

**CITY OF AIRWAY HEIGHTS
WASHINGTON
ORDINANCE NO. C-945**

**AN ORDINANCE OF THE CITY OF AIRWAY HEIGHTS,
WASHINGTON AMENDING CHAPTER 16.02, 16.03 and
16.05 OF THE AIRWAY HEIGHTS MUNICIPAL CODE
ENTITLED "SUBDIVISION"; AND OTHER MATTERS
PROPERLY RELATED THERETO.**

WHEREAS, under the Revised Code of Washington (RCW) 58.17.020(6) a city may by ordinance increase the number of lots created through short plat, when they have planned under RCW 36.70A.040 and adopted a Comprehensive Plan and Development regulations in compliance with RCW 36.70A; and

WHEREAS, the City of Airway Heights was granted funds from the Washington State Department of Commerce under ESHB 1923 to conduct a process amend Airway Heights Municipal Code Title 16 Subdivision to increase the number of lots in a short plat, and eligible category of funding, to increase the opportunities for housing; and

WHEREAS, public notice was provided in accordance with the public notification requirements of AHMC 14.04 including a public workshop held on July 8, 2020 and circulation to State and Local Agencies on August 25, 2020 for a 60-day mandatory review by the Department of Commerce and the Spokane Regional Transportation Council (SRTC); and

WHEREAS, the Airway Heights Planning Commission has jurisdiction to review and act on all Comprehensive Plan, development code, or map changes and make recommendations to the City Council; and

WHEREAS, public notice of the Planning Commission hearing for October 14, 2020, was also provided in accordance with the notification provisions of RCW 36.70A.035, including providing notice via generally circulated newspaper on October 1 and October 8, 2020, as well as, providing notice via agency mailing lists on August 25, 2020; and

WHEREAS, this adoption was found to be exempt from the State Environmental Policy Act (SEPA) rules per Washington Administrative Code (WAC) 197-11-340(19); and

WHEREAS, on October 14, 2020 the City of Airway Heights Planning Commission held a public hearing as required by the Airway Heights Municipal Code of the draft Subdivision Ordinance; and

WHEREAS, the City of Airway Heights Planning Commission adopted Resolution 2020-022 in a vote of ... in favor and ... opposed of recommended findings for the City of Airway Heights Draft 16 Subdivision Ordinance; and

WHEREAS, the adoption is consistent with the requirements of the Washington State Growth Management Act; and

WHEREAS, the adoption is deemed necessary by the Planning Commission; and

WHEREAS, the Airway Heights City Council has jurisdiction to review and adopt all Comprehensive Plan, development code, or map changes; and

WHEREAS, public notice of the City Council hearing was also provided in accordance with the notification provisions of RCW 36.70A.035, including providing notice via generally circulated newspaper on ... and ..., 2020, as well as, providing notice to agencies on ..., 2020; and

WHEREAS, the City Council held public hearings on and ..., 2020, to public testimony and review the Planning Commission recommendations contained in Resolution 2020-022; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AIRWAY HEIGHTS, WASHINGTON, DO ORDAIN TO AMEND CHAPTER 16.02, 16.03 AND 16.05 IN THE CITY OF AIRWAY HEIGHTS CODE AND;

Section 1. Amend CHAPTER 16.02.020, as follows:

16.02.020 Definitions.

“Alley” means a strip of land providing vehicular and pedestrian access to the rear and/or side of properties which abut and have access to a road.

“Alteration” means the modification of a previously recorded plat or short plat or any portion thereof, the addition of new lots or more land, deletion of existing lots or the removal of plat or lot restrictions or dedications.

“Applicant” means any individual or entity who applies for any approval under this chapter.

“Arterial (minor)” means a roadway providing movement along significant corridors of traffic flow. Traffic volumes, speeds, and trip lengths are high, although usually not as great as those associated with principal or major arterials.

“Arterial (principal or major)” means a roadway providing movement along major corridors of traffic flow. Traffic volumes, speeds, and trip lengths are high, usually greater than those associated with minor arterials.

“Auditor” means the Spokane County auditor.

“Binding site plan” means a drawing to scale which:

1. Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies, drainage features and any other matters specified in this chapter;
2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the Director; and
3. Contains provisions making any development be in conformity with the site plan.

