

ORDINANCE NO. 07-2680

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BLAINE, WASHINGTON, PROVIDING FOR
AN AMENDMENT TO CHAPTER 17.07 OF THE BLAINE
MUNICIPAL CODE REVISING THE ADMINISTRATIVE
AND PROCEDURAL REQUIREMENTS FOR SITE PLAN
REVIEW.**

WHEREAS, at the direction of the City Council, the Community Development Services Department and Public Works Department have taken several steps over the last several months to improve and strengthen the city's permit review process; and

WHEREAS, one of those improvements is an emphasis on the use of the Site Plan Review process as the coordinating mechanism by which the various city permits and approvals may be pulled together in an understandable and cost-effective manner; and

WHEREAS, the mechanics of the improved Site Plan review process is inconsistent with the current language of BMC Chapter 17.07, Site Plan and Compliance Review; and

WHEREAS, it is necessary to revise the language of BMC 17.07 to be consistent with the improved Site Plan Review process; and

WHEREAS on NOV 13, after posting legal notice, and publication of legal notice in a newspaper of general circulation on , the City Council reviewed the recommendations of the Planning Commission and considered public testimony and related information; and

WHEREAS on November 26 ~~13~~, 2007, during a public meeting, the City Council voted to approve the amendment to the City Code as set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON DOES HEREBY ORDAIN TO AMEND CHAPTER 17.07 OF THE BLAINE MUNICIPAL CODE BY DELETING IN ITS ENTIRETY THE CURRENT LANGUAGE AND REPLACING IT WITH THAT SET FORTH HEREIN.

SECTION 1: The current language of Chapter 17.07 of the Blaine Municipal Code is replaced with the following:

**Chapter 17.07
SITE PLAN REVIEW**

17.07.010 Intent

17.07.020 Applicability

17.07.030 Contents of Complete Site Plan Review Application

17.07.040 Site Plan Review and Approval Procedures

17.07.050 Amendments to an Approved Site Plan

17.07.060 Expiration of an Approved Site Plan

17.07.070 Fees

17.07.080 Other Permits and Approvals

17.07.010 Intent

The intent of this chapter is to provide a mechanism for evaluating proposed land use activities and construction projects in the City which requires a minimum of up-front expenditure on the part of the applicant. The review utilizes a basic site plan, basic floor plan, and basic exterior elevations submitted by the applicant to determine compliance with City zoning and other development policies and regulations, as well as identify public improvements that may be required. The Site Plan Review process is designed to coordinate and communicate the various requirements of the City to the applicant in a consolidated manner, and provide the applicant with guidance in the preparation of more detailed civil or building construction drawings.

17.07.020 Applicability.

- A. Site Plan Review is a Type I Administrative Decision, and is required in addition to any other permit review and approvals required by the City or other agencies. However, Site Plan Review shall be conducted, to the extent possible, concurrently with any permit and environmental review process required by City code.
- B. Site Plan Review and approval under this chapter shall be required prior to the use of land for commercial, multi-family residential, industrial, or public purpose, including associated activities or structures.
- C. Site Plan Review, as provided for in this Chapter, is required for new construction, substantial improvements to existing buildings, and changes in use which increase associated requirements such as parking.
- D. Based on the type of land use and/or the scale and complexity of the proposed project, the Director may, at his/her discretion, waive the requirement for Site Plan Review or waive one or more of the required elements of a complete application as described in BMC 17.07.030.
- E. Site Plan Review, as provided for in this Chapter, is not required for the following:
 - 1. One and two-family residences.
 - 2. Alterations, additions or remodels of one and two-family residences.
 - 3. Shops, garages, sheds, decks, porches or similar structures intended to serve single family residences.
 - 4. Manufactured Homes.
 - 5. Signs.
 - 6. Plats, Short Plats, Binding Site Plans, and Boundary Line Adjustments.
 - 7. Other minor land use or construction activity, as determined by the Community Development Director.
- F. The Site Plan Review process, as provided for in this Chapter, may be required by the Community Development Director to effect detailed review of development applications that may have been previously approved at a conceptual level, such as Planned Unit Developments or Conditional Use Permits.

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17.07.030 Contents of Complete Site Plan Review Application

Site Plan Review Application forms shall be provided by the Community Development Services Department. Site Plan Review shall commence upon submittal of a complete Site Plan Review Application, together with accompanying documents and plans as follows:

A. Legal Description

1. Title report or equivalent document as determined by the Community Development Director that contains a complete legal description of the property, descriptions of any easements or other encumbrances that may impact the development or use of the property.
2. The completeness and accuracy of this information is the responsibility of the applicant.

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B. Site Plan

1. Applicant name and address.
2. A project summary box including, at a minimum, the following information: legal description; assessor's parcel number(s); site address; city zoning ; site area; lot coverage; building gross floor area; square footage of activity areas by use; number of parking spaces; and impermeable surface area.
3. Vicinity map, north arrow, and scale indicated.
4. Property lines with corners and dimensions shown.
5. Easements and rights-of-way.
6. Existing and/or proposed frontage improvements.
7. Existing and/or proposed utilities, including stormwater facilities.
8. Existing buildings and structures, including structures on adjacent lots within 10 feet of the property line.
9. Proposed structures including setbacks from property lines.
10. Existing and/or proposed ingress and egress, including dimensions of driveways and curbcuts.
11. Existing and/or proposed parking and loading areas including number of spaces (including handicap spaces), dimensions of spaces, aisle widths, etc.
12. Other existing and/or proposed physical improvements on the site such as fences, signs, area lighting, landscaping, etc.
13. Natural features such as significant stands of trees, streams, wetlands, steep slopes, etc.
14. If the site is not basically level, a concept plan showing existing topography and proposed grading.
15. Phasing plan, if applicable.
16. Design Review information pursuant to BMC 17.06.A, 17.120, and 17.121, if applicable.

