

**City Of Woodland**  
**City Council Meeting Agenda Summary Sheet**

**Agenda Item:** Adopt Ordinance No. 1276 – Site Plan Review as a new section of WMC Title 19 – Development Code Administration.

**Agenda Item #:** ( E ) Action

**For Agenda of:** 08/19/2013

**Department:** Planning

**Date Submitted:** 08/14/2013

**Cost of Item:** 0

**Amount Budgeted:**

**Unexpended Balance:**

**BARS #:**

**Description:**

**Department Supervisor Approval:** Amanda Smeller, Community Development Planner

**Committee Recommendation:** On June 18, 2013, the Planning Commission made an **Affirmative** recommendation to the City Council for the approval of the proposed ordinance.

**Agenda Item Supporting Narrative (list attachments, supporting documents):**

1. Staff Report
2. Ordinance (showing changes)
3. Ordinance (final for signatures)
4. Minutes from July 18, 2013 Public Hearing

**Summary Statement**

Please see attached staff report.

## **STAFF REPORT – Site Plan Review**

To: City Council  
From: Amanda Smeller, Community Development Planner  
Date: August 14, 2013  
Re: Site Plan Review

### **SUMMARY**

The City has been operating without a comprehensive site plan review ordinance. The current code says little to nothing about what site plan approval is, when it is required, submittal requirements, the approval process, the expiration period on approvals, revisions to approved plans, and approval extensions. Site plan approval is the most common land use process in the City of Woodland and there is a need to address the inadequacies of the current code.

The draft ordinance adds a section addressing site plan review types and procedures which discusses three options: a Type I Site Plan Review (minor in nature), a Type II Site Plan Review (more substantial) and a Binding Site Plan Review (an alternative to dividing commercial or industrial properties).

During the review process between staff and the Planning Commission, there was much discussion in relation to expiration periods. Neighboring jurisdictions range from two to seven year expiration periods with possibilities for extensions. After debate, it was decided that a three-year period would apply during which time complete building permits for all proposed structures must be submitted, and a four-year period in which to commence construction. Two, one-year extensions are possible if conditions of the code are met.

There was additional discussion on administrative Binding Site Plan Review thresholds. It was decided that the development review committee would review Binding Site Plan Reviews up to five acres in size. Anything greater than five acres would be reviewed and approved by City Council with a recommendation from the planning commission.

The draft before you repeals old section WMC 16.19 – Binding Site Plans and WMC 17.84.130 – Site Plan Review and Decision Procedures – Development Proposals.

### **PUBLIC INPUT AND PROCESS**

The Planning Commission reviewed the ordinance at regular meetings during April, May and June of 2013.

A Notice of Application, likely SEPA Determination of Non-Significance (DNS), and a public hearing notice were issued on June 28, 2013 in conjunction with other code amendments, including Site Plan Review and Non-Conforming Uses. The comment period ended July 12, 2013 at 5 PM. One comment letter was received by the deadline: Department of Commerce acknowledging receipt of the documents. The final DNS was issued July 15, 2013.

A public hearing before the Planning Commission was held on July 18, 2013. No one from the public or outside agencies attended the meeting, and no testimony was received. Meeting minutes from the public hearing are included in your packet. Following public testimony, the Commission made an *Affirmative* recommendation to City Council for the approval of the proposed ordinance.

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## SITE PLAN REVIEW - DRAFT ORDINANCE

The text highlighted and *italicized* are proposed amendments to the current code. Text struck through is proposed to be eliminated from the current code.

1. **Repeal Old Section WMC 17.84.130– Site plan review and decision procedures – Development proposals.**
2. **Repeal Old Section WMC 16.19 – Binding Site Plans.**
3. **New Ordinance to be added to WMC Title 19 – Development Code Administration.**

*NEW ORDINANCE (Text to be added as a new WMC Chapter) capitalization*

### **Chapter 19.10 Site Plan Review**

#### *Sections:*

- 19.10.010 *Purpose.*
- 19.10.020 *Applicability.*
- 19.10.030 *Exemptions.*
- 19.10.040 *Site plan review types and procedures.*
- 19.10.050 *Submittal requirements.*
- 19.10.060 *Criteria for site plan approval.*
- 19.10.070 *Final site plan review.*
- 19.10.080 *Appeal.*
- 19.10.080 *Preliminary site plan approval / Final civil plan approval.*
- 19.10.090 *Modifications to approved site plan.*
- 19.10.100 *Compliance required and expiration.*
- 19.10.110 *Completion prior to occupancy.*
- 19.10.120 *Phasing.*

#### **19.10.010 Purpose.**

*The purpose of site plan review is to ensure compatibility between new developments, existing uses, and future developments in a manner consistent with the goals and objectives of the comprehensive plan, the Woodland Municipal Code, and city<sup>1</sup> development standards in order to create healthful and safe conditions. Site plan review is required according to the provisions of this chapter in order to promote developments that are harmonious with their surroundings and maintain a high quality of life for area residents. Site plan review is required for all developments as specified in this chapter.*

#### **19.10.020 Applicability.**

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<sup>1</sup> Woodland's code publisher has decided not to capitalize the word "city" regardless of if it is referring to the city as a governmental organization or to the city as a geographic area.

The provisions of this chapter shall apply to all changes of use, new construction, and expansion or alteration of a land use unless expressly exempted by this chapter. No use shall be established, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved plan that is in conformance with the requirements set out in this chapter.

#### **19.10.030 Exemptions.**

The following are exempt from the site plan review provisions of this chapter unless otherwise classified as a Type I or II site plan review or a binding site plan:

- A. New construction of or modification to existing single-family detached and duplex residential dwellings within an approved plat.
- B. Modifications to the interior of an existing structure that does not change the use or the degree of a use.
- C. Subdivisions, short plats, boundary line adjustments, and lot consolidations subject to WMC Title 16.
- D. The installation or replacement of underground utilities.
- E. Any change in commercial or industrial land use to another commercial or industrial land use permitted in the applicable zoning district.
- F. Landscaping or landscape alterations, unless such landscaping or alterations would modify or violate a condition of approval or landscaping requirements.
- G. Normal or emergency repair or maintenance of public or private buildings, structures, landscaping, or utilities.
- H. New parking lots having ten (10) or fewer parking spaces.
- I. On-site utility permits, e.g., sewer hook-ups, water hook-ups.
- J. Comprehensive plan<sup>2</sup> map and text amendments and associated zoning changes and site-specific rezoning requests not associated with any other land use permit.
- K. Fire and life safety permits.
- L. Other development determined by the development review committee to be exempt because it does not result in an appreciable increase in land use activity or intensity or in adverse off-site impacts, does not trigger review under the adopted stormwater ordinance, and because the city can assure the development complies with applicable standards without site plan review.

#### **19.10.040 Site plan review types and procedures.**

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<sup>2</sup> Woodland's code publisher has decided not to capitalize "comprehensive plan".

A. Except for exempt activities listed in WMC 19.10.030, site plan reviews shall be classified and processed as follows:

1. *Type I Site Plan Review.* Type I site plan reviews are typically relatively minor in nature, consistent with the zoning of surrounding land uses, and do not have a substantial impact on the natural and built environment. Type I applications are approved by the public works director<sup>3</sup> or his/her designee without public notice and without a public hearing. A pre-application conference is not required unless requested by the applicant. The following are classified as Type I site plan reviews:

a. Changes in use of an existing structure or site not exempt under WMC 19.10.030.

b. Any development or change of use that will result in thirty (30) or fewer PM peak trips and that requires payment of a traffic impact fee. Trips shall be based on the latest edition of the International Transportation Engineer's Trip Generation Manual or substantial evidence by a professional engineer licensed in the State of Washington with expertise in traffic engineering.

c. New construction or expansions of existing construction that does not exceed any of the following:

i. Four thousand (4,000) square feet of additional floor area,

ii. Twenty (20) new parking spaces, or

iii. Four (4) new multifamily residential units, except as provided for in WMC 19.10.030.

