



CITY OF OTHELLO PLANNING COMMISSION

**Regular Meeting
500 E. Main St.
July 21, 2025
6:00 PM**

For those who would like to attend remotely, see virtual instructions on the next page

1. Call to Order - Roll Call	
a. Excused Absences	
2. Public Input	
3. Approval of June 16, 2025 Minutes	p.3
4. Subdivision Update – OMC Title 16 – Discussion	p.5
5. June 2025 Building & Planning Department Report	p.94
6. Old Business	
a. Zoning Update – OMC 17.20 Residential: Setbacks, Eave Overhang, House Width, Townhouses, Cottages, Landscaping; OMC 17.09 Definitions, OMC 17.56 General Provisions – Ord. 1634 adopted by Council June 23, took effect July 7	
b. Housing – As time allows, we should continue to look at further implementation possibilities from the Housing Action Plan (p.15 of HAP/p.24 of PDF)	p.97

Next Regular Meeting is Monday, August 18, 2025 at 6:00 PM

Remote Meeting Instructions:

Join Zoom Meeting

<https://us06web.zoom.us/j/81894213261?pwd=MjMwZ01Ubmdaai8xdlFua0dvd3dMUT09>

Meeting ID: 818 9421 3261

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City of Othello
Planning Commission Meeting
June 16, 2025
Zuleica Morfin

CALL TO ORDER

Chair Chris Dorow called the meeting to order at 6:03 pm.

ROLL CALL

Commissioners Present: Chair Dorow, Daniela Voorhies, Ruth Sawyer, Rob Simmons, Jose Garza, Alma Carmona, Maria Martinez

Staff: Community Development Director Anne Henning, Building and Planning Secretary Zuleica Morfin

Attendees: Council member John Lallas, Mike Livingston, Carla Hampton, Lynda Bowers, Ken Johnson, John Lockard, Sharon Shutte, Kelli Camp. **Remote:** Bob Carlson, Nicole & Cody Nelson

PUBLIC INPUT

Nicole and Cody Nelson own 5 mobile home parks in Washington, Oregon, and the East Coast, including the park at 70 E. Juniper St. They are interested in expanding but our city ordinance does not allow them to do so because the park is non-conforming. They would like to replace the existing building containing a 2-bedroom apartment, office and showers from the original park with manufactured homes. Nicole told commissioners that in January, they had hired a contractor to replace the roof on this building. The contractor tore off the roof leaving it exposed for over two weeks, with poor weather conditions it caused a lot of damage to the interior of the building and now they need to renovate the whole building or remove it. Commissioner Alma Carmona didn't feel that replacing the building with more mobile homes was an expansion because it is within the boundaries of the park. Commissioners noted that a 4-plex would be an allowed use in this zone. Council member John Lallas recommended that the Nelsons get a plan together keeping in mind the aesthetics of the community and how they could improve the area to then present to the City Council. Nicole asked if they could do more units, like an 8-plex. Commissioners responded that apartments are allowed, and encouraged the Nelsons to explore this.

MINUTES APPROVAL

May 19, 2025, minutes approved. M/S Carmona/Sawyer

PLANNING COMMISSION TRAINING UPDATE- OPEN PUBLIC MEETING ACT

Ms. Henning said she was only waiting for one more Commissioner, who has contacted her, to complete the training. Commissioner Alma Carmona is the next one due for training, by November.

ZONING UPDATE – RESIDENTIAL - OMC 17.09, 17.20, 17.56 - DEFINITIONS, SETBACKS, EAVE OVERHANG, HOUSE WIDTH, COTTAGE HOUSING, TOWNHOUSES, LANDSCAPING - PUBLIC HEARING & RECOMMENDATION TO CITY COUCIL

The Planning Commission has been discussing some simple changes to the Zoning Code that could increase the buildable area or eliminate development barriers, to potentially create additional housing. These include: Setbacks, house width, eave overhang, landscaping, townhouses, and cottage cluster/

bungalow court in OMC 17.20. In addition, some corrections and clarifications relevant to housing have been identified in the Definitions and General Provisions chapters, OMC 17.09 and 17.56.

At 6:38pm the public hearing on 17.20 Setbacks, Overhangs, Width, Townhouses, Cottages; 17.09 Definitions; and 17.56 General Provisions was opened. There was no public testimony, so the public hearing was closed at 6:39pm.

Commissioner Rob Simmons had a concern on the front setback; he thought a 10-foot setback in an existing neighborhood with 20-foot setbacks might look strange. Chair Chris Dorow invited input from the audience; there was none. Chair Dorow said he leans more towards the freedom to let people use their property. Jose Garza mentioned others may start to build closer to the street as they see their neighbors do it. Commissioner Alma Carmona was in favor of a 10' setback. Commissioner Simmons said although he had his concerns, he didn't have a strong opinion either way.

Chair Dorow mentioned that making the side street setback 10' for R-1 would make it consistent with the other zones. He mentioned that the landscape changes remove redundancy, since there are already requirements for General Landscaping. He asked the audience again if there were any comments.

Motion approved to recommend to the City Council the amendments to OMC 17.20 Residential Zones, 17.09 Definitions, and 17.56 General Provisions. M/S Carmona/Martinez

HOUSING ACTION PLAN & MULTI FAMILY TAX EXEMPTION

Chair Chris Dorow said he had had a conversation with AJ Ochoa in which he found out that Mr. Ochoa wasn't aware of the Housing Action Plan, which could help him in applying for grants. Discussion about how to better get the word out to the community. The Housing Action Plan and Multi Family Tax Exemption (MFTE) have pages on the city website, and there is a 1-page flyer for MFTE. Commissioners recommended sending the MFTE flyers to local realtors.

REPORTS

The June Building and Planning Department Report was included in the packet.

ADJOURNMENT

Having no further business, the meeting was adjourned at 7:05pm. Next meeting is Monday July 21, 2025.

Date: _____

Chris Dorow, Chair

Date: _____

Zuleica Morfin, Building and Planning Secretary

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: July 21, 2025

SUBJECT: Municipal Code Update – Subdivision Code – Discussion

When property is divided, state law requires that it be done through the subdivision process (with a few specific exceptions). Each jurisdiction sets local subdivision standards based on state requirements. Othello Municipal Code **Title 16: Subdivisions** is our version of that. This code is in need of a major 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. This title is complicated to work on because the chapters are so interrelated, requiring a lot of time and effort by both staff and the Commission to understand the issues and try to solve them in the best way possible. The Commission has done a considerable amount of work on this title already, but it has been spread over several years.

Staff Comments

1. The Planning Commission should focus their attention on the following sections:
 - a. 16.29.210 Blocks—Length: New language about service and maintenance of mid-block pathways. (p.66 of draft)
 - b. 16.29.280 Tree Planting: Should a tree planting plan be required with a subdivision application? How would the planting be implemented? (p.66)
 - c. 16.19 Unit Lot Subdivision: This chapter is optional. Should it be adopted? (p.50)
 - d. 16.09 Definitions: We have been saving this section until near the end, so we know better which terms need definitions. (p.7)
 - e. 16.05.090 Legal Lot: See chart in Staff Comment #4, below. (p.4)
2. Review History: The Planning Commission has previously worked on the Subdivision code January & October 2019, August 2020, March 2021, and April, July, August, September, & November, 2024.
 - a. The topic was introduced to the Commission in January 2019. Staff provided a rough draft based on reviewing multiple examples across the state, including Spokane Valley and Richland. The draft proposed a new structure: Rather than having a chapter for short plats and a chapter for major plats, there would instead be a chapter for preliminary plats (short and major) and a chapter for final plats, since there are more similarities than differences.
 - b. A lot of draft changes were made based on the draft and policy guidance given at the October 2019 and August 2020 meetings.
 - c. At the March 2021 meeting, the focus was on municipal improvements like streets, water, and sewer, which are 16.29: Design Standards, and 16.33:

Improvements. At that time, the Engineering Department was working on an update to the Public Works Design Standards, better incorporating the construction requirements for municipal improvements. The updated Public Works Design Standards have since been adopted.

