
1. CALL TO ORDER:

- a. Roll Call/Pledge of Allegiance

2. **CONSENT AGENDA:** All matters listed within the Consent Agenda have been distributed to each member of the Kennewick Planning Commission for reading and study. They are considered routine and will be enacted by the one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the regular agenda by request.

- a. Approval of the Minutes dated July 18, 2016
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. NEW BUSINESS:

- a. Election of Officers

4. PUBLIC HEARING:

- a. Zoning Ordinance Amendment (ZOA) #16-05 proposing to amend Section 17.13 of the Kennewick Municipal Code (KMC) to create a preliminary Short Plat and a final Short Plat.

5. REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

- a. Comprehensive Plan 2017 Update Study Session

6. VISITORS NOT ON AGENDA:**7. OLD BUSINESS:****8. ADJOURNMENT:**

KENNEWICK PLANNING COMMISSION
July 18, 2016
MEETING MINUTES

CALL TO ORDER

Chairman Beau Ruff called the meeting to order at 6:30 p.m.

Recorder Melinda Didier called the roll and found the following:

Present: Commissioners Clark Stolle, Fraser Hawley, Victor Morris, Vice Chairman Ed Pacheco, and Chair Beau Ruff

Excused: Commissioner Anthony Moore and Robert Rettig

Unexcused: None

Commissioner Stolle led the Pledge of Allegiance.

Staff Present: Greg McCormick, Community Planning Director, Wes Romine, Development Services Manager, Steve Donovan, Planner, Emily Estes-Cross, Economic Development Manager, and Melinda Didier, Community Planning Administrative Assistant/Recorder.

CONSENT AGENDA

- a. Approval of Minutes dated June 20, 2016
- b. Approval of Amended Agenda
- c. Motion to enter Staff Reports into the Record

Commissioner Morris moved to accept the consent agenda. Vice Chairman Pacheco seconded the motion. The motion carried unanimously.

PUBLIC HEARINGS

Chairman Ruff opened the public hearing at 6:33 p.m. for Zoning Ordinance Amendment (ZOA) #16-03, which proposes to amend a portion of the Kennewick Municipal Code including KMC 4.08.110, to raise the categorical exemptions for environmental project review requirements; and to amend the Non-Residential Use Table, KMC 18.12.010 B.1 to remove the requirement to process a Conditional Use Permit for school facilities.

Mr. Romine gave a brief overview of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report ZOA 16-03 and recommend to City Council approval of the request.

Questions for staff:

The Planning Commissioners had questions about the limits, comparison of Kennewick to the other cities, the public comment period for SEPA determinations, the SEPA process and Traffic Impact Fees, parking requirements and SEPA, and comments of affected businesses.

Testimony of Applicant or Applicant's Representative

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public testimony for ZOA #16-03 closed at 6:52 p.m.

Chairman Ruff asked for a motion.

Vice Chairman Pacheco moved to concur with the findings and conclusions in staff report ZOA 16-03 and forward a recommendation to City Council of APPROVAL of the request. Commissioner Hawley seconded the motion.

Discussion:

None

The motion passed unanimously.

Chairman Ruff opened the public hearing at 6:54 p.m. for Zoning Ordinance Amendment (ZOA) #16-04, which proposes to amend Section 18.12.250(5) of the Kennewick Municipal Code (KMC) in regard to allowing vehicle-based food businesses in the Bridge-to-Bridge River-to-Rail Subarea.

Mr. Donovan gave a brief overview of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report ZOA 16-04 and recommend to City Council approval of the request. Mr. Donovan entered into record Exhibit 5 (KMC 18.12.050: Temporary and Parking Lot Businesses); Chairman Ruff paused for five minutes for the Commission to review Exhibit 5.

Questions for staff:

The Planning Commissioners had questions about Clover Island, restrooms/temporary toilets, definitions of overnight, locations, business licenses, aesthetics, water and sewer services, and code compliance.

Testimony of Applicant or Applicant's Representative

Emily-Estes Cross, the City of Kennewick Economic Development Manager, commented in support of the proposed code change.

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public testimony for ZOA #16-04 closed at 7:23 p.m.

Chairman Ruff asked for a motion.

Vice Chairman Pacheco moved to concur with the findings and conclusions in staff report ZOA 16-04 and forward a recommendation to City Council of APPROVAL of the request.

