

In the text below, the entire Chapter 17.50 is new. For other chapters, only those sections with amendments are listed. Language to be omitted is ~~struckthrough~~ and proposed language additions are underlined.

## **Chapter 17.50** **SITE PLAN REVIEW**

### Sections:

- 17.50.010 Purpose.
- 17.50.020 Applicability of Provisions.
- 17.50.030 Review Process.
- 17.50.040 Submittal Requirements.
- 17.50.050 Capital Facilities and Utilities.
- 17.50.060 Approval Criteria.
- 17.50.070 Expiration of Approval.
- 17.50.080 Post-Decision Review.
- 17.50.090 Appeal Procedures.

### **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 impervious surface area by five thousand square feet or more; changes existing impervious surface areas affecting 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 create 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, the developer has obtained the permits from the building department and there has been substantial construction activity pursuant to the required permits. The burden of proving substantial construction 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 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.

## **Chapter 1.01 CODE ADOPTION**

### **1.01.010 - Adoption.**

Pursuant to the provisions of the Revised Code of Washington (RCW) 35.21.500 through 35.21.570, there is adopted the "Kalama Municipal Code" as published by Book Publishing Company, Seattle, Washington.

### **1.01.020 - Title—Citation—Reference.**

This code shall be known as the "Kalama Municipal Code" (KMC) and it shall be sufficient to refer to said code as the Kalama Municipal Code in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Kalama Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Kalama Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

## **Chapter 14.18**

### **EROSION CONTROL**

#### **14.18.050 - Erosion control plans.**

- A. Preliminary Erosion Control Plan.
1. A preliminary erosion control plan shall be submitted at the time of application for each of the following land use applications and permits:
    - a. Residential construction;
    - b. Multi-dwelling construction;
    - c. Commercial construction;
    - d. Industrial construction;
    - e. Short plats and site plan reviews subject to SEPA review;
    - f. Subdivisions; and
    - g. Site plan ~~approvals~~review.
  2. The preliminary erosion control plan, which can be included on the preliminary drainage plan, shall include:
    - a. Site plan showing site topography, existing and planned drainage features, and existing and proposed structures;
    - b. Preliminary soil analysis describing soil types on site and their erosion potential; and
    - c. Conceptual erosion control plan discussing BMPs to be utilized to control erosion and general location of planned BMPs.
  3. The erosion control BMPs proposed in the preliminary plan shall be based on those contained in the BMP Manual.
- B. Final Erosion Control Plan.
1. A final erosion control plan shall be submitted and approved by the director prior to construction for any of the following projects requiring a city permit or approval:
    - a. Residential construction;
    - b. Multi-dwelling construction;

- c. Commercial construction;
  - d. Industrial construction;
  - e. Subdivisions;
  - f. Short subdivisions;
  - g. Site plan approvals;
  - h. Grading permits; and
  - i. Other applications that the director determines pose a high risk of erosion impacting adjacent properties, water bodies or public rights-of-way.
2. The final erosion control plan shall include:
    - a. Preliminary erosion control plan, if one was required, and an explanation of any variances between the preliminary and final plan;
    - b. Site plan showing location, sizes and other design features of the proposed BMPs to be applied to the site;
    - c. Summary of the design calculations used for sizing the BMPs;
    - d. Maintenance schedule for insuring the BMPs continue to function until the site is revegetated and stable; and
    - e. Contingency plan discussing additional BMPs to be applied if proposed BMPs fail or are insufficient to control erosion.
  3. The erosion control BMPs shall be designed in conformance with the BMP Manual.

## **Chapter 15.10**

### **PROJECT PERMIT REVIEW**

Sections:

15.10.010 Definitions.

15.10.020 Review of project permit applications—Objectives.

[15.10.025 Project permits that may be excluded from review.](#)

15.10.030 Integrated and consolidated project permit process—Required elements.

[15.10.035 Pre-Application Conference.](#)

15.10.040 Project permit applications—Completeness determination—  
Notice to applicant.

15.10.045 - Project Permit Review Process.

