

ORDINANCE NO. 4636

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON RELATING TO THE SUBDIVISION OF LAND THROUGH THE OPTIONAL BINDING SITE PLAN PROCESS, AND ADDING A NEW CHAPTER 12.11 ENTITLED "BINDING SITE PLAN" TO THE ELLENSBURG MUNICIPAL CODE.

WHEREAS, the City Council has heretofore by adoption of Ordinance No. 3235, adopted reasonable and uniform subdividing standards, ensuring orderly development of the city and adequate public services for future residents of each subdivision; and

WHEREAS, on November 7, 2012 the City Community Development Department forwarded a Notice of Proposed Amendment with a request for expedited review of the proposed amendment to adopt a New Binding Site Plan Chapter to the Washington Department of Commerce, which was approved by the Department of Commerce; and

WHEREAS, the SEPA Responsible Official reviewed a SEPA checklist, comments from agencies and the public, and other information in the record and issued a Determination of Non-Significance which became final on December 21, 2012; and

WHEREAS, the Ellensburg City Planning Commission held a public meeting on January 17, 2012 and at the close of the meeting moved to:

- recommend that City Council approve a new Chapter 12.11 with the deletion of 12.11.120(A) and 12.11.160(B)(1)(c);

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG DOES ORDAIN AS FOLLOWS:

Section 1. A new chapter 12.11 entitled "Binding Site Plan" is hereby added to the Ellensburg Municipal Code to read as follows:

**Chapter 12.11
Binding Site Plan**

Sections:

- 12.11.020 Purpose
- 12.11.040 Applicability.
- 12.11.080 Preliminary binding site plan – Application – Public hearing and notice.
- 12.11.120 Binding site plan – Complete application requirements.
- 12.11.160 Binding site plan – Design standards and dedications.
- 12.11.200 Binding site plan – Minimum improvement standards.
- 12.11.240 Binding site plan – Administrator review.
- 12.11.260 Binding Site Plan – Planning Commission review
- 12.11.280 Binding site plan – City council review.
- 12.11.290 Binding site plan – Criteria for approval.
- 12.11.300 Binding site plan – Findings and conclusions.
- 12.11.320 Binding site plan – Time limit on action.
- 12.11.360 Binding site plan – Notice of decision.
- 12.11.400 Binding site plan – Duration of approval.
- 12.11.440 Irrigation water district approval.

- 12.11.480 Binding site plan – Submittal deadline.
- 12.11.520 Final binding site plan – Application.
- 12.11.540 Final binding site plan – Administrative action.
- 12.11.600 Final binding site plan – Filing.
- 12.11.640 Final binding site plan – Inspection fee.
- 12.11.680 Waivers.

12.11.020 Purpose.

This chapter shall govern a subdivision of land through the optional binding site process provided for in RCW 58.17.035, or its successor. If approved under this chapter, a division of land authorized by a binding site plan is exempt from the short and long subdivision regulations and processes. Binding site plans are authorized by RCW 58.17.035, or its successor, to be used for condominiums and for the division of commercial or industrial zoned properties.

12.11.040 Applicability.

The underlying zoning district standards shall apply for development utilizing the binding site plan process. The binding site plan option shall apply to the following:

- A. commercial zoned property in the CH, CT and CCII zoning districts;
- B. industrial zoned property in the IH and IL zoning districts;
- C. condominiums for one or more units in any RL, RM, RH, CC or CC-II zoning district that are owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; and
- D. land divisions for the purpose of leasing property that is located:
 - 1. within the MHP and MHS zoning districts provided that no residential structure other than manufactured homes are to be placed on the land;
 - 2. within the MHP zoning district provided that no residential structure other than travel trailers or manufactured homes are to be placed on the land within a manufactured home park; and,
 - 3. within the CH and CT zoning districts provided that no residential structure other than travel trailers are to be placed on the land within an approved travel trailer or manufactured home park.

12.11.080 Binding site plan– Application – Administration.

All applications shall be submitted to the administrator. Binding site plan applications shall be processed pursuant to the requirements set forth in Chapter 1.68 ECC.

