

## **Chapter 21.06 BINDING SITE PLANS**

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### **21.06.010 Purpose.**

The purpose of this chapter is to:

- A. Specify the criteria used by the city of Sultan to review and approve binding site plans.
- B. Provide an alternative method of land division for the sale or lease of commercial or industrial zoned properties, condominiums and manufactured home parks as provided for in RCW 58.17.035 that is more flexible than traditional subdivision procedures.
- C. Provide for the site planning and regulation of nonresidential site development not requiring land division within the Sultan scenic business park. (Ord. 851-04 § 1; Ord. 719-00)

### **21.06.020 Applicability.**

The binding site plan process may be used for:

- A. The division of land for the purpose of sale or lease of lots for commercial or industrial purposes.
- B. The division of land for the purpose of developing residential condominiums or manufactured home parks.
- C. The binding site plan process is required for all proposed commercial and industrial development within the Sultan scenic business park, excluding additions or expansions of existing developments involving less than 12,000 square feet of new building area. (Ord. 882-05 § 1; Ord. 851-04 § 1; Ord. 719-00)

### **21.06.030 Application submittal.**

Each application for binding site plan approval shall contain five copies of all complete application forms, plans and reports. A complete application must include:

- A. Fees. The applicant shall pay the required fees as set forth in the city's fee schedule or other applicable resolutions or ordinances when submitting a binding site plan.
- B. Application form and declaration of ownership.
- C. Title report (dated within the last 30 days).
- D. Vicinity map of the area where the site is located.
- E. Environmental checklist.
- F. Landscape plan.
- G. Parks and open space plan.
- H. A preliminary site plan to a scale of 30 feet to one inch, stamped and signed by a registered engineer, architect or land surveyor illustrating the proposed development of the property and including, but not limited to, the following:
  - 1. Name or title of the proposed binding site plan;
  - 2. Date, scale and north arrow;
  - 3. Boundary lines and dimensions including any platted lot lines within the property;
  - 4. Total acreage;
  - 5. Property legal description;
  - 6. Existing zoning;
  - 7. Location and dimensions of all existing and proposed:
    - a. Buildings, including height in stories and feet and including total square feet of ground area coverage;
    - b. Parking stalls, access aisles, and total area of lot coverage of all parking areas;
    - c. Off-street loading area(s);
    - d. Driveways and entrances;
    - e. Density of residential uses;
  - 8. Proposed building setbacks in feet;
  - 9. Location of any regulated sensitive areas such as wetlands, steep slopes, wildlife habitat or floodplain and required buffers;
  - 10. Proposed transfer of floor area from critical areas;
  - 11. Location and height of fences, walls (including retaining walls), and the type or kind of building materials or planting proposed to be used;
  - 12. Location of any proposed monument signs;
  - 13. Proposed surface stormwater drainage treatment;
  - 14. Location of all rights-of-way and easements and uses indicated;
  - 15. Location of existing and proposed utility service;
  - 16. Existing and proposed grades shown in five-foot interval topographic contour lines;
  - 17. Fire hydrant location(s);
- I. Any other information as required by the community development director shall be furnished, including but not limited to traffic studies, wetland reports, elevations, profiles, and perspectives, to determine that the application is in compliance with the Sultan Municipal Code. (Ord. 851-04 § 1; Ord. 719-00)

#### **21.06.040 Approval procedure.**

- A. Preapplication Meeting. A preapplication meeting with city staff is required before an application for a binding site plan is submitted to the city for consideration. The purpose of the preapplication meeting is to provide the applicant with a preliminary list of issues, code requirements and application requirements. Preapplication discussion will be prepared by staff.
- B. Action by the Community Development Department. If the binding site plan application is complete and the fee is paid, the community development department shall accept the application and conduct a city review.
- C. Action by Other City Departments. The community development department will circulate copies of the proposed binding site plan to relevant city departments and affected agencies. The department or agency shall review the application and furnish the community development department with a report as to the effect the proposed binding site plan may have upon their area of responsibility and expertise. The reports submitted shall include recommendations as to the extent and type of improvements provided.
- D. Notice requirements shall be in accordance with Chapter [16.124](#) SMC.
- E. Administrative Review. If the binding site plan proposes development of a site area of two acres or less, four lots or less, a building area of 40 percent of the site area or less, and a single primary structure with minimal accessory structure(s), city staff shall issue a decision to approve, conditionally approve, or deny the preliminary binding site plan approval.
- F. Hearing Examiner Review. If a binding site plan proposes development of a site area of more than two acres, more than four lots or a building area greater than 40 percent of the site area, or includes more than one primary structures, the hearing examiner shall hold a public hearing to consider the staff recommendation, applicant and public comments and thereafter issue a decision to approve, conditionally approve, or deny the preliminary binding site plan proposal.
- G. Preliminary approval of the binding site plan by the Hearing Examiner under subsection (F) of this section or community development director under subsection (H) of this section shall constitute authorization for the applicant to take the necessary steps to meet the conditions imposed by the city before commencing the final binding site plan review process.
- H. The final binding site plan approval shall be granted by the city council or city planner as provided for under administrative review, after the project conditions have been fulfilled. If material changes have occurred in the project, the city council may return it to the hearing examiner for review and recommendation. (Ord. 851-04 § 1; Ord. 719-00)

#### **21.06.050 Binding site plan components.**

A binding site plan includes the following:

- A. A record of survey and drawing(s) which identify the location of all proposed and required site improvements including but not limited to: streets, roads,

easements, buildings, utilities, open spaces, parks, parking, landscaping, signs, drainage facilities and other site improvements specified by the city of Sultan.

