



Binding Site Plan

PB-15

Community Development Department

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15.260.180 Binding site plan review procedures and criteria.

A. Purpose.

This chapter shall govern a subdivision of land through the optional binding site process provided for in RCW 58.17.035, or its successor. If approved under this chapter, a division of land authorized by a binding site plan is exempt from the subdivision and short subdivision regulations and processes. Binding site plans are authorized by RCW 58.17.035, or its successor, to be used for condominiums and for the division of commercial or industrial zoned properties.

B. Applicability.

The underlying zoning district standards shall apply for development utilizing the binding site plan process. The binding site plan option shall apply to the following:

1. Commercial zoned property in the C-H, C-T and C-CII zoning districts;
2. Industrial zoned property in the I-H and I-L zoning districts;
3. Condominiums for one or more units in any R-S, R-L, R-M, R-H, C-N, C-C or C-CII zoning district that are 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; and
4. Land divisions for the purpose of leasing property that is located:
 - a. Within a manufactured home park provided that no residential structure other than manufactured homes are to be placed on the land within a manufactured home park; and
 - b. Within the C-T zoning district provided that no residential structure other than recreational vehicles are to be placed on the land within an approved recreational vehicle park.

C. Application – Administration.

All applications shall be submitted to the administrator. Binding site plan applications shall be processed as a Type III permit pursuant to the requirements set forth in ECC 15.210.030(C).

D. Complete application requirements.

All requests for a binding site plan shall be filed with the administrator together with the application fee as set forth in the adopted fee schedule. An application for a binding site plan shall not be determined to be complete until all of the following have been provided on the binding site plan drawing or on any other supporting documentation submitted along with the binding site plan drawing:

1. The minimum application requirements set forth in ECC 15.220.020 and a completed binding site plan application form provided by the department, which shall include the signatures of all owner's of interest in the land involved in the subdivision application;
2. A recorded copy of the deed for the property proposed for the binding site plan;
3. A current title report on the property proposed for the binding site plan;
4. Copies of all existing or proposed restrictive covenants to be imposed upon land in the binding site plan;
5. Textual description of phasing if proposed, including the timing for all public improvements, required landscaping and binding site plan amenities to be installed with each phase;

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6. Names and addresses of all property owners within 300 feet of the boundaries of the property proposed for the binding site plan as those names appear on the records of the county assessor;
7. Any information in the opinion of the administrator which is necessary to determine if the proposed binding site plan makes appropriate provision for physical problems or hazards involving public health, safety and/or welfare;
8. A completed SEPA Checklist and payment of the SEPA application fee;
9. A completed critical area information form or critical area report pursuant to ECC Article 6, if applicable;
10. A preliminary binding site plan drawing which shall comply with all general drafting standards and Tier 3 drafting guidelines required by the city's [public works development standards – Section 5 - drafting standards](#). Five copies of the drawing shall be provided with the application, along with an electronic copy on CD media in a format readable by the city's current version of AutoCAD, and one reduced copy not to exceed 11-inches by 17-inches. In addition to the drafting standards set forth in the city's public works development standards, such drawing shall clearly show the following:
 - a. Vicinity sketch showing the parcel boundaries and the major street system within a 1/4-mile radius;
 - b. Zoning of the property within the binding site plan;
 - c. The name and locations of adjacent subdivisions, short plats and binding site plans;
 - d. Location and size of existing and proposed utilities, railroads and irrigation rights-of-way within the binding site plan;
 - e. Plan view of proposed streets with their names and widths, any proposed pedestrian ways, and all proposed utilities and easements;
 - f. Location and size of all proposed ditches, culverts, catch basins, detention or retention ponds or other parts of the design for the control of surface water drainage;
 - g. Approximate boundaries of all areas within the binding site plan subject to irrigation or storm water overflow and the location, width and direction of flow of all watercourses and the extent and location on the site of the 100-year flood flow from said watercourses;
 - h. name and address of the owner(s) of the binding site plan property and all mortgagee(s) of said property;
 - i. Legal description of the binding site plan property;
 - j. Surveyed boundary lines of the binding site plan property with complete bearings, lineal dimensions and the acreage;
 - k. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field; lot area in square feet; and number of lots and blocks which shall be numbered consecutively from one to total number of lots;
 - l. All section, township, municipal and city lines lying within or adjacent to the binding site plan property;
 - m. Name, address and official seal of the licensed professional land surveyor preparing the binding site plan drawing;
 - n. Ties and controlling reference points to existing and permanent points, monuments and markers;
 - o. Date, scale, north point and origin of meridian, with the scale shown at 100 feet to the inch unless otherwise approved by the city engineer;
 - p. Proposed phasing plan with clear delineation of each phase;
 - q. Locations of land areas intended to be dedicated for public use or reserved for use of owners of the property in the binding site plan, along with a textual declaration of the dedication or reservation. Any roads not dedicated to the public must be clearly marked on the face of the binding site plan drawing as private roads. (Any dedication, donation or grant as shown on the face of the binding site plan shall be considered for all intents and

purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her, or their use for the purposes intended by the donors or grantors.);

- r. Location, centerline, and width of all existing and proposed rights-of-way and easements along with name of all existing or proposed streets within and adjoining the binding site plan and the name and auditor's file number for all easements;
- s. The areas and locations of open space, recreational amenities, and critical areas including prescribed critical area buffers;
- t. Areas designated for landscaping, vehicle use, parking, truck loading, and non-motorized transportation corridors or pathways;
- u. The location of all existing and proposed structures;
- v. A declaration that all development of the property shall conform to that shown on the binding site plan drawing and conditions placed upon the binding site plan; and all provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan;
- w. Signatures and date lines for:
 - i. Certification by a registered land surveyor of the state of Washington that the binding site plan and legal descriptions were prepared under his or her direct supervision;
 - ii. The approvals of the city engineer, energy services director and community development director;
 - iii. The county treasurer indicating that the real property taxes are current;
 - iv. All owners and all other's holding an interest in the binding site plan property with acknowledgments for all such signatures;
 - v. Approval by the mayor; and
 - vi. Approval by the irrigation district, if applicable.
- x. If the binding site plan is in conjunction with condominiums, pursuant to Chapters 64.32 or 64.34 RCW, the following statement must be included on the face of the binding site plan:

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, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use 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 individuals or entities now and hereafter having any interest in the land described herein; and

- y. All binding site plan designs shall include, as determined by the director, overall site landscaping, pedestrian walkways and connections, parking and circulation, recreational amenities, walls and fences, architectural design guidelines, lighting, and other site plan standards as set forth by the underlying zoning district. For commercial, business park, and industrial divisions, building envelope or use does not have to be identified at the time of the binding site plan. However, site plan review for subsequent building size, location and use will be required when submitted.

E. Design standards and dedications.

In order to meet the public interest:

1. A binding site plan shall conform to the applicable zoning and development standards of the city of Ellensburg land development code, codified in Title 15 ECC and the public works development standards and all other city utility development standards;
2. Each lot in a binding site plan shall be provided with satisfactory access established consistent with the requirements of the [public works development standards](#) and [Title 4 ECC, public works construction](#);
3. Each lot in a binding site plan shall be provided with adequate provisions for water supplies, sanitary wastewater facilities and stormwater and drainage facilities consistent with the requirements of the [public works development standards](#) and [Title 9 ECC, Utilities](#);
4. Each lot in a binding site plan shall be provided with adequate provisions for electric utility service, and natural gas utility service if applicable, consistent with the requirements of the [city Energy Services Department](#) and [Title 9 ECC, Utilities](#); and
5. Approval of binding site plans may be conditioned upon dedications to the city of drainage ways, other public ways, water supplies, sanitary waste facilities, parks, playgrounds, sites for schools, and other needs of the public.

F. Administrative review.

Upon deeming the binding site plan to be a complete application and issuing the notice of application pursuant to Chapter 15.220.040 ECC, the director shall transmit the binding site plan to city departments, the Kittitas Valley Fire and Rescue fire marshal, the SEPA responsible official for any required SEPA review pursuant to ECC Chapter 15.270, and to the landmarks and design commission for any required landmark and design review pursuant to ECC Chapter 15.280. The director shall concurrently perform critical area review if such review is required pursuant to Article 6 of this title. Within 45 days from the date the binding site plan application was deemed complete the director shall transmit to the planning commission any and all review comments or recommendations on the binding site plan that have been received from staff, SEPA responsible official, the public, and any other reviewing body, along with the director's recommendation on the binding site plan.

