

**Freight Rail Dependent Use Advisory Committee – Final Recommendation June 20, 2018**

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1 **40.520.040 Site Plan Review**

2 A. Purpose.

3 The purpose of this section is to provide a plan review process that is proportional to the potential impacts of a  
4 proposed development. With the exception of minor development proposals, site plan review is intended to provide  
5 public notice to encourage public participation, and help ensure a transparent review and approval process.

6 (Added: Ord. 2010-08-06)

7 B. Applicability.

8 1. Site plan review is required for new development and modifications to existing development, unless  
9 expressly exempted by this chapter.

10 2. A site plan is subject to a Type II review process as provided in Section 40.510.020 if the proposal meets  
11 one (1) or more of the following:

12 a. Conditional use;

13 b. Planned unit development;

14 c. New development in all urban holding, urban residential, office residential, business park, mixed use,  
15 university, commercial, industrial, surface mining, freight rail dependent use overlay and airport zones;

16 d. Change of use from residential to commercial or industrial use;

17 e. A modification to existing permitted development or a permitted modification to an existing  
18 nonconforming use, as allowed under Section 40.530.010, if it will cause any of the following:

19 (1) An increase in density or lot coverage by more than ten percent (10%) for residential development  
20 if the change is made along the development site perimeter; or twenty percent (20%) or more for the  
21 development;

22 (2) A change in the type of dwelling units proposed in a residential development (e.g., a change from  
23 detached to attached structures or a change from single-family to multifamily) if the change is made  
24 along the development site perimeter;

25 (3) An increase of more than ten percent (10%) in required on-site parking or an increase of more  
26 than forty (40) on-site parking spaces, unless the required parking spaces exist on site and meet the  
27 design standards for parking and landscaping;

28 (4) An increase in the height of an existing structure(s) by more than fifty percent (50%) if the  
29 structure is located within twenty (20) feet of the property lines;

30 (5) A change in the location of accessways to frontage roads where off-site traffic would be affected;

31 (6) A change in the location of parking where the parking is closer to land zoned or used for  
32 residential or mixed residential/other purposes;

33 (7) A change in location or increase in size of a stormwater facility if the change is made along the  
34 development site perimeter;

35 (8) An increase in vehicular traffic generated to and from the site of more than twenty (20) average  
36 daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation  
37 Manual or substantial evidence by a professional engineer licensed in the state of Washington with  
38 expertise in traffic engineering;

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- 1 (9) An increase in floor area of a structure used for nonresidential purposes by more than ten percent  
2 (10%) and at least five thousand (5,000) square feet;
- 3 (10) A SEPA determination is required by Chapter 40.570;
- 4 (11) A reduction in the area used for recreational facilities, screening, buffering, landscaping and/or  
5 open space by more than ten percent (10%), provided the minimum standards and conditions of approval  
6 under the original decision are met; or
- 7 (12) A modification, other than one listed in this section, if subject to Type II review based on the  
8 post-decision procedures in Section 40.520.060 or based on other sections of this title;
- 9 f. Aboveground storage tanks over two thousand (2,000) gallons and underground tanks larger than ten  
10 thousand (10,000) gallons in size. SEPA review is required for underground tanks over ten thousand  
11 (10,000) gallons. CARA provisions in Sections 40.410.010(B) and 40.410.020(A) may also apply.
- 12 3. A site plan is subject to a Type I review process as provided in Section 40.510.010 if:
- 13 a. It is not subject to Type II review under Section 40.520.040(B)(2);
- 14 b. It is a vacant commercial pad located within a larger development which has received previous site  
15 plan approval, if:
- 16 (1) The commercial pad is served by stormwater facilities already approved within the overall  
17 development site; and
- 18 (2) Changes to the approved overall development site plan are not proposed (e.g., changes to site  
19 access, parking, required landscaping, etc.);
- 20 c. It is not exempt under Section 40.520.040(B)(4); or
- 21 d. It is listed below:
- 22 (1) Walk-up or drive-through vendors such as espresso and coffee carts, flower stands and food carts  
23 that do not exceed three hundred (300) square feet; provided, that such uses are accessory to existing  
24 legally permitted nonresidential development on the same site;
- 25 (2) Neighborhood parks; or
- 26 (3) Aboveground tanks over one hundred twenty-five (125) gallons up to and including two thousand  
27 (2,000) gallons. CARA provisions in Sections 40.410.010(B) and 40.410.020(A) may also apply.
- 28 4. The following land uses and development are exempt from site plan review, provided applicable standards  
29 of this title are met:
- 30 a. A single-family detached dwelling and modifications to it;
- 31 b. A duplex or triplex and modifications to it on a lot created and approved for such use;
- 32 c. Development exempt from review under Chapter 14.05;
- 33 d. Modifications to the interior of existing structures that do not change the use or the amount of a use;
- 34 e. Changes in use that do not require a need for an increased number of parking spaces over those  
35 required for the existing use, based on Table 40.340.010-4. The proposed change in use must be a permitted  
36 use in the zoning district and may not violate the existing site plan approval. The existence of on-site parking  
37 greater than the minimum number of spaces required for a new use exempts a development from site plan

