

TITLE 11

UNIFIED DEVELOPMENT

INDEX

Chapter 1	General Provisions	1
11-1-1	Title	
11-1-2	Authority	
11-1-3	Severability	
11-1-4	Applicability	
11-1-5	Purpose and intent	
11-1-6	Minimum requirements	
11-1-7	Interpretation	
11-1-8	Computation of time	
11-1-9	Withdrawal of applications	
11-1-10	Security agreement	
Chapter 2	Administration and Enforcement	10
Article A	Administrative Authority	10
11-2A-1	City council	
11-2A-2	Community development director	
11-2A-3	Hearing examiner	
Article B	Planning Commission	13
11-2B-1	Commission established, organization, terms	
11-2B-2	Meetings and rules	
11-2B-3	Powers and duties	
Article C	Administration of Development Regulations	16
11-2C-1	Applicability and purpose	
11-2C-2	Administration	
11-2C-3	Permit processing procedures	
11-2C-4	Project review procedures	
11-2C-5	Pre-application conference	
11-2C-6	Optional consolidated permit processing	
11-2C-7	Project permit application	
11-2C-8	Determination of completeness	
11-2C-9	Notice of application	
11-2C-10	Consistency with existing plans and regulations	
11-2C-11	Public hearing procedures	
11-2C-12	Report of decision	
11-2C-13	Administrative interpretation	

11-2C-14	Appeals	
11-2C-15	Fees for applications, permits and appeals	
11-2C-16	Official files	
11-2C-17	Application time limit	
11-2C-18	Application withdrawal and reactivation	
Article D	Specific Development Regulations	31
11-2D-1	Variances	
11-2D-2	Conditional use permits	
Article E	Enforcement	35
11-2E-1	Permit suspension, revocation or modification	
11-2E-2	Violations; defined	
11-2E-3	Violations; investigation	
11-2E-4	Violations; penalties	
CHAPTER 3	Environmental Regulations	37
11-3-1	State environmental policy act	
11-3-2	Shoreline master program	
11-3-3	Development in flood areas	
Chapter 4	Land Division	39
Article A	Land Division in General	39
11-4A-1	Purposes	
11-4A-2	Authority	
11-4A-3	Applicability	
11-4A-4	Exemptions	
11-4A-5	Pre-application conference	
11-4A-6	Plat approval or disapproval; time limit; extension	
11-4A-7	Subdivision development standards	
Article B	Short Subdivision	44
11-4B-1	Submitting application, related materials and fee	
11-4B-2	Determination of completeness	
11-4B-3	Development standards	
11-4B-4	Notice to surrounding property owners	
11-4B-5	Distribution of application	
11-4B-6	Community development director's decision	
11-4B-7	Re-division of short plats	
11-4B-8	Filing and distribution of approved short plats	
11-4B-9	Appeals	
Article C	Preliminary Plat	49
11-4C-1	Application for preliminary plat approval	
11-4C-2	Determination of completeness	
11-4C-3	Notice of application	
11-4C-4	Public hearing notice	
11-4C-5	Distribution of application	
11-4C-6	Hearing examiner review and decision	
11-4C-7	Criteria for consideration	

11-4C-8	Dedications	
11-4C-9	Report of decision	
11-4C-10	Appeals	
Article D	Final Plat	53
11-4D-1	Application for final plat	
11-4D-2	Requirements and certification statements	
11-4D-3	Title insurance report	
11-4D-4	Improvements	
11-4D-5	Maintenance security	
11-4D-6	Procedure and criteria for council approval	
11-4D-7	Filing and distribution of approved final plats	
Article E	Boundary Line Adjustments	60
11-4E-1	Description	
11-4E-2	Pre-application conference	
11-4E-3	Submitting application, related materials and fee	
11-4E-4	Community development director review and decision	
11-4E-5	Record boundary line adjustment	
11-4E-6	Appeals	
Chapter 5	Development Standards: Streets, Utilities and Drainage	63
11-5-1	Streets	
11-5-2	Utilities	
11-5-3	Sewer and water	
11-5-4	Drainage, erosion control, storm water management	
Chapter 6	Miscellaneous Approvals	68
Article A	Annexation	68
11-6A-1:	Purpose	
11-6A-2:	Development of uniform criteria	
11-6A-3:	Goals and policies	
11-6A-4:	Jurisdictional cooperation	
11-6A-5:	Decision on annexation	
11-6A-6:	Annexation procedures	
Article B	Comprehensive Plan Amendments	71
11-6B-1	Purpose	
11-6B-2	Initiation and timing of text and map amendments	
11-6B-3	Criteria for amendment procedure	
11-6B-4	Filing of text and map amendments	
11-6B-5	Consideration of comprehensive plan amendments	
11-6B-6	Preparation of plan text and map amendments	
11-6B-7	Review of text and map amendments	
11-6B-8	Public participation	
11-6B-9	Planning commission action	
11-6B-10	City council action	
11-6B-11	Final filing with city clerk	
11-6B-12	Appeals of decisions	