2. *Type II Site Plan Review.* Type II site plan reviews are typically more substantial in nature and may have potential incompatibility with surrounding zoning or land uses or may have a more substantial impact on the natural and built environment. Type II reviews are approved by the development review committee<sup>4</sup> with public notice and an opportunity for comment. A pre-application conference is required. The following are classified as Type II site plan reviews:

a. Any development which is not listed as a Type I site plan in subsection (A)(1) of this section or listed as exempt under WMC 19.10.030.

b. Any development subject to SEPA pursuant to WMC Chapter 15.04 (Environmental Policy).

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<sup>3</sup> Woodland's code publisher has decided not to capitalize "public works director".

<sup>4</sup> Woodland's code publisher has decided not to capitalize "development review committee".

c. Any development or change of use that will result in thirty-one (31) or more PM peak trips, based on the latest edition of the International Transportation Engineer's Trip Generation Manual, or substantial evidence by a professional engineer licensed in the State of Washington with expertise in traffic engineering.

3. *Binding Site Plan Reviews.* A binding site plan functions as an alternative to dividing commercial or industrial property through the platting process. A binding site plan is required for any proposal which involves the division of commercial or industrial property for the purposes of sale, lease, or transfer of ownership without completing the platting process pursuant to WMC Title 16 and RCW Chapter 58.17.

a. There are two types of binding site plans:

i. *Binding site plan – New developments.* This type of binding site plan includes all applications to create legal lots in conjunction with a new development. Any binding site plan of this type less than five (5) acres<sup>5</sup> in size shall be administratively approved by the development review committee. Land division associated with any binding site plan of this type five (5) acres or greater in size shall first be approved by city council with a recommendation by the planning commission<sup>6</sup> (preliminary binding site plan approval). Following preliminary approval of the proposed land division, staff shall administratively approve proposed site improvements.

ii. *Binding site plan – Existing developments.* This type of binding site plan includes all applications to create legal lots in conjunction with an existing development or when no development is proposed. Any binding site plan of this type that is less than five (5) acres shall be administratively approved by the development review committee. Any binding site plan of this type five (5) acres or greater shall be approved by city council with a recommendation by the planning commission.

b. A pre-application conference is required for all binding site plan applications. Binding site plans shall be completed consistent with the requirements and provisions of RCW 58.17.035 and this chapter and shall be valid for the same period as a Type I or II site plan.

c. Revisions to a binding site plan are permitted so long as any revisions are made through the site plan review process and are consistent with the regulations in effect at the time of application for revisions. If a binding site plan expires or is vacated, the

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<sup>5</sup> The Commission was leaning towards recommending a 5-acre threshold at the May 2013 meeting.

<sup>6</sup> Woodland's code publisher has decided not to capitalize "planning commission".

*parcel boundaries shall return to the original configuration. Vacation of a binding site plan shall require the signatures of all current owners of the parcels involved.*

*B. If a site plan review is part of an overall application that is subject to a higher approval authority, site plan review shall be considered in conjunction with the overall application by that higher review authority.*

**17.143.050 Submittal requirements.**

*A. Applicants shall submit the information:*

*1. A completed land-use application.*

*2. Written narrative and phasing plan, if applicable, that includes a description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries, and construction schedule including project phasing.*

*3. Payment of all applicable application fees.*

*4. Five (5) copies of an existing conditions plan drawn to scale on a sheet no larger than twenty-four inches by thirty-six (24x36) inches and one reduced eleven-by-seventeen-inch (11x17) copy showing the following (not required for Type I reviews):*

*a. Vicinity map showing location of subject site within the city and the surrounding existing street system.*

*b. Property boundaries, dimensions, and size of the subject site.*

*c. Graphic scale of the drawing and the direction of true north.*

*d. Zoning and uses of subject site and of properties adjacent to the subject site.*

*e. Current structural setbacks.*

*f. Location of on-site driveways and access points within 100 feet of the subject site.*

*g. Location of existing on-site structures and the approximate location of existing structures within 100 feet of the site.*

*h. Location of existing aboveground electrical, telephone or utility poles, and traffic control poles.*

*i. Location of existing fire hydrants.*

*j. Location, centerline, and dimensions of existing public rights-of-way and easements on-site and within 100 feet of the site.*

k. Locations, centerlines, and dimensions of existing private streets on-site and within 100 feet of the site.

l. Approximate on-site slopes and grades within 100 feet of the site.

m. Approximate location of significant natural conditions such as rock outcroppings; floodplain and floodway boundaries; drainage patterns and courses; slopes in excess of fifteen percent; unstable ground; high seasonal water table or impermeable soils; areas of severe erosion potential; areas of weak foundation soils; areas of significant wildlife habitat; and areas known to have historic, cultural, or archaeological resources.

5. Five (5) copies of a site plan drawn to a minimum scale on a sheet no larger than twenty-four inches by thirty-six (24x36) inches and one reduced eleven-by-seventeen-inch (11x17) copy. The site plan shall at a minimum indicate the following:

a. Property boundaries, dimensions, and size of the subject site.

b. Location, dimensions, and height of proposed buildings and location and dimensions of existing buildings to remain on site.

c. Proposed building setbacks.

d. Proposed project-phasing boundaries, if applicable.

e. Legend indicating total site area, the total square footage of proposed buildings or structures including percentage of total site area, the total square footage amount of impervious area including percentage of total site area, the total square footage amount of on-site landscaping including percentage of total site area, the total amount of dedicated parking area including percentage of total site area, the proposed number of parking spaces including the number of standard parking spaces, the number of compact parking spaces, the number of handicapped-accessible parking spaces, and the required number of parking spaces.

f. Location of proposed access points including vehicular driveways and designated pedestrian access points.

g. Location and dimensions of proposed on-site parking areas including required parking landscaping islands and indicating whether proposed parking is standard, compact, or handicapped-accessible. On-site drive aisles and circulation areas shall be indicated including their dimensions.

h. Location and dimensions of proposed on-site pedestrian connections between the public street and buildings, between on-site buildings, and between on-site buildings and on-site or off-site parking areas.

i. Location and size of off-site parking areas, if applicable, including details on the number and type of off-site parking spaces and existing or proposed drive aisles and circulation areas including dimensions.

j. Locations, centerlines, and dimensions of proposed on-site public or private streets and public and private easements.

k. Location, centerlines, and dimensions of proposed dedications, and identification of proposed frontage improvements including roadway improvements, curb and gutter installation, landscaped planter strip installation, and public sidewalk installation.

l. The location and dimensions of loading and service areas, recreational or open space features, aboveground utilities, location of fences and signs, and the size and location of solid waste and recyclable storage areas.

m. Specialized site treatments including but not limited to pedestrian plazas, bicycle parking, and outdoor seating areas.

n. Environmental features including critical areas and their buffers, the ordinary high water mark, shorelines jurisdiction, the 100-year floodplain, and floodway location.

o. Applicants for binding site plan shall also show proposed lots including dimensions and total acreage.