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1 review; provided, all parking spaces meet the design standards for parking and landscaping. Additional  
2 transportation impact fees (TIC fees) may apply;

3 f. Land divisions;

4 g. School modulars or portables, provided:

5 (1) The total gross floor area of the modulars does not exceed thirty percent (30%) of the gross floor  
6 area of the existing school building, not including existing modulars; and

7 (2) The project is either exempt from SEPA, or the applicant takes on lead agency status for SEPA;  
8 and

9 h. Other development the responsible official finds should be exempt, because it does not result in an  
10 increase in land use activity or intensity or in an adverse impact perceptible to a person of average  
11 sensibilities from off-site, and because the county can assure the development complies with applicable  
12 standards without site plan review.

13 (Amended: Ord. 2006-09-13; Ord. 2006-11-07; Ord. 2007-06-05; Ord. 2009-12-01; Ord.  
14 2010-08-06; Ord. 2012-07-03; Ord. 2012-12-14; Ord. 2012-12-23)

15 C. Binding Site Plans.

16 1. The purpose of binding site plan approval is to provide an alternative to the standard subdivision process  
17 for specific types of development. The binding site plan shall only be applied for the purpose of dividing land for:

18 a. Sale or for lease of commercially or industrially zoned property as provided in RCW 58.17.040(4);

19 b. Lease as provided in RCW 58.17.040(5) when no residential structure other than manufactured homes  
20 or travel trailers are permitted to be placed upon the land; provided, that the land use is in accordance with  
21 the requirements of this title; and

22 2. In addition to the requirements of a standard site plan, a binding site plan shall contain:

23 a. Inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the  
24 land; and

25 b. Provisions making any development conform to the site plan.

26 3. In addition to the requirements of a standard final site plan, a final binding site plan application shall  
27 contain:

28 a. Survey prepared by a licensed land surveyor in the state of Washington showing the project boundary  
29 with mathematical closures and any land division lines created through the binding site plan process; and

30 b. Parcel area of lots expressed in square footage for developments in the urban area and acreage for  
31 developments in the rural area.

32 (Amended: Ord. 2004-11-04; Ord. 2010-08-06; Ord. 2011-08-08)

33 D. Approval Process.

34 1. A site plan subject to a Type I review is not subject to pre-application review unless requested by the  
35 applicant.

36 2. A site plan subject to a Type II review is subject to pre-application review pursuant to Section 40.510.020,  
37 unless waived.

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1 3. An application for a pre-application review of a site plan shall comply with the submittal requirements in  
2 Section 40.510.050 regarding pre-application review.

3 4. An application for a review of a site plan shall comply with the submittal requirements in Section  
4 40.510.050.

