

ORDINANCE NO. 1433

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON ADOPTING A NEW KALAMA MUNICIPAL CODE CHAPTER 17.50 SITE PLAN REVIEW CREATING A MORE EFFICIENT PROCESS FOR THE CONSIDERATION OF CERTAIN DEVELOPMENT PERMITS TO ENSURE IMPACTS ARE MITIGATED AND AMENDING ADDITIONAL SECTIONS IN CHAPTER 17 ZONING TO MAKE CONNECTIONS TO THE NEW CODE SECTION

WHEREAS, the City of Kalama is experiencing growth which includes large, diverse and more complex development applications that require more review to address all impacts;

WHEREAS, the Kalama Municipal Code does not include provisions to address a complex project review outside of subdivisions or master plan applications;

WHEREAS, the City needs to be able to process complex applications efficiently, addressing all impacts and allowing the developers to be aware all requirements and regulations prior to seeking building permits;

WHEREAS, the new code Chapter 17.50 makes references to other code sections and requires references be included in other sections of Chapter 17 Zoning;

NOW THEREFORE the City Council of the City of Kalama do ordain:

Section 1. Kalama Municipal Code Chapter 17.50 SITE PLAN REVIEW is adopted as follows:

17.50.010 Purpose.

The purpose of the site plan review process is to carry out the Kalama comprehensive plan and to use urban land efficiently by implementing the development pattern established through the zoning map and development standards. The process affords applicants of projects over certain thresholds (identified in 17.50.020) the ability to gain feedback on proposed developments and identify applicable land use and environmental regulations prior to seeking building permits.

17.50.020 Applicability of Provisions.

A. Applicability. Site plan review is required for development which increases or alters new, replaced, or a combination of new and replaced impervious surface area by five thousand square feet or more; results in the removal or fill of five hundred cubic yards or more of material; or results in filling operations with a depth of more than four feet. These thresholds apply to both new development and expansions of existing development.

B. Exemptions. Projects consisting solely of activities in the following list are exempt from review under this chapter:

1. Single-family dwelling and its accessory structures up to five thousand square

feet of impervious surface;

2. Single or groups of townhouses with a combined area of up to five thousand square feet of impervious surface;
 3. Duplex up to five thousand square feet of impervious surface;
 4. Triplex up to five thousand square feet of impervious surface;
 5. Fourplex up to five thousand square feet of impervious surface;
 6. Adult family home, as defined in KMC Section 17.08.025;
 7. Manufactured home, subject to KMC Section 17.18.070(L);
 8. Home occupation, as defined in KMC Section 17.08.180;
 9. Building permits for interior remodeling and tenant improvements, provided there is no change in use.
 10. Normal or emergency repair or maintenance, as defined in KMC Sections 17.08.307 and 17.08.2815, of public or private buildings, structures, landscaping or utilities;
 11. Activities that increase or alter fewer than five thousand square feet of new, replaced, or a combination of new and replaced impervious surface;
 12. Grading activities of no more than five hundred cubic yards of material for removal or fill in a twelve-month period;
 13. Grading activities that do not result in filling operations with a depth of more than four feet;
 14. On-site utility permits, e.g., sewer hook-ups, water hook-ups;
 15. Signs;
 16. Child day care facility operated in a family home (subject to the conditions set forth in KMC Sections 17.36.070 and 17.36.080), school, church, or community building;
 17. Municipal improvements, public utilities and utility structures per KMC Section 17.18.070(H);
 18. Agricultural practices, subject to compliance with Chapter 17.21, Large Lot Estates;
 19. Home gardens and gardening of vacant land including community gardens;
 20. Keeping of chickens for non-commercial purposes, subject to the provisions of KMC Section 6.04.080;
 21. Land divisions;
 22. Boundary line adjustments;
 23. Development previously authorized as part of a Master Plan per the provisions of Chapter 17.25, Mixed Use Zoning District; and
 24. Development previously authorized as part of a Planned Unit Development per the provisions of Chapter 16.18, Planned Unit Developments.
- C. Site plan review shall precede application for building permits and shall provide an opportunity for public comment.
- D. Other approvals. Site plan review approval is separate from and does not replace other applicable permits (e.g. conditional use permit). Site plan review may be combined and reviewed concurrently with other permits and approvals, as determined by the City Administrator.
- E. Relationship to zoning. Nothing in this chapter shall relieve the applicant of the obligation to comply with the standards of the underlying zoning district or of any applicable overlay district. Where there is conflict between the provisions of this chapter

and other provisions of the Kalama Municipal Code, the more restrictive standard shall apply.