- B. A “development agreement” incorporating the conditions of approval, limitation for the use of the land, and improvement guarantees to ensure compliance of all conditions of approval for the binding site plan. (Ord. 851-04 § 1)

#### **21.06.060 Recording requirements.**

When the proposed binding site plan receives final approval, by the city council or community development director, the applicant, within 30 days from the date of approval by the council, shall record the binding site plan and development agreement approved by the city council, if required, with the Snohomish County auditor. The applicant shall furnish the city with three copies and a digital copy of the recorded binding site plan and development agreement (if required) within five working days of recording, and the Snohomish County assessor shall be furnished one paper copy. (Ord. 851-04 § 1; Ord. 719-00)

#### **21.06.070 Development requirements.**

- A. Said lots shall not be sold or transferred unless the binding site plan and a record of survey map, which is prepared in compliance with Chapter 58.09 RCW and which includes a legal description of each lot being created, is approved by the community development director and filed for record in the Snohomish County auditor’s office. The binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract.
- B. All development must be in conformance with the recorded binding site plan. Any development, use or density which fails to substantially conform to the site plan as approved constitutes a violation of this chapter and is punishable as a gross misdemeanor. (Ord. 851-04 § 1; Ord. 719-00)

#### **21.06.080 Standards for review of a commercial or industrial binding site plan.**

- A. The city shall review the proposed binding site plan to determine whether it meets the following criteria:
  - 1. Whether the binding site plan and development of the parcel relates to all elements of the comprehensive plan.
  - 2. Whether the proposed binding site plan meets all applicable performance standards and zoning regulations.
  - 3. Whether the binding site plan takes into account the topography, drainage, vegetation, soils and any other relevant physical elements of the site.
  - 4. Whether adequate public services are available.
  - 5. Examination of the project through the SEPA process and a determination of whether the binding site plan complies with the SEPA requirements.
- B. In addition to the requirements of the Sultan Municipal Code, the following standards shall apply to commercial binding site plans:

1. Division lines between lots in commercial BSP shall be considered lot lines under the Sultan Municipal Code.
2. Each such tract or lot created by such BSP shall have a designated front lot line and one rear lot line including those which have no street frontage.
3. All tracts, parcels and lots created by a BSP shall be burdened by an approved maintenance agreement for access to the various lots, tracts and parcels and for the cost of maintaining landscaping and other common areas.
4. When any lot, tract or parcel is created without 30 feet of street frontage, easements shall be given to the owner and city allowing access for police, fire, public and private utilities along the access roads to each tract, lot or parcel.
5. If the city so elects, the city shall be granted power to maintain the access easements and file liens on the property for collection of the costs incurred for maintenance. The power to maintain such access ways shall impose no duty on the city to maintain the access way.
6. The BSP shall contain a provision that the owner's failure to keep the fire access lanes open and maintained may subject the property to being abated as a nuisance and the city may terminate occupancy of such properties until the access easement ways are adequately maintained.
7. Freestanding signage may be off of the tract, lot or parcel where the business is located as long as city sign requirements are met within the area encompassed by the BSP.
8. Parking requirements for each use must be located on the lot where the use is located or joint parking agreements must be recorded by the owners for the areas of the BSP. Prior to building permit approval, parking agreements will be approved by the city.
9. Landscaping requirements will be met for each phase of the BSP. Landscaping requirements may be met for area of one or more lots as long as a joint maintenance agreement is recorded or included in declaration of covenants. (Ord. 851-04 § 1; Ord. 719-00)

**21.06.090 Standards for review of a manufactured home park or condominium development.**

- A. The city shall review the proposed binding site plan to determine whether it meets the following criteria:
  1. Whether the binding site plan and development of the parcel relates to all elements of the comprehensive plan.
  2. Whether the proposed binding site plan meets all applicable performance standards and zoning regulations.
  3. Whether the binding site plan takes into account the topography, drainage, vegetation, soils and any other relevant physical elements of the site.
  4. Whether adequate public services are available.
  5. Examination of the project through the SEPA process and a determination of whether the binding site plan complies with the SEPA requirements.

- B. Development standards for condominiums including residential units or structures shall meet either the standards set out in subsections (B)(1) or (2):
1. All lots and developments shall meet the minimum requirements of the SMC. Phase or lot lines shall be used as lot lines for setback purposes under the zoning code.
  2. Condominiums may be developed in phases where ownership of the property is unitary but some structures are to be completed at different times or with different lenders financing separate structures or areas of the property. The following conditions shall apply to phased condominiums:
    - a. By a joint obligation to maintain any and all access ways. The city shall have no obligation to maintain such access ways.
    - b. The city shall require easements for access to the property to allow for emergency services and utility inspections as defined in the development agreement.
    - c. Reciprocal easements for parking shall be provided to all tenants and owners.
    - d. The developer must submit a binding site plan schedule for completion of all phases.
    - e. Phase lines must be treated as lot lines for setback purposes under the zoning code unless the property owner will place a covenant on the BSP that the setback areas for built phases, contained in all unbuilt phases, shall become common areas and owned by the owners of existing units in the built portions of the condominium upon the expiration of the completion schedule.
    - f. All public improvements shall be guaranteed by bond or other security satisfactory to the city engineer or designee.
    - g. All built phases in a condominium BSP shall have a joint and several obligations to maintain landscaping through covenants or easements or both to assure that the responsibility is shared among the various owners. (Ord. 851-04 § 1; Ord. 719-00)

**21.06.100 Amendment, modification and vacation.**

Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application, as set forth in this chapter. The vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short division. (Ord. 851-04 § 1; Ord. 719-00)