5 5. Developments that are subject to site plan review and require grading an area of more than fifteen thousand  
6 (15,000) square feet are subject to the requirements in Section 40.570.080(C)(3)(k) even if the development is  
7 exempt from SEPA.

8 (Amended: Ord. 2010-08-06; Ord. 2013-06-15)

9 E. Approval Criteria.

10 1. If the responsible official finds that a site plan application does or can comply with the applicable approval  
11 and development standards, the responsible official shall approve the site plan, or approve the site plan subject to  
12 conditions of approval that ensure the proposed development will comply with the applicable standards.

13 2. If the responsible official finds that a site plan application does not comply with one (1) or more of the  
14 applicable approval or development standards, and that such compliance cannot be achieved by imposing a  
15 condition or conditions of approval, the responsible official shall deny the site plan application.

16 3. If a site plan is subject to a standard(s) over which the responsible official does not have sole jurisdiction,  
17 then the responsible official shall not make a final decision regarding the site plan until the related decision(s)  
18 regarding the applicable standard(s) has been received.

19 4. A change of use on a lawfully developed site with nonconforming landscaping and screening shall be  
20 brought into compliance with standards in Section 40.320.010, subject to the following:

21 a. An alternate landscaping or screening plan may be approved if:

22 (1) Compliance with requirements in Section 40.320.010 is not reasonably possible due to location of  
23 existing structures, topography, life safety concerns, etc.; or

24 (2) Requirements for on-site parking, including access drive aisles, will not meet standards in Section  
25 40.340.010; or

26 (3) The required landscaping improvements exceed ten percent (10%) of the value of construction  
27 costs of all building and site improvements, except landscaping, for the change in use; however, the  
28 minimum requirements under Section 40.520.040(E)(4)(b) shall be met.

29 b. At a minimum, outdoor storage areas shall be screened from adjoining properties or public  
30 rights-of-way by a six (6) foot fence or wall meeting the F2 standard.

31 5. Site Plan Approval Criteria. In addition to other applicable provisions of this code, a site plan application  
32 shall comply with the following standards or modifications or variations to those standards permitted by law:

33 a. Use and development standards of the applicable base zones and overlay zones in this title;

34 b. Sign standards in Chapter 40.310;

35 c. Landscaping and screening design standards in Chapter 40.320;

36 d. Crime prevention guidelines in Chapter 40.330;

37 e. Parking and loading standards in Chapter 40.340;

38 f. Transportation and circulation standards in Chapter 40.350;

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- 1 g. Solid waste and recycling standards in Chapter 40.360;
- 2 h. Sewer and water standards in Chapter 40.370;
- 3 i. Stormwater and erosion control standards in Chapter 40.386;
- 4 j. Critical areas standards in Subtitle 40.4;
- 5 k. Fire safety standards in Chapter 15.12; and
- 6 l. Applicable ADA standards.

7 (Amended: Ord. 2007-06-05; Ord. 2009-01-01; Ord. 2010-08-06; Ord. 2012-07-03; Ord.  
8 2015-11-24)

9 F. Final Site Plan/Final Construction Plan Review.

10 1. Submittal Requirements. All of the materials listed below must be submitted for a complete application,  
11 unless otherwise authorized by the responsible official:

- 12 a. Completed application form;
- 13 b. Application fee pursuant to Title 6;
- 14 c. Construction Plans. Where improvements are required, plans for such improvements shall be  
15 submitted to the County Engineer who shall review them for conformance with conditions of preliminary  
16 site plan approval and other adopted county standards as of the date of preliminary site plan approval.  
17 Approval shall be given by the signature of the County Engineer on the construction plans. Improvements  
18 shall be designed by or under the direct supervision of a licensed engineer where required by statute  
19 (Chapters 18.08, 18.43, and 18.96 RCW). The licensed engineer shall certify same by seal and signature. All  
20 construction plans shall comply with the provisions of the Clark County Code.