17.50.030 Review Process.

- A. Site plan review process. Site plan review applications shall be subject to the provisions of KMC Chapter 15.10 – Project Permit Review except as modified within this section.
- B. Applications for site plan review shall be reviewed by the City Administrator with public notice pursuant to KMC Chapter 15.10.
- C. All applicants for site plan review shall participate in a pre-application conference as provided for by KMC Section 15.10.035 prior to submitting the site plan review application.

17.50.040 Submittal Requirements.

- A. Applications for site plan review shall be accompanied by payment of all fees and shall include one original copy of all required submittal materials and one electronic copy of the following:
 - 1. A completed, clearly legible, original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application;
 - 2. A legal description supplied by the Cowlitz County Auditor's Records division, a title company, surveyor licensed in the State of Washington, or other party approved by the review authority;
 - 3. Current Cowlitz County assessor map showing the property(ies) subject to the application and properties within a three hundred foot radius of the subject site, along with a typed list and set of self-adhesive labels of the names and addresses of owners of all properties within that radius, as obtained by current Cowlitz County assessor records;
 - 4. The SEPA checklist, if required by KMC Title 15, Environment;
 - 5. Narrative describing the project and addressing approval criteria of Section 17.50.060 and applicable development standards of KMC Title 17, Zoning and KMC Title 15, Environment;
 - 6. Site plans as detailed in subsection B;
 - 7. Quantification of square feet of increase or modification in impervious surface area, cubic yards of cut and fill, and depths of proposed filling operations;
 - 8. Other architectural or engineering data which may be necessary to determine compliance with applicable regulations;
 - 9. Traffic analysis may be required if the proposed use could generate more than 10 p.m. peak hour trips or 100 average daily trips;
 - 10. Stormwater drainage report demonstrating how the proposed development will comply with the requirements of the City of Kalama Development Guidelines and Public Works Standards; and
 - 11. Any additional information deemed necessary by the City Administrator.
- B. Site plan review applications shall contain complete site plans drawn to scale and produced in such a way as to clearly indicate compliance with all applicable zoning and

site design standards, and shall include the following:

1. Dimensions, orientation, and size of the parcel(s);
2. The address and tax lot number(s) of the parcel(s);
3. Locations of existing and proposed buildings and structures, including setbacks;
4. Location and layout of off-street parking and loading facilities;
5. Curb cuts and internal pedestrian and vehicular circulation;
6. Location of walls and fences and an indication of their height and construction materials;
7. Existing and proposed exterior lighting;
8. Location and size of exterior signs and outdoor advertising;
9. General location and configuration of proposed landscaping, including plantings for revegetation and erosion control;
10. General location and configuration of proposed open space and recreation areas;
11. Contour lines illustrating existing topography at two-foot intervals;
12. Proposed grading and drainage facilities and erosion control measures;
13. Height, materials, and conceptual appearance of building facades for all buildings and structures;
14. Indication of proposed use of all buildings;
15. The location of critical areas as regulated by KMC Chapter 15.02, Critical Areas Protection; and
16. The location and size of existing and proposed water, storm, and sanitary sewer lines and facilities.

17.50.050 Capital Facilities and Utilities.

A. Site plan applications must demonstrate how the applicant will comply with the City of Kalama Development Guidelines and Public Works Standards.

17.50.060 Approval Criteria.

A. Site plan review applications may be approved, or approved with conditions, when all of the following criteria are met:

1. The proposal is consistent with the applicable approval criteria and development regulations of KMC Title 17, Zoning and KMC Title 15, Environment;
2. The proposal is suitable for the site considering size, shape, location, topography, existence of improvements, natural features, and the intended development pattern of the surrounding properties;
3. If the proposal will result in additional traffic, the proposal demonstrates that adequate transportation systems, public facilities and services exist or are planned for the area affected by the use. The additional traffic must not diminish intersection Level of Service (LOS) below LOS D for signalized intersections or LOS E for unsignalized intersections;
4. The proposal complies with the site plan review procedural requirements; and
5. The proposal does not have significant adverse environmental impacts on-site or on adjacent properties that cannot be mitigated through conditions of approval applied through the environmental review processes of KMC Title 15, Environment.

