

**CHAPTER 17.18
BINDING SITE PLAN**

Sections:

- 17.18.010 Purpose
- 17.18.020 Binding Site Plan Conditions and Requirements
- 17.18.030 Preliminary Non-Binding Advisory Review
- 17.18.040 Referral to Other Departments, Agencies, and Offices
- 17.18.050 Binding Site Plan Approval
- 17.18.060 Final Recording Fees
- 17.18.070 Final Recording
- 17.18.080 Appeals

17.18.010 Purpose: The procedures regulating binding site plans are established for the following purposes:

- A. To provide an alternative procedure for the orderly and efficient division of platted land into parcels for the purpose of lease or sale for industrial or commercial uses on land upon which no residential structures will be placed.
- B. To provide an alternative procedure for the orderly and efficient division of platted land into parcels for the purpose of lease for manufactured homes or travel trailers.
- C. To promote the general health, safety, and welfare.
- D. To comply with the provisions of state law.

The binding site plan procedures specified herein are available as a complement to other methods for subdividing land for commercial and industrial development, and shall be the required method of development for manufactured home parks. (Ord. 2576, 7/27/10; Ord. 2293, 3/27/07)

17.18.020 Binding Site Plan Conditions and Requirements:

A. General Conditions and Requirements:

- 1. Binding site plan shall only be submitted for property that is currently platted or is in the process of being platted. Binding site plan applications shall include a preliminary record of survey for the binding site plan. A record of survey for a binding site plan shall not be recorded until the underlying plat has been recorded, and until the record of survey has been approved by the City Manager.
- 2. Binding site plan applications should be processed simultaneously with the application for subdivisions, re-zones, deviations, planned development districts, building site plan approvals, and similar quasi-judicial or administrative actions to the extent those procedural requirements applicable to these actions permit simultaneous processing.
- 3. The binding site plan shall be comprised of a single lot.
- 4. Binding site plans shall be recorded as a record of survey.
- 5. A commercial or industrial binding site plan authorizes a sale or transfer of a parcel. The binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the parcel. The sale or transfer of such parcel in violation of the binding site plan, or without obtaining a binding site plan approval, is an illegal act in violation of state law and shall be restrained by injunctive action.
- 6. Manufactured home park and recreational vehicle park binding site plans do not authorize the sale or transfer of ownership of a parcel of the binding site plan.

7. Alteration of an approved binding site plan shall be accomplished by submitting a new binding site plan application to the Community Development Director. The amended binding site plan shall comprise the entire original binding site plan, with the revised parcels shown clearly on the new record of survey for the altered binding site plan. The altered binding site plan shall be processed subject to all the procedures and requirements of this chapter.
8. All improvements within the binding site plan boundaries shall be privately held and maintained by the property owners, except that the water meters shall be owned by the City. The meters shall be installed at locations approved by the Municipal Services Director. A municipal easement shall be filed with the Grant County Auditors's Office concurrently with the record of survey for the original binding site plan, to allow the City Water Division to access the water meters and to flush the water system; and for all records of surveys for revised binding site plans if the municipal easement is not already provided.

All water and sewer mains and appurtenances shall be constructed per the current Community Street and Utility Standards. Construction and permits shall be in accordance with Chapter 12.16.

9. The binding site plan shall comply with all zoning and health regulations. The survey and drafting standards for records of survey shall comply with all the regulations set forth in state law.
10. The binding site plan shall be consistent with the Comprehensive Plan.
11. Environmental information shall be prepared and submitted by the applicant in accordance with the guidelines established under the State Environmental Policy Act of 1971, as amended. Said information is a part of and shall accompany the binding site plan application.
12. Binding site plans shall be approved, disapproved, or returned to the applicant for modification within ninety (90) days from the date of filing unless the applicant consents to an extension of such time period. Provided that, if an Environmental Impact Statement is required by state law, the ninety (90) day period shall not include the time spent preparing and circulating the Environmental Impact Statement by the local governmental agency.

B. Specific Conditions and Requirements:

1. Prior to submitting a binding site plan application, the applicant shall schedule a pre-application conference with the Community Development Department. The applicant shall present a conceptual idea of the binding site plan. The Community Development Director and representatives of affected City departments will respond informally and address potential items of concern to aid the applicant in preparing the binding site plan.
2. The binding site plan application and record of survey shall be filed with the Community Development Department on forms prescribed by the Community Development Department. Said application shall be accompanied by four (4) full-size copies of the record of survey for the binding site plan, one (1) eleven inch (11") by seventeen inch (17") reduction of the record of survey, and a plat certificate that is dated within thirty (30) days of the application.