15.10.050 Notice of final decision—Time limits—Exceptions.

15.10.060 Designation of person or entity to receive determinations and  
notices.

15.10.070 Notice of application—Required elements—Integration with  
other review procedures—Administrative appeals.

15.10.080 Notice of decision—Distribution.

~~15.10.090 Project permits that may be excluded from review.~~

15.10.100 Interpretation.

**15.10.010 - Definitions.**

Unless the context clearly requires otherwise, the definitions in this section  
apply through this chapter.

“Closed record appeal” means an administrative appeal on the record to a  
local government body or officer, including the city council, following an  
open record hearing on a project permit application when the appeal is on  
the record with no or limited new evidence or information allowed to be  
submitted and only appeal argument allowed.

“Open record hearing” means a hearing, conducted by a single hearing body  
or officer authorized by the city council to conduct such hearings, that  
creates the record through testimony and submission of evidence and  
information, under procedures prescribed by ordinance or resolution. An  
open record hearing may be held prior to a decision on a project permit to be  
known as an “open record predecision hearing.” An open record hearing  
may be held on an appeal, to be known as an “open record appeal hearing,”  
if no open record predecision hearing has been held on the project permit.

“Project permit” or “project permit application” means any land use or  
environmental permit or license required from the city for a project action,  
including but not limited to site plan review, building permits, subdivisions,  
binding site plans, planned unit developments, conditional uses, shoreline  
substantial development permits, site plan review, permits or approvals

required by critical area ordinances and site-specific rezones authorized by a comprehensive plan.

“Public meeting” means an informal meeting, hearing, workshop or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, a planning commission meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the project permit application file.

#### **15.10.020 - Review of project permit applications—Objectives.**

Project permit applications shall be reviewed to achieve the following objectives:

- A. Combine the environmental review process, both procedural and substantive, with the procedure for review of project permits; and
- B. Except for the appeal of a determination of significance as provided in RCW 43.21C.075, provide for no more than one open record hearing and one closed record appeal.

#### **15.10.025 - Project permits that may be excluded from review.**

- A. The following project permits are excluded from the provisions of KMC Sections 15.10.030 Integrated and consolidated project permit process—Required elements; 15.10.070 Notice of application—Required elements—Integration with other review procedures—Administrative appeals; and 15.10.080 Notice of decision—Distribution
  - 1. Boundary line adjustments;
  - 2. Building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under RCW Chapter 43.21C, or for

which environmental review has been completed in connection with other project permits.

**15.10.030 - Integrated and consolidated project permit process—  
Required elements.**

- A. In addition to the elements required by KMC Section 15.10.020, the process shall include the following elements:
- A1. A determination of completeness to the applicant as required by KMC Section 15.10.040;
  - B2. A notice of application to the public and agencies with jurisdiction as required by Section KMC 15.10.070;
  - C3. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing;
  - D4. Provision allowing for any public meeting or required open record hearing to be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal or other agency;
  - E5. A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the permit. If a threshold determination other than a determination of significance has not been issued previously, the report shall include or append this determination;
  - F6. Except for the appeal of a determination of significance as provided in RCW 43.21C.075, where an appeal of a threshold determination or project permit decision is provided, there shall be no more than one consolidated open record hearing on such appeal. If an appeal is provided after the open record hearing, it

shall be a closed record appeal before a single decision-making body or officer;

~~G~~7. A notice of decision as required by Section KMC 15.10.080 and issued within the time period provided in KMC Section 15.10.050;

~~H~~8. Completion of project review by the city, including environmental review and public review and any appeals to the city, within any applicable time periods under KMC Section 15.10.050.

B. The city shall consolidate the permit processing for projects or development activities that require two or more permits or approvals. Review shall be held by the highest approval authority having jurisdiction over one of the permits or approvals. This consolidation may include integrating public hearings, establishing unified comment periods, and/or concurrent reviews.

#### **15.10.035 - Pre-Application Conference.**

A. Purpose of the Pre-application Conference. The purpose of a pre-application 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 a proposed project.

