

**City of South Bend
Adoption of Subdivision Ordinance
Determination of Nonsignificance (DNS)**

Description of proposal:

The City of South Bend is proposing to repeal the Land Division provisions of the Unified Development Code, Sections 15.62 through 15.68 of the South Bend Municipal Code and replace it with new subdivision provisions. This action incorporates changes consistent with Chapter 58.17 RCW, adopts new application requirements and review procedures for subdivisions, and adopts provisions for binding site plans.

Proponent and Lead Agency: City of South Bend

Location of proposal: The proposed subdivision ordinance applies to the entire jurisdiction within the City of South Bend, Washington.

Threshold Decision: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Comment Period: The public may comment in writing on the SEPA Determination of Nonsignificance through June 7, 2022. Please mail or email your written comments to:

Lisa Carlson
City of South Bend
PO Drawer 9
South Bend, WA 98586
sbmuni@mail.courts.wa.gov

The public may provide further testimony at the public hearing before the South Bend Planning Commission on June 7, 2022, 5:00 PM in the South Bend City Hall Council Chambers at 1102 W First Street, South Bend, WA 98586.

The meeting will also be available through Zoom at:
<https://us06web.zoom.us/j/84536278923?pwd=eWlXa2VQTlNsRWdMajNLeFJUczFEz09>
Meeting ID: 845 3627 8923 Passcode: 899045

Responsible official: Dennis Houk

Position/title: City Supervisor

Phone: (360) 875-5571 dennis.houk@southbend-wa.gov

Address: PO Drawer 9, South Bend, WA 98586

Date: May 20, 2022

(Publish in Willapa Bay Herald – May 25, 2022 Edition)



City of South Bend Environmental Checklist

A. Background
1. Name of proposed project, if applicable: City of South Bend Subdivision Ordinance
2. Name of applicant: City of South Bend
3. Address and phone number of applicant and contact person: Dennis Houk, City Supervisor 1102 W First, PO Drawer 9 South Bend, WA 98586 (360) 875-5571
4. Date checklist prepared: May 19, 2022
5. Agency requesting checklist: City of South Bend
6. Proposed timing or schedule (including phasing, if applicable): Planning Commission public hearing: June 7, 2022 City Council adoption: June – July 2022
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. This proposal is for a non-project action with no directly related plans for future activities.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. The proposed subdivision ordinance is consistent with the goals and policies of the City of South Bend Comprehensive Plan. No additional environmental information or studies have been prepared on the proposed code revisions.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. This is a non-project action which affects the regulations surrounding subdivisions and short subdivisions. The non-project action is not associated with a specific property.
10. List any government approvals or permits that will be needed for your proposal, if known. The proposed subdivision ordinance has completed the required 60-day GMA review and received no comment. The South Bend City Council will need to approve the final code revisions.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. The City of South Bend is proposing to repeal its existing land division code under South Bend Municipal Code Chapter 15, Division IV and replacing it with new provisions. The city has prepared the draft subdivision ordinance to keep it current with changes in state law, allow for binding site plan provisions, and provide clearer review procedures for both the city and subdivision applicants.
12. Location of the proposal. This non-project project proposal would apply throughout the jurisdiction of the City of South Bend.

B. Environmental Elements
1. Earth
<p>a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other . . . The area within the city is flat in its northern section near the Willapa River and becomes hilly as it extends southward.</p>
<p>b. What is the steepest slope on the site (approximate percent slope)? There are limited areas with steep slopes of approximately 70%.</p>
<p>c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. Ocosta silty clay loam, Rennie silty clay loam, Udorthents, Vesta silt loam, Willapa silt loam.</p>
<p>d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. The NRCS soil survey indicates severe limitations to development on Vesta silt loam (#150) and Willapa silt loam (#159 and #160) soils due to slope, low strength to support structures, and shrink-swell potential.</p>
<p>e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. As a non-project action, no filling or grading is proposed. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include review of any proposed grading or filling activity.</p>
<p>f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. As a non-project action, no filling or grading is proposed. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include review of any proposed grading or filling activity.</p>
<p>g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? As a non-project action, no impervious surface coverage will occur as a result of this proposal.</p>
<p>h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: As a non-project action, no impervious surface coverage will occur as a result of this proposal.</p>
2. Air
<p>a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. As a non-project action, no emissions to air will occur as a result of this proposal.</p>
<p>b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No.</p>
<p>c. Proposed measures to reduce or control emissions or other impacts to air, if any: None. Management of air quality issues are directed through the Olympic Region Clean Air Agency.</p>
3. Water
<p>a. Surface:</p> <p>Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. Willapa River, Skidmore Slough, Potter Slough, and smaller perennial streams draining into the Willapa River, which drains into Willapa Bay, an inlet to the Pacific Ocean.</p>

B. Environmental Elements
<p>Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.</p> <p>Not applicable, this is a nonproject action. Any subsequent project-specific development proposals will be subject to the provisions of the subdivision and other city codes.</p>
<p>Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.</p> <p>Not applicable, this is a nonproject action. The SMP contains policies and regulations that manage filling and dredging within the shoreline environment. Subsequent project-specific development proposals will be subject to the provisions of this SMP.</p>
<p>Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.</p> <p>Not applicable, this is a nonproject action.</p>
<p>Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.</p> <p>There are limited areas that are within 100-year floodplain; future development proposals will be reviewed under SBMC Chapter 14.10, Flood Damage Prevention.</p>
<p>Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.</p> <p>As a non-project action, no discharges of waste materials to surface waters will occur as a result of this proposal.</p>
b. Ground:
<p>1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.</p> <p>As a non-project action, no groundwater will be withdrawn or discharged.</p>
<p>2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.</p> <p>As a non-project action, no waste material will be discharged from septic tanks or other sources as a result of this proposal.</p>
c. Water runoff (including stormwater):
<p>1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.</p> <p>As a non-project action, no runoff will occur as a result of this proposal. Any future site-specific development or land use action proposal would be subject to a separate SEPA and development permit review, which would address runoff management.</p>
<p>2) Could waste materials enter ground or surface waters? If so, generally describe.</p> <p>As a non-project action, no runoff will occur as a result of this proposal. Any future site-specific development or land use action proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA and development permit review, which would address runoff management.</p>
<p>3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.</p> <p>As a non-project action, no drainage patterns will be affected as a result of this proposal. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA and permit review, which would address drainage.</p>