17.50.070 Expiration of Approval.

A. Expiration period. Unless an extension is granted pursuant to subsection D, site plan review approval shall expire within four years from the date the City issues the final decision unless within that time, unless work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. The burden of proving substantial progress is on the applicant.

B. Failure to comply with required conditions within the expiration period shall render the site plan review approval null and void.

C. The city may initiate proceedings, consistent with the procedures provided in KMC Chapter 17.10, Enforcement, to revoke site plan approval for noncompliance with the requirements of the title or conditions of approval listed in the final decision approving the site plan.

D. The City Administrator may, upon written request by the applicant, grant a single extension of the site plan review approval period not to exceed one year upon demonstration of the following:

1. The request is submitted prior to the expiration date, but no earlier than 6 months in advance of the expiration date;
2. No changes are made on the original site plan as approved by the City;
3. The applicant can demonstrate intent to perform substantial construction activity on the site within the extension period; and
4. There have been no changes to the applicable approval criteria on which the approval was based.

17.50.080 Post-Decision Review.

A. Applicability.

1. At any time before the end of the expiration period per KMC 17.50.070, an applicant may submit an application for post-decision review of the site plan review decision, describing the nature of the proposed change to the decision and the basis for that change, including the applicable facts and law, together with the applicable fee.

2. Post-decision review can only be conducted in regard to a decision that approves or conditionally approves an application. An application that is denied is not eligible for post-decision review.

3. No pre-application conference is required for post-decision review.

4. An application for post-decision review is subject to completeness determinations, provided that the City Administrator shall only require an application for post-decision review to contain information that is relevant and necessary to address the requested change or the facts and law on which it is based.

5. Post-decision review cannot substantially change the nature of development proposed pursuant to a given decision.

6. An application for post-decision review does not extend the deadline for filing an appeal of the decision being reviewed and does not stay appeal proceedings.

7. An application for post-decision review cannot be used to extend the duration of approval for the original final decision. Any extension to the duration of approval must be applied for separately under the terms of KMC 17.50.070(D).

B. Post-decision review process.

1. An application for post-decision review shall be reviewed administratively by the

City Administrator without public notice or an open record public hearing if the City Administrator finds the requested change in the decision:

- a. Does not increase the potential adverse impact of the development authorized by the decision or request modification of conditions imposed to address potential impacts; and
 - b. Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject; and
 - c. Does not involve an issue of broad public interest, based on the record of the decision; and
 - d. Does not require additional SEPA review.
2. All other applications for post-decision review shall be reviewed by the City Administrator with public notice pursuant to KMC Chapter 15.10.
- C. Modification. Modification of a decision other than by a timely appeal or post-decision review shall be accomplished by means of new application.
- D. Vesting. Applications which qualify for post-decision review shall remain vested to the laws in place at the time the original application vested.

17.50.090 Appeal Procedures.

- A. A decision regarding a site plan review application may be appealed by the applicant or an interested party only if, within fourteen days after written notice of the decision is mailed, a written appeal is filed with the city clerk. The city shall extend the appeal period for an additional seven days if state or local rules adopted pursuant to RCW Chapter 43.21C allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.
- B. The appeal shall contain the following information:
1. The case number designated by the city and the name of the applicant;
 2. The name and signature of each petitioner and a statement showing that each petitioner is entitled to file the appeal under subsection A of this section. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative for all contact with the City Administrator;
 3. The specific element(s) of the decision being appealed, the reasons why each element is in error as a matter of fact, law or policy, and the evidence relied on to prove the error;
 4. A statement demonstrating that the specific issues raised on appeal were raised during the period in which the record was open; and
 5. The appeal fee.
- C. Within forty-five days of receipt of the appeal, the hearings examiner shall hear appeals of site plan review decisions in an open record hearing. Notice of an appeal hearing shall be mailed to interested parties and the same parties entitled to notice of the decision as specified in KMC Section 15.10.070. A staff report shall be prepared, an open record hearing shall be conducted, and a decision shall be made and noticed within ninety days of the appeal filing date.

Section 2. Kalama Municipal Code Chapter 17.08.010 “Definition of words and phrases” is amended to add the following definitions:

17.08.184 – Impervious Surface.

“Impervious surface” means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

17.07.188 – Interested Party.

