



CITY OF PASCO

BINDING SITE PLAN REGULATIONS

CHAPTER 26.40

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26.40.010 PURPOSE. The purpose of a binding site plan is to provide an alternative method of land subdivision to that which is provided under the standard subdivision or short plat process of this title. The intent of the binding site plan process is to promote orderly and efficient community growth within the requirements of RCW 58.17.035. (Ord. 3398 Sec. 2, 1999.)

26.40.020 APPLICABILITY. The division of property by the binding site plan process may only be used for the following:

- (1) Division of land for the sale or lease of commercial or industrially zoned property as provided in Title 25;
- (2) The division of land for the purposes of leasing space for mobile homes or travel trailers so long as the site plan complies with all applicable mobile home park and zoning regulations;
- (3) The division of land involving improvements constructed or to be constructed thereon, that will be one or more condominiums or owned by an association or other legal entity. (Ord. 3398 Sec. 2, 1999.)

26.40.030 PRE-APPLICATION. Prior to applying for binding site plan approval, anyone may present a preliminary site plan which contains (in a rough and approximate manner) all of the information required for a formal binding site plan application. The purpose of the preliminary site plan submittal is to enable the person presenting the plan to obtain a preliminary assessment from the City as to the preliminary site plan's compliance with adopted plans, policies and ordinances of the City. Prior to receiving binding site plan approval an applicant is required to submit a fully completed application. The pre-application review described herein creates no rights to the submitter or obligation to the submitter by the jurisdiction. (Ord. 3398 Sec. 2, 1999.)

26.40.040 APPLICATION. Applications for binding site plan approval shall be filed with the City Planner. To be considered complete and considered for approval, a binding site plan must contain the following:

- (1) Binding Site Plan drawn on 18" x 24" paper showing:
 - (a) Name of the binding site plan and space for numerical assignment;
 - (b) Legal description of the entire parcel, legal description of each proposed lot, square footage of each lot, date, scale and north arrow;
 - (c) Boundary lines, rights-of-way for streets, easements and property lines of lots and other sites with accurate bearings dimensions or angles and arcs and of all curve data;
 - (d) Names and rights-of-way widths of streets within the parcel and immediately adjacent the parcel;
 - (e) Number of each lot and block;
 - (f) References to covenants, joint use, access easements or other agreements either to be filed separately or with the binding site plan;
 - (g) Zoning setback lines and building envelopes where applicable;
 - (h) Location, dimension and purpose of any easements noting if the easements are private or public;
 - (i) Location and description of monuments and all lot corners set and found;
 - (j) Datum, elevations and primary control points approved by the City Engineer, descriptions and ties to all control points shall be shown with dimensions angles and bearings;
 - (k) A dedicatory statement acknowledging public and private dedications and grants;
 - (l) Parking areas, loading areas, general circulation, landscaping area;
 - (m) Proposed use and location of buildings with dimensions where applicable;
- (2) Be submitted with the documents required by Sections 26.40.050, 26.40 .060 and 26.40.070 below;
- (3) Be accompanied with a fee as specified in 26.52.010;
- (4) A completed Environmental Checklist. (Ord. 3398 Sec. 2, 1999.)

26.40.050 SURVEY REQUIRED. (1) A survey must be performed and filed with every binding site plan. The survey must be conducted by or under the supervision of a Washington State registered land surveyor. The surveyor shall certify on the binding site plan that it is a true and correct representation of lands actually surveyed and the survey was done in accordance with state law.

- (2) In all binding site plans, lot corner survey pins must be set before final approval can be granted.
- (3) In all binding site plans, perimeter monuments must be set before final approval can be granted.
- (4) In all binding site plans, control monuments must be set before final acceptance of public improvements. (Ord. 3398 Sec. 2, 1999.)

26.40.060 BINDING SITE PLAN CERTIFICATIONS REQUIRED. (1) A certificate giving a full and correct description of the lands divided as they appear on the binding site plan, including a statement that the division has made with the free consent and in accordance with the desires of the owners of the land covered by the binding site plan must be filed with the application. If the binding site plan is subject to a dedication the certificate or a separate written instrument shall also be required and contain a dedication of all streets and other public areas to the public;

(2) A certification by a licensed surveyor, licensed in the state, that the binding site plan survey is accurate and conforms to the provisions of these regulations and state law must e filed with the application.

(3) All binding site plans are required by RCW 58.17.040 to contain the following declaration: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the City, and in accordance with such other governmental permits, approvals regulations, requirements, and restrictions that may be imposed upon such land and the development thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site

plan shall be binding upon all now or hereafter having any interest in the land described herein." (Ord. 3398 Sec. 2, 1999.)

26.40.070 BINDING SITE PLAN TITLE REPORT. All binding site plans shall be accompanied by a title company certification (current within 30 days) confirming that the title of the lands as described and shown in the binding site plan are in the name of the owner(s) signing the binding site plan.

26.40.080 ADMINISTRATIVE DUTIES. The City Planner, referred to in this chapter as the City Planner is vested with the duty of administering the provisions of this chapter:

(1) A fully completed application for binding site plan approval shall be approved with conditions, returned to the applicant for modifications or denied within thirty (30) days of its receipt by the City Planner unless the applicant agrees, in writing, to an extension of this period. The City Planner shall not be considered to be in receipt of an application for binding site plan approval unless and until such time as the application meets the requirements of Sections 26.40.040, 26.40.050, 26.40.060 and 26.40.070 as determined by the City Planner.