6. If applicable, a preliminary utility plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water, and stormwater drainage and control. Public and private easements for sanitary sewer, water, and stormwater shall also be indicated.

7. If applicable, stormwater information shall be provided in conformance with WMC Chapter 15.12.

8. If applicable, a preliminary grading and erosion control plan shall be provided consistent with WMC Chapter 15.10.

9. If applicable, a preliminary landscape plan shall be submitted at the time of application for site plan review. The preliminary landscape plan need not include the detail required for final approval, although areas of proposed landscaping must be shown. Final civil plan approval cannot be given until a final landscape plan is submitted and approved. The final plan shall show the location of proposed vegetation, the common and botanical name of the proposed vegetation, the initial planting size (height or gallon) and the mature planting size, and proposed methods of irrigation, if any. Landscaping proposed in and around buildings, on the perimeter of

the site and within proposed parking areas shall be indicated. In addition, street trees or other forms of landscaping within the public rights-of-way shall be indicated.

10. If applicable, architectural elevations, showing north, south, west and east elevations and specifying a measurable scale, structural dimensions, and structural heights.

11. If applicable, lighting plan indicating the location, height, and type of proposed exterior lighting fixtures (pole-mounted or wall-mounted). Photometric point or curve detail shall be provided for the subject site, abutting properties, and abutting public streets or rights-of-way at final civil plan review.

12. A certified document, typically a title report that is provided by a title company and issued within the last 60 days that details all encumbrances, easements, and ownership (not required for Type I site plan reviews).

13. If applicable, a State Environmental Policy Act (SEPA) checklist.

14. Completed critical areas identification checklist.

15. Signed agreement to reimburse the city for professional services used in the processing of applications for site plan review and site inspections.

16. If applicable, a traffic study.

17. Any additional items requested by the city during the pre-application conference.

#### **19.10.060 Criteria for site plan approval.**

A. In approving site plans, it shall be the responsibility of the planning official<sup>7</sup> to review each plan for compliance with all provisions of this chapter and any other applicable regulations that may affect the final plan as submitted or revised. The planning official shall coordinate review with the public works director, building official<sup>8</sup>, staff or contract fire professionals, and the city's reviewing consultants.

B. In reviewing a site plan for approval, the planning official shall find that all of the following have been met:

1. The proposal does or can comply with all applicable land use and development standards including but not limited to landscaping and screening requirements, parking and loading standards, frontage improvements, design standards, sewer and water standards, stormwater and erosion control standards, and critical areas standards, with or without conditions of approval. If compliance cannot be achieved by imposing conditions of approval, the application shall be denied.

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<sup>7</sup> Woodland's code publisher has decided not to capitalize "planning official".

<sup>8</sup> Woodland's code publisher has decided not to capitalize "building official".

2. All conditions of any applicable previous approvals have been met.

3. Proposed phasing plans comply with the requirements of WMC 19.10.120 and any necessary performance bonds or other suitable securities per WMC 19.10.110 have been secured.

**19.10.070 Preliminary site plan approval / Final civil plan approval.**

A. Where a site plan is issued subject to conditions that require the submittal of additional materials or changes to existing plans (preliminary approval), the planning official may require that the applicant submit for final civil plan approval to determine if the revised plans comply with the conditions of approval. If so required, the proponent must submit final civil construction drawings for review and approval. Unless waived by the public works director, the final civil plan set shall include the following elements:

1. Overall site plan that is substantially the same as that preliminarily approved.

2. Final grading plan.

3. Final stormwater plan and report pursuant to WMC Chapter 15.12.

4. Erosion control plan pursuant to WMC Chapter 15.10.

5. Final landscaping plan.

6. Final utilities plan.

7. Additional information as required by the public works director or his/her designee.

B. In addition to the requirements of a standard final civil plan submittal, a final binding site plan application shall also contain a survey prepared and stamped by a land surveyor or engineer licensed in the state of Washington showing land division lines, area of the lots created expressed in square footage, property addresses, future buildings, setbacks, parking areas, roads, stormwater detention, and other proposed site improvements. The name of the proposed development, the land use number, and the title "Binding Site Plan" shall be at the top of the plan along with the following statement:

*The use and development of this property must be in accordance with the plan as represented herein or as hereafter amended, according to the provisions of the binding site plan regulations of the city of Woodland. The roads and utilities shown on this plan need not have been constructed and/or installed at the time that the property subject to this plan is divided. No permit required to build permanent structures upon any portion of this property, other than for site preparation (including grading and infrastructure installations), shall be issued until the roads and utilities necessary to serve that portion of this property have been constructed and installed or until arrangements acceptable to*



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

**CITY OF WOODLAND:**

Examined and Approved:

This \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_\_.

(Signed) \_\_\_\_\_

Public Works Director

**AUDITOR:**

Filed for Record at the Request of: \_\_\_\_\_

This \_\_\_\_\_ Day of 20\_\_\_\_, and Recorded in Volume \_\_\_\_\_ of \_\_\_\_\_, on Page \_\_\_\_\_ Records of Cowlitz County, Washington.

(Signed) \_\_\_\_\_

Cowlitz County Auditor

(Signed) \_\_\_\_\_

Deputy Auditor

**TREASURER:**

I hereby certify that the taxes on the land described hereon have been paid to date.

Dated: \_\_\_\_\_

(Signed) \_\_\_\_\_

**SURVEYOR:**

I hereby certify that the Binding Site Plan shown herein and known as \_\_\_\_\_ is based on actual survey and land division in Section(s) \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_, W.M., city of Woodland, Cowlitz County, Washington, and that the distances, courses and angles are shown thereon correctly and that proper monuments have been set.

\_\_\_\_\_  
(Seal)

Professional Land Surveyor

- C. Prior to decision, the planning official may refer site plans for development proposals to the planning commission for review and comment and shall make such referral when requested by the planning commission or as the planning official or public works director deems appropriate.

D. Approved binding site plans shall be filed with the county auditor at the applicant's expense and three (3) copies of the recorded document shall be returned to the planning department. All lots or parcels created through the binding site plan procedure shall be legal lots of record.

**19.10.080 Appeal.**

Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08.

**19.10.090 Modifications to approved site plan.**

A. No approved site plan shall be modified or amended except after reapplication for site plan review and approval. The determination of the application type (Type I or Type II site plan review) for site plan modifications will be based upon the criteria in WMC 19.10.040.

**19.10.100 Compliance required and expiration.**

A. All development of the property for which a site plan was approved shall conform to the approved site plan and any conditions imposed thereon unless amended or replaced by a subsequent city approval.

B. An approved site plan (without phasing) shall be null and void if:

1. Complete building permit applications for all proposed structures are not submitted to the Woodland Building Department within three (3) years of site plan review approval.
2. Construction does not commence within four (4) years of site plan review approval.

C. A site plan review approval with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan.

D. Once expired, an applicant must re-apply for site plan review and receive approval before further development of the site proceeds. Expiration of site plan approval shall not apply to applicants with complete applications before the effective date of this ordinance, \_\_\_\_\_ (Month Day, Year). The public works director or his/her designee may approve up to two, one-year extensions if:

1. There have not been any substantial changes in the laws governing the development of the site with which lack of compliance would be contrary to the changed laws;
2. Approved building permits have been issued to the applicant; and
3. The applicant has pursued development in good faith where good faith is evidenced by progress on final permitting, surveying, engineering, and construction of improvements.