Commissioner Morris seconded the motion.

Discussion:

The Commissioners appreciated the effort and thought put into the code change for vehicle based food businesses to be allowed in the Bridge to Bridge, River to Railroad Subarea..

The motion passed unanimously.

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

None

NEW BUSINESS:

None

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

Chairman Ruff has an excused absence until September 12th. Mr. McCormick said the representatives from BERK Consulting will be at the July 26th Council Workshop to update the City Council on the 2017 Comprehensive Plan; the workshop begins at 6:30 pm.

ADJOURNMENT:

The meeting was adjourned at 7:32 p.m.

**Community Planning
City of Kennewick****Michelle Dellinger
Assistant Planner**To: Planning Commission
Date: November 7, 2016

REQUEST: Zoning Ordinance Amendment to amend Kennewick Municipal Code (KMC) Section 17.13
APPLICANT: City of Kennewick, 210 W. 6th Ave., Kennewick, WA 99336 (509) 585-4416

Background

Staff has maintained a list of code revisions either as directed by City Council or areas of the code staff has identified during the course of administering the code that are either outdated, inconsistent or are incorrect.

In an effort to implement requests from our customers certain changes are proposed to the short plat process. To improve efficiencies while maintaining consistency with current practices in the permit processes and codes staff is also proposing application format changes; SEPA and wording clean up.

Staff has identified areas of the code to add, amend and delete:

- | | |
|---|--|
| 1. 17.13.030 Plat Administrator | Amended |
| 2. 17.13.040 Preliminary Short Plat Application | Amended |
| 3. 17.13.050 Plat Map | Amended |
| 4. 17.13.055 Conditional Approval of Preliminary Short Plat | New Subsection and number added |
| 5. 17.13.060 Administrative Review | Amended |
| 6. 17.13.065 Roads and Rights-of-Way | Subsection number change from 070 |
| 7. 17.13.070 Procedure Appeal | Subsection number change from 090 and amended wording |
| 8. 17.13.080 Final Short Plat Requirements | Subsection Title changed to new section for Final Plats |
| 9. 17.13.082 Final Short Plat Administrative Review | New Subsection and number added |
| 10. 17.13.085 Final Short Plat Map | New Subsection and number added |
| 11. 17.13.090 Approval of Final Short Plat | Subsection Title Changed to new section for Final Plats |
| 12. 17.13.095 Construction of Improvements | New Subsection and number added |

13. 17.13.100 Approval Before Filing	New Subsection and number added
14. 17.13.105 Unauthorized Sale or Transfer	New Subsection and number added
15. 17.13.110 Agreement to Sell Upon Recording	Subsection Title changed to new section
16. 17.13.130 Dedication of Land for Park Purposes	Deleted Section
17. 17.13.150 Notice of Filing	Amended

Discussion

1. Preliminary Short Plat and Final Short Plat – 2 Step Process

- a. Staff has received requests from our customers to provide a means of Short Plat approval prior to the applicant’s investment in infrastructure on the property. Our current process requires infrastructure placement prior to approval. Currently the appeal period also does not start until approval has been issued which adds an additional 10 day period prior to the City’s release to sign the short plat drawing.
- b. The two step process of Preliminary Short Plat and Final Short Plat will provide the applicant with a Preliminary Short Plat approval and would allow the appeal period to begin prior to placing infrastructure.

2. Update Code to easily accommodate format advances

- a. Staff is proposing several section updates to remove format constraints within the code. This will enable updating application requirements to keep in step with advancements without requiring future code amendments. Examples:
 - Paper copies in lieu of a mylar has currently been implemented by Benton County, therefore, references to “mylar” can be removed from code.
 - Progressive practices can be easily implemented using proposed code verbiage “*a format designated by the Plat Administrator*”.
 - Verbiage “*Certificates in format determined by the applicable district*” allows flexibility.

3. Consistency in codes and specificity in guarantee’s for infrastructure

- a. Staff is proposing to add a modified version of KMC 17.10.260 from the Platting code. The current short plat code does not have a Construction of Improvements section.
- b. Current practices allow applicants to place guarantees for infrastructure placement. Section 17.13.095 Construction of Improvements has been modified from the version in the Platting code by the Public Works Department to add specificity to the guarantees allowed for short plats.