B. Environmental Elements
<p>4) Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:</p> <p>As a non-project action, no measures are proposed or required to reduce impacts to surface or groundwaters. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA and permit review.</p>
4. Plants
<p>a. Check types of vegetation found on the site:</p> <p><input checked="" type="checkbox"/> deciduous tree: alder, maple, aspen, other</p> <p><input checked="" type="checkbox"/> evergreen tree: fir, cedar, pine, other</p> <p><input checked="" type="checkbox"/> shrubs</p> <p><input checked="" type="checkbox"/> grass</p> <p><input type="checkbox"/> pasture</p> <p><input type="checkbox"/> crop or grain</p> <p><input checked="" type="checkbox"/> wet soil plants: cattail, buttercup, rush, skunk cabbage, other</p> <p><input checked="" type="checkbox"/> water plants: water lily, eelgrass, milfoil, other</p> <p><input type="checkbox"/> other types of vegetation</p>
<p>b. What kind and amount of vegetation will be removed or altered?</p> <p>As a non-project action, no vegetation will be removed as a direct result of this proposal. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA evaluation of any proposed vegetation removal or alteration.</p>
<p>c. List threatened or endangered species known to be on or near the site.</p> <p>None known.</p>
<p>d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:</p> <p>As a non-project action, no measures to preserve or enhance vegetation are required for this proposal.</p>
<p>e. List all noxious weeds and invasive species known to be on or near site:</p> <p>This is a nonproject action. Other plans and codes provides provisions for addressing noxious weeds and invasive species.</p>
5. Animals
<p>a. Check any birds and animals which have been observed on or near the site or are known to be on or near the site:</p> <p><input checked="" type="checkbox"/> birds: hawk, heron, eagle, songbirds, other:</p> <p><input checked="" type="checkbox"/> mammals: deer, bear, elk, beaver, other:</p> <p><input checked="" type="checkbox"/> fish: bass, <u>salmon</u>, <u>trout</u>, herring, shellfish, other:</p>
<p>b. List any threatened or endangered species known to be on or near the site.</p> <p>Bull trout, Chinook salmon, chum salmon, green sturgeon, steelhead trout, and spotted owl.</p>
<p>c. Is the site part of a migration route? If so, explain.</p> <p>Salmonids use the Willapa River and associated water bodies. Waterfowl, especially wood duck and dusky Canada geese, use areas along the north bank of the Willapa as a stopover point.</p>

B. Environmental Elements
<p>d. Proposed measures to preserve or enhance wildlife, if any:</p> <p>As a non-project action, no measures to preserve or enhance wildlife are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include review and implementation of measures to preserve or enhance wildlife, if any.</p>
<p>e. List any invasive species known to be on or near the site:</p> <p>This is a nonproject action. Unknown.</p>
6. Energy and natural resources
<p>a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.</p> <p>Not applicable, this is a nonproject action. Future development will rely on a variety of energy sources for a wide range of purposes.</p>
<p>b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.</p> <p>No. Future project-specific development proposals will be evaluated through the environmental review process.</p>
<p>c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:</p> <p>None.</p>
7. Environmental health
<p>a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.</p> <p>As a non-project action, no environmental health hazards will result as a consequence of this proposal.</p>
<p>1) Describe any known or possible contamination at the site from present or past uses.</p> <p>As a non-project action, this is not applicable. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include identification of known or possible contamination, if any.</p>
<p>2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.</p> <p>As a non-project action, this is not applicable. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include identification existing hazardous chemicals/conditions, if any.</p>
<p>3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.</p> <p>As a non-project action, this is not applicable. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include a review of toxic or hazardous chemicals stored, used, or produced during the project's development or construction, or at any time during the operating life of the project, if any.</p>
<p>4) Describe special emergency services that might be required.</p> <p>As a non-project action, no special emergency services are required by this proposal.</p>
<p>5) Proposed measures to reduce or control environmental health hazards, if any:</p> <p>As a non-project action, no measures to reduce or control environmental health hazards are required for this proposal. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control environmental health hazards, if any.</p>

B. Environmental Elements
b. Noise
<p>1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?</p> <p>This non-project action will not be affected by noise.</p>
<p>2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.</p> <p>This non-project action will not generate noise.</p>
<p>3) Proposed measures to reduce or control noise impacts, if any:</p> <p>As a non-project action, no measures to reduce or control noise impacts are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control noise impacts, if any.</p>
8. Land and shoreline use
<p>a) What is the current use of the site and adjacent properties?</p> <p>This is a non-project proposal and a variety of land uses exist throughout the city.</p>
<p>b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non-forest use?</p> <p>As a non-project action, no working forests will be converted. There are working forest lands within the jurisdiction of the city.</p>
<p>1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting??</p> <p>As a non-project action, this proposal will not directly affect or be affected by surrounding working forest lands. This proposed non-project action does not change existing regulations or protections relating to working forest lands.</p>
<p>c. Describe any structures on the site.</p> <p>Not applicable to this non-project action.</p>
<p>d. Will any structures be demolished? If so, what?</p> <p>As a non-project action, no structures will be demolished as a result of this proposal.</p>
<p>e. What is the current zoning classification of the site?</p> <p>The city has areas zoned as Downtown and Commercial District, Neighborhood District, and Environmental Protection District.</p>
<p>f. What is the current comprehensive plan designation of the site?</p> <p>There are three land use designations within the shoreline environment: Neighborhood, Downtown and Commercial, and Environmental Protection Districts</p>
<p>g. If applicable, what is the current shoreline master program designation of the site?</p> <p>The current designations for the city's shoreline include Aquatic, City Waterfront, and Urban Conservancy Environments.</p>
<p>h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.</p> <p>Critical areas in the city include wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, and frequently flooded areas. There are no aquifer recharge areas for potable water supply.</p>
<p>i. Approximately how many people would reside or work in the completed project?</p> <p>An estimated 1,660 people reside within the city (OFM 2021).</p>
<p>j. Approximately how many people would the completed project displace?</p> <p>Not applicable; this is a nonproject action.</p>

