

CHEHALIS CITY COUNCIL AGENDA

CITY HALL
350 N MARKET BLVD | CHEHALIS, WA 98532

Anthony E. Ketchum, Sr., District 3
Mayor

Jerry Lord, District 1
Daryl J. Lund, District 2
Dr. Isaac S. Pope, District 4

Kate McDougall, Position at Large No. 1
Kevin Carns, Position at Large No. 2
Robert J. Spahr, Mayor Pro Tem, Position at Large No. 3

Special Meeting of the City Council *City Council Workshop*

Status of Water Availability in the City's South Urban Growth Area (UGA)

4:00 p.m.

To access this meeting via Zoom:

Meeting ID: 834 4212 6653

Pass Code: 674890

WORKSHOP

1. Call to Order (Mayor Ketchum)
2. Status of Water Availability in the South UGA

Regular Meeting of Monday, July 24, 2023

5:00 p.m.

To access this meeting via Zoom:

Meeting ID: 834 4212 6653

Pass Code: 674890

3. Call to Order (Mayor Ketchum)
4. Pledge of Allegiance (Mayor Ketchum)
5. Approval of Agenda (Mayor Ketchum)

PRESENTATIONS/PROCLAMATIONS

6. Employee Introductions (Chun Saul, Finance Director and Lilly Wall, Director of Recreation and Parks)
7. County Update on 9-1-1 Communications (Scott Brummer, Lewis County Commissioner)
8. Update on the Joint Planning in the City's South Urban Growth Area (UGA) (Lance Bunker, Public Works Director)

CONSENT CALENDAR		ADMINISTRATION RECOMMENDATION	PAGE
9.	Minutes of the Regular Meeting July 10, 2023 (City Clerk)	APPROVE	1
10.	Vouchers and Transfers- Accounts Payable in the Amount of \$483,141.84 (Finance Director)	APPROVE	5

PUBLIC HEARINGS		ADMINISTRATION RECOMMENDATION	PAGE
There is no public hearing to conduct.			

CITIZENS BUSINESS (PUBLIC COMMENT)	
<p>Individuals wishing to provide public comments in general and on agenda items should submit comments by 4:00 pm on the day of the meeting. All comments received will be acknowledged by the Mayor under Citizens Business of this meeting agenda. Please use the following form to submit comments – https://www.ci.chehalis.wa.us/contact. If you do not have computer access or would prefer to submit a comment verbally, please contact City Clerk Kassi Mackie at 360-345-1042 or at kmackie@ci.chehalis.wa.us. Public comments will be limited to five (5) minutes.</p>	

UNFINISHED BUSINESS		ADMINISTRATION RECOMMENDATION	PAGE
11.	Second Reading of Ordinance No. 1067-B, Updating CMC 17.12- Subdivision Code (City Manager and City Attorney)	APPROVE	7

NEW BUSINESS		ADMINISTRATION RECOMMENDATION	PAGE
12.	First Reading of Ordinance 1070-B, Changes to CMC 12.04.460 Water Service Connection (Material Allowed) (Wastewater Superintendent)	APPROVE	51
13.	Contract for Indigent Defense Services (City Clerk)	APPROVE	55

ADMINISTRATION AND CITY COUNCIL REPORTS		ADMINISTRATION RECOMMENDATION	PAGE
Administration Reports <ul style="list-style-type: none"> City Manager Update Councilor Reports/Committee Updates (City Council)		INFORMATION ONLY	

EXECUTIVE SESSION	
There is no Executive Session scheduled.	

THE CITY COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA.

NEXT REGULAR CITY COUNCIL MEETINGS

MONDAY, AUGUST 14, 2023 -5:00 P.M.

MONDAY, AUGUST 28, 2023- 5:00 P.M.

Chehalis City Council
Regular Meeting Minutes
July 10, 2023
5:00 p.m.

Council Present: Mayor Ketchum, Mayor Pro-Tem Spahr, Councilor Carns, Councilor Lund, Councilor McDougall, Councilor Lord and Councilor Pope

Council Absent: None

Staff Present: Jill Anderson, City Manager; Kassi Mackie, City Clerk; Kevin Nelson, City Attorney; Susan Stayner, Administrative Assistant to the City Manager; Sally Saxton, Financial Analyst; Justin Phelps, Wastewater Superintendent; Lance Bunker, Public Works Director; Randy Kaut, Police Chief; Tammy Baraconi, Building and Planning Manager; Riley Bunnell, Water Superintendent; Brandon Rakes, Airport Director; Madisen Lester, Court Administrator

Press Present: Owen Sexton, The Chronicle

1. **Call to Order:**
Mayor Ketchum called the meeting to order at 5:00 p.m.
2. **Pledge of Allegiance**
Councilor Lund led the flag salute.
3. **Approval of Agenda**

A motion was made by Mayor Pro Tem Spahr, seconded by Councilor Pope, to approve the agenda as presented. Motion carried unanimously.

PRESENTATIONS

4. **Employee Introductions**

CONSENT CALENDAR

5. **Minutes of the Regular City Council Meeting of June 26, 2023** (City Clerk)
6. **Vouchers and Transfers- Accounts Payable in the Amount of \$361,832.49** (Finance Director)
7. **Vouchers and Transfers- Payroll in the Amount of \$1,093,356.58** (Finance Director)
8. **Bid Award: Procurement of a Graco Striping Sprayer for the Chehalis-Centralia Airport** (Airport Director)
9. **FY2022 Transportation Benefit District Annual Report** (Public Works Director)

A motion was duly made and passed approving the remaining items on the Consent Calendar as though acted on individually.

PUBLIC HEARINGS

There were no public hearings to conduct.

CITIZENS BUSINESS

There was no public comment.

UNFINISHED BUSINESS

10. **Second Reading of Ordinance No. 1069-B, Granting a Non-Exclusive Franchise to Ziplly Fiber Pacific, LLC for Telecommunications** (City Clerk)

A motion was made by Mayor Pro Tem Spahr, seconded by Councilor Pope to adopt Ordinance No. 1069-B on second reading. The motion carried unanimously.

11. **Second Reading of Ordinance No. 1067-B, Updating CMC 17.12- Subdivisions** (Building and Planning Manager)

A motion was made by Mayor Pro Tem Spahr, seconded by Councilor Carns to continue this item to the next meeting for a version with the proposed changes incorporated. The motion carried unanimously.

NEW BUSINESS

12. **Appointment and Confirmation of Allen Unzelman as Chehalis Municipal Court Judge** (Municipal Court Administrator)

A motion was made by Councilor Lund, seconded by Mayor Pro Tem Spahr to confirm the City Manager's appointment of Attorney Allen Unzelman as Chehalis Municipal Court Judge for a term of four years ending on July 9, 2027, and authorize the City Manager to execute the attached agreement which sets forth the terms and conditions related to Mr. Unzelman's services as Municipal Court Judge. The motion carried unanimously with Councilor Pope abstaining.

13. **Letter of Support for Placing a Ballot Measure on a Dedicated 9-1-1 Sales Tax for a Voter Decision in November 2023** (Police Chief)

Randy Kaut, Police Chief presented.

A motion was made by Mayor Pro Tem Spahr, seconded by Councilor Pope to approve the attached letter of support regarding the proposed ballot measure for a Lewis County sales tax dedicated to the provision of 9-1-1 communication services.

The motion failed by the following vote:

Councilor Carns: Nay

Councilor McDougall: Aye

Councilor Lund: Nay

Councilor Pope: Aye

Councilor Lord: Nay

Mayor Pro Tem Spahr: Aye

Mayor Ketchum: Nay

ADMINISTRATION AND CITY COUNCIL REPORTS

City Manager Update

City Manager Anderson proposed a workshop at 4:00 p.m. on July 24 to discuss water concerns in the south UGA and noted that Chehalisfest is set for the end of the month.

After a brief discussion of options to change the ordinance regarding Fireworks within Chehalis, Council decided to leave this section of the code as-is for the foreseeable future. However, Council requested information regarding applicable fines for Fireworks.

Councilor Reports/Committee Updates

Councilor Lord thanked staff for meeting with him regarding subdivision code changes.

Mayor Pro Tem Spahr commended the Economic Alliance and the efforts put forth to improve the City of Chehalis.

Councilor McDougall reported attendance at the Experience Chehalis, Night by Night Shelter meeting and volunteering at the upcoming Seattle to Portland event.

Mayor Ketchum reported attendance at the Twin Transit, Homeless Committee, Flood Authority, and County Shelter Project meetings. Mayor Ketchum also reminded the public of the upcoming Music in the Park events.

EXECUTIVE SESSION

Pursuant to RCW:

- 42.30.110(1)(i)- Litigation/Potential Litigation
- 42.30.110(1)(c)- Sale/Lease of Real Estate

Mayor Ketchum adjourned the regular meeting at 6:26 p.m. and called the executive session to order for 30 minutes or until 7:00 p.m. providing the public time to exit the building.

Mayor Ketchum adjourned the executive session and reconvened the regular meeting at 7:01 p.m.

ADJOURNMENT

Mayor Ketchum adjourned the meeting at 7:01 p.m.

Anthony Ketchum, Sr., Mayor

Attest: Kassi Mackie, City Clerk

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Chun Saul, Finance Director
Clare Roberts, Accounting Tech III

MEETING OF: July 24, 2023

SUBJECT: 2023 Vouchers and Transfers – Accounts Payable in the Amount of \$483,141.84.

ISSUE

City Council approval is requested for 2023 Vouchers and Transfers dated July 14, 2023.

DISCUSSION

The July 14, 2023 Claim Vouchers have been reviewed by a committee of three councilors prior to the release of payments. The administration is requesting City Council approval for Claim Vouchers including Electronic Funds Transfer Checks No. 2973 - 3008 and Voucher Checks No. 136951 - 137062 in the amount of \$483,895.45 dated July 14, 2023, and Voided Check No. 136933 for the net total of \$483,141.84 as follows:

- \$ 215,883.32 from the General Fund
- \$ 22,303.88 from the Street Fund
- \$ 17,915.15 from the Transportation Benefit District Fund
- \$ 2,040.28 from the LEOFF 1 OPEB Reserve Fund
- \$ 2,380.40 from the Public Facilities Reserve Fund
- \$ 83.27 from the Automotive Equipment Reserve Fund
- \$ 665.30 from the Garbage Fund
- \$ 37,357.03 from the Wastewater Fund
- \$ 39,951.81 from the Water Fund
- \$ 5,001.87 from the Storm & Surface Water Utility Fund
- \$ 109,451.94 from the Airport Fund
- \$ 3,994.49 from the Wastewater Capital Fund

- \$ 18,476.98 from the Water Capital Fund
- \$ 3,994.48 from the Stormwater Capital Fund
- \$ 4,215.00 from the Custodial Court Fund
- \$ 180.25 from the Custodial Other Agency Fund
- \$ 483,895.45 Total Vouchers for July 14, 2023
- \$ <753.61 > Voided Checks for July 10, 2023
- \$ 483,141.84 Net Total Transfers

RECOMMENDATION

It is recommended that the City Council approve the Claim Vouchers including Electronic Funds Transfer Checks No. 2973 - 3008 and Voucher Checks No. 136951 - 137062 in the amount of \$483,895.45 dated July 14, 2023, and Voided Check No. 136933 for the net total of \$483,141.84.

SUGGESTED MOTION

I move that the City Council approve the Claim Vouchers including Electronic Funds Transfer Checks No. 2973 - 3008 and Voucher Checks No. 136951 - 137062 in the amount of \$483,895.45 dated July 14, 2023, and Voided Check No. 136933 for the net total of \$483,141.84.

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Tammy Baraconi, former Planning and Building Manager

MEETING OF: July 24, 2023

SUBJECT: Second and final reading of Ordinance Number 1067-B Updating CMC 17.12A Subdivisions

INTRODUCTION

The City Council heard and passed on first reading Ordinance number 1067-B, updating CMC 17.12A Subdivisions. At the June 26 City Council meeting, the matter was continued to the City Council meeting of July 12. Several changes to the proposed Subdivision Code were requested by the City Council on July 12, so the second reading of the Ordinance was continued to this meeting.

The changes that the City Council requested on July 12 are reflected in the attached Code, which is provided with the changes tracked for your convenience.

BACKGROUND

The Planning Commission and staff proposed changes to the City Council for the Subdivision Code on September 26, 2022. The Council subsequently approved ordinance #1032-B. In the process of codifying this ordinance, conflicts were discovered. In consultation with the City Attorney, it was determined that the best process forward would be to repeal that adopting ordinance, #1032-B as well as the other ordinances listed in the new proposed ordinance #1067-B and hear a new ordinance that resolves the conflicts. The City Attorney also recommended that the new code be labeled as CMC 17.12A to help avoid any future confusion.

The new Ordinance, #1067-B, has been reviewed by the City Attorney to eliminate any additional conflicts.

It is important for the City Council to know that all current short plats, boundary line adjustments, and subdivisions that are being processed or have received preliminary approval are vested under the existing code. This vesting will remain in place so long as the application remains active.

The attached code is the same code presented to the Council in September 2022, with the exception of changes requested at the July 12, 2023. The discussion below is also the same discussion from September 2022 to provide continuity and context for the process.

DISCUSSION

Created in 2002 and last updated in 2009, the Subdivision Code needed review for compliance with current State law as well as case law. While doing this, staff and the Planning Commission found it advantageous to review and make proposed updates to the entire code.

The Planning Commission workshopped this proposal the last quarter in 2021. A public hearing was held on January 11, 2022, to take public testimony on the proposed changes. The Planning Commission unanimously voted to recommend that the City Council approve the changes to the code.

After the public hearing the Subdivision code then went to the WA Dept of Commerce for a mandatory 90-day review period. During this time, staff conducted SEPA review and issued a Determination on Non-Significance for the project.

The City Council workshopped the code on July 25, 2022. At that workshop, it was requested that we modify the definition of a boundary line adjustment, removing some complicating language. This has been done. Shortly after the workshop, it was also suggested that we add language for legal lot determinations.

Major changes to the code are as follows:

- Removal of redundant code.
- Add language for Boundary Line Adjustments.
- More clearly define the subdivision process as it pertains to short plats and long plats.
- More directly define all items required on the face of the plat.
- Creation of a Table of Required Information to assist with the platting process.
- Review of the code for compliance with current State regulations and case law.

On September 12, 2022, the City Council considered Ordinance 1032-B on first reading. During the discussion, staff was directed to meet with Mayor Pro-Tem Spahr and Councilor Lord to review the criteria for legal lot descriptions in CMC 17.22.020. The changes requested during that meeting have been incorporated into the draft before you at this time. They are indicated within the code text, crossed out for deleted text and a bold pink color for the new text.

The Council heard the second reading of ordinance 1032-B on September 26, 2022. It passed with the corrections mentioned above.

FISCAL IMPACT

There is no fiscal impact from this code update.

RECOMMENDATION

It is recommended that the City Council approve Ordinance No. 1067-B updating CMC 17.12A Subdivisions on second and final reading.

SUGGESTED MOTION

Move to approve Ordinance No. 1067-B updating CMC 17.12A Subdivisions on second and final reading.

