

## **CHAPTER XX.52 BINDING SITE PLANS**

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**xx.52.010 Purpose.** The purpose of this Chapter is to establish or reference the procedure and requirements for the application, orderly review, and expeditious approval of binding site plans as an alternative to subdivisions in accordance with the provisions of RCW 58.17

**xx.52.020 Application Requirements.** The County Community Development Director is authorized to establish such forms, procedures, and fees as may be necessary to process binding site plans in accordance with the provisions of RCW 58.17 and County Ordinances:

- A. Prior to submitting an application for a binding site plan, the Applicant must schedule and participate in a pre-application review conference;
- B. Preliminary Binding Site Plan applications shall be processed as a Class 2 Permit and a final Binding Site Plan shall be processed as a Class 3 permit; and
- C. It is the intent of the County to process Binding Site Plan applications in conjunction with any other permits and approvals that may be required. The County Community Development Director shall be responsible for determining the required permits and establishing the appropriate review and public comment procedures.

**xx.52.030 Approval Criteria.** Binding site plans shall be reviewed for compliance with the provisions of this Chapter and:

- A. RCW 58.17;
- B. Pend Oreille County Comprehensive Plan, Shoreline Master Program, ordinances and regulations, State and County building codes, and the Washington State Environmental Policy Act (SEPA);
- C. New land divisions located within city urban growth areas must conform to city development standards, in accordance with adopted inter-local agreements;

D. Washington State Department of Health, Department of Ecology and Northeast Tri-County Health District (NETCHD) -requirements for sewage disposal:

1. Within urban growth areas, public sewer shall be required in binding site plans unless the on-site sewage disposal requirements of the Department of Health and/or Department of Ecology and minimum land area requirements can be met.
2. Outside of urban growth areas, binding site plans shall not be approved that require extension or expansion of public sewer except when:
  - a. Public sewer is necessary to protect the public health, safety or environment; and
  - b. Public sewer is financially supportable at rural densities and does not permit urban development.
3. On-site sewage disposal systems shall meet the requirements of the Department of Health, or Department of Ecology, and NETCHD.
4. All portions of a community on-site sewage system that are held in common ownership shall be constructed and approved prior to specific binding site plan approval.

E. Washington State Department of Health, Department of Ecology and NETCHD requirements for potable water supply:

1. Water from a public water system(s) shall be provided to serve each lot or lease space.
2. The applicant shall demonstrate that adequate water right(s) exist to serve the binding site plan, except when water withdrawal is exempt from obtaining a water right permit under RCW 90.44.050.
3. If a Group B or Group A public water system is created to serve the binding site plan, the number of wells shall be limited to the minimum needed to serve the water needs of the binding site plan as determined by the Health Department.
4. All requirements of Chapter 246-290 WAC, Group A Public Water Systems, or Chapter 246-291 WAC, Group B Public Water Systems, must be met prior to specific binding site plan approval.

F. Binding site plans shall incorporate adequate capability for fire protection in accordance with sound engineering practices, ~~and~~ locally adopted codes and development standards, and the effected Fire District.

G. Roads shall be designed with appropriate consideration for existing and projected roads, anticipated traffic patterns, topographic and drainage conditions, public convenience and safety, and the proposed uses of the land served.

1. Dedications for the realignment and widening of the adjacent rights-of-way, in accordance with county standards, ~~shall take place~~ may be required whenever a binding site plan abuts a county road. Frontage roads or parallel access roads may be required to eliminate direct access to arterial and collector roads.
2. Frontage improvements required to the public roadway(s) adjacent to the subject property shall be completed to the current functional classification and current Public Works construction specification prior to recording the general or specific binding site plan.
3. ~~Minor and local access roads should discourage through traffic.~~
4. All binding site plans shall abut and be accessed by a constructed and maintained ~~public road or a private road~~ way, as allowed under the Pend Oreille County Development Standards and Ordinances. The number of a access points shall create efficient on- and off-site circulation patterns and facilitate emergency response. A traffic analysis may be required by the county engineer ~~in order~~ to analyze present and future traffic circulation patterns, to determine the appropriate location and number of access points to the site, and to ~~ascertain the~~ determine the appropriate classification ~~and character~~ of the proposed roads.
5. Where reasonably necessary to join with existing roads or needed for future circulation, road rights-of-way and/or easements shall be extended to the outside boundaries of the binding site plan.
6. Public road rights-of-way and/or easements shall be extended to the boundaries of binding site plans that abut public lands and public bodies of water, if requested by the administrator of said public lands. Such access roads need not be provided at an interval more frequent than one-half mile.
7. Private roads may be permitted in a binding site plan when in compliance with the Pend Oreille County ~~Development~~ Public Works Road Standards.