12.11.120 Binding site plan – Complete application requirements.

All requests for a binding site plan shall be filed with the administrator together with the application fee set forth by the current fee schedule. An application for a binding site plan shall not be determined to be complete until all of the following have been provided on the binding site plan drawing or on any other supporting documentation submitted along with the binding site plan drawing:

- A. The binding site plan drawing shall be submitted on an 18-inch by 24-inch mylar or similar reproducible material along with: six copies of same, one reduced (maximum of 11 inches by 17 inches) copy of the binding site plan drawing, and one electronic copy in a format acceptable to the city engineer. The binding site plan drawing shall be prepared by a professional land surveyor licensed in the state of Washington. The binding site plan drawing shall include:

1. Vicinity sketch showing the parcel boundaries and the major street system within a one-quarter-mile radius;
2. Zoning of the property within the binding site plan;
3. The name and locations of adjacent subdivisions, short plats and binding site plans;
4. Location and size of existing and proposed utilities, railroads and irrigation rights-of-way within the binding site plan;
5. Plan view of proposed streets with their names and widths, any proposed pedestrian ways, and all proposed utilities and easements;
6. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;
7. Approximate boundaries of all areas within the binding site plan subject to irrigation or storm water overflow and the location, width and direction of flow of all watercourses and the extent and location on the site of the 100-year flood flow from said watercourses;
8. Name and address of the owner(s) of the binding site plan property and all mortgagee(s) of said property;
9. Legal description of the binding site plan property;
10. Surveyed boundary lines of the binding site plan property with complete bearings, lineal dimensions and the acreage;
11. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field; lot area in square feet; and number of lots and blocks which shall be numbered consecutively from one to total number of lots;
12. All section, township, municipal and city lines lying within or adjacent to the binding site plan property;
13. Name, address and official seal of the licensed professional land surveyor preparing the binding site plan drawing;
14. Ties and controlling reference points to existing and permanent points, monuments and markers;
15. Date, scale, north point and origin of meridian, with the scale shown at 100 feet to the inch unless otherwise approved by the city engineer;
16. Proposed phasing plan with clear delineation of each phase;
17. Locations of land areas intended to be dedicated for public use or reserved for use of owners of the property in the binding site plan, along with a textual declaration of the dedication or reservation. Any roads not dedicated to the public must be clearly marked on the face of the binding site plan drawing as private roads. (Any dedication, donation or grant as shown on the face of the binding site plan shall be considered for all intents and purposes as a quitclaim deed to

the donee or donees, grantee or grantees for his, her, or their use for the purposes intended by the donors or grantors.)

18. Location, centerline, and width of all existing and proposed rights-of-way and easements along with name of all existing or proposed streets within and adjoining the binding site plan and the name and auditor's file number for all easements;

19. The areas and locations of open space, recreational amenities, and critical areas including prescribed critical area buffers;

20. Areas designated for landscaping, vehicle use, parking, truck loading, and non-motorized transportation corridors or pathways;

21. The location of all existing and proposed structures;

22. A declaration that all development of the property shall conform to that shown on the binding site plan drawing and conditions placed upon the binding site plan; and all provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan;

23. Signatures and date lines for:

a. certification by a registered land surveyor of the state of Washington that the binding site plan and legal descriptions were prepared under his or her direct supervision;

b. the approvals of the city engineer, energy services director and community development director;

c. the county treasurer indicating that the real property taxes are current;

d. all owners and all other's holding an interest in the binding site plan property with acknowledgments for all such signatures;

e. approval by the mayor;

f. approval by the irrigation district, if applicable;

24. If the binding site plan is in conjunction with condominiums, pursuant to Chapters 64.32 or 64.34 RCW, the following statement must be included on the face of the binding site plan:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site

plan shall be binding upon all individuals or entities now and hereafter having any interest in the land described herein.

25. All binding site plan designs shall include, as determined by the director, overall site landscaping, pedestrian walkways and connections, parking and circulation, recreational amenities, walls and fences, architectural design guidelines, lighting, and other site plan standards as set forth by the underlying zoning district. For commercial, business park, and industrial divisions, building envelope or use does not have to be identified at the time of the binding site plan. However, site plan review for subsequent building size, location and use will be required when submitted.