B. Format of the Pre-application Conference. The pre-application conference shall include a discussion between City staff and the applicant identifying the required components of the application seeking approval for a project. City staff will also identify any issues of concern.

C. Submittal requirements: Pre-application submittals shall include the following:

1. A preliminary project description generally describing the project and an overview of how the project can comply with applicable standards.

2. A preliminary plan which should include:

a. Scale and sheet appropriate for the size of the project to provide sufficient detail to demonstrate compliance with

- applicable requirements. If a large format or nonstandard sheet size is used, additional copies may be required by the City;
- b. Boundaries of proposed site;
  - c. Vicinity map;
  - d. Existing streets, right-of-way widths, and pavement widths;
  - e. Location and size of existing and proposed utility lines, easements, and setbacks;
  - f. Existing natural features (e.g., mature vegetation, rock outcroppings, and drainage ways);
  - g. Proposed building footprints or building envelopes if specific building footprints have not yet been established;
  - h. Preliminary grading, indicated by proposed and existing topographic contours;
  - i. Preliminary circulation and access plans showing all pedestrian and vehicular circulation;
  - j. The preliminary location of all parking areas and stalls with associated landscape areas;
  - k. Required landscape setbacks, buffer areas and materials and streetscapes; and
  - l. Surrounding land uses, including all major features of surrounding properties, including all streets, access points to the site, and adjacent properties and ownership. Illustrate either the compatible integration of project with the neighboring land use, and/or the buffers that are proposed.
3. Estimate of square feet of increase or modification in impervious surface area, cubic yards of cut and fill, and depths of proposed filling operations.
  4. Proposed development schedule.
  5. Payment of the review fee as listed in the city fee schedule.



**15.10.040 - Project permit applications—Completeness determination—  
Notice to applicant.**

- A. Within twenty-eight days after receiving a project permit application, the city shall mail or provide in person a written determination to the applicant, stating either:
1. That the application is complete; or
  2. That the application is incomplete and what is necessary to make the application complete.
- To the extent known by the city, it shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.
- B. A project permit application is complete for purposes of this section when it meets the procedural submission requirements of the city and is sufficient for continued processing, even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
- C. The determination of completeness may include the following as optional information:
1. A preliminary determination of those development regulations that will be used for project mitigation;
  2. A preliminary determination of consistency, as provided under RCW 36.70B.040; or
  3. Other information the city chooses to include.
- D. 1. An application shall be deemed complete under this section if the city does not provide a written determination to the applicant that the application is incomplete as provided in subsection (A)(2) of this section.
2. Within fourteen days after an applicant has submitted to the city additional information identified as being necessary for a complete application, the city shall notify the applicant whether the application is complete or what additional information is necessary.

**15.10.045 - Project Permit Review Process.**

- A. Applications shall be reviewed under the adopted plans and regulations in effect at the time that the City Administrator finds an application to be complete. An application which requires modification to be complete shall not be vested.
- B. The City Administrator shall approve, approve with conditions, or deny complete applications. The City Administrator’s decision shall address all of the relevant approval criteria applicable to the permit application.
1. In approving an application, conditions of approval may be imposed as necessary to protect the public interest, to achieve compliance with the KMC, or to mitigate adverse impacts resulting from proposed development. These conditions and safeguards may include, but are not limited to, the following:
- a. Measures identified during the environmental review process;
  - b. Measures necessary to comply with the provisions of the Kalama comprehensive plan;
  - c. Measures necessary to comply with provisions of the Kalama Municipal Code; and/or
  - d. Measures necessary to ensure compatibility of the proposed development activity with neighboring land uses, and consistency with the intent and character of the zoning district. These may include, but are not limited to:
    - i. Increasing the required lot size, setback, or yard dimensions;
    - ii. Controlling the number and location of vehicular access points;
    - iii. Requiring the dedication of additional rights-of-way for future public street improvements identified in an adopted transportation plan;
    - iv. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location or screening of a parking area;



the date the city determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided,

