



Kelso Planning Commission

Regular Meeting
6:00p.m.

Tuesday, September 12, 2017
City Hall Council Chambers, 203 S. Pacific Ave.

Agenda

Planning Commissioners:

Position 1
Gary Schimmel
Chair

Position 2
Jeffrey McAllister

Position 3
Daniel Graves

Position 4
Charles Hendrickson
Vice Chair

Position 5
Ann Hight

Staff
Michael Kardas, P.E.
Tammy Baraconi C.F.M
Julie Douglas

Call to Order:

1. Roll Call.

Approve Minutes:

1. Approve the minutes from the last meeting, August 15, 2017.

Citizen Business:

Public Hearing:

1. Update to the Subdivision Code.
The Planning Commission will take public testimony on the proposed updates to the Subdivision Code and after careful deliberation make a recommendation to the City Council.
2. Creation of a Developer's Agreement Code.
The Planning Commission will take public testimony on the creation of a Developer's Agreement Code and after careful deliberation make a recommendation to the City Council.

Commission Business:

Adjournment:

1. The next Regular meeting is scheduled for October 10, 2017

Public Workshop:

1. None scheduled at this time.

Commissioners: If you are unable to attend please call Julie Douglas 360-577-3320 to ensure that we have a quorum.

Planning Commission Meetings are open to the public.

City of Kelso makes every effort to accommodate the needs of citizens with disabilities so that they may have the opportunity to attend. If you need accommodation due to disability in order to attend a Planning Commission Meeting please contact the City Clerk's office 360-577-3342. Please do so 48 business hours in advance of the meeting.

This agenda can be found on the Kelso website at <http://www.kelso.gov/planning-commission/agendas>.

City of Kelso
Planning Commission
Staff Report
September 12, 2017

To: Planning Commission
From: Tammy Baraconi
Date: September 12, 2017
Subject: Revisions to KMC 17.34 Subdivisions

Description

In February 2017, the Planning Commission began work on updating KMC 17.34 Subdivisions. The City's current subdivision regulations lack clarity on many of the items associated with land division and boundary line changes. Nor did they entirely comply with State law pertaining to process.

A major addition to the code is 17.34.150 Table of Required Information. This table has been included to simplify requirements for plat map creation.

The proposed code is attached as Exhibit A.

Public Notification and Public Comment

Notice of this public hearing was published in The Daily News on August 31, 2017. As of the writing of this staff report no written comments have been received. (Exhibit B)

Environmental Review

Environmental review will be conducted after the Planning Commission hearing and before the Council begins consideration in November 2017.

Recommendation

If Approve

Make the motion to give KMC 17.34 Subdivisions a POSITIVE recommendation to the City Council subject to the following change(s):

If Deny

Make the motion to give KMC 17.34 Subdivisions a NEGATIVE recommendation to the City Council for the following reason(s):

If Table

Make the motion to TABLE KMC 17.34 Subdivisions for the following reason(s):

Exhibit A: Proposed KMC 17.34 Subdivisions
Exhibit B: Affidavit of Publication

Title 17.34
SUBDIVISIONS

Chapters:

- 17.34.010 General Provisions**
- 17.34.020 Fees**
- 17.34.030 Definitions**
- 17.34.040 Preliminary Plat**
- 17.34.050 Term and Effect of Preliminary Plat Approval**
- 17.34.060 Final Plat**
- 17.34.070 Replat**
- 17.34.080 Boundary Line Adjustments**
- 17.34.090 Short Plat**
- 17.34.100 Binding Site Plans**
- 17.34.110 Dedications**
- 17.34.120 Improvements**
- 17.34.130 Design Standards**
- 17.34.140 Variances**
- 17.34.150 Table of Required Information**

Chapter 17.34.010 GENERAL PROVISIONS

A. Short title

This title shall be known as the "city of Kelso subdivision ordinance."

B. Purpose

The provisions contained in this title are necessary to regulate the subdivision of land; to promote the public health, safety and general welfare in accordance with established standards; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to promote the proper arrangement of streets, lots, easements, pathways and other private or public ways; to provide for adequate and convenient open spaces, utilities, recreation and access for service and emergency vehicles; to provide for adequate water, drainage, sewer and other public facilities; to encourage the most appropriate use of land; to promote a coordination of development as land develops; to conserve and restore natural beauty and other natural resources; to maintain and perpetuate environmental quality; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans and policies; to adequately provide for the housing and commercial needs of the citizens of the state; and to require uniform monumenting of land subdivisions and conveyance by accurate legal description.

C. General scope

Subdivisions, resubdivisions, and short subdivisions as defined in this title shall be reviewed in accordance with the provisions of this title.

D. Specific exemptions

The provisions of this title shall not apply to the following:

1. Cemeteries and other burial plots while used for that purpose;
2. Divisions made by testamentary provisions or the laws of descent;
3. A division for the purpose of lease when the land is to be developed as a mobile home park and a binding site plan has been approved pursuant to the requirements of the zoning code (Title 17);
4. Condominium plats, when prepared and filed in accordance with the horizontal regime act, RCW Chapter 64.32, and a binding site plan has been approved pursuant to the requirements of the zoning code (Title 17);
5. Divisions of land into lots, parcels or tracts, each of which is at least 40 acres or 1/16 of a section in area;

6. Divisions of land due to condemnation or sale under threat thereof, by any agency or division of government vested with the power of condemnation.

E. Approval required prior to recordation

Any map, plat, replat or plan hereafter made of a proposed subdivision, short subdivision, or binding site plan, or any part thereof, shall be presented for approval and be recorded as prescribed by this title. No such map, plat, replat or plans shall be recorded or have any validity unless or until it shall have the approval of the city council and/or such other approval as required by this title.

F. 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 this title without first receiving approval hereunder and filing a map of the approved division with the county auditor; 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 plat, short plat, or binding site plan containing the lot, tract or parcel, the offer or agreement does not violate any provision of this title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account, and no disbursement to sellers shall be permitted until the plat or plan is recorded.

G. Administrative duty

The Director and his staff, hereafter referred to as the "planner" or the "planning department," are vested with the duty of administering this title and may prepare and require the use of such additional forms which are necessary to effectuate the provisions thereof.

H. Consent to access

The subdivider shall permit free access to the land being divided to all agencies considering the subdivision or short subdivision for the period of time extending from the time of application to the time of final action.

I. Regulations supplementary to state law

The regulations prescribed by this title shall be considered as supplementary to RCW Chapter 58.17 . No map, plat, replat or plan of a proposed subdivision or short subdivision shall be recorded or have any validity unless it conforms with the requirements of RCW Chapter 58.17 .

J. Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction

1. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation

or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

2. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

- i. Class 1 (\$250), not including statutory assessments.

Chapter 17.34.020 FEES

A. Fees

Fees for the review and processing of requests for approval pursuant to this title shall be as identified on the officially adopted fee schedule for the city.

Chapter 17.34.030 DEFINITIONS

A. Definitions

For the purpose of this title, certain words and terms are defined in this chapter. When consistent with the context, words used in the present tense shall include the future; the singular term shall include the plural; and the plural, the singular; the word "shall" is always mandatory and the word "may" denotes a use of discretion.

1. "Applicant" means any individual or entity who applies for preliminary plat, short plat, large lot subdivision or binding site plan approval under this title.
2. "Auditor" means the auditor of Cowlitz County, Washington.
3. "Binding site plan" means a drawing made and approved in accordance with the provisions of subdivisions Section 17.34.010 of this title which contains inscriptions and attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city, and which contains provisions requiring any development to be in conformance with the site plan.
4. "Buildable lot" means a lot meeting all of the requirements of size, shape, frontage, sanitation, etc., contained in this title and other ordinances of the city for any specific type of development.
5. "Boundary line adjustment" means an alteration of a division of land by adjustment of boundary lines, between platted or unplatted lots or parcels or both, which does not create an additional lot, tract, parcel, building site, or division nor creates any lot, tract, parcel, building site, or division which contains insufficient area or dimension to meet the minimum requirements for width or area for a building site. Boundary line adjustments include lot consolidations wherein boundary lines are removed.
6. "City council" means the mayor and council members of the city.
7. "Comprehensive plan" means a plan adopted by the City Council as a guide to the physical growth and improvement of the city, including modifications or refinements which may be made from time to time. Said plan may include the following elements: land use, transportation, transit, public services and facilities, housing, community development, and additional subjects relating to the physical development of the city.
8. "County" means the county of Cowlitz, state of Washington.
9. "Date of filing" means the date that a complete and accurate application for preliminary plat, short plat, large lot plat or final plat approval is filed with the city.

10. "Declaration of short subdivision" means a document signed by all persons having any real interest in the land being subdivided and acknowledged before a notary that they signed the same as their free act and deed, and containing, as a minimum, the following elements:

- i. A legal description of the tract being divided;
- ii. An illustrative map;
- iii. Any restrictive covenants;
- iv. A title report or plat certificate;
- v. Any special conditions of short subdivision approval (e.g., frontage improvements requirements).

11. "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 of a final plat, short plat or binding site plan showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat or plan for filing by the appropriate governmental unit.

12. "Department" The City of Kelso Community Development Department.

13. "Development" means the development of land as proposed and/or described in any application for development permit approval submitted to the city.

14. "Development permit" means any land use permit which must be approved by the city prior to the development of land. Development permits shall include preliminary plats, short plats, binding site plans, large lot subdivisions and final plats.

15. "Director" means the Director of the City of Kelso Community Planning and Development Department, and the Director's designees.

16. "Easement" means a right granted by a property owner to specifically named parties or to the general public for the use of certain areas or strips of land for particular purposes. Where appropriate to the context, easement may also refer to the land covered by the rights granted. This may include pedestrian paths, bicycle paths, utility easements, drainage, open space, etc.