- d. At the April 2024 meeting:
 - i. 16.29 Design Standards: Commissioners gave direction to allow dead-end streets for cul-de-sacs and add requirements for 600' block length or pedestrian paths with raised crosswalks, and traffic calming.
 - ii. 16.20 Open Space: The existing process is that residential developments are required to dedicate land for a park, or pay a fee in lieu of dedication. At the August, 2020 meeting, the Commission was strongly in favor of parks and requiring developments to contribute. At the April 2024 meeting, the Commission supported staff's idea to create a simpler process, with set fees. However, based on discussions in early June 2024 with the City Attorney's office, this is not possible because as a small county, we are not fully planning under the Growth Management Act. The advice of the attorney is to maintain the existing process because there isn't a simpler process that would still meet state laws. Previous proposed changes to this chapter have been reverted to the original text.
- e. At the July 2024 meeting:
 - i. 16.29.210 Block Length: Commission discussed the need to specify how the mid-block paths were maintained (weed control, snow shoveling, repair, etc.) and whether there should be restrictions on fence height. Commissioners did not want to restrict fence height for people's backyards, but did agree that pedestrian safety needs to be considered. Commissioners liked the idea of requiring the pathway to be a straight line to avoid creating hiding places.
 - ii. 16.29.280 Tree planting: Commission discussed this section again, after their previous thought in March 2021 that this provision should be deleted and instead be regulated through the Landscape chapter, OMC 17.74. Since then, Council has reviewed 17.74 and determined that the developer should not be required to install landscaping for single family subdivisions; it should be up to the homeowner to install the required front yard landscaping. At the July 2024 meeting, Planning Commissioners were conflicted between requiring trees and allowing homeowners the freedom to choose whether they wanted a tree or not. Ideas included incentives for tree planting, allowing buyers to choose a tree along with their house, or requiring each house to have one tree. This issue remains to be resolved.
- f. At the August & September 2024 meetings, Commissioners reviewed a replacement for OMC 16.52 Reimbursement Agreements, based on a similar

chapter (KMC 6.05 Latecomer Agreements) from the City of Kent, which was recommended by the City Attorney's office because it had recently been overhauled. The existing OMC 16.52 is very confusing, and Commissioners found the new chapter OMC 16.53 to be more clear. Commissioners made some changes to the Purpose section to make it less wordy.

- g. At the November 2024 meeting, Commissioners reviewed and approved a new section to address 2023 state requirements to allow "unit lot subdivision", which can divide a parent lot into separately-owned unit lots smaller than the minimum lot size (to allow, for example, a 4-unit townhouse on a standard lot to be divided into 4 individually-owned lots). However, in 2025, state law was modified again, and the "unit lot subdivision" provisions are now only required for cities fully planning under the Growth Management Act. Since this is no longer required, the Commission can choose whether or not to add this section.

3. Throughout the various stages of review, staff has been adding notes in the draft *[in brackets and italics text]* showing items that still need to be addressed, where deleted items were being moved to, and why various changes were being made. Items still needing to be addressed are marked with yellow highlights.

4. Status of the current draft chapters:

Chapter	Status	Next Steps
16.05 General Provisions (p.2)	Has been extensively modified, based on discussions.	Some work is still needed on 16.05.090 "Legal Lot" (draft language from Spokane Valley). Need to consider how improvements (utilities, curb/gutter/sidewalk) will be required if not through platting. Some cities require these improvements with a building permit.
16.09 Definitions (p.7)	Staff has proposed modifications, including deleting terms that are not used or seem too obvious to need a definition. Needs review.	Review of the Definitions chapter was being reserved until near the end of the process, so we know better which terms will and won't be needed.
16.10 Boundary Line Adjustment (p.11)	Reviewed in Jan. 2019. Some slight changes have been made since then.	Done
16.11 Short Subdivisions (p.14) (to be deleted)	All the existing provisions have been struck out. The general content has	Done

Chapter	Status	Next Steps
	been incorporated into the new chapters, with notes at each deletion to show how it is being addressed.	
16.12 Preliminary Short & Major Subdivisions & Binding Site Plans (p.26) (proposed new chapter)	This is a new chapter which is almost complete. Commission reviewed Jan 2019.	Some highlighted notes of items that still need to be addressed: Compile fees in Master Fee Schedule (w/City Clerk) Vertical datum (need City Engineer direction)
16.15 Final Short & Major Subdivisions & Binding Site Plans (p.30) (proposed new chapter)	This is a new chapter which is almost complete. Commission reviewed Jan 2019.	Some highlighted notes of items that still need to be addressed: Compile fees in Master Fee Schedule (w/City Clerk) Edit 19.03.030 to change review authority for final plats from Council to staff.
16.17 Major Subdivisions (p.37) (to be deleted)	All existing provisions have been struck out. The general content has been incorporated into the new chapters, with notes at each deletion to show how it is being addressed.	Done
16.19 Unit Lot Subdivision (p.50)	Commission reviewed this new chapter Nov 2024, but it is no longer required by state law.	Determine if chapter should be added, since it is no longer required.
16.20 Open Space and Parks (p.52)	Has been reviewed with City Attorney; no changes proposed.	Done
16.26 Binding Site Plans (p.55) (to be deleted)	Commission had previously discussed deleting this chapter as not used, but subsequent years have shown that the BSP process still has potential value for some types of development. Therefore, the information from this chapter has been moved to the Preliminary and Final	A few highlighted notes of items that staff still needs to address.

Chapter	Status	Next Steps
	chapters.	
16.29 Design Standards (p.63)	<p>Reviewed by Planning Commission March 2021. It was edited to eliminate language that specifies how streets and utilities must be built, which is addressed in the Public Works Design Standards. Other changes were for clarification or more precise wording. The intention was to retain the sections that are relevant to the layout of a subdivision rather than to how the improvements would be built.</p> <p>Some revisions April 2024 and July 2024.</p>	<p>Review new language: 16.29.210 Blocks—Length: service/maintenance of mid-block paths, requirement that path be a straight line.</p> <p>Review 16.29.280, Tree Planting, to see if this section should be retained within the Subdivision code.</p> <p>Now that it is close to complete, this chapter will be forwarded for review by the City Engineer.</p>
16.33 Improvements (p.68) (proposed to be deleted)	Reviewed March 2021. Proposed to be deleted in its entirety: How to construct municipal improvements is the purpose of having Public Works Design Standards. Repeating standards can create confusion and make it difficult to maintain consistency.	Done
16.40 Waivers, Deviations and Deferrals (p.71)	The Commission was in favor of retaining the general process in this chapter, so there were only minor edits.	Done
16.44 Violations (p.72)	Code Enforcement Officer reviewed 6-11-24 and recommended retaining this chapter as-is.	No changes proposed.
16.48 Comprehensive Plan (p.73)	Had considered deleting, but it may make sense to retain it, since it ties subdivision regulations to the overall development of the city.	No changes proposed.

Chapter	Status	Next Steps
16.52 Reimbursements (p.74) 16.53 Latecomer Agreements – Street & Utility (p.77)	16.52 to be deleted and replaced with new chapter 16.53. Reviewed by PC Aug & Sept 2024)	Done
16.68 Personal Wireless Telecommunications Facilities (p.83)	Not included in this review. Although it is currently located in the Subdivision title, that is not the logical place for it. Staff is not proposing any changes at this time.	This chapter should be reviewed in the future, after the Subdivision update is completed.

5. At each review of the Subdivision Title, the Commission has been encouraged to think about “big picture” items 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?
6. Subdivision standards, as “development regulations” 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 have the City Attorney review the draft, conduct the SEPA review, and schedule the public hearings.
7. Staff still needs to:
 - a. 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; \$1500 for Reimbursement/Latecomer Agreement. The City Clerk will be working on a Master Fee Schedule for all departments.
 - b. Check that everything that was expected to be addressed in the Public Works Design Standards actually was, before deleting them from the Subdivision code.