**19.10.110 Completion prior to occupancy.**

A. All required public and site improvements and other conditions of site plan approval shall be met prior to occupancy of any site unless required sooner as a condition of approval provided that completion and occupancy may be accomplished in phases if approved by the public works director or his/her designee as part of the site plan review process. Incomplete items may be secured by the

issuance of a performance bond or other suitable security as a condition of approval to secure an applicant's obligation to complete the provisions and conditions of the approved site plan.

B. For binding site plans, the roads and utilities shown on the plan need not be constructed and/or installed at the time the property is divided. However, no permit required to build permanent structures upon any portion of the property, other than for site preparation (including grading and infrastructure installations), shall be issued until the roads and utilities necessary to serve that portion of the property have been constructed and installed or until arrangements acceptable to the city have been made to ensure that the construction and installation of such roads and utilities will be accomplished.

#### **19.10.120 Phasing.**

A. Upon written request, the public works director or his/her designee may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than eight (8) years without reapplying for site plan review.

B. The criteria for approving a phased site plan review application shall be as follows:

1. All public facilities necessary to serve a phase shall be completed prior to or with the development of the phase.
2. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable city standard.
3. The phased development shall not result in requiring the city, other property owners, or latecomers, to construct public facilities that were required as part of the approved development proposal.

#### **4. Repeal and Replace Old Section WMC 19.08.030 – Review and appeal authority.**

##### **19.08.030 - Review and appeal authority.**

The following table describes development permits and the final decision and appeal authorities. All applicable administrative appeals shall be exhausted prior to initiation of judicial review. All judicial appeals shall be made to county superior court in accordance with RCW 36.70.C except comprehensive plan policy decisions or updates which may be appealed to the State Growth Management Hearings Board and final shoreline permit actions which may be appealed to the Shoreline Hearings Board. As per WMC [19.06.050](#), appeal of the city's procedural SEPA decision or threshold determination shall be consolidated with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the hearing examiner and any further appeal shall be made to **Cowlitz or Clark County Superior Court**. When decision making authority rests with the city council, appeal shall be to the

county superior court. Appeal procedures for decisions and interpretations of the fire chief and building official are set forth in WMC [14.48](#).

Key: R	=	Recommendation to Higher Review Authority	D	=	Decision	
	OP	=	Open Record Predecision Hearing	SR	=	Staff Recommendation with Staff Report
	C	=	Closed Record Appeal Hearing	A	=	Appeal Decision
	ORH	=	Open Record Hearing			

	Public Works Department Staff	Development Review Committee	Hearing Examiner	Planning Commission	City Council
<b>ZONING</b>					
ADMINISTRATIVE CONDITIONAL USE PERMITS	D		A (ORH)		
CONDITIONAL USE PERMITS		SR	D (OP)		A (C)
MINOR MODIFICATION TO APPROVED CONDITIONAL USES AND ADMINISTRATIVE CONDITIONAL USES		D		A (ORH)	
ADMINISTRATIVE TEMPORARY USE PERMITS	D		A (ORH)		
MAJOR VARIANCE		SR	D (OP)		A (C)
MINOR VARIANCE		D		A (ORH)	
SITE SPECIFIC ZONE CHANGES		SR		R (OP)	D
ZONING TEXT AMENDMENT (DEVELOPMENT REGULATION CHANGES)		SR		R (OP)	D
AREA WIDE MAP AMEND		SR		R (OP)	D
<b>COMPREHENSIVE PLAN</b>					
COMPREHENSIVE PLAN TEXT AMENDMENT		SR		R (OP)	D
COMPREHENSIVE PLAN MAP AMENDMENT		SR		R (OP)	D
<b>LAND DIVISION</b>					
RE-PLAT	SR		D (OP)		A (C)
PLAT VACATION	SR		D (OP)		A (C)
BOUNDARY LINE ADJUSTMENT	D				A (ORH)
PRELIMINARY PLAT		SR		R (OP)	D
VARIANCE RELATED TO PRELIMINARY PLAT		SR		R (OP)	D
PHASING AND EXPIRATION EXTENSION OF APPROVED PRELIMINARY PLAT		D			A (ORH)
SHORT PLAT	D				A (ORH)

VARIANCE RELATED TO SHORT PLAT		SR			D (OP)
FINAL PLAT		SR		R	D
PLANNED UNIT RESIDENTIAL DEVELOPMENT		SR		R (OP)	D
BINDING SITE PLAN <b>(UNDER 5 ACRES)</b>	D	<b>D</b>	<b>A (ORH)</b>		<b>A (ORH)</b>
<b>BINDING SITE PLAN (5 ACRES OR LARGER)</b>		<b>SR</b>		<b>R (OP)</b>	<b>D</b>
<b>ENVIRONMENTAL</b>					
CRITICAL AREAS PERMIT	D		A (ORH)		
SEPA PROCEDURAL DETERMINATION					
1. DNS	D		A (ORH) <sup>*1</sup>		
2. MDNS	D		A (ORH) <sup>*1</sup>		
3. DS/EIS	D		A (ORH) <sup>*1</sup>		
<b>SHORELINES</b>					
SUBSTANTIAL DEVELOPMENT PERMIT		SR	D (OP) <sup>*2</sup>		
CONDITIONAL USE PERMIT		SR	D (OP) <sup>*2</sup>		
VARIANCE		SR	D (OP) <sup>*2</sup>		
EXEMPTION	D		A (ORH) <sup>*2</sup>		
EXTENSION OF SHORELINE RELATED PERMIT	D		A (ORH)		
<b>SITE PLAN REVIEW</b>					
<b>TYPE I SITE PLAN REVIEW</b>	<b>D</b>		<b>A (ORH)</b>		
<b>TYPE II SITE PLAN REVIEW</b>		<b>D</b>	<b>A (ORH)</b>		
COMMERCIAL		D			A (ORH) <sup>*3</sup>
INDUSTRIAL		D			A (ORH) <sup>*3</sup>
MULTI FAMILY		D			A (ORH) <sup>*3</sup>
OTHER USES		D			A (ORH) <sup>*3</sup>
MOBILE HOME PARK		D			A (ORH) <sup>*3</sup>
<b>OTHER</b>					
BUILDING/GRADING/FILL PERMIT W/SEPA	Building Official				
SIMILAR USE DETERMINATION		SR		D	A (ORH)

FLOODPLAIN DEVELOPMENT PERMIT	D*4		A (ORH)		
APPEAL OF ENFORCEMENT ACTION PER WMC <a href="#">17.92</a>		SR	A (ORH)		
APPEAL OF ADMINISTRATIVE DECISIONS UNRELATED TO SEPA OR ENFORCEMENT ACTION PER WMC <a href="#">17.92</a>		SR	D (OP)		A (C)
APPEAL OF DECISIONS RELATED TO TAKINGS OR SUBSTANTIVE DUE PROCESS RELATED ISSUES AS OUTLINED IN WMC <a href="#">17.81.095</a>		D	A (ORH)		
WAIVER OF VIOLATION AS OUTLINED IN WMC 17.81.020.C			D (OP)		

\*1 See WMC [19.06.040](#) and [19.06.050](#)

\*2 Appeals of the hearing examiner's decisions shall be reviewed by the Shoreline Hearings Board. Shoreline conditional use permits and variances must also be approved by the Department of Ecology.

\*3 Unless the appeal includes SEPA related matters in which case appeal is to hearing examiner as set forth in WMC [19.06.050](#)

\*4 Preferably the city's floodplain manger.