17. "Final Approval" means the final official action taken by the City Council, Hearing Examiner, or planner on the proposed subdivision, short subdivision, binding site plan, or dedication, or portion thereof.

18. "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 RCW Chapter 58.17 and in this title adopted pursuant thereto.

19. "Floodplain or Flood Hazard Area" means the inundation of an area of land that is not usually under water. For the purposes of this code the Floodplain and Flood Hazard Area are the areas identified as Floodplain and Flood Hazard Area on the adopted FEMA FIRM Maps.
20. "Hearing examiner" means the land use Hearing Examiner for the city.
21. "Improvements" means and includes, but is not limited to, streets and roads complying with the development standards and specifications adopted by the city; public utility and pedestrian facilities; street lights; landscape features; bridge structures; storm drainage facilities; and traffic control devices as are required to be installed as a part of subdivision, short subdivision, large lot subdivision or binding site plan approval.
22. "Lot" means a fractional part of subdivided or site planned land having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.
23. "Mean sea level datum" means the published mean sea level datum established by the U. S. Coast and Geodetic Survey (now National Geodetic Survey) and the benchmarks referenced to this datum established by the city Engineering Department.
24. "Kelso coordinate system" means the horizontal ground scale coordinate system referenced to the Washington Coordinate System as established by the city Engineering Department. The City of Kelso has uses the NAD1983 for all GIS application coordinates.
25. "Person" means every person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.
26. "Planned residential development" means a unified development approved in accordance with Title 17 of this code.
27. "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 or dedications.
28. "Preliminary Approval" means the official action taken on a proposed division of land when provision of improvements or fulfillment of conditions are to occur prior to final approval.
29. "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 chapter. The preliminary plat shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

30. "Short plat" means the map or representation of a short subdivision containing all of the pertinent information as required by this title.
31. "Short subdivision" means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of transfer of ownership, sale or lease.
32. "Subdivider" means a person who undertakes the subdividing of land.
33. "Subdivision" means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions, which are less than five acres in area, whether immediate or future, for the purpose of sale, lease or transfer of ownership. This definition applies whether or not there is a dedication involved.
34. "Utilities easements" means rights-of-way which may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone and television cable for the construction, operation, maintenance, alteration and repair of their respective facilities.
35. "Variance" means an authorization granting relief under the provisions of Chapter 17.34.140 of this title from the literal enforcement of this title, when special conditions exist or unusual hardship will result therefrom.

Chapter 17.34.040 PRELIMINARY PLAT

A. Conference prior to submission of application

Prior to the submission of the preliminary plat application, the subdivider or his representative may meet with the Director to discuss preliminary sketches or studies. At this time, said Director shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to eliminate as many potential problems as possible in order for the preliminary plat to be processed without delay. The conference should take place prior to detailed work by an engineer or surveyor. Discussion topics at this time would include such things as the comprehensive plan, development standards, Shore-line Master Plan, zoning, availability of sewer and water, latecomer charges, development concepts, other city requirements and permits, and the environmental impact of the plat. If the applicant owns adjacent land, the possibilities of future development should be discussed.

B. Submission of application

1. Filing of Application. The subdivider shall prepare a preliminary plat and environmental checklist, together with improvement plans and other supplementary material required to indicate his general program and objectives, and shall submit a minimum of five (5) copies of the preliminary plat, two (2) hard copy of the supplementary data, and one electronic copy of the preliminary plat and supplementary data. to the office of the Planning Department. The Planning Department shall assign the subdivision a permanent file number. The Planning Department shall inform the applicant within 28 days of the date of receipt of the application of any deficiencies found in the preliminary plat application. The Planning Department shall return the application to the plat applicant if it is deemed incomplete or inaccurate. The time set forth in RCW 36.70B for hearing plat applications shall not run until all information has been provided in a complete and accurate manner as determined by the Planning Department. Resubmittals with the necessary information making the application complete must be submitted within six months of original filing. If not, the file shall be considered void and unexpended filing fees refunded.
2. Environmental Checklist and Impact Statements. Preliminary plats submitted to the planning department may be required to be accompanied by an environmental checklist. If it is determined that an environmental impact statement is required to be completed, then the plat shall not be considered as submitted until the final environmental impact statement has been completed. No public hearing on the preliminary plat shall be held until the final environmental impact statement (if required) has been completed and been made available for the general public.
3. Responsibility for Data Accuracy. Accuracy for all data and information submitted on or with a preliminary plat shall be the responsibility of the applicant. Any proposed plat found to be inaccurate

or misleading so as to hamper the decision of the Hearing Examiner and/or the City Council shall be returned to the applicant with a letter stating that the plat must be corrected and returned to the Planning Department.

C. Format and content

1. General. Preliminary plats shall be prepared in conformance with the requirements set forth in this section.
2. Format.
 - i. Preliminary plats shall bear the seal of a registered land surveyor or registered professional engineer licensed to practice in the state.
 - ii. Preliminary plats shall be accompanied by a completed environmental checklist prepared by the applicant, or applicant's representative, when required, on forms approved by the Department.
 - iii. Preliminary plats shall be drawn on paper having maximum dimensions of 24" by 36", and at a horizontal scale between 200' to the inch and 50' to the inch. Where vertical profiles are required, the scale shall be between ten feet to the inch and two feet to the inch. Other scales or paper dimensions may be used where deemed appropriate by the Community Planning and Development and Public Works Departments.
 - iv. Preliminary plats shall be accompanied by all information required by the Table of Required Information. See KMC 17.34.150.

D. Distribution of copies

The Planning Department shall distribute copies of the preliminary plat and pertinent information to the following as appropriate:

1. Kelso Public Works Department;
2. Cowlitz County Health Department;
3. Kelso Fire Department;
4. Kelso Parks, Recreation and Cultural Services Department;
5. Appropriate school district;
6. Cowlitz PUD;
7. Cascade Natural Gas;
8. Cowlitz County Assessor;
9. Appropriate engineer and city or county officials when such plats are located within one mile of a city or county boundary;

10. Department of Transportation, when such plats are located within 300' of a state highway rights-of-way;
11. Other public officials, agencies community groups or citizens as required by law.

E. Public hearing –Setting date

The hearing shall be within one hundred six (106) calendar days from the date the application is deemed complete, or within sixty-two (62) calendar days from the issuance of the final environmental impact statement, when one is required.

F. Time limitations

Preliminary plats shall be approved, disapproved or returned to the applicant for modification or correction within one hundred twenty (120) calendar days from date the application is deemed complete, unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.031, the one hundred twenty (120) day period shall not include the time to prepare and circulate the environmental impact statement.

G. Public hearing –Notice

1. Notice of the date, time and place of the public hearing shall be given as follows:
 - i. Notice of the hearing shall be mailed by the Planning Department not less than 10 days prior to the date of hearing as follows: Notice shall be given to all of the owners of land adjacent to and within 300' of the exterior boundary of the proposed plat. If the applicant owns adjoining land, the distance of notification shall be measured from the outside of the ownership. Names and addresses for such property owners shall be as shown on the latest records of the county assessor. Failure of any person to receive the notice shall not invalidate the hearing.
 - ii. Notice of the hearing shall be published by the Planning Department at least once, not less than ten calendar days prior to the date of hearing, in a newspaper of general circulation within the city.
 - iii. Notice of the hearing shall be mailed by the Planning Department to any town, city or county whose boundaries are adjacent to or within one mile of the proposed subdivision.
 - iv. Notice of the hearing shall be mailed by the Planning Department to the State Department of Transportation on every proposed subdivision located within 300' of the rights-of-way of a state highway or within 2 miles of a state or municipal airport.
 - v. Notice of the hearing shall be posted by the Planning Department on or near the property in one conspicuous place. The notice must be viewable from a public right-of-way.
2. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

H. Public hearing –Approval procedure

Preliminary plat applications shall be processed in accordance with the provisions of this title, Chapters 17.10 and Chapter 17.30 of this code. Approval of a preliminary plat by the hearing examiner is final and conclusive.

I. Review criteria

1. Council and Examiner Inquiry into Public Use and Interest. The council, hearing examiner and Planning Department shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The council or hearing examiner shall determine if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainageways, streets, alleys, other public ways, water supplies, sanitary wastes, parks playgrounds, sites for schools and school grounds, fire protection and other public facilities, and shall consider all other relevant facts, including the physical characteristics of the site and determine whether the public interest will be served by the subdivision and dedication. If the council or hearing examiner find that the proposed plat makes appropriate provisions for the above, then it shall be approved. If the council or hearing examiner find that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the council or hearing examiner shall disapprove the proposed plat.
2. For preliminary approval, the hearing examiner shall find:
 - i. The appropriate provisions have been made for but not limited to, public health, safety and general welfare; open spaces, parks and playgrounds; school grounds; drainage ways and facilities; streets, alleys, sidewalks and other public ways; water supplies; and sanitary and solid waste disposal. Burden of proof is on the applicant.
 - ii. That the public interest is served by the subdivision and dedications to the public. Burden of proof is on the applicant.
3. The hearing examiner shall consider the physical characteristics of the proposed subdivision site and may recommend disapproval and in the case of the council disapprove the plat because of any identified or suspected natural limitations, including but not limited to slope, soil stability, flood hazard, inundation, swamp conditions, drainage conditions and location in or proximity to environmentally sensitive areas as described in Chapter 18.04. The burden of proving that disruption of areas identified or suspected of being environmentally sensitive will not endanger the public health, safety or welfare shall lie with the applicant.