4. Remove certain SEPA references and Dedication of Land for Park Purposes

- a. Staff is proposing the removal of SEPA reference in 17.13.040(4) to update the code to current State regulations.
 - SEPA is not required by State Law for Short Plats.

- City of Kennewick has raised SEPA thresholds through a recent code amendment.
 - If SEPA thresholds are exceeded additional permits would be required to include the environmental determination process which remains referenced in subsection 17.13.055.
- b. Staff is proposing the removal of 17.13.130 Dedication of Land for Park Purposes per City Attorney recommendation as it is her opinion there is no basis to impose park mitigation.

5. Unauthorized Sale or Transfer and Agreement to Sell Upon Transfer

- a. Staff proposes the addition of Subsection 17.13.105 Unauthorized Sale or Transfer which is copied from the Platting Subsection 17.10.280.
- Provide consistency throughout the Subdivision Code.
- b. Staff proposes to amend Subsection 17.13.110 to Agreement to Sell Upon Transfer which is also copied from Platting Subsection 17.10.290. This will replace the Subsection titled No Sale or Transfer.
- Provide consistency throughout the Subdivision Code
 - Allows the acceptance of offers or agreements which must be placed in escrow or other regulated trust account contingent upon recording the short plat. No sale or transfer is allowed in the current short plat code which could limit development practices.

Regulatory Controls and Policies

- Kennewick Municipal Code Title 17 Subdivisions
- State of Washington Chapter 58.17 RCW Plats-Subdivisions-Dedications

Findings of Fact

1. The proposed amendments to the Kennewick Municipal Code will clarify and provide consistency and efficiencies in permitting processes.
2. The City fulfilled the requirements under the State Environmental Policy Act by issuing a declaration of non-significance (DNS) on August 22, 2016 for this proposal.
3. Notice of the proposed code revision was sent on July 27, 2016 to the Washington State Department of Commerce (DOC) pursuant to RCW 36.70A.106.
4. The City received a confirmation letter dated August 15, 2016 from Washington State DOC.

Conclusions of Law

1. Approval will amend appropriate Sections of the KMC modifying various sections to provide clarification, consistency and efficiencies to the permitting process.
2. Approval will result in the public necessity, convenience or general welfare of the public by implementing provisions of the adopted Comprehensive Plan.

Recommendation

Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report ZOA 16-05 and recommend approval to City Council.

Motion

I move that the Planning Commission concur with the findings and conclusions in staff report ZOA 16-05 and recommend to City Council approval of the proposed amendments to Chapter 17.13 of the Kennewick Municipal Code.

Exhibits

Exhibit A-1: KMC Chapter 17.13 Short Plat

CHAPTER 17.13

SHORT PLATS

SECTION:

- 17.13.010: Applicability
- 17.13.030: Plat Administrator
- 17.13.040: Preliminary Short Plat Application
- 17.13.045: Expiration
- 17.13.050: Plat Map
- 17.13.055: Conditional Approval of Preliminary Short Plat
- 17.13.060: Administrative Review
- 17.13.065 Roads and Rights-of-way
- 17.13.070: ~~Roads and Rights-of-way~~ Procedure Appeal
- 17.13.080: ~~Approval and Filing~~ Final Short Plat Requirements
- 17.13.082: Final Short Plat Administrative Review
- 17.13.085: Final Short Plat Map
- 17.13.090: ~~Procedure – Appeal~~ Approval of Final Short Plat
- 17.13.095: Construction of Improvements
- 17.13.100: Approval Before Filing
- 17.13.105: Unauthorized Sale or Transfer
- 17.13.110: ~~No Sale or Transfer~~ Agreement to Sell Upon Transfer
- 17.13.120: Resubdivision Procedure
- ~~17.13.130: Dedication of Land for Park Purposes~~
- 17.13.140: Certification of Description
- 17.13.150: Notice of Filing
- 17.13.160: Short Plat Alterations
- 17.13.170: Procedure for Short Plat Alterations

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17.13.010: Applicability: Every division of residentially zoned land for the purpose of lease or sale into two or more, but less than ten lots, must comply with this Chapter. (Ord. 5415 Sec. 25, 2012; Ord. 5280 Sec. 1, 2010)