SUBDIVISION CODE

17.12.010 Purpose and general administration

17.12.020 Legal Lot Determinations

17.12.035 Fees

17.12.055 Boundary Line Adjustment

17.12.100 Preliminary Plat-Subdivisions, PUD, MPUD

17.12.150 Terms and effect of preliminary approval

17.12.175 Final Plat

17.12.190 Replatting

17.12.200 Short Plats

17.12.300 Binding Site Plans

17.12.400 Table of Required Information

17.12.010 Purpose and general administration

A. Title and purpose

This chapter shall be titled the Chehalis subdivision regulations and may be referred to as the subdivision and platting chapter.

1. Purpose.

The purpose of this chapter is to regulate the subdivision of land and to further the health, safety and general welfare by:

- i. Providing for platting, subdivision, boundary line adjustments, dedication and recording of plats of land;
- ii. Providing for safe and adequate access;
- iii. Providing for safe and adequate utilities, parks, recreation facilities, schools and other public facilities;
- iv. Providing for minimum acceptable levels of light, air and open space;
- v. Promoting effective use of land by preventing overcrowded or scattered development;
- vi. Providing for adequate water, sanitary sewer, drainage, transportation or other public facilities, and preventing excessive expenditure of public funds for such services;
- vii. Promoting coordinated development to protect environmentally sensitive areas, conserve natural beauty and preserve other natural resources;
- viii. Encouraging the most appropriate use of land throughout the city and the city's UGA;
- ix. Providing for expeditious review and approval of proposed plats that conform to the standards in this title;
- x. Implementing adopted comprehensive plans;
- xi. Providing for the housing and commercial needs of the city;

- xii. Providing for flexibility in industrial zones where ports are operating under a master plan for development; and
- xiii. Requiring uniform monumenting of land divisions and conveyance of accurate legal descriptions.

B. Scope

- 1. The regulations of this chapter shall apply to the subdivision of any lot, parcel or tract into two or more lots or tracts or division of land for sale, lease or development. The regulations shall apply to every situation where there is a dedication of streets, alleys, easements or land for public use.
- 2. Divisions of land accomplished under subsection (B) of this section shall not require the city to issue development permits if such division does not meet the minimum requirements of this chapter.

C. Applicability of codes and conformance with other regulations.

Any plat, short plat, boundary line adjustment, or binding site plan within the ~~corporate limits~~ jurisdiction of Chehalis shall be approved and recorded as prescribed by this chapter. No plat, short plat, boundary line adjustment, or binding site plan shall be recorded or have any validity unless and until it has the approval of the city and such other approvals as may be required by this title, CMC 17.09 Permit Processing, CMC 12 Streets/Sidewalks/Public Places, the currently adopted International Building Code and International Fire Code, and other federal, state, and local regulations as may apply. All records of survey in connection with any plat, short plat, or binding site plan shall be in conformance with Chapter 58.09 RCW. All plats shall be consistent with the need to minimize flood damage.

D. Consent to access

The developer shall permit free access to the land being divided to all agencies considering the subdivision, short subdivision, boundary line adjustment, or binding site plan for the period of time extending from the time of application to the time of final action.

E. Specific exemptions

The provisions of this title shall not apply to the following:

- 1. Cemeteries and other burial plots while used for that purpose;
- 2. Divisions made by testamentary provisions or the laws of descent;
- 3. Assessor's plats made in accordance with RCW [58.18.010](#), [58.17.240](#) and [58.17.250](#);
- 4. A division for the purpose of lease when the land is to be developed as a mobile home park and a binding site plan has been approved pursuant to the requirements of the zoning code (Title 17);
- 5. Condominium plats, when prepared and filed in accordance with the horizontal regime act, RCW Chapter [64.32](#), and a binding site plan has been approved pursuant to the requirements of the zoning code (Title ~~17~~[17](#));

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6. Divisions of land into lots, parcels or tracts, each of which is at least ~~2040~~-acres or 1/16 of a section in area;
7. Divisions of land due to condemnation or sale under threat thereof, by any agency or division of government vested with the power of condemnation.

F. Definitions

For the purpose of this title, certain words and terms are defined in this chapter. When consistent with the context, words used in the present tense shall include the future; the singular term shall include the plural; and the plural, the singular; the word "shall" is always mandatory and the word "may" denotes a use of discretion.

1. "Applicant" means any individual or entity who applies for preliminary plat, short plat, large lot subdivision or binding site plan approval under this title.
2. "Auditor" means the auditor of Lewis County, Washington.
3. "Binding site plan" means a drawing made and approved in accordance with the provisions of subdivisions D, E and G of Section 17.09.195 of this title which contains inscriptions and attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city, and which contains provisions requiring any development to be in conformance with the site plan.
4. "Buildable lot" means a lot meeting all of the requirements of size, shape, frontage, sanitation, etc., contained in this title and other ordinances of the city for any specific type of development.
5. "Boundary line adjustment" means an alteration of a division of land by adjustment of boundary lines, between platted or unplatted lots or parcels or both, which does not create an additional lot, tract, parcel, building site, or division nor creates any lot, tract, parcel, building site, or division which contains insufficient area or dimension to meet the minimum requirements for width or area for a building site. Boundary line adjustments include lot consolidations wherein boundary lines are removed.
6. "Chehalis coordinate system" means the horizontal ground scale coordinate system referenced to the Washington Coordinate System as established by the city Public Works Department.
7. "City council" means the mayor and council members of the city.
8. "Comprehensive plan" means a plan adopted by the City Council as a guide to the physical growth and improvement of the city, including modifications or refinements which may be made from time to time. Said plan may include the following elements: land use, transportation, transit, public services and facilities, housing, community development, and additional subjects relating to the physical development of the city.
9. "County" means the county of Lewis, state of Washington.
10. "Date of filing" means the date that a complete and accurate application for preliminary plat, short plat, large lot plat or final plat approval is filed with the city.
11. "Declaration of short subdivision" means a document signed by all persons having any real interest in the land being subdivided that they signed the same as their free act and deed, and containing, as a minimum, the following elements:
 - i. A legal description of the tract being divided;
 - ii. An illustrative map;

- iii. Any restrictive covenants;
 - iv. A title report or plat certificate;
 - v. Any special conditions of short subdivision approval (e.g., frontage improvements requirements).
12. "Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to that owner 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, short plat or binding site plan showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat or plan for filing by the appropriate governmental unit.
 13. "Department" The City of Chehalis Planning and Building Department.
 14. "Development" means the development of land as proposed and/or described in any application for development permit approval submitted to the city.
 15. "Development permit" means any land use permit which must be approved by the city prior to the development of land. Development permits shall include preliminary plats, short plats, binding site plans, large lot subdivisions and final plats.
 16. "Director" means the Manager of Planning and Building and the Manager's designee.
 17. "DRC and Development Review Committee" are defined in CMC 17.09.125.
 18. "Easement" means a right granted by a property owner to specifically named parties or to the general public for the use of certain areas or strips of land for particular purposes. Where appropriate to the context, easement may also refer to the land covered by the rights granted. This may include pedestrian paths, bicycle paths, utility easements, drainage, open space, etc.
 19. "Final Approval" means the final official action taken by the City Council, Hearing Examiner, or planner on the proposed subdivision, short subdivision, binding site plan, large lot subdivision or dedication, or portion thereof.
 20. "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 forth in RCW Chapter 58.17 and in this title adopted pursuant thereto.
 21. "Flooding" means the inundation of an area of land that is not usually under water.
 22. "Hearing examiner" means the land use Hearing Examiner for the city.
 23. "Improvements" means and includes, but is not limited to, streets and roads complying with the development standards and specifications adopted by the city; public utility and pedestrian facilities; street lights; landscape features; bridge structures; storm drainage facilities; and traffic control devices as are required to be installed as a part of subdivision, short subdivision, large lot subdivision or binding site plan approval.
 24. "Lot" means a fractional part of subdivided or site planned land having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.
 25. "Mean sea level datum" means the published mean sea level datum established by the U. S. Coast and Geodetic Survey (now National Geodetic Survey) and the benchmarks referenced to this datum established by the city Public Works Department.

26. "Person" means every person, firm, partnership, association, social organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.
27. "Planned unit development" means a unified development approved in accordance with Title 17 of this code.
28. "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 or dedications.
29. "Preliminary Approval" means the official action taken on a proposed division of land when provision of improvements or fulfillment of conditions are to occur prior to final approval.
30. "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 furnish a basis for the approval or disapproval of the general layout of a subdivision.
31. "Short plat" means the map or representation of a short subdivision containing all of the pertinent information as required by this title.
32. "Short subdivision" means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of transfer of ownership, sale or lease.
33. "Subdivider" means a person who undertakes the subdividing of land.
34. "Subdivision" means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions, which are less than five acres in area, whether immediate or future, for the purpose of sale, lease or transfer of ownership. This definition applies whether or not there is a dedication involved.
35. "Utilities easements" means rights-of-way which may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone and television cable for the construction, operation, maintenance, alteration and repair of their respective facilities.
36. "Variance" means an authorization granting relief under the provisions of Chapter 17.09 of this title from the literal enforcement of this title, when special conditions exist, or unusual hardship will result therefrom.

G. Review and recommendation.

Planning department and DRC review.

1. Preliminary plats will be reviewed by the planning department for consistency with all applicable regulations.
2. The department shall review the preliminary plat to ensure that:
 - i. The proposed preliminary plat is consistent with the comprehensive plan for:
 - a. Type of land use;
 - b. The level of development, such as units per acre or other measure of density;
 - c. Infrastructure, including public facilities and services needed to serve the development; and
 - ii. Lack of compliance with the criteria in subsection (B)(2) of this section or any condition of approval, including mitigating conditions established in the SEPA process, shall be grounds for denial of a proposed preliminary plat.
3. The DRC shall review all plats, ~~boundary line adjustments~~, or binding site plans for the following and make a recommendation to the deciding body.
 - i. Conformance with site requirements (zoning and dimensional requirements);

- ii. Conformance of the street system with the adopted street plans and is laid out in such a manner as to provide for safe and efficient circulation of traffic;
 - iii. Adequately served with approved water, sewer and other appropriate utilities;
 - iv. The layout of lots, their size and dimension, taking into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography and vegetation will result from development of the lots;
 - v. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.
4. The SEPA responsible official shall issue a threshold determination for the proposal consistent with the requirements of Chapter 17.15 CMC.

H. Pre-applications.

Prior to applying for site plan review, a developer may file with the DRC a pre-application or proposal, with adequate copies, which shall contain in a rough and approximate manner all the information required in the site plan application. The purpose of the pre-application is to enable a developer filing the plan to obtain the advice of the DRC as to applicability of the intent, standards and provisions of this chapter to the plan. After filing of a pre-application, the DRC shall make available to the developer its written advice regarding the compatibility of the preliminary site plan with the intent, standards and provisions of this chapter. This preliminary advice is not to be construed as an approval or disapproval outright of the proposal nor should it be interpreted as vesting of the project.

I. General layout of lots

1. All lots within a regular subdivision must meet the minimum size and dimension requirements established in the applicable zone for the property pursuant to this title and any other applicable land use regulations. The minimum lot area shall be deemed to have been met if:
 - i. The average lot area is not less than the minimum lot area required within the applicable zoning district; and
 - ii. No lots contain an area of less than 80 percent of the prescribed minimum for the applicable zoning district (lot averaging). No more than ten percent of the lots may be less than the minimum required.
2. All lots within a short plat or a boundary line adjustment must meet the minimum size requirements established in the applicable zone.
3. All lots must be shaped to permit reasonable use and development of the lot and provide for a minimum building dimension ~~of 24 feet by 24 feet~~ without encroaching into any setback area.
4. Not more than 15 percent of any proposed lot which is designated for development may contain environmentally sensitive, critical and/or resource areas as defined Division III of this title. This 15 percent includes all required buffers for the various environmental areas.
5. Not more than ~~two~~four flag lots shall be created back to back in a subdivision or short plat or from any single lot of record.
6. The “flagpole” portion of any flag lot shall be a minimum of 12 feet wide if serving only one single-family dwelling or duplex. “Flagpole” portions that serve more than four dwelling units must be 20 feet wide. No more than two lots may be served by a driveway created in the “flagpole”.

7. Flag lots serving commercial and industrial uses will be permitted provided the flag is designed in a manner to allow for sufficient access to the parcel for a commercial and industrial user. The limitation on flag lots contained in CMC 17.12.070(E) does not apply to master planned areas.
 8. In any short plat or subdivision, a lot created for the exclusive purpose of utility fixtures or equipment need not comply with the dimensional standards required by this chapter; provided, that an easement or dedication is recorded for such utility purpose within the approval documents.
 9. Mailboxes. Mailboxes shall be installed consistent with the Engineering Development Code (CMC 12.04.320(G), Mailboxes, and associated Figure 2-18).
 - i. Documentation of consultation with the United States Post Office is required to determine the proper location for the proposed mailbox(es). This shall be done by the applicant and documentation shall be provided to the department by the applicant.
 - ii. Any proposed mailbox or mailbox cluster location must be shown on the subdivision or short plat map.
- A. Streets and roads
1. All lots must have direct legal access abutting either a public right-of-way or a platted private street or road. The city may require that the legal right of access be granted to other adjoining properties in order to provide a safe and efficient circulation system within the city. Private streets or roads shall be clearly marked on the face of the plat and dedicated as such in the plat certificate in accordance with RCW 58.17.165 and reserved for ingress, egress, and utilities. The city shall require a dedicated right-of-way and construction to public street standards when:
 - i. The street or road serves more than four lots;
 - ii. The street or road can be made to link two existing rights-of-way;
 - iii. The public works department or designated consultant determines that, under the applicable circumstances, a dedicated right-of-way is required.
 - iv. Boundary line adjustments must only show dedicated access to a right of way. As per RCW 58.17 boundary line adjustments are not subject to street and road conditions required for plats and binding site plans.
 2. Roads shall be designed with appropriate consideration for existing and projected streets or roads, anticipated traffic patterns, topographic and drainage conditions, public convenience and safety, and the proposed uses of the land served.
 3. The standard width and engineering design of public and private rights-of-way, streets and roads shall conform to the requirements of the development engineering standards. Private streets serving more than four lots, which may be approved through a variance process, shall be constructed to public street standards consistent with the anticipated functional classification.
 4. Where necessary to connect to existing streets or roads, or to provide for overall area circulation, streets or roads may be required to extend to the outside boundaries of the plat.
 5. Street or road grades, curves, frontage improvements, and intersections shall be engineered and be consistent with development engineering standards.

6. All plats shall incorporate provisions for controlling access onto arterial roads in accordance with accepted engineering practices and development engineering standards.
7. When proposed, privately owned and maintained roads serving lots may be approved only when it is determined that:
 - i. There will be no resulting public safety hazard;
 - ii. Such roads will be built to private road standards;
 - iii. The road is not required to be public, pursuant to subsection (A) or (H) of this section; and
 - iv. Approved provisions for future maintenance of such private roads are identified in the proposal.
8. Dedication to the city of public right-of-way shall be required within or along the boundaries of the plat or short plat under the following circumstances:
 - i. Where the six-year improvement plan indicates the necessity of a new right-of-way or portion thereof for street purposes; or
 - ii. Where necessary to extend or to complete the existing neighborhood street pattern.