B. Environmental Elements
<p>k. Proposed measures to avoid or reduce displacement impacts, if any: As a non-project action, no measures to avoid or reduce displacement impacts are required by this proposal.</p>
<p>l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: The proposed subdivision code is compatible with the land use plans and regulations.</p>
<p>m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any. None. The city does not have any designated agricultural or forest lands of long-term commercial significance.</p>
9. Housing
<p>a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. As a non-project action, no housing units would be provided by this proposal.</p>
<p>b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. As a non-project action, no housing units would be eliminated by this proposal.</p>
<p>c. Proposed measures to reduce or control housing impacts, if any: As a non-project action, no measures to reduce or control impacts to housing are required or proposed.</p>
10. Aesthetics
<p>a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? As a non-project action, no structures are proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which will include review of structure height and building materials.</p>
<p>b. What views in the immediate vicinity would be altered or obstructed? As a non-project action, no views will be altered or obstructed as a result of this proposal. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which will include review of views that may be altered or obstructed.</p>
<p>c. Proposed measures to reduce or control aesthetic impacts, if any: As a non-project action, no measures to reduce or control aesthetic impacts are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control aesthetic impacts, if any.</p>
11. Light and glare
<p>a. What type of light or glare will the proposal produce? What time of day would it mainly occur? As a non-project action, no light or glare will occur as a result of this proposal.</p>
<p>b. Could light or glare from the finished project be a safety hazard or interfere with views? As a non-project action, no light or glare that could be a safety hazard or interfere with views will result from this proposal. Any future site-specific development proposals not exempted by WAC 197-11-800 will be subject to a separate SEPA and applicable permit reviews, which will include review of light and glare from the development.</p>
<p>c. What existing off-site sources of light or glare may affect your proposal? Not applicable to this non-project action.</p>
<p>d. Proposed measures to reduce or control light and glare impacts, if any: As a non-project action, no measures to reduce or control light and glare impacts are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control light and glare impact, if any.</p>

B. Environmental Elements
12. Recreation
<p>a. What designated and informal recreational opportunities are in the immediate vicinity?</p> <p>The City of South Bend provides a wide range of recreational opportunities for residents and visitors.</p>
<p>b. Would the proposed project displace any existing recreational uses? If so, describe.</p> <p>As a non-project action, no existing recreational uses will be displaced</p>
<p>c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:</p> <p>As a non-project action, no measures to reduce or control impacts on recreation are proposed or required. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control impacts on recreation, including recreation opportunities to be provide by the project or applicant, if any.</p>
13. Historic and cultural preservation
<p>a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers.</p> <p>Not applicable to this non-project action.</p>
<p>b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.</p> <p>Not applicable to this non-project action. Future development proposals may be conditioned or subject to further review.</p>
<p>c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.:</p> <p>Not applicable to this non-project action. Future development proposals may be conditioned or subject to further review.</p>
<p>d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources.</p> <p>As a non-project action, no measures to reduce or control impacts on recreation are proposed or required. Any future site-specific development proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control impacts to historic resources.</p>
14. Transportation
<p>a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.</p> <p>Highway 101, city arterials, and local collectors exist throughout the city.</p>
<p>b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?</p> <p>Pacific Transit System serves the City of South Bend with stops along Highway 101.</p>
<p>c. How many parking spaces would the completed project have? How many would the project eliminate?</p> <p>Not applicable; this is a nonproject action.</p>
<p>d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).</p> <p>As a non-project proposal, new transportation improvements are not required or proposed. Future site-specific development will be reviewed for impacts to the roadway system and improvements to existing roadways may be required on a project-by-project basis.</p>
<p>e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.</p> <p>Not applicable; this is a nonproject action.</p>

B. Environmental Elements
<p>f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.</p> <p>This non-project action will not directly generate any vehicular trips per day. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA and permit review, which would include review of traffic issues.</p>
<p>g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area?:</p> <p>This is a nonproject action. Future development within the city will not affect the movement of agricultural and forest products on roads or streets.</p>
<p>h. Proposed measures to reduce or control transportation impacts, if any:</p> <p>As a non-project action, no measures to reduce or control transportation are proposed or required. Any future site-specific development or land use action not exempted by WAC 197-11-800 be subject to a separate SEPA and concurrency review, which would include implementation of measures to reduce or control any transportation impacts.</p>
15. Public services
<p>a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.</p> <p>As a non-project action, this proposal will not result in an increased need for public services. Site-specific project actions may affect services such as fire and police. These impacts will be reviewed during the project level permitting of the development.</p>
<p>b. Proposed measures to reduce or control direct impacts on public services, if any.</p> <p>As a non-project action, no measures to reduce or control impacts on public services are proposed or required. Any future site-specific development or land use action proposal not exempted by WAC 197-11-800 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control any impacts on public services.</p>
16. Utilities
<p>a. Underline utilities currently available at the site: <u>electricity</u>, <u>natural gas</u>, <u>water</u>, <u>refuse service</u>, <u>telephone</u>, <u>sanitary sewer</u>, <u>septic system</u>, other.</p>
<p>b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.</p> <p>As a non-project action, no utilities are proposed or required. Any future site-specific development or land use action proposal would need to provide electricity to serve the proposed development.</p>

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  Date Submitted: May 19, 2022

<p>D. Supplemental Sheet for Non-Project Actions</p>
<p>1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?</p> <p>The proposal will not likely cause any increase in these types of discharges or emissions. As a non-project action, no direct impacts will occur to water or air quality. The proposed code changes will not likely be a direct effect to the production, storage, or release of toxic or hazardous substances; or production of noise.</p> <p>Proposed measures to avoid or reduce such increases are:</p> <p>As a non-project action, this proposal is not likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. Future site-specific land activity not exempted by WAC 197-11-800 would be subject to project level environmental analysis and threshold determination.</p>
<p>2. How would the proposal be likely to affect plants, animals, fish, or marine life?</p> <p>The proposed subdivision ordinance will allow development or uses within areas that have flora and fauna. The extent of that affect will be limited due to the city's critical areas ordinance.</p> <p>Proposed measures to protect or conserve plants, animals, fish, or marine life are:</p> <p>The critical areas ordinance, contains provisions that will protect a wide range of habitat for flora and fauna, including establishing standards for buffers, avoidance of vegetation removal whenever feasible, and provisions for protecting the aquatic and shoreland environment. Development in and around these areas also may require technical assessments to evaluate potential impacts from development that may require avoidance or mitigation to conserve species.</p>
<p>3. How would the proposal be likely to deplete energy or natural resources?</p> <p>The proposed subdivision ordinance allows existing and future development that may consume energy or natural resources.</p> <p>Proposed measures to protect or conserve energy and natural resources are:</p> <p>As a non-project action, no measures to conserve energy or natural resources are necessary for this proposal. Future site-specific land activity not exempted by WAC 197-11-800 would be subject to project-level environmental analysis and threshold determinations.</p>
<p>4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?</p> <p>The proposed subdivision ordinance would not likely affect environmentally sensitive areas as vegetation removal is prohibited in critical areas and critical area buffers. As a non-project action, this proposal is unlikely to directly affect environmentally sensitive areas or critical areas designated for protection.</p> <p>Proposed measures to protect such resources or to avoid or reduce impacts are:</p> <p>The city's critical areas regulations regulate development in environmentally sensitive areas. Future site-specific land activity not exempted by WAC 197-11-800 would be subject to project level environmental analysis and threshold determinations.</p>
<p>5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?</p> <p>The SMP manages future development within the shoreline environment by limiting development to preferred uses, ensuring public access to aquatic areas, and protecting shoreline ecological function. Shoreline areas within the city capable of supporting development (designated as City Waterfront) are mostly built out. Undeveloped areas (designated Urban Conservancy) have significant environmental limitations that discourage future development.</p> <p>Proposed measures to avoid or reduce shoreline and land use impacts are:</p> <p>The city's Shoreline Master Program regulates development within shoreline areas. Future site-specific development proposals in the shoreline environment are subject to the Shoreline Master Program.</p>

