

ORDINANCE NO. 2619

AN ORDINANCE AMENDING CHAPTER 17.18 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "BINDING SITE PLAN"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 17.18 of the Moses Lake Municipal Code entitled "Binding Site Plan" is amended as follows:

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 plats 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:

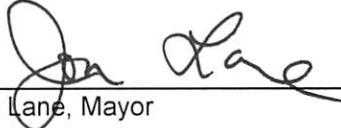
Examined and approved by the Moses Lake City Manager on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
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.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

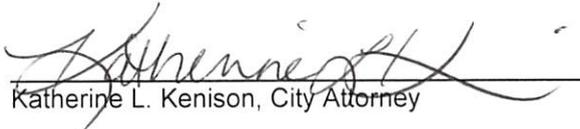
Adopted by the City Council and signed by its Mayor on June 28, 2011.

  
\_\_\_\_\_  
Jon Lane, Mayor

ATTEST:

  
\_\_\_\_\_  
Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Katherine L. Kenison, City Attorney