B. Transit/bus stops

1. All regular subdivisions of 10 or more lots shall provide an approved transit/bus stop within 1,000 feet of every lot created if one does not currently exist. Such stop shall be located upon a public right-of-way unless an alternate location is approved by the DRC. Any such stop located upon a right-of-way shall comply with all applicable requirements of the development engineering standards.
2. Notwithstanding any provisions of the development engineering standards, no transit/bus stop shall be located such that a bus serving such stop would be required to back up to continue service on its assigned route.
3. If, during the development review process, the serving transit authority or operator of the transit system advises the DRC that the proposed transit/bus stops will not be served within one year of final plat approval by a regular bus route and schedule, the DRC may waive the construction of the transit shelter; provided, that the required bus pull-out lane is constructed. Any future construction of a bus shelter shall be at the discretion of the transit authority or operator, and must be approved by the public works department if located upon a right-of-way.

C. Utilities

1. The applicant shall provide for connections to the public water service for each lot created.
2. The applicant shall construct and dedicate to the city a water system consistent with city standards that will provide adequate fire flow and all fire fighting infrastructure and appurtenances required by the fire marshal; except, a dedicated water system will not be required if all of the following apply:
 - i. ~~Four~~ Nine or fewer lots are created;
 - ii. No building is more than 100 feet from a water meter placed on a public right-of-way;
 - iii. No building is more than 300 feet from a fire hydrant on a public right-of-way;
 - iv. All other applicable water utility criteria are met.
3. The applicant shall comply with the construction phase and permanent storm water control requirements of the development engineering standards. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. The applicant shall provide for connections to the sanitary sewer system for each new lot created.
5. Arrangements shall be made by the applicant to install all utility lines, including electricity and telephone service, underground. All utilities, utility equipment and facilities, such as water, sewer, electrical, gas, telephone, and cable, shall be located and constructed to minimize or eliminate flood damage.
6. Utility lines, other than in rights-of-way and vehicular access easements or tracts, shall be within an easement centered on property lines wherever possible. Except in unusual circumstances, easements for utilities shall be at least 20 feet in width. The city may require that utilities be extended to the perimeter of the plat or short plat adjoining other properties, and easements be granted therefor, in order to provide an efficient utility system within the city.

D. Dedication of open space

1. All plats creating 10 or more lots (regular subdivisions, master planned development, planned unit development, residential binding site plan) shall provide a minimum of 10 percent of the total gross area of the plat for parks, open space, greenbelt and/or buffer strips. Wetlands and other identified environmentally sensitive areas may be included in the 10 percent calculation, provided at least half of the nonenvironmentally sensitive area shall be capable of use for active recreation. Active recreational areas shall not be located in required buffers except for trails. Acceptable types of active recreation are:
 - i. Tot lots
 - ii. Trails
 - iii. Pavilion
 - iv. Outdoor picnic/barbeque areas
 - v. Community gardening
 - vi. Other active recreational activities that may be appropriate for the overall design of the plat.

These activities must be submitted to staff. Final approval will be made by the hearing examiner.

2. All subdivisions shall provide for parks, open space, greenbelt and/or buffer strips, wetlands and other identified environmentally sensitive areas as depicted in the adopted master plan. All open space, parks or common areas shall comply with any applicable agency requirements.
3. Open space, parks, or common areas shall be efficiently located and provide adequate access.

E. Submission requirements

1. The applicant shall prepare a preliminary plat together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project. The applicant will also complete application for a zoning map amendment, variance or any other applications necessary under this title. These applications will be processed by the city simultaneously with plat application, except that any application that requires an amendment to the city's comprehensive plan shall be reviewed at the time that such amendments are contemplated (generally, annually).
2. All forms including the plat shall be submitted electronically to the City for review. The form and contents of the preliminary plat are specified CMC 17.12.400 Table of required information.

3. All subdivisions shall be prepared by a land surveyor and/or civil engineer licensed in the state of Washington.
 4. An environmental checklist consistent with the requirements of Chapter 17.15 CMC, State Environmental Policy Act (SEPA), may be required for any preliminary plat application submitted.
 5. All civil, utility and roadway plans shall be prepared by a civil engineer consistent with the development engineering standards.
 6. All applications pursuant to this chapter shall be delivered to planning and department and must be accompanied by applications for other approvals which may be required as a condition of approval of a proposed plat of land under this title, including but not limited to all regulations identified in this title.
 7. The planning and building department shall note the date of receipt of the application and shall notify the applicant within 28 days of receipt of any deficiencies found in the application as identified in CMC 17.09.090 Completeness review. The issuance of a determination of a complete application shall preclude the city from requesting additional information from the applicant in order to complete the processing of an application.
 8. If no deficiencies are found and all applicable fees are paid, the planning and building department shall accept the application as fully complete and the application shall be deemed filed as of the date it was found complete.
 9. If deficiencies are found, the applicant shall be notified in writing that the application is not complete until such deficiencies are corrected.
 10. All applications for a preliminary plat pursuant to this chapter shall be considered under the provisions of zoning and other land use control regulations of this code, in effect on the land at the time of filing a fully complete application.
- F. Responsibility of accuracy
The applicant is responsible for the accuracy of all data and information submitted on or with an application. Any application found at any time to be materially inaccurate or misleading shall be returned to the applicant with a notice stating that the application must be corrected and returned to the planning and building department.
- G. Identification markers
The developer shall, for identification purposes only, cause markers of a type approved by the city to be placed upon each of the approximate road frontage corners of the subject property and maintain them thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks of the proposed short subdivision. Where other data or where identification markers are found necessary by any relevant agency to assist it in making its determination, such data and markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies.
- H. Dedications and certificate.
Every subdivision, short subdivision or large lot subdivision filed for record must contain a certificate giving a full and correct description of the lands divided as they appear on the plat, short plat or binding

site plan, including a statement that the division has been made with the free consent and in accordance with the desires of the owner or owners. If the division is subject to a dedication, the certificate or separate written instrument shall also contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies or to any corporation, public or private, as shown on the plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the street. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands divided and recorded as part of the final plat, short plat or large lot plat.

I. Improvements-Agreement to perform in the future-Financial guarantee

1. Before requesting final approval of any division of land pursuant to this title, the developer shall install required improvements and repair any existing streets and other public facilities damaged in the development of a subdivision. In lieu of the completion of the actual construction of any required minor improvements or minor repairs to existing improvements, the developer may enter into an agreement with the Director of Public Works, or the Director's designee, for the installation of minor improvements or minor repairs to existing improvements. Minor improvements shall include, but not be limited to, landscaping, tree planting, and street lights. Prior to and as a condition of entering into such an agreement, the Director of Public Works, or the Director's designee shall determine whether the delay in construction of such minor repairs or minor improvements shall constitute a hazard to public health and safety.

The agreement shall provide that if the work is not completed within one year, plus any approved extension of time not to exceed six months, the city may complete the work and recover the full cost and expense thereof from the developer. In no event shall completion of such work exceed one and one-half years from the execution of such agreement. The agreement shall also contain an indemnification supported by liability insurance in an amount determined by the city's risk manager to be sufficient to cover foreseeable liability for the city and its agents.

In addition, the agreement must contain a provision whereby the developer will be responsible for the successful growth and/or operation of, and all repairs to, the improvements for a two-year period following their installation. Costs and reasonable attorneys' fees for the city shall be provided for in the agreement in the event of default. The developer shall also execute and deliver to the Director of Public Works, or the Director's designee, an easement, in a form acceptable to the city attorney, allowing the city's agents to enter upon the subject property to perform the necessary improvement in the event of default.

2. The developer shall file with the agreement, to assure the developer's full and faithful performance thereof, one of the following:
 - i. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the City Attorney;
 - ii. Cash;
 - iii. Letter of credit approved by the City Attorney from a financial institution stating that the money is held for the purpose of development of the stated project;
 - iv. Assigned savings pursuant to an agreement approved by the City Attorney; or Lien agreement approved by the City Attorney.

The agreement and financial assurance shall be filed with the Director of Public Works or the Director's designee.

3. Such assurance of full and faithful performance shall be for 150% of a sum determined by the Director of Public Works, or the Director's designee, as sufficient to cover the cost of the improvements and repairs, including related engineering, incidental expenses, inflation and contingencies.

4. If the developer fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the developer's financial security for reimbursement. If the amount of the developer's financial security exceeds the cost and expense incurred by the city, the remainder shall be released. If the amount of the developer's financial security is less than the cost and expense incurred by the city, the developer shall be liable to the city for the difference in addition to all costs, including reasonable attorneys fees, of recovery of such amount, including, but not limited to, reasonable attorneys' fees.

5. Also in lieu of actual construction, a developer may request the Director of Public Works to enter into a subdivision improvement deferral agreement or developer agreement for completion of actual construction of major improvements or their repairs. Major improvements shall include, but not be limited to, sanitary sewer, domestic water system, streets and appurtenances, and storm drainage. Prior to entering into such agreement, it shall be reviewed by the Hearing Examiner after public notice and a hearing pursuant to CMC Chapter 17.09. In determining whether to accept, reject, approve, or deny a request, the Hearing Examiner shall decide whether any delay in construction of major improvements and repairs constitutes hazards to the public's health and safety and the conditions necessary to mitigate such hazards, including, but not limited to, withholding building permits until such improvements or repairs are installed and accepted by the City.

Such an agreement shall contain all of the conditions described in Subsections A through J herein.

J. Trees and vegetation-Prior to approval

No trees or vegetation shall be removed in the development of the subdivision except as provided in an approved tree protection and replacement plan. All trees and vegetation on individual building lots shall be retained until such time as plans are submitted for a building permit and approved as to specific location of building pads, drives and other aspects of land development. An exception to this regulation can be made if the applicant submits and the city approves a tree protection and replacement plan.

K. Inspections

Required improvements shall be inspected and approved by the city. The cost of all inspections, plan checking, testing, sampling and other work incidental to approval of the required improvements shall be charged to the applicant and paid before final approval of the plat or short plat. The city may arrange for inspections to be conducted by properly qualified consultants and may charge the applicant for the cost of such inspections. No roadway, bridge, water system, sewer system or other required public improvement shall be accepted unless the design and construction shall be certified by the public works department or designated consultant, or a civil engineer licensed by the state and acceptable to the city, to be in accordance with all applicable state and local requirements. In any case where a permit is required for work performed on a county right-of-way, the applicant shall comply with all applicable requirements of Lewis County.

L. Variances

1. An applicant for a plat, short plat or binding site plan may apply for a variance from any development standard set forth in this title where there exist extraordinary conditions such as topography, access, location, shape, size, drainage or other physical features of the site or other adjacent development which result in unusual hardship or extraordinary difficulties to the owner in attempting to make any reasonable use of the land. Such variance application shall accompany the plat application, shall outline the provisions from which the variance is sought, and shall include the information required to support the variance request consistent with CMC 17.09.190.

2. Any application for a variance associated with a plat, boundary line adjustment, or binding site plan shall be submitted to the hearing examiner consistent with CMC 17.09.190. The decision of the hearing examiner shall become a component of such short plat or binding site plan application.

17.12.020 Legal Lot Determinations

A. Purpose and Summary.

1. The purpose of this section is to provide a process and criteria for determining whether parcels are lots of record consistent with applicable state and local law, and to include a listing of potential remedial measures available to owners of property which do not meet the criteria.

2. In summary, parcels are lots of record if they followed applicable laws regarding zoning and platting at the time of their creation. Zoning laws pertain primarily to the minimum lot size and dimensions of the property. Platting laws pertain primarily to the review process used in the creation of the lots. Specific provisions are listed herein.

B. Applicability. The standards of this section apply to all requests for lot determinations, or for building permit, placement permit, site plan review, short plat, subdivision, conditional use permit, rezone, or comprehensive plan change application.

In all circumstances a lot of record must meet the minimum zoning requirements in place at the time the lot was created. This shall include but not limited to lot size, dimensions, lot coverage, and frontage width.

C. Determination Process. Lot of record status may be formally determined through the following ways:

1. Lot Determinations as Part of a Building Permit or Other Development Request. Building or other development applications for new principal structures on parcels which are not part of a platted land division shall be reviewed by the city for compliance with the criteria standards of this section, according to the timelines and procedure of the building permit or other applicable review involved. A separate written approval will not be issued unless requested by the applicant.

2. Lot Determination Requests Submitted Without Other Development Review. Requests for determinations of lot of record status not involving any other city development reviews shall apply for lot determination. The city will issue a letter of determination in response to all such requests.

3. Application and Submittal Requirements. The following shall be submitted with all applications for lot determination, or applications for other development review in which a lot determination is involved. Applicants are encouraged to submit material as necessary to demonstrate compliance with this section:

i. Prior city/county short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a lot of record after June 9, 1937 and recorded;

ii. Sales or transfer deed history dating back to 1969;

iii. Prior segregation request, if any;

iv. Prior recorded survey, if any;

v. At the discretion of the applicant, any other information demonstrating compliance with criteria of this section.

D. Approval Criteria.

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1. Basic Criteria. Parcels which meet both of the following basic criteria are lots of record:

~~i. Zoning. The parcel meets minimum zoning requirements, including lot size, dimensions, and frontage width, in effect currently or at the time the parcel was created; and~~

~~i. Platting.~~

~~a. The parcel was created through a subdivision or short plat recorded with Lewis County; or~~

~~b. Any lot which was a legal lot under the regulations or standards of Lewis County prior to inclusion in the Urban Growth Area or annexation or incorporation in the city of Chehalis; or~~

~~c. The parcel was created through division or segregation and was in existence prior to July 1, 1974; or~~

~~d. The parcel was created through a court order, will and testament, or other process listed as exempt from platting requirements by RCW 58.17.035 or 58.17.040 or through an exemption from platting regulations provided by law at the time of creation of the parcel; or~~

~~e. The parcel was segregated at any time and is 20 acres or more in size;~~

~~f. Prior Determination. Parcels which have been recognized through a previous lot determination review, or other city planning approval in which lot recognition is made, are lots of record. Such parcels shall remain lots of record until changed by action of the owner.~~

E. Exceptions.

1. Innocent Purchaser Exception. The responsible official shall determine that parcels which meet both of the following exception criteria are lots of record:

~~a. Zoning. The parcel meets minimum zoning dimensional requirements, including lot size, dimensions, and frontage width, which are currently in effect or in effect at the time the parcel was created; and~~

~~i. Platting. The current property owner purchased the property for value and in good faith, and did not have knowledge of the fact that the property acquired was divided from a larger parcel after August 21, 1969, in the case of subdivisions, or after July 1, 1976, in the case of short plats, or after April 19, 1993, in the case of any segregation resulting in parcels of five acres or larger.~~

2. Public Interest Exception, Mandatory. The responsible official shall determine that parcels which meet the following criteria are lots of record:

~~i. Date of Creation. The lot was created before January 1, 1995;~~

~~ii. Zoning. The parcel meets minimum zoning dimensional requirements currently in effect, including lot size, dimensions, and frontage width; and~~

~~iii. Platting.~~

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a. ~~The responsible official determines that improvements or conditions of approval which would have been imposed if the parcel had been established through platting are already present and completed; or~~

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b. ~~The property owner completes conditions of approval which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards. Preliminary and final submittal plans shall be required where applicable.~~

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3. ~~Public Interest Exception, Discretionary. The responsible official may, but is not obligated to, determine that parcels meeting the following criteria are lots of record:~~

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~~a. Zoning. The parcel lacks sufficient area or dimension to meet current zoning requirements but meets minimum zoning dimensional requirements, including lot size, dimensions, and frontage width, in effect at the time the parcel was created; and~~

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~~i. Platting.~~

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~~a. The responsible official determines that conditions of approval which would have been imposed if the parcel had been established through platting under current standards are already present on the land; or~~

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~~b. The property owner completes conditions of approval which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards. Preliminary and final submittal plans shall be required where applicable.~~

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~~ii. The responsible official shall apply the following factors in making a lot of record determination under the discretionary public interest exception:~~

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~~a. The parcel size is generally consistent with surrounding lots of record within 1,000 feet;~~

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~~b. Recognition of the parcel does not adversely impact public health or safety;~~

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~~c. Recognition of the parcel does not adversely affect or interfere with the implementation of the comprehensive plan; and~~

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~~d. The parcel purchase value and subsequent tax assessments are consistent with a buildable lot of record.~~

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~~e. Recognition of lot of record status based on the public interest exception shall be valid for five years from the date of lot determination or review in which the determination was made. If a building or other development permit is not sought within that time, the determination will expire. Applications for development or lot recognition submitted after five years shall require compliance with applicable standards at that time.~~

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F. ~~Minimum Lot Size Standard. For the purposes of reviewing the status of pre-existing lots for compliance with platting and zoning standards, parcels within ten percent of minimum lot size requirements shall be considered in compliance with those standards unless the responsible official determines that public health or safety impacts are present.~~

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17.12.035 Fees

Applicants for permits or other approvals pursuant to this title shall pay to the city the applicable fees identified in the fee schedule as adopted by City Council. No application under this title shall be deemed to be complete unless accompanied by all applicable fees.