4. Dedication. Dedication of land or payment of fees to any public body may be required as a condition of subdivision approval. Evidence of such dedication and/or payment shall accompany final plat approval.
5. Release from Damages from Other Property Owners. The council or hearing examiner shall not, as a condition of plat approval, require an applicant to obtain a release from damages from other property owners.
6. Flood hazard areas. The council or hearing examiner shall consider the physical characteristics of a proposed subdivision site, and may disapprove a proposed plat because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.
7. Health Department. As a condition of preliminary plat approval, the health department may require lot sizes larger than the minimum permitted by the zoning code in those instances where topography, soils, water table or other conditions make larger lot sizes necessary in order to prevent possible health hazards due to water contamination or sewage disposal system malfunction.
8. Parks. When a preliminary plat contains a portion of a trail or open space network which is indicated in the park plan element of the comprehensive plan or other officially adopted plan, an area encompassing such trail or open space network may be required to be set aside for its intended purpose by the granting of a trail or open space easement to the city, dedication or reservation for future purchase by the public. The council or hearing examiner may determine a reasonable time or specify the event, limiting the effective period of the reservation.
9. Shoreline Management. Whenever a preliminary plat is wholly or partially located within an area subject to the jurisdiction of the Shoreline Management Act of 1971 , RCW Chapter 90.58 , the applicant shall comply with the City of Kelso Shoreline Master Program, Title 17.30 of this code and RCW Chapter 90.58 .

J. Action –Notification of applicant

Upon final approval, disapproval or modification of the preliminary plat, the Planning Department shall notify the applicant and his authorized representative by mail within ten days of said action. The action of the hearing examiner or city council shall be noted on two copies of the preliminary plat, including reference to any attached documents describing conditions imposed. The Planning Department shall return one copy to the subdivider and retain one copy for the permanent file.

Chapter 17.34.050
TERM AND EFFECT OF PRELIMINARY PLAT APPROVAL

A. Duration of approval

Approval of the preliminary plat shall be effective for five years from the date of approval by the hearing examiner or City Council, during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed, except as provided for in Section [17.20.040](#).

B. Responsibility of applicant

Knowledge of the expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city shall not be held accountable for notification of expirations, although it may notify an applicant of date of expiration. All requests for an extension of time must be submitted to the Planning Department at least 30 days prior to expiration of the preliminary plat.

C. Changes, alterations or deletions

Once the preliminary plat map has been approved, it shall not be altered unless approved by both the planning and engineering departments. If the alteration is felt to be of a substantial nature by the planning and engineering departments, then the plat shall be resubmitted in accordance with the procedures for preliminary plat approval.

D. Preliminary plat withdrawal

Wherever a preliminary plat has been approved and the time period for final approval has not expired, and the applicant desires to withdraw the plat, the applicant shall submit his written request to the Planning Department. The Planning Department will review the request and advise the applicant in writing of the effect of the withdrawal of preliminary plat approval. Being advised that the applicant fully understands the effect of the preliminary plat approval withdrawal, the Planning Department shall approve the withdrawal request, making the appropriate changes in the records of the Planning Department and the City Council.

E Preliminary plat lapse

If the applicant has failed to record the final plat within five years from the date of preliminary plat approval, the preliminary plat approval shall lapse.

Chapter 17.36.060 FINAL PLAT

A. Submission of application

The subdivider shall submit four (4) dark line prints to the department.

B. Format and content of application

1. Survey of Subdivision and Preparation of Plat. The survey of the proposed subdivision and preparation of the plat shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed.
2. Drafting Standards. All final plats shall be drawn in accordance with the following:
 - i. The final plat shall be clearly and legibly drawn in permanent black ink upon a stable base polyester film.
 - ii. The scale of the plat shall be not less than 1" = 200'. Lettering shall be at least 3/32 of an inch high. The perimeter of the plat or subdivision being recorded shall be depicted with heavier lines wider than the remaining portion of the plat or subdivision.
 - iii. The size of each sheet shall be 18" by 24".
 - iv. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of three inches on the left, and one-half inch on each side of the other three sides.
 - v. If more than two sheets are used, an index of the entire subdivision showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.
 - vi. The plat title, date, scale and north arrow shall be shown on each appropriate sheet of the final plat.
 - vii. All signatures placed on the final plat shall be original signatures written in permanent black India ink.
3. Street Monuments. The surveyor preparing the plat shall submit a street monumentation plat to the Engineering Department for approval prior to setting any permanent street monuments. The Engineering Department shall determine the number and location of permanent control monuments in streets within and leading into the plat, if any. All street monuments shall conform to the standard specifications of the American Public Works Association or as amended by city standard plans.
4. Content.
 - i. The following information is required on the final plat map:
 - a. The date, scale, north arrow, legend, controlling topography and existing features such as highways and railroads;

- b. Legal description of the plat boundaries;
- c. Reference points and lines of existing surveys identified, related to the plat as follows:
 - 1. Adjoining corners of adjoining subdivisions,
 - 2. City or county boundary lines when crossing or adjacent to the subdivision,
 - 3. Section and donation land claim lines within and adjacent to the plat,
 - 4. Whenever the county or a city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset,
 - 5. All other monuments found or established in making the survey of this subdivision or required to be installed by provisions of this title,
 - 6. The basis of bearing shall be shown and shall be the Kelso coordinate system;
- d. The exact location and width of streets and easements intersecting the boundary of the tract;
- e. Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest 0.01 foot;
- f. The width of the portion of streets being dedicated, the width of any existing rights-of-way and the width of each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;
- g. Easements denoted by fine dashed lines or described by narrative, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;
- h. Lot numbers beginning with number "1" and numbered consecutively without omission or duplication throughout the plat. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering of the original subdivision;
- i. Accurate outlines and designations of any areas to be dedicated or reserved for public use or to be committed for the common use of all property owners with the purpose of dedication, reservation and commitment to be clearly set forth on the plat document together with accurate references to appropriate recorded documents;
- j. All required dedications, endorsements, covenants, affidavits and certificates shall show on the face of the final plat;

- k. The final plat shall show the subdivision of the section or sections involved and show the township(s) and range(s); provided, that if the land being platted is not described by section subdivision, the final plat map shall show a vicinity map showing monuments and land corners sufficient to properly orient the new subdivision;
 - l. Specific wording as may be required by the preliminary plat approval;
 - m. A plat or subdivision contiguous to, or representing a portion of or all of the frontage of a body of water, river or stream shall indicate the location of monuments, which shall be located at such distance above high-water mark as to reasonably insure against damage and destruction by flooding or erosion;
 - n. Lots containing one acre or more shall show net acreage to nearest hundredth, whenever possible;
 - o. Designation of lots to be used for other than single-family residential purposes;
 - p. If the plat constitutes a replat of all or portions of an existing subdivision, this shall be clearly indicated just below the subdivision name. All original plat lines shall be shown in half-tone around the perimeter of the new plat.
 - q. A summary of the terms and conditions, including building permit restrictions, of any agreement and security to construct improvements in the future on the plat.
- ii. Acknowledgments and Certificates. Acknowledgments and certificates required by this title shall be in language substantially indicated in the following subsections:
- a. Dedications. The intention of the owner shall be evidenced by his presentation for filing of a final plat clearly showing the dedication thereof and bearing the following certificate signed by all real parties of interest:

"Know all men by these presents that _____, the undersigned owner, in fee simple of the land hereby platted, _____, and _____, the mortgagee thereof, hereby declare this plat and dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the plat and the use for public purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc. shown on this plat in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said roads.

IN WITNESS WHEREOF we set our hands and seals this _____ day of _____, [year].

In the event that a waiver of right of direct access is included, then the certificate shall contain substantially the following additional language:

"Access to _____ street from lots numbered _____ is hereby waived, and dedication to the public shall in no way be construed to permit a right of direct access to _____ street from lots numbered _____

_____, nor shall the City of Kelso or any other local governmental agency within which the property is or may become located ever be required to grant a permit to build or construct an access of approach to said street from said lots."

b. Acknowledgment.

STATE OF _____)
WASHINGTON

) ss.

COUNTY OF _____)
COWLITZ

This is to certify that on this ____ day of _____, [year], before me, the undersigned, a notary public, personally appeared to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that _____ signed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above-written.

(Seal)

NOTARY PUBLIC in and for the
State of Washington, residing at

- c. Restrictions. The following restrictions shall show on the face of the final plat:
 1. The following shall be required when the plat contains a private street: "The cost of construction and maintaining all streets not herein dedicated as public streets shall be the obligation of all of the owners and the obligation to maintain shall be concurrently the obligation of any corporation in which title of the streets may be held."
 2. "All landscaped areas in public rights-of-way shall be maintained by the owner and his successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to City road purposes."
 3. The following shall be required when the plat contains commonly owned tracts: "Community tracts shall be owned and maintained in common for the benefit of all lot owners. All lots have an undivided interest in the ownership and maintenance of community areas. The ownership interest in each community tract shall be stated in the deed to each lot"
 4. The following shall be required when the installation of required improvements has not been completed prior to recording: "Pursuant to City Ordinance, the City of Kelso may deny the issuance of building or occupancy

permits for any structure within this plat until street, sidewalk, or other required plat improvements have been installed."

5. Any additional conditions as approved by the council or hearing examiner.

d. Certificate From Land Surveyor. The completed plat must show a certificate from the land surveyor who platted the property, in substantially the following form:

"I hereby certify that the Plat of _____ is based upon an actual survey and subdivision of a portion of Section _____, Township _____, Range _____, W.M.; that the distances and courses shown thereon are correct; that the monuments have been set and lot and block corners staked on the ground."

e. Certificates of City Officers. The plat shall also show the following certificates:

1. Certificate--City Engineer.

"Examined and approved this _____ day of _____ [year].