Attachments

- 7-21-25 Draft OMC Title 16 Subdivisions

Action: The Planning Commission should review the attached draft 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 and Major Subdivisions and Binding Site Plans**
- 16.15 Final Short and Major Subdivisions and Binding Site Plans**
- 16.17 ~~Major Subdivisions~~**
- 16.19 Unit Lot Subdivision (optional chapter)**
- 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~~**
- 16.53 Latecomer Agreements – Street and Utility**
- 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.
- 16.05.130 Alteration of Subdivision or Binding Site Plan
- 16.05.140 Vacation of Subdivision or Binding Site Plan

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; to
- (f) provide for adequate light and air; to
- (g) facilitate adequate provision for water, sewage, park and recreation areas, sites for schools and school grounds, and other public requirements; to
- (h) provide for proper ingress and egress;
- (i) provide for expeditious review and approval of subdivisions which conform to zoning standards and local plans and policies;
- (j) adequately provide for the housing and commercial needs of the community;
- (k) Ensure consistency with and further the goals and policies of the Comprehensive Plan; and to
- (l) 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 alternative method of dividing land into parcels for sale or lease of commercially or industrially zoned property, or for condominiums and manufactured home parks, per RCW 58.17.035.

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 or major subdivision, or any part thereof, shall be presented for approval and be recorded as set forth in OMC 16.15. No such map or plat 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. [Planning Commission's only duties in this Title in the proposed rewrite are to recommend deviations/deferrals/waivers (OMC 16.40) and Comprehensive Plan (OMC 16.48)]~~

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 or 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, 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 (C); 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 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 short or major 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 short or major subdivision or binding site plan 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 Public Works Design Standards in effect at the time of plat approval.

(2) Improvements.

(a) Municipal Improvements. All municipal improvements such as streets, alleys, water, sewer, stormwater, irrigation water shall be constructed in compliance with City of Othello Public Works Design Standards in effect at the time of plat or binding site plan approval.

(b) Internal Binding Site Plan Improvements. 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 Public Works 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.

(3) The subdivision or binding site plan shall connect to an existing street. There shall be adequate access to all lots or parcels. All lots shall front on a street. Subdivision streets and streets abutting a binding site plan shall be improved to city standards. Street lighting shall be provided. Binding site plans may use internal private streets.

(4) Rights-of-way dedicated for streets and utilities shall be consistent with the comprehensive right-of-way, transportation, and utility plans of the city, including the Street Classification Map, Water System Plan, and General Sewer Plan.

(5) All lots shall be served by the City of Othello Water System and Sewer System.

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

(7) The subdivision or binding site plan shall be consistent with the city's comprehensive plan.

(8) The subdivision or binding site plan shall provide for irrigation water rights-of-way pursuant to RCW 58.17.310 as now enacted or hereafter amended and shall be approved by the irrigation district.

(9) A street lighting plan must be provided with the street and utility construction plans. 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 short or major 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 or subdivision;

L. The proposed major or short subdivision 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.

16.05.130 Alteration of Subdivision or Binding Site Plan.

A. Alteration of an approved major or short plat shall follow the standards and procedures in RCW 58.17.215.

B. 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 title. The amendment shall be noted in the name on the face of the drawing, such as "(Name) Binding Site Plan, Amendment 1".

16.05.140 Vacation of Subdivision or Binding Site Plan.

A. Vacation of an approved major or short plat or binding site plan shall follow the standards and procedures in RCW 58.17.212. [Discussed Aug. 2020, Planning Commission agreed that plat alterations and vacations can just follow state law, and we don't need to create any additional process for the rare instances where this is needed.]

Chapter 16.09 DEFINITIONS

[This chapter should be reviewed at the end of the process, to make sure that unnecessary terms are deleted, and necessary ones are included]

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.
- 16.09.285 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 binding site plan.

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. [Not used]~~

16.09.045 City engineer.

“City engineer” means the properly credentialed ~~public works director~~ engineer employed by or contracted by the city, or the properly credentialed designee.

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, ~~or 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. [All references in this Title are proposed for deletion. This concept is covered in Public Works Design 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.

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.

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 Community Development Director or the planner charged with administering land development regulations

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.

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, Binding Site Plans; this section is being deleted]~~

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.

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.

16.09.285 Subdivision.

“Subdivision” means either of short subdivision or a major subdivision, depending on the context.

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.~~ [All uses of this term are in sections proposed for deletion or likely to be proposed for deletion]

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. [Is this different from a performance bond?]

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, 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.

(e) (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 or applicant records the BLA document consisting of both current and proposed condition drawings, surveys and legal descriptions, and deeds. Costs for recording the BLA and associated documents 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 redivision 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.8]

(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 Master Fee Schedule]

(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 unplatte 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. [Added to 16.12.020.A.9]

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. [PC direction was to follow the lead of other cities and not require a separate dedication process within short plats. Any dedications within a short plat would be accepted by the City Administrator in signing the mylars for approval.]

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 appeal by any 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. are now 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 are in Public Works Design Standards, not Subdivision Code. See p.11 of PWDS, including sliding scale for percentage based on size of the project.]~~

(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; [Fee reference included in 16.15.010.B.2]~~

(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(8)]~~

(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 AND MAJOR SUBDIVISIONS AND BINDING SITE PLANS

Sections:

- 16.12.010 Pre-application meeting.
- 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 Pre-application meeting.

Prior to filing an application for a preliminary major or 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 the community development director.

16.12.020 Contents of application.

Every preliminary short or major subdivision or binding site plan application 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 Master Fee Schedule, in coordination with City Clerk. Currently \$250 prelim short plat, \$250 final short plat plus costs if they exceed; \$500 prelim major plat + \$50/lot]
3. Five copies of the preliminary short or major plat or binding site plan, which shall be a legibly drawn map, 18 by 24 inches in size at a standard engineering scale;
4. One reduced copy (11 by 17 inches) or an electronic file of the preliminary short or 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, proposed utilities, zoning, 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;

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 or major plat or binding site plan is in the name of the owners signing.

9. If applicable, any requests for waivers, deviations, or deferrals of improvements or standards, pursuant to OMC 16.40;

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

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

2. Title of the proposed short or 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'. If approved by the department, an alternative standard scale may be used;

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

15. Whether adjacent property is platted or unplatte. If platted, give the name of the subdivision. If the proposed short or major subdivision 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;

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 the map was prepared;
18. Monuments found and established during the preliminary survey;
19. Provide proposed 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.
22. For binding site plans, any provisions, conditions, or requirements of the binding site plan, which shall be enforceable on the purchaser or any other person acquiring a lease or other ownership interest in any parcel created in the binding site plan. (RCW 58.17.035)

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

1. Basic information from the plat or binding site plan drawing, such as property boundaries, blocks, lots, dedications, and easements.
2. Location and sizing of existing and proposed utilities including water, sewer, storm drains, irrigation, electricity, gas, street lighting, curbs and sidewalks, telephone and cablevision lines;
2. Existing and proposed structures and improvements within and adjoining the proposed subdivision or binding site plan;
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); [Have a message in to City Engineer 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.

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) Preliminary short subdivisions and binding site plans shall be approved by the plat administrator and city engineer.
- (b) Preliminary major subdivisions shall be approved by the Hearing Examiner.

(c) Approval of the preliminary plat 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.

16.12.060 Expiration of preliminary approval.

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

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

(c) 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.

(d) 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 or 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 or 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 AND 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 or 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 or 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; [Need to compile fees on Master Fee Schedule, coordinate with City Clerk]
3. 5 full size copies of the proposed final short plat, major plat, or binding site plan;
4. 1 reduced copy (11 x 17") or electronic version 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/(type of) Binding Site Plan (Commercial, Industrial, Manufactured Home Park, Recreational Vehicle Park)

(For Binding Site Plans) A Record of Survey

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 or binding site plan 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 property and easements existing immediately adjacent to the property shall be shown. 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 or parcels 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 or binding site plan restrictions proposed or 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, or if the binding site plan is an amendment of an existing binding site plan, the parcels, lots, blocks, streets, etc., of the original plat or binding site plan shall be shown by dotted lines in their proper positions in relation to the new arrangement of the plat or binding site plan, the new plat or binding site plan 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 or parcel corners as shown on the final plat or binding site plan before the plat or binding site plan 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

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
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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, and 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 major plats, short plats, and binding site plans 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). *[Need to edit 19.03.030 to change review authority for final major plats from Council to staff]*

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) 2 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 open space pursuant to OMC 16.20;
- (2) When applicable, voluntary payment in lieu of dedication of water rights pursuant to OMC 16.05;
- (3) Any applicable fees to local, state, or federal agencies;

(4) The applicant shall be responsible to reimburse the city for 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 one mylar copy 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.