Article C	Vacation of Public Rights-of-Way	76
11-6C-1	Petition by owners or resolution by city	
11-6C-2	Setting date for hearing	
11-6C-3	Notice of hearing	
11-6C-4	Hearing; ordinance of vacation	
11-6C-5	Streets abutting bodies of water, limitations	
11-6C-6	Title to vacated street or alley	
11-6C-7	Zoning of vacated street or alley	
11-6C-8	Vested rights not affected	

<i>Endnotes</i>	<i>80</i>
-----------------	-----------

CHAPTER 1

GENERAL PROVISIONS

Section:

- 11-1-1: Title
- 11-1-2: Authority
- 11-1-3: Severability
- 11-1-4: Applicability
- 11-1-5: Purpose and intent
- 11-1-6: Minimum requirements
- 11-1-7: Interpretation
- 11-1-8: Computation of time
- 11-1-9: Withdrawal of applications
- 11-1-10: Security agreement

11-1-1: TITLE: This title shall be known and may be cited as the *LONG BEACH UNIFIED DEVELOPMENT CODE*, hereinafter referred to as "this title".

11-1-2: AUTHORITY: This title is adopted pursuant to authority contained in the following provisions of Revised Code of Washington:

- Chapter 35A.63, planning and zoning in code cities
- Chapter 35A.58, boundaries and plats
- Chapter 36.70A, growth management act
- Chapter 86.16, flood plain management
- Title 58, boundaries and plats

and any other appropriate state regulations.

11-1-3: SEVERABILITY: Should any chapter, section, subsection, paragraph, sentence, clause, or phrase of this title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this title.

11-1-4: APPLICABILITY:

- A. Application to Land Development: Except as specifically provided in this title, the provisions of this title apply to all land development in the city. No development may be undertaken without prior authorization pursuant to this title.
- B. Exceptions: Exceptions include previously issued/vested development permits. The provisions of this title and any amendments to it will not affect the validity of any lawfully issued and effective development permit, if both:
 - 1. The development activity authorized by the permit began before the effective date of this title or any amendment to it, or will begin after the effective date hereof, but within six (6) months of issuance of the building permit; and
 - 2. The development activity continues without interruption until the development is complete. If the development permit expires, any further development on that site may occur only in conformance with the requirements of this title or any amendment to it.
- C. Compliance with Title: No building or structure may be erected, demolished, remodeled, reconstructed, altered, enlarged or relocated, and no building, structure, or premises may be used in the city after the effective date hereof, except in compliance with the provisions of this title and then only after securing all required permits and licenses.
- D. Conformance with Comprehensive Plan: Nothing in this title authorizes development that is inconsistent with and does not further the framework and policy direction provided for in the city's adopted comprehensive plan pursuant to Revised Code of Washington chapter 36.70A.

11-1-5: PURPOSE AND INTENT: The purposes of this title are to:

- A. Establish regulatory procedures and standards for review and decision making of all proposed development in the city.
- B. Foster and preserve public health, safety, comfort, and welfare, and to aid in the harmonious, orderly, aesthetically pleasing, and socially beneficial development of the city, in accordance with the comprehensive plan.
- C. Adopt a development review process that is efficient, effective, and equitable.
- D. Prohibit or condition incompatible land uses by regulating density and dimensional aspects of development.

