waiver documents</p> <ol style="list-style-type: none"> <li>1. Deviation request letter 10-4-22 (rec'd 10-17-22)</li> <li>2. Deviation/Deferral staff report to Commission 11-21-22</li> <li>3. Deviation/Deferral follow up letter 11-22-22</li> <li>4. Previous version of deviation request letter 9-9-22 (rec'd 9-20-22)</li> </ol>	7
Exhibit 7	<p>Other relevant documents from file of record:</p> <ol style="list-style-type: none"> <li>1. Notice of Incomplete 8-19-22, 9-2-22, 9-23-22, 10-17-22, 10-27-22</li> <li>2. Notice of Completeness 10-31-22</li> <li>3. E911 comments forwarded to proponent, street name proposal</li> </ol>	10