B. Additional Information Required.

1. A recorded copy of the deed for the property proposed for the binding site plan;
2. A current title report on the property proposed for the binding site plan;
3. Copies of all existing or proposed restrictive covenants to be imposed upon land in the binding site plan;
4. Textual description of phasing if proposed, including the timing for all public improvements, required landscaping and binding site plan amenities to be installed with each phase;
5. Names and addresses of all property owners within 300 feet of the boundaries of the property proposed for the binding site plan as those names appear on the records of the county assessor;
6. Any information in the opinion of the administrator which is necessary to determine if the proposed binding site plan makes appropriate provision for physical problems or hazards involving public health, safety and/or welfare.

12.11.160 Binding site plan – Design standards and dedications.

A. In order to meet the public interest:

1. A binding site plan shall conform to the applicable zoning standards of the city of Ellensburg zoning ordinance, codified in Title 13 ECC;
2. Each lot in a binding site plan shall be provided with satisfactory access established consistent with the requirements of the public works development standards and Title 4 ECC, Public Works Construction;
3. Each lot in a binding site plan shall be provided with adequate provisions for water supplies and sanitary wastewater facilities consistent with the requirements of the public works development standards and Title 9 ECC, Utilities; and
4. Approval of binding site plans may be conditioned upon dedications to the city of drainage ways, other public ways, water supplies, sanitary waste facilities, parks, playgrounds, sites for schools, and other needs of the public.

B. In furtherance of meeting that public interest, a binding site plan shall conform to the following standards:

1. Lots.

a. Lot area, width and depth shall meet the minimum standards of the zoning classification for the proposed use unless a variance has been approved pursuant to Chapter 13.48 ECC.

b. In general, lots shall be at right angles to street lines or radial to curved street lines.

c. Corner lots may be required to be created with additional width to allow for the additional side yard requirements.

2. Streets.

a. Principal Streets. Existing arterial and collector streets shall be continued through the binding site plan at the same or greater width, unless otherwise recommended by the engineering department and all arterial, collector, local, and private access streets shall be developed in compliance with the requirements of the public works development standards.

b. Street Alignment. The alignment of all streets shall comply with the requirements of the public works development standards and shall be reviewed and approved by the city engineering department.

c. Street Intersections. Lots at street intersections shall have a curb radius as established in the public works development standards.

3. Blocks. Existing block patterns shall be continued through the binding site plan and shall be as established in the public works development standards. Blocks shall be wide enough to allow two tiers of lots, except where fronting on major streets, or prevented by topographical conditions, or size of property.

4. Water System. Water mains shall be provided and designed as established in the public works development standards.

5. Sewage Systems. Sewer mains shall be provided and designed as established in the public works development standards.

6. Specific Design Specifications. Specific design specifications not listed in this section for all required improvements shall conform to the public works development standards.

12.11.200 Binding site plan – Minimum improvement standards.

In order to meet the public interest, the following minimum improvements shall be required:

A. Installation of concrete curbs and gutters along all street frontages according to the public works development standards.

B. Construction of streets in accordance with the public works development standards.

C. Installation of monuments and monument cases in accordance with the public works development standards.

D. Installation of storm drainage system including inlet, pipe, manholes, detention or retention facilities if deemed necessary, all in accordance with the public works development standards.

E. Installation of iron pipe or reinforcing rods at the corners of all lots, plots or tracts in accordance with the public works development standards.

F. Construction of sidewalks on abutting sides of all public streets in accordance with the Public Works Development Standards.

G. Installation of water and sewer mains, water service lines and side sewers to serve each lot created in accordance with the public works development standards.

H. Installation of underground ducts, manholes and vaults to accommodate the electrical distribution system. Trenching for communication and television signal service with ducting provided for communication and television service at the right-of-way crossings. Duct shall be a minimum of four-inch PVC type for the electrical system and two-inch PVC type for communication and television service, unless otherwise recommended by the respective utilities.

12.11.240 Binding site plan - Administrator review.

Upon deeming the binding site plan to be a complete application and issuing the notice of application pursuant to Chapter 1.68 ECC, the administrator shall transmit the binding site plan to city departments, the Kittitas Valley Fire and Rescue fire marshal, the SEPA responsible official for any required SEPA review pursuant to Chapter 1.42 ECC, and to the landmarks and design commission for any required landmark and design review pursuant to Chapter 1.45 ECC. The administrator shall concurrently perform critical area review if such review is required pursuant to Chapter 13.39 ECC. Within forty-five (45) days from the date the binding site plan application was deemed complete the administrator shall transmit to the planning commission any and all review comments or recommendations on the binding site plan that have been received from staff, SEPA responsible official, the public, and any other reviewing body, along with the administrator's recommendation on the binding site plan.