17.13.030: Plat Administrator: The Planning Director or his/her designee, shall act as the City’s Plat Administrator. The Plat Administrator (“Administrator”) will summarily approve, conditionally approve, or disapprove proposed final short plats. The Administrator may adopt reasonable rules to implement this Chapter. (Ord. 5415 Sec. 27, 2012; Ord. 5280 Sec. 1, 2010)

17.13.040: Preliminary Short Plat Application: All preliminary short plat applicants must submit a ~~short plat signed~~ application signed by all property owners of the ~~for a~~ short subdivision and consisting of the following:

- (1) A ~~required number of copies and one reproducible~~ copy of a short plat map prepared in a format designated by the Plat Administrator and in accord with Section 17.13.050;
- (2) A title report dated not more than ~~60~~ 30 days prior to the application date showing the name of anyone with an interest in the land being subdivided;
- (3) A filing fee in accord with the adopted fee schedule; and

~~(4) A SEPA checklist consistent with the provisions of KMC 4.08.510(2); and~~

(5) Those plats proposing individual on-site waste disposal systems as the means of sewage disposal must include a preliminary review from the Benton-Franklin Health District indicating the proposal generally complies with health district regulations or gives specific conditions necessary to bring a proposal into compliance with said regulations. (Ord. 5415 Sec. 28, 2012; Ord. 5342 Sec. 2, 2011; Ord. 5280 Sec. 1, 2010)

17.13.045: Expiration: Expiration of permits and applications under this Chapter shall be determined as provided under KMC 4.12.075. (Ord. 5470 Sec. 1, 2012)

17.13.050: Plat Map: A plat map must be submitted in a format designated by the Plat Administrator on a sheet size capable of printing to ~~of~~ eighteen inches by twenty-four inches, to a scale not to exceed one inch equals one hundred feet, unless otherwise approved by the Administrator. The plat map must be of the entire contiguous tract and must include the following:

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- (1) The parent parcel tax ID number;
- (2) Street address ~~designated by the City shown in~~ brackets ~~in on~~ each parcel;
- (3) The ~~name of the property owners and~~ boundaries of abutting property, current

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references to recorded plats of adjoining land by record name, date, number and parcel number;

- (4) A completed survey showing the boundaries of each lot, the total short subdivision, and a description of all monuments set;
- (5) The legal description of the boundary of the short subdivision;
- (6) The location of all existing structures to remain, existing septic tanks, drain fields and wells with dimensions to proposed property lines;
- (7) The location of roads, utilities, easements, or rights-of-way existing and proposed for the short plat;

~~(8) Notarized signatures of all parties having an interest in the land agreeing to the division of property and the dedication of any rights of way or easements;~~

~~(9)~~ (8) All existing and planned intersection locations and widths to include public and private roadway intersections, driveways, and recorded access easements for roadways shall be shown for a distance of 300 feet from the plat edges along any adjacent roadways. The City Traffic Engineer may consider exceptions to this requirement;

(9) A vicinity map.

(10) Approval of certificates as shown below:

~~(a)(a)~~ Owner's Certificate:

I/We (owner's name) of (Company name, if owned by a company), hereby certify that we are the owners of the tract of land described hereon and that we have caused said land to be surveyed and the lots created as shown and that the street right-of-way and the utility easements are hereby dedicated to the use of the public.

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Aknowledgements;

As required by Section 17.13.140

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(b) Land Surveyor's Certificate:

I, (surveyor's name), a registered land surveyor, hereby certify that the short plat as shown hereon is based on an actual field survey of the land described and that all corners and dimensions are correctly shown and that said short plat is staked on the ground as indicated hereon.

Signature

Date

(c) Treasurer's Certificate:

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

Tax Parcel Number

Benton County Treasurer

Date

(d) Irrigation District Certificate:

~~(i) **Certificate in format determined by the applicable district** Non Irrigable Lands (Dry) - Certificate. This land is within the Kennewick Irrigation District boundaries, but is not assessed at this time and the irrigation easements are approved as shown.~~

Signature

Title

Date

~~(ii) **Irrigable Lands** Certificate. The irrigation assessments on the land described hereon are paid through the year _____. The irrigation right of way and easements as shown hereon are hereby approved and the completed irrigation water distribution system has been installed or provision made for its installation.~~

Signature

Title

Date

(e) Public Utility District Certificate:

The utility easements are hereby approved by Benton Public Utility District No. 1.