21 Unless waived by the County Engineer, the construction plan set shall include the following elements:

- 22 (1) Final grading plan pursuant to Chapter 40.386;
- 23 (2) Final transportation plan pursuant to Chapter 40.350;
- 24 (3) Final signing and striping plan;
- 25 (4) Final stormwater plan and Technical Information Report (TIR) pursuant to Chapter 40.386;
- 26 (5) Proposed erosion control plan pursuant to Chapter 40.386;
- 27 (6) Final landscaping plan;
- 28 (7) Final wetland and/or habitat mitigation plan;
- 29 (8) Final water and wastewater disposal plan; and
- 30 (9) Additional information as required by the responsible official consistent with the conditions of  
31 the preliminary approval or as otherwise required by the code;

32 d. Proposed Final Site Plan. Unless waived by the responsible official, a proposed final site plan shall be  
33 approved prior to the issuance of a building permit for all development subject to site plan review. Where  
34 construction plans are required, the proposed final site plan shall be included as a sheet in the construction  
35 plan set. The proposed final site plan shall include the following:

- 36 (1) Project name;

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- 1 (2) Legend;
- 2 (3) Location, including one-quarter (1/4) section, section, township, range, and, as applicable,
- 3 donation land claim and/or subdivision;
- 4 (4) Boundary survey;
- 5 (5) Lot, block and street right-of-way and centerline dimensions;
- 6 (6) Street names;
- 7 (7) Scale, including graphic scale, north arrow and basis of bearings;
- 8 (8) Identification of areas to be dedicated;
- 9 (9) Special setbacks (if any);
- 10 (10) Private easements (if any);
- 11 (11) Utility easements;
- 12 (12) Walkways (if any);
- 13 (13) Building square footage; and
- 14 (14) Parking layout and number of spaces;
- 15 e. Conditions, covenants and restrictions, notes, and/or binding agreements as required by this code,
- 16 SEPA, conditions of preliminary plat approval or other law, including but not limited to the following:
  - 17 (1) Private road maintenance agreement, if applicable,
  - 18 (2) Stormwater covenant, if applicable,
  - 19 (3) Wetland and/or habitat covenant(s), if applicable,
  - 20 (4) Recorded conservation covenant, if applicable, and
  - 21 (5) Latecomer's agreement, if applicable;
- 22 f. Verification of installation of required landscape;
- 23 g. Copy of recorded public and private off-site easements and right-of-way dedications for required
- 24 improvements;
- 25 h. Final archaeology comments, if applicable;
- 26 i. Receipt showing payment of concurrency modeling fees;
- 27 j. Other supporting documents required pursuant to the preliminary site plan decision.
- 28 2. Copies. All plans and materials shall be submitted in the format and number established by the responsible
- 29 official.
- 30 3. Construction Plan and Final Site Plan Review Procedure.
- 31 a. Final site plan/final construction plan applications are subject to a Type I review pursuant to Section
- 32 40.510.010.

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- 1           b.    The responsible official shall approve final site plan/final construction plans and forward the final site  
2 plans to the appropriate department for issuance of a building permit if the approval criteria below are met:
- 3               (1)    The construction plans, if required, and final site plan are in proper form as established by the  
4 submittal requirements;
- 5               (2)    The construction plans, if required, meet the technical performance requirements of the county.  
6 Improvements were designed by or under the direct supervision of a licensed engineer where required by  
7 statute (Chapters 18.08, 18.43, and 18.96 RCW) and the licensed engineer has certified same by seal and  
8 signature;
- 9               (3)    The construction plans, if required, and final site plan are in conformance with the conditions of  
10 the preliminary site plan approval; and
- 11              (4)    The construction plans, if required, and final site plan are in compliance with the requirements of  
12 this chapter and all applicable, adopted statutes and local ordinances.
- 13           c.    The construction plan approval shall be given by the signature of the County Engineer on the  
14 improvement plans.
- 15           (Amended: Ord. 2004-11-04; Ord. 2006-05-01; Ord. 2009-01-01; Ord. 2015-11-24)