



# 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 #7 Preliminary Plat**

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

**Location:** North of Sand Hill Estates #5 and east of Sand Hill Estates #6, north of Cascade Street, between 11<sup>th</sup> and 14<sup>th</sup> Avenue, described as portions of Tax #2660 and 2661.

**Project Description:** Subdivide 8.1 acres into 36 residential lots in the R-4 Residential Zone. 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.

**Applicant:** Palos Verdes LLC

**Contact Person:**

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

**Zoning:** R-4 Residential

**Parcel Number:** Portions of 152903068-2660 & -2661

**Recommendation:** Approve Subject to Conditions

By: Anne Henning, Community Development Director

Date issued: September 25, 2024

## AGENCY REVIEW

Agency Notified	Response Date	Agency Notified	Response Date
Building Dept	None	Century Link Telephone	None
City Engineer	9-17-24	East Columbia Basin Irrigation District	None
Public Works	None	US Bureau of Reclamation	None
Police	None	Adams County Development Council	None
Parks	None	Port of Othello	None
Fire Dept	None	WA Dept of Archaeology & Historic Preservation	None
County Assessor	None	WA Dept of Ecology	9-16-24
County Auditor	None	WA Dept of Transportation	9-10-24
County Health Dept	None	WA Dept of Fish & Wildlife	None
County Sheriff/9-1-1	8-30-24	WA Dept of Natural Resources	None
Avista Energy	9-16-24	US Fish & Wildlife	None
Big Bend Electrical Co-op	None	Colville Confederated Tribes	9-9-24
Vyve (Cable)	None	Nez Perce Tribe	None
Cascade Natural Gas	None	Spokane Tribe	None
		Yakama Nation	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 August 30, 2024.
- Two land use notice signs with the notice of application and public hearing were posted on the subject property by the applicant on August 30, 2024.
- Notice of application (with Optional DNS) and public hearing was published in the Columbia Basin Herald on September 4, 2024.
- Notice of public hearing was posted on the City website calendar August 30, 2024 and mailed to property owners within 350 feet of the site and contiguous property owned by the developer on September 16, 2024 (47 letters).
- Notice of issuance of the MDNS was posted on the City's website, submitted to the SEPA Register, and emailed to agencies September 20, 2024. 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 have been received.

## PROJECT OVERVIEW

The subject property is 8.1 acres, which is the remaining Sand Hill Estates property. It is located north of Sand Hill Estates #5, and east of Sand Hill Estates #6. 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 reduce traffic speeds by adding some curves, cul-de-sacs, and street that don't go directly through.

The Sand Hill Estates properties were previously used for agriculture. The Sand Hill #7 site generally slopes up from elevation 1117' at the southwest corner to 1120' at the northeast corner, with a high point of a long mound at 1124' along the center of the north property line. No environmentally sensitive areas have been identified on or adjacent to the site.

The developer will extend 11<sup>th</sup> and 13<sup>th</sup> Avenue into this site and build a new street, Mt. Hood Street, east-west to connect them and extend slightly west to connect to the property to the west, Sand Hill Estates #6 Short Plat (multi-family). Sand Hill Estates #7 is the seventh and final development of a concept plan with full build-out of about 250 lots and 10 multi-family buildings. Each plat has been independent, and now this project plats the remainder of the property. All plats have been recorded except for the multi-family short plat (#6), which is still under construction.

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

Compass	Zoning	Current Land Use
Site	R-4	Vacant/Former Agriculture
North	I-1 Light Industrial	Agriculture
East	R-4	14 <sup>th</sup> Ave, Canal, Agriculture (recently annexed)
South	R-2	Residential (Sand Hill Estates #5)
West	R-4	Apartments under construction (Sand Hill Estates #6)

## 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 September 20, 2024, the City issued an **MDNS – Mitigation Determination of Non-Significance** with 12 conditions related to deleterious materials spills, stormwater, track-out, fill, site stabilization, street and utility improvements, sewer main capacity, 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, reducing street width for the benefits to calming traffic and reducing runoff, maintenance, temperatures, 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-4 Zone allows dwellings as permitted uses, with no limit on the number of dwelling units per lot (OMC 17.20.030 Table 1). Setbacks, lot coverage, parking, height, etc. will be reviewed for each lot when a building permit is submitted.

**Finding 2 – Lot Size** – The minimum lot size is 4500 square feet in the R-4 Zone (OMC 17.20.060 Table 2). Per the Lot Area Table on Sheet 5 of the plat drawing, the smallest lot is 6822 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. An exception to the Municipal Code for street right-of-way is needed, 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 consideration for ROW width, 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 5-5-24 were reviewed for compliance by the City Engineering Department and comments were issued 9-17-24.

**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. The Public Works Design Standards were amended by the City Council in 2022 to reduce the constructed width of neighborhood streets. All previous phases of Sand Hill Estates Major Plats went through the process of a deviation for 60' ROW instead of 66', with no concerns raised for the reduction in ROW width. Therefore, staff feels the 60' ROW in this phase is consistent with the approvals granted for previous phases of the development.