D. Supplemental Sheet for Non-Project Actions

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Future development in the city allowed through the proposed subdivision ordinance may generate greater demand on transportation, public services, and utilities as a natural outgrowth of population increase. However, projected population trends do not suggest significant growth.

Proposed measures to reduce or respond to such demand(s) are:

The city's Comprehensive Plan and development regulations provide public policy guidance and regulatory controls in managing future demands on transportation, public services, and utilities. The Comprehensive Plan specifically addresses all three elements in detail, including providing requirements for concurrency, level of service standards, financing policies, and environmental protection.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed subdivision ordinance has undergone review by state agencies to ensure there are no conflicts with state and federal laws. The City of South Bend has reviewed the proposed ordinance to ensure consistency with other municipal plans, policies, and regulations.

**Draft Amendment to Title 15, Unified Development Code,
Division IV, Land Division**

Section 1 General Provisions

A. Purpose. The purpose of this division is to:

1. Regulate the subdivision and short subdivision of land and to promote the public health, safety and general welfare in accordance with standards established to prevent the overcrowding of land;
2. Avoid congestion on the city's streets and highway;
3. Provide for adequate light and air;
4. Facilitate adequate provision for water, sewer, stormwater, parks and recreation areas, sites for schools and school grounds and other public requirements;
5. Provide for proper ingress and egress;
6. Require a system of uniform monuments for land subdivisions and conveyance of accurate legal description; and
7. Require the establishment of private or quasi-public organizations responsible for the upkeep and maintenance of certain private infrastructure.

B. Authority. The city adopts this division pursuant to Chapter 58.17 of the Revised Code of Washington.

C. Scope. No division of land shall hereafter be made within the corporate limits of the city, except in full compliance with the provisions of this title and Chapter [58.17](#) RCW, as it now exists or is hereafter amended.

D. Compliance. Every subdivision shall comply with the provisions of the South Bend Municipal Code and Chapter 58.17 of the Revised Code of Washington.

E. Exemptions. The provisions of this chapter shall not apply to:

1. Cemeteries and other burial plats while used for that purpose;
2. Divisions made by testamentary provisions, or the laws of descent;
3. Divisions made in connection with acquisition of land by the city, including divisions made by deed for road widening purposes; provided, that such land may be accepted on behalf of the city only by action of the city Council;
4. Assessor's plats made in accordance with RCW 58.17.240, 58.17.250 and 58.18.010;

5. A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.
6. A division which is made by subjecting a portion of a parcel or tract of land to Chapter 64.32 RCW, if the city has approved a binding site plan for all such land;
7. A division of land into lots, tracts, parcels, sites or divisions classified for industrial or commercial use if the city has approved a binding site plan for the use of the land;
8. A division for the purposes of leasing land for facilities providing personal wireless services, as defined by RCW 58.17.040(8), and used for that purpose;
9. A division of land into lots or tracts of less than three acres in accordance with Chapter 58.09 RCW and is used or proposed to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities, as defined by RCW 58.17.040(9).

F. Definitions. As used in this ordinance, unless the context or subject matter clearly requires otherwise, the words or phrases shall have the indicated meanings.

1. "Binding site plan" means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.
2. "Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries.
3. "Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing as set forth in SBMC Chapter 15.08.
4. "Final plat" means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set as forth in SBMC Chapter 15.08.

5. "Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.
6. "Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.
7. "Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.
8. "Short plat" means the map or representation of a short subdivision.
9. "Short subdivision" means the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for sale, lease, or transfer of ownership.
10. "Subdivision" means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for sale, lease, or transfer of ownership, except as provided in subsection (6) of this section.

Section 2 Preliminary Short Subdivisions and Preliminary Subdivisions.

A. Application procedures. Preliminary short subdivisions and preliminary subdivisions are Type 4 project permit applications as set forth in SBMC Chapter 15.08.

B. Application submittal requirements.

1. SBMC 15.08.050 requires a preapplication meeting with the City Supervisor for all applications for preliminary short subdivision and preliminary subdivision.
2. Applicants for a preliminary short subdivision or a preliminary subdivision shall submit a complete application form provided by the city along with all required fees.

C. Noticing requirements.

1. Preliminary short subdivisions and preliminary subdivisions shall meet all noticing requirements of SBMC 15.08.040.
2. If the location of any portion of a preliminary short subdivision or preliminary subdivision is in a flood control zone as provided in Chapter 86.16 RCW, the city supervisor shall confer with the Washington State Department of Ecology and seek written approval, approval with conditions, or denial.
3. The city supervisor shall give written notice to the Washington State Department of Transportation, including a legal description of the preliminary subdivision and a location map, whenever the location of a subdivision is

adjacent to the right-of-way of a state highway. The department shall, within fourteen days after receiving the notice, submit to the city supervisor a statement with any information that the department deems to be relevant about the effect of the proposed short subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway, and the safety of the users of the state highway.

D. Time limitations for application review and decision. The city shall approve, disapprove, or return to the applicant for modification any proposed preliminary short subdivision or preliminary subdivision within 90 days from date of the Notice of Completion, unless the applicant consents to an extension of such time period. If an environmental impact statement is necessary as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement by the city.