(d) 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.

16.15.070 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.

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 will be compiled in master 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. [Utility construction plan review and inspection is now addressed in *Public Works Design Standards*. Cost for plat review is in 16.15.060(a)(4)]

(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. [Moved to 16.05.110(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 unplatted 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. [Added to 16.12.020.A.9]

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. *[Superseded 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. *[Superseded 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. have been moved to Public Works Design 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 have been moved to Public Works Design Standards (p.10), including 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(8)]~~

(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.31]

~~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. [16.15.030 has staff approving final plat, instead of Council. 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 16.19
UNIT LOT SUBDIVISION (*Optional chapter*)

Sections:

- 16.19.010 Purpose.
- 16.19.020 Standards.
- 16.19.030 Review procedures.

16.19.010 Purpose.

The purpose of this chapter is to meet the requirement of RCW 58.17.060(3) to create a unit lot subdivision process which provides opportunities for division of a parent lot into separately-owned unit lots. This allows fee-simple ownership of land and development on individual unit lots that may be smaller than allowed in the zone but where the parent lot conforms to all development standards.

16.19.020 Standards.

(a) The provisions of this chapter apply exclusively to the unit lot subdivision of land for townhouses, attached dwellings, detached dwellings, cottage housing, and manufactured or mobile home parks, in zones where such uses are allowed.

(b) As allowed by this chapter, development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area or dimensional standards of Title 17, Zoning; provided that overall development of the parent lot meets the development and design standards of the underlying zone and the requirements of this chapter. There shall be no minimum required lot area for individual lots within a unit lot subdivision; provided, that the area of the unit lot shall be large enough to contain the dwelling unit and any accessory structures, decks, fences, garages, driveways, private yard areas, parking, landscaping or other improvements that are accessory to the dwelling unit; except that so long as conforming to the approved site development plan, such accessory improvements may encroach upon or be located in an adjoining unit lot or common area pursuant to an appropriate easement.

(c) Overall development of the parent lot shall meet the development and design standards of the underlying land use district.

(d) The density of the parent lot shall not exceed the maximum net density of the zone.

(e) Compliance with access standards, including but not limited to fire lanes, neighborhood connectivity, drive aisles, turnarounds, and access to the parent lot from the street, will be evaluated based on the parent lot's compliance with such requirements, and not based on whether individual unit lots meet such standards.

(f) Lots developed or proposed to be developed with uses described in subsection (a) of this section may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested.

(g) Any private usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

(h) Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

(i) A unit lot subdivision shall make adequate provisions through easements for ingress, egress, emergency services, and utilities access to and from each unit lot by reserving common areas or other areas over, under, and across the parent lot as necessary to comply with all applicable development standards. Such easements shall be dedicated on the face of the unit lot subdivision.

(j) Access easements, joint use agreements, and maintenance agreements identifying the rights and responsibilities of property owners and any homeowners' association shall be executed for use and maintenance of common areas such as garage, parking, and vehicle access areas, landscaping, underground utilities, shared open

space, exterior building facades and roofs, any portions of the parent lot not subdivided for individual unit lots, and other similar features, and shall be recorded with the Adams County Auditor's Office.

(k) Portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots located within the parent lot.

(l) Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Adams County Auditor.

(m) Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:

(1) Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval, stating the subject project file number;

(2) Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;

(3) If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction, or replacement of the structure(s) shall conform to the approved site development plan; and [Does this need to be on the face of the plat? What if conditions change? What if codes change?]

(4) The individual unit lots are not separate buildable lots and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent site.

(n) Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Changes requiring permitting that affect only the interior of building units will be evaluated for compliance with the requirements only for that unit. Any exterior changes will be evaluated for compliance by considering whether the parent lot would still comply with applicable development standards. Any application for such external changes will require authorization of all owners of affected unit lots or approval of the HOA where changes to commonly owned tracts are proposed.

(o) For previously developed lots, eligibility for unit lot subdivision shall be subject to compliance with all standards applicable to the parent lot and proposed unit lots. Inconsistency of existing development with the provisions of this section shall not constitute justification for a variance.

(p) Site development and building construction may commence upon approval of a site development plan but prior to final subdivision approval and recording when all applicable permits and approvals have been obtained by the applicant. No unit lot may be sold, transferred, or conveyed prior to final subdivision approval and recording.

(q) Any conflicts between the provisions of this section and the text of other sections in the Othello Municipal Code shall be resolved in favor of the text of this section

16.19.030 Review procedures.

A unit lot subdivision shall be processed and reviewed the same as a short subdivision. See OMC 16.12 and 16.15.

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

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. [Record of Survey information added to 16.15.020.B (to follow name of BSP) and BSP definition in 16.09.020]

(2) A commercial or industrial binding site plan authorizes a sale or transfer of a parcel. [See Applicability, 16.05.030.a.3]. The binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the parcel. [Moved to 16.12.020.B.22.] 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. [See 16.05.100 for prohibition of sale, lease, or transfer.] 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. [The BSP itself, not the sale, is filed as a record of survey. See Section (1), above.]

(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. [See 16.05.030.a.3]

(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. [See 16.05.130]

(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. [Moved to 16.05.110(2)]~~

(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. [Moved to 16.05.11(3); modified somewhat]~~

(7) ~~The binding site plan shall comply with all zoning, fire and health regulations. [In OMC 16.05.110(6)]~~

(8) ~~The binding site plan shall be generally consistent with the city of Othello's comprehensive plan. [In OMC 16.05.110(7)]~~

(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. [In OMC 16.05.110(8)]~~

(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. [In 16.12.020.A.7]~~

(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. [See existing 19.07.030 Consolidated Application Process]~~

(12) ~~Binding site plans shall be approved, disapproved, or returned to the applicant for modification within the time provided in Chapter 36.70B RCW. [Permit review time frames are in OMC 19.09.090]~~

(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. [16.12.010]~~

[Submittal requirements in 16.12.020 Contents of Application]

(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. [16.12.020.A.1 Application form. 16.12.020.A.3 & 4 drawing & reduced copy]~~

(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. [16.12.020.B.16 requires land surveyor information. 16.12.020.A.3 for sheet size]~~

(4) ~~The binding site plan shall bear all inscriptions or attachments setting forth appropriate limitations and conditions for the use of the land. [Added to 16.12.020.B.22]~~

(5) ~~The binding site plan shall contain provisions making all developments conform with the binding site plan. [Not necessary. RCW 58.17.035 states "All provisions, conditions, and requirements of the BSP shall be~~

legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest in any lot, parcel, or tract created pursuant to the BSP. Similar language added to 16.12.020.B.22]

~~(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. [Fees addressed in 16.12.020.A.2 Contents of Application]~~

~~(7) All public dedications shown on the plat being overlaid shall also be shown on the binding site plan. [Existing easements addressed in 16.12.020.B.12]~~

~~(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; [16.12.020.A.8]~~

~~(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; [Does not match current procedure. Taxes and assessments must be paid before the Treasurer will sign the BSP for recording. The "certificate" is a signed statement on the recorded mylars, not a separate document.]~~

~~(C) All covenants proposed to run with the land. [16.12.020.B.21]~~

~~(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). [16.12.020.B.1, 2, & 16]~~

~~(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 [16.15.020.B Contents of final plat or binding site plan]~~

~~(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. [16.15.020 Contents of final plat or binding site plan. I&J]~~

~~(D) Parcel locations including dimensions and number or letter designations. [16.15.020 L]~~

~~(E) The lengths and bearings of all straight lines, curve radii, arcs, and semi tangents of all curves. [16.15.020 O]~~

~~(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. [Achieved with a combination of 16.15.020L (dimensions) & 16.15.020.P (control points)]~~