Signature

Title

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(f) City of Kennewick Plat Administrator's Certificate:
The short plat is hereby approved by and for the City of Kennewick,
Benton County, Washington.

Date

City of Kennewick File Number

Signature

City of Kennewick Plat Administrator

Date

(g) Auditor's Certificate:
Filed for record this ____ day of (Month), (Year), at ____ minutes past
____ and recorded in volume ____ of surveys, page ____, at the request of
____.

Benton County Auditor

Fee number

(11) ~~A vicinity map.~~

(12) ~~Upon final approval, a plat map must be drawn in ink on good quality mylar, to all the requirements of this section and submitted for signature with the surveyor's certificate, owner's certificate with dedication, acknowledgement, and utility approvals completed. (Ord. 5470 Sec. 2, 2012; Ord. 5415 Sec. 29, 2012; Ord. 5280 Sec. 1, 2010)~~

17.13.055: Conditional Approval of Preliminary Short Plat: Preliminary Short Plats must be conditionally approved, or returned to the applicant for modification or correction, or denied within 30 days from the date of filing, unless the applicant consents to an extension. The 30 day period does not include the time spent making an environmental determination, and the preparation and circulation of any environmental impact statement required by RCW 43.21C. The reasons for denial must be given in writing. Written findings that are appropriate must be provided with each conditional approval or denial (RCW 58.17.060). A final short plat, meeting all the requirements of this Title, must be submitted to the City for approval within 180 days of the preliminary short plat conditional approval as provided under KMC 4.12.075.

17.13.060: Administrative Review: Upon the receipt of a completed preliminary short plat application, ~~the Administrator will distribute~~ copies of the information will be distributed to any involved parties and agencies as necessary for review. The ~~Administrator city~~, with the assistance of other reviewing agencies, will ~~determine whether~~ grant Preliminary Short Plat approval when the following findings are made:

- (1) The proposed lots conform to the ~~Comprehensive Plan and the zoning ordinance~~ Kennewick Municipal Code;
- (2) The proposed short subdivision meets the criteria of Section 17.10.080(1);
- (3) Applicable irrigation assessments ~~have will been~~ paid and adequate utility easements ~~will have been~~ provided; and

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(4) The public use and interest will be served by permitting the proposed division of property. (Ord. 5415 Sec. 30, 2012: Ord. 5280 Sec. 1, 2010)

17.13.070.065: Roads and Rights-of-Way: The City Engineer will review each short subdivision to determine if there is or may be a need for public access through or abutting a proposed short subdivision. If such a need does or may exist, he may recommend that any approval of the short subdivision be conditioned upon the dedication of right-of-way and the construction of needed streets to city standards. If the proposed short subdivision abuts an existing right-of-way, the City Engineer may recommend that additional right-of-way and/or public sidewalk and utility easements be dedicated to obtain one-half the required width of the street as established by any street plan and that the right-of-way be improved to city standards. (Ord. 5280 Sec. 1, 2010)

~~17.13.080: Approval and Filing: Upon receipt of the application, the Administrator will notify the applicant of approval, conditional approval, or denial of the application within 30 days from the date of filing unless the applicant consents to an extension. The reasons for denial must be given in writing. Written findings that are appropriate must be provided with each approval or denial (RCW 58.17.060). If the application is either approved or conditionally approved, the applicant must satisfy all conditions and submit the original of the map to the Administrator for final approval. The applicant must record the original with the Benton County Auditor before the lots may be sold. Upon recording, the applicant must return two (2) copies with one reproducible copy or electronic equivalent of the recorded short plat to the City. (Ord. 5415 Sec. 31, 2012: Ord. 5280 Sec. 1, 2010)~~

Field Code Changed

17.13.090.070: Procedure - Appeal: Any person aggrieved by the decision of the Administrator to ~~approve~~, conditionally approve, or disapprove a proposed preliminary short plat may appeal the decision to the Hearing Examiner within ten days following issuance of the decision. The Hearing Examiner will hold an open record appeal hearing and may affirm or reverse the Administrator’s decision or may remand the application to the Administrator with instructions to approve the same upon compliance with conditions imposed by the Hearing Examiner. Any person aggrieved by a decision of the Hearing Examiner may appeal to the Superior Court of Benton County for such relief as he may be entitled within twenty-one (21) days of the decision. (Ord. 5415 Sec. 32, 2012: Ord. 5322 Sec. 44, 2010: Ord. 5280 Sec. 1, 2010).

