



# The City of Othello

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

### Project Name: Sand Hill Estates #4 Preliminary Plat

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

**Location:** North of Sand Hill Estates #1, 2, & 3, north of Olympia Street, between 7<sup>th</sup> and 14<sup>th</sup> Avenue, described as portions of Tax #2659, 2660, and 2661.

**Project Description:** The original proposal was to subdivide 17.3 acres into 68 residential lots in the R-2 Zone. The project was reduced in size after submittal, to 43 lots on approximately 9 acres. The subdivision will be served by City sanitary sewer, potable water, irrigation water, streets, and storm water infrastructure. Neighboring and internal streets will be extended and constructed generally in conformance with City Streets Standards, with some deviations and deferrals requested, specifically to have a temporary gravel turnaround for a street planned to be continued in a future phase, and 60' right-of-way instead of 66'.

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

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

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

**Zoning:** R-2 Residential

**Parcel Number:** Portions of 152903068-2659, -2660, & -2661

**Recommendation:** Approve Reduced Plat Subject to Conditions

By: Anne Henning, Community Development Director Date issued: March 4, 2022

<b>AGENCY REVIEW</b>
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<b>Agency Notified</b>	<b>Response Date</b>	<b>Agency Notified</b>	<b>Response Date</b>
Building Dept	None	Century Link Telephone	None
City Engineer	2-17-22	East Columbia Basin Irrigation District	2-23-22
Public Works	2-17-22*	US Bureau of Reclamation	2-25-22
Police	None	Adams County Development Council	None
Parks	None	Port of Othello	None
Fire Dept	2-22-22	WA Dept of Archaeology & Historic Preservation	2-23-22
County Assessor	None	WA Dept of Ecology	2-22-22
County Auditor	None	WA Dept of Transportation	2-9-22
County Bldg/Planning	None	WA Dept of Fish & Wildlife	None
County Public Works	None	US Fish & Wildlife	None
Health Dept	None	Colville Confederated Tribes	2-9-22
Avista Energy	None	Nez Perce Tribe	None
Big Bend Electrical Co-op	None	Spokane Tribe	None
Northland Cable	None	Wanapum Tribe	None
Cascade Natural Gas	None	Yakama Nation	None

\*Verbal comments only. Public Works Director discussed the project with the City Engineer before the Engineer finalized his comments.

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

**Public Notice:**

- Notice of application and public hearing was posted on the City’s website, submitted to the SEPA Register, and emailed to agencies and departments February 8, 2022.
- Two land use notice signs with the notice of application and public hearing were posted on the subject property by the applicant on February 9, 2022.
- Notice of application (with Optional DNS) and public hearing was published in the Sun Tribune on February 16, 2022.
- Notice of public hearing was posted on the City website calendar February 23, 2022 and mailed to property owners within 350 feet of the site on February 25, 2022.
- Notice of issuance of the MDNS was posted on the City’s website, submitted to the SEPA Register, and emailed to agencies February 24, 2022. Since the optional DNS process was used, the MDNS did not need to be posted onsite or published in the newspaper.

<b>PUBLIC COMMENT</b>
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The following comments were submitted in response to public notice:

- Kim Bailey email 2-28-22

**PROJECT OVERVIEW**

The subject property is approximately 9 acres out of a larger property, located north of Sand Hill Estates #1, 2, & 3. These previous phases have been built out since 2017. Unlike the previous phases, which were each built around one through east-west street, Sand Hill Estates #4 was designed to discourage cut-through traffic and high traffic speeds by adding some curves and cul-de-sacs. Sand Hill Estates #4 was submitted as 68 lots from 7<sup>th</sup> to 14<sup>th</sup> but the scope was reduced to 43 lots on the west half of the property to address street connection issues as well as an anticipated slowing in the housing market. The Sand Hill Estates #4 site has previously been used for agriculture and slopes gradually up from elevation 1111’ at the southwest corner. No environmentally sensitive areas have been identified on or adjacent to the site.