**ORDINANCE 1276 – SITE PLAN REVIEW**

***THE CITY OF WOODLAND, WASHINGTON***

**AN ORDINANCE TO AMEND WMC TITLE 19 – DEVELOPMENT CODE ADMINISTRATION, ADDING A SITE PLAN REVIEW SECTION, REPEALING OLD SECTION WMC 17.84.130 – SITE PLAN REVIEW AND DECISION PROCEDURES – DEVELOPMENT PROPOSALS, REPEALING OLD SECTION WMC 16.19 – BINDING SITE PLANS, AND REPEALING AND REPLACING OLD SECTION WMC 19.08.030 – REVIEW AND APPEAL AUTHORITY**

**WHEREAS**, the City has been operating without a comprehensive site plan review ordinance, saying too little to nothing about what site plan approval is, when it is required, submittal requirements, the approval process, the expiration period on approvals, revisions to approved plans, and approval extensions;

**WHEREAS**, Site Plan Approval is the most common land use process in the City of Woodland and there is a need to address the inadequacies of the current code;

**WHEREAS**, a comprehensive Site Plan Review Ordinance is a 2013 Planning Priority;

**WHEREAS**, a public hearing was held before the Woodland Planning Commission on July 18, 2013 and, following the hearing, the Commission made a motion to forward the ordinance to the Woodland City Council with an *Affirmative* recommendation;

**WHEREAS**, pursuant to RCW 35A.11.020 and the Constitution of Washington, Article 11, Section 11, cities have the power to enact regulations in the interest of the health, safety, and welfare of their residents;

**WHEREAS**, all procedural requirements of the Woodland Municipal Code (WMC) for these amendments have been met; and

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Woodland as follows:

## **Chapter 19.10 Site Plan Review**

### Sections:

- 19.10.010 Purpose.
- 19.10.020 Applicability.
- 19.10.030 Exemptions.
- 19.10.040 Site plan review types and procedures.
- 19.10.050 Submittal requirements.
- 19.10.060 Criteria for site plan approval.
- 19.10.070 Final site plan review.
- 19.10.080 Appeal.
- 19.10.080 Preliminary site plan approval / Final civil plan approval.
- 19.10.090 Modifications to approved site plan.
- 19.10.100 Compliance required and expiration.
- 19.10.110 Completion prior to occupancy.
- 19.10.120 Phasing.

### **19.10.010 Purpose.**

The purpose of site plan review is to ensure compatibility between new developments, existing uses, and future developments in a manner consistent with the goals and objectives of the comprehensive plan, the Woodland Municipal Code, and city development standards in order to create healthful and safe conditions. Site plan review is required according to the provisions of this chapter in order to promote developments that are harmonious with their surroundings and maintain a high quality of life for area residents. Site plan review is required for all developments as specified in this chapter.

### **19.10.020 Applicability.**

The provisions of this chapter shall apply to all changes of use, new construction, and expansion or alteration of a land use unless expressly exempted by this chapter. No use shall be established, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved plan that is in conformance with the requirements set out in this chapter.

### **19.10.030 Exemptions.**

The following are exempt from the site plan review provisions of this chapter unless otherwise classified as a Type I or II site plan review or a binding site plan:

- A. New construction of or modification to existing single-family detached and duplex residential dwellings within an approved plat.
- B. Modifications to the interior of an existing structure that does not change the use or the degree of a use.
- C. Subdivisions, short plats, boundary line adjustments, and lot consolidations subject to WMC Title 16.

- D. The installation or replacement of underground utilities.
- E. Any change in commercial or industrial land use to another commercial or industrial land use permitted in the applicable zoning district.
- F. Landscaping or landscape alterations, unless such landscaping or alterations would modify or violate a condition of approval or landscaping requirements.
- G. Normal or emergency repair or maintenance of public or private buildings, structures, landscaping, or utilities.
- H. New parking lots having ten (10) or fewer parking spaces.
- I. On-site utility permits, e.g., sewer hook-ups, water hook-ups.
- J. Comprehensive plan map and text amendments and associated zoning changes and site-specific rezoning requests not associated with any other land use permit.
- K. Fire and life safety permits.
- L. Other development determined by the development review committee to be exempt because it does not result in an appreciable increase in land use activity or intensity or in adverse off-site impacts, does not trigger review under the adopted stormwater ordinance, and because the city can assure the development complies with applicable standards without site plan review.

**19.10.040 Site plan review types and procedures.**

- A. Except for exempt activities listed in WMC 19.10.030, site plan reviews shall be classified and processed as follows:
  - 1. Type I Site Plan Review. Type I site plan reviews are typically relatively minor in nature, consistent with the zoning of surrounding land uses, and do not have a substantial impact on the natural and built environment. Type I applications are approved by the public works director or his/her designee without public notice and without a public hearing. A pre-application conference is not required unless requested by the applicant. The following are classified as Type I site plan reviews:
    - a. Changes in use of an existing structure or site not exempt under WMC 19.10.030.
    - b. Any development or change of use that will result in thirty (30) or fewer PM peak trips and that requires payment of a traffic impact fee. Trips shall be based on the latest edition of the International Transportation Engineer's Trip Generation Manual or substantial evidence by a professional engineer licensed in the State of Washington with expertise in traffic engineering.

c. New construction or expansions of existing construction that does not exceed any of the following:

- i. Four thousand (4,000) square feet of additional floor area,
- ii. Twenty (20) new parking spaces, or
- iii. Four (4) new multifamily residential units, except as provided for in WMC 19.10.030.

2. Type II Site Plan Review. Type II site plan reviews are typically more substantial in nature and may have potential incompatibility with surrounding zoning or land uses or may have a more substantial impact on the natural and built environment. Type II reviews are approved by the development review committee with public notice and an opportunity for comment. A pre-application conference is required. The following are classified as Type II site plan reviews:

- a. Any development which is not listed as a Type I site plan in subsection (A)(1) of this section or listed as exempt under WMC 19.10.030.
- b. Any development subject to SEPA pursuant to WMC Chapter 15.04 (Environmental Policy).
- c. Any development or change of use that will result in thirty-one (31) or more PM peak trips, based on the latest edition of the International Transportation Engineer's Trip Generation Manual, or substantial evidence by a professional engineer licensed in the State of Washington with expertise in traffic engineering.

3. Binding Site Plan Reviews. A binding site plan functions as an alternative to dividing commercial or industrial property through the platting process. A binding site plan is required for any proposal which involves the division of commercial or industrial property for the purposes of sale, lease, or transfer of ownership without completing the platting process pursuant to WMC Title 16 and RCW Chapter 58.17.

- a. There are two types of binding site plans:
  - i. Binding site plan – New developments. This type of binding site plan includes all applications to create legal lots in conjunction with a new development. Any binding site plan of this type less than five (5) acres in size shall be administratively approved by the development review committee. Land division associated with any binding site plan of this type five (5) acres or greater in size shall first be approved by city council with a recommendation by the planning commission (preliminary binding site plan

approval). Following preliminary approval of the proposed land division, staff shall administratively approve proposed site improvements.

ii. Binding site plan – Existing developments. This type of binding site plan includes all applications to create legal lots in conjunction with an existing development or when no development is proposed. Any binding site plan of this type that is less than five (5) acres shall be administratively approved by the development review committee. Any binding site plan of this type five (5) acres or greater shall be approved by city council with a recommendation by the planning commission.