“Interested Party” means a person or group who makes an appearance in a proceeding through the submission of either written or verbal evidence. Groups shall designate one person as a representative or contact.

17.08.2815 - Maintenance.

“Maintenance” means actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition.

17.08.307 - Repair.

“Repair” means actions to fix or mend a damaged or deteriorated structure, or one of its constituent systems, with similar material while retaining sound parts or elements.

Section 3. Kalama Municipal Code Chapter 17.20.070 (A) is amended to read as follows:

A. Pre-Application Conference. An applicant may request a pre-application conference per the provisions of KMC Section 15.10.035 prior to submitting an application for development review. The purpose of the conference is to acquaint the applicant with the substantive and procedural requirements of this Code, to discuss the principal elements of the proposed action, and to identify opportunities and constraints associated with the proposed action.

Section 4. Kalama Municipal Code Chapter 17.25.130(A) and (B) are amended to read as follows:

17.25.130 – Master plan review process.

A. Master Plan Pre-application Conference. A master plan pre-application conference will be held between city staff and the applicant(s) per the provisions of KMC Section 15.10.035.

1. Content of the Pre-application Conference. In addition to the content in KMC Section 15.10.035(B), the pre-application conference will include a discussion

between the city and applicant identifying the required components of the master plan and discussing the scope of the plan. The conference discussion will also determine if any variations to the standards in chapter 17.25 are likely to be needed for the master plan, and to identify existing information and analyses which may be used in the master plan process. City staff will also identify any site-specific issues of concern.

2. Submittal requirements. In addition to the submittal requirements in KMC Section 15.10.035(C), the following are required:

a. A description of whether any adjustments may be needed to the mixed-use zoning standards in chapter 17.25.

b. Proposed development schedule and general timing of phases. If the proposed development is to be phased, sufficient information must be submitted for all phases to define the development intent of all later phases.

B. Within ten business days following master plan pre-application conference, a master plan scoping summary including an evaluation of the plans and narrative, as well as a written account of the discussion items raised in the master plan pre-application conference will be mailed to the applicant. The master plan scoping summary will also describe the level of environmental review needed for the master plan, which will include an early notice of determination if the review authority indicates an EIS SEPA threshold determination is likely. Upon receipt of the master plan scoping summary, the applicant will return a signed copy to the city administrator, acknowledging receipt of the summary of the pre-application conference. The application process will not proceed until the signed copy is received by the city administrator.

Section 5. Kalama Municipal Code Chapter 17.28.020 is amending to replace Figure 17.28.020-1 with the new version of the map attached as Exhibit A.

Section 6. Kalama Municipal Code is amended to include new Chapter 17.54.100 Post Decision Review as follows:

17.54.100 Post-Decision Review.

A. Applicability.

1. At any time before the end of the expiration period per KMC 17.54.050(D), an applicant may submit an application for post-decision review of the conditional use permit, describing the nature of the proposed change to the conditional use permit and the basis for that change, including the applicable facts and law, together with the applicable fee.

2. Post-decision review can only be conducted in regard to an approved or conditionally approved conditional use permit. A denied conditional use permit is not eligible for post-decision review.

3. No pre-application conference is required for post-decision review.

4. An application for post-decision review is subject to completeness determinations, provided that the City Administrator shall only require an application for post-decision review to contain information that is relevant and necessary to address the requested change or the facts and law on which it is based.

5. Post-decision review cannot substantially change the nature of development proposed pursuant to a given conditional use permit.

6. An application for post-decision review does not extend the deadline for filing an appeal of the conditional use permit being reviewed and does not stay appeal proceedings.

7. An application for post-decision review cannot be used to extend the duration of approval for the original final decision of a conditional use permit. Any extension to the duration of approval must be applied for separately under the terms of KMC 17.54.050(D).

B. Post-decision review process.

1. An application for post-decision review shall be reviewed administratively by the City Administrator without public notice or an open record public hearing if the City Administrator finds the requested change in the decision:

a. Does not increase the potential adverse impact of the development authorized by the conditional use permit or request modification of conditions imposed to address potential impacts; and

b. Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject; and

c. Does not involve an issue of broad public interest, based on the record of the decision; and

d. Does not require additional SEPA review.

2. All other applications for post-decision review shall be reviewed by the City Administrator with public notice pursuant to KMC Chapter 15.10.

