



Community Development Department

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CHEHALIS PLANNING COMMISSION AGENDA

Regular meeting of September 12, 2023

6:00 PM - Chehalis City Hall Council Chamber, 350 N Market Boulevard

Position 1	Gladis Mendez	Staff:	Todd Johnson, City Planner
Position 2	Melissa Cox		Ron Buckholt, City Planner
Position 3	Scott Forsman		Laura Fisher, Permit Technician
Position 4	Kyle McKerricher, Vice chair		
Position 5	David Fitzpatrick		
Position 6	Derek Dodd		
Position 7	vacant		

AGENDA ITEMS:

1. Call to Order
2. Roll Call
3. Approval of minutes from April 11, 2023.
4. Citizen Business for items not listed elsewhere on the agenda.
5. Commission Business
 - a. Work plan for 2023.
 - i. CMC 17.09 procedural code fix to allow up to 9 lots short plat.
 - ii. Mixed Residential commercial code update
 - iii. Landscape Code workshop and public hearing
6. Public Workshop
 - a. CMC 17.09 Subdivision
7. Adjourn Meeting
 - a. Next meeting will be on October 10, 2023.

Join Zoom Meeting

<https://us06web.zoom.us/j/89231546078?pwd=cDI5ZWQzeGZ6SUxMVTZHRy9objVnZz09>

Meeting ID: 892 3154 6078

Passcode: 970285

Chehalis Planning Commission Minutes

4/11/2023

Start Time: 6:06:40 PM

In Attendance: Melissa Cox – Chair

David Fitzpatrick

Kyle McKerricher

Gladis Mendez

Minutes:

David F. made the motion

Kyle M. 2nd the motion

All in favor

Commission Business:

Ms. Cox mentioned landscaping code. Tammy informed the commission that once Josh is back to full time, the code will be addressed.

Workshop: Cryptocurrency Ordinance– Tammy Baraconi

If someone has 1-2 servers, they are not considered Crypto

Anything over 2 servers will be treated as Crypto and called Cryptocurrency

The process is to be codified, and even afterward, changes can be made. There are no qualifications or certifications required as to who can hold cryptocurrency.

Melissa Cox made a motion to make positive recommendation to City Council

Kyle M. 2nd the motion

All in Favor

Meeting was adjourned

David F. made the motion

Kyle M. seconded the motion

All in Favor

End time: 6:14:30

Approved by: _____

Melissa Cox, Chair

Recorded by: _____

Susan Stayner, Administrative Assistant to the City Manager

City of Chehalis
Planning Commission
Staff Report
September 12, 2023

To: Planning Commission
From: Todd Johnson
Date: September 6, 2023
Subject: Update to CMC 17.09 Permit Processing to allow a short subdivision approval process for up to 9 lots.

Introduction

Staff is recommending an update to CMC 17.09 Permit Processing to allow a short subdivision approval process for up to 9 lots.

In 2002 the state legislature amended RCW 58.17.020 (Definitions of Subdivisions- Plats- Dedications) to allow Cities and Counties Planning under the Growth Management Act with an adopted Comprehensive Plan meeting state requirements to allow up to 9 lots through a short subdivision process. The City of Chehalis is a City that plans under the Growth Management Act with a valid comprehensive plan.

Public Notification and Comment

This initial meeting is to gain information from the Planning Commission on whether to consider this change. With the Direction and input gained at the regularly scheduled planning commission meeting, public notification of the hearing will be published in The Chronicle and the codes and notices will be posted and published online at the City's website. A Public Hearing will be scheduled and noticed for the October Planning Commission meeting.

Environmental Review

A Determination of Non-significance (DNS) will be issued after the public hearing and before it goes to the Council for action.

Staff Analysis and Recommendation

Staff is seeking input on this amendment to the development regulations. Amending this code would reduce the administrative process required for plats proposed greater than 4 and less than 9 lots which are currently required to be processed as a subdivision. This change would also reduce the amount of notice and public participation in the review and approval of plats between 4 and 9 lots. Environmental review and compliance with zoning standards remains unchanged. **Staff is seeking input on this change. A draft of the code as amended to support the proposal is attached for consideration and comment/ discussion. No formal action is needed for the discussion tonight.**

Exhibit A: CMC 17.09 Permit Processing and CMC 17.78 Use/Occupancy

Chapter 17.09

PERMIT PROCESSING

Sections:

- 17.09.010 Introduction.
- 17.09.020 Project review classification.
- 17.09.030 Permit classification table.
- 17.09.040 Preapplication conferences. 17.09.050 Procedures for Type 1 review.
- 17.09.060 Procedures for Type 2 review.
- 17.09.070 Procedures for Type 3 review.
- 17.09.080 Procedures for Type 4 review.
- 17.09.090 Completeness review.
- 17.09.100 Public notice/Notice of application.
- 17.09.110 SEPA threshold determinations.
- 17.09.120 Determination of consistency.
- 17.09.125 Development review committee (DRC).
- 17.09.130 Site plan review.
- 17.09.140 Permit processing.
- 17.09.150 Notice of decision.
- 17.09.155 Notice of public hearing.
- 17.09.160 Appeals.
- 17.09.170 Performance.
- 17.09.180 Public notice requirements.
- 17.09.185 Conditional use permits.
- 17.09.190 Variances.
- 17.09.195 Binding site plans.
- 17.09.200 Planned unit developments.
- 17.09.205 Master planned developments.
- 17.09.210 Rezones, zoning and comprehensive plan amendments.

17.09.010 Introduction.

The purpose of this chapter is to provide for effective and efficient review of land use and development applications with consistent procedures for similar projects, and to combine procedural and substantive environmental reviews with the review of project permit applications under other applicable requirements. This chapter is intended to provide a framework within which the consistency of project permit applications with the city comprehensive plan and development regulations shall be determined.

17.09.020 Project review classification.

Four types of review are established for the purposes of administering this title. The permits included in each Type, the public notice requirements, the hearing body, the decision maker, and appellate body are summarized in Section 17.09.030.

A. The city manager or his/her designee is authorized to determine the classification of review for any permit or approval not identified on the following table.

B. It is the goal of the city to consolidate the permit processing for projects or development activities that require two or more permits or approvals. The city manager or his/her designee shall determine the appropriate means of consolidating the processing of all permits and shall assign the highest Type review classification of the individual permits being sought to the consolidated permit application (with Type 4 being the highest followed by Types 3, 2, and 1). This consolidation may include integrating public hearings, establishing unified comment periods, and/or concurrent reviews. The city manager or his/her designee is authorized to make modifications to the procedural requirements of this title in order to effectively consolidate project reviews.

1. Except for the appeal of a SEPA determination of significance, no more than one open record public hearing and no more than one closed record appeal may occur on a single permit application or master application.

2. A public meeting(s) may be held prior to an open record hearing. A public meeting may include but is not limited to a scoping meeting for the preparation of a draft environmental impact statement or presentation of a final environmental impact statement, an informational meeting, and/or a neighborhood meeting. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the project permit application file.

17.09.030 Permit classification table.

Types of Permit /Approval/Action	Public Notice/Notice of Application	Hearing Body	Decision Maker	Appellate Body
Type 1 Review -Boundary Line Adjustment -Building Permit-Certificate of Appropriateness -Certificate of Design Review -Certificate of Occupancy -Clearing and Grading Permit -Code Enforcement Action -Code Interpretation -Fence Permit -Forest Practices Act Permit -Shoreline Authorization -Short Plat Approval (4 lots or less) -SEPA Action (not requiring public notice) -Shoreline Letter of Exemption -Sign Permit -Site Plan Review -Special Event Permit -Temporary Use Permit	None	None	City Manager or his/her designee	Hearing Examiner
Type 2 Review -Critical Area Permit -Floodplain Development Permit -SEPA Action (requiring public notice) -Shoreline Substantial Development Permit -Variance (with Type 1 or 2 permit)	Yes	None	City Manager or his/her designee	Hearing Examiner
Type 3 Review -Conditional Use Permit -Binding site plan -Preliminary Plat (5 or more lots) /Final Plat -Planned Unit Development -Reasonable Use Exception -Shoreline Conditional Use Permit -Shoreline Variance -Variance (with Type 3 permit)	Yes	Hearing Examiner	Hearing Examiner/ City Council	Superior Court/ Shoreline Hearings Board
Type 4 Review -Comprehensive Plan/ Land Use Map Amendment -Development Regulation Amendment -Rezone -Shoreline Master Program Amendment	Yes	Planning Commission	City Council	Superior Court/ Growth Management Hearings Board

Commented [TJ1]: Needs to change to 9 or less

Commented [TJ2]: Needs to change to 10 or more

17.09.040 Preapplication conferences.

Prior to formal submittal of a Type 2, 3, or 4 permit application, applicants are encouraged to request a preapplication conference with city staff and representatives of appropriate public agencies. The date, time and place of such conferences shall be at the mutual agreement of the participants. Such conferences are intended as an informal discussion and review of possible applications to assist the applicant in discovery of appropriate city regulations, standards, application materials, and review processes that would be required of a project. A preapplication conference does not vest a proposed project permit application.