- b. A pre-application conference is required for all binding site plan applications. Binding site plans shall be completed consistent with the requirements and provisions of RCW 58.17.035 and this chapter and shall be valid for the same period as a Type I or II site plan.
- c. Revisions to a binding site plan are permitted so long as any revisions are made through the site plan review process and are consistent with the regulations in effect at the time of application for revisions. If a binding site plan expires or is vacated, the parcel boundaries shall return to the original configuration. Vacation of a binding site plan shall require the signatures of all current owners of the parcels involved.

B. If a site plan review is part of an overall application that is subject to a higher approval authority, site plan review shall be considered in conjunction with the overall application by that higher review authority.

**17.143.050 Submittal requirements.**

A. Applicants shall submit the information:

1. A completed land-use application.
2. Written narrative and phasing plan, if applicable, that includes a description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries, and construction schedule including project phasing.
3. Payment of all applicable application fees.
4. Five (5) copies of an existing conditions plan drawn to scale on a sheet no larger than twenty-four inches by thirty-six (24x36) inches and one reduced eleven-by-seventeen-inch (11x17) copy showing the following (not required for Type I reviews):
  - a. Vicinity map showing location of subject site within the city and the surrounding existing street system.

- b. Property boundaries, dimensions, and size of the subject site.
  - c. Graphic scale of the drawing and the direction of true north.
  - d. Zoning and uses of subject site and of properties adjacent to the subject site.
  - e. Current structural setbacks.
  - f. Location of on-site driveways and access points within 100 feet of the subject site.
  - g. Location of existing on-site structures and the approximate location of existing structures within 100 feet of the site.
  - h. Location of existing aboveground electrical, telephone or utility poles, and traffic control poles.
  - i. Location of existing fire hydrants.
  - j. Location, centerline, and dimensions of existing public rights-of-way and easements on-site and within 100 feet of the site.
  - k. Locations, centerlines, and dimensions of existing private streets on-site and within 100 feet of the site.
  - l. Approximate on-site slopes and grades within 100 feet of the site.
  - m. Approximate location of significant natural conditions such as rock outcroppings; floodplain and floodway boundaries; drainage patterns and courses; slopes in excess of fifteen percent; unstable ground; high seasonal water table or impermeable soils; areas of severe erosion potential; areas of weak foundation soils; areas of significant wildlife habitat; and areas known to have historic, cultural, or archaeological resources.
5. Five (5) copies of a site plan drawn to a minimum scale on a sheet no larger than twenty-four inches by thirty-six (24x36) inches and one reduced eleven-by-seventeen-inch (11x17) copy. The site plan shall at a minimum indicate the following:
- a. Property boundaries, dimensions, and size of the subject site.
  - b. Location, dimensions, and height of proposed buildings and location and dimensions of existing buildings to remain on site.
  - c. Proposed building setbacks.
  - d. Proposed project-phasing boundaries, if applicable.

- e. Legend indicating total site area, the total square footage of proposed buildings or structures including percentage of total site area, the total square footage amount of impervious area including percentage of total site area, the total square footage amount of on-site landscaping including percentage of total site area, the total amount of dedicated parking area including percentage of total site area, the proposed number of parking spaces including the number of standard parking spaces, the number of compact parking spaces, the number of handicapped-accessible parking spaces, and the required number of parking spaces.
- f. Location of proposed access points including vehicular driveways and designated pedestrian access points.
- g. Location and dimensions of proposed on-site parking areas including required parking landscaping islands and indicating whether proposed parking is standard, compact, or handicapped-accessible. On-site drive aisles and circulation areas shall be indicated including their dimensions.
- h. Location and dimensions of proposed on-site pedestrian connections between the public street and buildings, between on-site buildings, and between on-site buildings and on-site or off-site parking areas.
- i. Location and size of off-site parking areas, if applicable, including details on the number and type of off-site parking spaces and existing or proposed drive aisles and circulation areas including dimensions.
- j. Locations, centerlines, and dimensions of proposed on-site public or private streets and public and private easements.
- k. Location, centerlines, and dimensions of proposed dedications, and identification of proposed frontage improvements including roadway improvements, curb and gutter installation, landscaped planter strip installation, and public sidewalk installation.
- l. The location and dimensions of loading and service areas, recreational or open space features, aboveground utilities, location of fences and signs, and the size and location of solid waste and recyclable storage areas.
- m. Specialized site treatments including but not limited to pedestrian plazas, bicycle parking, and outdoor seating areas.
- n. Environmental features including critical areas and their buffers, the ordinary high water mark, shorelines jurisdiction, the 100-year floodplain, and floodway location.

- o. Applicants for binding site plan shall also show proposed lots including dimensions and total acreage.
6. If applicable, a preliminary utility plan indicating the proposed location, size, connection points to existing public systems, and terminus points for sanitary sewer, water, and stormwater drainage and control. Public and private easements for sanitary sewer, water, and stormwater shall also be indicated.
7. If applicable, stormwater information shall be provided in conformance with WMC Chapter 15.12.
8. If applicable, a preliminary grading and erosion control plan shall be provided consistent with WMC Chapter 15.10.
9. If applicable, a preliminary landscape plan shall be submitted at the time of application for site plan review. The preliminary landscape plan need not include the detail required for final approval, although areas of proposed landscaping must be shown. Final civil plan approval cannot be given until a final landscape plan is submitted and approved. The final plan shall show the location of proposed vegetation, the common and botanical name of the proposed vegetation, the initial planting size (height or gallon) and the mature planting size, and proposed methods of irrigation, if any. Landscaping proposed in and around buildings, on the perimeter of the site and within proposed parking areas shall be indicated. In addition, street trees or other forms of landscaping within the public rights-of-way shall be indicated.
10. If applicable, architectural elevations, showing north, south, west and east elevations and specifying a measurable scale, structural dimensions, and structural heights.
11. If applicable, lighting plan indicating the location, height, and type of proposed exterior lighting fixtures (pole-mounted or wall-mounted). Photometric point or curve detail shall be provided for the subject site, abutting properties, and abutting public streets or rights-of-way at final civil plan review.
12. A certified document, typically a title report that is provided by a title company and issued within the last 60 days that details all encumbrances, easements, and ownership (not required for Type I site plan reviews).
13. If applicable, a State Environmental Policy Act (SEPA) checklist.
14. Completed critical areas identification checklist.
15. Signed agreement to reimburse the city for professional services used in the processing of applications for site plan review and site inspections.
16. If applicable, a traffic study.

17. Any additional items requested by the city during the pre-application conference.

**19.10.060 Criteria for site plan approval.**

A. In approving site plans, it shall be the responsibility of the planning official to review each plan for compliance with all provisions of this chapter and any other applicable regulations that may affect the final plan as submitted or revised. The planning official shall coordinate review with the public works director, building official, staff or contract fire professionals, and the city's reviewing consultants.

B. In reviewing a site plan for approval, the planning official shall find that all of the following have been met:

1. The proposal does or can comply with all applicable land use and development standards including but not limited to landscaping and screening requirements, parking and loading standards, frontage improvements, design standards, sewer and water standards, stormwater and erosion control standards, and critical areas standards, with or without conditions of approval. If compliance cannot be achieved by imposing conditions of approval, the application shall be denied.

2. All conditions of any applicable previous approvals have been met.

3. Proposed phasing plans comply with the requirements of WMC 19.10.120 and any necessary performance bonds or other suitable securities per WMC 19.10.110 have been secured.