The developer will build a new street, Mt. Cascade Street, east from 7<sup>th</sup> Ave. This street will end in a cul-de-sac west of 11<sup>th</sup> Avenue, with an emergency access protected by bollards. This access can also function as a pedestrian connection and utility connection. The developer will also extend 11<sup>th</sup> Ave. to the north edge of the plat, with a temporary gravel turnaround until the street is extended in a future phase. A short stub street, 8<sup>th</sup> Avenue, will also be built as access to a future phase but it is too short to need turnaround provisions. Sand Hill Estates #4 is the fourth development of a concept plan with eventual full build-out of about 248 lots. Each plat is independent, so no approvals for development beyond the current plat #4 have been applied for, although the plat shows a potential layout of the remainder of the property.

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

Compass	Zoning	Current Land Use
Site	R-2	Vacant/Former Agriculture
North	R-2	Vacant/Former Agriculture
East	R-2	Vacant/Former Agriculture
South	R-2 for lots north of Mt. Baker St, and lots west of 9 <sup>th</sup> Ave. R-1 for lots south of Mt. Baker St. and east of 9 <sup>th</sup> Ave	Residential (Sand Hill Estates #2)
West	R-4	Agriculture

**ENVIRONMENTAL REVIEW**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], the City of Othello must determine if there are possible significant adverse environmental impacts associated with this proposal. On February 24, 2022, the City issued an MDNS – **Mitigation Determination of Non-Significance** with 12 conditions related to deleterious materials spills, stormwater, track-out, fill, site stabilization, street and utility improvements, fire hydrants, parks and open space, water rights, and cultural resources. The conditions of the MDNS automatically become conditions of the project approval.

## **SUBDIVISION REVIEW**

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

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

### **Major Issues**

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements. This review is based on the reduced scope of the plat with 43 lots on the western side of the property.

### **Comprehensive Plan:**

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

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

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

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

**Finding 5** – Transportation Element, Alternative Transportation Standards section: “Reduced road widths can have significant benefits including reduced runoff, reduced maintenance responsibilities, reduced urban temperatures, reduced on street parking, reduce the initial cost of installation, and can have significant effects on the calming (i.e. slowing) of traffic. Under existing code, right-of-way width and road width are determined by code and can only be varied by using the Planned Development codes. The City commits to support developments that propose alternative road designs provided it can be found that the proposed designs facilitate the safe travel of the public and that they meet the intended purpose of the transportation system.”

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

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

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

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

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

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

**Finding 2** – Lot Size – The minimum lot size is 6000 square feet in the R-2 Zone (OMC 17.20.060 Table 2). Per the Lot Area Table on Sheet 7 of the plat drawing, the smallest lots are 6840 square feet.

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

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

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

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

**Finding 7** – General Subdivision Requirements – OMC 16.17.030(a) requires compliance with all zoning, fire, and health regulations, consistency with the comprehensive plan, submittal of environmental information, payment of review fees, written decisions, processing under state timelines, a plat certificate to confirm ownership, and no certificate of occupancy until the final plat has been recorded. Once the lot depth and utility easement width issues are corrected, and with deferrals and deviations granted for ROW width and temporary turnaround, the proposed plat will comply with zoning, fire, and health regulations and will be consistent with the comprehensive plan. The procedural requirements related to environmental information, fees, written decisions, timelines, plat certificate, and certificate of occupancy will all be met.

**Finding 8** – Specific Subdivision Requirements – OMC 16.17.030(b) includes the specific standards of the preliminary plat drawing. The drawing submitted 1-20-22 was reviewed for compliance by the City Engineering Department and comments were issued 2-17-22.