17.09.050 Procedures for Type 1 review.

Applications subject to a Type 1 review involve administrative action by the city manager or his/her designee without public notice or an open record public hearing. The city hearing examiner shall conduct an open record public hearing for appeals of decisions on Type 1 permits unless otherwise noted in this title.

A. Applications for Type 1 permits shall be processed by the city in accordance with the following general procedures unless the applicant is otherwise notified in writing:

1. Completeness review and determination of complete application;
2. Determination of consistency;
 - a. Site plan and downtown design review, as appropriate;
3. Issuance of a SEPA threshold determination, if required; and
4. Notification to the applicant of approval or denial of the application.

17.09.060 Procedures for Type 2 review.

Applications subject to a Type 2 review involve administrative action by the city manager or his/her designee following distribution of a public notice and the opportunity to submit written comments. The city hearing examiner shall conduct an open record public hearing for appeals of decisions on Type 2 permits unless otherwise noted in this title.

A. Applications for Type 2 permits shall be processed by the city in accordance with the following general procedures unless the applicant is otherwise notified in writing:

1. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;
2. Completeness review and determination of complete application;
3. Determination of Consistency.
 - a. Site plan and downtown design review, as appropriate;
4. Issuance of a notice of application;
5. Issuance of a SEPA threshold determination, if required;
6. Review of public comments; and
7. Issuance of a notice of decision.

17.09.070 Procedures for Type 3 review.

The city hearing examiner shall conduct an open record public hearing before making a decision on Type 3 permit applications. The decision of the hearing examiner is subject to appeal in superior court or, in the case of shoreline permits, to the shoreline hearings board.

A. Applications for Type 3 permits shall be processed by the city in accordance with the following general procedures, unless the applicant is otherwise notified in writing:

1. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;
2. Completeness Review and Determination of Complete Application.
 - a. Site plan and downtown design review, as appropriate;
3. Distribution of a notice of application;
4. Issuance of a SEPA threshold determination, if required;
5. Preparation of a staff report containing relevant information about the application and a determination of consistency. This report may also include a staff recommendation and shall be distributed to the public prior to the open record public hearing;

6. An open record public hearing shall be conducted by the hearing examiner, during which the applicant shall be given the opportunity to present the proposed project and interested parties shall be allowed to make comments and submit written testimony; and

7. Hearing examiner review of the record and issuance of a notice of decision.

8. Note: State law requires that final approval of plats involving five or more lots must be made by the city council and cannot be delegated to the hearing examiner. City staff will review the application for final plat approval and make a recommendation to the city council.

Commented [TJ3]: Nine or more

17.09.080 Procedures for Type 4 review.

Decisions on all Type 4 permit applications shall be made by the city council following an open record public hearing conducted by the planning commission.

A. Applications for Type 4 permits shall be processed by the city in accordance with the following procedures, unless the applicant is otherwise notified in writing:

1. Preliminary site visit/inspection by city staff and/or preapplication meeting, if appropriate;
2. Completeness review and determination of complete application;
3. Distribution of a notice of application;
4. Issuance of a SEPA threshold determination, if required;
5. Preparation of a staff report and staff recommendation that shall be forwarded to the planning commission and be made available for public review prior to the open record public hearing;
6. Distribution of the proposed amendments to state agencies, as appropriate, for review and comment;
7. An open record public hearing shall be conducted by the planning commission, during which the applicant shall be given the opportunity to present the proposed amendment, and interested parties shall be allowed to make comments and submit written testimony;
8. A review of the complete record by the planning commission and the adoption of a recommendation to the city council;
9. The recommendation of the planning commission along with a complete copy of the record shall be provided to the city council for review prior to their decision;
10. City council review and action; and
11. Issuance of a notice of decision.

17.09.090 Completeness review.

All applications shall be submitted on such forms and in accordance with such procedures as may be prescribed by the city; provided, that:

A. All applications shall be signed by the property owner or show owner consent of the application by the agent acting on the owner's behalf;

B. All applicable fees shall be submitted at the time of application unless otherwise specified;

C. A completed SEPA checklist shall be filed at the same time as an application for all permits, except when:

1. The city has determined the activity to be categorically exempt from the requirements of SEPA; or
2. The city and applicant agree that an EIS is required; or

3. SEPA compliance for the proposed project has already been completed; or

4. SEPA compliance has been initiated by another agency;

D. Within twenty-eight days of submittal, the city shall conduct a review of all application materials to determine if the application is complete and ready for processing. The city shall then make a determination of completeness and shall provide the applicant with written notification which states:

1. That the application is complete and ready for processing or that the application is incomplete and what is necessary to make the application complete;

2. To the extent known by the city, other agencies that may also have jurisdiction over the application; and

3. To the extent known by the city, other permits or approvals that may be required;

E. Nothing in this title shall limit the city from incorporating the notice of application and determination of completeness into one document;

F. The issuance of a determination of a complete application shall not preclude the city from requesting additional information from the applicant in order to complete the processing of an application;

G. If the city determines an application is not complete, or that additional information is necessary to complete the review of the application, and the applicant fails to respond to the request from the city in the established time frames, the city shall notify the applicant in writing that the application has lapsed and become void.

17.09.100 Public notice/Notice of application.

When review procedures require a notice of application, the following shall apply:

A. **Timeline.** The notice shall be provided within fourteen days after the determination of completeness is issued.

B. **Content.** The notice of application shall include the following:

1. The file number assigned;

2. The date of application, date of the notice of completeness, and the date of the notice of application;

3. A description of the proposed project action and a list of permits included with the application and, if applicable, a list of requested studies;

4. Identification of known permits not included with the application;

5. Identification of existing environmental documents that evaluate the proposal;

6. The location where the application and any studies can be reviewed;

7. A statement of the public comment period which shall not be less than fourteen or more than thirty days. Shoreline substantial development, conditional use and variance permit applications require a public comment period of not less than thirty days;

8. A statement of the rights of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision and any appeal rights;

9. Any other information determined appropriate by the city.

C. **Legal Notice.** Notice shall be provided in the following manner as applicable:

1. **Mail.** The notice shall be sent by USPS first class mail to the following:

a. The applicant;

- b. Affected city departments via e-mail or interoffice mail;
 - c. State, federal and local agencies with jurisdiction; and
 - d. Any person who requests such notice in writing to the department.
2. Posting of the Property. Notice shall be posted according to the following:
- a. At least one location on or adjacent to the subject property that shall be clearly visible and legible from an adjacent street or public area;
 - b. The director shall determine the specifications to the construction and installation of the notice boards;
 - c. The posting shall remain in effect for the duration of the public notice period.
3. Publishing Notice. A published notice in the city's official newspaper of general circulation within the city boundaries and on the city's website is required. The content shall include the following:
- a. Project location;
 - b. Project description;
 - c. Type of permit(s) required;
 - d. Comment period and dates;
 - e. Location where the complete application may be viewed.

D. Integration of Notices. The city will integrate the notice of application with SEPA review whenever possible. Notification for a notice of application should be combined with the notification for threshold determination and the scoping for a determination of significance whenever possible.

E. Issuance of Decisions. Except for a threshold determination, the city may not issue a decision or a recommendation on a permit until the expiration of the public comment period.