~~(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. [16.15.020.P]~~

~~(H) The location of all permanent monuments, property corners, and parcel corners. [16.15.020.N & BB]~~

- (I) The names of all subdivisions immediately adjacent thereto. [16.15.020.K]
- (J) The date, true north point, scale, datum plane, and date of survey. [16.15.020.C, D, & E]
- (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. [16.15.020.H&R]
- (L) The elevations of all permanent monuments based on datum plane approved by the public works director. [16.15.020.N]
- (M) Certification by a registered land surveyor of accuracy of the binding site plan map and survey. [16.15.020.CC.1.b]
- (N) Location and dimensions of all irrigation water rights of way. [16.15.020.X]
- (O) All linear dimensions shall be given in feet and decimals of a foot to the nearest hundredth. [16.15.020.V]
- (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. [16.15.020.E]
- (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. [16.15.020.A4]
- (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. [16.15.020.BB]
- (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 unplatte property to produce an advantageous development of the entire neighborhood. [16.15.020.F]
- (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. [This provision should be moved to OMC 11.32 Addresses and Street Names]
- (U) United States Bureau of Reclamation horizontal and vertical data including bench marks. [This provision is in the Preliminary chapter at 16.12.020B.20, but not in the Final (Chapter 16.15) in this form. Is it covered by 16.15.020.O & P, or does it need to be added?]
- (10) Any deed restrictions or covenants existing or proposed shall be drawn on the binding site plan. This provision is in the Preliminary chapter at 16.12.020B.21, but not in the Final Chapter (16.15). Does it need to be added?]
- (11) Submit all parcel and boundary closures to the public works director. [16.15.010.B.5]
- (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:

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.

Signature Date _____ Signature Date

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 [Legal description 16.15.020.G, Owner Declaration & notary 16.15.020.CC.3, Surveyor 16.15.020.CC, Auditor 16.15.020.CC.2]

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. [Draft proposal is to have a preliminary and final review, the same as a subdivision]

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. [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 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. [Covered in 19.07.070]

(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. [16.15.040]

(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. [City cannot compel another agency to provide a report. We can route the project to them and give them an opportunity to comment]

(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. [Covered in 19.09]

(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. [A meeting is always an option, without needing to be formalized in the code]

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; [16.15.060(a)(1)]

(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. [16.15.060(a)(4)]

(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. [16.15.060(b)]

16.26.050 Final filing.

(a) Upon receipt of all required final fees the binding site plan shall be signed by the city administrator. [16.15.060]

(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. [16.15.060(b)]

(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. [16.15.060(d)]

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. [This process doesn't seem to be needed]

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. [Covered in 19.11]

Chapter 16.29 DESIGN STANDARDS

Sections:

- 16.29.010 Conformance required.
- 16.29.020 Location Alignment of collector and arterial major streets—Conformity with street classification map master plan.
- 16.29.030 Streets—Relation to adjoining street systems.
- 16.29.040 Neighborhood 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 Public Utility Easements 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—Municipal Public utilities.
- 16.29.200 Easements—Unusual facilities and installations.
- 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 and binding site plan shall conform to the requirements set forth in this chapter, Chapter 16.33, [Chapter 16.33 proposed to be deleted] the city public works design standards, and the fire code.

16.29.020 Location Alignment of collector and arterial major streets—Conformity with street classification map master plan.

The location alignment of collector and arterial major streets shall conform as nearly as possible with that shown on the street classification map master plan of the city.

16.29.030 Streets—Relation to adjoining street systems.

The layout of streets shall provide for the continuation of collector and arterial 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 shall such as to permit a later subdivision in conformity with the street requirements specified in this chapter.

16.29.040 Neighborhood Minor streets—Discouragement of through traffic.

Neighborhood Minor streets which serve primarily to provide access to abutting property only shall be designed to discourage through traffic, including traffic calming measures.

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 Each lot shall have a minimum of 20' of frontage on 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. [Street centerline curvature is addressed in the Public Works Design Standards, Minimum Street Standards, Figure S1-Sheet 1]~~

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 prohibited 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. [Maximum grade is addressed in the Public Works Design Standards, Minimum Street Standards, Figure S1-Sheet 1. Street stormwater control is also addressed in PWDS.]~~

16.29.100 Public Utility Easements 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

~~[Sidewalk width and minimum ROW and surfacing width is addressed in the Public Works Design Standards, Minimum Street Standards, Figure S1-Sheet 1 Alley standards are Fig. S-2-Sheet 1.]~~

Notes:

- Street rights-of-way to have an additional ten-foot utility easement abutting 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. [The Street Classification Map sets up a $\frac{1}{4}$ -mile grid for new collectors, so the 1000' distance will be addressed that way. Conformance with the Street Classification Map is required by 16.05.110(4)]~~
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. [Existing ROW width already adequate for these]~~

16.29.140 Streets along subdivision boundaries.

A street lying along the boundary of a subdivision ~~will~~ shall 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. [Addressed in Public Works Design Standards]~~

16.29.170 Alleys—Required when.

Alleys shall be provided at the rear of all commercial lots, except that this requirement may be waived following the process in OMC 16.40 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.~~ [Alley width and construction standards are addressed in Public Works Design Standards]

16.29.190 Easements—Municipal Public utilities.

~~Municipal utilities such as fire hydrants and water, sewer, stormwater, and irrigation mains must be located in right-of-way unless an easements has been approved by Council for these utilities. (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.~~ [Construction standards are addressed in Public Works Design Standards. Municipal utilities should be in ROW except in special circumstances where ROW is not available].

16.29.200 Easements—Unusual facilities and installations.

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 of installation, maintenance, and repair, 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,~~

Residential block lengths shall not exceed six twelve hundred feet or be less than three hundred feet. Residential blocks longer than 600' may be allowed when a mid-block multi-use pathway is provided through the block, and a raised crosswalk is provided for the mid-block crossing. The face of the plat shall specify which abutting owner(s) is(are) responsible for service and maintenance of the mid-block path. For the safety and visibility of path users, a mid-block path shall be a straight line, such that the entire path is visible from both ends. Block length shall be measured from the edges of the lots, not including right-of-way.

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 raised 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 accessible curb approved wheelchair ramp and street lighting shall 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). [This section no longer exists.]

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 compliance with OMC 17.74 duplicate must be submitted with the application 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. [March 2021 Planning Commission direction was that this provision should be removed and coordinated with the revisions to the Landscape chapter OMC 17.74. Since then, City Council has reviewed the landscape chapter and determined the developer should not be required to install landscaping for single-family subdivisions; it should be up to the homeowner to install the landscaping. July 2024 Commission discussed again and had various thoughts. Should this section be retained or deleted?]

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. [Addressed in Public Works Design Standards]

16.29.310 Utilities—Sanitary sewers.

All subdivisions and binding site plans 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 lift station design shall be submitted to the Washington State Department of Ecology for review and must be approved prior to construction. The subdivision shall be provided with a complete sanitary sewer serving each lot. [The sentence about lift station design was added to this chapter in 2024 by the departing City Engineer, so we are working with the current City Engineer to determine if this is the appropriate place for it].

16.29.320 Utilities—Water supply.

The source of water for domestic use and fire protection shall be the Othello Water System city system. The subdivider shall provide and install looped water mains and, together with fire hydrants and all necessary fittings, to bring water within required connection and hydrant distance to serve all lots in the his subdivision as required by the fire code and Public Works Design Standards. 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. 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. Except that when a subdivider is required to install a water main through or adjacent to property other than the proposed subdivision, fire hydrants are not required outside the proposed subdivision.

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 provider district and approved by the public works director city engineer as part of the street and utility plan review. 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. [Connection to utilities is not really a design issue. General requirement to connect to water and sewer and provide street lighting have been moved to 16.05.110, General Standards. Specifics of construction are in the Public Works Design Standards.]

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, natural gas, internet, and similar utilities. All utilities to be constructed in the subdivision shall be shown on the street and utility construction plans for review by the city prior to construction plan approval. All utilities shall be underground per OMC 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. [Public Works Design Standards.]

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 the most recent version of the City of Othello public works design 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.