12.11.260 Binding site plan – Planning commission review.

Upon receipt of the review and recommendations transmitted by the administrator, the planning commission shall hold a public meeting at the next regularly scheduled planning commission meeting, provided such meeting is at least fourteen (14) days from the transmittal date, to consider the binding site plan and the comments and recommendations made to date. The planning commission shall then make a recommendation to city council on whether to approve, approve with conditions or deny the binding site plan. The administrator shall transmit that planning commission recommendation to city council.

12.11.280 Binding site plan – City council review.

At the next regular or special city council meeting following transmittal of the planning commission recommendation to city council, the council shall set a public hearing date for a regular or special city council meeting at least fourteen (14) days but not more than thirty (30) days in the future. Public notice of the hearing shall be accomplished by the following:

A. Publish notice in a newspaper of local general circulation at least ten (10) days prior to the hearing date. Such notice shall include a legal description of the proposed binding site plan and/or

a vicinity location sketch and a locational description, existing zoning and the time and place of the hearing.

B. At least ten (10) days prior to the hearing date, written notice by U.S. mail shall be sent to every property owner whose name appears on the records of the county assessor situated three hundred (300) feet from the exterior boundaries of the proposed binding site plan and to the county planning office, if the binding site plan abuts the corporate limits of the city. At that public hearing the city council shall consider all comments and recommendations in the record transmitted to it and shall accept public testimony on the binding site plan proposal. After closing the public hearing city council shall deliberate and issue a final decision. City Council may adopt, reject, or adopt with modifications and conditions the preliminary binding site plan.

12.11.290 Binding site plan – Criteria for approval.

In its review of the binding site plan, the city council shall make an inquiry into the public use and interest proposed to be served by the establishment of the binding site plan and any dedication to be made by the binding site plan, and shall consider:

A. Whether the binding site plan conforms to ECC 12.11.120 through 12.11.200;

B. If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

C. Whether the public interest will be served by the approval of the binding site plan and any dedication.

12.11.300 Binding site plan – Findings and conclusions.

The city council shall not approve any binding site plan unless written findings are made that:

A. The binding site plan conforms to ECC 12.11.120 through 12.11.200;

B. Appropriate provisions are made for the public health, safety, and general welfare and for other such open spaces, drainage ways, streets or roads, alleys, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

C. The public use and interest will be served by the approval of the binding site plan and any dedication.

12.11.320 Binding site plan – Time limit on action.

An application for a binding site plan shall be approved, approved conditionally or disapproved by the city council within ninety (90) days from the date of the date the application was deemed complete unless the applicant consents to a time extension; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day (90) period shall not include the time spent preparing and circulating the environmental impact statement.

12.11.360 Binding site plan – Notice of decision.

The administrator shall notify the applicant by mail within ten (10) days after final city council action. The action shall be noted on two copies of the binding site plan, including reference to any

attached documents describing conditions imposed by the city council. One copy shall be returned to the applicant and one copy retained for the permanent file.

12.11.400 Binding site plan – Duration of approval.

Preliminary approval of the binding site plan shall be effective for five years from the date of such approval by the city council, during which time the final binding site plan may be submitted.

12.11.440 Irrigation water district approval.

Any binding site plan which lies in whole or in part in an irrigation district organized pursuant to Chapter 87.03 RCW shall provide for such irrigation water rights-of-way and any other improvements as shall be required by the irrigation district for each parcel of land in such district and such rights-of-way shall be evidenced by the respective binding site plan submitted for final approval to the city council.

12.11.480 Final binding site plan – Submittal deadline.

The final binding site plan application shall be submitted to the administrator within five (5) years of the date of preliminary binding site plan approval. Failure to submit the final binding site plan application within that time period will result in a lapse of the preliminary binding site plan approval.