F. Public Comments. Comments shall be as specific as possible. Comments shall be received by the last day of the comment period specified in the notice. If no comments are received by the date specified in the notice from an affected city department or agency with jurisdiction, which notification was sent to, then it is presumed that the department or agency has no comments.

17.09.110 SEPA threshold determinations.

A threshold determination is required for any proposal that is not categorically exempt within ninety days that an application and supporting documentation has been deemed complete. All threshold determinations shall result in a determination of nonsignificance (DNS), or a determination of significance (DS); provided, that the city may also issue a mitigated determination of nonsignificance (MDNS) based on conditions attached to the proposal, or on changes to or clarifications of the proposal made by the applicant.

A. After submission of an environmental checklist and prior to a threshold determination, the city shall notify the applicant if it is considering issuing a DS. As a result, the applicant may clarify or change features of the proposal to mitigate the impacts which make the DS likely. If a proposal continues to have a probable significant adverse environmental impact, even with the mitigating measures, an EIS shall be prepared.

B. If a preliminary SEPA threshold determination was not made in conjunction with a notice of application, and no probable significant adverse impacts are anticipated, a determination of nonsignificance shall be issued and a fifteen-day comment period may be required.

C. If a predecision open record public hearing is required, the SEPA threshold determination must be issued at least fifteen days before the hearing.

D. If the city makes a SEPA determination of significance (DS) concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice.

E. Whenever the city makes a threshold determination, it shall seek to include the public notice for the SEPA action with the notice of application or notice of decision for any associated land use application(s) or permits; provided, that:

1. If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS by publishing a notice in the city's newspaper of record;
2. Whenever the city issues a DS, all public notices shall state the scoping procedure for the required EIS; and
3. Whenever the city issues a DEIS (draft EIS), or SEIS (supplemental EIS), notice of the availability of those documents shall be given by at least two of the following methods:
 - a. Indicating the availability of the DEIS or SEIS in any public notice required for an associated land use application or permit;
 - b. Posting the property, for site-specific proposals;
 - c. Publishing notice in the city's newspaper of record;
 - d. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
 - e. Notifying the news media; and/or
 - f. Publishing notice in agency newsletters and/or sending notice to agency mailing lists.

F. Mitigation measures incorporated in the MDNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit or enforced in any manner specifically prescribed by the city.

G. Nothing in this section shall limit the authority of the city in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 43.21C RCW.

17.09.120 Determination of consistency.

As part of all project and application reviews, the city shall determine if a proposed project or development activity is consistent with applicable city development regulations, and the goals, policies, and objectives of the adopted comprehensive plan.

17.09.125 Development review committee (DRC).

The purpose of the Development review committee is to oversee orderly growth and development through a predictable review process that provides a developer with all the necessary information to successfully develop while ensuring that all levels of government have participated in the process as necessary.

A. Site Plan Review, when required-Development Review Committee membership.

1. Site plan review and/or DRC approval shall be required prior to the initial or additional use of land or activity, where city services will be provided within the boundaries of the Chehalis comprehensive plan. Specifically:
 - a. The construction or location of any residential building in which two or more dwelling units would be contained;

- b. The construction or location of any public, commercial or industrial building;
- c. Annexations;
- d. Rezones;
- e. Subdivisions, short and long;
- f. Capital improvement projects that exceed the SEPA threshold or trigger CAO review;
- g. As required by this zoning code.

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

3. An application, in completed form, shall be filed for site plan review and approval with the appropriate department. An application shall not be in completed form under this section if it fails to contain any of the information and material required under CMC 17.09.130(B).

4. The DRC shall consist of the following department members: the director of community development, the city manager, the building official, and the water/wastewater utilities administrator, the city engineer, the fire chief, police chief, airport manager, port manager, city attorney or their designee.

B. Review by the DRC.

1. The DRC shall approve, disapprove or approve with conditions any site plan submitted in compliance with Chapter 17.09 CMC. The action taken by the DRC will be submitted to the building official for subsequent action on the building permit application. An applicant can request a preliminary site plan review with the understanding that the committee response is advisory in nature and is not intended to be construed as final approval or vesting of the project.
2. The DRC shall review a site plan and approve, or approve with conditions, site plans which conform to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances. The DRC shall make the determination of complete application to the applicant as required in Chapter 17.09 CMC and shall make a determination of consistency in accordance with Chapter 17.09 CMC on projects that require DRC approval. Whenever the DRC disapproves a site plan, it shall set forth in writing the findings which shall specify the particular standards, provisions and policies to which the site plan fails to conform and the reasons why it fails to conform.
3. The decision of the DRC shall be final unless appealed in accordance with Chapter 17.09 CMC.

C. Appeals.

1. The hearing examiner shall not approve or disapprove a site plan or proposal different from that approved or disapproved by the DRC. The intent of this section is to ensure that the hearing examiner and the DRC make decisions based on the same set of plans or proposal. If the hearing examiner receives a site plan or proposal different from that considered by the DRC, the site plan or proposal shall be referred back to the DRC for further consideration.
2. The hearing examiner shall hear site plan applications referred or appealed to the hearing examiner and approve, or approve with conditions, site plans which conform to the standards, provisions and policies of

the city as expressed in its various plans and ordinances. Similarly, the hearing examiner shall disapprove site plans which do not conform to such standards, provisions and policies.

17.09.130 Site plan review.

The purpose of a site plan review is to help ensure that new development activities do not adversely affect the public health, safety and welfare of residents of Chehalis, and that new development activities are compatible with existing patterns of development and the provisions of the Chehalis comprehensive plan. All required site plans shall be approved by the DRC.

A. A site plan review shall be required for all proposed development activities in the residential (R-1, R-2, R-3, R-4, and R-UGA) and the commercial and industrial zones (EPF, C-O, C-N, C-G, C-F, CBD, I-L, and I-H), , unless waived in writing by the city. Single family homes and development that does not require a building permit are exempt from this requirement.

1. In addition to a site plan review, proposed development activities located within the special districts must also comply with Title 17, Division IV. Special Districts.
2. Development activities subject to a site plan review shall be determined by the city and shall include new construction, modifications to existing uses or structures that increase the size of the building or the intensity of the use, and/or changes of use.
3. The site plan review shall include the whole site, including subsequent phases of development without regard to existing or proposed lot lines.
4. A site plan review permit is separate from and does not replace other required permits such as a conditional use permit or a shoreline substantial development permit. A site plan review may be combined and reviewed concurrently with other permits and approvals, as determined by the city.
5. The site plan review must be conducted prior to, or with the approval of the city concurrent with, the review of any required building permit or clearing and grading permit applications.

B. A complete site plan review application shall be submitted in a format prescribed by the city and may include, but is not limited to, the following on plans that are drawn to scale:

1. The location and dimension of the lot(s).
2. Existing topography and natural features.
3. Proposed grading and drainage facilities, including areas to be preserved or protected for the implementation of low impact development stormwater features in accord with the provisions of the Chehalis Engineering Design Manual.
4. The footprint of existing and proposed structures, proposed building heights, proposed building setbacks, and the proposed uses.
5. The location of existing and proposed roads, access plans, parking facilities, loading areas, curbs, drains, paving, hydrants, sign and light pole locations, walls, fences, walks, approaches, and proposed landscaping plans.
6. The location of existing and proposed water, storm, and sanitary sewer lines and facilities.
7. The nature, location, dimensions of environmentally sensitive areas, shorelines, or floodplain areas and their associated buffers, if any, on or adjacent to the site.
8. All required technical reports prepared by experts with demonstrated qualifications in the area(s) of concern.

9. Any additional information deemed necessary by the city.

C. The city may approve a proposed site plan in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

1. The project is consistent with the Chehalis comprehensive plan and meets the requirements and intent of the Chehalis Municipal Code, including the type of land use and the intensity/density of the proposed development.
2. The physical location, size, and placement of the development on the site and the location of the proposed uses within the project minimize impacts to any critical resource or floodplain area to the greatest extent possible or are compatible with the character and intended development pattern of the surrounding properties.
3. The project makes adequate provisions for water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection to ensure that the proposed project would not be detrimental to public health and safety.
4. Public access and circulation including non-motorized access, as appropriate, are adequate to and on the site.
5. Adequate setbacks and buffering have been provided. Any reduction to setbacks or buffer widths is the minimum necessary to allow for reasonable economic use of the lot and does not adversely impact the functional value of the critical resource area or adjoining land uses.
6. The physical location, size, and placement of proposed structures on the site and the location of proposed uses within the project are compatible with and relate harmoniously to the surrounding area.
7. The project adequately mitigates impacts identified through the SEPA review process, if required.
8. The project would not be detrimental to the public interest, health, safety, or general welfare.