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

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

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

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

**Finding 13** – Design Standards – OMC 16.29.010 requires plats to conform to the requirements of this chapter, OMC 16.33 (Improvements), city design standards, and the fire code. Sections of OMC 16.29 include street alignment in conformity with the master plan, continuation/extension of existing streets, discouragement of through traffic, access to improved streets, street curves, intersection angles, street grades, the requirement to dedicate and complete any street along the boundary of a subdivision, street names, curbs, alleys not required for residential lots, easements for hydrants, water mains, sewer mains, and unusual facilities such as high-voltage electric lines, irrigation canals, and pond areas; block length ordinarily between 300 and 1200', block depth sufficient for two tiers of lots between streets, mid-block crosswalks when needed to provide access to community facilities, street planting plans, disposal of storm drainage, connection to sanitary sewer, connection to City water, fire hydrants, street lighting, electrical, telephone, and cable service; street signs and traffic control signs, improvements to City standards, and monuments and lot corners. The plat as proposed complies with most of the standards of OMC 16.29, see exceptions below.

**Finding 14** – Design Standards – Dead-End Streets - OMC 16.29.050 limits streets with no outlet to not more than 20 dwellings. The cul-de-sac street west of 11<sup>th</sup> Avenue has 16 lots, so meets the standard if all are developed as single family homes. However, since the area is zoned R-2, duplexes are possible. In order to keep this street segment in compliance with the 20-unit limit, there needs to be some way to keep track and notify everyone of the limitation. **A note with the restriction clearly shown needs to be added to the face of the plat.**

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

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

**Finding 17** – Design Standards –Lots—Size - OMC 16.29.250 also requires lot depths not more than 150' unless rear access is available for the fire department. Block 6 Lot 16 and Block 2 Lots 7 & 8 exceed 150' from the street at the NE corner of Lot 16 and the SE corner of Lots 7 & 8. This corner is less than 150' from the emergency access way between Lot 16 and Lot 8, so those lots are not a concern. The endpoint of the line between Lots 7 & 8 could be moved west to reduce the length to 150'. Lot 7 is 9657 SF so it could be reduced substantially without coming close to the R-2 minimum size of 6000 SF. **The plat must be reconfigured to address lots that have more than 150' lot depth without emergency access.**

**Finding 18** – Design Standards – Lots—Double Frontage - OMC 16.29.270 restricts lots which have street frontage along two opposite boundaries except for reverse frontage lots which are essential to provide separation of development from highway arteries or to overcome specific disadvantages in topography and orientation. For such lots, there shall be a planting screen at least 10’ wide along the lot lines or other consideration abutting such a traffic arterial shall be maintained by the homeowners’ association or adjacent property owner. In the west portion of Sand Hill Estates #4, Block 7, Lot 1 has frontage on three streets. This layout was necessary to create a street pattern that reduces traffic speed and cut-through traffic by not creating straight connections between collectors. **A 10’ planting screen, maintained by the property owner, is required on the 7<sup>th</sup> Avenue frontage of Block 7, Lot 1.**

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

**Finding 20** – Waivers, Deviations, and Deferrals – OMC 16.40 establishes a procedure for granting waivers, deviations, and deferrals of the regulations in the Subdivision Title. A subdivider can make application to the Planning Commission for a waiver of, deviation from, or deferral of any provision in the Subdivision Title. The Commission’s recommendation is forwarded to the decision maker on the preliminary plat. The Commission must make findings related to the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of unusual physical conditions, which would cause unusual or unnecessary hardship on the subdivider to comply with the provisions of the Title. The Commission may require conditions that will secure the objectives of the requirement being waived or deferred. On February 22, 2022, the Planning Commission made the following recommendations:

1. Allow a temporary gravel turnaround at the north end of 11<sup>th</sup> Avenue, with an easement and covenant to guarantee construction of a permanent turnaround if the street is not extended by October 2025. It would be an unusual and unnecessary hardship to require a permanent turnaround now, when the street is expected to be extended within a few years.
2. Approve 60’ right-of-way for neighborhood streets. The code has not been updated to match the recent revisions which reduced the required constructed width of the street improvements. All improvements can fit within the 60’ ROW so it is appropriate to allow the extra space to be owned by the homeowner, who would be required to maintain it anyway.
3. Deny the request for offset monuments, since the manholes can be relocated, allowing the monuments to be placed as required.
4. Due to difficulties with the layout on the east side of the property, the applicant withdrew the east portion of the property from consideration, so the Planning Commission did not make a recommendation on the need for a turnaround or connection at the north end of 13<sup>th</sup> Avenue. Withdrawing this portion also negated the need for the Commission’s recommendation that the 14<sup>th</sup> Avenue improvements could be deferred.