Monuments shall be installed as follows:

(a) Monuments Concrete or iron pipe monuments as specified in the Public Works Design Standards 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. [Monument Case & Cover is Fig. S6-Sheet 1 in PWDS].

(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.

Chapter 16.33 **IMPROVEMENTS**

[This chapter proposed for deletion, confirmed by Planning Commission March 2021. All street and utility improvements are required to be in compliance with the Public Works Design Standards, which is specifically noted in new section 16.05.110]

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. [This provision moved to 16.29.320]~~

~~(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. [This provision moved to 16.29.320] 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) ~~Curb 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. [OMC 16.29.380 already addresses where to place monuments. PWDS Fig. S6-Sheet 1 addresses monument construction.]

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 conformance.
- (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. [Underground utilities addressed in OMC 16.29.340 & 14.56].

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. [Existing ROW widths are adequate to add bike lanes]

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. [Process for review of improvements, bond, etc. in PWDS]

Chapter 16.40
WAIVERS, DEVIATIONS AND DEFERRALS
[Planning Commission in October 2019 decided to leave this process generally as it is.]

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 review authority ~~city council~~ with the preliminary plat or binding site plan 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 one year six months after the waiver, deferral or deviation is granted, that waiver, deferral or deviation shall become null and void.

**Chapter 16.44
VIOLATIONS**

[CODE ENFORCEMENT OFFICER SAYS TO RETAIN THIS CHAPTER AS-IS (6-11-24)]

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

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.

Chapter 16.52 REIMBURSEMENT AGREEMENTS

[Will be replaced by 16.53 Latecomer Agreements – Street and Utility]

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) or irrigation) 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 ninety 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 utility 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 word of the ordinance codified in this chapter.~~ (Ord. 1332 § 1 (part), 2010).

Chapter 16.53
LATECOMER AGREEMENTS – STREET AND UTILITY

Sections:

- 16.53.010 Purpose.
- 16.53.020 Definitions.
- 16.53.030 Application for latecomer agreement.
- 16.53.040 Preliminary determinations.
- 16.53.050 Preliminary determination notice.
- 16.53.060 Latecomer agreement.
- 16.53.070 Construction – Final costs – Conveyance.
- 16.53.080 Recording of latecomer agreement.
- 16.53.090 Defective work.
- 16.53.100 Payment of assessment – Remittance to developer.
- 16.53.110 Segregation.
- 16.53.120 Removal of unauthorized connections or taps.
- 16.53.130 City fees and cost recovery.
- 16.53.140 Enforcement of latecomer obligations.
- 16.53.150 City participation authorized.

16.53.010 Purpose.

This chapter outlines the conditions and procedures for reimbursing developers, including the city, for qualifying street and utility system improvements required for future development. Property owners who benefit from these improvements but did not contribute to their cost may be required to reimburse the developer. The city may enter into latecomer agreements for these reimbursements in accordance with Chapters 35.72 and 35.91 RCW

16.53.020 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. “Adjacent” means abutting on public roads, streets, rights-of-way, or easements in which street system improvements are installed or directly connecting to street system improvements through an interest in real property such as an easement or license.

B. “Assessment” means an equitable proportionate charge to be paid by an owner of property within the assessment reimbursement area for the cost of construction of street and/or utility system improvements made pursuant to a latecomer agreement.

C. “Assessment reimbursement area” means that area which includes all parcels of real property adjacent to street system improvements or likely to require connection to or service by utility system improvements constructed by a developer.

D. “City administrative costs” means all costs incurred by the city that are directly related to the drafting, execution, recording, and administration of the latecomer agreement, including any mailings to other property owners, any hearings before city council, as well as any costs and expenses incurred for attorneys or consultants. City administrative costs do not include permit fees or the application fee for the latecomer agreement.

E. “Cost of construction” means the sum of the direct construction costs incurred to construct the street and/or utility system improvements plus developer administrative costs and the city latecomer administrative costs. “Direct construction costs” include but are not limited to the actual labor and material construction costs incurred by the developer, reasonable engineering and surveying costs, bonding costs, environmental mitigation, relocation and/or new construction of private utilities as required by the city, and relocation and/or installation of street lights and signage.

F. “Developer” means the individual or entity that contracts with the city for the construction of street and/or utility system improvements, where such improvements are a requirement for development of real property owned by such

entity or individual. As permitted by RCW 35.72.050 and 35.91.020, the city may join with or be construed as a developer for the purpose of recovery of street or utility system improvement costs.

G. “Developer administrative costs” means all indirect costs incurred by the developer in the creation and execution of the latecomer agreement and managing the project, such as office supplies, mailings, clerical services, telephone expenses, accounting expenses, and project oversight. Developer administrative costs shall not exceed three percent of all direct construction costs.

H. “Director” means the city of Othello public works director, or his or her designee.

I. “Latecomer agreement” means a written contract between the city and one or more developers providing partial reimbursement for the cost of construction of street system improvements and/or utility system improvements to the developer by owners of property who would be required to construct these improvements and who did not contribute to the original cost of construction.

J. “Latecomer fee” or “latecomer assessment” means a charge collected by the city against a real property owner within the assessment reimbursement area who:

1. Connects to or uses the utility system improvement where fees are separately stated, or is a part of a connection fee or other fee for providing access to the city’s utility system; or
2. Receives a building or development permit for real property located adjacent to, or having access to, the street system improvement constructed under this chapter.

K. “Street system improvements” means public street and alley improvements made in existing or subsequently dedicated or granted rights-of-way or easements and any associated improvements including but not limited to such things as design, engineering, surveying, inspection, grading, paving, installation of curbs, gutters, pedestrian facilities, street lighting, bike lanes, and traffic control devices, relocation and/or construction of private utilities as required by the city, relocation and/or construction of street lights, traffic control devices, signage, and other similar improvements.

L. “Utility system improvements” means city-owned water, sewer, storm drainage, and irrigation system improvements as defined by RCW 35.91.015, which shall include but not be limited to design, engineering, surveying, inspection, testing, and installation of improvements as required by the city, and includes but is not limited to the following, by utility type:

1. Water system improvements, including but not limited to such things as mains, valves, fire hydrants, telemetry systems, pressure reducing stations and/or valves, and other associated appurtenances;
2. Sewer system improvements, including but not limited to such things as gravity mains, lift stations, force mains, telemetry systems, and other associated appurtenances;
3. Storm sewer system improvements, including but not limited to such things as water quality structures and systems, detention and retention facilities, and storm water collection and conveyance facilities; and
4. Irrigation system improvements, including but not limited to such things as mains, valves, pressure reducing stations and/or valves, and other associated appurtenances.

16.53.030 Application for latecomer agreement.

A. *Applicants.* Any developer using private funds to construct street system improvements and/or utility system improvements required as a prerequisite to further property development may apply to the city for a latecomer agreement in order to recover a proportionate share of the costs of construction from other property owners that will later connect to or use the street and/or utility system improvements constructed by the developer.

B. *Application form and fee.* An application for a latecomer agreement shall be submitted upon a form provided by the city and be accompanied by the application fee established by resolution by the city council. [/ \$1500 in the existing ordinance]

C. Timing of application. The application for a latecomer agreement shall be made before the street and/or utility system improvements proposed for construction are approved by the city through the issuance of a civil construction or other applicable permit.

D. Application contents. The application shall contain the following information which shall be approved by a state of Washington licensed engineer or other appropriately licensed professional:

1. A description and vicinity map of the developer's property.
2. A description of the properties within the developer's proposed assessment reimbursement area, together with the names and addresses of the owners of such property as shown on the records of the Adams County Assessor's Office.
3. The developer's proposed assessment reimbursement area and general location of the system improvements to be included.
4. The developer's proposed allocation of the costs of construction to the individual properties within the proposed assessment reimbursement area and the method used for such allocation.
5. Statement from a state of Washington licensed contractor or civil engineer containing an itemized estimate of the total projected cost of construction.
6. Such other information as the director determines would be relevant in considering the application.