D. Authorization of a site plan review shall be valid for one year after the effective date and shall lapse at that time unless a building permit has been issued.

1. The city may extend the site plan review one time for an additional year if it finds that the regulations on which the site plan review is approved have not changed substantially.
2. Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city shall not be held responsible for notification of expirations. All requests for additional time must be submitted to the community development department at least 30 days prior to expiration of site plan approval.

17.09.140 Permit processing.

A. Applications determined to be complete and accepted for processing may be approved or disapproved by the city in accordance with the procedures in this chapter; provided, that:

1. The city may request additional information from the applicant at any time and may suspend the processing of an application(s) pending the receipt of requested information.
 - a. Such requests shall be made in writing and shall identify the additional information required, the reason for the information, and the time frames for submitting the additional information.
 - b. If the applicant does not respond to the request for additional information within one year, the application may be terminated.

B. The city may approve, approve subject to conditions, or deny an application based on the information included in the record.

1. In approving an application, the city may impose such conditions and safeguards as may be required to comply with the provisions of this title and to protect the public health, safety, and welfare. These conditions and safeguards may include, but are not limited to, the following:

a. Measures identified during the environmental review process including but not limited to;

- i. Flood plain development
- ii. Stormwater compliance
- iii. Creeks and streams
- iv. Slopes

b. Measures necessary to comply with the provisions of the Chehalis comprehensive plan;

c. Measures necessary to comply with provisions of the Chehalis Municipal Code, including but not limited to; and/or

- i. Airport overlay zone
- ii. Historic districts
- iii. Port of Chehalis
- iv. Urban Growth Area

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. This may include, but is not limited to:

- i. Increasing the required lot size, setback or yard dimensions;
- ii. Limiting the height of buildings or structures;
- iii. Controlling the number and location of vehicular access points;
- iv. Requiring the dedication of additional rights-of-way for future public street improvements identified in an adopted transportation plan;
- v. Requiring the designation of public use easements and the recording of same;
- vi. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
- vii. Limiting the number, size, height, shape, location and lighting of signs;
- viii. Requiring view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
- ix. Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;
- x. Limiting hours and size of operation; and
- xi. Controlling the siting of the use and/or structures on the property.

2. The city may deny an application based on finding that the proposed action:

- a. Would have a probable, significant, adverse impact on the environment that cannot be reasonably mitigated;
- b. Is not consistent with the goals and policies of the Chehalis comprehensive plan;
- c. Information required by the city in order to complete the processing was not provided in accordance with the provisions of this title; or
- d. Does not comply with the provisions of the Chehalis Municipal Code.

17.09.150 Notice of decision.

A notice of decision shall be issued for all Type 2, 3 and 4 permit applications. A notice of decision may not be issued until the expiration of the comment period on the notice of application.

A. Notices of decision shall include:

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; and
4. A description of applicable appeal procedures.

17.09.155 Notice of hearing.

When review procedures require a notice of hearing, the following shall apply:

- A. Notice Integration. A notice of hearing is required for public hearings. A notice of hearing may be integrated with the notice of application.
- B. Notice Content. A written notice of hearing shall contain the following information:
 1. The name of the applicant or designated contact;
 2. A description of the affected property (not including any legal description);
 3. Project summary/description of each project permit application;
 4. The application/project file number;
 5. The date, time and place of the hearing;
 6. A statement that all interested persons may appear and provide testimony;
 7. A statement where information may be examined or obtained, and the staff contact and phone number;
 8. A statement how written testimony or comments may be submitted;
 9. The SEPA threshold determination along with any appropriate statement regarding any shared or divided lead agency status and phased review, and stating the end of any final comment period;
 10. The deadline (date, time and place) for submitting a SEPA appeal;
 11. A statement regarding any administrative appeal process including SEPA appeal.
- C. Appeal Notification. Notification for a hearing on an open-record or closed-record appeal shall be provided in the following manner:
 1. Mail. The notice shall be sent by USPS first class mail, e-mail or interoffice mail to the following:

- a. The applicant/appellant;
- b. Parties of record;
- c. Affected agencies;
- d. Parties requesting notice; and
- e. Other persons whom the department believes may be affected by the action.

D. Project Permit Notification. Notification for a hearing on a project permit shall be provided in the following manner as applicable:

1. Mail. The notice shall be sent by first class mail or higher to the following:
 - a. The applicant;
 - b. All property owners of real property (as shown by the records of the Lewis County assessor's office) within three hundred feet of the subject property; and
 - c. Any person providing a written request to the department;
 - d. Where any portion of a property abutting the subject property is owned, controlled, or under the option of purchase by the applicant, all property owners within a three-hundred-foot radius of the total ownership interest shall be notified by mail as referenced above.
2. Posting of the Property. The notice shall be posted in the same manner and location(s) as the notice of application set forth in CMC 17.09.100.
3. Publishing Notice. A published legal notice in the city's official newspaper of general circulation within the city boundaries is required. The content of the published notice shall include the following information:
 - a. Project location;
 - b. Project description;
 - c. Type of permit(s) required;
 - d. Comment period and dates;
 - e. Location where the complete application may be viewed.

E. Notice Deadlines. Notice shall be given at least fourteen days before the hearing date except:

1. Shoreline permits pursuant to WAC [173-27-110\(3\)](#) shall be given at least fifteen days.
2. An integrated notice of hearing and notice of application shall be given at least fifteen days.
3. An integrated notice of hearing and notice of a SEPA threshold determination shall be given at least fifteen days.

F. Continuation of Hearing. Continued hearings do not require additional notices of hearing.

G. Additional Procedures. In addition to the procedures contained in this chapter, the department may develop general procedures for notification, including mailing packets and the format of the notice and an affidavit of posting/mailling form to be filled out by the party doing notice.

17.09.160 Appeals.

A. Standing to initiate an administrative appeal of Type 1 and 2 reviews is limited to the applicant or owner of the property in which the project permit is proposed, parties of record, affected agencies or tribes, or any person aggrieved by the final decision and who will suffer direct and substantial impacts from approval or denial of the project. The term "parties of record" for the purposes of this title shall mean:

1. Any person who testified at the open record public hearing on the application; or
2. Any person who submitted written comments in response to the notice of application or environmental review; or
3. Any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).

B. All appeals of interpretations or actions regarding Type 1 and 2 reviews shall be filed in a format prescribed by the city along with the required fee, within fourteen days of the date of the interpretation or action. If the deadline to file an appeal falls on a weekend or on a city holiday, the deadline shall become the next business day. The city shall mail written notice to all parties of record to apprise them of all open and closed record public appeal hearings and shall place a public notice in the city's newspaper of record at least fourteen days before the open record appeal hearing.

1. The notice of appeal shall specify the claimed error(s) and issue(s) which the appellate body is asked to consider and shall specifically state all grounds for such appeal. Issues or grounds of appeal which are not so identified need not be considered by the appellate body;
2. The appellants and any respondents to the notice of appeal shall have the opportunity to present oral and written arguments during open record appeal hearings. For all closed record appeals, the record shall be limited to information presented during the preceding open record hearing. Oral argument shall be confined to the established record and to any alleged errors in the decision;
3. Following an appeal hearing, the appellate body may affirm, reverse or modify the decision of record and shall adopt its own written findings and conclusions in support of its decision; and
4. The city may require an applicant and/or the appellant to reimburse the city for the cost of preparing materials to be used during open record public hearings or closed record appeals including but not limited to the cost of copying, taping, and/or transcribing a certified record of the proceedings.

C. Appeals of SEPA threshold determinations or SEPA actions shall be combined with any appeals of associated applications or permits.

1. If the final decision incorporates the SEPA threshold determination subject to a fourteen-day comment period, a joint twenty-one-calendar-day appeal period shall be provided on both the project decision and the SEPA threshold determination.