**Finding 21** – Landscaping – OMC 17.74, Landscaping and Screening, sets specific requirements for new development, including residential subdivisions. Per OMC 17.74.020(c), a residential subdivision requires street trees and residential landscaping at the time of construction of each house. The street tree requirement consists of a medium or large tree for every 75’ of street frontage. Residential landscaping is trees, shrubs, lawn, and other natural and decorative features within at least 50% of the front yard setback, installed within one year of Certificate of Occupancy. Landscaping will be addressed lot-by-lot as each house is built.

**Finding 22** – Addresses and Street Names – OMC 11.32.020(g) establishes the baseline of the addressing system at the intersection of Broadway and Main. Only streets west of Broadway would include “West” in their name. The Fire Chief and Assistant Police Chief both commented verbally that having a “West” street out of place would make it difficult for emergency responders to find the correct location. **The “West” in the street name must be removed.**

**Conclusion (Land Use, Subdivision, and Municipal Codes):** Staff concludes that deviations and deferrals are needed for right-of-way width and temporary turnaround, and that conditions are needed to limit the number of units to 20 on a dead-end street, reconfigure to address 150’ lot depth, landscape screening on a double-frontage lot, and removing “West” from the street name. The project otherwise meets applicable OMCs and the City’s Comprehensive Plan, and makes adequate provisions for public health, safety, and welfare.

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

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

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

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

**Finding 4** – City Engineering provided comments dated February 17, 2022, that spell out specific corrections needed on the plat drawing or additional information that is needed. Most of the comments are minor/technical; however resolving comment #9 may affect the layout of the plat. The Engineer notes that the proposed 20’ ROW from the cul-de-sac to 11<sup>th</sup> Avenue may not be wide enough for separation and maintenance of all 3 utilities. Block 6 Lots 17 & 18 (along 11<sup>th</sup> Ave.) don’t have a lot of excess width or area to provide to the utility connection, but Block 2 Lots 9 & 10 are somewhat larger, so if needed, the utility connection could be widened to the south. **If needed to accommodate**

**the utility connection, the plat shall be reconfigured to widen the right-of-way from the cul-de-sac to 11<sup>th</sup> Avenue.**

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

**Finding 6** – The Public Works Director commented verbally that **lighting should be required near each end of the emergency access/pedestrian connection, for safety.**

**Conclusion (Public Works and Engineering):** Conditions are needed for utility right-of-way width, lighting, and addressing the comments from City Engineering. The proposed project is otherwise able to meet the standards set forth in the applicable Othello Municipal Code and Public Works Design Standards.

### **Fire Protection:**

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

**Finding 2** – Streets having no outlet shall not service more than 20 dwellings. OMC 16.29.050

**Finding 3** – Fire lane gates, barricades, and marking shall be approved by the fire code official. IFC 503.3 – 503.5

**Finding 4** – Dead-end roads that exceed 150’ shall provide an approved turn around. IFC 503.2.5

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

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

### **East Columbia Basin Irrigation District**

**Finding 1** – This property is within a Columbia Basin Project farm unit; therefore, approval of the final plat by the East District and US Bureau of Reclamation (Bureau) will be necessary pursuant to RCW 58.17.310. The property is currently entitled to receive Columbia Basin Project irrigation water and is obligated to pay East District irrigation assessments whether water is used or not. A release of allotment can be requested, and if approved, would relieve the property from future assessments.

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

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

**Bureau of Reclamation:**

**Finding 1** – This project is located within Farm Units 87 and 88, Irrigation Block 45, East Columbia Basin Irrigation District (ECBID), in the south half of the northeast quarter of Section 34, Township 16 North, Range 29 East, Willamette Meridian, Columbia Basin Project (CBP), Adams County, Washington.