E. Application review.

1. The director shall review all applications and shall approve the application if following criteria are met:
 - a. The application is timely, complete and the application fee has been paid;
 - b. The city's ordinances require the proposed improvements to be constructed as a prerequisite to further property development;
 - c. The proposed improvements fall within the definition of street and/or utility system improvements as those terms are defined in this chapter; and
 - d. The proposed improvements are consistent with the City of Othello Public Works Design Standards, development regulations, land use comprehensive plan, comprehensive sanitary sewer plan, comprehensive water system plan, storm water master plan, transportation master plan, and any other relevant plans and regulations.
2. If any of the above criteria are not met, the director shall either condition approval as necessary in order for the application to conform to such criteria, or deny the application. The final determination of the director shall be in writing.
3. The director may establish policies and procedures for processing applications and complying with the requirements of this chapter and applicable state law.

16.53.040 Preliminary determinations.

Upon approval of a latecomer application, the director shall formulate a preliminary assessment reimbursement area and preliminary assessment amount for each real property parcel included in the preliminary assessment reimbursement area as follows:

A. For street system improvements, the assessment reimbursement area shall be formulated based upon a determination of which parcels adjacent to the street system improvements would require similar street system improvements upon development or redevelopment.

B. For utility system improvements, the assessment reimbursement area shall be formulated based upon a determination of which parcels in the proposed area would require similar utility system improvements upon development or redevelopment or would be allowed to connect to or use the utility system improvements.

C. A proportionate share of the cost of the improvements shall be allocated to each parcel included in the assessment reimbursement area based upon the benefit to the property owner. The method or methods used to calculate the allocation of the assessment may be either front footage, number of units, square footage, or other equitable method, as determined by the city.

16.53.050 Preliminary determination notice.

A. The city shall send the preliminary assessment reimbursement area and the preliminary assessment formulated by the director, including the preliminary determination of area boundaries, assessments, and a description of the property owner's rights and options, by certified mail to the property owners of record within the preliminary assessment reimbursement area.

B. The developer or any property owner within the preliminary assessment reimbursement area may, in writing within 20 days of the date of mailing the notice, request a hearing to be held before the city council to contest the preliminary assessment reimbursement area and preliminary assessment. Notice of such hearing shall be given to all property owners within the preliminary assessment reimbursement area and the hearing shall be conducted as soon as is reasonably practical. The city council is the final authority to establish the assessment reimbursement area and the assessment for each property within the assessment reimbursement area.

C. If no written request for a hearing is received as required, the determination of the director shall be final.

16.53.060 Latecomer agreement.

A. Based upon the preliminary assessment reimbursement area and the preliminary assessment if no hearing is requested, or based upon the city council's determination of the assessment reimbursement area and assessment if a hearing is requested, the director shall prepare and give to the developer a latecomer agreement. A separate latecomer agreement shall be executed for each of the following categories of improvement, as applicable: street system improvements and utility system improvements.

B. Each agreement shall include a provision requiring that, every two years from the date the agreement is executed, the developer entitled to reimbursement under this section shall provide the city with information regarding the current contact name, address, and telephone number of the person, company, or partnership that originally entered into the agreement. If the developer fails to comply with the notification requirements within 60 days of the specified time, then the city may collect any reimbursement funds owed to the developer under the agreement. The funds collected under this subsection shall be deposited in the capital expenditure account of either the city's utility fund or street fund, as appropriate.

C. The term of latecomer agreements is as follows:

1. For street system improvements, each latecomer agreement shall be valid for a period not to exceed 15 years from the effective date of the agreement.

2. For utility system improvements, each latecomer agreement shall be valid for a period not to exceed 20 years from the effective date of the agreement.

D. The city may terminate a latecomer agreement if the developer fails to commence or complete construction within the time and manner required in the permits for the improvements. If the agreement is terminated, the city shall record a release of latecomer agreement in the Adams County Auditor's office.

16.53.070 Construction – Final costs – Conveyance.

A. The developer shall construct the improvements and, upon completion, request final inspection and acceptance of the improvements by the city, subject to any required obligation to repair defects. All construction, inspection, and testing shall conform to the Othello Municipal Code and Othello Public Works Design Standards.

B. Within 120 days of completion of construction, the developer shall provide the city with documentation of the actual costs of the improvements and a certification by the applicant that all of such costs have been paid. The city shall use this information to finalize the assessment paid by owners within the assessment reimbursement area, which will become part of the latecomer agreement recorded in accordance with OMC 16.53.080.

C. After the requirements of subsections (A) and (B) of this section have been satisfied, the developer shall provide the city with an appropriate deed of conveyance or other equivalent written document transferring ownership of the improvements to the city, together with any easements needed to ensure the city's right of access for maintenance of the improvements. Title to the improvements shall be conveyed to the city clear of all encumbrances.

D. No connection to, or other use of, the improvements will be allowed or permitted until the city has officially accepted the construction and title to the improvements has been conveyed to the city.

16.53.080 Recording of latecomer agreement.

A. The provisions of the latecomer agreement shall not become effective as to any owner of real estate not a party to the agreement until it is recorded with the Adams County Auditor's office. For a utility latecomer agreement, recording must be prior to the time that the owner of the real estate taps into or connects to water or sewer facilities.

B. The city shall file the fully executed latecomer agreement in the official property records of Adams County within 30 days of final execution; provided, that the developer shall have an independent duty to review the Adams County Auditor's office records to confirm that the latecomer agreement has been properly and timely recorded.

16.53.090 Defective work.

The developer shall be responsible for all work found to be defective within one year after the date of acceptance of the improvements by the city. Nothing in this chapter shall preclude the director from requiring a performance bond or maintenance bond for the street or utility system improvements as authorized for such improvements within the Othello Municipal Code or Othello Public Works Design Standards.

16.53.100 Payment of assessment – Remittance to developer.

A. Upon recording, the latecomer agreement shall be binding upon all parcels located within the assessment reimbursement area who are not party to the agreement and did not contribute to the original cost of the utility system improvements and/or street system improvements. Payments shall be paid to the city in one lump sum as follows:

1. Assessments for street system improvements shall be paid prior to the development or redevelopment of property.
2. Assessments for utility system improvements shall be paid prior to connection to or use of the utility system improvements.

B. The city will pay over to the developer the amounts collected less any unpaid city administrative costs within 60 days of receipt.

C. When the assessment for any property has been paid in full, the director shall issue a certification of payment that will release such property from the latecomer agreement which may be recorded by the owner.

D. The latecomer assessment shall be in addition to the usual and ordinary charges, including connection charges, tap charges, system development charges, and any other fees or charges which must be paid by persons applying for city services.

16.53.110 Segregation.

The director shall, upon the request of any property owner within the assessment reimbursement area, segregate the assessment. Any request to segregate the assessment must be submitted before the application for a lot line adjustment or subdivision. The request shall include a map showing the proposed subdivision of property, including legal descriptions and the proposed cost segregation based on the original method of assessment. The assessment shall only be segregated if the lot line adjustment or subdivision is completed. The property owner seeking segregation of the assessment shall pay an additional review fee as established by resolution by the city council.

16.53.120 Removal of unauthorized connections or taps.

Whenever any tap or connection is made into any utility improvement without payment of the assessment being made as required by this chapter, the director is authorized to remove and disconnect, or cause to be removed and disconnected, such unauthorized tap or connection including all connecting tile or pipe located in the right-of-way and to dispose of such unauthorized material without liability. The owner of the property where the unauthorized connection is located shall be liable for all costs and expenses of any type incurred to remove, disconnect, and dispose of the unauthorized tap or connection.

16.53.130 City fees and cost recovery.

The developer shall pay the following fees:

A. Application fee. The application fee as set forth in OMC 16.53.030, payable at the time the application is submitted.

B. City administrative costs. The developer shall reimburse the city for its administrative costs, as defined in OMC 16.53.020(D). This shall be paid prior to and as a condition of the recording of the latecomer agreement.

C. Recording fee. For every separate parcel of property within the developer's assessment reimbursement area, the city shall charge a recording fee in accordance with fees charged by the Adams County Auditor's office. This fee shall be paid as part of the city administrative costs prior to and as a condition of the recording of the latecomer agreement.