G. Planning commission review.

Upon receipt of the review and recommendations transmitted by the director, the planning commission shall hold a public meeting at the next regularly scheduled planning commission meeting, provided such meeting is at least 14 days from the transmittal date, to consider the binding site plan and the comments and recommendations made to date. The planning commission shall then make a recommendation to city council on whether to approve, approve with conditions or deny the binding site plan. The director shall transmit that planning commission recommendation to city council.

H. City council review.

At the next regular or special city council meeting following transmittal of the planning commission recommendation to city council, the council shall set a public hearing date for a regular or special city council meeting at least 14 days but not more than 30 days in the future. Public notice of the hearing shall be accomplished pursuant to the requirements in ECC 15.210.

I. Criteria for approval.

In its review of the binding site plan, the city council shall make an inquiry into the public use and interest proposed to be served by the establishment of the binding site plan and any dedication to be made by the binding site plan, and shall consider:

1. Whether the binding site plan conforms to ECC 15.620.180;
2. If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

3. Whether the public interest will be served by the approval of the binding site plan and any dedication.

J. Findings and conclusions.

The city council shall not approve any binding site plan unless written findings are made that:

1. The binding site plan conforms to ECC 15.620.180;
2. Appropriate provisions are made for the public health, safety, and general welfare and for other such open spaces, drainage ways, streets or roads, alleys, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
3. The public use and interest will be served by the approval of the binding site plan and any dedication.

K. Time limit on action.

An application for a binding site plan shall be approved, approved conditionally or disapproved by the city council within 90 days from the date the application was deemed complete unless the applicant consents to a time extension; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90 period shall not include the time spent preparing and circulating the environmental impact statement.

L. Duration of approval.

Preliminary approval of the binding site plan shall be effective for 5 years from the date of such approval by the city council, during which time the final binding site plan may be submitted.

M. Irrigation water district approval.

Any binding site plan which lies in whole or in part in an irrigation district organized pursuant to Chapter 87.03 RCW shall provide for such irrigation water rights-of-way and any other improvements as shall be required by the irrigation district for each parcel of land in such district and such rights-of-way shall be evidenced by the respective binding site plan submitted for final approval to the city council.

N. Final binding site plan – Submittal deadline.

The final binding site plan application shall be submitted to the administrator within 5 years of the date of preliminary binding site plan approval. Failure to submit the final binding site plan application within that time period will result in a lapse of the preliminary binding site plan approval.

O. Final binding site plan – Application.

The final binding site plan application shall include the same information as for a final subdivision application as set forth in ECC 15.260.100.

P. Final binding site plan – Administrative action.

1. Upon receipt of the final binding site plan application containing the items identified in ECC 15.620.180(O), the city council shall have 30 days for review to determine conformance with the approved preliminary binding site plan and all applicable regulations and standards. The city council shall make written findings of fact relating to its decision on the final binding site plan and, if approved, shall direct the mayor to sign the final binding site plan. Upon approval by the city council, the director, the city energy services director, and the city engineer shall sign the final binding site plan document and shall present the final binding site plan document to the mayor for signature. The final binding site plan shall then be presented to the county treasurer for review and signature. Such signatures and approval of the final binding site plan document shall be subject to the following determinations:

- a. The requirements of Chapter 58.17 RCW and other applicable state law, the city's comprehensive plan, and any other applicable city ordinances that were in effect at the time of preliminary binding site plan approval, and this title have been met;
- b. Conditions imposed on the preliminary binding site plan approval, if any, have been met; and
- c. The bond or other proposed security meets the requirements of the public works development standards and has been approved and accepted by the city engineer.

2. If the final binding site plan is not approved by city council, the decision, along with reasons for denial, shall be communicated in writing to the applicant.

Q. Final binding site plan – Filing.

The final binding site plan shall not be officially complete until the signed original final binding site plan and subdivision improvements agreement, if required, have been recorded with the county auditor. Said documents shall be recorded by the director within 10 working days after city council approval, in the presence of the applicant and with the cost of recording paid by the applicant. Filing of the final binding site plan shall not relieve the property owner of the obligation to complete the minimum public improvements.

R. Amendment, modification and vacation. Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. The vacated portion shall constitute one lot unless the property

is subsequently divided by an approved subdivision or short plat. In the event the vacation is of a dedicated road right-of-way, the review process shall follow the city's road vacation process.