Kelso City Engineer"

2. Certificate-Treasurer.

"I hereby certify that all taxes on the land described hereon have been fully paid to and including the year _____.

Cowlitz County Treasurer"

3. Certificate--Planning Director.

"Examined and approved this _____ day of _____ [year].

Planning Director"

4. Certificate--City Council.

"Examined and approved this _____ day of _____ [year].

Mayor, City of Kelso"

ATTEST:

City Clerk"

5. Certificate--County Auditor.

"Filed for record at the request of _____ this _____ day of _____, [year], at _____ minutes past _____ m., and recorded in Volume _____ of Plats, on page _____, records of Cowlitz County, Washington.

Cowlitz County Auditor

Deputy Auditor"

- iii. Supplemental information as required by the Application Content Lists must be submitted with the final plat map. See KMC 17.34.150.

C. Distribution of copies

The Planning Department shall forward a dark line print to the Engineering Department, county assessor, county health department, county treasurer, fire department, and/or any other agency responsible for the provision of services or insuring compliance with conditions of preliminary plat approval. Said agencies shall examine the plat for compliance with the provisions of this title.

D. Time to act

Final plats shall be approved, disapproved or returned to the applicant within 30 days from the date of filing unless the applicant consents to an extension of such time period.

E. Review criteria

A. The Engineering Department shall examine the map as to sufficiency of affidavits and acknowledgments, correctness of surveying data, mathematical data and computations, and such other matters as require checking to insure compliance with the provisions of state laws pertaining to subdivisions, with this title and with the conditions of approval. Traverse sheets (computation of coordinates) and work sheets showing the closure of the exterior boundaries and of each irregular lot and block and the calculation of each lot size shall be furnished. If the final plat is found to be in correct form and the matters shown thereof are sufficient, the Engineering Department shall certify the plat and return to the Planning Department.

B. In addition to a statement of approval from the Engineering Department, the following approvals must be submitted in writing to the Planning Department prior to its certification of the final plat:

- i. Health Approval. If applicable, the county health department shall indicate compliance with the health requirements of the preliminary plat and shall indicate the adequacy of the method of sewage disposal. Approval by the Health Department of the final plat shall not vary or negate any requirements for obtaining septic tank and drainfield permits for any lots therein;
- ii. Fire department's approval;
- iii. Other approvals as may be required in the conditions of preliminary plat approval.

D. If each department determines that the final plat conforms fully with all applicable regulations and standards, they shall then affix their signatures to the final plat.

E. Upon confirmation of compliance with the conditions of approval, and subsequent to affixing its signature to the final plat, the Planning Department will schedule final consideration of the plat map before the council.

F. council action

After being approved as required in Section 17.34.060, the final plat shall be presented to the city council. After finding that the final plat has been completed in accordance with the provisions of this title, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the city council shall sign the final plat accepting such dedications and easements as may be included thereon, and the final plat shall be returned to the applicant for filing for record with the county auditor.

G. Filing for record –Copies

The original of said final plat shall be filed for record with the county auditor. One reproducible copy of the recorded plat map shall be returned to the Planning Department. All required paper copies shall bear the auditor's recording date.

H. Filing for record –Time limit

Approval of the final plat shall be null and void if the plat is not recorded within 5 days after the date the last required signature has been obtained.

Chapter 17.34.070 REPLAT

A. Generally

A replat of a recorded plat shall proceed as specified by this title for the approval of a preliminary plat except as modified by this chapter.

B. Multiple ownership

Where the lots within a recorded plat are held in more than one ownership, the application for replat shall not be accepted by the city for processing unless accompanied by the signatures of all property owners within the plat whose lot boundaries would be altered or affected by the replat. A title report or plat certificate, showing the names of all persons with a real or possessory interest in the plat whose lot boundaries would be affected by the replat and any restrictions encumbering the land, shall be submitted with the application for replat.

C. Alteration of installed improvements

Whenever a replat will involve the relocation, removal or reconstruction of existing plat improvements or open space, the whole of the land embraced in the plat(s) proposed to be replatted shall constitute an assessment district for the purposes of financing said relocation, removal or reconstruction. Assessment rates and requirements shall be established by the council at the time of replat approval.

D. Recording

Any replat shall be filed and recorded with the county auditor and shall thereafter be the lawful plat and substitute for all former plats; provided, that, should a plat be vacated and not otherwise altered or replatted, it shall only be necessary to file with the county auditor the order, resolution or ordinance vacating the same, and the auditor shall thereupon note upon the original plat the part thereof so vacated.

E. Power of council not effected

Nothing in this chapter shall in any way change, limit or affect the power now vested in the council to vacate streets and parts of streets.

Chapter 17.34.080 BOUNDARY LINE ADJUSTMENTS

A. Applicability

Every boundary line adjustment, whether lot consolidation or lot line move shall comply with this chapter and with applicable state law. No boundary line adjustment within the limits of the City of Kelso shall be approved or recorded that does not comply with the criteria below; provided that approval may be granted if existing nonconforming aspects of the site are either not changed or are made more conforming.

B. Submission of application

Boundary line adjustment applications shall be submitted to the Department on forms provided by the Department and include the applicable fees and all required information set forth in the Table of Required Information. See KMC 17.34.150.

C. Review criteria

The Department shall consider and review the proposed boundary line adjustment, and approve the boundary line adjustment, and certify that the proposed boundary line adjustment conforms to the requirements of this subsection, and affix its signature to the adjustment prior to recording, if and only if:

1. No additional lots, tracts, parcels, building sites or land divisions are created,;
2. All resulting parcels contain sufficient area and dimensions to meet all applicable requirements for a building site, zoning code, and building and fire separation standards;
3. All resulting parcels comply with any restrictive covenants contained on the face of the final plat, short plat, or large lot plat, if any; and all resulting lots do not violate previous conditions of preliminary plat, short plat, or large lot approval;
4. Each resulting parcel has legal access;
5. The map includes acknowledged signatures of all parties having an interest in lots the lines of which are being adjusted;
6. Legal descriptions of each of the resulting parcels conform to applicable standards; together with the signature of a title company representative or licensed land surveyor which attests to the accuracy of the legal description or survey describing the adjusted lot lines; and
7. The boundary line adjustment is not intended solely to evade public improvements requirements that would be associated with a replat or other new land division approval.

D. Final approval and recording

Approval of the boundary line adjustment shall not be final until:

1. There is compliance with the requirements above;
 2. The county treasurer has certified that all taxes on the land have been fully paid and discharged;
- and

3. A final map including any record of survey has been approved by the Department and filed for record with Cowlitz County Auditor.

17.30.050 Prohibition against other subdivisions

No boundary line adjustment, except to resolve discrepancies between deed boundaries and use boundaries, or subdivision by short plat, large lot subdivision or binding site plan shall be approved which includes any land contained within an approved preliminary plat during the period in which such preliminary plat is valid.

Chapter 17.34.090 SHORT PLAT

A. Applicability

Every division of land into nine or fewer lots, any one of which is less than 1/128 of a section or five acres for the purpose of sale, lease or transfer of ownership shall proceed in compliance with this chapter and Chapters 17.34.010 through 17.34.030 and 17.34.110 through 17.34.140 of this title.

B. Redivisions

A. Within a Short Subdivision. Land within a short subdivision, the short plat of which has been approved within five years immediately preceding, may not be further divided in any manner, until a final plat thereof has been approved and filed for record pursuant to city regulations concerning the subdivision of property into ten or more lots, tracts or parcels.

Where there have been no sales of any lots in a short subdivision, nothing contained in this section shall prohibit a subdivider from completely withdrawing his entire short plat and thereafter presenting a new application.

B. Within a Recorded Plat. Unless otherwise restricted by resolution or city ordinance, lots recorded pursuant to Chapter 17.34.060 may be further divided pursuant to the requirements of this Chapter.

C. Defining of land in short subdivisions

Where a subdivider owns a minimum of 80 acres or 1/8 of a section, he need not include the entirety of his ownership in his short subdivision; provided, that any excluded parcel(s) shall be a minimum of 40 acres or 1/16 of a section in area; and provided further, that any excluded parcel(s) shall have legal access which has been approved by the approving authority.

D. Conference prior to submission of application

Prior to the submission of the short plat application, the subdivider or his representative may meet with the Director to discuss preliminary sketches or studies. At this time said Director shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to be processed without delay. The conference should take place prior to detailed work by an engineer or surveyor. Discussion topics at this time would include such things as the comprehensive plan, development standards, Shoreline Master Plan, zoning, availability of sewer and water, latecomer charges, development concepts, other requirements and permits, and the environmental impact of the plat. If the applicant owns adjacent land, the possibilities of future development should be discussed.

E. Submission of application

Short plat applications shall be submitted to the Department on forms provided by the Department and include all required information.

F. Responsibility for data accuracy

Accuracy for all data and information submitted on or with a short plat shall be the responsibility of the applicant.

G. Identification markers

The subdivider shall, for identification purposes only, cause markers of a type approved by the city to be placed upon each of the approximate road frontage corners of the subject property and maintain them thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks of the proposed short subdivision. Where other data or where identification markers are found necessary by any relevant agency to assist it in making its determination, such data and markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies.

H. Time limitation for department action

Short plats shall be approved, disapproved or returned to the applicant for modification or correction within one hundred and twenty (120) calendar days from the date of determination of a complete application, unless the applicant gives a written consent to the extension of such time period.

I. Format and content of preliminary application and map

Application. The application shall be on a form provided by the Department and shall contain all information required by the Table of Required Information. See KMC 17.34.150.