H. The dedication of sites for schools, parks, and other public or community purposes may be required to the extent that such dedication is suitable to and reasonable for the needs anticipated by full development of the binding site plan.

I. Easements shall be provided where applicable for development related facilities.

1. All easements shown on binding site plans shall include:

- a. The beneficiary of the easement;
  - b. The purpose of the easement; and
  - c. A clear depiction of the easement (including dimensions) on the face of the binding site plan.
2. The owner may specify the burdening of the easement. ~~Examples of burdening may include the average daily trips for ingress and egress easements, the equivalent single family units for water, sewer, and on-site sewage disposal systems, and the maximum peak flow rate expressed in accepted units for drainage easements.~~ The owners of the subservient estates are not entitled to rely upon the County to enforce the limitations of the easements so granted, and no cause of action shall lie against the county for errors or omissions occurring in connection with the administration of, or issuance of, permits for development of properties that burden the easements referred to herein.

**xx.52.040 Preliminary Binding Site Plan Approval.** Binding Site Plan applications may receive preliminary approval based on a written finding by the Planning Commission that the following standards and criteria have been met:

- A. The proposal is in conformity with the provisions of this Chapter and applicable land division, zoning, critical areas, shoreline management, and other land use regulations, and County ~~Ordinances~~Regulations; and that
- B. Appropriate provisions have been made for the public health, safety, and general welfare and for such open spaces, drainage ways, stormwater management, streets or roads, pedestrian and bicycle paths, alleys, other public ways, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools 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 the public use and interest will be served by the platting-recording of such binding site plan and dedication.

**xx.52.050 Final Binding Site Plan Approval.** Upon satisfactory completion of all terms and conditions of preliminary approval including the inspection and approval of all required improvements, the Applicant shall be authorized by the County to proceed with the filings necessary for final binding site plan approval, provided that:

- A. Improvements and other requirements shall be provided to the extent that each specific phase of the binding site plan will be adequately served by all roads, utilities, drainage facilities, easements and other amenities necessary to its existence in the event that subsequent phases are not completed; and

- B. As an alternate to complete installation of required improvements, the Applicant may propose to post securities in a form prescribed by the County and subject to County approval, guaranteeing completion of the work. No occupancy permit, final inspection, or use of the lot(s) created by a binding site plan shall be issued or allowed until all necessary infrastructure improvements as specified by this Chapter have been met.
- C. Work on required improvements must be commenced within one year of the time of approval and completed within three years of commencement of the project. An Applicant who files a written request to the Department of Community Development at least thirty days before the expiration of this three year period may be granted one one-year extension upon a showing that the Applicant has attempted in good faith to complete the action within the three year period.
  - 1. Failure to meet the conditions of approval may result in the revocation of the permit or preliminary approval, the forfeiture of performance bonds or financial guarantees, and/or the imposition of additional conditions of approval.

**xx.52.060 Revisions to Approved Binding Site Plans.** Requests to revise approved Binding Site Plans shall be processed as:

- A. A Class 2 Decision if the proposed revisions may result in any substantial changes as determined by the County Community Development Director, and shall be treated as a new application for purposes of vesting. For the purpose of this section substantial change includes:
  - 1. The creation of additional lots;
  - 2. Changes in access points; or
  - 3. Changes in the proposal that may lead to built or natural environmental impacts that were not addressed in the original approval.
- B. A Class 1 decision if the proposed revisions do not result in substantial changes as determined by the County.