“Block” means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

“Bond” means a satisfactory security to insure performance and/or warranty.

“Boundary line adjustment” means adjusting the boundary line between platted or unplatted lots or both, 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 areas for a building site.

“Building setback” means the minimum distance a building may be located from any property line as determined by AHMC Title 17.

“Certificate of exemption” means a document issued by the Director, which formally exempts a division of land from full compliance with certain state and local land development laws and regulations as identified in the exemption provisions of this title.

“Certificate of title” means a title report prepared by a title company for the property contained in a proposed subdivision, short subdivision, or binding site plan, to include, as a minimum, all owners of record, easements, and encumbrances affecting said property.

“City Council” means the City Council of the City of Airway Heights, Washington.

“City Manager” means the Manager of all City departments including Police, Fire, Public Works, Finance and Community Development.

“Collector street” means a roadway providing service which is of relatively moderate traffic volume and moderate operating speeds. Collector roads collect and distribute traffic between local roads and arterials.

“Commercial uses” means activities within land areas that are predominately connected to the sale, rental, and distribution of products or performance of services.

“Comprehensive Plan” means the plan adopted by the City pursuant to Chapter 36.70A RCW.

“Covenants and restrictions” means written standards prepared by private individuals or corporations, in which the City has no authority, that are in addition to the existing standards imposed by the City.

“Critical areas” includes the following areas and ecosystems:

1. Wetlands;

2. Areas with a critical recharging effect on aquifers used for potable water;
3. Fish and wildlife habitat conservation areas;
4. Frequently flooded areas; and
5. Geologically hazardous areas.

“Dedication” means the deliberate conveyance of land by its owner for general and public uses. The intention to dedicate shall be evidenced by filing a plat showing a dedication and then the acceptance by the public shown through the approval of the filing by the governmental unit.

“Director” means the person identified by the City as the head of any division or department devoted to the current or long-range planning activities of the City or his designee. In the absence of any such designation, the Public Works Director shall serve in this capacity.

“Easement” means an agreement by a property owner to allow specific people or the public to use land for a specific purpose or purposes (e.g., maintain water/sewer systems or phone lines on lands).

“Engineer” means a civil engineer licensed by the state of Washington.

“Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the auditor and containing all elements and requirements set forth in this title and in local regulations adopted under this title.

“Improvement” means any structure or work constructed, including but not necessarily limited to roads, alleys, storm drainage systems and ditches and dikes, sanitary sewage facilities or main lines, storm drainage containment facilities, and all other subgrade utility services such as phone, gas, and water.

“Industrial uses” means the activities predominantly connected with manufacturing, assembly, processing, or storage of products.

“Land surveyor” means any person who is registered with the state of Washington as a licensed land surveyor.

“Local road” means a roadway providing service which is of relatively low traffic volume, short average trip length, or minimal through traffic movements.

“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.

“Minimum improvements” means those improvements and/or bonding required by Chapter 16.08 AHMC as a condition for filing the final plat, final short plat, or final binding site plan.

“Owner(s)” means any person, partnership, corporation, association, incorporated organization, trust, or any other legal commercial entity having sufficient proprietary interest to seek development of land.

“Ownership interest” means having property rights as a fee owner, contract purchaser, mortgagee, or deed of trust beneficiary or grantor.

“Party of record” means a person who has provided written comments regarding a development proposal during the comment period for preliminary plats, short plats, or binding site plan proposals.

“Phasing” means a plan that guarantees project improvements, including the timing for construction and proposed methods to occur with all subsequent project phases.

“Planning Commission” means that commission established by the City Council as provided in Chapter 44, Laws of 1935, as thereafter amended, for the state of Washington.

“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 the divisions and dedications.

“Preliminary approval” means the official favorable action taken on the proposed subdivision, short subdivision or binding site plan.

“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 title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

“Public highways” means the free and public roads, ways, alleys, and streets which every person has the right to use and shall include community arterials, neighborhood streets and residential streets, some of which may or may not be portions of the primary or secondary highway system of the state of Washington.