17.13.080: Final Short Plat Requirements: All final short plats must provide the following:

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(1) A required number of copies of a short plat map prepared in accord with Section 17.13.040 in a format designated by the Plat Administrator.

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17.13.082: Final Short Plat Administrative Review: Copies of the information will be distributed to any involved parties and agencies as necessary for review. The city, with the assistance of other reviewing agencies, will determine whether;

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(1) The proposed final short plat meets the conditions of approval of the preliminary short plat;

(2) The final plat map meets the requirements of KMC 17.13.050. and 17.13.095

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17.13.085: Final Plat Map: A final plat map must be submitted in a format designated by the Plat Administrator. The plat map must be of the entire contiguous tract and must include the following:

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- (1) All items and certificates required and approved on the Preliminary Short Plat;
- (2) The location of existing roads, utilities, easements, or rights-of-way;

17.13.090: Approval of Final Short Plat

(1) Upon final approval, a short plat drawn on an eighteen (18) inches by twenty-four (24) inches sheet of material approved by the County Auditor, to all the requirements of this section and submitted for City of Kennewick Plat Administrator’s signature with the surveyor’s certificate, owner’s certificate with dedication, acknowledgement, and utility signatures completed. (Ord. 5470 Sec. 2, 2012; Ord. 5415 Sec. 29, 2012; Ord. 5280 Sec. 1, 2010).

(2) When the Plat Administrator finds that the subdivision proposed for a final short plat conforms to the approved preliminary short plat and meets the requirements of this code and other applicable state laws, it will suitably inscribe and execute its written approval on the face of the plat.

(3) The original must be filed with the County Auditor.

(4) Copies of the recorded plat must be furnished to the City in a format designated by the Plat Administrator.

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17.13.095: Construction of Improvements: Prior to final plat approval, all public rights-of-way must be improved and utilities installed to the minimum requirements of this code and the preliminary plat. Improvements may be greater than the minimum requirements, subject to approval of the City Engineer Public Works Director. All required infrastructure improvements must be substantially completed with remaining minor improvements as approved by the Public Works Director. Minor improvements consisting only of sidewalks and landscaping where applicable, or similar improvements, as determined solely by the Public Works Director may be secured by a plat bond. In lieu of completion of these required minor improvements, prior to recording of the short plat, a plat bond issued by a licensed corporate surety or two individual sureties or other approved surety must be provided, to the full amount of the cost of such work, as estimated or approved by the City Engineer Public Works Director, including construction inspection costs, but in no case less than \$2,000.00. All or a portion of security will be released upon acceptance of the improvements by the City Engineer Public Works Director, or upon substitution of another guarantee or approved bond or security. All utilities must be available to all property lines and streets and other public rights of way must be improved within two years after final plat approval, in accord with the approved plans. If, after two years, all utilities improvements are not available to all property lines and public rights of way are not so improved, the City will cause the utilities improvements to be provided to the property lines and streets to be improved in accord with the approved plans, and the costs thereof must be paid by the bonding company, or out of the savings account assignment or other security. In lieu of the plat bond, a cash bond, a certified check, an irrevocable letter of credit, or other surety approved by the City Manager and City Attorney, equal to the cost of improvement multiplied by 125% may be posted. In addition, the City may require security up to two years against any defect in workmanship or materials in the installation of the improvements. Improvements must be designed and certified by a registered civil engineer prior to the acceptance. All city utility and street improvements must be approved by the City Engineer Public Works Director prior to final inspection and occupancy of any structure within the plat. (Ord. 5280 Sec. 1, 2010)

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17.13.100: Approval Before Filing: The County Auditor may not accept any plat for filing until approved by the City of Kennewick Plat Administrator. Should a plat be filed without approval, the City may compel the auditor and assessor to remove it from their files or records.(Ord. 5280 Sec. 1, 2010)

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17.13.105: Unauthorized Sale or Transfer: Whenever any parcel of land is divided, and any person, firm or corporation, or their agent sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a plat of such subdivision filed for record, the City Attorney may commence an action to restrain and enjoin further subdivisions, sales, transfers, or offers and to compel compliance with this Title. The costs of such action will be taxed against the person, firm, corporation, or agent selling, transferring, or offering the property. (Ord. 5280 Sec. 1, 2010)