J. Distribution of copies

1. The Planning Department shall distribute copies of the preliminary short plat application to the following as applicable:
 - i. Cowlitz County Health Department;
 - ii. Kelso Engineering;
 - iii. Cowlitz 2 Fire Department;
 - iv. Cowlitz County Assessor;
 - v. Kelso School district;
 - vi. Cowlitz PUD;
 - vii. Cascade Natural Gas;

- viii. Any other federal, state or local agencies, and community groups, as may be relevant;
2. The Planning Department shall then set a date for return of findings and recommendations from each reviewing party. If the findings and recommendations are not so returned, then the Planning Department may make such findings as it deems just.

K. Review criteria

The Planning Department shall consider and review the proposed short subdivision with regard to:

1. Its conformance to the requirements of the city's zoning code, general purposes of the comprehensive plan, and planning standards and specifications as adopted by the laws of the state and the city;
2. Whether appropriate provisions are made in the short subdivision for drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes;
3. The physical characteristics of the short subdivision site and may disapprove because of flood, inundation or swamp conditions. It may require construction of protective improvements as a condition of approval;
4. All other relevant facts to determine whether the public use and interest will be served by the short subdivision.

L. Approval procedures

1. The Community Development Department may:
 - i. Approve the preliminary short subdivision with or without conditions;
 - ii. Return the preliminary short plat to the applicant for correction or for applicant's construction of improvements in a manner consistent with the department findings;
 - iii. Disapprove the short subdivision and the short plat thereof;
 - iv. Submit the preliminary short subdivision application to the hearing examiner for the examiner's consideration together with the Planning Department's recommendation. The examiner shall hear the application in accordance with the procedures of Chapter 17.10 of this code, and with such notice as is required for hearings on preliminary plat applications.
2. Hearing Examiner Review, If Aggrieved. Any person aggrieved by the decision of the Planning Department may appeal that decision to the hearing examiner. Such appeal must be made in writing, within fourteen (14) calendar days from the date the Planning Department's written decision was made. Such appeals shall be filed with the Planning Department in writing and shall contain a brief description of why error is assigned to the department's determination and shall be accompanied by a

filing fee. The appeal shall be heard pursuant to Chapter 18.75 of this code, and notice shall be required as is provided for hearings on preliminary plat applications.

3. Conditional Approvals. When the preliminary short subdivision approval is contingent upon meeting of conditions, construction of improvements or corrections, or time is necessary for obtaining of required certifications, then the approval action shall be conditional approval which shall, at the option of the approving body, be conditioned upon fulfillment within one year from the date of the action. When the approval is conditioned upon fulfillment within one year, then upon application within the time period and upon good cause shown, the approving body may grant one additional one-year time period.

M. Final approval and recording

1. Final approval of the short plat shall not be given until:
 - i. A final short plat map has been filed with the Planning Department;
 - ii. There is compliance with the requirements of the Engineering Department as evidenced by the signatures of said departments on the plat map;
 - iii. The county treasurer has certified, on the plat map, that all taxes on the land have been fully paid and discharged;
 - iv. The Planning Department has examined the short subdivision, found compliance with all conditions of approval and certified the plat map;
 - v. The construction of all required improvements has been completed or secured in accordance with Chapter 17.34.120 of this title.

2. The action approving a short plat shall become effective when the plat is recorded with the county auditor. The final short plat, upon recording, shall be processed in accordance with procedures established regarding plats.

N. Format and content of final application and map

1. The subdivider shall submit four (4) dark line prints to the Department.

2. The survey of the proposed short subdivision and preparation of the final map shall be made by or under the supervision of a registered land surveyor who shall certify on the map that it is a true and correct representation of the lands actually surveyed.

3. The map shall be prepared on a sheet of reproducible material having dimensions of 18" by 24" and at a horizontal scale between 200' to the inch and 50' to the inch. The following shall be shown on the final short plat map:
 - i. Title block, preferably located in the lower right-hand corner, to contain:
 - a. Section, township and range,
 - b. Date of preparation, datum, scale and north arrow,

- c. Legal descriptions of the original tract,
 - d. Basis of bearing, which shall be the Kelso coordinate system;
- ii. Vicinity sketch clearly identifying the location of the property;
- iii. Plat representation, to contain:
 - a. The boundary lines of the property to be divided;
 - b. The development status of contiguous land, including the name of any adjacent plats and rights-of-way,
 - c. The layout, dimensions and number of each lot in the short subdivision with bearings or deflection angles, radii, arcs, points of curvature and tangent bearings,
 - d. The names, locations and widths of all existing streets, rights-of-way, easements, other public ways, watercourses and major transmission facilities rights-of-way within and adjacent to the proposed development,
 - e. The locations and dimensions of all parcels of land intended to be dedicated or reserved for public use, or to be reserved in the deeds for the common use of the property owners if the subdivision with the purpose, conditions or limitations of such dedications or reservations clearly indicated,
 - f. The locations of all existing structures within the short subdivision,
 - g. Existing monuments or other such identifying markers,
 - h. Lot numbers beginning with the number "1" and numbered consecutively without omission or duplication throughout the short plat. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure;
- iv. Acknowledgments and certificates, preferably located along the bottom of the map, as follows:
 - a. Restrictions. The following restrictions shall show on the face of the short plat map:
 - 1. The following shall be required when the short plat contains a private street: "The cost of construction and maintaining all streets not herein dedicated as public streets shall be the obligation of all of the owners, and the obligation to maintain shall be concurrently the obligation of any corporation in which title of the streets may be held."
 - 2. "All landscaped areas in public rights-of-way shall be maintained by the owner and his successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to City street purposes."
 - 3. The following shall be required when the short plat contains commonly owned tracts: "Community tracts shall be owned and maintained in common for the benefit of all lot owners. All lots have an undivided interest in the ownership and maintenance of community areas. The ownership interest in each community tract shall be stated in the deed to each lot."
 - 4. The following shall be required when the installation of required improvements has not been completed prior to recording: "Pursuant to City

Ordinance, the City of Kelso may deny the issuance of building or occupancy permits for any structure within this short plat until street, sidewalk, or other required plat improvements have been installed."

5. Any additional conditions as approved by the Department.

b. Certificate From Land Surveyor. The completed short plat shall show a certificate from the land surveyor who platted the property, in substantially the following form: "I hereby certify that this short plat map is based upon an actual survey and subdivision of a portion of Section _____, Township _____, Range _____, W.M.; that the distances and courses shown thereon are correct; that the monuments have been set and lot and block corners staked on the ground."

c. Certificates of City Officers. The short plat shall also show the following certificates:

1. Certificate--City Engineer.

"Examined and approved this _____ day of _____ [year].

Kelso City Engineer"

2. Certificate--Treasurer.

"I hereby certify that all taxes on the land described hereon have been fully paid to and including the year _____.

Cowlitz County Treasurer"

3. Certificate--Planning Director.

"Examined and approved this _____ day of _____ [year].

Planning Director"

4. Certificate--County Auditor.

"Filed for record at the request of _____ this _____ day of _____, [year], at _____ minutes past _____ o'clock _____ m. and recorded in Volume _____ of Plats, on page _____, records of Cowlitz County, Washington.

Cowlitz County Auditor"

Deputy Auditor"

d. Certificate of Owner(s).

The short plat map shall show a certificate from the persons having any interest in the short subdivision in substantially the following form: "I, _____, owner in fee simple, acknowledge that the creation of this short subdivision is of my free will and consent."

4. Supporting Documents. The following documentation shall accompany each application for final approval of a short plat: A current title report or plat certificate confirming that the title of the lands as described and shown in the plat is in the name of the owners signing the declaration of short subdivision and showing restrictions encumbering the land.

5. Street Monuments. The surveyor preparing the plat shall submit a street monumentation plan to the Public Works Department for approval prior to setting any permanent street monuments. The Public Works Department shall determine the number and location of permanent control monument in streets within and leading into the short plat, if any. All street monuments shall conform to the standard specifications of the American Public Works Association or as amended by city standard plans.

O. Zoning effect of final approval

Any lots in a short subdivision use notwithstanding any change in zoning laws for a period of five years from the date of recording.

Chapter 17.34.100 BINDING SITE PLANS

A. Applicability

Property that is intended for mobile home park use or is zoned for commercial or industrial use may be divided through a binding site plan process pursuant to RCW 58.17.035 . A binding site plan is an alternative to a subdivision procedure and may be processed in conjunction with a development proposal. All applications for binding site plans shall be subject to the provisions of this Chapter.

B. Conformance with zoning

The aggregate of lots within a binding site plan are considered to be one site which is subject to all use and dimensional standards of the zone in which it is located. Individual lots must be consistent with use requirements of the zone but are not required to conform with dimensional requirements such as building setbacks from property lines. Proposed structure locations must be consistent with all applicable building and fire codes.

A binding site plan application shall be considered under zoning and other land use controls in effect at the time that a complete binding site plan application is filed. Any vacant or redeveloped lot within an approved binding site plan shall comply with the standards in place at the time the development application is made.

C. Format of binding site plan applications

Format. Preliminary binding site plans shall:

1. indicate in large print the title "Binding Site Plan" and the name of the proposed development.
2. be drawn on paper having dimensions of 18" by 24" at a horizontal scale between 1" = 20' and 1" = 100' that is represented graphically;
3. include a north arrow and indicate a plan preparation date;
4. contain a legal description;
5. bear the seal of a registered land surveyor or registered professional engineer licensed to practice in the state.