E. Administrative review and report.

1. Upon receiving a complete preliminary short subdivision or preliminary subdivision application, the city supervisor shall distribute a copy of the subdivision, together with copies of any accompanying documents to the following: the city engineer, the fire department, and any other city official, utility provider, school district, or other public or private entity as the city supervisor deems appropriate.
2. The administrative review will evaluate the preliminary subdivision application for consistency with:
 - a. Chapter 58.17 RCW;
 - b. Applicable provisions of the city of South Bend Comprehensive Plan;
 - c. SBMC Title 12, Streets, Sidewalks and Public Places;
 - d. SBMC Title 13, Water and Sewers;
 - e. SBMC Title 14, Environment;
 - f. SBMC Title 15, Unified Development Code; and
 - g. The public's interest served by the subdivision and dedication.
3. The city supervisor shall prepare and distribute a staff recommendation for the Planning Commission summarizing the findings of the administrative review.

F. Planning commission recommendation.

1. The planning commission shall be responsible for holding an open record public hearing pursuant to procedures established in SBMC 15.08.120 to review the proposed preliminary short subdivision or preliminary subdivision application.

2. Based on the comments and testimony established at the public hearing, the planning commission shall make a recommendation on the proposed preliminary short subdivision or preliminary subdivision application to the city council or return the application to the applicant with a request for additional information, provided that the applicant agrees to a time extension in writing.
3. If the planning commission makes a recommendation, such recommendation shall be for approval, disapproval, or approval with conditions.
4. The planning commission recommendation shall propose written findings of fact and conclusions of law to the city council that the proposed preliminary short subdivision or preliminary subdivision application:
 - a. Makes adequate provisions for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and schools;
 - b. The platting of the preliminary subdivision and dedication of public use will serve the public interest
 - c. The preliminary subdivision conforms with the Comprehensive Plan, the South Bend Municipal Code, and the general purposes of any other applicable policies or plans adopted by the city council;
 - d. Provides adequate measures to prevent or abate public nuisances; and
 - e. Addresses the potential environmental impacts of the proposed subdivision through mitigation so the subdivision will not have an unacceptable adverse effect upon the quality of the environment.
5. The city supervisor shall forward the planning commission recommendation, findings, and all supporting documents to the city council.

G. City council action.

1. The city council shall review the recommendation of the planning commission and supporting documentation during its regular meeting. The city council shall then make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the preliminary short subdivision or preliminary subdivision.
2. The city council may require dedication of land to any public body or the provision of public improvements to serve the subdivision as a condition of preliminary short subdivision or preliminary subdivision approval.
3. The final plat shall clearly show any dedications. There shall be no dedication or provision of public improvements that constitutes an unconstitutional taking

of private property. The city council shall not require a release from damages from other property owners as a condition to the approval of a subdivision.

4. If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated the name of the park in honor of a deceased individual of good character, the city council shall adopt the designated name.
5. The city council shall not approve the preliminary short subdivision or preliminary subdivision dedication unless it adopts written findings that:
 - a. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, 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
 - b. The platting of the short subdivision or subdivision and the dedication of public use will serve the public interest.
6. The city shall issue a Notice of Decision in accordance with SBMC 15.08.090 regarding the decision of the city council.

H. Time limitations.

1. Approvals for preliminary short subdivision or preliminary subdivision shall be valid for a period of seven years following the date of the notice of final decision if the date of the preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the preliminary plat approval is on or after January 1, 2015.
2. The city supervisor may administratively authorize through a Type 1 project permit application an extension of time to preliminary short subdivision or preliminary subdivision approvals. Extensions shall be issued in one-year increments up to a maximum of three years, subject to the following criteria and conditions:
 - a. An applicant for an extension shall make a written request for the extension a minimum of 30 calendar days prior to expiration of the preliminary plat approval.
 - b. The city supervisor shall in consideration of granting an extension find:
 - (i) There have not been any substantial changes in the laws governing the development of the plat, with which lack of

compliance would be contrary to the public health, safety and welfare; or

- (ii) The applicant has pursued final platting diligently, as evidenced by progress on final surveying, engineering, construction or the financial security of improvements; or
- (iii) There have been substantial changes in economic conditions and market forces that have substantively limited the ability of the applicant to pursue final platting.

c. A condition of any extension approval shall be that the preliminary short subdivision or preliminary subdivision shall comply with state or federal mandates required of the city and/or life, health and safety requirements of the city in effect at the time of any extension approval.

3. A preliminary short subdivision or preliminary subdivision granted approval, but not filed for final plat approval within the applicable time period or extended time period, shall be null and void.

I. Modifications of preliminary subdivisions.

1. Minor Adjustments. The city supervisor may approve minor adjustments to a preliminary short subdivision or preliminary subdivision through a Type 1 project permit application. Minor adjustments are those that may affect the precise dimensions of the plat, but do not affect the basic character or arrangement of the lots and streets. Such dimensional requirements shall not vary more than 10 percent from the original. The adjustments cannot be inconsistent with the requirements of the preliminary plat approval. The adjustments cannot cause the subdivision to be in violation of this title, Chapter 58.17 RCW, the comprehensive plan, or any other applicable city or state law or regulation. Minor adjustments shall meet the following criteria:
- a. The adjustment maintains the design intent or purpose of the original approval; and
 - b. The adjustment maintains the quality of design or product established by the original approval; and
 - c. The adjustment does not cause a significant environmental or land use impact on or beyond the site; and
 - d. An administrative adjustment is consistent with this title or state law; and

- e. Circumstances render it impractical or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat or short plat approval.
2. Major Adjustments. Major adjustments are those that, when determined by the city supervisor, change the basic design, layout, open space or other requirements of the plat. When the city supervisor determines a change constitutes a major adjustment, the applicant shall submit a new application for a preliminary plat as a new and separate application.