**19.10.070 Preliminary site plan approval / Final civil plan approval.**

A. Where a site plan is issued subject to conditions that require the submittal of additional materials or changes to existing plans (preliminary approval), the planning official may require that the applicant submit for final civil plan approval to determine if the revised plans comply with the conditions of approval. If so required, the proponent must submit final civil construction drawings for review and approval. Unless waived by the public works director, the final civil plan set shall include the following elements:

1. Overall site plan that is substantially the same as that preliminarily approved.

2. Final grading plan.

3. Final stormwater plan and report pursuant to WMC Chapter 15.12.

4. Erosion control plan pursuant to WMC Chapter 15.10.

5. Final landscaping plan.

6. Final utilities plan.

7. Additional information as required by the public works director or his/her designee.

B. In addition to the requirements of a standard final civil plan submittal, a final binding site plan application shall also contain a survey prepared and stamped by a land surveyor or engineer licensed in the state of Washington showing land division lines, area of the lots created expressed in square footage, property addresses, future buildings, setbacks, parking areas, roads, stormwater detention, and other proposed site improvements. The name of the proposed development, the land use number, and the title "Binding Site Plan" shall be at the top of the plan along with the following statement:

The use and development of this property must be in accordance with the plan as represented herein or as hereafter amended, according to the provisions of the binding site plan regulations of the city of Woodland. The roads and utilities shown on this plan need not have been constructed and/or installed at the time that the property subject to this plan is divided. No permit required to build permanent structures upon any portion of this property, other than for site preparation (including grading and infrastructure installations), shall be issued until the roads and utilities necessary to serve that portion of this property have been constructed and installed or until arrangements acceptable to the city of Woodland have been made to ensure that the construction and installation of such roads and utilities will be accomplished.

In addition, the following information shall appear on the face of binding site plan survey:

**DEDICATION:**

We, the undersigned owner(s) of interest in the land hereby divided by use of a binding site plan, hereby declare this drawing to be the graphic representation of the binding site plan made hereby, and do hereby dedicate to the use of the public forever, all streets and avenues not shown as private hereon and dedicate the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes, and also the right to make all necessary slopes for cuts and fills upon the lots shown thereon in the original reasonable grading of said streets and avenues, and further dedicate to the use of the public all easements and tracts shown on this short plat for all public purposes as indicated thereon, including but not limited to parks, open spaces, utilities and drainage unless such easements or tracts are specifically identified on this binding site plan as being dedicated or conveyed to a person or entity other than the public, in which case we do hereby dedicate such streets, easements, or tracts to the person or entity identified and for the purpose stated.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s)  
this \_\_\_\_\_, day of \_\_\_\_\_, 20\_\_\_\_\_.

(Signed) \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
STATE OF )  
WASHINGTON )  
 ) ss  
COUNTY OF COWLITZ )

THIS IS TO CERTIFY THAT on \_\_\_\_\_ the day of  
\_\_\_\_\_ 20\_\_\_\_\_, 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 (he/she/they) signed and sealed the same as (his/her/their) free  
and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year last above written.

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

**CITY OF WOODLAND:**

Examined and Approved:

This \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_\_.

(Signed) \_\_\_\_\_

Public Works Director

**AUDITOR:**

Filed for Record at the Request of: \_\_\_\_\_

This \_\_\_\_ Day of 20\_\_\_\_, and Recorded in Volume \_\_\_\_\_ of  
\_\_\_\_\_, on Page \_\_\_\_\_ Records of Cowlitz County, Washington.

(Signed) \_\_\_\_\_

Cowlitz County Auditor

(Signed) \_\_\_\_\_

Deputy Auditor

**TREASURER:**

I hereby certify that the taxes on the land described hereon have been  
paid to date.

Dated: \_\_\_\_\_

(Signed) \_\_\_\_\_

**SURVEYOR:**

I hereby certify that the Binding Site Plan shown herein and known as \_\_\_\_\_ is based on actual survey and land division in Section(s) \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_, W.M., city of Woodland, Cowlitz County, Washington, and that the distances, courses and angles are shown thereon correctly and that proper monuments have been set.

\_\_\_\_\_ (Seal)

Professional Land Surveyor

- C. Prior to decision, the planning official may refer site plans for development proposals to the planning commission for review and comment and shall make such referral when requested by the planning commission or as the planning official or public works director deems appropriate.
- D. Approved binding site plans shall be filed with the county auditor at the applicant's expense and three (3) copies of the recorded document shall be returned to the planning department. All lots or parcels created through the binding site plan procedure shall be legal lots of record.

**19.10.080 Appeal.**

Appeal procedures for administrative decisions are set forth in WMC 19.06 and 19.08.

**19.10.090 Modifications to approved site plan.**

- A. No approved site plan shall be modified or amended except after reapplication for site plan review and approval. The determination of the application type (Type I or Type II site plan review) for site plan modifications will be based upon the criteria in WMC 19.10.040.

**19.10.100 Compliance required and expiration.**

- A. All development of the property for which a site plan was approved shall conform to the approved site plan and any conditions imposed thereon unless amended or replaced by a subsequent city approval.
- B. An approved site plan (without phasing) shall be null and void if:
  - 1. Complete building permit applications for all proposed structures are not submitted to the Woodland Building Department within three (3) years of site plan review approval.
  - 2. Construction does not commence within four (4) years of site plan review approval.
- C. A site plan review approval with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan.

- D. Once expired, an applicant must re-apply for site plan review and receive approval before further development of the site proceeds. Expiration of site plan approval shall not apply to applicants with complete applications before the effective date of this ordinance, \_\_\_\_\_ (Month Day, Year). The public works director or his/her designee may approve up to two, one-year extensions if:
1. There have not been any substantial changes in the laws governing the development of the site with which lack of compliance would be contrary to the changed laws;
  2. Approved building permits have been issued to the applicant; and
  3. The applicant has pursued development in good faith where good faith is evidenced by progress on final permitting, surveying, engineering, and construction of improvements.

**19.10.110 Completion prior to occupancy.**

- A. All required public and site improvements and other conditions of site plan approval shall be met prior to occupancy of any site unless required sooner as a condition of approval provided that completion and occupancy may be accomplished in phases if approved by the public works director or his/her designee as part of the site plan review process. Incomplete items may be secured by the issuance of a performance bond or other suitable security as a condition of approval to secure an applicant's obligation to complete the provisions and conditions of the approved site plan.
- B. For binding site plans, the roads and utilities shown on the plan need not be constructed and/or installed at the time the property is divided. However, no permit required to build permanent structures upon any portion of the property, other than for site preparation (including grading and infrastructure installations), shall be issued until the roads and utilities necessary to serve that portion of the property have been constructed and installed or until arrangements acceptable to the city have been made to ensure that the construction and installation of such roads and utilities will be accomplished.

**19.10.120 Phasing.**

- A. Upon written request, the public works director or his/her designee may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than eight (8) years without reapplying for site plan review.
- B. The criteria for approving a phased site plan review application shall be as follows:
1. All public facilities necessary to serve a phase shall be completed prior to or with the development of the phase.
  2. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable city standard.

3. The phased development shall not result in requiring the city, other property owners, or latecomers, to construct public facilities that were required as part of the approved development proposal.