D. Contents of preliminary application

A preliminary binding site plan application shall consist of a form accompanied by a fee, four (4) dark line prints of the plan, one electronic copy of the plan and supporting documentation and such other documents as may be required to process the request. All supplemental documents must be submitted with two (2) hard copies and one electronic copy. The plan shall be consistent with KMC 17.34.150 and contain the following information:

1. location and dimensions of existing and proposed site ingress and egress;
2. layout and dimensions of internal vehicular and pedestrian circulation system;
3. location, area and dimensions of proposed lots;
4. layout and dimensions of emergency access to each lot;
5. proposed land uses for each lot;
6. impervious and pervious coverage for each lot and the site;
7. location and dimensions of existing and proposed buildings or proposed building envelopes and the distances from property lines;
8. location and dimensions of existing (to remain) and proposed landscape areas;
9. location and dimensions of existing and proposed stormwater drainage and retention areas;
10. location and dimensions of existing (to remain) and proposed parking areas;
11. location of existing and proposed utilities,
12. an environmental checklist, if subject to SEPA; and
13. supporting documentation or technical reports.

E. Distribution of copies

1. Copies of the preliminary binding site plan application shall be distributed as applicable to:
 - i. Cowlitz County Health Department;
 - ii. Kelso Engineering Department;
 - iii. Cowlitz 2 Fire Department;
 - iv. Cowlitz County Assessor;
 - v. Kelso school district;
 - vi. Appropriate power company(s);
 - vii. Any other federal, state or local agencies, and community groups, as may be relevant;and
 - viii. All of the property owners adjacent to and within three hundred feet of the exterior boundary of the subject property.
2. The Community Planning and Development (Department) shall set a date for return of recommendations from each reviewing party. If recommendations are not returned by that date, then the Department may make findings as it deems just.

F. Review criteria

Review Criteria. A binding site plan application may be approved if the following review criteria have been satisfied.

1. The binding site plan conforms with requirements of all city and state ordinances, codes, standards and policies including those found in: the zoning ordinance, the building code, the fire code, public works standards, the state environmental policy act, and the comprehensive plan.

2. Appropriate provisions have been made for streets, utilities, drainage ways, water supplies and sanitary wastes.
3. The physical characteristics of the site are not subject to flooding, inundation or swamp conditions.
4. The public use and interest will be served by the plan.

G. Approval procedures

- A. Review and Approval. The binding site plan application shall be reviewed by the Director. The Director may take the following actions on the application: approve, approve with conditions, deny, or return it to the applicant for correction.
- B. Conditional Approvals. When the preliminary binding site plan approval is contingent upon conditions, then the conditions shall be completed and a final plan filed within two years from the date of the conditional approval.

H. Contents of final application

A final binding site plan application shall consist of a form accompanied by a fee and four (4) dark line prints of the plan. The plan shall be consistent with KMC 17.34.090 and include all required information consistent with the preliminary plan and:

1. a current title report covering all properties within the boundaries of the site;
2. recordable easements for all necessary and planned utilities;
3. recordable easements for all shared ingress, egress, roadway and emergency accesses;
4. recordable easements or covenants for use of shared open space, parking, stormwater facilities;
5. recordable easements or covenants for maintenance and restrictions on redevelopment of shared areas;
6. approximate building locations, and a phasing plan and time schedule if the site is intended to be developed in phases; and
7. the following notes on the face of the plan:

"The use and development of the property must be in accordance with the plan as represented herein or as hereafter amended, and in accordance with the provisions of the binding site plan regulations of the city."

"If the roads and utilities shown on this plan were not constructed and/or installed at the time that the property subject to this plan was divided, any permit required to develop any portion of the property will not be issued until the roads and utilities necessary to serve that portion of this property have been constructed and installed or until arrangements acceptable to the City of Kelso have been made to ensure that the construction and installation of such roads and utilities will be accomplished."

I. Final approval and recording

1. Final approval of the binding site plan shall not be given until:
 - i. a final binding site plan map has been filed with the Department;
 - ii. there is compliance with the requirements of the county health department and city engineer as evidenced by their signatures on the face of the binding site plan;
 - iii. the county treasurer has certified on the binding site plan that all taxes on the land have been fully paid and discharged;
 - iv. the Department has certified that the binding site plan complies with all requirements of this Chapter and conditions of approval; and
 - v. the construction of all required improvements have been completed or secured in accordance with KMC 17.34.120.

2. The applicant shall file the approved binding site plan and any accompanying documents with the county auditor for recording and return to the Department one 11"x17" and two 18"x24" copies of the recorded binding site plan, and two copies each of any accompanying documents.

J. Redivisions

Unless otherwise restricted by resolution or city ordinance, recorded binding site plans may be further divided pursuant to the requirements of this Chapter.

Chapter 17.34.110 DEDICATIONS

A. Dedications indicated on plat

All dedications of land shall be clearly and precisely indicated on the face of the plat, short plat, or large lot plat map.

B. Access to lots

Convenient access to every lot shall be provided by a street approved in accordance with the city development standards.

C. Dedication for public use

All streets, highways and parcels of land shown on the final plat, short plat, or large lot plat map and intended for any public use shall be offered for dedication for public use, except where the provisions of the city's development standards provide for private streets.

D. Easements

Easements being dedicated shall be so indicated in the certificate of dedication and on the face of the plat.

E. Certificate

Every subdivision or short subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat, short plat or large lot plat, including a statement that the division has been made with the free consent and in accordance with the desires of the owner or owners. If the division is subject to a dedication, the certificate or separate written instrument shall also contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies or to any corporation, public or private, as shown on the plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the street. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands divided and recorded as part of the final plat, short plat or large lot plat.

F. Title report

Every division containing a dedication for record must be accompanied by a title report confirming that the title of the lands as described and shown on the plat or short plat is in the name of the owners signing the certificate.

G. Access waiver

An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required as a condition of approval. Streets not dedicated to the public must be clearly marked on the face of the plat. Any dedications, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quit claim deed to the donee or donees, grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

H. Exemption –Conveyance to corporation

If the Planning Department, hearing examiner or council concludes that the public interest will be served thereby, they may, in lieu of requiring the dedication of land in a subdivision for protective improvements, drainageways, streets, alleys, sidewalks, parks, playgrounds, recreational, community or other general purposes, allow the land to be conveyed to a homeowner's association or similar nonprofit corporation.

I. Exemption –Corporate membership and responsibilities –Conditions

A subdivider who wishes to make a conveyance to a homeowners' association or similar nonprofit corporation shall, at or prior to the time of filing a final plat, short plat, or large lot plat for approval, supply the city with copies of the grantee organization's articles of incorporation and bylaws, and with evidence of the conveyance of a binding commitment to convey. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership of land in the subdivision; that the corporation is empowered to assess the land for costs owned by the corporation, and that such assessments shall be a lien upon the land. The Planning Department, hearing examiner or council may impose such other conditions as deemed appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

Chapter 17.34.120 IMPROVEMENTS

A. Construction plans

Construction plans for the improvements depicted on the approved plat map shall have been approved by the Engineering Department prior to the commencement of construction.

B. Improvements –Agreement to Perform in Future - Financial Guarantee

1. Before requesting final approval of any division of land pursuant to this title, the developer shall install required improvements and repair any existing streets and other public facilities damaged in the development of a subdivision. In lieu of the completion of the actual construction of any required minor improvements or minor repairs to existing improvements, the developer may enter into a developer's agreement consistent with Chapter 17.40 for the installation of minor improvements or minor repairs to existing improvements. Minor improvements shall include, but not be limited to, landscaping, tree planting, and street lights. Prior to and as a condition of entering into such an agreement, the Director of Public Works, or the Director's designee shall determine whether the delay in construction of such minor repairs or minor improvements shall constitute a hazard to public health and safety. The agreement shall provide that if the work is not completed within one year, plus any approved extension of time not to exceed six months, the city may complete the work and recover the full cost and expense thereof from the developer. In no event shall completion of such work exceed one and one-half years from the execution of such agreement. The agreement shall also contain an indemnification supported by liability insurance in an amount determined by the city's risk manager to be sufficient to cover foreseeable liability for the city and its agents. In addition, the agreement must contain a provision whereby the developer will be responsible for the successful growth and/or operation of, and all repairs to, the improvements for a two-year period following their installation. Costs and reasonable attorneys fees for the city shall be provided for in the agreement in the event of default. The developer shall also execute and deliver to the City Engineer, or the City Engineer's designee, an easement, in a form acceptable to the city attorney, allowing the city's agents to enter upon the subject property to perform the necessary improvement in the event of default.

2. The developer shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

- i. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the City Attorney;
- ii. Cash;
- iii. Letter of credit approved by the City Attorney from a financial institution stating that the money is held for the purpose of development of the stated project;
- iv. Assigned savings pursuant to an agreement approved by the City Attorney; or
- v. Lien agreement approved by the City Attorney.

The agreement and financial assurance shall be filed with the City Engineer or the City Engineer's designee.

3. Such assurance of full and faithful performance shall be for 125% of a sum determined by the City Engineer, or the City Engineer's designee, as sufficient to cover the cost of the improvements and repairs, including related engineering, incidental expenses, inflation and contingencies.

4. If the developer fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the developer's financial security for reimbursement. If the amount of the developer's financial security exceeds the cost and expense incurred by the city, the remainder shall be released. If the amount of the developer's financial security is less than the cost and expense incurred by the city, the developer shall be liable to the city for the difference in addition to all costs, including reasonable attorneys fees, of recovery of such amount, including, but not limited to, reasonable attorneys fees.

C. As-built plans –Submittal

After completion of all required improvements and prior to final acceptance of said improvements, the subdivider shall submit:

1. To the Department, paper copies of as-built drawings reflecting any change to previously approved construction drawings. No changes in improvements may be made without prior approval of the Department;
2. To the Fire Department, two copies of the plat and drawings showing the actual location of all mains, hydrants, valves and other fire improvements;
3. As-built plans shall include a statement, sworn to by the subdivider's registered engineer, that the drawings show the actual location of the improvements required to be shown therein.