D. All Type 3 and Type 4 land use decisions and the decisions of the hearing examiner on appeals of Type 1 and 2 permits may be appealed by a party with standing to file a land use petition in Washington State Superior Court, unless otherwise specified, in accordance with the provisions of Chapter 36.70C RCW. Such petition must be filed within twenty-one days of issuance of the decision. This process shall be the exclusive means of judicial review except for local land use decisions reviewable by a quasi-judicial body created by state law, such as the shorelines hearings board.

1. Appeals of decisions of shoreline permits shall be heard by the Washington State Shorelines Hearings Board in accordance with the provisions of Chapter 90.58 RCW.
2. Proposed amendments to the city's shoreline master program must be approved by the Washington State Department of Ecology. Appeals of decisions on proposed amendments by the Department of Ecology shall be heard by the Washington State Growth Management Hearings Board in accordance with the provisions of Chapter 90.58 RCW.

17.09.170 Performance.

A. Any action authorized under this title shall be completed within two years from the date of approval, unless otherwise specified by the city. Failure to meet the time limit set shall void the approval; except that the city may authorize a time extension upon request, provided such extension request is filed in writing prior to the required completion date. Such extension request shall detail unique and special circumstances that prohibited the completion of the use authorized.

B. The city may revoke a project permit issued pursuant to this title if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted have not been complied with or are not now being maintained.

1. If the city finds the conditions and safeguards made part of the terms under which the project permit was granted have not been complied with or are not being maintained, the city shall prescribe a reasonable time for correction, and if corrections are not made within the time limit, the permit may be suspended or revoked.
2. The suspension or revocation of a permit may be appealed to the city hearing examiner in order to show cause why such permit approval should not be suspended or revoked.
3. An application for a permit previously revoked under this section cannot be submitted until all remedial actions required of the applicant/project sponsor/ property owner have been completed and all fines, penalties, and fees paid.

C. Violation of such conditions and safeguards, when made part of the terms under which the project permit is granted, shall be considered a violation of this title and may result in suspension or revocation of the permit and/or enforcement actions in accordance with the provisions of the Chehalis Municipal Code.

17.09.185 Conditional use permits.

- A. The city's policy is to mitigate the impacts of conditional uses through special conditions of approval. Where impacts cannot be mitigated effectively, the review authority shall deny the application. A conditional use may be approved or modified only when all of the following criteria are met:
1. The use is listed as a conditional use in the master use table in CMC 17.78 Use/Occupancy;
 2. Is suitable for the proposed site considering size, shape, location, topography, existence of improvements and natural features;
 3. Is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use;
 4. The location, size, and functional characteristics of the proposal are such that it can be made reasonable compatible with and have minimal impact on the livability and development opportunities in the neighboring area;
 5. Is not inconsistent with the applicable goals and policies of the Chehalis comprehensive plan and the purpose of the underlying zone;
 6. Complies with all applicable site plan review requirements; and
 7. Does not have significant environmental consequences when compared with other permitted uses in the underlying zone which cannot be mitigated through conditions of approval.

- B. The review authority may impose conditions of approval as necessary to protect the public interest, achieve compliance with the Chehalis comprehensive plan, or to mitigate any adverse impacts resulting from approval of uses or impacts subject to this chapter.
- C. The review authority, on its own motion, may initiate proceedings consistent with the procedures provided in the Chehalis municipal code, to revoke land use approval for noncompliance with the requirements of the title or conditions of approval listed in the final decision approving the conditional or nonconforming use or development.
- D. Decisions may be appealed consistent with the provisions of CMC 17.09.160, Appeals.

17.09.190 Variances.

This section shall govern the issuance of variances for certain provisions of this title.

- A. A variance may be granted to the density, dimension, height, setback and development standards; provided, that all other provisions of this title can be met.
- B. Under no circumstances shall the city grant a variance to allow a use not permissible under the terms of this title in the zoning district involved, or any use expressly or by implication prohibited in the zoning district by the terms of this title.
- C. Variances may be approved by the city based on a finding that such variance will not be contrary to the public interest and the comprehensive plan or where literal enforcement of the provisions of this title would result in undue hardship. A variance shall not be granted unless the city further finds that the applicant has demonstrated all of the following:
 - 1. That special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do exist; and
 - 2. That because of such special circumstances, strict application of this title would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zoning district classification; and
 - 3. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district classification in which the property is situated; and
 - 4. That the special circumstances do not result from the actions of the applicant; and
 - 5. That the granting of a variance will be in harmony with the general purpose and intent of this title, the specific zoning district, and the comprehensive plan.

17.09.195 Binding site plans.

A. Type of application.

General and final binding site plans are Type III applications; such applications shall be processed in accordance with procedures set forth in CMC Title [17](#). This process does not apply to binding site plans originally approved prior to December 1, 2020.

B. Purpose.

This chapter provides for an optional method for the division for lease or sale of commercial or industrial property, condominiums and tiny home parks and/or mobile home parks through the use of a binding site plan as provided for in Chapter [58.17](#) RCW. This method may be employed as an alternative to the subdivision and short subdivision procedures in this title when consistent with this chapter. The overall process for approving a binding site plan is a two-step process in which general binding site plan approval is obtained first, and specific binding site plan approval is obtained second.

C. Requirements for a complete application.

These requirements are in addition to the minimum application requirements in CMC [11.06.002](#).

1. *General Binding Site Plan.*

- a. The application submittal requirements of CMC [15.08.020](#);
- b. A copy of the site plan as approved by the city through the grading or building permit, planned unit development or other development application process;
- c. A copy of any existing, recorded or proposed covenants, conditions and restrictions, property owners' association bylaws and incorporation documents, and all other private restrictions or provisions currently applicable or which may become applicable to the subject property;
- d. If an existing residential development, evidence of the vote or appropriate association approval authorizing the submittal of the application;
- e. A copy of a title company certification (current within 60 days from filing of the binding site plan) confirming that the title of the lands as described and shown on the binding site plan is in the name of the owner(s) signing the binding site plan; and
- f. The number of copies as directed by the city.

2. *Final Binding Site Plan.*

- a. The number of copies as directed by the city;
- b. Required information as set forth in CMC [15.10.020](#);
- c. Approved plans and documents from the applicable general binding site plan;
- d. A statement indicating that all development on the subject parcel is bound to the binding site plan; and
- d. Reference by recording number to the covenants, conditions and restrictions and property owners' association incorporation documents applicable to the property.

D. Scope – Property allowed to use the binding site plan process.

1. The division of property by binding site plan is limited to the following:

- a. Divisions of land into lots with a zoning classification allowing industrial or commercial uses;
- b. A division for the purpose of lease when no residential structures other than manufactured/mobile homes or travel trailers are permitted to be placed upon the land, provided the site plan complies with all applicable manufactured/mobile home park regulations and the zoning code;
- c. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot which contains insufficient area and dimension to meet the minimum requirements for lot circle and lot area as determined by the underlying zoning classification; and
- d. A division of land subject to Chapters [64.32](#) and [64.34](#) RCW as now in effect or hereafter amended so long as the site plan complies with the standards for condominiums under applicable Chehalis Municipal Code provisions.

2. *Concurrent Applications.* When an applicant wishes to utilize the binding site plan process, a binding site plan may be applied for and reviewed concurrent with an application for a general binding site plan.

3. *Existing Development.* Approved condominium developments, approved mobile home parks, approved final planned unit developments and approved building permits for any of the developments identified within this section which have been approved prior to the effective date of this chapter shall hereafter qualify as an approved general binding site plan. The division or redivision of land for sale or lease qualifying under this subsection may be achieved through either the specific binding site plan, subdivision or, if four or fewer lots, the short subdivision process.

Commented [TJ4]: Strike the reference to number of lots

4. *Binding Site Plan Runs with the Land.* After a general or specific binding site plan is filed with the auditor of the county in which the land lies, all persons, parties, their successors, heirs or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property of the subject site or portions thereof, shall be bound by the conditions and inscriptions attending the general/specific binding site plan.

E. Procedure – General binding site plan.

1. The general binding site plan shall be considered by the appropriate decision body as provided for within Chapter [11.04](#) CMC.
2. *Criteria for Review.* The general binding site plan shall be reviewed for consistency with the Chehalis... Comprehensive Plan and with the applicable development regulations in the Chehalis Municipal Code.

