

Chapter 17.32
Commercial Site Development Plan

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17.32.010 Purpose. The purpose of a Commercial Site Development plan is to provide an alternative method of land division as provided for in RCW 58.17.035 or as it may be amended, for the sale or lease of commercial and industrial properties and condominiums. A binding site plan includes a survey together with a developer agreement. This Chapter is to establish a comprehensive site plan review process for selected commercial developments.

17.32.020 General provisions. Applications for Commercial Site Development Plan shall be processed as Class 2 Permits in accordance with the following provisions:

- A. For purposes of this Chapter commercial developments shall include:
 - 1. Recreational Vehicle Parks;
 - 2. Mobile Home Parks;
 - 3. Mixed use developments (Commercial/Residential);
 - 4. Wireless Communication Facilities (New Facilities or Major Modifications)
- B. Commercial Site Development Plan shall be processed in conjunction with other applicable permits and approvals, except that:
 - 1. No building permit applications may be submitted or development activities initiated until a required commercial site development plan has been approved.
- C. Approved Commercial Site Development Plan, where necessary, shall contain a Phasing Plan. The failure of the Applicant to perform in accordance with the terms and conditions of the Phasing Plan may result in the suspension, revocation, or modification of any approved permits.
- D. Wireless Communication Facilities Modifications that do not change the nature or intensity of the approved development and that do not create new environmental impacts not previously addressed, shall be considered minor modifications and

processed as a Class 1 permit. All other modifications shall be processed as a Class 2 permit.

- E. The City may require performance guarantees and/or the execution of a Development Agreement in accordance with the provisions of State Law as a condition of approval.

17.32.030 Applicability. A Commercial Site Development plan may be performed as an alternate method of land division under the following circumstances:

- A. The division of land into two or more lots, parcels, or tracts located in a commercial, public, or industrial zoning district.

- B. The division of land for lease when no other structure(s) other than mobile (manufactured) homes or recreational vehicles are to be placed on the land.

- C. The division of land into lots or tracts when performed in accordance with Chapters 64.32 and 64.34 RCW, and RCW 58.17.040(7) or as they may be amended.

- D. A commercial site development plan permit is separate from and does not replace other required permits such as conditional use permits, variances, or shoreline substantial development permits. A commercial site development permit may be combined and reviewed concurrently with other permits.

17.32.040 Administration.

The administration of this chapter is set forth within the provisions of this chapter and ZMC Title 17. The planning official is vested with the duty of administering and interpreting the provisions of this title and with the authority to summarily approve, approve with conditions, disapprove, or return for modification all proposed commercial site development plans. Prior to the submission of a commercial site development plan application, the applicant should arrange for a pre-application meeting.

17.32.050 Application.

An applicant shall submit a complete commercial site development plan application to the planning department. A complete application for the purposes of this chapter shall consist of the following:

- A. A fully completed and signed (by those individuals or corporations holding any ownership or security interest) commercial site development plan application form provided by City Hall that contains the information as required by Chapter 17.05 ZMC;

- B. Ten copies of a scaled drawing of at least one inch to 100 feet which provides the following information:

1. A legal description of the area being divided;
2. The boundaries of the section (tract(s) or plat or lots) within which the commercial site development plan lies;

3. The boundary lines, dimensions and area of the commercial site development plan and the lots within it;
4. Proposed Commercial Site Development plan name and lot numbers;
5. The location and width of all roads, access easements and driveways;
6. The location and width of all existing and proposed utility easements;
7. The boundaries, dimensions and area of all tracts or parcels to be dedicated or reserved for public or community uses;
8. The location of all existing and proposed water distribution systems, sewage disposal systems, stormwater systems, irrigation systems, all utility lines necessary to serve the development, and their relation to landscape and buffer areas and natural features;
9. Parking plan;
10. Landscape plan listing the type, size, species and spacing of all landscaping to remain and all new landscaping pursuant to all City landscape and design ordinances;
11. Exterior lighting plan showing the location of all existing/proposed lighting features other than those to be installed on the structure;
12. Master sign plan showing the approximate size, height, location, color, material, etc., of all existing/proposed signs;
13. Fire protection system locations and access including proposed fire lanes, fire hydrants, fire department connections, building construction type and sprinkler system designation;
14. The location of the 100-year floodplain and floodway, if applicable;
15. The location of all water courses and the ordinary high water mark and approximate boundaries of all areas subject to inundation, if applicable;
16. Site plan showing the location and size of all proposed structures, and existing structures to remain, buffer areas, setbacks, open spaces, common areas or plazas, walkways and parking areas, all abutting streets. Contours at two-foot intervals for zero to five percent cross slope; five-foot intervals for five to 30 percent cross slope; 10-foot intervals for over 30 percent cross slope; and spot elevations to determine the general locations of high and low points thereof;
17. Zoning and comprehensive plan designations; and
18. North arrow;

C. Three sets of road plans and profiles for all proposed roads and improvement specifications;

D. The delineation, location, classification, and required analysis or mitigation plans as required for critical areas, including fish and wildlife habitat conservation areas, aquifer recharge areas, geologically hazardous areas, wetlands, and frequently flooded areas as presently contained in this code, or as amended;

E. SEPA checklist, if required;

F. Any other information deemed necessary by the planning official for the adequate review of the proposed commercial site development plan in conformance with the provisions of this title and all other applicable federal, state and local regulations; and

G. Payment of all applicable review and application fees.

17.32.060 Preliminary Commercial Site Development Plan review.

A. Commercial site development plans shall be subject to the procedures established in Chapter 17.06 ZMC.

B. Once the determination of a complete application is made, the planning official shall solicit comments on the proposal from the public works, city engineer, fire chief /building official or designee, local utility purveyors, Zillah School District (if applicable), Yakima County Public Services, Washington State Department of Transportation (if the proposal abuts or could potentially adversely affect a state highway), irrigation district (if the proposal is within a district), Washington State Department of Ecology (if proposal involves a wetland or aquifer recharge area), and other appropriate agencies with jurisdiction or expertise. The referral agencies shall have 14 calendar days to return their written comments. Failure of the referral agencies to respond within the prescribed time will be interpreted as their having no comment on the proposal as submitted.