J. Phasing subdivisions.

A subdivision may be developed and recorded as final in phases. Any phasing proposal shall be submitted for review at any time prior to final subdivision application. Approval of the phasing plan shall be based on making the following findings:

1. The phasing plan includes all land contained within the approved preliminary subdivision, including areas where off-site improvements are being made;
2. The sequence and timing of development is identified on a phasing map;
3. Each phase shall consist of a contiguous group of lots that meets all pertinent development standards on its own. The phase cannot rely on future phases for meeting any city codes;
4. Each phase provides adequate circulation and utilities;
5. Specific public improvements that are necessary for the entire development may be required to be completed with the first phase, regardless of phase design or completion schedule of future phases, such as but not limited to stormwater facilities which may be designed to be located in a subsequent phase but that are necessary to be developed in the first phase in order to ensure the facility essential to all of the subdivision is developed even if subsequent phases are never completed and looped water mains for purposes of fire flow from city fire hydrants; and
6. Any approved phase of a preliminary subdivision that has not been completed and recorded as final by the city prior to the lapse of the preliminary subdivision approval will be deemed to have lapsed with that preliminary subdivision.

Section 3 Final Short Subdivisions and Subdivisions

A. Application procedures. Final short subdivision and subdivisions are a Type 2 project permit application as set forth in SBMC 15.08.040(B).

B. Application submittal requirements.

1. Applicants for a final short subdivision shall submit a complete application form provided by the city along with all required fees;
2. Applicants for a final subdivision shall submit a complete application form provided by the city along with all required fees;

C. Administrative review.

Upon receiving a complete application for a final short subdivision or final subdivision approval, the city supervisor shall distribute a copy of the application, together with copies of any accompanying documents to the following the city engineer, the fire department, and any other city official, utility provider, school district, or other public or private entity as the city supervisor deems appropriate to determine if the final short subdivision or final subdivision conforms to all of the preliminary subdivision terms and conditions of approval.

D. Survey required before filing.

A licensed professional land surveyor shall complete all lot staking before the recording of the final subdivision as follows:

1. All lot corners, including interior lot corners, shall be marked with a permanent marker that bears the land surveyor's registration number. When the boundary lines follow a meandering line, the corners shall be set as directed by the city of South Bend.
2. When the legal description of the final subdivision utilizes partial or complete section subdivisional breakdown to establish the boundaries, section subdivision survey information shall be shown in accordance with the requirements of WAC 332-130-030.
3. All reference monuments used in the establishment of the final subdivision corners shall be identified, described and noted as set or found. When appropriate, the survey shall reference previous surveys that served as the basis for the survey.
4. When the final subdivision is adjacent to a constructed public right-of-way and the plat corners or its offset represent a quarter corner, section corner or donation land claim that is not of record or has been lost (or obliterated), a standard monument shall be placed.
5. Whenever a final subdivision is adjacent to existing right-of-way, the centerline of the right-of-way shall be located on the plat drawing. If the constructed improvements fall outside of the documented right-of-way, the surveyor shall identify the existing edge of the pavement and limits of the maintained right-of-way section on the drawing and show its relationship to said centerline.

6. All requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed that reads: This survey complies with all the standards and guidelines of the "Survey Recording Act" Chapter 58.09 RCW and Chapter 332-130 WAC.
7. The side lot lines of each lot, which if extended would intersect with the curb, shall be marked on the curb. The offset distance from the curb mark to the property corner shall be noted on the face of the plat. Curb pins shall be marked with a permanent marker bearing the land surveyor's registration number.

E. Acceptance of improvements and maintenance bond.

The city engineer shall not accept the improvements for the city until it inspects all improvements and found satisfactory, and the applicant has posted a bond or surety to guarantee against defects of workmanship and materials for two years from the date of acceptance.

F. Decision criteria.

The city supervisor shall approve a final short subdivision or final subdivision application if it:

1. Conforms to all preliminary short subdivision or preliminary subdivision terms and conditions of approval; and
2. Meets all other applicable requirements as set forth in Chapter 58.17 RCW, other applicable state laws, and any other applicable requirements of the South Bend Municipal Code which were in effect at the time of preliminary subdivision approval.

G. Notice of decision.

The city supervisor shall approve, disapprove, or return to the applicant for modification or correction a proposed final short subdivision or final subdivision within 30 days of the date of filing a complete application unless the applicant agrees, in writing, to a time extension provided under RCW 58.17.140.

H. Terms of approval

Any lots in a final short subdivision or final subdivision filed for record shall be a valid land use, notwithstanding any change in zoning laws, for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final subdivision, and the statutes, ordinances and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

I. Recording

The final short subdivision or final subdivision, in the form specified in this ordinance, shall be recorded by the city supervisor with the Pacific County auditor within 10 working days after city approval and shall be recorded in the presence of the applicant and with the cost of recording paid by the applicant.

J. Building and occupancy.

1. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved subdivision until:
 - a. The minimum required improvements which will serve the subject lot or parcel have been constructed; and
 - b. All remaining improvements are financially guaranteed.
2. Where a plat is approved subject to conditions, no building permit shall be issued for property subject to the subdivision before the conditions either being fulfilled or guarantees provided to ensure the conditions are met.

K. Further division of short subdivisions.

Property within approved short subdivisions that have been filed for record may not be further divided in any manner for a period of five years without the filing of a new subdivision as defined in Section 1.F.10 of this ordinance, except that when the approved short subdivision contains less than four parcels, nothing in this section shall prevent the owner who filed the short subdivision from filing an alteration within the five-year period to create up to a total of four lots within the original approved short subdivision boundaries. This requirement shall be stated on the face of the recorded short subdivision plat drawing.

Section 4 Boundary Line Adjustments

A. Application procedures.

Adjustments of property boundary lines are a Type I project permit application as set forth in SBMC 15.08.040(A). Applications shall be reviewed by the city Supervisor and certified as meeting the requirements of this section within 30 working days after receiving a complete application.

B. Application Submittals.

A complete boundary line adjustment application shall include the following:

1. A complete boundary line form provided by the city that includes the signatures of all owners of interest in the land involved in the boundary line adjustment;

2. Payment of the application fee in the amount established in the city's adopted fee schedule;
3. Three copies of an accurate preliminary map drawn to scale;
4. A current title report showing ownership and legal description of all parcels involved in the boundary line adjustment;
5. The existing and proposed dimensions and area of the lots involved in the boundary line adjustment is not less than 30 days old; and
6. Legal descriptions of the existing lot lines and the proposed lot lines after the adjustment, as prepared by a professional land surveyor licensed in the state of Washington.