**Finding 2** – Generally, all survey data on the Reclamation Farm Unit Maps pertaining to Reclamation facilities, associated rights-of-way, and Farm Unit boundaries within the area being subdivided must be included on the plat. The plat recorded with the county is considered the official Reclamation record. Our review of the preliminary plat indicates that the proponent has furnished this required information.

**Finding 3** – Landowners should be aware of existing Reclamation and ECBID rights to construct, reconstruct, operate, and maintain CBP facilities as necessary. Reclamation and the ECBID must review and approve any work that will involve these facilities or the existing rights-of-way prior to commencing such work. Structures are prohibited from encroaching upon existing rights-of-way corridors without prior approval from Reclamation and ECBID. This includes, but is not limited to, improvements such as on-site sewage disposal systems, drain fields, domestic wells, paving, fencing, and landscaping. It is important to note that Reclamation's concurrence to this proposal is conditioned upon the assurance that there are no encroachments upon CBP facilities or rights-of-way.

**Finding 4** – The following language is required on the final plat exactly as it is shown below prior to approval. There should be only one signature line for the Irrigation District and one line for the Bureau of Reclamation.

Bureau of Reclamation concurrence for this plat is limited to the extent of the plat's compliance with the requirements of RCW 58.17.310.

Drain Construction: Rising ground water tables are common in irrigation projects. Federal drain construction funds are not available for draining of subdivisions and other areas not in a commercial agricultural use, unless such drainage is incidental to the required drainage of adjacent agricultural land and meets Federal technical and economic feasibility requirements.

This land is included within the East Columbia Basin Irrigation District and is subject to the laws of the United States and the State of Washington relative to the Columbia Basin Project and is liable for further assessments, if any, levied by said District. It is also understood and agreed that when this plat is served by City Streets, irrigable land within the Street right-of-way or isolated by said dedication

will not become a charge assessable to the City of Othello and payable to the East Columbia Basin Irrigation District for construction, operation and maintenance of the Project.

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East Columbia Basin Irrigation District

**IRRIGATION APPROVAL:**

Water Supply: Concurrence by the Bureau of Reclamation for this plat does not assure the availability of a water supply, nor does it bind the United States to issue a permanent right for a Federal water supply. A supply of Federal project water to this land is assured only upon full compliance with corollary Federal and State legislation.

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Bureau of Reclamation

**Finding 5** – Please ensure that all distances and bearings are shown exactly as displayed on the Reclamation Farm Unit Map for Reclamation facilities, associated rights-of-way, and Farm Unit boundaries.

**Finding 6** – Reclamation’s Plat for Farm Unit 87 and 88 in Block 45 is available on the Web.

**Finding 7** – Sheet 1 of 7: Please adjust the label for the EL68M facility as it does not run the full length of the Farm Unit boundary. Instead, it is a short turnout at the extreme northwest corner of Farm Unit 88. This short turnout is depicted on the Farm Unit map.

**Finding 8** – Sheet 2 of 7: Please remove the label for the EL68M facility as it does not run the full length of the west edge of Farm Unit 88.

**Finding 9** – Sheet 3, 4, 5, & 6 of 7: No comments.

**Finding 10** – Sheet 7 of 7: Please change the Bureau of Reclamation signature block to match the information above. There should be only one Bureau of Reclamation signature line.

**Conclusion (Bureau of Reclamation):** Provided the recommended conditions of approval are included in the decision, the proposed development should meet the standards necessary for an approval of the project by the Bureau of Reclamation.

**Washington State Department of Ecology:**

**Finding 1** – Obtain a Construction Stormwater General Permit for Phase 4 or modify the Phase 3 permit to include the new acreage. Modification will require a new public notice.

**Finding 2** – The water purveyor is responsible for ensuring that the proposed use(s) are within the limitations of its water rights. If the proposal’s actions are different than the existing water right (source, purpose, the place of use, or period of use), then it is subject to approval from the Department of Ecology pursuant to Sections 90.03.380 RCW and 90.44.100 RCW.