“Public purpose segregation” means a division made for the purpose of creating a portion of property to be deeded to the county, the City, or any taxing district, governmental body, utility company, or nonprofit community organization or foundation (whose articles or bylaws allow it to hold land for public use and benefit) for a designated use, provided the remaining portion of property has sufficient lot area and dimensions, and meets all other criteria to comply with the applicable City regulations, for the intended purpose of segregation. Public purpose segregations may include deeded paths, trails, and rights-of-way for public access purposes; if a deeded path, trail, or right-of-way traverses a parcel, such path shall be considered an exception to the underlying parcel and shall not be considered a division of the underlying parcel nor subtract from the parcel size for density purposes.

“Public Works Director” means the person responsible for managing the Public Works Department to include transportation, water, sewer systems and park facilities.

“Short plat” means the map or representation of a short subdivision.

“Short subdivision” means the division or redivision of land into ~~four~~ nine or fewer lots, tracts, parcels, sites or divisions, ~~any one of which is less than five acres in size,~~ for the purpose, whether immediate or future, of transfer of ownership, or for building developments.

“Sidewalk” means all hard-surfaced (concrete) walkways located between the curb or developed edge of the public highway and the adjacent property.

“State Environmental Policy Act (SEPA)” means as defined by Chapter 43.21C RCW as it now exists or is hereafter amended.

“Street (road), private” means a recorded easement for ingress and egress or a platted street designated as a private thoroughfare for access of abutting property but for which the City assumes no responsibility or ownership or maintenance.

“Street (road), public” means a public thoroughfare which has been dedicated or deeded to the public to be used for street purposes and which has been improved, established, and is maintained by the City or for which reasonable assurances have been provided to the City to guarantee the street will be improved to City standards. Also included in this definition are county roads, state highways, and other state-controlled roadways.

“Subdivision” means the division or redivision of land into ~~five~~ ten or more lots, tracts, parcels, sites or divisions, ~~any one of which is less than five acres in size,~~ for the purpose of sale, lease or transfer of ownership; except as may be exempt under this title.

“Tax statement” means a certificate from the Spokane County treasurer indicating that all taxes and assessments on said property included in the final plat, short plat or binding site plan have been paid according to the provisions of RCW 58.08.030 and 58.08.040, as amended.

“Title notice” means a written notice attached to the title of a parcel of land by the City with a recording of said notice with auditor for the purpose of notifying the property owner or future property owner of particular circumstances related to said parcel such as a warning statement(s), limitation(s), restriction(s) or other.

“Zoning/zoning code” means AHMC Title 17.

Section 2. Amend CHAPTER 16.03.010, as follows:

16.03.010 General provisions.

The purpose of this chapter is to provide a process to divide land into ~~five~~ ten or more lots, tracts, parcels, sites, or divisions, ~~where at least one lot is less than five acres in size.~~

Section 3. Amend CHAPTER 16.03.020, as follows:

16.03.020 Applications.

A. Any person seeking to divide or redivide land situated within the City into ~~five~~ ten or more lots, ~~where at least one lot is less than five acres in size,~~ for the purpose of sale, lease, or transfer of ownership, unless exempt under this title, shall submit an application to the Director.

B. Prior to filing an application with the City, the applicant is encouraged to attend an informal preapplication meeting to discuss, in general terms, the proposed development, City design standards, design alternatives, environmental review process, and required permits and approval process.

C. A formal preapplication meeting is required in accordance with Chapter 14.03 AHMC.

D. A complete preliminary plat application shall consist of the following:

1. Application form and supplementary forms;
2. A minimum of six copies of the preliminary plat map, prepared in accordance with this chapter;
3. SEPA environmental checklist;
4. Application fees; and
5. Any other information deemed necessary by the Director.

Section 5. Amend CHAPTER 16.05.010, as follows:

16.05.010 General provisions.

A. The purpose of this chapter is to provide a process to divide land into ~~four~~ nine or fewer lots, tracts, parcels, sites, or divisions, ~~one of which is less than five acres in size.~~

B. The Director shall have the authority for summary approval of short plats and short subdivisions, or revision thereof pursuant to RCW 58.17.060. This summary approval shall apply to coordinating review, approval, approval with conditions, or disapproval of short plats and short subdivisions. (Ord. C-656 § 38, 2007)

Section 6. Amend CHAPTER 16.05.020, as follows:

16.05.020 Applications.

A. Any person seeking to divide or redivide land situated within the incorporated limits of the City into ~~four~~ nine or fewer lots, ~~one of which is less than five acres in size,~~ for the purpose of sale, lease, or transfer of ownership, unless exempt under this title, shall submit an application for approval to the Director.