- E. Ensure that new development(s) install all private and public infrastructure necessary to serve the new development and protect environmentally sensitive areas.
- F. Implement the comprehensive plan of the city.
- G. Regulate the subdivision of land to ensure that:
 - 1. Adequate utility and public facilities are provided in developing portions of the city;
 - 2. Land development is coordinated; and
 - 3. Uniform monumenting of land subdivisions and conveyance by accurate legal description is achieved.
- H. Provide for a penalty for the violation of this title.

11-1-6: MINIMUM REQUIREMENTS: In interpretation and application, requirements set forth in this title are considered the minimum requirements necessary to accomplish the purposes of this title.

11-1-7: INTERPRETATION:

- A. Language Construction: The following rules of construction apply to the text of this title:
 - 1. The words “must” , “shall”, and “will” are always mandatory and not discretionary. The words “should” and “may” are permissive and are discretionary.
 - 2. Words used in the present tense include the future; and words used in the singular number include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - 3. A “building” or “structure” includes any part of a building or structure.
 - 4. The word “person” includes an individual or any organized group of individuals, a corporation, a partnership, an incorporated association, a limited liability corporation, or any other similar entity.
 - 5. The word “includes” does not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

6. The use of any gender based pronoun should not be construed to be gender biased, but is only used for grammatical simplicity.

B. Zoning Map: This unified development code consists of the text of this title, together with a zoning map (appendix A), which is on file at the office of the city clerk-treasurer, showing the boundaries of different zoning districts. Interpretations regarding boundaries of zoning districts will be made in accordance with the following:

1. Boundaries shown as following or approximately following any street will be construed as following the centerline of the street.
2. Boundaries shown as following or approximately following any platted lot line or other property line will be construed as following such line.
3. Boundaries shown as following or approximately following section lines, half section lines, or quarter section lines will be construed as following such lines.
4. Boundaries shown as following or approximately following natural features will be construed as following such features.
5. Vacated streets and alleys will assume the zone classification of abutting property with the former centerline as the new boundary.
6. When any uncertainty exists as to zone boundaries, the planning commission and/or city council may require the interested parties to determine the location of boundaries by survey.

C. Right-of-Way:

1. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this title, land contained in rights-of-way for streets or alleys will be considered unclassified.
2. Within street or alley rights-of-way, uses will be limited to street purposes as defined by law.
3. Where a right-of-way is vacated, the vacated area will have the zone classification of the adjoining property with which it is first merged.

D. Definitions: Unless specifically defined below, words or phrases used in this title shall be interpreted so as to give them the meanings they have in common usage and to give this title its most reasonable application. For purposes of this title, the following words and terms shall have the meanings designated in this section:

ABUT: Located adjacent to.

ACCESS: A way or means of approach to provide physical entry to a property or facility. Alternatively stated as “ingress”

AMENDMENT: A change in wording, context or substance.

ANNEXATION: Incorporation of a land area into the corporate boundaries, resulting in a change in the boundaries of the city.

APPEAL: Process by which an aggrieved party may seek redress.

BOUNDARY LINE ADJUSTMENT: Legal method of relocating a property line.

CERTIFICATION: Verification of facts.

CONDITIONAL USE: A use permitted in one or more zoning classifications as defined by title 12 (Zoning) that because of characteristics peculiar to it, or because of size, technological processes, or types of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, this use requires a special degree of control to make such use is consistent with and compatible to other existing or permissible uses in the same zone or zones, and to assure that such use shall not be counter to the public interest.

CONDITIONAL USE PERMIT: Documented evidence of authority granted by the hearing examiner to establish a conditional use at a particular location.

DEDICATION: Gift or donation of private property by the owner to a public body. A dedication is completed through the conveyance of written deed or title and a formal acceptance by the public body.

DRIVEWAY: A private roadway providing access to a street or highway.

EASEMENT: The grant of one or more specific air, surface, or subsurface property rights by the property owner to and/or for use by the public, a corporation, or another person or entity, and recorded according to law or on the plat of the property.

EGRESS: A way or means of approach to provide physical exit from a property or facility.

EROSION: The gradual transport of materials. For example, the movement of dirt by rain run off.

EROSION CONTROL: Measures taken to avoid or reduce erosion, such as hay bales, hydroseeding, corrective grading, detention, etc.

EXEMPT: An action or proposal not subject to the requirements of this title.

FINDINGS: Written explanations of why—legally and factually—a public entity makes a particular decision.