C. Modification. Modification of a conditional use permit other than by a timely appeal or post-decision review shall be accomplished by means of new application.

D. Vesting. Applications which qualify for post-decision review shall remain vested to the laws in place at the time the original application vested.

Section 7. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 8. This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the 6th day of February, 2020

Mayor Mike Reuter

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

City Attorney

Passed:

Published:

Effective:

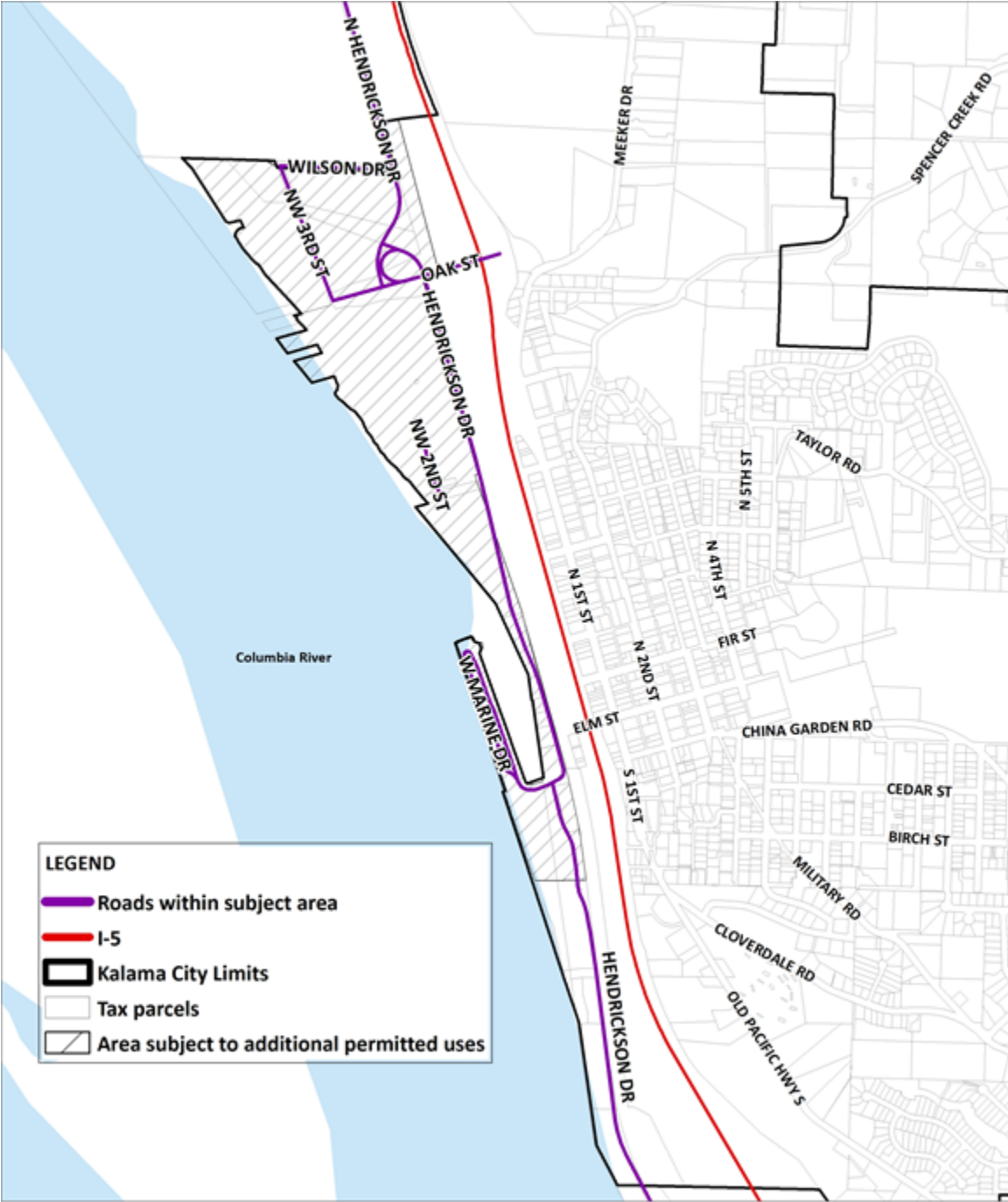


Figure 17.28.020-1

*Sections 17.28.020(A)(10) and (11) shall only be applicable in the above hatched area.