B. Prior to filing an application with the City, the applicant is encouraged to attend an informal preapplication meeting to discuss, in general terms, the proposed development, City design standards, design alternatives, environmental review process, and required permits and approval process.

C. A formal preapplication meeting is required in accordance with Chapter 14.03 AHMC.

D. A complete preliminary short plat application shall consist of the following:

1. Application form and supplementary forms;
2. A minimum of ~~six~~ an electronic copy in form acceptable to the City copies of the preliminary short plat map, prepared in accordance with this title;
3. SEPA environmental checklist, if applicable;
4. Application fees; and
5. Any information deemed necessary by the Director.

Section 7. Amend CHAPTER 16.05.030, as follows:

16.05.030 General requirements.

A. The preliminary short plat, containing all the information specified in this chapter, shall be prepared by or under the direction of a licensed land surveyor.

B. The preliminary short plat shall be prepared in a neat and legible manner ~~in pencil or ink, on high grade 18 inch by 24 inch paper,~~ and at a horizontal scale of one inch equals 50 feet or one inch equals 100 feet and be the same for each sheet. If approved by the Director, an appropriate scale may be used which does not exceed one inch equals 200 feet. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of two inches on the left side and one-half inch on the remaining sides.

C. A vicinity sketch at a scale of not more than one inch equals 400 feet shall accompany the preliminary short plat. The vicinity sketch shall show all adjacent subdivisions, streets and tract lines and bordering lines of adjacent parcels. It shall show how the streets and alleys in the proposed short subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or unplatted property to produce an advantageous development of the entire neighborhood.

D. The design of short plats shall conform to the requirements of all applicable City plans and standards and any official control relating to land use which has been adopted to implement the Airway Heights Comprehensive Plan. In addition:

1. The design, shape, size, and orientation of the lots should be appropriate for the uses for which the divisions are intended, and the character of the area in which they are located.

2. Block dimensions should reflect due regard to the needs of convenient access, public safety, emergency vehicle access, topography, road maintenance, and the provision of suitable sites for land uses planned.
3. Road alignments should be designed with appropriate consideration for existing and planned roads, anticipated traffic patterns, topographic and drainage conditions, public safety, and the proposed use of the land so divided.
4. Where lots of one acre or more in size are created, the Director may require an arrangement of the lots and roads such as to permit a subsequent redivision in conformity with roads or plans adopted by the City.
5. Lots should not be divided by the boundary of the City, zoning designations, or public right-of-way.

Section 8. Amend CHAPTER 16.05.050, as follows:

16.05.050 Preliminary approval process.

A. Applications for preliminary short plats shall be processed in accordance with Chapter 14.03 AHMC. Administrative approval of preliminary short plats by the Director shall require public notice to adjoining property owners in accordance with AHMC Title 14, but do not require a public hearing unless appealed in accordance with AHMC Title 14.

B. The Director shall review all reports, recommendations and comments received and enter written findings and a decision concerning the proposed short subdivision, which includes the following:

1. Whether appropriate provisions are made for, among others, the public health, safety and general welfare, community facilities, open spaces, drainageways, access streets, alleys, other public ways, transit stops, water supplies, sanitary waste disposal, utilities, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features to assure safe walking conditions for students who only walk to and from school, and whether the public interest will be served by the subdivision.

2. The appropriateness of the short plat considering the physical characteristics of the site. A short subdivision may be disapproved or conditioned because of flood, inundation or swamp conditions, slopes or other physical characteristics detrimental to the proper development.

3. Whether the proposed short subdivision is consistent with the applicable zoning ordinance or other land use controls which may exist.

C. Applications for preliminary short subdivisions shall be approved, approved with conditions, or denied within 30 calendar days of the issuance of a letter of application completeness. The Director shall either:

1. Approve the short subdivision with or without conditions;

2. Return the short subdivision application to the applicant for corrections or for additional information; or

3. Disapprove the preliminary short subdivision.

D. The Director shall convey findings and actions on the short plat by written letter to the applicant.

E. The decision of the Director is final unless an appeal is made under AHMC Title 14.

Section 9. Amend CHAPTER 16.05.060, as follows:

16.05.060 Final short plat submittal and approval process.

A. The final short plat shall be prepared in accordance with the provisions of this chapter. Six Two paper copies and an electronic copy in a format acceptable to the City of the final short plat shall be submitted to the Director.