12.11.520 Final binding site plan – Application.

The final binding site plan application shall include the following:

A. A final plat drawing on an 18-inch-by-24-inch mylar or similar reproducible material plus one electronic copy in a format acceptable to the city engineer and one reduced (maximum of 11 inches by 17 inches) copy of the binding site plan containing:

1. Vicinity sketch showing the parcel boundaries and the major street system within a one-quarter-mile radius;
2. Zoning of the property within the binding site plan;
3. Legal description of the binding site plan;
4. All section, township, municipal and city lines lying within or adjacent to the binding site plan property;
5. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field; lot area in square feet; and number of lots and blocks which shall be numbered consecutively from one to total number of lots;
6. Name and official seal of the licensed professional surveyor preparing the binding site plan certifying that the binding site plan is a true and accurate survey that was prepared under his or her direct supervision;
7. All existing monuments and markers found and all ties and controlling reference points, monuments and markers utilized in creating the boundaries of the binding site plan;
8. Date, scale, north point and origin of meridian, with the scale shown at 100 feet to the inch unless otherwise approved by the city engineer;

9. Location, centerline, and width of all rights-of-way and easements along with name of all streets within the binding site plan and the auditor's file number for all easements along with the easement purpose and width;

10. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;

11. Location of all watercourses, critical areas, 100-year flood zone and any associated buffers, with the buffer width clearly labeled;

12. Location and dimensions of all open space and recreational amenities;

13. Location of all phases with phase numbering;

14. Location of all areas designated for landscaping, vehicle use and maneuvering, parking, truck loading, and non-motorized transportation corridors or pathways;

15. Location of all existing structures and proposed footprints for future structures to be developed on the lots created by the binding site plan;

16. Statements of approval and places for signatures and dates for the city engineer, city energy services director, community development director, surveyor preparing the plat, the mayor of the city of Ellensburg, irrigation water district representative if applicable, and the county auditor; all owners and all other's holding an interest in the binding site plan property with acknowledgments for all such signatures;

17. A certification signed by the county treasurer's office that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid;

18. A notarized acknowledgment by the owner(s) and all mortgagee(s) of the binding site plan property acknowledging the creation of the binding site plan and the dedication of streets and other public areas;

19. Locations of land areas intended to be dedicated for public use or reserved for use of owners of the property in the binding site plan, along with a textual declaration of the dedication or reservation. Any roads not dedicated to the public must be clearly marked on the face of the binding site plan drawing as private roads. Any dedication, donation or grant as shown on the face of the binding site plan shall be considered for all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her, or their use for the purposes intended by the donors or grantors;

20. A declaration that all development of the property shall conform to that shown on the binding site plan drawing and conditions placed upon the binding site plan; and all provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan;

21. Signatures and date lines for:

- a. certification by a registered land surveyor of the state of Washington that the binding site plan and legal descriptions were prepared;
- b. the approvals of the city engineer, energy services director and community development director;
- c. the county treasurer indicating that the real property taxes are current;
- d. all owners and all other's holding an interest in the binding site plan property with acknowledgments for all such signatures;
- e. approval by the mayor; and
- f. approval by the irrigation district, if applicable.

22. If the binding site plan is in conjunction with condominiums, pursuant to Chapters 64.32 or 64.34 RCW, the following statement must be included on the face of the binding site plan:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now and hereafter having any interest in the land described herein.

B. Engineering design drawings for all required public improvements as shown on the preliminary binding site plan drawing, which drawings shall meet the requirements of the public works development standards, and be approved by the city engineer prior to filing of the final binding site plan;

C. A title report of the property to be included in the binding site plan if the final binding site plan application is not submitted to the administrator for review within 120 days of the approval of the preliminary binding site plan application; and

D. If required, a public improvements agreement including the following:

1. Public improvements to be provided in the binding site plan as shown on the approved engineering design drawings;
2. Estimated cost of constructing said public improvements;
3. Phases of development of the binding site plan, if phasing is provided for in the preliminary binding site plan approval, and completion dates for said phases;

4. A bond guaranteeing the installation of the public improvements which shall meet the requirements of the public works development standards and be approved and accepted by the city engineer;

5. In lieu of a bond the applicant may fulfill the public improvements requirement by actually installing the required public improvements under the direction of the city engineer.