C. Decision criteria.

The city supervisor shall approve an application for a boundary line adjustment upon determination that:

1. No additional lot, tract, parcel, site or division will be created by the proposed adjustment;
2. No lot is modified which contains insufficient area and dimensions to meet the minimum requirements of the zone in which the affected lots are situated. Where a lot is located within a zone that does not provide for a minimum area or dimension, no lot or tract is modified which contains insufficient area for a building site.
3. For the purposes of this chapter, a "building site" means the lot or property contains sufficient area and dimension to accommodate a development capable of housing the type of uses established within Division III of this Title for the underlying zoning classification;
4. No lot is modified which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection, and no existing easement or tract in favor of the public is rendered impractical to serve its purpose;
5. The boundary line adjustment is consistent with the applicable provisions of the city's zoning code;
6. No lot is modified which is inconsistent with an applicable requirement or condition of a previous land use action, subdivision, or short subdivision;
7. No lot, use, or structure is made nonconforming or more nonconforming than that which existed at the time of application; and

8. No lot is modified in a manner that circumvents a zoning regulation which would otherwise be applicable to any lot affected by the boundary line adjustment.

D. Notice of decision.

1. Upon determination that the applicant has met the above criteria, the city supervisor shall issue a Notice of Decision to the applicant approving of the boundary line adjustment.
2. If the boundary line adjustment fails to meet one or more of the criteria, the city supervisor shall issue a Notice of Decision to the applicant explaining why the boundary line adjustment was not approved.

E. Required actions for final approval of boundary line adjustment.

Upon approval of a boundary line adjustment, the applicant shall:

1. Submit to the city a final boundary map at a scale of 100 feet per inch, prepared by a land surveyor licensed in the state of Washington, and containing the following information:
 - a. Company name, address, and phone number of the land surveyor;
 - b. Date prepared;
 - c. Sheet number and number of sheets;
 - d. Certification by the licensed land surveyor with stamp and signature;
 - e. Lot numbers;
 - f. Monuments at all new lot corners, angle points, and intersections with old lines;
 - g. North arrow;
 - h. Legend of symbols used;
 - i. Basis of bearings;
 - j. All dimensions to hundredths of a foot;
 - k. All existing easements and tracts shown;
 - l. Existing lot lines to be adjusted, shown as dashed lines; and
 - m. The final legal descriptions as prepared by the licensed surveyor, together with lot closures for each lot.
2. Record the boundary line adjustment with the Pacific County auditor's office;
3. Submit copies of all recording documents to the city supervisor within 10 calendar days of such recording.

Section 5 Binding Site Plans

A. Purpose.

The purpose of the binding site plan process is to provide an alternative to the standard subdivision process for specific types of development. The binding site plan shall only be applied for:

1. Divisions of land into lots or tracts classified for industrial or commercial use as provided in RCW 58.17.040(4);
2. Condominiums as provided in either Chapter 64.32 or 64.34 RCW, consistent with RCW 58.17.040(7); and
3. Divisions of land for lease when no residential structure other than manufactures homes or recreational vehicles are permitted as provided in RCW 58.17.040(5).

B. Application procedures.

Binding site plans are a Type 4 project permit application as set forth in SBMC 15.08.040(D).

C. Pre-application meeting.

SBMC 15.08.050 requires a preapplication meeting with the City Supervisor for all applications for binding site plans.

D. Application submittal requirements.

Applicants for a binding site plan shall submit a complete application form provided by the city along with all required fees.

E. Time limitations for application review and decision.

The city shall approve, disapprove, or return to the applicant for modification any proposed binding site plan within 90 days from date of the Notice of Completion, unless the applicant consents to an extension of such time period. If an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement by the city.

F. Administrative review and report.

1. Upon receiving a complete application for binding site plan approval, the city supervisor shall distribute a copy of the binding site plan, together with copies of any accompanying documents to the following: the city engineer, the fire department, and any other city official, utility provider, school district, or other public or private entity as the city supervisor deems appropriate.

2. The administrative review will evaluate the binding site plan for consistency with:
 - a. Chapter 58.17 RCW;
 - b. Applicable provisions of the city of South Bend Comprehensive Plan;
 - c. SBMC Title 12, Streets, Sidewalks and Public Places;
 - d. SBMC Title 13, Water and Sewers;
 - e. SBMC Title 14, Environment;
 - f. SBMC Title 15, Unified Development Code; and
 - g. The public's interest served by the subdivision and dedication.
3. If the location of any portion of a proposed binding site plan is in a flood control zone as provided in Chapter 86.16 RCW, the city supervisor shall confer with the Washington Department of Ecology and seek written approval, approval with conditions, or denial.
4. The city supervisor shall give written notice to the Washington State Department of Transportation, including a legal description of the proposed binding site plan and a location map, whenever the location of a binding site plan is adjacent to the right-of-way of a state highway. The department shall, within fourteen days after receiving the notice, submit to the city supervisor a statement with any information that the department deems to be relevant about the effect of the proposed binding site plan upon the legal access to the state highway, the traffic carrying capacity of the state highway, and the safety of the users of the state highway.
5. The city supervisor shall prepare and distribute a staff recommendation for the Planning Commission summarizing the findings of the administrative review.

G. Planning Commission recommendation.

1. The planning commission shall be responsible for holding an open record public hearing pursuant to procedures established in SBMC 15.08.120 to review the proposed binding site plan application.
2. Based on the comments and testimony established at the public hearing, the planning commission shall make a recommendation on the binding site plan application to the city council or return the binding site plan application to the applicant with a request for additional information, provided that the applicant agrees to a time extension in writing.
3. If the planning commission makes a recommendation, such recommendation shall be for approval, disapproval, or approval with conditions.

4. The planning commission recommendation shall propose written findings of fact and conclusions of law to the city council that the proposed binding site plan:
 - a. Achieves the general purposes of this chapter;
 - b. Conforms with the comprehensive plan, the South Bend Municipal Code, and the general purposes of any other applicable policies or plans adopted by the city council;
 - c. The binding site plan and dedication of public use will serve the public interest;
 - d. Provides adequate measures to prevent or abate public nuisances; and
 - e. Addresses the potential environmental impacts of the proposed binding site plan through mitigation so it will not have an unacceptable adverse effect upon the quality of the environment.