**4. Repeal and Replace Old Section WMC 19.08.030 – Review and appeal authority.**

**19.08.030 - Review and appeal authority.**

The following table describes development permits and the final decision and appeal authorities. All applicable administrative appeals shall be exhausted prior to initiation of judicial review. All judicial appeals shall be made to county superior court in accordance with RCW 36.70.C except comprehensive plan policy decisions or updates which may be appealed to the State Growth Management Hearings Board and final shoreline permit actions which may be appealed to the Shoreline Hearings Board. As per WMC [19.06.050](#), appeal of the city's procedural SEPA decision or threshold determination shall be consolidated with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the hearing examiner and any further appeal shall be made to Cowlitz or Clark County Superior Court. When decision making authority rests with the city council, appeal shall be to the county superior court. Appeal procedures for decisions and interpretations of the fire chief and building official are set forth in WMC [14.48](#).

Key: R	=	Recommendation to Higher Review Authority	D	=	Decision
OP	=	Open Record Predecision Hearing	SR	=	Staff Recommendation with Staff Report
C	=	Closed Record Appeal Hearing	A	=	Appeal Decision
ORH	=	Open Record Hearing			

	Public Works Department Staff	Development Review Committee	Hearing Examiner	Planning Commission	City Council
<b>ZONING</b>					
ADMINISTRATIVE CONDITIONAL USE PERMITS	D		A (ORH)		
CONDITIONAL USE PERMITS		SR	D (OP)		A (C)
MINOR MODIFICATION TO APPROVED CONDITIONAL USES AND ADMINISTRATIVE CONDITIONAL USES		D		A (ORH)	
ADMINISTRATIVE TEMPORARY USE PERMITS	D		A (ORH)		
MAJOR VARIANCE		SR	D (OP)		A (C)

MINOR VARIANCE		D		A (ORH)	
SITE SPECIFIC ZONE CHANGES		SR		R (OP)	D
ZONING TEXT AMENDMENT (DEVELOPMENT REGULATION CHANGES)		SR		R (OP)	D
AREA WIDE MAP AMEND		SR		R (OP)	D
<b>COMPREHENSIVE PLAN</b>					
COMPREHENSIVE PLAN TEXT AMENDMENT		SR		R (OP)	D
COMPREHENSIVE PLAN MAP AMENDMENT		SR		R (OP)	D
<b>LAND DIVISION</b>					
RE-PLAT	SR		D (OP)		A (C)
PLAT VACATION	SR		D (OP)		A (C)
BOUNDARY LINE ADJUSTMENT	D				A (ORH)
PRELIMINARY PLAT		SR		R (OP)	D
VARIANCE RELATED TO PRELIMINARY PLAT		SR		R (OP)	D
PHASING AND EXPIRATION EXTENSION OF APPROVED PRELIMINARY PLAT		D			A (ORH)
SHORT PLAT	D				A (ORH)
VARIANCE RELATED TO SHORT PLAT		SR			D (OP)
FINAL PLAT		SR		R	D
PLANNED UNIT RESIDENTIAL DEVELOPMENT		SR		R (OP)	D
BINDING SITE PLAN (UNDER 5 ACRES)	D	D	A (ORH)		
BINDING SITE PLAN (5 ACRES OR LARGER)		SR		R (OP)	D
<b>ENVIRONMENTAL</b>					
CRITICAL AREAS PERMIT	D		A (ORH)		

SEPA PROCEDURAL DETERMINATION					
1. DNS	D		A (ORH) <sup>*1</sup>		
2. MDNS	D		A (ORH) <sup>*1</sup>		
3. DS/EIS	D		A (ORH) <sup>*1</sup>		
<b>SHORELINES</b>					
SUBSTANTIAL DEVELOPMENT PERMIT		SR	D (OP) <sup>*2</sup>		
CONDITIONAL USE PERMIT		SR	D (OP) <sup>*2</sup>		
VARIANCE		SR	D (OP) <sup>*2</sup>		
EXEMPTION	D		A (ORH) <sup>*2</sup>		
EXTENSION OF SHORELINE RELATED PERMIT	D		A (ORH)		
<b>SITE PLAN REVIEW</b>					
TYPE I SITE PLAN REVIEW	D		A (ORH)		
TYPE II SITE PLAN REVIEW		D	A (ORH)		
<b>OTHER</b>					
BUILDING/GRADING/FILL PERMIT W/SEPA	Building Official				
SIMILAR USE DETERMINATION		SR		D	A (ORH)
FLOODPLAIN DEVELOPMENT PERMIT	D <sup>*4</sup>		A (ORH)		
APPEAL OF ENFORCEMENT ACTION PER WMC <a href="#">17.92</a>		SR	A (ORH)		
APPEAL OF ADMINISTRATIVE DECISIONS UNRELATED TO SEPA OR ENFORCEMENT ACTION PER WMC <a href="#">17.92</a>		SR	D (OP)		A (C)
APPEAL OF DECISIONS RELATED TO TAKINGS OR SUBSTANTIVE DUE PROCESS RELATED ISSUES AS OUTLINED IN WMC <a href="#">17.81.095</a>		D	A (ORH)		

WAIVER OF VIOLATION AS OUTLINED IN WMC 17.81.020.C			D (OP)		
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\*1 See WMC [19.06.040](#) and [19.06.050](#)

\*2 Appeals of the hearing examiner's decisions shall be reviewed by the Shoreline Hearings Board.

Shoreline conditional use permits and variances must also be approved by the Department of Ecology.

\*3 Unless the appeal includes SEPA related matters in which case appeal is to hearing examiner as set forth in WMC [19.06.050](#)

\*4 Preferably the city's floodplain manger.

**ADOPTED** this \_\_\_\_ day of August, 2013.

**CITY OF WOODLAND, WASHINGTON**

Approved:

\_\_\_\_\_  
Grover Laseke, Mayor

Attest:

\_\_\_\_\_  
Mari E. Ripp, Clerk / Treasurer

Approved as to form:

\_\_\_\_\_  
William Eling, City Attorney

July 18, 2013 Public Hearing Minutes

**PUBLIC HEARING**

**SEPA issued for: Signs, Site Plan Review Ordinance, and Non-Conforming Uses**

- Sign code was cleaned up, clearing up any gray areas in the code.
- Open public comment: [7:33:03 PM](#), Close public comment: [7:33:17 PM](#). No comments received.

Commissioner Deans made a motion to send the Sign Ordinance, Site Plan Review Ordinance and the Non-Conforming Use Ordinance to City Council. Commissioner Jensen seconded. Discussion followed. The motion passed unanimously.

## RCW 58.17.035

## Alternative method of land division — Binding site plans.

A city, town, or county may adopt by ordinance procedures for the divisions of land by use of a binding site plan as an alternative to the procedures required by this chapter. The ordinance shall be limited and only apply to one or more of the following: (1) The use of a binding site plan to divisions for sale or lease of commercially or industrially zoned property as provided in RCW 58.17.040(4); (2) divisions of property for lease as provided for in RCW 58.17.040(5); and (3) divisions of property as provided for in RCW 58.17.040(7). Such ordinance may apply the same or different requirements and procedures to each of the three types of divisions and shall provide for the alteration or vacation of the binding site plan, and may provide for the administrative approval of the binding site plan.

The ordinance shall provide that after approval of the general binding site plan for industrial or commercial divisions subject to a binding site plan, the approval for improvements and finalization of specific individual commercial or industrial lots shall be done by administrative approval.

The binding site plan, after approval, and/or when specific lots are administratively approved, shall be filed with the county auditor with a record of survey. Lots, parcels, or tracts created through the binding site plan procedure shall be legal lots of record. The number of lots, tracts, parcels, sites, or divisions shall not exceed the number of lots allowed by the local zoning ordinances.

All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW.

[1987 c 354 § 2.]