- b. If the city determines that the information submitted by the applicant under (1)(a) of this subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under (1)(a) of this subsection shall apply as if a new request for studies had been made;
2. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to RCW Chapter 43.21C. Time periods for completion of environmental impact statements shall be as provided by ordinance or if the city and the applicant in writing agree to a time period for completion of an environmental impact statement;
  3. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period shall not exceed: (a) ninety days for an open record appeal hearing; and (b) sixty days for a closed record appeal. The parties to an appeal may agree to extend these time periods; and
  4. Any extension of time mutually agreed upon by the applicant and the City.
- B. The time limits established by subsection (A) of this section do not apply if a project permit application:
1. Requires an amendment to the comprehensive plan, zoning ordinance or a development regulation;
  2. Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or
  3. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.
- C. If the city is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of

reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

**15.10.060 - Designation of person or entity to receive determinations and notices.**

The applicant for a project permit shall designate a single person or entity to receive determinations and notices required by this chapter.

**15.10.070 - Notice of application—Required elements—Integration with other review procedures—Administrative appeals.**

- A. The city shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If the city has made a determination of significance under RCW chapter 43.21C concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.
- B. The notice of application shall be provided within fourteen days after the determination of completeness is provided by KMC Section 15.10.040 and include the following:
1. The date of application, the date of the notice of completion for the application and the date of the notice of application;
  2. The name of the applicant;
  3. A map showing the subject property in relation to other properties;
  4. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
  5. A description of the proposed project action, the case file number(s), and a list of the project permits included in the application and, if applicable, a list of any studies requested under KMC Section 15.10.040(~~DE~~)(2);
  36. The identification of other permits not included in the application to the extent known;

- 47. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document provide the notice of application, the location where the application and any studies can be reviewed;
  - 58. The place, days and times where information about the application may be examined and the name and telephone number of the City representative to contact about the application;
  - 9. A statement of the public comment period, which shall not be less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Public comments may be accepted at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the ~~decision of the project~~ permit close of the public comment period;
  - 610. The date, time and place of any type of hearing, if applicable and scheduled at the date of notice of the application;
  - 711. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and consistency.
- C. If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.
- D. The city shall use reasonable methods to give notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. The City shall, at a minimum, implement the methods provided for in subsections (D)(1) and (2) through (3) of this section shall be used:
- 1. Posting the property for site-specific proposals;
  - 2. Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, in a newspaper of general circulation in the general area where the proposal is located;

- ~~73.~~ Mailing to the applicant and neighboring property owners within a radius of three hundred feet of the edge of the property that is the subject of the application;
- ~~34.~~ Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- ~~45.~~ Notifying the news media;
- ~~56.~~ Placing notices in appropriate regional or neighborhood newspapers or trade journals; and
- ~~67.~~ Publishing a notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; ~~and.~~
- ~~7.~~ ~~Mailing to neighboring property owners.~~
- E. A notice of application shall not be required for project permits that are categorically exempt under RCW Chapter 43.21C ~~RCW~~, unless a public comment period or an open record predecision hearing is otherwise required by other provisions of Titles 15, 16, or 17.
- F. The city shall integrate the permit procedures in this section with environmental review under RCW Chapter 43.21C ~~RCW~~ as follows:
  - 1. Except for a determination of significance, it may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.
  - 2. If an open record predecision hearing is required and the threshold determination requires public notice under RCW Chapter 43.21C, the city shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.
  - 3. Comments shall be as specific as possible.
- G. The city may combine any hearing on a project permit with any hearing that may be held by another local, state, regional federal or other agency; provided that, the hearing is held within the geographic boundary of the city. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held with the time periods specified in KMC Section 15.10.050 or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings.
- H. If provided for, an administrative appeal of the project decision, combined with any environmental determinations, shall be filed within fourteen days after the notice of the decision or after other

notice that the decision has been made and is applicable. 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 decision.