17.12.055 BLA, Boundary Line Adjustments

- A. Applicability and reference to general admin and Chehalis Municipal Code that refers to Boundary line adjustments.

Every boundary line adjustment, whether lot consolidation or lot line move shall comply with this chapter and with applicable state law. No boundary line adjustment shall be approved or recorded that does not comply with the criteria below; provided that approval may be granted if existing nonconforming aspects of the site are either not changed or are made more conforming.

- B. Review criteria

The Department shall consider and review the proposed boundary line adjustment, and approve the boundary line adjustment, and certify that the proposed boundary line adjustment conforms to the requirements of this subsection, and affix its signature to the adjustment prior to recording, if and only if:

1. No additional lots, tracts, parcels, building sites or land divisions are created, ~~and all lot line adjustments are minor and do not alter the underlying plat pattern, such as changing the cardinal direction of a line or general orientation of lots or lot access;~~
2. The purpose of the boundary line adjustment is to ~~resolve boundary line issues between two lots, tracts, parcels, sites or divisions of land, such as an encroachment or encroachments found as a result of a land boundary survey~~ adjust boundary lines as needed or to consolidate two or more lots, tracts, or parcels;
3. The boundary line adjustment does not result in the entire relocation of lots, sites, tracts, or parcels from one area to another;
4. All resulting parcels contain sufficient area and dimensions to meet all applicable requirements for a building site and conform to all required setbacks and building and fire separation standards;
5. All resulting parcels comply with any restrictive covenants contained on the face of the final plat, short plat, or large lot plat, if any; and all resulting lots do not violate previous conditions of preliminary plat, short plat, or large lot approval;
6. Each resulting parcel has legal access;
7. The Record of Survey includes acknowledged signatures of all parties having an interest in the lots of which the lines are being adjusted;
8. Legal descriptions of each of the resulting parcels conform to applicable standards; together with the signature of a licensed land surveyor, licensed in the State of Washington, which attests to the accuracy of the legal description and survey describing the adjusted lot lines; and
9. The boundary line adjustment is not for the purpose of avoiding public improvement requirements that would be associated with a replat or other new land division approval or an obligation to pay latecomer fees.

- C. Final approval and recording

Approval of the boundary line adjustment shall not be final until:

1. There is compliance with the requirements above; and
2. The surveyor preparing the Record of Survey shall find or set monuments at all corners and angle points of the adjusted parcels. At the discretion of the City ~~Surveyor~~Engineer, witness corners and reference monuments may be used when impracticable to monument the actual corners; and
3. Each adjusted parcel shall have a unique identifier on the Record of Survey that has not been previously used or associated, in any way, with the adjusted parcels; and
4. The county treasurer has certified that all taxes on the land have been fully paid and discharged; and
5. A final Record of Survey has been approved by the Department and filed for record with Lewis County Auditor.

17.12.100 Preliminary Plat (subdivisions, PUD, MPUD)

A. Pre-application recommended but not required

Prior to the submission of the preliminary plat application, the subdivider or the subdivider's representative may meet with the Director to discuss preliminary sketches or studies. At this time, said Director shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to eliminate as many potential problems as possible in order for the preliminary plat to be processed without delay. The conference should take place prior to detailed work by an engineer or surveyor. Discussion topics at this time would include such things as the comprehensive plan, development standards, Shore-line Master Plan, zoning, availability of sewer and water, latecomer charges, development concepts, other city requirements and permits, and the environmental impact of the plat. If the applicant owns adjacent land, the possibilities of future development should be discussed.

B. Complete application-Format and content.

1. Filing of Application. The subdivider shall prepare a preliminary plat and environmental checklist, together with improvement plans and other supplementary material required to indicate the subdivider's general program and objectives, and shall submit electronic copies of the preliminary plat and supplementary data to the office of the Planning Department. The Planning Department shall assign the subdivision a permanent file number. The Planning Department shall inform the applicant within ~~two weeks~~ 28 days of the date of receipt of the application of any deficiencies found in the preliminary plat application. The Planning Department shall return the application to the plat applicant if it is deemed incomplete or inaccurate. The time set forth in Sections ~~17.16.050 and 17.16.060~~ 17.09 for hearing plat applications shall not run until all information has been provided in a complete and accurate manner as determined by the Planning Department. Resubmittals with the necessary information making the application complete must be submitted within six months of original filing. If not, the file shall be considered void and unexpended filing fees refunded.
2. Environmental Checklist and Impact Statements. Each and every preliminary plat submitted to the planning department shall be accompanied by an environmental checklist. If it is determined that an environmental impact statement is required to be completed, then the plat shall not be considered as submitted until the final environmental impact statement has been completed. No public hearing on the preliminary plat shall be held until the final environmental impact statement (if required) has been completed and been made available for the general public.
3. Responsibility for Data Accuracy. Accuracy for all data and information submitted on or with a preliminary plat shall be the responsibility of the applicant. Any proposed plat found to be inaccurate or misleading so as to hamper the decision of the Hearing Examiner and/or the City Council shall be returned to the applicant with a letter stating that the plat must be corrected and returned to the Planning Department.
4. General. Preliminary plats shall be prepared in conformance with the requirements set forth in this section.

5. Format.

- i. Preliminary plats shall bear the seal of a registered land surveyor or registered professional engineer licensed to practice in the state.
- ii. Preliminary plats shall be accompanied by a completed environmental checklist prepared by the applicant, or applicant's representative, on forms provided by the Department.
- iii. Preliminary plats shall be drawn on paper having maximum dimensions of 24" by 36", and at a horizontal scale between 200' to the inch and 50' to the inch. Where vertical profiles are required, the scale shall be between ten feet to the inch and two feet to the inch. Other scales or paper dimensions may be used where deemed appropriate by the Community Planning and Development and Public Works Departments.
- iv. Preliminary plats shall be accompanied by all information required by the Table of Required Information. See CMC 17.12.400.

C. Review Criteria

1. Council and Examiner Inquiry into Public Use and Interest. The council, hearing examiner and Planning Department shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The council or hearing examiner shall determine if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainageways, streets, alleys, other public ways, water supplies, sanitary wastes, parks playgrounds, sites for schools and school grounds, fire protection and other public facilities, and shall consider all other relevant facts, including the physical characteristics of the site and determine whether the public interest will be served by the subdivision and dedication. If the council or hearing examiner find that the proposed plat makes appropriate provisions for the above, then it shall be approved. If the council or hearing examiner find that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the council or hearing examiner shall disapprove the proposed plat.
2. Dedication. Dedication of land or payment of fees to any public body may be required as a condition of subdivision approval. Evidence of such dedication and/or payment shall accompany final plat approval.
3. Release from Damages from Other Property Owners. The council or hearing examiner shall not, as a condition of plat approval, require an applicant to obtain a release from damages from other property owners.
4. Flood hazard areas. The council or hearing examiner shall consider the physical characteristics of a proposed subdivision site, and may disapprove a proposed plat because of flood, inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.
5. Health Department. As a condition of preliminary plat approval, the health department may require lot sizes larger than the minimum permitted by the zoning code in those instances where topography, soils, water table or other conditions make larger lot sizes necessary in order to prevent possible health hazards due to water contamination or sewage disposal system malfunction.
6. School District. When a preliminary plat wholly or partially contains a school site proposed in the comprehensive plan or other officially adopted plans, or when the school district finds a reasonably foreseeable need for such a site, the applicant may be required to dedicate a portion of the plat or reserve it for future purchase by the school district. The city shall require evidence of need from the school

district as a prerequisite to requiring dedication or reservation. The council or hearing examiner may recommend a time limit on the effective period of any reservation.

7. Fire District. When the affected fire district finds a reasonably foreseeable need for a site wholly or partially contained within the preliminary plat, the applicant may be required to dedicate a portion of the plat or reserve it for future purchase by the fire district. The city shall require evidence of need from the fire district as a prerequisite to requiring dedication or reservation. The council or hearing examiner may recommend a time limit on the effective period of any reservation.
 8. Parks. When a preliminary plat contains a portion of a trail or open space network which is indicated in the park plan element of the comprehensive plan or other officially adopted plan, an area encompassing such trail or open space network may be required to be set aside for its intended purpose by the granting of a trail or open space easement to the city, dedication or reservation for future purchase by the public. The council or hearing examiner may determine a reasonable time or specify the event, limiting the effective period of the reservation.
 9. Shoreline Management. Whenever a preliminary plat is wholly or partially located within an area subject to the jurisdiction of the Shoreline Management Act of 1971, RCW Chapter 90.58, the applicant shall comply with the Shoreline Master Program for the ~~Lewis Region, Title 14~~[City of Chehalis Title 17.18](#) of this code and RCW Chapter 90.58.
- D. Public hearing, notice, appeal as per CMC 17.09
Preliminary plat applications are considered a Type 3 and notices, approvals and appeals shall be processed in accordance with the provisions of this title, Chapter 17.15 and Chapter 17.09.

17.12.150 Terms and effect of preliminary approval

- A. Duration of approval
Approval of the preliminary plat shall be effective for five years from the date of approval by the hearing examiner or City Council, during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed, except as provided for in Section 17.09.
- B. Responsibility of applicant
Knowledge of the expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city shall not be held accountable for notification of expirations, although it may notify an applicant of date of expiration. All requests for an extension of time must be submitted to the Planning Department at least 30 days prior to expiration of the preliminary plat.
- C. Changes, alterations or deletions
Once the preliminary plat map has been approved, it shall not be altered unless approved by both the planning and public works departments. If the alteration is felt to be of a substantial nature by the planning and public works departments, then the plat shall be resubmitted in accordance with the procedures for preliminary plat approval.
- D. Preliminary plat withdrawal or lapse
Wherever a preliminary plat has been approved and the time period for final approval has not expired, and the applicant desires to withdraw the plat, the applicant shall submit the applicant's written request to the Planning Department. The Planning Department will review the request and advise the applicant in writing of the effect of the withdrawal of preliminary plat approval. Being advised that the applicant fully understands the effect of the preliminary plat approval withdrawal, the Planning Department shall approve the withdrawal request, making the appropriate changes in the records of the Planning Department.

If the applicant has failed to record the final plat within five years from the date of preliminary plat approval, the preliminary plat approval shall lapse.

17.12.175 Final Plat

A. Submission of app and copies

The subdivider shall submit ~~two (2) dark paper prints~~ two (2) paper copies and an electronic copy to the department.

B. Format and content

A. Survey of Subdivision and Preparation of Plat. The survey of the proposed subdivision and preparation of the plat shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed.

B. Drafting Standards. All final plats shall be drawn in accordance with the following:

1. The final plat shall be clearly and legibly drawn in permanent black ink upon a stable base polyester film.
2. The scale of the plat shall be not less than 1" = 200'. Lettering shall be at least 3/32 of an inch high. The perimeter of the plat or subdivision being recorded shall be depicted with heavier lines wider than the remaining portion of the plat or subdivision.
3. The size of each sheet shall be 18" by 24".
4. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of three inches on the left, and one-half inch on each side of the other three sides.
5. If more than two sheets are used, an index of the entire subdivision showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.
6. The plat title, date, scale and north arrow shall be shown on each appropriate sheet of the final plat.
7. All signatures placed on the final plat shall be original signatures written in permanent black India ink.

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C. Street Monuments. The surveyor preparing the plat shall submit a street monumentation plat to the Public Works Department for approval prior to setting any permanent street monuments. The Public Works Department shall determine the number and location of permanent control monuments in streets within and leading into the plat, if any. All street monuments shall conform to the standard specifications of the American Public Works Association or as amended by city standard plans.

D. Content.

1. The following information is required on the final plat map:
 - i. The date, scale, north arrow, legend, controlling topography and existing features such as highways and railroads;
 - ii. Legal description of the plat boundaries;
 - iii. Reference points and lines of existing surveys identified, related to the plat as follows:
 - a. Adjoining corners of adjoining subdivisions,
 - b. City or county boundary lines when crossing or adjacent to the subdivision,
 - c. Section and donation land claim lines within and adjacent to the plat,

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- d. Whenever the county or a city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset,
 - e. All other monuments found or established in making the survey of this subdivision or required to be installed by provisions of this title,
 - f. The basis of bearing shall be shown and shall be the Chehalis coordinate system;
 - i. The exact location and width of streets and easements intersecting the boundary of the tract;
 - ii. Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest 0.01 foot;
 - iii. The width of the portion of streets being dedicated, the width of any existing rights-of-way and the width of each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;
 - iv. Easements denoted by fine dashed lines or described by narrative, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;
 - v. Lot numbers beginning with number "1" and numbered consecutively without omission or duplication throughout the plat. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering of the original subdivision;
 - a. Accurate outlines and designations of any areas to be dedicated or reserved for public use or to be committed for the common use of all property owners with the purpose of dedication, reservation and commitment to be clearly set forth on the plat document together with accurate references to appropriate recorded documents;
2. All required dedications, endorsements, covenants, affidavits and certificates shall show on the face of the final plat;
 3. The final plat shall show the subdivision of the section or sections involved and show the township(s) and range(s); provided, that if the land being platted is not described by section subdivision, the final plat map shall show a vicinity map showing monuments and land corners sufficient to properly orient the new subdivision;
 4. Specific wording as may be required by the preliminary plat approval;
 5. A plat or subdivision contiguous to, or representing a portion of or all of the frontage of a body of water, river or stream shall indicate the location of monuments, which shall be located at such distance above high-water mark as to reasonably insure against damage and destruction by flooding or erosion;
 6. Lots containing one acre or more shall show net acreage to nearest hundredth, whenever possible;
 7. Designation of lots to be used for other than single-family residential purposes;

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- 8. If the plat constitutes a replat of all or portions of an existing subdivision, this shall be clearly indicated just below the subdivision name. All original plat lines shall be shown in half-tone around the perimeter of the new plat.
- 9. A summary of the terms and conditions, including building permit restrictions, of any agreement and security to construct improvements in the future on the plat.
 - i. Acknowledgments and Certificates. Acknowledgments and certificates required by this title shall be in language substantially indicated in the following subsections:
 - a. Dedications. The intention of the owner shall be evidenced by the owner's presentation for filing of a final plat clearly showing the dedication thereof and bearing the following certificate signed by all real parties of interest:

"Know all persons by these presents that _____, the undersigned owner, in fee simple of the land hereby platted, _____, and _____, the mortgagee thereof, hereby declare this plat and dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the plat and the use for public purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc. shown on this plat in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said roads.