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17.13.110: No Sale or Transfer: No person may transfer, sell, lease, or offer for transfer, sale, or lease any land subject to the requirements of short plat approval until a short plat has been approved and filed. (Ord. 5280 Sec. 1, 2010) **Agreement to Sell Upon Recording:** An offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary short plat approval which is expressly conditioned on the recording of the final plat is lawful. All payments on account of an offer or agreement conditioned as provided in this section must be deposited in an escrow or other regulated trust account and no disbursement to sellers is permitted until the final plat is recorded.

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17.13.120: Resubdivision Procedure: Land within a short subdivision may not be further divided in any manner within a period of five years without the filing of a long plat, but if the short plat contains less than four parcels, the owner may, within five years, create up to four parcels within the original short plat boundaries. Property considered to be within a short subdivision are all lots which are recorded with a short subdivision and with lot numbers, including all such lots which are less than 20 acres. (Ord. 5280 Sec. 1, 2010)

~~**17.13.130: Dedication of Land for Park Purposes:** As a condition of the approval of any short plat which will be used for residential purposes, the City will require the dedication of park land in accord with Chapter 17.100, the adopted Comprehensive Plan and the adopted Comprehensive Park and Recreation Plan. In the event that the property proposed to be subdivided is insufficient in size to provide for adequate recreational facilities for the residents in the proposed short plat and the area has been determined to have inadequate park facilities, the short plat will, in most cases, be disapproved, unless other measures which will reasonably protect the public's need for recreational areas can be agreed upon between the subdivider and the City. (Ord. 5280 Sec. 1, 2010)~~

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17.13.140: Certification of Description: Every short plat must contain a certificate giving a full and correct description of the lands as they appear on the plat, including a statement that the short subdivision has been made with the consent and in accord with the desires of the owner or owners. If the plat contains a dedication, the certificate or a separate written instrument must so indicate. The certificate or instrument of dedication must be signed and acknowledged before a notary public by all parties having any interest in the lands and recorded as part of the short plat. Every plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owner signing the certificate or instrument of dedication. An

offer of dedication may include a waiver of right of direct access to any street from the property, and if the dedication is accepted, any such waiver becomes effective. Such a waiver may be required by the City as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant, shown on the face of the plat is equivalent to a quit claim deed to the donees or grantees. (Ord. 5280 Sec. 1, 2010)

17.13.150: Notice of Filing Application: Notice of ~~filing application~~ of a short plat adjacent to or within one mile of another municipal boundary, must be given to the appropriate municipal official. Notice of such ~~filing application~~ located adjacent to the right-of-way of any existing or proposed state or federal highway, must be given to the State Department of Transportation. Notice of the ~~filing application~~ may be given to any other agency deemed prudent by the City. (Ord. 5280 Sec. 1, 2010)

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17.13.160: Short Plat Alterations: When any person desires the alteration of an approved short plat or portion thereof, except as provided in KMC 17.04.010(1), an application shall be filed with the department on forms provided by the City. The application must include the signatures of a majority of the owners of the lots, tracts, parcels, sites or divisions in the division or portion to be altered and include a list of all owners within the division. If the division is subject to restrictive covenants, which were filed at the time of the approval of the division and the alteration would result in the violation of a covenant, the application must be signed by all parties subject to the covenants. (Ord. 5415 Sec. 33, 2012)

17.13.170: Procedure for Short Plat Alterations:

- (1) Upon receipt of a completed application, the Administrator shall notify all owners of property within the short subdivision and as provided in KMC 4.12.090.
- (2) Any proposed modification which would amend conditions established administratively shall be circulated to affected agencies for review and comment. An amended decision or amended conditions of approval may be required based on comments received from affected agencies.
- (3) The Administrator may waive formal processing if it is determined that the proposed modification would not have a substantial impact on adjacent properties or conditions of approval. This process shall not apply to amending site plans or conditions thereof established by a hearing body that would constitute a change of condition. Alterations may be approved by the Administrator, if the Administrator determines that the public use and interest will be served by the alteration. (Ord. 5415 Sec. 34, 2012)