- I. The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

#### **15.10.080 - Notice of decision—Distribution.**

~~A. The city shall provide a notice of decision, which shall include: that also includes a statement of any threshold determination made under RCW Chapter 43.21C and the procedures for administrative appeal, if any. The notice of decision may be a copy of the report or decision on the project permit application.~~

- ~~1. A description of the decision or actions taken;~~
- ~~2. Any mitigation or conditions of approval required under applicable development regulations or under SEPA;~~
- ~~3. If a SEPA threshold determination has not been issued previously, the notice of decision shall state this determination;~~
- ~~4. A description of applicable appeal procedures; and~~
- ~~5. The place, days, and times where the case file is available for review at city hall.~~

~~B. The notice shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The city shall provide for notice of its decision as provided in KMC Section 15.10.070(D).~~

~~C. The notice shall not be issued until the expiration of the comment period on the notice of application.~~

#### ~~**15.10.090 – Project permits that may be excluded from review.**~~

~~The following project permits are excluded from the provisions of Sections 15.10.030, 15.10.070 and 15.10.080: lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under RCW Chapter~~



~~43.21C, or for which environmental review has been completed in connection with other project permits.~~

### **15.10.100 - Interpretation.**

This chapter shall be interpreted and applied to carry out the goals set forth herein and in RCW Chapter 36.70B. It shall be integrated with existing practices and laws and administered together with the same. Where conflicts exist, the provisions of this chapter shall control.

## **Chapter 17.08 DEFINITIONS**

### **17.08.010 - Definition of words and phrases.**

For the purpose of this title certain terms and words are defined in this chapter. When not inconsistent with the context, words used in the present tense include the future; the singular tense includes the plural, and the plural the singular; the word “shall” is always mandatory and the word “may” denotes a use of discretion in making a decision; the word “used,” unless the context otherwise requires, shall be considered as though followed by the words: “or occupied,” “or intended,” “or arranged,” and, “or designed to be used.”

### **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.

**17.08.2815 - 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.

**Chapter 17.20  
ESTATE LOT FLOATING ZONE**

**17.20.070 – Review process.**

- 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.

**Chapter 17.25  
MIXED USE ZONING DISTRICT**

**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~~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 preliminary project description of the proposal generally describing the project and an overview of how the project can comply with applicable standards, or if whether~~ any adjustments may be needed to the mixed use zoning standards in chapter 17.25.
- b. ~~A schematic plan which should include:~~
  - i. ~~Scale and sheet appropriate for the size of the project to provide sufficient detail to demonstrate compliance with applicable requirements. If a large format or nonstandard sheet size is used, additional copies may be required by the city.~~
  - ii. ~~Boundaries of proposed site.~~
  - iii. ~~Vicinity map.~~
  - iv. ~~Existing streets, right-of-way widths, pavement widths.~~
  - v. ~~Location and size of existing and proposed utility lines, easements, and setbacks.~~
  - vi. ~~Existing natural features (e.g., mature vegetation, rock outcroppings, drainage ways).~~
  - vii. ~~Proposed building footprints or building envelopes if specific building footprints have not yet been established.~~
  - viii. ~~Preliminary grading, indicated by proposed and existing topographic contours.~~
  - ix. ~~Preliminary circulation and access plans showing all pedestrian and vehicular circulation.~~
  - x. ~~The preliminary location of all parking areas and stalls with associated landscape areas.~~

- ~~xi. Required landscape setbacks, buffer areas and materials and streetscapes.~~
    - ~~xii. Surrounding land uses, including all major features of surrounding properties, including all streets, access points to the site, and adjacent properties and ownership. Illustrate either the compatible integration of project with the neighboring land use, and/or the buffers that are proposed.~~
    - eb. 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.
    - ~~d. Payment of the review fee as listed in the city fee schedule.~~
- 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.