IN WITNESS WHEREOF we set our hands and seals this _____ day of _____, [year].

In the event that a waiver of right of direct access is included, then the certificate shall contain substantially the following additional language:

"Access to _____ street from lots numbered _____ is hereby waived, and dedication to the public shall in no way be construed to permit a right of direct access to _____ street from lots numbered _____, nor shall the City of Chehalis or any other local governmental agency within which the property is or may become located ever be required to grant a permit to build or construct an access of approach to said street from said lots."

b. Acknowledgment.

STATE OF WASHINGTON)

) ss.

COUNTY OF LEWIS)

This is to certify that on this _____ day of _____, [year], before me, the undersigned, a notary public, personally appeared to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that _____ signed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above-written.

(Seal)

NOTARY PUBLIC in and for the
State of Washington, residing at

- c. Restrictions. The following restrictions shall show on the face of the final plat:
- i. The following shall be required when the plat contains a private street: "The cost of construction and maintaining all streets not herein dedicated as public streets shall be the obligation of all of the owners and the obligation to maintain shall be concurrently the obligation of any corporation in which title of the streets may be held."
 - ii. "All landscaped areas in public rights-of-way shall be maintained by the owner and the owner's successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to City road purposes."
 - iii. The following shall be required when the plat contains commonly owned tracts: "Community tracts shall be owned and maintained in common for the benefit of all lot owners. All lots have an undivided interest in the ownership and maintenance of community areas. The ownership interest in each community tract shall be stated in the deed to each lot"
 - iv. The following shall be required when the installation of required improvements has not been completed prior to recording: "Pursuant to City Ordinance, the City of Chehalis may deny the issuance of building or occupancy permits for any structure within this plat until street, sidewalk, or other required plat improvements have been installed."
 - v. Any additional conditions as approved by the hearing examiner.

d. Certificate From Land Surveyor. The completed plat must show a certificate from the land surveyor who platted the property, in substantially the following form:

"I hereby certify that the Plat of _____ is based upon an actual survey and subdivision of a portion of Section _____, Township _____, Range _____, W.M.; that the distances and courses shown thereon are correct; that the monuments have been set and lot and block corners staked on the ground."

- e. Certificates of City Officers. The plat shall also show the following certificates:
- i. Certificate--City Engineer.

"Examined and approved this ____ day of _____ [year].

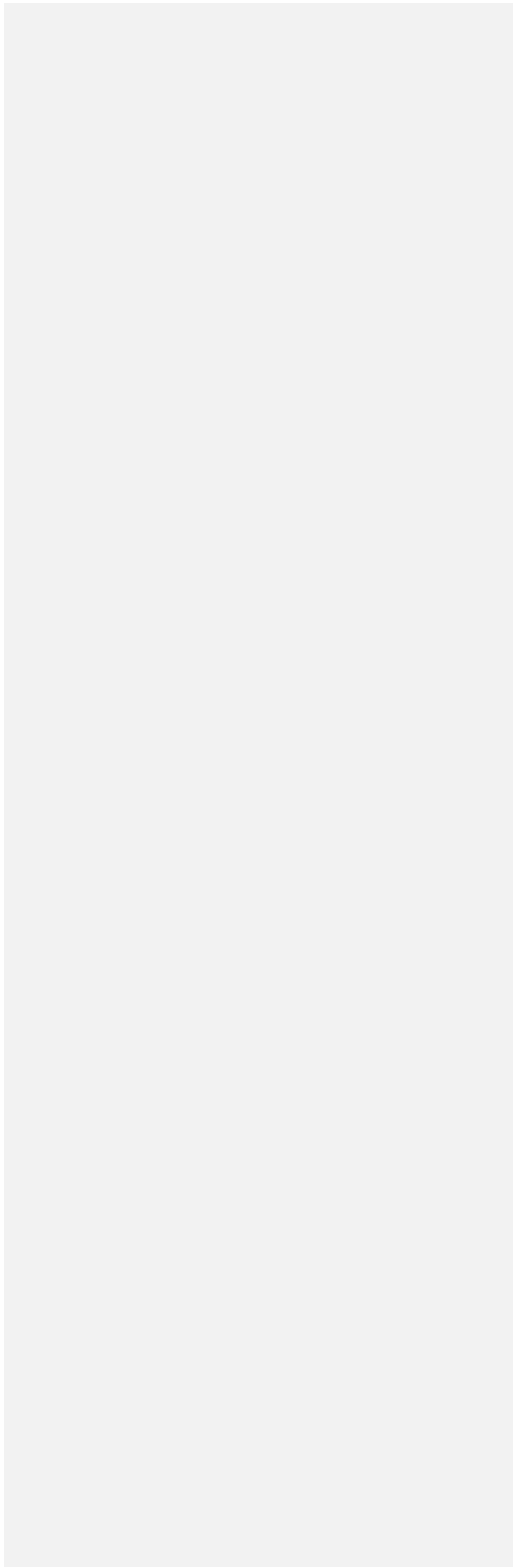
Chehalis City Engineer"

- ii. Certificate--Assessor.

"Examined and approved this ____ day of _____ [year].

Lewis County Assessor"

DRAFT



iii. Certificate-Treasurer.

"I hereby certify that all taxes on the land described hereon have been fully paid to and including the year ____.

Lewis County Treasurer"

iv. Certificate--Planning and Building Manager.

"Examined and approved this ____ day of _____ [year].

Planning and Building Manager"

v. Certificate--County Auditor.

"Filed for record at the request of _____ this ____ day of _____, [year], at _____ minutes past ____ .m., and recorded in Volume _____ of Plats, on page _____, records of Lewis County, Washington.

Lewis County Auditor

Deputy Auditor"

C. Review of final plats in UGA

As per the Interlocal agreement with Lewis County and adopted by City Council, all final plats must be approved by the Lewis County Commissioners prior to recording.

D. Review criteria

1. The Public Works Department shall examine the map as to sufficiency of affidavits and acknowledgments, correctness of surveying data, mathematical data and computations, and such other matters as require checking to insure compliance with the provisions of state laws pertaining to subdivisions, with this title and with the conditions of approval. Traverse sheets (computation of coordinates) and work sheets showing the closure of the exterior boundaries and of each irregular lot and block and the calculation of each lot size shall be furnished. If the final plat is found to be in correct form and the matters shown thereof are sufficient, the Public Works Department shall certify the mylar of the plat to the Planning Department.
2. In addition to a statement of approval from the Public Works Department, the following approvals must be submitted in writing to the Planning Department prior to its certification of the final plat:
 - i. Fire department's approval;

- ii. Water purveyor's approval;
- iii. Sewer purveyor's approval;
- iv. County treasurer's approval;
- v. County assessor's approval;
- vi. Other approvals as may be required in the conditions of preliminary plat approval.

E. Final approval

After finding that the final plat has been completed in accordance with the provisions of this title, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the Director or the Director's designee shall sign the final plat accepting such dedications and easements as may be included thereon, and the final plat shall be returned to the applicant for filing for record with the county auditor.

F. Filing for record

The original of said final plat shall be filed for record with the county auditor. One paper copy shall be filed with the auditor. The planning department shall retain a paper copy of the recorded plat. All required paper copies shall bear the auditor's recording date. All recording fees are the responsibility of the developer.

Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required signature has been obtained.

17.12.190 Replatting

A. Generally

A replat of a recorded plat shall proceed as specified by this title for the approval of a preliminary plat except as modified by this chapter.

B. Multiple ownership

Where the lots within a recorded plat are held in more than one ownership, the application for replat shall not be accepted by the city for processing unless accompanied by the signatures of all property owners within the plat whose lot boundaries would be altered or affected by the replat. A title report or plat certificate, showing the names of all persons with a real or possessory interest in the plat whose lot boundaries would be affected by the replat and any restrictions encumbering the land, shall be submitted with the application for replat.

C. Alteration of installed improvements

Whenever a replat will involve the relocation, removal or reconstruction of existing plat improvements or open space, the whole of the land embraced in the plat(s) proposed to be replatted shall constitute an assessment district for the purposes of financing said relocation, removal or reconstruction. Assessment rates and requirements shall be established by the council at the time of replat approval.

D. Recording

Any replat shall be filed and recorded with the county auditor and shall thereafter be the lawful plat and substitute for all former plats; provided, that, should a plat be vacated and not otherwise altered or replatted, it shall only be necessary to file with the county auditor the order, resolution or ordinance vacating the same, and the auditor shall thereupon note upon the original plat the part thereof so vacated.

- E. Power of [the City Council council](#) not affected

Nothing in this chapter shall in any way change, limit or affect the power now vested in the [City Council council](#) to vacate streets and parts of streets.

17.12.200 Short plats

- A. Applicability and general admin and CMC for short plat

Every division of land into nine or fewer lots, any one of which is less than 1/128 of a section or ~~five-ten~~ acres for the purpose of sale, lease or transfer of ownership shall proceed in compliance with this chapter and Chapters 17.09 of this title.

- B. Redivisions

1. Within a Short Subdivision. Land within a short subdivision, the short plat of which has been approved within five years immediately preceding, may not be further divided in any manner, until a final plat thereof has been approved and filed for record pursuant to city regulations concerning the subdivision of property into ten or more lots, tracts or parcels.

Where there have been no sales of any lots in a short subdivision, nothing contained in this section shall prohibit a subdivider from completely withdrawing the subdivider's entire short plat and thereafter presenting a new application.

2. Within a Recorded Plat. Unless otherwise restricted by resolution or city ordinance, lots recorded pursuant to Chapter 17.12 may be further divided pursuant to the requirements of this Chapter; except that, any such further division of a lot within a recorded plat approved subsequent to August 11, 1969, shall be subject to all requirements of Chapter 17.12 .

- C. Format and content of preliminary application map

Application. The application shall be on a form provided by the Department and shall contain all information required by the Table of Required Information. See CMC 17.12.400.

- D. Review criteria

The Planning Department shall consider and review the proposed short subdivision with regard to:

1. Its conformance to the requirements of the city's zoning code, general purposes of the comprehensive plan, and planning standards and specifications as adopted by the laws of the state and the city;
2. Whether appropriate provisions are made in the short subdivision for drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes;
3. The physical characteristics of the short subdivision site and may disapprove because of flood, inundation or swamp conditions. It may require construction of protective improvements as a condition of approval;
4. All other relevant facts to determine whether the public use and interest will be served by the short subdivision.

- E. Approval Procedure

1. The Community Planning and Development Department may:

- i. Approve the preliminary short subdivision with or without conditions;
- ii. Return the preliminary short plat to the applicant for correction or for applicant's construction of improvements in a manner consistent with the department findings;
- iii. Disapprove the short subdivision and the short plat thereof;
- iv. Submit the preliminary short subdivision application to the hearing examiner for the examiner's consideration together with the Planning Department's recommendation. The examiner shall hear the application in accordance with the procedures of Chapter 17.09 of this code, and with such notice as is required for hearings on preliminary plat applications.

- 2. Hearing Examiner Review, If Aggrieved. Any person aggrieved by the decision of the Planning Department may appeal that decision to the hearing examiner. Such appeal must be made in writing, within fourteen (14) calendar days from the date the Planning Department's written decision was made. Such appeals shall be filed with the Planning Department in writing and shall contain a brief description of why error is assigned to the department's determination and shall be accompanied by a filing fee. The appeal shall be heard pursuant to Chapter 17.09.160 Appeals.
- 3. Conditional Approvals. When the preliminary short subdivision approval is contingent upon meeting of conditions, construction of improvements or corrections, or time is necessary for obtaining of required certifications, then the approval action shall be conditional approval which shall, at the option of the approving body, be conditioned upon fulfillment within one year from the date of the action. When the approval is conditioned upon fulfillment within one year, then upon application within the time period and upon good cause shown, the approving body may grant one additional one-year time period.

F. Final approval and recording

- 1. Final approval of the short plat shall not be given until:
 - i. A final short plat map has been filed with the Planning Department;
 - ii. There is compliance with the requirements of the county health department and department of public works as evidenced by the signatures of said departments on the plat map;
 - iii. The county treasurer has certified, on the plat map, that all taxes on the land have been fully paid and discharged;
 - iv. The Planning Department has examined the short subdivision, found compliance with all conditions of approval and certified the plat map;
 - v. The construction of all required improvements has been completed or secured in accordance with this title.
- 2. The action approving a short plat shall become effective if, within five working days, the applicant shall have filed for record with the county auditor the final short plat thereof. The final short plat, upon recording, shall be processed in accordance with procedures established regarding plats.

G. Format and content of final application and map

- 1. The subdivider shall submit ~~two- one~~ paper ~~copies-copy~~ and one electronic copy along with lot closures to the City.
- 2. The survey of the proposed short subdivision and preparation of the final map shall be made by or under the supervision of a registered land surveyor who shall certify on the map that it is a true and correct representation of the lands actually surveyed.

3. The map shall be prepared on a sheet of reproducible material having dimensions of 18" by 24" and at a horizontal scale between 200' to the inch and 50' to the inch. The following shall be shown on the final short plat map:
 - i. Title block, preferably located in the lower right-hand corner, to contain:
 - a. Section, township and range,
 - b. Date of preparation, datum, scale and north arrow,
 - c. Legal descriptions of the original tract,
 - d. Basis of bearing, which shall be the Chehalis coordinate system;
 - ii. Vicinity sketch clearly identifying the location of the property;
 - iii. Plat representation, to contain:
 - a. The boundary lines of the property to be divided;
 - b. The development status of contiguous land, including the name of any adjacent plats and rights-of-way,
 - c. The layout, dimensions and number of each lot in the short subdivision with bearings or deflection angles, radii, arcs, points of curvature and tangent bearings,
 - d. The names, locations and widths of all existing streets, rights-of-way, easements, other public ways, watercourses and major transmission facilities rights-of-way within and adjacent to the proposed development,
 - e. The locations and dimensions of all parcels of land intended to be dedicated or reserved for public use, or to be reserved in the deeds for the common use of the property owners if the subdivision with the purpose, conditions or limitations of such dedications or reservations clearly indicated,
 - f. The locations of all existing structures within the short subdivision,
 - g. Existing monuments or other such identifying markers,
 - h. Lot numbers beginning with the number "1" and numbered consecutively without omission or duplication throughout the short plat. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure;
 - iv. Acknowledgments and certificates, preferably located along the bottom of the map, as follows:
 - a. Restrictions. The following restrictions shall show on the face of the short plat map:
 - A. The following shall be required when the short plat contains a private street: "The cost of construction and maintaining all streets not herein dedicated as public streets shall be the obligation of all of the owners, and the obligation to maintain shall be concurrently the obligation of any corporation in which title of the streets may be held."
 - B. "All landscaped areas in public rights-of-way shall be maintained by the owner and the owner's successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to City street purposes."
 - C. The following shall be required when the short plat contains commonly owned tracts: "Community tracts shall be owned and maintained in common for the benefit of all lot owners. All lots have an undivided interest in the ownership and maintenance of community areas. The ownership interest in each community tract shall be stated in the deed to each lot."