16.53.140 Enforcement of latecomer obligations.

A. Nothing in this chapter is intended to create a private right of action for damages against the city for failing to comply with the requirements of this chapter. The city, its officials, employees, or agents may not be held liable for failure to collect a latecomer assessment unless the failure was willful or intentional.

B. In processing and imposing obligations in this chapter for reimbursement of developers, the city in no way guarantees payment of assessments, or enforceability of assessments, or enforceability of the latecomer agreement, or the amount(s) thereof, against such persons or property; nor will the offices or finances of the city be used for enforcement or collection of assessments beyond those duties specifically undertaken by the city herein. It shall be the obligation of a developer to take whatever authorized means are available to enforce payment of assessments, and developers are hereby authorized to take such actions. The city shall not be responsible for locating any beneficiary or survivor entitled to any benefits by or through a latecomer agreement.

C. If the developer fails to comply with the notification requirements set forth in OMC 16.53.050 and within the latecomer agreement within 60 days of the specified time, then the city may collect any reimbursement funds owed to the developer under the latecomer agreement. Such funds must be deposited in the capital fund of the city.

16.53.150 City participation authorized.

As an alternative to financing projects under this chapter solely by a developer, the city may join in the financing of improvement projects and may be reimbursed in the same manner as the developer who participates in the projects. As another alternative, the city may create an assessment reimbursement area on its own initiative, without the participation of a private property owner or developer, finance the costs of the street or utility improvements, and become the sole beneficiary of the reimbursements that are contributed. The city will only seek to be reimbursed for the costs of improvements that benefit that portion of the public who will use the improvements within the assessment reimbursement area established pursuant to state law. No costs for improvements that benefit the general public may be reimbursed.

Chapter 16.68
PERSONAL WIRELESS TELECOMMUNICATIONS FACILITIES

(No changes proposed at this time, but this chapter should eventually be moved out of the Subdivision Title)

City of Othello
Building and Planning Department
June 2025

Building Permits			
	Applied	Issued	Final
Residential	8 ¹	6 ⁴	13 ⁷
Commercial	2 ²	1 ⁵	3 ⁸
Industrial	0	0	0
Total	10	7	11

¹ 2 single family, 5 reroof, 1 HVAC
² Columbia Bank signs, Kiwanis Park restroom remodel
⁴ 1 single family, 4 reroof, 1 HVAC
⁵ Kiwanis Park restroom remodel
⁷ 2 single family homes, 1 duplex, 2 remodel, 5 reroof, 1 patio cover, 1 stucco, 1 fence
⁸ Othello Food Bank replace floor and joists, 2 reroof (AutoZone & Adams County Fire District #5)

Inspections

- The Inspector completed 87 inspections in June, including 2 rental inspections.

Land Use Permits		
Project	Actions in June	Status as of June 30
Bench Road Annexation	Issued public notice, sent for publication, mailed to properties & owners within 350'. Discovered signatures on petition expired, notified proponent. Council opened public hearing June 23, continued to July 14.	Public hearing continued to July 14. Waiting for an updated petition.
Charan Short Plat final plat (approved Aug. 2023)	No change	Waiting for more information from the property owner, and new building plans.
Hampton Development LLC Annexation	Issued public notice, sent for publication, mailed to properties & owners within 350'. Discovered one of the properties had changed ownership, requiring a new petition. Received new petition & submitted to Assessor. Council opened public hearing June 23, continued to July 14. Adams County Assessor determined new petition to be complete June 23.	Public hearing continued to July 14.

Land Use Permits		
Project	Actions in June	Status as of June 30
MBRAR – Gas Station Short Plat Final Plat	No change. (Notice of Incomplete sent in Nov.)	Waiting for remaining documents for final plat application. Staff will bring an update to the OMC for the street name.
Ortiz-Banos Short Plat (creating 2 lots for 2 existing duplexes)	Comment period ended June 12. Completed code review. Issued Notice of final plat approval.	Waiting for updated drawings, meeting conditions of approval, then mylars for recording.
Pegram Major Plat & Development Agreement	No change.	Waiting for additional information.
Residential code updates (setback, overhang, width) - SEPA	Appeal period on DNS closed June 13.	Project complete.
Sand Hill Estates 6 (multi-family) final short plat	Final plat application submitted. Issued Notice of Application. Completed code review. Drafted covenant.	Notice of plat approval will be issued shortly (issued July 1).
Sand Hill Estates #7 Preliminary Plat	Received remaining final plat submittal documents. Issued Notice of Application. Completed code review.	Street and utility improvements need to be completed and ready for Council acceptance before final plat can be approved by Council.
Wahitis Short Plat	No change (Updated plat drawings routed for review in May 2024)	Staff will need to review the updated drawings.

Rental Licensing & Inspection Program

- 2 rental applications for 1 unit each were submitted this month.
- 1 site with 2 units was approved this month.
- There were 2 rental inspections this month.
- 213 locations with a total of 430 units have been fully approved so far.
- There are currently 25 active applications for 104 units in various stages of inspection and correction (including 8 sites/72 units under construction).

Municipal Code

- Planning Commission held a public hearing and recommended updates to the Residential Zones, Definitions, and General Provisions, related to making housing easier and/or less expensive to build, and also updating and clarifying some definitions and provisions. City Council held a public hearing and adopted Ordinance 1634, amending OMC 17.20, 17.09, and 17.56.

Housing & Homelessness

- Attended Adams County Board of County Commissioners public hearing June 17 in Ritzville on County-Wide Planning Policies on Housing. Commissioners adopted the policies June 25.

- Participated in the monthly meeting of the Adams County Homelessness Task Force, run by consultant (Hope Source) hired through the CLIHP grant the city and county were awarded to create the required 5-Year Homeless Plan and do other housing planning. At this meeting, we worked on Vision, Mission Statement, Values, and Strategies.
- Worked with consultants for housing planning (SCJ Alliance) to finalize the Land Capacity Analysis for Adams County and Othello, supported by the CLIHP grant.
- Submitted all deliverables for the Commerce CLIHP grant and filed for our reimbursement (\$50,000).
- Updated Multi-Family Tax Exemption (MFTE) spreadsheet with 2025 income and rent limits.

Transportation

- Had consultant submit the signed/stamped version of the [Local Road Safety Plan](#). Posted on website.

Training

- Webinar: Active Listening as a Planner's Best Friend

Other

- Attended Adams County Planning Commission meeting about their updated zoning.

Exhibit 5. Matrix of Strategies and Relationship to Housing Objectives

		Housing Action Plan Objectives			
Strategy		1. Make it Easier to Build Affordable Ownership and Rental Housing	2. Increase Housing Variety and Choice	3. Ensure Opportunities for Families with Children	4. Promote Housing for Agricultural Workers
1. Revising Zoning and Building Standards					
1.1	Coordinate future upzoning in areas likely to experience redevelopment	✓	✓	✓	✓
1.2	Modify setback, lot coverage, and landscaping standards for site design	Mostly Completed	✓	✓	
1.3	Require minimum residential densities for development	✓		✓	
1.4	Add provisions for ADUs or smaller lot homes in some residential zones	Mostly Completed	✓		✓
1.5	Adopt design standards or guidelines		✓		
1.6	Remove extra lot area requirements in the R-4 zone	Completed	✓	✓	✓
1.7	Continue with long-term planning for annexation and infrastructure extension	✓	✓	✓	✓
2. Parking and Transportation Standards					
2.1	Review off-street parking requirements	✓	✓		✓
2.2	Encourage or require alley-accessed, rear, or shared parking	✓	✓		
2.3	Reduce neighborhood street width requirements	Partial	✓	✓	
3. Affordable Housing Incentives or Investments					
3.1	Offer density bonuses for affordable housing	✓	✓	✓	✓
3.2	Offer alternative development standards for affordable housing	✓	✓	✓	✓
3.3	Offer fee waivers for affordable housing	✓	✓	✓	✓
3.4	Explore the use of a Multifamily Tax Exemption (MFTEx) program for affordable housing.	Completed	✓	✓	✓
4. Process Improvements					
4.1	Streamline permit review	✓	✓	✓	