## Chapter 17.28 INDUSTRIAL USE DISTRICT

### 17.28.020 - Permitted uses.

The following uses are permitted in any I-1 district:

- A. Commercial, manufacturing, and industrial uses similar in operation as, but not restricted to, the following:
  - 1. Port facilities, such as ship berthing areas, loading and unloading facilities, and port office buildings;

2. Wood, coal, and oil fuel yards;
3. Retail and wholesale lumber and building material yards;
4. Contractors' offices, shops, and storage yards;
5. Freight warehouse terminals;
6. Automotive repair garages and body and fender shops;
7. Blacksmith, welding, and metal fabricating shops;
8. Processing, manufacturing, packaging, distribution, and storage operations;
9. On-site and off-site hazardous waste treatment and storage facilities; provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended;
10. Within the boundaries specified in Figure 17.28.020-1, cultural institutions and museums;
11. Within the boundaries of Figure 17.28.020-1, lodging facilities and restaurants, pubs, tasting rooms, retail uses and microbreweries with indoor and outdoor seating, either in stand-alone buildings or combined into a single building, provided that microbreweries must be an integral part of a restaurant and the product can be brewed only for on-site retail. Uses under this subsection are subject to the following:
  - a. Submittal of Plans. For new construction or expansion to an existing building, an applicant must submit to the city, site development plans, landscaping, parking and lighting plans, proposed building elevation drawings and other information needed by the city building and planning department to review for conformance with this chapter and other associated city codes.
  - b. Signage. Signs shall be permitted as allowed in accordance with the sign standards set forth for commercial districts in Section 17.38.110.
  - c. Building Setbacks. Minimum front yard setback shall be fifteen feet from the shoulder of roads and streets. There shall be no limitations on side and rear yard setbacks,

- provided that all permanent buildings shall be set back a minimum of thirty-five feet from the Columbia River and all permanent buildings shall be a minimum of twenty-five feet apart.
- d. **Building Height.** No building shall be more than three and one-half stories high or over forty-five feet in height.
  - e. **Lot Coverage.** There are no percentage limitations on lot coverage, provided that site landscaping standards are met.
  - f. **Site Lighting.** Exterior wall-mounted and pole-mounted lighting shall be shielded and directed downward. Exterior lighting on poles shall not exceed the maximum building height specified herein.
  - g. **Site Landscaping.** Interior landscaping of ten percent or more of the site area shall be required when the site, exclusive of the building area, is five thousand or more square feet, or the proposed structure or combination of structures is greater than five thousand square feet in size. The interior landscaping placed within the on-site parking area shall be counted towards the minimum ten percent requirement. Where unique site specific conditions exist, deviations from this requirement may be authorized.
  - h. **Off-Street Parking.** Parking associated with authorized uses shall generally comply with Chapter 17.44. Minimum parking requirements for authorized uses may be addressed through joint parking arrangements to reduce the need to construct new parking areas immediately adjacent to Columbia River.
  - i. **Off-Street Parking Landscaping.** Landscaping shall be provided in any newly constructed off-street parking on a site in such a manner to soften the hard-surfaced nature of the parking area and provide shading, where appropriate.

- j. Vision Clearance. Vision clearance shall be maintained at all street intersections of private and public roadways, alleys, driveways. A vision clearance setback of fifteen feet shall be maintained from the edge of any existing or proposed roadway. Low-height landscaping such as shrubs three feet or less in height or grass or groundcovers shall be planted and maintained in required vision clearance areas.
- k. Permanent Buildings Required. All buildings shall be installed on and attached to a permanent foundation and permanently attached to sewer, water and electrical utilities. The foundation and all building elements must comply with all current and applicable city building code standards.
- l. Temporary Buildings Permitted. A temporary or mobile structure or tent associated with an authorized use and intended to support a special event shall be allowed for a maximum of thirty days, except temporary buildings approved in the conditional use process or temporary construction offices which can remain on a construction site for the term of the construction work or one year, whichever is shorter, unless extended as a conditional use to accommodate a longer construction period.