D. The following shall be required when the installation of required improvements has not been completed prior to recording: "Pursuant to City Ordinance, the City of Chehalis may deny the issuance of building or occupancy permits for any structure within this short plat until street, sidewalk, or other required plat improvements have been installed."

E. Any additional conditions as approved by the Department.

4. Certificate From Land Surveyor. The completed short plat shall show a certificate from the land surveyor who platted the property, in substantially the following form: "I hereby certify that this short plat map is based upon an actual survey and subdivision of a portion of Section _____, Township _____, Range _____, W.M.; that the distances and courses shown thereon are correct; that the monuments have been set and lot and block corners staked on the ground."
5. Certificates of City Officers. The short plat shall also show the following certificates:

- i. Certificate--City Engineer.

"Examined and approved this _____ day of _____ [year].

Chehalis City Engineer"

- iii. Certificate--Assessor.

"Examined and approved this _____ day of _____ [year].

Lewis County Assessor"

- iv. Certificate--Treasurer.

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

Lewis County Treasurer"

- v. Certificate--Planning and Building Manager.

"Examined and approved this _____ day of _____ [year].

Planning and Building Manager"

- vi. Certificate--County Auditor.

"Filed for record at the request of _____, this _____ day of _____, [year], at _____ minutes past _____ o'clock _____ m. and recorded in Volume _____ of Plats, on page _____, records of Lewis County, Washington.

Lewis County Auditor"

Deputy Auditor"

6. Certificate of Owner(s).

The short plat map shall show a certificate from the persons having any interest in the short subdivision in substantially the following form: "I, _____, owner in fee simple, acknowledge that the creation of this short subdivision is of my free will and consent."

D. Supporting Documents. The following documentation shall accompany each application for final approval of a short plat: A current title report or plat certificate confirming that the title of the lands as described and shown in the plat is in the name of the owners signing the declaration of short subdivision and showing restrictions encumbering the land.

E. Street Monuments. The surveyor preparing the plat shall submit a street monumentation plan to the Public Works Department for approval prior to setting any permanent street monuments. The Public Works Department shall determine the number and location of permanent control monument in streets within and leading into the short plat, if any. All street monuments shall conform to the standard specifications of the American Public Works Association or as amended by city standard plans.

17.12.300 Binding Site Plans

A. Applicability and general admin and CMC for binding site plan

Property that is intended for mobile home park use or is zoned for commercial or industrial use may be divided through a binding site plan process pursuant to RCW 58.17.035. A binding site plan is an alternative to a subdivision procedure and may be processed in conjunction with a development proposal. All applications for binding site plans shall be subject to the provisions of this Chapter and Chapter 17.09.

B. Conform with zoning

The aggregate of lots within a binding site plan are considered to be one site which is subject to all use and dimensional standards of the zone in which it is located. Individual lots must be consistent with use requirements of the zone but are not required to conform with dimensional requirements such as building setbacks from property lines. Proposed structure locations must be consistent with all applicable building and fire codes.

A binding site plan application shall be considered under zoning and other land use controls in effect at the time that a complete binding site plan application is filed. Any vacant or redeveloped lot within an approved binding site plan shall comply with the standards in place at the time the development application is made.

C. Format of submittal

Format. Preliminary binding site plans shall:

- i. indicate in large print the title "Binding Site Plan" and the name of the proposed development.
- ii. be drawn on paper having dimensions of 18" by 24" at a horizontal scale between 1" = 20' and 1" = 100' that is represented graphically;
- iii. include a north arrow and indicate a plan preparation date;
- iv. contain a legal description;
- v. bear the seal of a registered land surveyor or registered professional engineer licensed to practice in the state.

D. Contents of preliminary application

A preliminary binding site plan application shall consist of a form accompanied by a fee, ~~two (12) dark line prints~~ an electronic copy of the plan, and such other documents as may be required by Chehalis' adopted permit application content lists. All plans other than the dark line prints shall be submitted electronically to the city. The plan shall be consistent with CMC 17.12.400, 17.09, and contain the following information:

- i. location and dimensions of existing and proposed site ingress and egress;
- ii. layout and dimensions of internal vehicular and pedestrian circulation system;
- iii. location, area and dimensions of proposed lots;
- iv. layout and dimensions of emergency access to each lot;
- v. proposed land uses for each lot;
- vi. impervious and pervious coverage for each lot and the site;
- vii. location and dimensions of existing and proposed buildings or proposed building envelopes and the distances from property lines;
- viii. location and dimensions of existing (to remain) and proposed landscape areas;
- ix. location and dimensions of existing and proposed stormwater drainage and retention areas;
- x. location and dimensions of existing (to remain) and proposed parking areas;
- xi. location of existing and proposed utilities,
- xii. an environmental checklist, if subject to SEPA; and
- xiii. supporting documentation or technical reports.

E. Review criteria

Review Criteria. A binding site plan application may be approved if the following review criteria have been satisfied.

1. The binding site plan conforms with requirements of all city and state ordinances, codes, standards and policies including those found in: the zoning ordinance, the building code, the fire code, public works standards, the state environmental policy act, and the comprehensive plan.
2. Appropriate provisions have been made for streets, utilities, drainage ways, water supplies and sanitary wastes.
3. The physical characteristics of the site are not subject to flooding, inundation or swamp conditions.
4. The public use and interest will be served by the plan.

F. Approval procedures

Approval of all binding site plans shall be in conformance with CMC 17.09.195 and this chapter. The binding site plan may be approved, approved with conditions, or denied by the hearing examiner.

When the preliminary binding site plan is approved with conditions, all conditions shall be completed, and a final plan filed within ~~two~~ five years from the date of the conditional approval. Any extensions must be approved by the hearing examiner during a public hearing.

G. Contests of final application and recording

Final approval of the binding site plan shall not be given until:

- i. a final binding site plan map has been filed with the Department;
- ii. there is compliance with the requirements of the county health department and city engineer as evidenced by their signatures on the face of the binding site plan;
- iii. the county treasurer has certified on the binding site plan that all taxes on the land have been fully paid and discharged;
- iv. the Department has certified that the binding site plan complies with all requirements of this Chapter and conditions of approval; and
- v. the construction of all required improvements have been completed or secured in accordance with this Chapter.

H. Redivision

Unless otherwise restricted by resolution or city ordinance, recorded binding site plans may be further divided pursuant to the requirements of this Chapter.

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17.12.400 Table of required information

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Site Plan
	Preliminary	Final	Preliminary	Final		
1. Scale. All pertinent information shall be shown normally at a scale of 1 inch to 100 feet; however, the scale may be increased or decreased to fit standard size sheets of 18 inches by 24 inches. In all cases, the scale shall be a standard drafting scale, being 10, 20, 30, 40, 50, or 60 feet to the inch or multiples of 10 for any one of these scales.	X	X	X	X	X	X
2. Appropriate identification of the drawing as a short plat, large lot, subdivision, preliminary, final, boundary line adjustment, binding site plan and the name of the development. The name shall not duplicate or resemble the name of any other subdivision in the county unless the subject subdivision is contiguous to an existing subdivision under the same subdivision of the same last name filed.	X	X	X	X	X	X
3. Plat certificate verifying ownership and encumbrances.		X		X	X	X
4. The names and addresses of the owner(s) and surveyor or engineer.	X	X	X	X	X	X
5. The date, north point and scale of the drawing.	X	X	X	X	X	X
6. A full legal description and location of the entire development property.	X	X	X	X	X	X
7. The locations, widths, lengths and names of both improved and unimproved streets and alleys	X	X	X	X	X	X

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Plan	Site
	Preliminary	Final	Preliminary	Final			
within or adjacent to the proposed development together with all existing easements and other important features such as section lines, section corners, city and urban growth area boundary lines, and monuments.							
8. The address of each lot including number, street name, city, state and zip code.		X		X	X	X	
9. The name and location of adjacent subdivisions and the location and layout of existing streets which are adjacent to or across contiguous right-of-way from the proposed development.	X		X				
10. The location and approximate dimensions of lots, proposed lot and block numbers.	X	X	X	X	X	X	
11. The location, approximate acreage and dimension of areas proposed for public use.	X	X	X	X	X	X	
12. The location, approximate acreage and dimension of areas proposed for open space, park, recreation, and/or common ownership.	X	X	X	X	X	X	
13. The property's current zoning.	X	X	X	X	X	X	
14. Existing contour lines at sufficient intervals for slopes of 15% or more. Show existing evaluations related to some established benchmark or datum approved by the city engineer. (1929 NGVD)	X		X		X	X	
15. The locations and sizes of existing public and private	X		X		X	X	

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Plan	Site
	Preliminary	Final	Preliminary	Final			
sanitary sewers, water mains, and public storm drains, culverts, fire hydrants and electrical lines within and adjacent to the proposed development.							
16. The approximate curve radii of any existing public street or road within the proposed development.	X		X			X	
17. Existing uses of property and locations of all existing buildings and designating which existing buildings are to remain after completion of the proposed development.	X	X	X		X	X	
18. The location of areas subject to inundation, stormwater overflow, and/or within a designated 100-year floodplain, all areas covered by water, and the location, width and direction of flow of all water courses.	X	X	X	X	X	X	
19. Locations of existing natural features such as wetlands which would affect the design of the development.	X	X	X	X	X	X	
20. A vicinity map showing the location of the proposed development in relation to the rest of the city.	X		X		X	X	
21. The approximate locations, widths, lengths, names and curve radii for all proposed streets.	X		X		X	X	
22. The locations and dimensions of proposed lots and the proposed lot and block numbers. Numbers shall be used to designate each such block and lot. Where a plat is an addition to	X	X	X	X	X	X	

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Plan	Site
	Preliminary	Final	Preliminary	Final			
a plat previously recorded, numbers of blocks and lots or parcels shall be in consecutive continuation from a previous plat.							
23. A preliminary public facilities plan for the location and construction of proposed water service facilities to serve the development.	X		X			X	
24. A preliminary public facilities plan and profile for the location and construction of proposed sanitary sewer facilities to serve the development.	X		X			X	
25. A preliminary plan for storm drainage, erosion and sedimentation control.	X		X			X	
26. Locations, widths, and lengths of streets and roads to be held for private use and all reservations or restrictions relating to such private roads.	X	X	X	X	X	X	
27. Designation of any land the council may require held for public reserve and configuration of projected lots, blocks, streets and utility easements should the reserved land not be acquired.	X	X	X	X		X	
28. All areas and the proposed uses thereof to be dedicated by the owner.	X	X	X	X	X	X	
29. The following survey data:							
(a) Track, block and lot boundary lines with dimensions;	X	X	X	X	X	X	
(b) Street rights-of-way widths with centerline;		X	X	X	X		

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Plan	Site
	Preliminary	Final	Preliminary	Final			
(c) Radius, length, central angle of all tangent curves; radius, length, centered angle, long chord distance and bearing of all nontangent curves;		X	X	X	X	X	
(d) Ties to boundary lines and section or 1/4 section corners immediately surrounding the development;		X		X	X	X	
(e) The location and type of all permanent monuments within the development including initial point, boundary monuments and lot corners.		X		X	X	X	
30. Reference points of existing surveys identified, related to the plat by distance and bearings, and referenced to a field block or map as follows:		X		X	X	X	
(a) Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the development;		X		X	X	X	
(b) Adjoining corners of adjoining subdivisions;		X		X	X	X	
(c) Monuments to be established marking all street intersections and the centerlines of all streets at every point of curvature and the point of tangent;		X		X	X	X	
(d) Other monuments as found or established in making of the survey required to be installed by the provisions of this chapter and state law.		X		X	X	X	
31. The lot area in square feet identified on each lot on the plat.	X		X		X	X	

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Plan	Site
	Preliminary	Final	Preliminary	Final			
32. Designation of proposed portions of subdivisions to be developed in phases, if any, indicated proposed sequence of platting.	X		X				
33. All flood control features and references to easements or deeds for drainage land.		X		X	X	X	
34. Deed restrictions or covenants, if any, in outline form.	X		X				
35. Existing and proposed easements clearly identified and denoted by dashed lines and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the development shall be shown.	X	X	X	X	X	X	
36. Identification of any land or improvements to be dedicated or donated for any public purpose or private use in common.	X	X	X	X	X	X	
37. The following certificates:							
(a) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the project;		X		X	X	X	
(b) A certificate signed and acknowledged as above, dedicating to the public all land intended for public use;		X		X	X	X	
(c) A certificate for execution by the city mayor;				X		X	

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Plan	Site
	Preliminary	Final	Preliminary	Final			
(d) A certificate for execution by the city engineer;		X		X	X	X	
(e) A certificate for execution by the planning commission representatives;		X		X	X	X	
(f) A certificate for execution by the director of community development;		X		X	X	X	
(g) A certificate for execution by the county auditor;		X		X	X	X	
(h) A certificate for execution by the county treasurer;		X		X	X	X	
(i) A surveyor's certificate certifying that he is registered as a professional land surveyor in the state of Washington and certifies that the plat is based on an actual survey of the land as described and that all monuments have been set and lot corners staked on the ground as shown on the plat.		X		X	X	X	
38. A statement of approval signed by the director of the State Department of Ecology, or its successor, for any portion of development which lies within a flood control zone.				X		X	
39. An executed surety (developer agreement and bond) when required.		X		X	X	X	
40. Appropriate architectural and site development plans which show the proposed building location, specific landscaping; prominent existing trees, ground treatment, sign-obscuring fences and hedges, off-street parking.						X	

TABLE OF REQUIRED INFORMATION	Short Plat/Large Lot		Subdivision		Boundary Line Adjustment/Lot Consolidation	Binding Site Plan
	Preliminary	Final	Preliminary	Final		
vehicular and pedestrian circulation; and major exterior elevations of building(s).						
41. Such additional information pertaining to the land division or development site and the immediate vicinity as may be required by the administrative official for review of the proposal.	X	X	X	X	X	X

DRAFT

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council

FROM: Jill Anderson, City Manager

BY: Justin Phelps, Wastewater Superintendent

MEETING OF: July 24, 2023

SUBJECT: First Reading of Ordinance 1070-B, Proposed changes to Municipal Code 12.04.460 – Water Service Connection (Material Allowed)

ISSUE

The current municipal code for 12.04.460 only allows Type K soft copper to be used for service connections. Copper is very expensive compared to high density polyethylene pipe (poly). This extra cost impacts customers as well as the budget for the Water Department. Therefore, it is proposed that the Code be amended to allow poly pipe in lieu of copper pipe for service connections.

DISCUSSION

The Water Department would like to adopt new language in the municipal code that allows class 250 poly pipe to be used for service line in lieu of soft copper. This would update the code to conform with industry standards. The price for 1” Type K copper is \$11.20/ft and for 1” CTS 250 PSI Poly is \$0.63/ft, so there could be significant cost savings to the Water Department.

The current code states:

“C. Service lines will be Type K soft copper. All connections will be of Ford, McDonald or Mueller 110 compression connection fittings. Service lines will be installed a minimum of 22.5 degrees off the main. Tracer tape will be installed over all service lines.”