Chapter 17.34.130 DESIGN STANDARDS

A. Compliance with standards required

The public use and interest shall be deemed to require compliance with the standards of this chapter as a minimum, unless a variance is specifically approved by the hearing examiner and/or the council during the preliminary plat, short plat or large lot plat approval process.

B. Streets

1. Access to Streets. All developments shall be served by an opened, constructed and maintained street to which the street system within the development must connect.
2. Street Standards. All streets shall be designed and constructed in conformance with the adopted "Development Standards for the City of Kelso" in effect as of the date of filing and be approved by the Engineering Department.
3. Sidewalk Standards. Sidewalks and/or walkways shall be provided in accordance with the adopted "Development Standards for the City of Kelso" in effect as of the date of filing and be approved by the Engineering Department.
4. Street Signs. Street signs shall be specified by the Engineering Department.
5. Landscaping Within Street Rights-of-Way. A developer proposing landscaped areas within city rights-of-way shall submit a landscape design plat to the Engineering Department for approval. Further, the landscape design plan shall also be reviewed by the Fire Department to insure that fire apparatus access is not impeded by planned landscaping within city rights-of-way. If approved, the final plat or plan for such development shall contain a covenant that such areas shall be maintained by the developer and his successor and may be reduced or eliminated if deemed necessary for or detrimental to city street purposes and/or fire apparatus access.
6. Street Lighting. Street lighting shall be provided in accordance with the adopted "Development Standards for the City of Kelso."

C. Storm drainage

The subdivider shall provide for the disposal of surface drainage through a storm drainage system approved by the department of public works. The storm drainage system shall comply with requirements of the latest edition of the Drainage Design and Erosion Control Manual for Kelso.

D. Flag lots.

Flag lots may be permitted to accommodate buildable area which does not have standard frontage on a public street and where access to the buildable area is not feasible by any other standard land division method or lot design. In general, flag lots are only allowed to encourage infill development, preserve natural areas or to allow development of land-locked areas. The narrow (access) portion of the flag lot shall not be used to grant access to other property. The area contained within the narrow portion of the flag lot shall not be included in the lot area calculations for minimum lot size. The maximum number of contiguous flag lots is two. The maximum number of dwelling units per flag lot is two (duplex).

Chapter 17.34.140 VARIANCES

A. Purpose

Any applicant may seek a variance to the provisions listed in Chapter [17.48](#) where it appears that there exists extraordinary conditions of topography, access, location, shape, size, drainage or other physical features of the site or other adjacent development.

B. Applicability

A variance to any requirements of Chapter 17.34.130 may be requested. Variances to other provisions of this title may not be applied for or granted; provided, that the city engineer may approve a deviation from the requirements of Section 17.34.060 without a variance, if said deviation is justified on the basis of topography or other special or unique conditions attending the development site that are not of the developer's own making.

C. Application procedure

Any development which includes a request for one or more variances to the requirements of Chapter 17.34.130 shall be accompanied by an application for variance on forms provided by the Department and shall include such information as is deemed necessary by staff to process the request.

D. Procedure for approval

The hearing examiner shall consider a variance request concurrently with the plat or plan to which it applies. The hearing examiner shall enter findings with respect to requested variances.

E. Conditions for granting

No variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity. Before granting a variance, the hearing examiner shall determine whether the following conditions apply to the requested variance:

1. There are exceptional or extraordinary circumstances or conditions which apply to the land referred to in the application which do not apply generally to lands in the vicinity. These include, but are not limited to, size, shape, topography, location or surroundings.
2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.
3. The granting of the application will not, under the circumstances of the particular case, affect adversely the health or safety of persons residing or working in the neighborhood of the property referred to in the application and will not be detrimental to the public welfare or injurious to property

or improvements in the neighborhood or adversely affect the comprehensive plan. Provided that, to the extent the variance request pertains to Chapter 17.38, master planned development, that chapter shall apply.

**Chapter 17.34.150
TABLE OF REQUIRED INFORMATION**

17.34.150 Table of required information.

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Site Plan
	Preliminary	Final	Preliminary	Final		
1. Scale. All pertinent information shall be shown normally at a scale of 1 inch to 100 feet; however, the scale may be increased or decreased to fit standard size sheets of 18 inches by 24 inches. In all cases, the scale shall be a standard drafting scale, being 10, 20, 30, 40, 50, or 60 feet to the inch or multiples of 10 for any one of these scales.	X	X	X	X	X	X
2. Appropriate identification of the drawing as a short plat, large lot, subdivision, preliminary, final, boundary line adjustment, binding site plan and the name of the development. The name shall not duplicate or resemble the name of any other subdivision in the county unless the subject subdivision is contiguous to an existing subdivision under the same subdivision of the same last name filed.	X	X	X	X	X	X
3. Plat certificate verifying ownership and encumbrances.		X		X	X	X
4. The names and addresses of the owner(s) and surveyor or engineer.	X	X	X	X	X	X

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Site Plan
	Preliminary	Final	Preliminary	Final		
5. The date, north point and scale of the drawing.	X	X	X	X	X	X
6. A full legal description and location of the entire development property.	X	X	X	X	X	X
7. The locations, widths, lengths and names of both improved and unimproved streets and alleys within or adjacent to the proposed development together with all existing easements and other important features such as section lines, section corners, city and urban growth area boundary lines, and monuments.	X	X	X	X	X	X
8. The address of each lot including number, street name, city, state and zip code.		X		X	X	X
9. The name and location of adjacent subdivisions and the location and layout of existing streets which are adjacent to or across contiguous right-of-way from the proposed development.	X		X			
10. The location and approximate dimensions of lots, proposed lot and block numbers.	X	X	X	X	X	X
11. The location, approximate acreage and dimension of areas proposed for public use.	X	X	X	X	X	X

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Site Plan
	Preliminary	Final	Preliminary	Final		
12. The location, approximate acreage and dimension of areas proposed for open space, park, recreation, and/or common ownership.	X	X	X	X	X	X
13. The property's current zoning.	X	X	X	X	X	X
14. Existing contour lines at sufficient intervals for slopes of 15% or more. Show existing evaluations related to some established benchmark or datum approved by the city engineer. (NAD1983)	X		X		X	X
15. The locations and sizes of existing public and private sanitary sewers, water mains, and public storm drains, culverts, fire hydrants and electrical lines within and adjacent to the proposed development.	X		X		X	X
16. The approximate curve radii of any existing public street or road within the proposed development.	X		X			X
17. Existing uses of property and locations of all existing buildings and designating which existing buildings are to remain after completion of the proposed development.	X	X	X		X	X
18. The location of areas subject to inundation, stormwater overflow, and/or within a designated 100-year floodplain, all areas covered by water, and the location, width and direction of flow of all water courses.	X	X	X	X	X	X

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Site Plan
	Preliminary	Final	Preliminary	Final		
19. Locations of existing natural features such as wetlands which would affect the design of the development.	X	X	X	X	X	X
20. A vicinity map showing the location of the proposed development in relation to the rest of the city.	X		X		X	X
21. The approximate locations, widths, lengths, names and curve radii for all proposed streets.	X		X		X	X
22. The locations and dimensions of proposed lots and the proposed lot and block numbers. Numbers shall be used to designate each such block and lot. Where a plat is an addition to a plat previously recorded, numbers of blocks and lots or parcels shall be in consecutive continuation from a previous plat.	X	X	X	X	X	X
23. A preliminary public facilities plan for the location and construction of proposed water service facilities to serve the development.	X		X			X
24. A preliminary public facilities plan and profile for the location and construction of proposed sanitary sewer facilities to serve the development.	X		X			X
25. A preliminary plan for storm drainage, erosion and sedimentation control.	X		X			X

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Site Plan
	Preliminary	Final	Preliminary	Final		
26. Locations, widths, and lengths of streets and roads to be held for private use and all reservations or restrictions relating to such private roads.	X	X	X	X	X	X
27. Designation of any land the council may require held for public reserve and configuration of projected lots, blocks, streets and utility easements should the reserved land not be acquired.	X	X	X	X		X
28. All areas and the proposed uses thereof to be dedicated by the owner.	X	X	X	X	X	X
29. The following survey data:						
(a) Track, block and lot boundary lines with dimensions;	X	X	X	X	X	X
(b) Street rights-of-way widths with centerline;		X	X	X	X	
(c) Radius, length, central angle of all tangent curves; radius, length, centered angle, long chord distance and bearing of all nontangent curves;		X	X	X	X	X
(d) Ties to boundary lines and section or 1/4 section corners immediately surrounding the development;		X		X	X	X
(e) The location and type of all permanent monuments within the development including		X		X	X	X

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Site Plan
	Preliminary	Final	Preliminary	Final		
initial point, boundary monuments and lot corners.						
30. Reference points of existing surveys identified, related to the plat by distance and bearings, and referenced to a field block or map as follows:		X		X	X	X
(a) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the development;		X		X	X	X
(b) Adjoining corners of adjoining subdivisions;		X		X	X	X
(c) Monuments to be established marking all street intersections and the centerlines of all streets at every point of curvature and the point of tangent;		X		X	X	X
(d) Other monuments as found or established in making of the survey required to be installed by the provisions of this chapter and state law.		X		X	X	X
31. The lot area in square feet identified on each lot on the plat.	X		X		X	X
32. Designation of proposed portions of subdivisions to be developed in phases, if any, indicated proposed sequence of platting.	X		X			