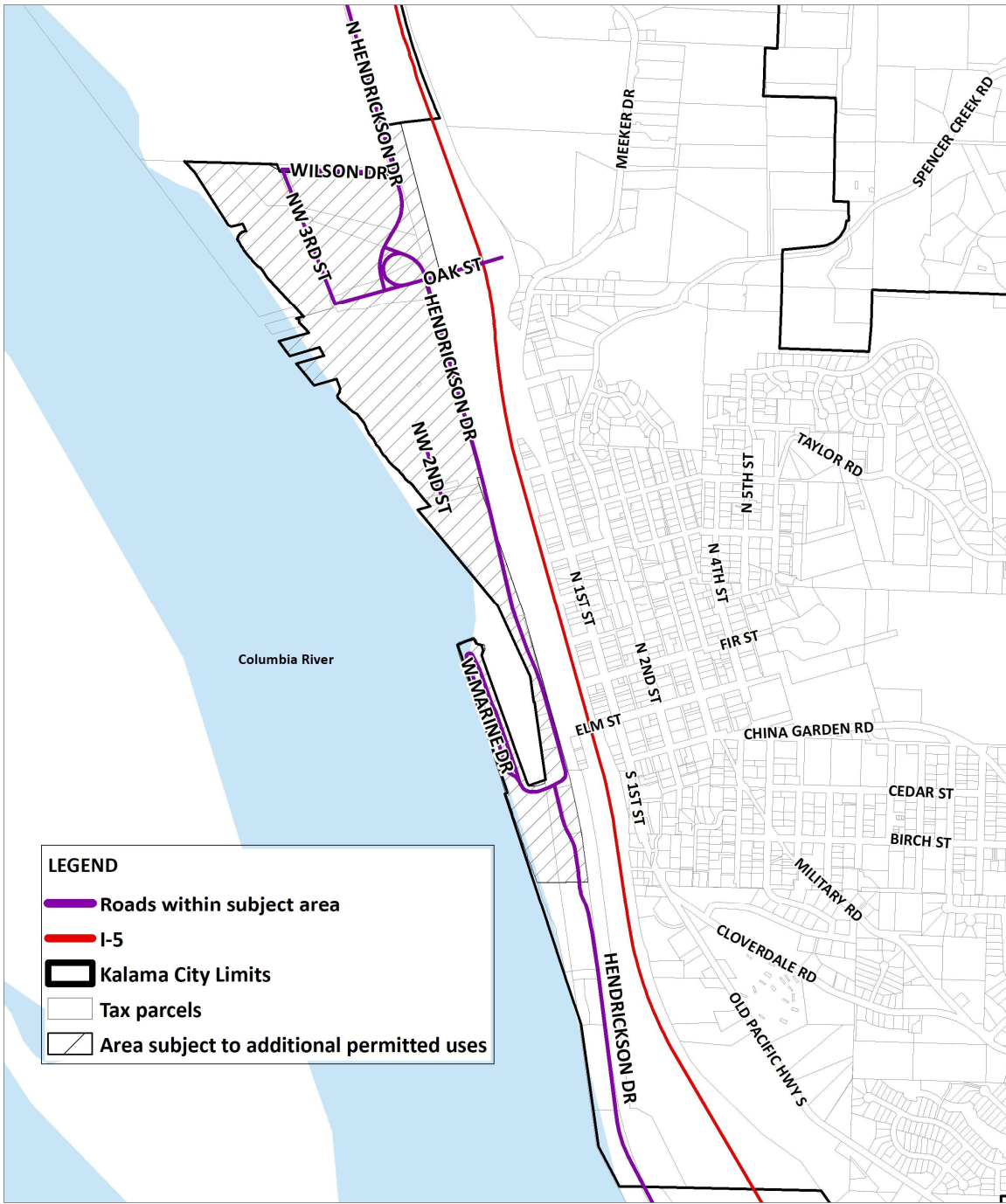
*To increase legibility, the following version of Figure 17.28.020-1 will be deleted.*

Figure 17.28.020-1



*To increase legibility, the following version of Figure 17.28.020-1 will be used in place of the one above.*





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

## Chapter 17.54 CONDITIONAL USE PERMITS

### **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.