**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 and discussion below.

**Finding 14** – Design Standards –Street Widths - OMC 16.29.100 sets right-of-way (ROW) width for neighborhood streets at 66'. However, in 2022 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, as demonstrated in the previous 5 phases of this development, so there is no reason to require the old standard for ROW width. The Planning Commission has been working on an update to the Subdivision Code but has not finished it yet. The Planning Commission recommended that this deviation be granted for the previous 5 major plat phases of this development.

**Finding 15** – Design Standards – Blocks-Length – OMC 16.29.210 requires block lengths to not exceed 1200 feet. The proposed plat has a block length of 1022'.

**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. Block 2, Lot 18 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 2, Lots 18-21 have frontage on parallel 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 2, Lots 18-21.**

**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 recommendation for Sand Hill Estates #5 that are applicable to the current plat:

- 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.

**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 commented on the submitted name of Mt. Hood Street since there are multiple ways that might be translated into Spanish. Staff circulated these comments to bilingual members of the City Hall front office staff. No comments were received back, therefore staff assumes this name is acceptable.

**Finding 23** – Planning Comments – The Community Development Director reviewed the drawings for typographical errors and provided a memo. Those comments should be included as conditions of approval.

**Conclusion (Land Use, Subdivision, and Municipal Codes):** Staff concludes that a deviation for right-of-way width has been granted by precedent of prior phases of this development, and that conditions are needed for landscape screening on double-frontage lots. 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” – 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** – The City Engineer did a technical review; those comments should be addressed as conditions of approval.

**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** – Sewer main capacity will be exceeded by this plat. The developer will be required to extend a 12” sewer main from 4<sup>th</sup> Avenue to Broadway Avenue before the plat is recorded.

**Conclusion (Public Works and Engineering):** Conditions are needed for addressing the City Engineer’s comments and the sewer capacity deficiency. 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** – No comments were received. However, IFC 507 requires that fire hydrant spacing and locations shall be approved by the fire code official to meet the needs of the local fire department.

**Conclusion (Fire Protection):** Conditions are needed to address Fire Code requirements.

### **East Columbia Basin Irrigation District (ECBID)**

**Finding 1** – No comments were received. However, the project is located within Farm Units so the Irrigation District must review and sign the plat before it can be recorded. **Any requirements must be resolved between the proponent and ECBID.**

**Conclusion (East Columbia Basin Irrigation District):** Any conditions required by ECBID will need to be addressed by the applicant before ECBID will sign the plat.

### **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** – Water Quality – The applicant must register all dry wells installed to receive stormwater runoff with Ecology’s Underground Injection Control (UIC) Program. Registration must occur 60 days before construction of the drywell. In addition, discharge from the well(s) must comply with the ground water quality requirements (non-endangerment standard) at the top of the ground water table.

**Finding 2** – Water Resources – The water purveyor bears responsibility for ensuring that the proposed use(s) are within the limitations of its water rights. If the proposal’s actions differ from the existing water right (source, purpose, the place of use, or period of use), then it is subject to approval from the Department of Ecology pursuant to Section 90.03.381 RCW and 90.44.100 RCW.

**Finding 3** – 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.

### **Washington State Department of Transportation (WSDOT):**

**Finding 1** – WSDOT responded that they have no comments on this project.

**Conclusion (WSDOT):** There are no comments that need to be addressed.

### **Confederated Tribes of the Colville Reservation:**

**Finding 1** – The Confederated Tribes of the Colville Reservation have no comment on Sand Hill Estates 7 Major Plat, as this area was covered by a cultural resource survey and inadvertent discovery recommendations by RLR (Fleming and Triplett 2022)

**Conclusion (Confederated Tribes of the Colville Reservation):** The cultural resources report was previously reviewed. There are no further comments that need to be addressed.

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

**Finding 1** – E911 commented that the only issue with “Mount Hood” (Street) is that there are so many possible translations in Spanish for “Hood”.

**Finding 2** – Planning staff routed the E911 comments to bilingual City Hall front office staff. There were no responses.

**Conclusion (E911):** E911 raised concerns which were forwarded to City staff, who did not respond with concerns. No changes need to be made to the proposed street name.

**Avista Energy:**

**Finding 1** – Avista provided comments on adding “Utility Easement Area” to the dedicated public roadways on the plat, adding language to the plat dedication, and adding a condition of approval related to open ditch inspection and receiving a statement verifying that utilities are located in the easement.

**Conclusion (Avista Energy):** Conditions are needed to address concerns from the electrical utility provider.

<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 acquire additional right-of-way and/or easements to the north and west.
4. A 10’ planting screen, maintained by the property owner, is required on the 14<sup>th</sup> Avenue frontages of Block 2, Lot 18-21. OMC 16.29.270
5. Allow 60’ right-of-way for neighborhood streets. The code has not been updated yet to match the 2022 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. This deviation has been approved for the previous 5 major plats in this development.
6. The comments of the Community Development Director dated 9-23-24 must be addressed.
7. The comments of the City Engineer dated 9-17-24 must be addressed.