It is recommended that current code language be replaced with the following:

“C. Service lines shall be CTS (copper tube size) class 250 high density polyethylene pipe and must meet ASTM D-2737, ASTM D-3350, AWWA C-651, AWWA C-901 specifications. All connections will be of Ford, McDonald or Mueller 110 compression connection fittings. Service lines will be installed a minimum of 22.5 degrees off the main. Tracer tape will be installed over all service lines. Service saddles will be ductile iron with double stainless-steel traps. All clamps will have rubber gasket and iron pipe threaded

inlet, and iron pipe threaded or approved compression outlet connections. Corporation stops will be all U.S. brass and will be Ford, Mueller, or A.Y. McDonald with iron pipe (IP) threads with tapping saddles and CC threads on direct taps conforming to AWWA C800.”

FISCAL IMPACT

The fittings that are used in our distribution system are compression fittings and are compatible with both copper and poly pipe. The proposed change in material could reduce the cost of pipe installation done by developers, as well as the City’s Water Department.

RECOMMENDATION

I recommend that the City Council approve Ordinance No. 1070-B amending Municipal Code 12.04.460 on first reading, to allow the use of poly pipe in lieu of copper pipe for service connections.

SUGGESTED MOTION

I move the City Council to approve Ordinance No. 1070-B amending Municipal Code 12.04.460 on first reading.

ORDINANCE NO. 1070-B

AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON, AMENDING MUNICIPAL CODE 12.04.460 REGARDING SERVICE CONNECTIONS.

WHEREAS, the City of Chehalis recognizes the importance of maintaining a reliable and efficient water distribution system to meet the needs of its residents and business; and

WHEREAS, ensuring the use of high-quality materials, proper installation techniques, and adherence to recognized industry standards are essential to achieve this goal; and

WHEREAS, the City aims to enhance the performance, durability, and safety of service lines by implementing specific requirements for materials and fittings.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 12.04.460 (C) of the Chehalis Municipal Code, shall be, and the same hereby is, amended to read as follows:

"12.04.460 Service Connections.

"C. Service lines shall be CTS (copper tube size) class 250 high density polyethylene pipe and must meet ASTM D-2737, ASTM D-3350, AWWA C-651, AWWA C-901 specifications. All connections will be of Ford, McDonald or Mueller 110 compression connection fittings. Service lines will be installed a minimum of 22.5 degrees off the main. Tracer tape will be installed over all service lines. Service saddles will be ductile iron with double stainless-steel traps. All clamps will have rubber gasket and iron pipe threaded inlet, and iron pipe threaded or approved compression outlet connections. Corporation stops will be all U.S. brass and will be Ford, Mueller, or A.Y. McDonald with iron pipe (IP) threads with tapping saddles and CC threads on direct taps conforming to AWWA C800."

Section 2. If any section, sentence, clause or phrase of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. The effective date of this Ordinance shall be the _____ day of _____, 2023.

PASSED by the City Council of the City of Chehalis, Washington, and **APPROVED** by its Mayor at a regularly scheduled open public meeting thereof this 14th day of August, 2023.

Mayor

Attest:

City Clerk

Approve as to form:

City Attorney

**CHEHALIS CITY COUNCIL MEETING
AGENDA REPORT**

TO: The Honorable Mayor and City Council
FROM: Jill Anderson, City Manager
BY: Kassi Mackie, City Clerk
MEETING OF: July 24, 2023
SUBJECT: Contract for Indigent Defense Services

INTRODUCTION

The City is required to provide legal representation to those that cannot afford their own attorneys consistent with the U.S. Constitution. In order to do this, the City previously contracted with two private defense attorneys to represent those who are classified as indigent. The current contract has been in effect since 2015 and was updated in 2020. In June one of the City’s contracted attorneys, Mr. Joseph Enbody submitted his request to terminate his participation in the contract, so he is no longer taking new cases.

The City then issued a Request for Proposals (RFP) and received only one response that included a condition for a rate of payment more than double the City’s current pay rate.

The lack of response to the City’s RFP and the payment requested from the one respondent has created a situation where the City has only one defense attorney to assign all cases. This situation is putting the one remaining defense attorney in an unsustainable position. Therefore, it is proposed that the City Council approve a contract template that would be used to engage attorneys to provide indigent defense services, including a fee schedule that reflects a more competitive rate in today’s market.

DISCUSSION

The Request for Proposals for Public Defense Services was advertised in the local paper and sent to 10 firms compiled using the Municipal Resource Services Center Roster list. The City received one proposal requesting a rate at more than double what the City currently pays for public defense services. After reviewing comparable fee schedules in Morton, Napavine, Winlock, Centralia, and Lewis County District Court, it was determined that the City’s fee schedule, while not exceptionally low, is not adequate to attract attorneys who provide defense services in the community.

2024 Public Defense Fees (per unit) by Public Agency				
Morton	Napavine	Winlock	Centralia	Lewis County District Court
\$400	\$200	\$200	\$210	\$420

The City’s current public defense attorney, Lewis Zieske, Jr. has been providing exceptional public defense services for more than 25 years; however, the City has too many cases for one attorney to handle over the long-term. Therefore, in order to meet its obligation to provide legal representation to those defendants that are unable to afford their own, the City needs to add a minimum of one attorney and potentially two, to reduce the burden currently being carried by Mr. Zieske as soon as possible.

City Attorney, Kevin Nelson and Municipal Court Judge Allen Unzelman have been consulted on this issue to review the contract and develop a revised rate structure that is reasonable, with an annual increase of \$20.00 per case to keep up with the cost of doing business over the course of the contract.

PROPOSED REVISIONS TO EXISTING CONTRACT

The current contract incorporates the public defense standards per City of Chehalis Resolution No. 17-2021 that was adopted to comply with RCW 10.101.130. Section 3 of this resolution recognizes the need for periodic review of the public defense standards to evaluate if the standards and the contract need updated.

The key revisions to the new indigent defense services contract for 2023-2025 include:

- Minor changes to verbiage for clarity
- Proposed changes to the Public Defense Fee Schedule, including:

Service	Current Rate	Proposed Rate
Criminal case involving a single incident and offense date	\$180.00	\$300.00
DUI or DV Case	\$240.00	\$350.00
Trial	\$750.00	\$900.00
Bench Trial	\$375.00	\$600.00
Substantive Hearing	\$150.00	\$150.00
Sentence Compliance and Review Hearings	\$75.00	\$150.00
Arraignment/standby counsel	\$112.50	\$300.00
Arraignment/standby counsel	\$225.00	\$300.00
Appeals	\$65.00 per hour with \$1500.00 cap	\$100.00 per hour with \$2000 cap
Annual Increase (starting January 1, 2024)		\$20.00

If approved, the attached agreement would be used as a template to engage defense attorneys over the course of a term that would end December 31, 2025. The first contract would be with Mr. Zieske. It is hoped that the increase in payment rates would allow the City to quickly engage another attorney. If there is a need to secure a third attorney to more effectively manage cases or an absence of an existing attorney, the City could then contract with another attorney using the same contract that would also end on December 31, 2025. The attached contract provides for one two- year extension, which could take the contact to December 31, 2027.

FISCAL IMPACT

Based on a two-year average of case assignments of 228 criminal cases and 60 DUI and DV cases, the annual compensation increase for the provision of indigent services would be approximately total \$61,260 per year as follows:

- \$33,960.00 for criminal case assignments
- \$6,600.00 for DUI and Domestic Violence case assignments
- \$13,650.00 for arraignment/standby counsel at the jail

Therefore, the impact to the 2023 budget would be approximately \$25,525, some of which could be offset by an existing grant award that has not yet been expended. There would be an additional annual cost of approximately \$4,500 in 2024 and 2025 due to the annual increase of \$20.00 per case that is included in the contract.

The Washington Office of Public Defense offers a grant to improve the quality of public defense services in Washington municipalities, RCW 10.101. For 2022-2023 the City was awarded \$14,500 per year and for 2020-2021 the City was awarded \$10,000 annually. The grant amounts increase based on the funding need, and staff will be seeking grant funding to help offset the additional expenditure.

If the new rate structure is approved by the City Council, the Office of Public Defense grant could fund a portion of the cost in 2023 and majority of the increase in cost in 2024 and 2025. Additional funding will be requested based on the information provided in this agenda report, the increase in caseload, and the inability to attract public defenders at the former rate. If the grant is not awarded, the General Fund Budget would be impacted. The grant award announcements will be made in November of 2023. If approved, the 2024 Budget will reflect the increase in costs. If the grant is awarded to the City, the additional costs would be partially or fully offset by the grant revenue.

BUDGET COMMITTEE

Typically, this matter would have been discussed with the Budget Committee prior to being presented to the entire City Council. Unfortunately, the caseload is becoming increasingly difficult for the City's one public defender to manage, so the matter is being brought to the entire City Council for consideration at this time in an effort to engage a second public defense attorney as soon as possible.

RECOMMENDATION

It is recommended that the City Council:

- Approve use of the Contract for Indigent Defense Services with a term ending December 31, 2025.
- Authorize the City Manager to use the contract to engage up to four defense attorneys, including Mr. Zieske.
- Authorize the City Manager to execute one two-year extension with contracted attorneys providing indigent defense services.

SUGGESTED MOTION

I move that the City Council:

- Approve use of the Contract for Indigent Defense Services with a term ending December 31, 2025.

- Authorize the City Manager to use the contract to engage up to four defense attorneys, including Mr. Zieske.
- Authorize the City Manager to execute one two-year extension with contracted attorneys providing indigent defense services.

CONTRACT FOR INDIGENT DEFENSE SERVICES

WHEREAS, the City of Chehalis, Washington (hereinafter “City”) provides public defense services pursuant to contract with attorneys practicing as public defenders (“Public Defender”), and

WHEREAS, a decision by the Federal Court for the Western District of Washington, the Honorable Robert Lasnik, in a case styled *Wilbur, et al v. Mt. Vernon, et al* (hereinafter the “Decision”) emphasizes the need for the City to provide indigent defense services to misdemeanor clients in municipal and district courts in a manner which fully complies with the City’s obligations under the Sixth and Fourteenth Amendments to the United States Constitution, and

WHEREAS, the Washington Supreme Court has adopted standards regarding the caseload of Public Defenders and the Washington State Office of Public Defense has provided guidance regarding case weighting system, and

WHEREAS, the City has conducted an evaluation of its public defense system, including the court system and appointment process, and

WHEREAS, the City has amended its contract to bring it into compliance with the guidance of the Decision, Supreme Court Standards and the standards for the provision of indigent defense services adopted by the City in Resolution No. 8-2014, and

WHEREAS, the City periodically applies for grant funding through the Washington State Office of Public Defense pursuant to RCW 10.101, which may allow a corresponding increase in compensation to contracted indigent defense counsel, public defense training, interpreter services, investigation services, and expert witnesses, and

WHEREAS, award of grant funds through the Washington State Office of Public Defense requires the City recipient to meet the WSBA Standards for Indigent Defense to receive said grant award, and it is the desire of the parties to memorialize adherence to those conditions for increased funding within its own contract.

NOW THEREFORE, In consideration of the mutual benefits to be derived and the promises contained herein, the City of Chehalis, Washington, a municipal corporation (“City”) and the individual Public Defender(s) who perform services under this contract (the “Public Defender”) have entered into this Agreement.

1. Scope of Services, Standards and Warranties. The Public Defender will provide indigent defense services in misdemeanor and gross misdemeanor cases in accordance with the standards adopted by the City in Resolution No. 8-2014 as the same exists or is hereafter amended (hereinafter “Standards”) and the Decision. The Public Defender individually warrants that he/she, and every Public Defender and/or intern employed by the Public Defender to perform services under this contract, has read and is fully familiar with the provisions of the Standards adopted by

the City and the Decision. Compliance with these Standards and the Decision goes to the essence of this Agreement.

1.1 The Public Defender, and every attorney and/or intern performing services under this Agreement shall certify compliance with Supreme Court Rule and governing case load quarterly with the Chehalis Municipal Court on the form established for that purpose by court rule. A copy of each and every such certification shall be provided to the City contemporaneously with filing. The Public Defender and every attorney and/or intern warrants that he/she shall conform to the case load limitations not only with respect to services under this Agreement but also with respect to his/her practice as a whole, including other contracts for public defense and/or private practice.

1.2 Public Defender will maintain records documenting all work performed on each assigned case. Public Defender will maintain and provide to the City a quarterly report detailing:

1.2.1 The number of cases assigned during the period on monthly billing statements.

1.3 The Public Defender further warrants that his/her proposal, reflected in Section 2, Compensation, reflects all infrastructure, support, administrative services, routine investigation, and systems necessary to comply with the Decision and Standards except as provided in Section 2.4 below.

1.4 The Public Defender promises that he/she will promptly notify the City if any circumstance, including change in rule or law, renders it difficult or impossible to provide service in compliance with the Decision and/or the Standards.

1.5 The Public Defender will show proof of annual attendance of at least seven (7) hours of criminal defense training approved by the Washington State Office of Public Defense (OPD).

2. **Compensation.** Effective August 1, 2023, the City shall pay to the Public Defender for services rendered under this Contract the sum of Three Hundred and 00/100 Dollars (\$300.00) per case through December 31, 2023. **The rate of compensation will increase annually beginning on January 1 in the amount of \$20.** Cases involving a single incident and offense date will be treated as one case regardless of the number of charges or citations filed.

The Public Defense Fee Schedule is incorporated herein as attached **Exhibit C** hereto.

Representing and advising a criminal defendant accused of either a misdemeanor or gross misdemeanor offense through all states including pre-trial release, pre-trial hearings, suppression hearings, change of plea and sentencing. The public defender may request additional compensation on a case when circumstances warrant additional payment as determined by the presiding judge. The public defender's representation terminates upon entry of a Judgment and Sentence or withdrawal order. If a defendant has failed to appear in court as ordered and at least

six (6) months have elapsed there from without the defendant having appeared in court, the public defender representation shall continue and the case shall be treated as a new appointment.

The compensation amount represents the salary and benefits necessary to provide Public Defense services through the undersigned counsel as supplemented in Section 2.4 below, along with all infrastructure, support, and systems necessary to comply with the Standards and Decision including by way of illustration and not limitation, training, research, secretarial and office facilities. As provided in Section 2.5 and its sub paragraphs below, the parties will periodically review staffing in light of changes in court rule and case load in order to adjust staffing based on experience.

The public defender shall provide to the City a Statement of Services describing the number of cases assigned. The public defender may submit cases for payment in the month of the appointment. Such invoices shall be submitted to the City no later than the 5th of the month. Checks issued as payment to the public defender shall be processed in the 1st invoice run of the month as long as invoices are submitted in a timely manner as noted above.

The City will issue payment monthly for all services provided by the public defender. Payment shall be made directly to the public defender or as otherwise requested by the public defender.

Notwithstanding any other terms or provisions contained in this contract to the contrary, contractor shall not be required to accept, and contractor shall decline to accept, an appointment under this contract if the particular appointment would in the sole opinion of the contract attorney, create a conflict of interest for contractor or would otherwise cause or constitute an actual violation of any generally recognized ethical or professional standards common and applicable to attorneys in the state of Washington. In the event a conflict of interest arises subsequent to the contractor receiving an appointment under this contract, contractor shall immediately notify the court or the court's designee of the conflict of interest and the court shall appoint another attorney at the city's expense.