3. The record of survey for a binding site plan shall be a neat and accurate drawing in black permanent ink prepared, stamped, and signed by a land surveyor. The trimmed size of the record of survey shall measure eighteen inches (18") by twenty-four inches (24") with a two inch (2") margin on the left margin, a three-fourths inch (3/4") margin on the top, and a half inch (1/2") border on the remaining two (2) margins. The record of survey shall be drawn on two (2) or more sheets if the scale necessary to accommodate the map on one (1) sheet would unduly congest the drawing.
4. The applicant shall pay a non-refundable fee per Chapter 3.54 at the time of application.
5. All public dedications shown on the plat being overlaid shall be shown on the record of survey for the binding site plan.
6. The record of survey for a binding site plan shall contain the following:

a. The title to read as follows;

(NAME OF THE SUBDIVISION, LOT, AND BLOCK)
(TYPE OF) BINDING SITE PLAN
A Record of Survey

- b. All existing streets, municipal easements, and public utility easements, including those shown on an underlying preliminary subdivision.
- c. Parcel locations including dimensions and number or letter designations.
- d. Distances and bearings for line segments for each parcel, and length, delta angle, and radius for all curved lines for each parcel.
- e. The names of all subdivisions immediately adjacent thereto.
- f. The scale of the record of survey for a binding site plan shall be drawn one hundred feet (100') per inch, or at an alternate scale that is approved by the Community Development Director. Alternate scales shall be at ten (10), twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet per inch; or multiples of ten (10) to these six (6) scales. A graphical scale shall be included on the record of survey.
- g. A vicinity map at a sufficient scale that shows the location of the binding site plan.
- h. Surveyor's Certificate:

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of _____ in _____, 20____.

Name of Person
(Signed and Sealed) _____
Certificate No. _____

i. Auditor's Certificate:

Filed for the record this _____ day of _____, 20____ at _____ M. in book _____ of binding site plans at page _____ at the request of the City of Moses Lake.

Grant County Auditor

by Deputy Auditor

- j. The Grant County Treasurer's Certificate shall be included on the last sheet or sheets of all binding site plans as follows:

Treasurer's Certificate: I hereby certify that all taxes and assessments now due and payable according to the records of Grant County, including _____ advanced taxes, have been fully paid.

Grant County Treasurer

Date

- k. Approvals:

Examined and approved by the Moses Lake City Manager on _____, 20 ____.

City Manager

7. If the binding site plan is a re-division of an existing binding site plan, the parcels of the preceding binding site plan shall be shown by dotted lines in their proper positions in relation to the new arrangement of the binding site plan, the new binding site plan being so clearly shown in solid lines as to avoid ambiguity.
8. The applicant's land surveyor shall set all required monuments and shall stake all parcel corners as shown on the record of survey before the binding site plan is submitted for approval. (Ord. 2619, 6/28/1; 2576, 7/27/10; Ord. 2397, 5/27/08; Ord. 2384, 3/25/08; Ord. 2293, 3/27/07)

17.18.030 Preliminary Non-Binding Advisory Review:

- A. A preliminary, non-binding, advisory review of a proposed binding site plan shall be set up by the Community Development Director, if so requested by the applicant. With the request, the applicant shall submit the preliminary record of survey for the binding site plan in substantial compliance with Section 17.18.020.
- B. The binding site plan and request for preliminary, non-binding, advisory review will be referred to other departments, agencies, and offices in compliance with Section 17.18.040. (Ord. 2576, 7/27/10; Ord. 2293, 3/27/07)

17.18.040 Referral to Other Departments, Agencies, and Offices:

- A. Upon receipt of a complete and satisfactory conclusive binding site plan application, copies of the record of survey for the binding site plan will be distributed for review and comment to the following offices.
1. Development Engineering
 2. Fire Department
 3. Grant County Assessor
 4. Grant County Auditor

- B. All comments shall be made to the Community Development Director within fourteen (14) days after the record of survey is distributed for review.
- C. If the binding site plan is found to be unacceptable, a letter shall be mailed to the applicant within twenty (20) days of receipt of the application. (Ord. 2576, 7/27/10; Ord. 2293, 3/27/07)

17.18.050 Binding Site Plan Approval:

- A. The Community Development Director shall provide written approval of the binding site plan to the applicant, with conditions of approval, after the fourteen (14) day comment and review period and within time limits established by state law.
- B. After all conditions of approval for a binding site plan are met and acceptable to the Community Development Director, the applicant may submit the final mylars, electronic copies, and fees to the City for final approval signatures and recording. (Ord. 2576, 7/27/10)

17.18.060 Final Recording Fees: The applicant shall remit a check that is payable to the Grant County Auditor for the recording fees. (Ord. 2576, 7/27/10; Ord. 2293, 3/27/07)

17.18.070 Final Recording:

- A. The applicant shall submit two (2) full-size copies of the record of survey on mylar to the Community Development Department. Additionally, the applicant shall submit one (1) electronic copy to the Community Development Director, and one (1) electronic copy to the Grant County Assessor's office.
- B. The Community Development Department shall take the two (2) mylar record of surveys to the Grant County Auditor after the mylars are signed by the City Manager. One (1) mylar record of survey shall be conformed by the Grant County Auditor and returned to the City Engineer.
- C. Binding site plans are not valid and do not confer any rights or privileges upon the property or its owners unless the record of survey for a binding site plan bears the approval by the City Manager. (Ord. 2576, 7/27/10; Ord. 2384, 3/25/08; Ord. 2293, 3/27/07)

17.18.080 Appeals: Decisions approving or disapproving binding site plans shall be reviewable as provided in Chapter 20.11. (Ord. 2576, 7/27/10)