F. Procedure – Final binding site plan.

1. *Filing – Final Binding Site Plan.* A final binding site plan shall be filed with the department of community development at such time as the property owner(s) intends to sell or lease a portion of property as approved in a general binding site plan.
2. *Limitations.* The final binding site plan shall not be used to modify the provisions of the approved general binding site plan, building permit, final occupancy permit, or associated planned unit development other than to divide lots for sale or lease within areas designated for lot development in the general binding site plan.
3. *Review Procedures – Final Binding Site Plan.* The final binding site plan shall be reviewed for compliance with the conditions of the general binding site plan, building permit, applicable planned unit development conditions and all other applicable regulations in effect at the time of application.
4. *Approval and Recording.* Upon determination of consistency, the final binding site plan shall be signed by the community development director and the public works director and filed with the county auditor of the county in which the property is located.

G. Special provisions applicable to condominium developments subject to Chapter 64.34 or 64.32 RCW.

The following additional conditions shall be required:

1. The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;
2. The city has approved a general binding site plan pursuant to CMC [15.12.050](#) for the subject property;
3. All necessary documents are recorded with the county in which such land is located; and
4. The binding site plan contains the following statement on the face of the binding site plan:
All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein. [RCW [58.17.040\(7\)\(e\)](#)]
5. The general binding site plan for a condominium development shall be deemed approved if the subject property has received final approval of a preliminary subdivision, planned unit development, a building permit, or a final certificate of occupancy has been issued.

H. Modifications.

1. *Binding Site Plan Modifications.* Modifications to a binding site plan shall be processed in the same manner as the original binding site plan.
2. *Information Waiver.* The city manager or appointee may waive the submittal of required information for general and final binding site plans if the information is either recorded or recorded by reference with the auditor and is available in the city's file(s).
3. The city may rescind all or a portion of a general or final binding site plan upon the request of the owner or owners of a legal lot or lots subject to a recorded binding site plan; provided, that any portion of a binding site plan which is rescinded shall be considered to be one lot unless divided by an approved subdivision or short division.
4. Signatures of the owners of those portions of a binding site plan which are not proposed to be altered by an amendment or rescission are not required on the amended binding site plan or application for rescission.

17.09.200 Planned unit developments.

The purpose of this chapter is to provide for public spaces, parks and trails consistent with the adopted community vision and plans, thereby creating an integrated system of linked local and regional trails, public rights-of-way and utility corridors for the use and enjoyment of all Chehalis residents and the general public. PUD's are meant for lands of 10 acres or less and will obtain full build out within 10 years. Lands over 10 acres or developments that will take more than 10 years for full build out must follow the master planned development code. The purpose of the planned unit development (PUD) approval process is to allow flexibility in site planning, building design, open space, parks and trails, circulation facilities and other features, while providing for the orderly development of the city consistent with the Chehalis comprehensive plan and the following objectives:

- A. Allow for planned development equal to or superior to traditional lot-by-lot subdivisions by providing for a mixture of single-family or multifamily residential buildings, including but not limited to single-family homes, townhouses and condominiums in one development that are architecturally and spatially compatible;
- B. Promote flexibility, variety and innovation in site and building design subject to provisions of this chapter. Buildings in groups shall be related by common materials and roof styles, but contrast shall be provided throughout the site by the use of varied materials, architectural detailing, building scale and orientation;
- C. Encourage efficient street design, utility systems and public services and uses of land that could include development clustering;
- D. Provide and ensure preservation and enhancement of usable open spaces, parks and trails;
- E. Ensure that pedestrian and vehicular circulation facilities, parking facilities and other pertinent amenities are an integral part of the landscape and provide a safe integration of pedestrian, bicycle and vehicular traffic;
- F. Ensure that recreational areas (active and passive) generally are dispersed throughout the development and easily accessible from all dwelling units;
- G. Preserve and enhance natural vegetation and natural landscape features of the site; avoid development on steep slopes, wetlands and riparian areas; and protect and enhance critical fish and wildlife habitat areas, pursuant to Title 17, Division III., Environmental Districts;
- H. Maintain surface water and groundwater quality through employment of best management practices and recent science in planning and designing stormwater drainage systems that are uniquely adapted to the site and the affected environment;
- I. Provide for a multi-modal transportation system;

J. Provide for the transition of new developments into the existing community through innovative design, screening, buffering, building setbacks and other measures to assure compatibility with existing zoning and plan districts, and adjacent existing neighborhoods.

K. PUDs must be approved in conjunction with a site plan review and/or subdivision, whichever is applicable and as a Type 3 review. PUD approval involving uses that are not permitted outright or conditionally in the underlying zone are purely discretionary. Such uses must be approved by the hearing examiner through the conditional use permit process with a positive recommendation from the DRC and adoption of a finding that the proposal is consistent with the policies and procedures of the Chehalis comprehensive plan.

17.09.205 Master Planned Development.

A. Master Planned Development created.

1. There shall be, and hereby is, created a special district to be known as the master planned development (MPD) district. Such districts shall be unique to a specific application and approval process identified in this chapter.
2. Any approved MPD shall be added to Appendix Chapter P and shall include all conditions of approval.

B. Purpose:

The purpose of this district is to protect land within the Chehalis Urban Growth Area (UGA) from premature land division and development that would preclude efficient transition to urban development and impede fulfillment of the goals contained within the Chehalis Comprehensive Plan. The MPD designation shall be applied on sites that are 10 acres or greater in size. The City may apply the MPD designation to lands within the UGA or other lands within the city boundaries.

The MPD is a separate zoning classification that is intended to allow new development which is consistent with the comprehensive plan. More specifically, the purpose of this district is to:

1. Facilitate the efficient use of land and provide for a comprehensive review of integrated development projects;
2. Increase economic feasibility by fostering an efficient arrangement of land uses, buildings, transportation systems, open space and utilities;
3. Preserve or enhance natural amenities, features, shorelines and critical areas in the development of a particular site;
4. Identify significant environmental impacts and ensure appropriate mitigation;
5. Provide certainty regarding the character, timing and conditions of the MPD within an identified geographic area and vest such projects through a public review process;
6. Encourage environmentally sustainable development;
7. Provide needed services and facilities in an orderly, fiscally responsible manner;
8. Create vibrant mixed-use neighborhoods, with a primary focus on housing, but that also includes commercial, civic and recreational opportunities; and
9. Promote consistency with the goals, policies and objectives of the City of Chehalis and Lewis County Comprehensive Plans.

Applicants for MPD will be encouraged to utilize unique and innovative approaches that encourage the efficient and economical use of the land; promote a sound system for traffic and pedestrian circulation; promote open space and use of natural and/or developed amenities; and provide an architecturally attractive, durable, and energy-efficient development.

C. Supporting documentation.

An application for an MPD shall be accompanied by a project narrative and a conceptual master site plan that allows for analysis of overall project concepts and phasing as well as review of how the major project elements work together to implement city goals and policies. Master plan review allows for consideration and mitigation of cumulative impacts from large-scale development and allows for coordination with city capital improvement

planning. Master plan review should occur at an early stage in the development of a project, when the scale, intensity and layout of a project are known. Specific application materials include the following:

1. A legal description and site location map of the property showing the location of the site and its relationship to surrounding areas, including existing streets, driveways, major physiographic features such as lakes, streams, shorelines, schools, parks and other prominent features;
2. A conceptual master site plan showing compatibility of development within the master plan area, and compatibility of anticipated uses in areas adjacent to and abutting the master plan area. Unless waived in writing by the city planning department as inapplicable or unnecessary to the understanding of the preliminary MPD, the conceptual master site plan shall show at a minimum the following items:
 - i. Site boundaries;
 - ii. Streets abounding or abutting the site;
 - iii. Existing topographic contours at intervals of not more than five feet, together with conceptual grading, drainage, and landscaping plans;
 - iv. Special features, including all existing environmentally sensitive areas (as identified within the city municipal code) accompanied with a text describing conditions or features which cannot be accurately displayed on maps or drawings;
 - v. Existing buildings and indication of future use or disposition;
 - vi. Proposed land uses and densities;
 - vii. Proposed development areas including building footprints, including conceptual elevations or illustrative photos of similar development, identification of types, the number of dwelling units in each residential type and the number of square feet in each commercial type;
 - viii. Proposed location of off-street parking facilities showing points of ingress to and egress from the site;
 - ix. Proposed pedestrian and vehicular circulation pattern and proposed types of circulation facilities;
 - x. Proposed location and dimension of all common open spaces;
 - xi. Proposed location of utilities including water, sewer, storm drainage, solid waste collection, power and communications;
 - xii. Proposed streets and associated improvements and parks and open spaces;
 - xiii. Any other specific information requested by the city planning department or any other applicable provisions of the Chehalis Municipal Code;
3. A preliminary development plan consisting of a written statement for development setting out detailed information concerning the following subjects as they may be involved in the development, including, but not limited to the following items:
 - i. Market analysis of proposed use;
 - ii. Proposed ownership method;
 - iii. Proposed operation and maintenance of development and landscaping;
 - iv. Provisions to assure permanence and maintenance of common open spaces through homeowner association formation, condominium development, or other means acceptable to the city;
 - v. General timetable for development, including future phases;
 - vi. Impact on community facilities and services including but not limited to streets, schools, parks, medical, fire, police, water, sewer, storm drainage, solid waste and public transportation;
 - vii. Compatibility with surrounding land uses; and
 - viii. An assessment of how the project is consistent with the purpose of the comprehensive plan and base zone, as well as MPD criteria.

D. Certain exemptions applicable.

An MPD proposal need not consider the requirements or limitations of Division V of this title, Land Use Zones (Zoning), provided:

1. Uses occurring in a MPD development shall include the permitted, accessory and temporary uses identified in CMC 17.78.020 (zoning use chart); except, limited "prohibited" uses may be allowed when the planning commission finds that the nature and design of the development proposal precludes negative

impacts between normally incompatible uses, and the SEPA process does not identify any significant adverse impacts. Such "prohibited" uses should be limited to not more than 10 percent of the development proposal and the applicant must demonstrate that negative or nuisance impacts will not be created by the proposal;

2. Any request for a variance from any applicable requirements of this title shall require a consideration of other reasonable site design alternatives, and demonstrate wherein such alternatives are inconsistent with CMC 17.39.030, Intent/purpose;
3. No building or structure shall be higher than its distance to the MPD district boundary, and in no case higher than the capability of the city's fire department response apparatus as determined by the fire chief;
4. The applicant shall demonstrate that the proposed parking configuration is consistent with recognized industry standards for the applicable uses; and
5. The provision of essential public services identified in the proposal shall be approved by the purveyor of such services. [Ord. 750B § 10, 2003; Ord. 720B § 1, 2002.]

E. Consistency with Division II of this title, Subdivisions.

1. Any aspect of an MPD proposal which requires consistency with Division II of this title, Subdivisions, shall be submitted for review and approval as required in Division II of this title.
2. No MPD proposal shall be approved until all applicable requirements of Division II of this title have been accomplished. [Ord. 720B § 1, 2002.]

F. Consistency with Division III of this title, Environmental Districts.

1. Any aspect of an MPD proposal which requires consistency with Division III of this title, Environmental Districts, shall be submitted for review and approval as required in Division III of this title.
2. No MPD proposal shall be approved until all applicable requirements of Division III of this title have been accomplished. [Ord. 720B § 1, 2002.]

G. Consistency with Division VII of this title, General Provisions.

Any aspect of an MPD proposal which requires consistency with any applicable section of Division VII of this title, General Provisions, shall cause the city to incorporate such requirements as a condition of approval. Such requirements shall be made a matter of record during the applicable review process. [Ord. 720B § 1, 2002.]

H. Application for MPD.

An MPD, approved in accordance with the procedures of this chapter, shall be limited to those which are specifically approved in MPD development plan including recreational and open spaces, and shall achieve a net urban density of four units per acre. MPDs may specifically permit all proposed uses and developments which can be shown to be in conformance with the policies of the comprehensive plan.

1. Application for an MPD shall follow the requirements for a conditional use process identified in CMC 17.09.115.
2. Applications for an MPD shall not be SEPA exempt proposals and shall comply with all applicable requirements of Chapter 17.15 CMC, State Environmental Policy Act (SEPA). [Ord. 720B § 1, 2002.]

I. Initiation of project – Application – Fee.

A completed application must include all supporting documentation as identified within this chapter and a nonrefundable filing fee together with a written commitment to pay all fees associated with the project as established by resolution of the city council. Application shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit, or their duly authorized agent or agents. The ownership of all the parcels to be included must join in or be represented in the application. MPD projects may be initiated by any owner or group of owners of property acting jointly, or as a developer authorized to act as an agent for an owner or group of owners.

J. Phased development.

Development of the project may be phased, in which case each complete phase may be processed separately through both preliminary development plan review and final development plan review. A map showing all property owned or controlled by the applicant which is contiguous to the initial development site together with a description of said properties' possible eventual development through all potential phases, shall be submitted with the application for the first phase. The described plan shall conform to the purposes of this chapter. The city's comprehensive plan shall be used by the city in reviewing all phases of the development.

No development shall be allowed until applicable requirements of this chapter are met. Compliance with applicable plan goals and policies is deferred until the MPD has been approved.

17.09.210 Rezones, zoning regulations and comprehensive plan amendments.

A. Purpose.

The comprehensive plan is a document which guides the nature and intensity of the development in the city. An amendment to the plan is a mechanism by which the city may modify its land use, development or growth policies in order to respond to changing circumstances or needs of the city. Therefore, the purpose of this chapter is to provide guidance as to how the comprehensive plan of the city of Chehalis will be updated and amended over time. Amendments to the plan may involve changes in the written text or in the map designation adopted as part of the plan, or to supporting documents, including capital facilities plans. This chapter states the specific procedures and review criteria necessary to process comprehensive plan amendments. Plan amendments will be reviewed in accordance with the state Growth Management Act (GMA), the county-wide planning policies, applicable capital facility plans, other pertinent city plans, official population growth forecasts and key growth indicators.

Additionally, many rezone requests and changes to the zoning regulations require an underlying change to the comprehensive plan. As such they should be processed together whenever possible. If there are no necessary changes to the comprehensive plan required to affect the requested rezone or zoning regulations, the application shall be processed as a Type 4 review.

B. Who may initiate.

1. The city council or the planning commission may initiate consideration of an amendment to the comprehensive plan. An affirmative vote of not less than a majority of the total members of the council is required to initiate consideration of an amendment.
2. A resident or a property owner may apply for an amendment to the comprehensive plan in conformance with CMC 17.09.210.

C. Time to initiate.

1. Subject to subsections (C) and (D) of this section, the city council or the planning commission may initiate consideration of an amendment to the comprehensive plan at any time. A new element may be added to the comprehensive plan at any time.
2. Subject to subsections (C) and (D) of this section, a resident or property owner may apply for an amendment to the comprehensive plan between January 1st and March 1st. At any other time during the year, a resident or property owner may request that the planning commission or city council initiate consideration of an amendment to the comprehensive plan.
3. An amendment to the comprehensive plan may not be initiated by the planning commission or by a private party unless at least two years have elapsed since the adoption or review and reaffirmation of the element or subarea plan affected by the proposed amendment. In addition, at least three years must elapse between amendments to the land use designation of a property. These time limits do not apply if the applicant proves that there exists obvious technical error justifying the need for the amendment.
4. The planning commission may defer review of a proposed amendment if review of the affected subarea is scheduled or reasonably likely to occur within the calendar year the proposed amendment was requested.