C. Pursuant to the timelines delineated within Chapter 17.06 ZMC, or such other period as the applicant may authorize, the planning official shall process the application and submit to Hearing Examiner to approve, conditionally approve, or disapprove the proposed commercial site development plan in writing, subject to the review criteria and required findings as outlined in ZMC 17.06.040.

17.32.070 Review criteria and required findings.

A. The proposed preliminary commercial site development plan shall be reviewed and approved only when the following criteria and findings are satisfied:

1. Compliance with the provisions of this title and all other applicable titles contained in this code;
2. Conformity with all applicable zoning requirements;
3. Conformance with the provisions contained in the comprehensive plan;

4. Consistency with applicable design standards;
5. Compliance with the provisions of any applicable federal, state and local law;
6. Appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including safe walking conditions for students who only walk to and from school; and
7. The public interest will be served by the commercial site development plan and dedications.

B. The planning official may disapprove a proposed commercial site development plan because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

C. As a condition of approval, the planning official may require dedication of land to any public body, provisions for public improvements to serve the subdivision, and/or developer fees imposed under RCW 82.02.050 through 82.02.090 or as it may be amended.

1. No dedication, provision for public improvements, or developer fees imposed under RCW 82.02.050 through 82.02.090 or as it may be amended shall be allowed that constitute an unconstitutional taking of private property.

D. Preliminary commercial site development plan approvals are valid for a period of five years. During that period, the conditions of approval must be fulfilled or bonded for as provided in Chapter 17.26 ZMC and filed for record with the Yakima County Auditor. If the conditions attached to the preliminary commercial site development plan approval are not satisfied or appropriately bonded for, and the commercial site development plan is not filed for record within the required period, preliminary approval of the commercial site development plan shall become null and void.

17.32.080 Final approval and recording.

A. Upon receipt of six copies of the draft final mylar, prepared by a surveyor in conformance with the provisions contained in this section; a plat certificate issued within the preceding 30 days, including confirmation that the title to the lands as described and shown on said commercial site development plan is vested in the owners whose names appear on the plat certificate or instrument of dedication, and any easements or restrictions affecting the property, with a description of the purpose and referenced by the Auditor's recording number; and applicable review fees; the planning official shall circulate the draft final mylar to agencies and individuals whose signatures are required on the final mylar for recording. Said corrected draft final mylar shall be returned to the applicant's surveyor with notice to the applicant within 21 days of receipt.

B. The final commercial site development plan submitted for recording shall consist of one or more pages clearly and legibly drawn on a stable mylar or equivalent approved material at a scale of 100 feet to the inch (or a scale approved by the administrator) under the supervision of a

land surveyor registered in the state of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All survey work shall conform to the requirements of the Survey Recording Act, Chapter 58.09 RCW, as it now exists or as amended, and the following additional information:

1. A certificate bearing the names of all persons having an interest in the land, signed and acknowledged by them before a notary public which:
 - a. States their consent to the division; and
 - b. Grants a waiver by them of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of public roads;
2. A space for approval and official seals of the Mayor, public works director, Fire chief, acknowledgement of taxes paid by the Yakima County treasurer, and recording by the Yakima County Auditor;
3. Permanent control monuments shall be established at controlling corners on the boundaries of the commercial site development plan, the intersections of the centerline tangents of roads or points of intersections within the commercial site development plan, the beginning and ends of curves on centerlines, and all block and lot corners. Adjacent property shall be labeled in dotted lines as they intersect with the subject property;
4. Bearings of all lots, tracts, and centerlines or public and private roads within the project boundary;
5. For a commercial site development plan that contains or is subject to a dedication, a certificate shall be placed on the face of the final commercial site development plan mylar that contains the dedication of all streets and other areas to the public, and a waiver of claims;
6. Commercial site development plan name and number as assigned by the planning official;
7. Legal description;
8. North arrow, numeric and graphic scale, and lot numbers;
9. Assigned street addresses;
10. All utility easements;
11. All notes as required by the conditions of approval;
12. Any restrictions or covenants affecting the property, with a description of the purpose and referenced by the Auditor's recording number;

13. Location, width, and name of all streets, alleys, and other public or private ways within and adjacent to the land division; and

14. The delineation of the 100-year floodplain and floodway and any wetlands, when present.

C. An approved commercial site development plan shall not be filed for record with the Yakima County Auditor until the applicant has constructed or bonded for all improvements and satisfied all conditions as required by the Hearing Examiner in the granting of preliminary approval.

D. A commercial site development plan shall not be considered final until recorded with the Yakima County Auditor.

E. Any lots in a final commercial site development plan filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A commercial site development plan shall be governed by the terms of approval of the final plat and the statutes, ordinances, and regulations in effect at the time of approval for a period of five years after final commercial site development plan approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the commercial site development plan.