B. The Director shall determine if the final short plat complies with the conditions of approval and applicable City standards. The Director shall provide written approval on the final short plat within 30 days of the date of submitting to the City, or return to the applicant for modification or correction, unless the applicant in the meantime shall have filed written consent for a longer period within which the Director is to act thereon. If approval is withheld, the original copy of the final short plat, together with a list of required modifications, prepared in accordance with the provisions of this title, shall be returned to the applicant. The Director shall retain a duplicate set of required modifications for his files.

C. Following approval of the final short plat by the Director, he or she shall indicate said approval by signing the original and all copies, provided the applicant furnishes the following:

1. Tax Statement. A certificate from the Spokane County treasurer no more than 60 days old indicating that all taxes and assessments on the short plat have been paid according to the provisions of RCW 58.08.030 and 58.08.040.

2. Certificate of Title. The certificate must have an effective date no more than 60 days prior to the recording of a final plat, binding site plan or other final development approval and be signed by a title officer.

Section 10. Amend CHAPTER 16.05.070, as follows:

16.05.070 General final short plat requirements.

A. The final short plat shall incorporate all conditions of approval imposed by the City and shall be prepared and certified by a registered land surveyor.

B. The final short plat shall be submitted to the Director and conform to the following:

1. The final short plat, containing all the information specified in this chapter, shall be prepared in a neat and legible manner ~~in drawing ink~~ and be permanently reproducible.

2. All documents, maps, and survey notes shall contain the name of the short subdivision, the name(s) of the applicant(s), and the name of the registered land surveyor.

3. The trimmed size of the final short plat shall be 18 inches by 24 inches, and the final short plat shall be recorded on two or more sheets if the scale necessary to accommodate the map on one sheet would unduly congest the drawing. Each sheet shall contain the final short plat file number; the section, township and range; and the number of the individual sheet and the total number of sheets in the set.

Section 11. Amend CHAPTER 16.05.090, as follows:

16.05.090 Replats restricted.

Land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except when the short plat contains fewer than ~~four~~nine parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of ~~four~~nine lots within the original short plat boundaries.

Section 12. Amend CHAPTER 16.05.100, as follows:

16.05.100 Dedication, acknowledgment and endorsement.

The legal description of the short plat, licensed surveyor and owner certifications, and required signature blocks shall appear on the final short plat, lettered in ink either by hand or ~~meehanical~~electronic device, in accordance with the format provided by the City.

Section 13. Amend CHAPTER 16.05.110, as follows:

16.05.110 Recording of final short plats.

Following approval of the final short plat by the Director and all required signatures, the applicant shall record the original reproducible final short plat with the county auditor. The Director shall be notified of such filing by the applicant within five days and an electronic copy suitable to the City shall be submitted to the Director of the signed and recorded final short plat.

Section 14. Based on the written record and testimony, and after duly considering the requirements of the City of Airway Heights Municipal Code, the City Council HEREBY ADOPTS the Planning Commission Findings of Fact under Resolution 2020-...dated October 14, 2020.

Section 15. Conflict with other AHMC Provisions. If the provisions of this Ordinance are found to be inconsistent with other provisions of the Airway Heights Municipal Code, this Ordinance shall control.

Section 16. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 17. Effective Date. This ordinance shall become effective thirty (30) days after its passage, approval, and publication.


Introduced this 26th day of OCTOBER, 2020.

Passed by the City Council this 16th day of NOVEMBER, 2020.

Approved by the Mayor this 16th day of NOVEMBER, 2020.

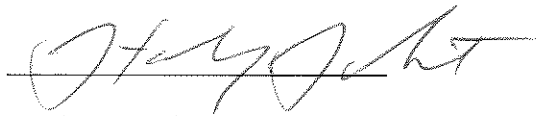

Kevin Richey, Mayor

ATTEST:


Stanley Schubert, City Clerk/Treasurer



APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "Stanley M. Schwartz", written over a horizontal line.

Stanley M. Schwartz, City Attorney