(2) Upon receiving a complete application for binding site plan approval, the City Planner shall transmit a copy of the binding site plan, together with copies of any accompanying documents as the City Planner deems appropriate, to the following:

(a) City Engineer, who shall review the proposed binding site plan with regard to its conformance to the general purposes of adopted traffic and utility plans, adequate provisions for storm drainage, streets, alleys, other public ways, water and sanitary sewer and conformance to any applicable improvement standards and specifications;

(b) Fire Chief, who shall review the proposed binding site plan with regard to adequate provisions for emergency access;

(c) Any other City department, utility provider, school district or other public or private entity as the City Planner deems appropriate.

(3) In transmitting the proposed binding site plan to the parties referenced above, the City Planner shall solicit their comments and recommendations, and note the date by which comments and recommendations must be received by the City Planner in order to be considered. Any comments received by that date shall be incorporated into the formal findings which will form the basis of the City Planner's decision on the binding site plan. If no comments are received from any of the parties referenced above, the City Planner shall make such findings as he/she deems just. However, in every case a proposed binding site plan shall contain a statement of approval from the City Engineer, as to the survey data, the layout of streets, alleys and other rights-of-way, design of sewer and water systems and other infrastructure. The City Planner shall not approve a binding site plan, which does not contain a statement signed by the City Engineer

(4) The City Planner shall review the proposed binding site plan and determine its conformance to the general purposes of this Title, its conformance with the Comprehensive Plan and its conformance with the Zoning Ordinance and any other applicable land use controls. These determinations shall form the basis of the City Planner's decision on the binding site plan. (Ord. 3398 Sec. 2, 1999.)

26.40.090 APPROVAL AND FILING. (1) Upon approval of the binding site plan by the City Planner, the applicant shall take the original mylar binding site plan, obtain all other approvals from affected utilities and the County Treasurer, and file it with the County Auditor, conforming to statutory requirements.

(2) The applicant must provide the City Planner one (1) paper copy of the recorded document and the County Assessor one (1) paper copy of the recorded document before the binding site plan becomes valid;

(3) When the binding site plan is created in a digital format the applicant shall also provide the City Planner with one (1) copy of the binding site plan in a digital format as specified by the City

Engineer and shall provide the County Assessor one (1) copy of the binding site plan in a digital format as specified by the County Assessor. (Ord. 3398 Sec. 2, 1999.)

26.40.100 DEVELOPMENT REQUIREMENTS. All developments must be in conformance with the recorded binding site plan. (Ord. 3398 Sec. 2, 1999.)

26.40.110 STANDARDS FOR BINDING SITE PLANS. The following standards shall apply to binding site plans:

- (1) All binding site plans shall be drawn on mylar 18 inches x 24 inches;
- (2) Division lines between lots on binding site plans shall be considered lot lines under PMC Title 25;
- (3) Each such tract or lot created by a binding site plan shall have one (1) designated front lot line and one (1) rear lot line including those which have no street frontage;
- (4) All tracts, parcels and lots created by a binding site plan shall be burdened by an approved maintenance agreement maintaining access to the various lots, tracts and parcels and for the costs of maintaining landscaping and other common areas;
- (5) When any lot, tract or parcel is created without street frontage, access easements shall be provided and said easements shall be recorded in the County Auditor's Office with the recording number and an easement notation provided on the face of the binding site plan.
- (6) Sufficient parking for each use must be located on the lot where the use is located or through joint parking agreements with adjoining owners. Notations on parking agreements must be provided on the face of the binding site plan. All parking lots shall be paved and designed to control drainage on-site;
- (7) Except for interior lots all setbacks for structures shall be the same as required in the zoning regulations and PMC Title 25;
- (8) Lots within an approved binding site plan do not have to meet lot requirements as prescribed in this title and Title 25. (Ord. 3398 Sec. 2, 1999.)

26.40.120 CONFORMANCE TO REQUIREMENTS. All binding site plans shall conform with all of the jurisdiction's ordinances and policies regarding the use and development of properties contained within the binding site plan with the exception of the exclusions provided for herein. (Ord. 3398 Sec. 2, 1999.)

26.40.140 ALTERATION. The recorded binding site play may be altered at the City Planner's discretion by processing through the review/approval procedure. Alterations to a binding site plan must be recorded. (Ord. 3398 Sec. 2, 1999.)

26.40.150 VACATION. The recorded binding site play may be vacated by the City Planner, but only after approval and recording of a new binding site plan. (Ord. 3398 Sec. 2, 1999.)

26.40.160 APPEALS. (1) Appeals of an administrative decision relating to a binding site plan may be made to a hearing examiner pursuant to Chapter 25.84 of the title. Such an appeal must be made in writing and filed together with the appeal fees listed in 26.52.010 with the City Planner within ten (10) working days from the date on which the decision was rendered, if not, the decision of the City Planner is final and no further appeal may be made.

(2) The written appeal shall include a detailed explanation stating the reason for the appeal. The decision of the hearing examiner shall be the final action. (Ord. 3398 Sec. 2, 1999.)

26.40.170 ENFORCEMENT. The County Auditor shall refuse to accept for recording any binding site plan, which does not bear the verification of approval as defined by this chapter. The City will prosecute violation of this title and commence actions to restrain and enjoin a violation of this title

and compel compliance with the provision of this chapter. The costs of such action shall be the responsibility of the violator. (Ord. 3398 Sec. 2, 1999.)