FLOOR AREA/GROSS FLOOR AREA: The sum of the gross horizontal area of all enclosed floors of a building, excluding basements, vents, shafts, light courts, elevators and equipment penthouses, and any area having a ceiling height of less than six feet six inches (6’6”), measured from the exterior face of exterior walls or from the centerline of a common wall separating two buildings.

HEARING: A noticed public meeting whereby individuals may present their input regarding a proposal.

HEARING EXAMINER: An official appointed by a government agency to conduct an investigation or administrative hearing so the agency can exercise its statutory powers.

INGRESS: See “access”.

LAND DISTURBING ACTIVITY: Any human activity that results in a change in the natural ground cover or topography. Land disturbing activities have the potential to cause or contribute to sedimentation.

LOCAL IMPROVEMENT DISTRICT (LID): A special assessment district established to finance a public improvement benefitting those located within the boundaries of the district.

NOTICE: Published information regarding an impending meeting, proceeding, or hearing giving at least the time, date, place, and purpose of the meeting.

ORDINANCE: Statute enacted by a city government. Typically, statutes command or prohibit something, or declare policy.

PLAT: A subdivision map.

PLAT, FINAL: An approved subdivision map that filed with Pacific County. Final plat approval is usually given upon completion of improvements or posting of a bond guaranteeing construction of improvements.

PLAT, PRELIMINARY: Draft map showing the proposed layout of a subdivision submitted to the staff and the platting authority for preliminary approval.

PLAT, SHORT: A process to subdivide land into four or fewer parcels or lots, any one of which is less than five acres.

PRE-APPLICATION: Activities that occur prior to a formal development permit application being submitted. For example, a pre-application meeting or conference between the applicant and city staff is typical.

RECURRENCE INTERVAL/RECURRENCE LEVEL: The average number of years between the occurrence of two floods with the same level of discharge.

REVIEW, ADMINISTRATIVE: An approval review that may require some discretion on the part of the reviewer, usually the planning staff. The approval may be outright, as conditioned or modified, or denied based upon the applicable laws and regulations and the discretion of the reviewing entity. Administrative reviews may require notification of adjacent property owners and environmental review, but do not require a hearing. Examples of administrative reviews include and are not limited to short plats, design review for signs, and administrative shoreline permits.

REVIEW, HEARING EXAMINER: An approval review that involves the exercise of discretion through the hearing process. The approval may be outright, as conditioned or modified, or denied based upon the applicable laws and regulations and the discretion of the reviewing entity. Hearing examiner procedures require public notice. Examples of hearing examiner review include and are not limited to conditional use permits, appeals

of administrative reviews, and variances.

REVIEW, LEGISLATIVE: An approval process that involves a substantial amount of discretion. The approval may be outright, as conditioned or modified, or denied based upon the discretion of the reviewing entity, and possibly upon the applicable laws and regulations. Where other review processes (ministerial, administrative, hearing examiner) involve a measure of entitlement of property rights or presumed entitlement on the part of the applicant, legislative review may involve the conveyance of such rights and may be entirely discretionary. Legislative review requires public notice. Legislative review begins with review by the planning commission, which establishes a record and a recommendation for the city council. Examples of legislative review include and are not limited to rezones, changes to the comprehensive plan, or changes to the city codes.

REVIEW, MINISTERIAL (Minor Administrative Review): A sub-set of administrative review (see above), an approval review for a proposal that is permitted outright in the codes, and does not require discretion on the part of the reviewer. Minor administrative reviews may not require any notice to surrounding property owners. Examples of minor administrative (ministerial) reviews include and are not limited to building permits and nonconforming use determinations. While minor in nature, these permits can require considerable research.

REVIEWING AUTHORITY: The agency, board, group, official or other legally designated entity that has been charged with the review and approval of plans and applications.

RIGHT(S)-OF-WAY: A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, utility, pedestrian way or similar uses.

SEDIMENTATION: The transport from the site of its origin and re-deposition of solid particulate matter, mineral or organic, by water, air, gravity, or ice.

SEWER, SANITARY: A waste water conveyance system that transports sewage from homes and businesses to a waste water treatment plant.