**Finding 3** –Ecology bases comments upon information submitted for review. As such, comments made do not constitute an exhaustive list of the various authorizations you may need to obtain, nor legal requirements you may need to fulfill in order to carry out the proposed action. Applicants should remain in touch with their Local Responsible Officials or Planners for additional guidance.

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

**Washington State Department of Archaeology & Historic Preservation (DAHP):**

**Finding 1** – These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer in conformance with Washington State law. Should additional information become available, our assessment may be revised.

**Finding 2** –DAHP’s statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities. This report should meet DAHP’s Standards for Cultural Resource Reporting.

**Finding 3** – DAHP also recommends that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the SOI Professional Qualification Standards in Architectural History.

**Finding 4** – Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

**Finding 5** – Please ensure that the DAHP Project Tracking Number is shared with any hired cultural resource consultants and is attached to any communications or submitted

reports. Please also ensure that any reports, site forms, and/or historic property inventory forms are uploaded to WISARD by the consultant(s).

**Conclusion (DAHP):** There are no buildings or structures on the property being platted. The MDNS requires a professional archaeological survey and report prior to ground disturbance, which addresses DAHP's comments.

### **Confederated Tribes of the Colville Reservation (CCT):**

**Finding 1** – Thank you for recognizing that this undertaking lies within the traditional territory of the twelve tribes that make up the CCT; The CCT is governed by the Colville Business Council (CBC). Of the tribes within the confederation, the Moses-Columbia tribe has the strongest traditional ties to this common use locality. The CBC has delegated to the Tribal Historic Preservation Officer (THPO) the responsibility of representing the CCT with regard to cultural resources management issues throughout the traditional territories of all the constituent tribes under Resolution 1996-29. This area includes parts of eastern Washington, northeastern Oregon, south-central British Columbia, and the Palus (Palouse) territory in Idaho.

**Finding 2** – The CCT THPO recommends completion of a cultural resource survey prior to any ground disturbance in preference to the option of filing an inadvertent discovery plan with the City of Othello. Pre Contact period, historic, ethnographic, and traditional sites significant to the Confederated Tribes of the Colville Reservation are known to exist in the vicinity and such sites could remain undocumented with the project area despite historic and modern land use. Furthermore, the online Washington Information System for Architectural and Archaeological Records Data (WISAARD) database hosted by the Department of Archaeology and Historic Preservation (DAHP) shows the proposed plat area characterized as high sensitivity for containing as yet undocumented cultural resources with survey highly advised.

**Finding 3** – Additionally, the CCT has not received any cultural resource survey report pertaining to prior phases of the Sand Hill Estates development, i.e. #2 Major Plat, and #3 Major Plat. City of Othello mitigation requirement No. 12 for the Sand Hill Estates #2 Major Plat Development included a weak recommendation for Cultural Resources Survey prior to ground disturbance, or the option to file an inadvertent discovery plan with the city prior to ground disturbance. Was a report completed or an inadvertent discovery plan filed with the city prior to ground disturbance? The Sand Hill Estates #3 Major Plat Development included an identical mitigation requirement, numbered 11. The CCT has not received any survey reports related to the Sand Hills Estates development and none are located on the WISAARD database. Were any inadvertent discovery plans associated with the Sand Hills Estates development filed with the City of Othello?

**Finding 4** – Thank you for your assistance with protecting cultural resources. Please note that these comments are based on information available to us at this time. We reserve the right to revise our comments as information becomes available.

**Conclusion (CCT):** The MDNS requires a professional archaeological survey and report prior to ground disturbance, which addresses CCT’s comments.

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

**Finding 1** – WSDOT provided an email that they have no comments on this proposal.

**Conclusion (WSDOT):** WSDOT has no concerns on this project.

**Public Comment**

Kim Bailey provided comments on beauty and a sense of a homey neighborhood, street trees, parks, and address numbering.