D. Applicable procedure.

1. General. Subject to subsection (B) of this section, the city will process an amendment to the comprehensive plan using the planning commission as an advisory body and the appropriate city staff to perform analysis of the application.
2. Notice of Receipt of Private Application. In addition to notice required under Chapter 20.02 CMC, the city shall provide the following public notice:
 - a. Content. The city shall prepare notice of the receipt of a private application for a comprehensive plan amendment containing the following:
 - i. The name of the applicant and, if applicable, the project name; and
 - ii. If the application involves specific property, the street address or tax account number used by the Lewis County assessor's office, and a description in nonlegal terms sufficient to identify its location; and
 - iii. If the application involves specific property, a vicinity map indicating the location of the subject property; and
 - iv. The citation of CMC 17.09.150, 17.09.160 and 17.09.170 outlining the decision process; and
 - v. A brief description of the action, permit or approval requested in the application; and
 - vi. A description of the upcoming geographic scope and public hearing process.
 - b. Time of Notice. The city shall provide notice of the receipt of a private application for a comprehensive plan amendment within thirty calendar days of receipt of that application.
 - c. Means of Notice. The city shall provide notice of the receipt of a private application for a comprehensive plan amendment by:
 - i. Publishing notice of receipt in a local newspaper; and
 - ii. Posting notice of the receipt of the application at each official posting place; and
 - iii. If the application involves specific property rather than an area-wide change, then the city must mail notice of the receipt of the application to each property owner within two hundred feet or who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable city department.

E. Determination of Geographic Scope of Proposal. Prior to providing public notice, the city shall establish the geographic scope of the proposed amendment.

F. Expansion of the geographic scope of the proposal.

- a. In order to allow for consideration of nearby property, similarly situated property or area-wide impacts, the city council or the planning commission may expand the geographic scope of a private initiated amendment.
- b. The city shall consider the following in deciding whether to expand the scope of the proposed amendment:
 - i. The effect of the proposed amendment on the adjoining areas of the city; and
 - ii. The effect of the proposed amendment on the land use and circulation pattern of the city or subarea; and
 - iii. The effect of the proposed amendment on the future development of the city or subarea.

c. Notice. Within thirty calendar days of establishing the geographic scope of the proposal, the city shall provide notice of the proposed comprehensive plan amendment describing its geographic scope by:

- i. Giving notice as described in CMC 17.09.100; and
- ii. Mailing notice of the proposed comprehensive plan amendment to each owner of real property within two hundred feet of any boundary of the subject property and of any contiguous property in the applicant's ownership.

G. Overall method of review.

Proposed plan amendments that are submitted for review shall be subject to the applicable criteria of this chapter. The review shall be processed as outlined in CMC 17.09.150, 17.09.160 and 17.09.170. Applications for plan map amendments are generally processed in conjunction with concurrent rezone requests. Zoning map amendments must be to a zone corresponding to the requested comprehensive plan map designations. Concurrent zoning map amendments must meet all the approval criteria of this chapter and zone changes consistent with the comprehensive plan map shall be considered subject to the approval criteria for rezones.

H. Application.

The criteria and requirements of this chapter shall apply to all applications or proposals for changes to the comprehensive plan text, policies, map designations, zoning map or supporting documents. For the purposes of establishing review procedures, criteria and timelines, amendments shall be distinguished as follows:

- a. Comprehensive plan map changes involving urban growth area (UGA) boundary changes;
- b. Comprehensive plan map changes not involving changes to UGA boundaries;
- c. Comprehensive plan policy or text changes;
- d. Changes to other plan documents (such as capital facilities);
- e. Out-of-cycle amendments limited to the following:
 - i. Emergency;
 - ii. Initial adoption of a subarea plan;
 - iii. Adoption or amendment to a shoreline master program;
 - iv. To resolve an appeal of the comprehensive plan filed with the growth management hearings board or from a court of competent jurisdiction.

I. Plan map changes—Procedure.

- a. Application for all plan amendments shall be considered legislative actions, subject to the application review procedures outlined in CMC 17.09.150, 17.09.160 and 17.09.170.
- b. Site-specific plan map amendments requested by private parties shall be considered legislative actions, subject to the application review procedures outlined in CMC 17.09.150, 17.09.160 and 17.09.170.

J. Submittal requirements.

- a. The city shall specify the submittal requirements, including type, detail and number of copies, for a comprehensive plan amendment application to be deemed complete and accepted for filing.
- b. The city may waive specific submittal requirements determined to be unnecessary for review of application.

K. Decision criteria.

The planning commission may recommend, and the city council may approve with modifications an amendment to the plan if:

- a. There exists an obvious technical error in the pertinent comprehensive plan provision; or
- b. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and
- c. The amendment bears a substantial relation to public health, safety and welfare; and
- d. The amendment addresses changing circumstances or the needs of the city as a whole; and
- e. The amendment is compatible with the provisions of the comprehensive plan or other goals and policies of the city; and
- f. If applicable to an identified property, the amendment is compatible with adjacent land use and surrounding neighborhoods; and
- g. The amendment will not result in development which will adversely impact community facilities, including, but not limited to, utilities, transportation, parks or schools.

L. Comprehensive plan review.

General Goals and Policies. The planning commission shall review and consider plan amendments to the goals and policies regularly at five- year intervals.

M. Cumulative impact.

In reviewing all prospective comprehensive plan changes, the city of Chehalis shall analyze and assess the following to the extent possible:

- a. The cumulative impacts of all plan map changes on the overall adopted plan, plan map and relevant implementing measures, and adopted environmental policies;
- b. The cumulative land use environmental impacts of all applications on the applicable local geographic area and adopted capital facilities plan;
- c. Where any adverse impacts are identified, the city may require mitigation. Conditions which assure that identified impacts are adequately mitigated may be proposed by the applicant, and if determined to be adequate, imposed by the city as part of the approval action.

N. Public hearing.

- a. Any person may participate in the public hearing on the rezone application by:
 - i. Submitting written comments on the application to the city prior to the public hearing; or
 - ii. Submitting written comments or making oral comments to the planning commission at the public hearing.
- b. The city shall transmit all written comments received prior to the public hearing to the planning commission no later than the date of that hearing.
- c. The planning commission shall make an electronic sound recording of the hearing on the application and provide written minutes of that hearing.

O. Planning commission recommendation.

- a. After the public hearing and any necessary public study sessions on the application, the planning commission shall either recommend approval, approval with modifications or denial of the application. The planning commission's recommendation shall be based on the criteria included in CMC 17.09.210(1).

- b. The planning commission may recommend approval or approval with modifications only if the application or the application as modified complies with the applicable criteria of this chapter. In all other cases, the planning commission shall recommend denial of the application.
- c. A vote to recommend approval or approval with modifications must be by a majority vote of the planning commission members present and voting. Any other vote constitutes a recommendation of denial of the application.
- d. The planning commission's recommendation shall be transmitted to the city council for their action.

P. City council action.

- a. Within sixty days of receipt of the recommendation from the planning commission, the city council shall consider the application at a public meeting. The following elements are to be considered in deciding upon the application:
 - i. The application; and
 - ii. The minutes of any public hearing on the application and any written material submitted in accordance with CMC 17.09.120(L); and
 - iii. The city staff recommendation on the application; and
- b. The recommendation of the planning commission; and
 - i. The recommendation of any other affected board or commission; and
 - ii. Any comments on the application received at the public meeting or received by the city council; and
 - iii. Any other relevant information.
- c. The city council shall take one of the following actions:
 - i. Adopt an ordinance or resolution approving the proposal; or
 - ii. Adopt an ordinance or resolution approving the proposal with modifications; or
 - iii. Adopt a motion denying the proposal; or
 - iv. Refer the proposal back to the planning commission for further proceedings, in which the council shall specify the time within which the planning commission shall report back to the city council with a recommendation on the proposal.
- d. The city council shall adopt an ordinance or resolution which approves or approves with modifications the proposal by a majority of the membership of the council. Any other vote on the proposal constitutes a denial of the application.
- e. The decision of the city council is the final decision of the city subject to the decision being appealed to superior court.
- f. The applicant may commence activity or obtain other required approvals or permits seven calendar days following the effective date of the ordinance or resolution. Activity commenced prior to the expiration date of the full appeal period provided in this chapter is at the sole risk of the applicant.

Q. Appeal of city council action to superior court.

Any person adversely affected by the decision may appeal the decision of the city council. A person filing an appeal must make application to the superior court for a writ of certiorari, writ of prohibition or writ of mandamus. The

decision of the city council must be appealed to superior court no more than twenty calendar days following the effective date of the city council decision on the application or is thereafter barred.

R. Fees.

Application fees for all plan amendments and zone changes shall be considered as follows:

- a. Fees for plan amendments and zone changes shall be noted in the city's fees and other charges resolution.
- b. If multiple similar applications are received in the same review period, the fees set in the city's fees and other charges resolution may be adjusted downward to reflect actual cost.