SEWER, STORM: A system of inlets, ditches and pipes that collects storm runoff from roads and open areas and carries stormwater to holding areas called detention or retention basins. From these basins, runoff is released downstream at a controlled rate to minimize the potential for flooding.

SHORELINE MASTER PROGRAM: Both a policy and regulatory program for the conservation and development of coastal areas, described by a plan that includes the following elements: economic development; public access; recreation; circulation; land use; conservation; history, culture, science, and education; and flooding.

STATE ENVIRONMENTAL POLICY ACT (SEPA): SEPA requires Washington state and local agencies to consider the likely environmental consequences of a proposal before approving or denying the proposal.

STREET: Any vehicular way that is (1) an existing state, county or municipal roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4)

shown on a plat duly filed and recorded in the office of the county assessor; or (5) shown on the official map or adopted plan. It includes the land between and beyond the street lines, whether improved or unimproved. A street affords the primary means of access to abutting property.

STREET, PRIVATE: A street that has not been accepted by or dedicated to the City but is used for the primary means of access to abutting properties within a development. Such streets are typically constructed and maintained by those parties who own, use or benefit from the street.

STREET, PUBLIC: A street that has been accepted by or dedicated to the City.

SUBDIVISION: The division of a single piece of property into smaller, separate pieces or lots.

URBAN GROWTH AREA (UGA): Those areas abutting city limits designated for urban growth, and which may be annexed into the city.

UTILITY: An organization that maintains the infrastructure for a public service. Also, the public service infrastructure itself, such as the electric power and telephone systems.

VACATION (of a street): A process whereby the public interest in a street right-of-way is removed.

VARIANCE: An adjustment in the application of the specific regulations of this title to a particular piece of property which because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and for which adjustment remedies the disparity in privileges.

ZONE: An area accurately defined as to the boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded, as set forth in title 12 (Zoning).

11-1-8: COMPUTATION OF TIME: Unless otherwise specifically provided, the time within which an act is to be done will be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day will be excluded from the computation of time. Any illegal activities, or unauthorized work, or effort spent by the city to address same shall not count toward the city's obligation for timely action.

11-1-9: WITHDRAWAL OF APPLICATIONS: An application may be withdrawn at any time. Some or all of the application fee paid for review of the application may be refunded. Any costs incurred by the city in its review of the application shall be deducted from the application fee before refund. However, no refund shall be issued once notice of the application or public hearing is published, mailed or distributed as set forth in Section 11-2C-8 of this title.

11-1-10: SECURITY AGREEMENT:

- A. Information Required: In each case where a security is posted, the applicant and the clerk-treasurer must sign a notarized security agreement, approved in form by the city attorney. This agreement must be recorded with the Pacific County auditor. The agreement must provide the following information:
1. A description of the work or improvements covered by the security.
 2. The period of time covered by the security.
 3. The amount and nature of the security and the amount of the cash deposit.
 4. The rights and duties of the city and the applicant.
 5. An irrevocable license to run with the property to allow employees, agents, or contractors of the city to go on the subject property for the purpose of inspecting and, if necessary, performing work or making improvements covered by the security.
 6. The mechanism by and circumstances under which the security shall be released.
- B. Release of Security Mechanism: Upon release of any recorded security mechanism, a copy of the letter of release must be filed with the Pacific County auditor.

CHAPTER 2

ADMINISTRATION AND ENFORCEMENT

Article A. Administrative Authority

Section:

11-2A-1: City council

11-2A-2: Community development director

11-2A-3: Hearing examiner

11-2A-1: CITY COUNCIL: In addition to other powers and duties prescribed in this code, the city council is vested with the authority to:

- A. Approve, approve with conditions or modifications, or deny applications for amendments to the comprehensive plan or this title, amendments to title 12 (Zoning), rezones, and annexation by direct petition, after considering the findings and recommendations of the planning commission.
- B. Review findings and recommendations of the planning commission regarding applications.
- C. Base all decisions on the criteria established in this title or other applicable laws.
- D. Require any applicant granted final plat approval to post a bond or other acceptable security with the city to assure the applicant and/or his successors in interest shall adhere to the approved plat and all conditions attached to the final plat approval.
- E. Review and act upon any recommendations of the community development director or planning commission for amendments to or revisions of the comprehensive plan or the provisions of this title.
- F. Hear appeals from hearing examiner and/or administrative permit decisions as specified in this title.
- G. Perform other duties as outlined in the latest edition of the “City of Long Beach Shoreline Master Program” and the latest edition of the “City of Long Beach Comprehensive Flood Hazard Management Plan”.
- H. Perform other duties as outlined in this title.