**Conclusion (Public Comment):** Street trees and residential landscaping are required by OMC 17.74 to be installed by the property owner within one year of Certificate of Occupancy on each lot. Use of park mitigation fees for new park land vs improvements at existing parks is a City Council policy decision. Assigning address numbers is a staff decision independent of platting decisions, but staff will discuss changing the numbering system as suggested.

**Recommended Conditions of Approval**

1. Conditions in the Mitigated Determination of Non-Significance (MDNS) are conditions of approval of this subdivision.
2. Street and utility development on the subject parcels shall be coordinated with all utility providers serving the site and general area. Utility easements on adjacent parcels that are required for development of the subject property shall be in place prior to development of the subject property.
3. If needed to extend infrastructure, including irrigation, to the property, the property owner may need to grant easements and/or right-of-way on his property to the north, and may need to acquire additional right-of-way and/or easements to the north.
4. The comments of City Engineering dated 2-17-22 must be addressed.
5. If needed to accommodate the utility connection, the plat shall be reconfigured to widen the right-of-way from the cul-de-sac to 11<sup>th</sup> Avenue.
6. The comments of Adams County Fire District 5 dated 2-22-22 must be addressed.
7. Streets having no outlet shall not services more than 20 dwellings (OMC 16.29.050). The cul-de-sac end of Mt. Cascade needs to be clearly noted on the face of the plat as allowing no more than 20 dwellings, since the R-2 Zone allows also duplexes and accessory dwelling units.
8. The plat must be reconfigured to address lots that have more than 150’ lot depth without emergency access.
9. All requirements of the East Columbia Basin Irrigation District and US Department of the Interior, Bureau of Reclamation shall be met prior to final plat recording.
10. All requirements of Washington State Department of Ecology shall be met.
11. Revisions to the drawing are needed to address the smaller scope of plat, including the vicinity map, legal description, and plat certificate.

12. “West Mt. Cascade Street” is not an approved street name. Both the current segment and the future segment to the east can be named “Mt. Cascade Street”, with the street numbering providing the locational information.
13. A 10’ planting screen, maintained by the property owner, is required on the 7<sup>th</sup> Avenue frontage of Block 7, Lot 1. OMC 16.29.270
14. Allow a temporary gravel turnaround at the north end of 11<sup>th</sup> Avenue, with an easement and covenant to guarantee construction of a permanent turnaround if the street is not extended by October 2025. It would be an unusual and unnecessary hardship to require a permanent turnaround now, when the street is expected to be extended within a few years.
15. Approve 60’ right-of-way for neighborhood streets. The code has not been updated to match the recent revisions which reduced the required constructed width of the street improvements. All improvements can fit within the 60’ ROW so it is appropriate to allow the extra space to be owned by the homeowner, who would be required to maintain it anyway.
16. Deny the request for offset monuments, since the manholes can be relocated, allowing the monuments to be placed as required.
17. The emergency access/utility connection/pedestrian path needs to be clearly labeled on the plat as ROW. In order to retain usability as emergency access, parking needs to be restricted at each end, and the developer shall install a method approved by the City and Adams County Fire District 5 to prevent unauthorized vehicle traffic, such as lockable bollards. For safety, the access needs to be adequately lighted. The developer shall take this into consideration when designing the street lighting layout.
18. To maintain the cul-de-sac’s usefulness as a turnaround, no on-street parking is allowed within the cul-de-sac. The developer shall install methods as approved by the city to restrict parking, such as signs and/or curb painting.
19. Before a final plat application can be accepted, the following are required (OMC 16.17.120):
  - A. Construction plans for all required street and utility improvements must be approved, and
  - B. The street and utility improvements must be completed by the developer and accepted by the City Council, or guaranteed by a bond or other security.
20. An application meeting the standards of OMC 16.17.130 must be submitted to request final plat approval. In order to obtain approval of the final plat, the subdivision must conform to these conditions of approval and meet the standards of OMC 16.17.
21. Preliminary approval for a major plat expires and becomes null and void three years after the date of preliminary approval unless a 12-month extension has been approved. See OMC 16.17.100.
22. Except as noted, all proposals of the applicant shall be considered conditions of approval.