12.11.540 Final binding site plan – Administrative action.

A. Upon receipt of the final binding site plan application containing the items identified in ECC 12.11.520, the city council shall have thirty (30) days for review to determine conformance with the approved preliminary binding site plan and all applicable regulations and standards. The city council shall make written findings of fact relating to its decision on the final binding site plan and, if approved, shall direct the mayor to sign the final binding site plan. Upon approval by the city council, the administrator, the city energy services director, and the city engineer shall sign the final binding site plan document and shall present the final binding site plan document to the mayor for signature. The final binding site plan shall then be presented to the county treasurer for review and signature. Such signatures and approval of the final binding site plan document shall be subject to the following determinations:

1. The requirements of Chapter 58.17 RCW and other applicable state law, the city's comprehensive plan, and any other applicable city ordinances that were in effect at the time of preliminary binding site plan approval, and this title have been met;

2. Conditions imposed on the preliminary binding site plan approval, if any, have been met;

3. The bond or other proposed security meets the requirements of the public works development standards and has been approved and accepted by the city engineer.

B. If the final binding site plan is not approved by city council, the decision, along with reasons for denial, shall be communicated in writing to the applicant.

12.11.600 Final binding site plan – Filing.

The final binding site plan shall not be officially complete until the signed original final binding site plan and subdivision improvements agreement, if required, have been recorded with the county auditor. Said documents shall be recorded by the administrator within ten (10) working days after city council approval in the presence of the applicant and with the cost of recording paid by the applicant. Filing of the final binding site plan shall not relieve the property owner of the obligation to complete the minimum public improvements.

A. Building permits may be issued for a portion of the lots or tracts resulting from the final binding site plan action only if all of the following conditions are first satisfied:

1. All public improvements must either be accepted as complete by the city, or partially completed as specified herein below with the remainder of the improvements secured by a surety guarantee as provided for in ECC 12.08.520;

2. The signed original final binding site plan and any applicable public improvements agreements must be recorded with the county auditor;

3. The municipal water system for that portion of the development included in the recorded final binding site plan must be accepted as complete by the city or bonded for as provided for in ECC 12.08.520. This includes the placement and charging of all fire hydrants included with the water system;

4. Initial installation of all sanitary sewer mains for that portion of the development included in the recorded final binding site plan shall be completed to the point that no additional trenching within the subdivision will be required for sanitary sewer mains;

5. Street improvements required to serve those lots or tracts of record for which building permits are sought shall be completed in accordance with the following options:

a. Placement of gravel base for street improvement just prior to final paving of the street surface; or

b. Placement of gravel on a defined access way and turning area servicing the lots or tracts requested for building permits and maintenance of such surface sufficient to support the passage of the city's emergency vehicles. The authority to approve the initial and continuing use of such temporary access shall be the fire marshal's, or his/her designee, according to the applicable provisions of the city's fire code.

B. Independent of the above requirements, any unsubdivided lot or tract included in the final binding site plan meeting all of the applicable zoning and general development requirements of the city may be issued a building permit for a primary structure or use only if said lot or tract does not already contain a primary structure or use and further is approved by the fire marshal for adequacy of location and function of existing fire hydrants and adequate access for emergency vehicles as set forth above in subsection (A)(5)(b) of this section. Permits for accessory buildings may be considered for existing uses and subject to all city development regulations.

12.11.640 Final binding site plan – Inspection fee.

The applicant shall reimburse the city engineering department for costs of inspecting all public improvements required by the city. This fee shall be determined by the engineering department based upon the provisions contained in the public works development standards and Title 4 ECC, Public Works Construction.

12.11.680 Waivers.

All binding site plans undertaken under the authority of this code shall be required to complete or to bond for the full public improvements outlined in ECC 12.11.200, Preliminary Binding Site Plan – Minimum improvement standards, which are applicable to the property made part of the binding site plan. No deferrals or waivers, except as outlined in ECC 4.06.060, shall be considered.

Section 2. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication of a summary, consisting of the title.


The foregoing ordinance was passed and adopted at a regular meeting of the City Council

this 4th day of March, 2013.



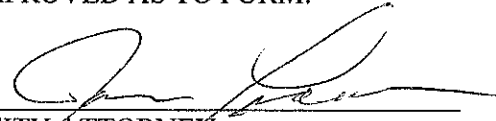
MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

Publish: 3713

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4636 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4636 was published as required by law.

COREEN M. RENO, CMC