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C. Floor Plan

1. Exterior dimensions.
2. Dimensions and square footages of identified use areas by type.
3. Location of doors and windows.
4. Interior walls and partitions.

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Deleted: Exterior Elevations

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- D. E. SEPA Environmental Checklist if the project is subject to SEPA review.

17.07.040 Site Plan Review and Approval Procedures

The Site Plan, once approved, establishes the spatial relationships between all the various elements of a development project. As such, all subsequent plans, whether they be landscape plans, civil construction drawings, or building plans must be consistent with the approved Site Plan. For this reason, while associated construction drawings may be submitted concurrently with a Site Plan Review Application, they are generally not reviewed prior to approval of the Site Plan. The Site Plan review and approval procedures include:

- A. Submittal of a complete Site Plan Review Application consistent with the provisions of BMC 17.07.030.
- B. All Site Plan Review Applications shall be submitted concurrently with or prior to the submittal of Building Permit or Land Disturbance Permit Applications. Site Plan Review shall be coordinated with the review of associated development applications to the extent practicable.
- C. Following the submittal of a complete Site Plan Review Application the Technical Review Committee shall place the application on the next available agenda for review by the Committee. The TRC shall review the application for compliance with City zoning, environmental review requirements, and development policies, plans, and regulations that may be applicable to the proposed project.
- D. The TRC may conduct pre-application review upon request. Such pre-application requests shall be submitted on forms provided by the Community Development Services Department, and scheduled for review in the same manner as complete Site Plan Review Applications.
- E. Following each TRC meeting, minutes shall be prepared by the City which summarize the meeting content. Minutes shall be provided to applicants upon request, and are meant to augment and not replace the applicant's responsibility for taking notes or otherwise recording the information provided by the TRC during the meeting.
- F. After considering TRC minutes and comments, the approving authority shall complete a Site Plan Review Response letter indicating any revisions or additions to the Site Plan that are necessary in order to achieve compliance with City standards and requirements. In addition, the Site Plan Review Response letter shall clearly indicate which conditions of approval must be completed prior to issuance of Building Permits, and which conditions of approval must be completed prior to issuance of occupancy certificates. The letter shall be mailed to the applicant.
- G. The applicant shall make any required revisions or additions to the Site Plan and return it to the Community Development Services Department for final approval and stamping.
- H. The Community Development Director shall approve the Site Plan when it is determined that the plan is consistent with the Blaine Comprehensive Plan, zoning, and development regulations. The Director shall distribute stamped approved copies of the Site Plan to the applicant, Public Works Department, Building

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- Division, Fire District, and other persons, departments, or agencies as appropriate.
- I. No final certificate of occupancy shall be issued for any building until such time as all required conditions of approval have been completed, except that temporary certificates of occupancy may be issued upon the posting of a bond or other suitable financial surety adequate to ensure the completion of all required conditions of approval.

17.07.050 Amendments to an Approved Site Plan

All amendments to an approved Site Plan shall be processed in the same manner as identified in 17.07.040, except that, depending on the extent or complexity of the amendments, the Community Development Director may waive one or more elements of the procedures identified in 17.07.040. Upon approval and stamping of an amended Site Plan, the Community Development Director shall distribute the amended Site Plan in the same manner as identified in BMC 17.07.040(H).

17.07.060 Expiration of an Approved Site Plan

- A. An approved Site Plan shall be valid for one-year from the date of approval, after which it shall expire and be considered null and void, provided that:
1. The approved Site Plan may be extended once for an additional period not to exceed one-year upon written request of the applicant which includes the reasons for the requested extension. The written request shall be submitted to the Community Development Director and postmarked prior to the date of the expiration of the approved Site Plan in order to be considered. The Director shall grant such requests only upon a showing by the applicant that he is likely to resolve outstanding issues which have precluded initiation of the project by the submittal of a Building Permit Application.
 2. If a complete Building Permit Application for the proposed project is submitted within one-year of the date of approval of the approved Site Plan, or the expiration date as approved under 17.07.060(A)(1) above, the approved Site Plan shall expire on the same date as the Building Permit expires, if that should occur.

17.07.070 Fees

The fee for Site Plan Review shall be as provided in the City's fee ordinance. Any and all additional costs associated with the review of the application, including city costs associated with retaining consultants to provide third-party review of the application, shall be paid by the applicant prior to the time the cost is incurred. The Community Development Director may require the applicant to deposit funds with the City to be used to pay for necessary third-party review.

17.07.080 Other Permits and Approvals

Nothing in this chapter shall preclude or eliminate the need to obtain other permits or pay fees in accordance with any other requirements identified in this code

SECTION 2: Severability. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3: Effective Date. This Ordinance shall be in force from and after passage by the City Council and approval by the Mayor, if approved, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON on
The _____ day of _____, 2007, and approved by the Mayor on the same day.

CITY OF BLAINE, WASHINGTON

Mike Myers
Mayor

ATTEST/AUTHENTICATE:

APPROVED AS TO FORM:

Sheri Sanchez
City Clerk

Jonathan Sitkin
City Attorney