## **PROCESS AND APPEALS**

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

The examiner may adopt, modify or reject this recommendation. The examiner will render a decision within 14 calendar days of closing the public hearing. The City will mail a copy of the

decision to the applicant and all parties of record within 7 days of receipt of the decision from the examiner.

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

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

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

<b>EXHIBITS</b>
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Exhibit #	Document	Pages
Exhibit 1	Staff Report	18
Exhibit 2	Land Use Application Submittals: <ul style="list-style-type: none"> <li>• Land Use Application rec’d 12-9-21 &amp; receipts</li> <li>• Plat drawing rec’d 1-20-22</li> <li>• Conceptual Engineering drawing rec’d 1-20-22</li> <li>• 12-9-21 Plat Certificate</li> <li>• 1-31-22 letterl from Scott McArthur (developer’s engineer) in response to Notice of Incomplete and requesting deviations and deferrals</li> <li>• Layout for remainder of property</li> </ul>	22
Exhibit 3	Public Notice documentation: <ul style="list-style-type: none"> <li>• 2-9-22 Notice of Application &amp; Public Hearing document</li> <li>• 2-9-22 Agency routing email, agency routing list, &amp; SEPA Register confirmations</li> <li>• Agency deferral routing email</li> <li>• Newspaper notice &amp; newspaper confirmation</li> <li>• Affidavit of Publication</li> <li>• Affidavit of Posting</li> <li>• Letter mailed 2-25-22 to property owners within 350’</li> <li>• Map of area letters were sent &amp; verification from Secretary that letters were sent</li> <li>• List of names and addresses of owners within 350’ as determined by the City based on Adams County Assessor records</li> </ul>	23
Exhibit 4	Comments received: <ul style="list-style-type: none"> <li>• WSDOT 2-9-22</li> <li>• City Engineering plat comments 2-17-22 &amp; deviation/deferral comments 2-17-22</li> <li>• Fire District plat comments 2-22-22 &amp; street name comments</li> </ul>	23

Exhibit #	Document	Pages
	2-28-22 <ul style="list-style-type: none"> <li>• Ecology 2-22-22</li> <li>• East Columbia Basin Irrigation District 2-23-22</li> <li>• USBR 2-25-22</li> <li>• CCT 2-9-22, staff response 2-9-22, CCT response 2-9-22 &amp; 2-23-22</li> <li>• DAHP 2-23-22 &amp; DAHP response to CCT 2-23-22</li> <li>• Kim Bailey comments 2-28-22</li> </ul>	
Exhibit 5	Environmental review documents: <ul style="list-style-type: none"> <li>• MDNS issued 2-24-22</li> <li>• SEPA Environmental Checklist submitted 1-20-22</li> <li>• MDNS agency routing email</li> <li>• SEPA Register publication</li> <li>• Assessed land values for calculation of park fee in lieu of dedication</li> <li>• 2-24-22 Letter to proponent about MDNS</li> </ul>	20
Exhibit 6	Deferral/Deviation and Phasing Documents <ul style="list-style-type: none"> <li>• Deviation/Deferral staff report to Commission 2-22-22</li> <li>• Deviation/Deferral follow up email &amp; letter 2-23-22</li> <li>• Reminder 2-28-22</li> <li>• Emails to and from the proponent 3-1-22 through 3-4-22 (8 total)</li> </ul>	21
Exhibit 7	Other relevant documents from file of record: <ul style="list-style-type: none"> <li>• 12-9-21 &amp; 12-20-21 emails from Anne Henning about items still needed, City Engineer preliminary comments 12-20-21</li> <li>• 1-4-22 &amp; 1-21-22 Notice of Incomplete</li> <li>• 2-9-22 Notice of Completeness</li> <li>• Invoices</li> <li>• Request from Sand Hill for City to look up surrounding property owner addresses</li> </ul>	11