11-2A-2: COMMUNITY DEVELOPMENT DIRECTOR:

- A. The community development director or his/her designee is vested with overall administrative responsibility of this title.
- B. The duties and responsibilities of the community development director include the following:
 - 1. Establish procedures and prepare forms necessary for administration of this title.
 - 2. Advise interested citizens and applicants of regulations and procedures set forth in this title.
 - 3. Make administrative decisions and interpretations of regulations set forth in this title.
 - 4. Determine a complete application for development and all other required materials are provided by an applicant.
 - 5. Compile an official file on each application submitted.
 - 6. Review all information submitted by an applicant and prepare a report which summarizes his/her findings, conclusions, and recommendations involving an application.
 - 7. Approve, approve with conditions or modifications, or deny permits and development approvals as provided in this title.
 - 8. Require any applicant granted site plan approval to post a bond or other acceptable security with the city to assure the applicant and/or his/her successors in interest will adhere to the approved plan and all conditions attached to the approved site plan.
 - 9. Assure proper notice is given to relevant persons, agencies, and the public for all hearings.
 - 10. Investigate, develop, and propose amendments to the city code as deemed necessary.
 - 11. Seek remedies for alleged violations of this title, or of conditions of any approved permit issued by the city, including citations issues under this title and title 12 (Zoning).

12. Coordinate information with other departments of the city and relevant agencies.

11-2A-3: HEARING EXAMINERⁱ:

- A. The hearing examiner is vested with authority to approve, approve with conditions or modifications, or deny applications for long plats, binding site plans, variances, conditional use permits, shoreline substantial development permits, and site plan review. The hearing examiner is also vested with the authority to hear appeals of administrative decisions as set forth in this title.
- B. Duties and responsibilities of the hearing examiner include the following:
 - 1. Make administrative decisions and interpretations of the regulations set forth in this title.
 - 2. Determine a complete application for development and all other required materials are provided by an applicant.
 - 3. Review all information submitted by an applicant and prepare a report which summarizes his/her findings, conclusions, and recommendations involving an application.
 - 4. Assure proper notice is given to relevant persons, agencies, and the public for all hearings.
 - 5. Conduct hearings under rules and procedures designed to do substantial justice to all interested parties.

CHAPTER 2

ADMINISTRATION AND ENFORCEMENT

Article B. Planning Commission

Section:

11-2B-1: Commission established, organization, terms

11-2B-2: Meetings and rules

11-2B-3: Powers and duties

11-2B-1: COMMISSION ESTABLISHED, ORGANIZATION, TERMS:

A. Membership; Appointment:

1. The planning commission shall consist of five (5) regular members and one (1) alternate.
2. Each member shall be appointed by the mayor, subject to confirmation by the city council.
3. The alternate member shall serve only in the event any regular member is absent or not otherwise available for any reason. The alternate shall have all the powers of a regular member. The alternate shall be subject to the same attendance requirements as regular board members. In the event a regular position on the board is declared vacant, the alternate shall be deemed to fill such vacancy for the remainder of his/her unexpired term, and the next appointed member shall become the alternate.

B. Residency: Members of the planning commission shall be residents of the city, except the mayor may, but is not required to, appoint a maximum of one nonresident member, provided such person resides within the city's urban growth area.

C. Qualifications: It is the intent of this section to maintain a diversified representation of occupations and experience on the planning commission.

D. Term: In order to provide for continuity, member terms shall be staggered by position. The initial expiration date of each position's term is set forth below, with subsequent terms being for a duration of four (4) years each, or until a successor is appointed and confirmed:

Position (s)	Initial Expiration	Expiration of Subsequent Term
One and five	2006	2010
Two, three and four	2008	2012
Six (alternate)	2010	2014

- E. The planning commission shall, at the first regular meeting in the calendar year, elect from its membership a chairperson and a vice-chairperson, whose terms of office in such capacities shall be for one (1) year, with eligibility for re-election. If an officer ceases to be a member of the planning commission, a new election shall take place for the unexpired term at the next regular meeting, provided a quorum is present.