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Site Plan
	Preliminary	Final	Preliminary	Final		
33. All flood control features and references to easements or deeds for drainage land.		X		X	X	X
34. Deed restrictions or covenants, if any, in outline form.	X		X			
35. Existing and proposed easements clearly identified and denoted by dashed lines and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the development shall be shown.	X	X	X	X	X	X
36. Identification of any land or improvements to be dedicated or donated for any public purpose or private use in common.	X	X	X	X	X	X
37. The following certificates:						
(a) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the project;		X		X	X	X
(b) A certificate signed and acknowledged as above, dedicating to the public all land intended for public use;		X		X	X	X
(c) A certificate for execution by the city mayor;				X		X

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/ Lot Consolidation	Binding Site Plan
	Preliminary	Final	Preliminary	Final		
(d) A certificate for execution by the city engineer;		X		X	X	X
(e) A certificate for execution by the director of community development;		X		X	X	X
(f) A certificate for execution by the county auditor;		X		X	X	X
(g) A certificate for execution by the county treasurer;		X		X	X	X
(h) A surveyor's certificate certifying that he is registered as a professional land surveyor in the state of Washington and certifies that the plat is based on an actual survey of the land as described and that all monuments have been set and lot corners staked on the ground as shown on the plat.		X		X	X	X
38. A statement of approval signed by the director of the State Department of Ecology, or its successor, for any portion of development which lies within a flood control zone.				X		X
39. An executed surety (developer agreement and bond) when required.		X		X	X	X
40. Appropriate architectural and site development plans which show the proposed building location, specific landscaping;						X

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Site Plan
	Preliminary	Final	Preliminary	Final		
prominent existing trees, ground treatment, sign-obscuring fences and hedges, off-street parking, vehicular and pedestrian circulation; and major exterior elevations of building(s).						
41. Such additional information pertaining to the land division or development site and the immediate vicinity as may be required by the administrative official for review of the proposal.	X	X	X	X	X	X

*** Proof of Publication ***

IN THE MATTER NOTICE OF PUBLICATION

AVA HURSE being duly sworn says that she is the CHIEF CLERK of THE DAILY NEWS. And that THE DAILY NEWS, published in Cowlitz County, has been approved as a Legal newspaper by order of the Superior court of the State of Washington of Cowlitz County, and that the Annexed printed copy is a true copy of the notice in the above entitled matter as it was printed in the regular entire issue of said paper and online at www.tdn.com, for publication dates as listed below, and that said newspaper was regularly distributed to its subscribers during all of said period, and that said notice was published in said paper and not in a supplement form. That the full amount of the fee charged for said forgoing publication is as listed below, and is \$3.50 per line for the first insertion and \$3.00 per line for each subsequent insertion. There is also an additional charge of \$10.00 for every additional affidavit copy over two copies.

CITY OF KELSO COMMUNITY DEV
PO BOX 819
KELSO, WA 98626

ORDER NUMBER 6299

AVA HURSE

Ava Hurse

Subscribed and sworn to before me this

1 day of September 2017

DIANA MOORE

Diana Moore

Notary Public for the State of Washington
Residing in Cowlitz County

NOTICE OF PUBLIC HEARING
PLANNING COMMISSION
TOPIC: Revision of the Subdivision Code and creation of a Developer's Agreement Code.
DATE, TIME and PLACE: September 12, 2017 at 6 PM
Kelso City Hall, Council Chambers
203 S. Pacific
Kelso, WA
CONTACT: To view the proposed changes during regular business hours or to request a copy, contact: Tammy Baraconi, Planning Manager
203 S. Pacific
Kelso, WA 98626
360.577.3321, or tbaraconi@kelso.gov
Anyone interested may appear and be heard. The decision of the City Council will be mailed to all those who submit comments, testify at the hearing or request the decision in writing. Any aggrieved party of record can file an appeal with Cowlitz County Superior Court. Written public comment can be accepted until 4:30 PM on September 12, 2017
Publish: August 31, 2017

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Notary Public
State of Washington
DIANA L MOORE
MY COMMISSION EXPIRES
JUNE 26, 2021

PUBLISHED ON: 08/31/2017

TOTAL AD COST: 108.50
FILED ON: 8/31/2017

City of Kelso
Planning Commission
Staff Report
September 12, 2017

To: Planning Commission
From: Tammy Baraoni
Date: September 12, 2017
Subject: Revisions to KMC 17.40 Development Agreements

Description

In May 2017, the Planning Commission began work on creating KMC 17.40 Development Agreements. The City does not currently have any language in the code that allows for development agreements between the City and developers. This code establishes when and how developer agreements may take place.

The purpose of a development agreement is to provide an additional method by which the City can ensure conditions of development are built.

The proposed code is attached as Exhibit A.

Public Notification and Public Comment

Notice of this public hearing was published in The Daily News on August 31, 2017. As of the writing of this staff report no written comments have been received. (Exhibit B)

Environmental Review

Environmental review will be conducted after the Planning Commission hearing and before the Council begins consideration in November 2017.

Recommendation

If Approve

Make the motion to give KMC 17.40 Development Agreements a POSITIVE recommendation to the City Council subject to the following change(s):

If Deny

Make the motion to give KMC 17.40 Development Agreements a NEGATIVE recommendation to the City Council for the following reason(s):

If Table

Make the motion to TABLE KMC 17.40 Development Agreements for the following reason(s):

Exhibit A: Proposed KMC 17.34 Subdivisions
Exhibit B: Affidavit of Publication

*** Proof of Publication ***

IN THE MATTER NOTICE OF PUBLICATION

AVA HURSE being duly sworn says that she is the CHIEF CLERK of THE DAILY NEWS. And that THE DAILY NEWS, published in Cowlitz County, has been approved as a Legal newspaper by order of the Superior court of the State of Washington of Cowlitz County, and that the Annexed printed copy is a true copy of the notice in the above entitled matter as it was printed in the regular entire issue of said paper and online at www.tdn.com, for publication dates as listed below, and that said newspaper was regularly distributed to its subscribers during all of said period, and that said notice was published in said paper and not in a supplement form. That the full amount of the fee charged for said forgoing publication is as listed below, and is \$3.50 per line for the first insertion and \$3.00 per line for each subsequent insertion. There is also an additional charge of \$10.00 for every additional affidavit copy over two copies.

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PUBLISHED ON: 08/31/2017

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17.40 - Development agreements.

- A. Development Agreements are Discretionary. Consistent with RCW 36.70B.170, the city council may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations contained in KMC Title 17 and applicable adopted city, plans polices, and standards.
- B. Contents. Development agreements shall set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement, including master planned development proposed under the Kelso Municipal Code (KMC). Unless a variance is approved, a development agreement shall be consistent with all applicable development regulations contained in the KMC. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities.
- C. For the purposes of this section, "development standards" include, but are not limited to:
 - 1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
 - 2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
 - 3. Mitigation measures, development conditions, and other requirements under KMC 17.14 (SEPA);
 - 4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
 - 5. Affordable housing;
 - 6. Parks and open space preservation;
 - 7. Phasing;
 - 8. Review procedures and standards for implementing decisions;
 - 9. A build-out or vesting period for applicable standards; and
 - 10. Any other appropriate development requirement or procedure.
- D. Effect. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period of the project specified in the agreement, and the project may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the city after the execution of the development agreement must be consistent with the development agreement. A development agreement shall reference by ordinance or code provision the land use regulations under which the project described in the development agreement is vested.
- E. Vesting. Under subsection D, a development agreement provides an alternative to vesting under RCW 36.70B.180 in advance of submission of project specific applications. In addition, a development agreement may fix the amount of impact fees and permit fees under the KMC, and any other financial contributions by the property owner, which may not be subject to later adopted fee increases. The property owner and city may agree that the project described in the development agreement will be subject to later enacted ordinances through the applicable modification procedures of the KMC.

- F. Modifications. The city and property owner may seek mutually agreeable modifications of the development agreement. The city shall reserve authority in each development agreement to unilaterally impose new or different regulations only if necessary, and to the extent necessary, to address a serious threat to public health and safety.
- G. Procedure—No Concurrent Land Use Application. If a development agreement is not proposed in conjunction with a Type II, III or IV land use application under Chapter 17.10, the development agreement shall be presented to city council at a public hearing for approval by ordinance. Prior to the public hearing before city council, the proponent of the development agreement shall complete and submit to the planning director a SEPA checklist if required under Chapter 11.10.110 KMC. A challenge of city council's decision on a development agreement that is not processed in conjunction with a Type III or IV application shall be filed with Cowlitz County Superior Court within thirty days of issuance of a written decision by council.
- H. Procedure—Concurrent Type II, III or IV Land Use Application. If a development agreement is proposed in conjunction with a Type II, III or IV land use application under Chapter 17.10 KMC the development agreement shall be presented to city council at a public hearing for approval by ordinance, after the Type II, III or IV has been approved or recommended for approval by the appropriate reviewing body prior to city council consideration. If a Type II, III or IV land use application is exempt from SEPA, for the development agreement part of the proposal, the proponent shall comply with SEPA pursuant to Chapter 17.10.110 KMC.

The initial review body for the Type II, III or IV application shall not make a final decision on that portion of the application related to the development agreement but shall make a recommendation of approval or denial of the development agreement to city council. If no appeal is filed on the underlying land use application, the planning director shall send fourteen days' advance written notice of the public hearing before city council for consideration of the development agreement to all parties entitled to a notice of decision for the applicable application under Chapter 17.10 KMC. If an appeal is filed of a Type II, III or IV application, the city council shall not review the development agreement until the appeal is before city council or the appeal has been dismissed.

- I. Recording. Within thirty days after approval by city council, the city shall ensure that a development agreement is recorded within the real property records of Cowlitz County. During the term of the development agreement, the agreement is binding on the parties and their successors, including successor jurisdictions. The term of the agreement shall be such length as to be reasonable and shall be agreed to by both the applicant and the city.