H. City council action.

1. The city supervisor shall forward the planning commission recommendation, findings, and all supporting documents to the city council.
2. The city council shall review the recommendation of the planning commission and supporting documentation during its regular meeting. The city council shall then make its own decision supported by written findings of fact and conclusions of law and approve, approve with conditions, or disapprove the binding site plan application.
3. Dedication of land to any public body or the provision of public improvements to serve the subdivision may be required as a condition of the binding site plan approval. The binding site plan shall clearly show any dedications. No dedication or provision of public improvements is allowed that constitutes an unconstitutional taking of private property. The city council shall not require a release from damages from other property owners as a condition to the approval of a subdivision.
4. The city council shall not approve the binding site plan and dedication unless it adopts written findings that:
 - a. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, 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

b. The binding site plan and dedication of public use will serve the public interest.

5. The city shall issue a Notice of Decision in accordance with SBMC 15.08.090 regarding the decision of the city council.

I. Recording.

The final binding site plan shall not be officially complete until the signed original final binding site plan has been recorded with the county auditor. Said documents shall be recorded by the auditor within 10 calendar 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.

J. Modification.

The modification of a binding site plan shall be accomplished by following and satisfying the same procedures required for a new binding site plan application.

Section 6 Cluster Subdivisions

A. Purpose.

The purpose of this chapter is to provide for the optional clustering of lots within a subdivision onto a portion of the site, while maintaining the underlying allowable density. Clustering allows development to occur at an appropriate density for infrastructure services. It also protects environmentally sensitive areas by clustering lots away from these areas.

B. Scope.

The requirements of this chapter are available for subdivisions and short subdivisions located in the Neighborhood District as delineated in the City of South Bend Comprehensive Zoning Map.

C. Procedures.

The cluster development review process is integrated within the subdivision or short subdivision process as outlined in this ordinance.

D. Maximum number of lots.

The maximum number of lots created through using this procedure is determined by dividing the total property size by the specified density for the Neighborhood District.

E. Minimum standards.

Subdivisions and short subdivisions may use optional cluster subdivision development if consistent with the following standards:

1. The proposed design addresses any special conditions, prerequisite considerations or significant environmental elements identified in the relevant neighborhood plan.
2. The proposed design is compatible with the existing topography and preserves natural resources such as mature trees or wooded areas, significant wetlands, streams, and wildlife habitat.
3. Connecting links between existing parks and open spaces are provided along streams, ridgelines, ravines, shorelines, hillsides, and wooded areas whenever possible.
4. Fifteen percent of the total site area shall be set aside as open space.
5. Minimum lot sizes and setbacks:
 - a. Minimum lot area: 4,000 square feet
 - b. Minimum lot width: 40 feet for detached structures and 30 feet for attached structures
 - c. Minimum lot depth: 60 feet
 - d. Minimum front yard setback: 15 feet
 - e. Minimum side yard setback: 5 feet for detached structures and 0 feet for attached structures on common property lines
 - f. Minimum rear yard setback: 15 feet
6. Access and parking requirements.
 - a. Shared driveways are allowed; and
 - b. Additional public parking areas may be a condition of approval within subdivisions having residential lots smaller than 6,000 square feet.

Section 7 Subdivision Vacation

A. Purpose.

This chapter provides procedures and requirements for vacating a subdivision or portion of a subdivision, or any land dedicated for public use, except rights-of-way associated with public streets, as provided under RCW 58.17.212.

B. Application procedures.

Subdivision vacations are a Type 4 project permit application as set forth in SBMC 15.08.040(D).

C. Streets, roads, and alleys.

1. When the vacation application is specifically for a road, street or alley, the procedures for street vacation in Chapter 12.10 SBMC and Chapter 35.79 RCW shall apply.
2. When the application is for the vacation of the plat, together with the roads, streets, and/or alleys, the procedure for vacation in this chapter shall apply.

D. Application to state-granted tide or shorelands.

This Chapter shall not apply to the vacation of any plat of state-granted tide or shore lands.

E. Pre-application meeting.

SBMC 15.08.050 requires a preapplication meeting with the City Supervisor for all applications for subdivision vacations.

F. Application submittal requirements.

Complete applications for subdivision vacations submitted to the city supervisor shall contain the following:

1. A complete subdivision vacation application form;
2. The signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation; and,
3. A reproducible preliminary plat prepared by a professional engineer or professional land surveyor registered or licensed by the state of Washington meeting the requirements of SBMC 15.61.030.B.
4. A title report of the subdivision to be vacated;
5. A recorded copy of the deed for the subdivision to be vacated; and
6. If the subdivision is subject to restrictive covenants filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

G. Administrative review and report.

1. Upon receiving a complete subdivision vacation application, the city supervisor shall distribute a copy of the application, together with any accompanying documents, to the following: the city engineer, the fire department, and any other city official, utility provider, school district, or other public or private entity the city supervisor deems appropriate.

2. The administrative review will evaluate the subdivision vacation application for consistency with:
 - a. Chapter 58.17 RCW;
 - b. Applicable provisions of the city of South Bend Comprehensive Plan;
 - c. SBMC Title 12, Streets, Sidewalks and Public Places;
 - d. SBMC Title 13, Water and Sewers;
 - e. SBMC Title 14, Environment;
 - f. SBMC Title 15, Unified Development Code; and
 - g. The public's interest served by the subdivision and dedication.
3. The city supervisor shall prepare and distribute a staff recommendation for the Planning Commission summarizing the findings of the administrative review.

H. Planning commission recommendation.

1. The planning commission shall be responsible for holding an open record public hearing pursuant to procedures established in SBMC 15.08.120 to review the proposed subdivision vacation application.
2. Based on the comments and testimony established at the public hearing, the planning commission shall make a recommendation on the subdivision vacation application to the city council or return the application to the applicant with a request for additional information, provided that the applicant agrees to a time extension in writing.
3. If the planning commission makes a recommendation, such recommendation shall be for approval, disapproval, or approval with conditions.
4. The planning commission recommendation shall propose written findings of fact and conclusions of law to the city council determining if the proposed subdivision vacation will serve the public use and interest and, if any portion of the land contained in the subdivision vacation dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city sets forth findings that the public use would not be served in retaining title to those lands.

I. City council action.

1. The city supervisor shall forward the planning commission recommendation, findings, and all supporting documents to the city council.
2. The city council shall review the recommendation of the planning commission and supporting documentation during its regular meeting. The city council shall then make its own decision supported by written findings of fact and

conclusions of law and approve, approve with conditions, or disapprove the subdivision vacation application.

J. Title.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

K. Recording.

The final subdivision vacation shall be recorded by the city supervisor with the Pacific County auditor within 10 working days after city approval and shall be recorded in the presence of the applicant and with the cost of recording paid by the applicant.