8. This development will exceed the sewer capacity that can be accommodated in the existing 8" sewer main. The plat shall not be recorded until a 12" sewer main in Olympia Street from 4<sup>th</sup> Avenue to Broadway Avenue is completed by the developer to City standards and accepted by the City.
9. The comments of Avista Energy dated 9-16-24 must be addressed.
10. IFC 507 requires that fire hydrant spacing and locations shall be approved by the fire code official to meet the needs of the local fire department.
11. All requirements of the East Columbia Basin Irrigation District and US Bureau of Reclamation shall be met prior to final plat recording.
12. All requirements of Washington State Department of Ecology shall be met.
13. 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.
14. 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.
15. 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.
16. 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	<p>Land Use Application Submittals:</p> <ol style="list-style-type: none"> <li>1. Land Use Application &amp; narrative rec'd 4-16-24</li> <li>2. Submittal email 4-16-24</li> <li>3. Receipt paid 5-7-24</li> <li>4. Traffic memo 4-17-24</li> <li>5. Plat drawing rec'd 5-2-24</li> <li>6. Street name email 5-8-24</li> <li>7. Plat Certificate rec'd 5-13-24</li> <li>8. Estimated sewer flow email 5-24-24 with attachments (5-15-24 email to Bonnie Valdez, Utility Account History, Estimated Wastewater Flows</li> <li>9. Email about sewer capacity 7-19-24</li> <li>10. Email about sewer capacity allocation 8-5-24 with Sewer Capacity Allocation Letter</li> <li>11. Email about sewer proposal 8-29-24</li> </ol>	65
Exhibit 3	<p>Public Notice documentation:</p> <ol style="list-style-type: none"> <li>1. 8-30-24 Notice of Application &amp; Public Hearing with Optional DNS</li> <li>2. Screenshot of Land Use Notices page on City website</li> <li>3. Screenshot of Public Hearing Notice on City website</li> <li>4. 8-30-24 Agency routing email</li> <li>5. 8-30-24 SEPA Register confirmation</li> <li>6. Newspaper notice</li> <li>7. Newspaper confirmation &amp; proof</li> <li>8. Affidavit of Posting</li> <li>9. 9-4-24 Affidavit of Publication &amp; Legal Notices from Columbia Basin Herald</li> <li>10. Public hearing letter mailed 9-16-24 to property owners within 350' &amp; list of addresses that letters were sent to</li> </ol>	25
Exhibit 4	<p>Comments received:</p> <ol style="list-style-type: none"> <li>1. Colville Confederated Tribes 5-1-24, 9-9-24</li> <li>2. E911 8-30-24</li> <li>3. WSDOT 9-10-24</li> <li>4. Avista Energy 9-16-24</li> <li>5. Ecology 9-16-24</li> <li>6. City Engineer 9-17-24</li> <li>7. Community Development Director 9-23-24</li> </ol>	11
Exhibit 5	<p>Environmental review documents:</p> <ol style="list-style-type: none"> <li>1. MDNS issued 9-20-24</li> <li>2. SEPA Environmental Checklist submitted 4-16-24, with staff comments</li> <li>3. SEPA Register confirmation of MDNS</li> <li>4. Assessed land values for calculation of park fee in lieu of dedication</li> <li>5. 9-20-24 Letter to proponent about MDNS &amp; comments received</li> <li>6. 9-20-24 Agency routing of MDNS</li> </ol>	20

Exhibit #	Document	Pages
Exhibit 6	<p>Other relevant documents from file of record:</p> <ol style="list-style-type: none"> <li>1. Emails about application 4-16-24, 5-10-24</li> <li>2. Notice of Incomplete 5-3-24, 5-17-24, 8-16-24</li> <li>3. Notice of Completeness 8-30-24</li> <li>4. Email about proposed sewer capacity condition 7-19-24</li> <li>5. E911 comments on street name forwarded to City staff 8-30-24</li> <li>6. Street &amp; utility construction drawing rec'd 4-15-24, 8-5-24</li> </ol>	29
Exhibit 7	<p>Other documents related to sewer capacity</p> <ol style="list-style-type: none"> <li>1. 2-17-17 Minutes of Council Water/Sewer/Street Committee, p.1-2 (see Sanitary Sewer section on p.2)</li> <li>2. 8-15-17 MDNS for Sand Hill Estates #1 (see condition #8)</li> <li>3. 8-30-17 Staff report for Sand Hill Estates #1, p.5-6 (see Public Works and Engineering Finding 4)</li> <li>4. 4-4-24 MDNS for Sand Hill Estates #6 Short Plat &amp; Multi-Family Development (see condition #9)</li> </ol>	11