2.1 **Case Counts.** The terms "case" and "credit" shall be defined in accordance with the Washington State Supreme Court rule and Washington Office of Public Defense guidelines. The City adopts an unweighted case count. Public Defenders shall comply with CrRLJ 3.1 Indigent Defense Standards as published from time to time by the Washington State Supreme Court.

2.2 **Adjustment; Internal Allocation.** As provided in the Standards, case counts may be revised upwards based upon a variety of factors. Upon the Public Defender's request, the City shall review any particular case with the Public Defender to determine whether greater weighting should be assigned, and upward revisions shall not be unreasonably refused. The annual caseload shall be reviewed annually on or about June 30th each year.

2.3 **Base Compensation.** Except as expressly provided in Section 2.4, the cost of all infrastructure, administrative, support and systems as well as standard overhead services necessary to comply with the established standards are included in the base payment provided in Section 2.1 above.

2.4 **Payments in Addition to the Base Compensation.** The City shall pay for the following case expenses when reasonably incurred and approved by the Court from funds available for that purpose:

2.4.1 **Discovery.** Discovery shall be provided in accordance with law and court rule by the City Prosecutor. For post-conviction relief cases, discovery includes the cost to obtain a copy of the defense, prosecuting attorneys making any charge or court files pertaining to the underlying case.

2.4.2 **Preauthorized Expenses.** Case expenses may be requested by the Public Defender and preauthorized by order of the Court. Unless the services are performed by Public Defender's staff or subcontractors, such expenses include, but are not limited to:

- (i) investigation expenses;
- (ii) medical and psychiatric evaluations;
- (iii) expert witness fees and expenses;
- (iv) interpreters (not requiring preauthorization);
- (v) polygraph, forensic and other scientific tests;
- (vi) unusually extensive computerized legal research; and
- (vii) any other non-routine expenses the Court finds necessary and proper for the investigation, preparation, and presentation of a case.

2.4.3 **Lay Witness Fees.** Lay witness fees and mileage incurred in bringing defense witnesses to court, but not including salary or expenses of law enforcement officers required to accompany incarcerated witnesses;

2.4.4 **Copying Clients' Files.** The cost of providing one copy of a client's or former client's case file upon client's or client's appellate, post-conviction relief or habeas corpus attorney's request, or at the request of counsel appointed to represent the client when the client has been granted a new trial;

2.4.5 **Copying Direct Appeal Transcripts Supreme Court Rules for the Administration of Courts of Limited Jurisdiction RALJ Appeals.** The cost of making copies of direct appeal transcripts for representation in post-conviction relief cases. Public Defender is limited to no more than two copies;

2.4.6 **Records.** To the extent such materials are not provided through discovery, medical, school, birth, DMV, and other similar records, and 911 and emergency communication recordings and logs, when the cost of an individual item does not exceed \$75; and

2.4.7 **Process Service.** The normal, reasonable cost for the service of a subpoena.

2.5 **Review and Renegotiation.**

2.5.1 **Due to Increases or Decreases in Case Load.** The City and the Public Defender shall, at the option of either party, renegotiate this contract if there is a significant increase or decrease in the number of cases assigned. Significant “decrease” shall mean a change of more than ten percent (10%) in the number of cases assigned. If cases are estimated to approach or exceed the limit of cases per quarter, the parties may renegotiate this contract to increase case coverage and compensation to Public Defender. At the request of either party, the City and Public Defender will periodically review case assignment trends, requests for additional credits and any other matters needed to determine contract compliance or necessary contract modifications. Public Defender shall promptly notify the City when quarterly caseloads can reasonably be anticipated to require use of overflow or conflict counsel to assure that cases assigned to Public Defender remain within the limits adopted in this contract and comply with state and local standards.

2.5.2 **Renegotiation Due to Change in Rule or Standard.** This contract may be renegotiated at the option of either party if the Washington State Supreme Court, the Washington State Bar or the City significantly modifies the Standards for Indigent Defense adopted pursuant to the Court rule or City Resolution.

3. **Term.** The term of this agreement shall be from the date of execution for an initial term through December 31, 2025, unless sooner terminated as provided herein. The Agreement may be extended for one two (2) year term, ending December 31, 2027, at the mutual agreement of the parties. Re-openers of the contract will be considered after July of 2025.

3.1 **Termination For Cause.** This agreement may be terminated for good cause for violation of any material term of this agreement. “Material term” shall include any violation indicating a failure to provide representation in accordance with the rules of court, the ethical obligations established by the Washington State Bar Association, the willful disregard of the rights and best interests of the client, a willful violation of the Standards or the Decision, the provisions of Section 6 relating to insurance, conviction of a criminal charge, and/or a finding that the license of the Attorney or any Public Defender providing service under this agreement, has been suspended or revoked. Any violation of the other provisions of this Contract shall be subject to cure. Written notice of contract violation shall be provided to the Public Defender who shall have thirty (30) business days to cure the violation. Failure to correct the violation will give rise to termination for cause at the City’s discretion. In lieu of terminating this contract, the City may agree in writing to alternative corrective measures.

3.2 **Termination Without Cause.** This agreement may be terminated upon ninety (90) days written notice by either party.

3.3 **Obligations survive Termination.** In the event of termination of this agreement, the following obligations shall survive and continue:

3.3.1 **Representation.** The compensation established in this agreement compensates Public Defender for services relating to each and every assigned case. Therefore, in the event this agreement is terminated, the Public Defender will continue to represent clients on assigned cases until a case is concluded on the trial court level.

3.3.2 The provisions of sections 1 and 5 survive termination as to the Public Defender. The City shall remain bound by the provisions of section 2.4 with respect to additional costs incurred with respect to cases concluded after the termination of this contract.

4. **Nondiscrimination.** Neither the Public Defender nor any person acting on behalf of the Public Defender, shall, by reason of race, creed, color, national origin, sex, sexual orientation, honorably discharged doctrine or military status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability, discriminate against any person who is qualified and available to perform the work to which the employment relates, or in the provision of services under this agreement.

5. **Indemnification.** The Public Defender agrees to hold harmless and indemnify the City, its officers, officials, agents, employees, and representatives from and against any and all claims, costs, judgments, losses, or suits including Public Defender's fees or awards, and including claims by Public Defender's own employees to which Public Defender might otherwise be immune under Title 51 arising out of or in connection with any willful misconduct or negligent error, or omission of the Public Defender, his/her officers or agents.

It is specifically and expressly understood that the indemnification provided herein constitutes the waiver of the Public Defender's waiver of immunity under Title 51 RCW solely for the purposes of this indemnification. The parties have mutually negotiated this waiver.

The City agrees to hold harmless and indemnify the Public Defender, his/her officers, officials, agents, employees, and representatives from and against any and all claims, costs, judgments, losses, or suits including Public Defender's fees or awards, arising out of or in connection with any willful misconduct or negligent error or omission of the City, its officers or agents.

This clause shall survive the termination or expiration of this agreement and shall continue to be in effect for any claims or causes of action arising hereunder.

6. **Insurance.** The Public Defender shall maintain malpractice insurance during the entire period of the contract and shall provide proof of such insurance to the city.

7. **Personal Services, no Subcontracting.** This Agreement has been entered into in consideration of the Public Defender's particular skills, qualifications, experience, and ability to meet the Standards incorporated in this Agreement. Therefore, the Public Defender has personally signed this Agreement below to indicate that he/she is bound by its terms. This Agreement shall not be subcontracted without the express written consent of the City and refusal to subcontract may be withheld at the City's sole discretion. Any assignment of this Agreement by the Public Defender without the express written consent of the City shall be void.

8. **Complaint Process.** Contractor will establish a procedure for promptly responding to complaints regarding the performance of any attorney(s) under this contract. The complaining client should be informed as to the disposition of the complaint within one week. If after utilizing the contractor's complaint procedure, the client states he or she continues to have a complaint, then

the contractor shall provide the client with the City of Chehalis contact information so the client may pursue the complaint. (**Exhibit B**)

9. Retention of Case Records. Contactor shall compile and maintain appropriate case records for each person whom contractor is appointed to represent consistent with the WSBA Guide to Best Practices for Client File Retention and Management. Contractor shall retain such records in their entirety for a period of no less than three (3) years from the date on which the case or matter is fully and finally concluded or for any other time period specified under applicable court rule or statute, whichever date/event occurs last.

10. Provide Notice of WSBA Disciplinary Proceedings. The contractor will immediately report any formal disciplinary proceeding and/or admonishment, censure, or any other formal discipline by the Washington State Bar Association or by another state or jurisdiction or court to the City Contract Manager. If the circumstances underlying such matters negatively reflect on the contractor's duty and ability to effectively and competently render legal services under this contract, it is grounds for termination of this contract. Suspension or disbarment is grounds for immediately suspension and/or termination of this contract.

11. Immigration Consequences and Research. Contractor will, in appropriate circumstances, consult with a state funded Washington Defender Immigration Project Resource Attorney or another immigration attorney to determine the potential immigration consequences of a noncitizen client being charged with a criminal offense.

12. Modification. No waiver, alteration or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by the duly authorized representatives of the City and the Public Defender. An additional attorney may be added to this Agreement by adding his or her signature to these agreements.

13. Entire Agreement; Prior Agreement Superseded. The written provisions in terms of this Agreement, together with any exhibit attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statement(s) shall not be effective or construed as entering into or forming a part of, or altering in any manner whatsoever, this Agreement. Upon execution, this Agreement shall supersede any and all prior agreements between the parties.

14. Written Notice. All communications regarding this Agreement shall be sent to the parties at the addresses listed below, unless notified to the contrary. Any written notice hereunder shall become effective as of the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in the Agreement or such other address as may be hereinafter specified in writing:

CITY CONTRACT ADMINISTRATOR:

PUBLIC DEFENDER:

City Manager
City of Chehalis
350 N. Market Blvd., Rm. 101
Chehalis, WA 98532

15. Nonwaiver of Breach. The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of such covenants, agreements, or options and the same shall be and remain in full force and effect.

16. Resolutions of Disputes, Governing Law. Should any dispute, misunderstanding or conflict arise as to the terms or conditions contained in this Agreement, the matter shall be referred to the Contract Administrator, whose decision shall be final. Provided, however, that any complaint regarding any violation of the Standards or which relate to any manner whatsoever to trial strategy or an ongoing case, shall be referred to the Judge of the City’s Municipal/District Court or to the Washington State Bar Association as appropriate. Nothing herein shall be construed to obligate, require or permit the City, its officers, agents, or employees to inquire into any privileged communication between the Public Defender and any indigent defendant. In the event of any litigation arising out of this Agreement, the prevailing party shall be reimbursed for reasonable attorney’s fees from the other party. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington and the rules of the Washington Courts as applicable. Venue for an action arising out of this Agreement shall be in Lewis County.

IN WITNESS WHEREOF, the parties have executed this Agreement on the _____ day of _____, 2023.

CITY OF CHEHALIS

By: _____
City Manager

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM AND CONTENT:

By: _____
City Attorney

PUBLIC DEFENDER

By: _____

By: _____

EXHIBIT A

The undersigned Attorneys hereby personally warrants and certifies that as a condition of their performance of this Agreement on behalf of the Public Defender, they will commit to providing the services under this Agreement in accordance with the Standards set forth in sections 1, 4, and 7, and that the Attorney's personal warranty of that performance shall survive the Agreement.

ATTORNEY: _____
Print Name

ATTORNEY: _____
Print Name

EXHIBIT B

CITY OF CHEHALIS PUBLIC DEFENDER COMPLAINT PROCEDURE

Policy

It is the policy of The City of Chehalis to address client complaints in an efficient, timely, and courteous manner. The following procedures are established for clients alleging complaints against the public defender assigned to the client's case. For purposes of this policy, the grieving client is referred to as the complainant.

Procedure

Written Complaint

Any client alleging a complaint against the public defender attorney assigned to the client's case shall complete a Public Defender Feedback Form (see exhibit A), and submit it to the City of Chehalis Court Administrator. The Court Administrator will then refer the complaint to the City Manager. Complaints are accepted only from the client or by an individual that has the legal authority to act on behalf of the client.

Action on Receipt of Written Complaint

Upon receipt of a signed, written complaint against a public defender, the City Manager shall take the following actions:

- a) Provide the respondent attorney with a complete copy of the complaint and follow up statement, if any;
- b) Carefully review the complaint; and
- c) Determine if further investigation or action is necessary to address the complaint.

In addition, the City Manager may choose to contact the complainant (either in person or via telephone) for the purpose of obtaining further clarification regarding the facts alleged.

Decision by City Manager

Following the Action on Receipt of Written Complaint, the City Manager shall make an initial decision regarding action, if any, to be taken by the respondent attorney and shall, thereafter, advise the complainant of the decision.

Questions about this policy should be directed to the Court Administrator at the following address:

City of Chehalis
Municipal Court Administrator
350 N. Market Blvd., Rm. 105
Chehalis, WA 98532
360-345-1025

Appointment of Alternate Court Appointed Attorney

If you wish to be appointed an alternate court appointed attorney, you will need to ask the judge for a different attorney. The decision whether to grant an alternate court appointed attorney is the judge's decision. If you communicate your request to your current court appointed public defender, they may make that request in court on your behalf.



CITY OF CHEHALIS

PUBLIC DEFENDER CLIENT FEEDBACK FORM

If you wish to provide comments or discuss concerns regarding your public defender, please complete this form and submit the completed form to the Chehalis Municipal Court Administrator's office located at 350 N. Market Blvd., Rm. 105, Chehalis, WA 98532. Your completed form will be forwarded to the Chehalis City Manager for investigation. This form will not be provided to the judge. This form is only for comments or concerns about public defenders. Do not use this form to complain about a private attorney, judge, police officer or prosecutor. Only the defendant may provide feedback regarding public defenders. The City of Chehalis does not accept anonymous complaints.

The City of Chehalis Public Defender is provided pursuant to a Professional Services Agreement that requires compliance with Rules of Conduct established by the Washington State Bar Association as adopted by the Supreme Court of the State of Washington. The City of Chehalis is interested in the performance of the Public Defender. You may request a copy of the Public Defender Complaint Procedure at the Municipal Court Administrator's office located at 350 N. Market Blvd, Rm. 105, Chehalis, WA.

IMPORTANT: If you wish to be appointed an alternate court appointed attorney, you will need to ask the judge for a different attorney. If you communicate your request to your current court appointed public defender, they may make that request in court on your behalf. The decision whether to grant an alternate court appointed attorney is the judge's decision.

Your Name: _____ e-mail: _____

Mailing Address: _____

Phone Number: _____ Attorney's Name: _____

Cause No./Citation No(s): _____

How would you prefer to be contacted? Phone e-mail Mailing Address: _____

EXHIBIT C

Public Defense Fee Schedule August 1, 2023 – December 31, 2025

- Criminal case involving a single incident and offense date - \$300.00
 - Annual \$20.00 per case increase effective January 1, 2024.
- DUI or DV case –\$350.00
- Trial – \$900.00; jury trials begin upon empaneling a jury
- Bench Trial- \$600
- Substantiative hearing – \$150.00
- Sentence Compliance and Review Hearings - \$150.00 (may include multiples cases if they are all appointed at the same time)
- Arraignment/standby counsel - \$300 per day
- Arraignment/standby counsel/jail – \$300.00 per day
- Appeals - \$100.00 per hour up to a maximum of \$2000, exclusive of costs, unless a greater amount is approved by the Court. Verified hourly billings under penalty of perjury must be presented upon completion prior to payment being made.