11-2B-2: MEETINGS AND RULES:

- A. Meetings: The planning commission shall meet on the second Tuesday of each month at seven o'clock (7:00) P.M. at the Long Beach city hall, or at a date and time set by the planning commission. The planning commission may hold special meetings upon the request of the chairperson or of a majority of the planning commission, provided all state law notice requirements for a special meeting are met.
- B. Rules and Regulations: The planning commission shall adopt rules for the transaction of business and keep a written record of its meetings, resolutions, transactions, findings, and determinations, which shall be a public record. In addition:
1. The meetings of the planning commission are open to the public and tape recorded, except for executive sessions, as may be authorized by law; and
 2. Any member of the planning commission must disqualify him/herself from any planning commission action in which the member has a financial interest, other conflict of interest, or are in violation of Revised Code of Washington chapter 42.36, "Appearance of Fairness". The chairperson or vice chairperson may request an opinion from the city attorney regarding whether or not a member should be disqualified from participating in a particular matter. The member must abide by the opinion of the city attorney.
- C. Quorum: A majority of the members constitutes a quorum for the transaction of business. Any action taken by a majority of those present, when those present constitute a quorum, will be the action of the planning commission.
- D. Authority to Convene: Any number less than a quorum is authorized to convene a regular or special meeting at the time set and to adjourn, recess, or continue the

regular or special meeting to a date and time certified and entered upon the minutes without the necessity of further notice.

11-2B-3: POWERS AND DUTIES: The planning commission has authority and duties as follows:

- A. Exercise all of the powers of a planning commission as authorized in Revised Code of Washington chapters 58.17, 35A.63, and other provisions of state law.
- B. Make studies and recommendations to the city council concerning goals, objectives, and policies governing all elements of the comprehensive plan, including whether to approve, approve with conditions or modifications, or deny applications for comprehensive plan map amendments and zoning map amendments and the other applicable provisions of this title or title 12 (Zoning) regarding development in the Long Beach corporate area and urban growth area.
- C. Develop and make recommendations to the city council concerning policies, ordinances, administrative procedures, and any other means for carrying out comprehensive plan elements in a coordinated and efficient manner.
- D. Perform other duties as assigned by the city council.

CHAPTER 2

ADMINISTRATION AND ENFORCEMENT

Article C. Administration of Development Regulations

Section:

- 11-2C-1: Applicability and purpose
- 11-2C-2: Administration
- 11-2C-3: Permit processing procedures
- 11-2C-4: Project review procedures
- 11-2C-5: Pre-application conference
- 11-2C-6: Optional consolidated permit processing
- 11-2C-7: Project permit application
- 11-2C-8: Determination of completeness
- 11-2C-9: Notice of application
- 11-2C-10: Consistency with existing plans and regulations
- 11-2C-11: Public hearing procedures
- 11-2C-12: Report of decision
- 11-2C-13: Administrative interpretation
- 11-2C-14: Appeals
- 11-2C-15: Fees for applications, permits and appeals
- 11-2C-16: Official files
- 11-2C-17: Application time limit
- 11-2C-18: Application withdrawal and reactivation

11-2C-1: APPLICABILITY AND PURPOSE:

- A. Applicability. The provisions of this article apply when processing development applications subject to this title. The provisions of this article shall control all land use permit applications, except where excluded by this title or unless a section of this code addressing a specific type of permit sets forth other provisions.
- B. Purpose. The purpose of this article is to comply with state guidelines for combining and expediting development review and for integrating environmental review and land use development plans as required by Revised Code of Washington chapter 36.70B.

11-2C-2: ADMINISTRATION: The community development director is responsible for ensuring that provisions of this article are carried out.

11-2C-3: PERMIT PROCESSING PROCEDURES

- A. Permit Application Process. The following actions or a subset thereof (depending on the approval sought) shall be the permit processing procedure for the city for submitted applications for development:
1. Determination of completeness;
 2. Notice of application;
 3. Optional consolidated project permit review processing, except as provided in Revised Code of Washington 36.70B.140.;
 4. Public hearing;
 5. Report stating all decisions and recommendations made as of the date of the report that do not require an open record hearing;
 6. Notice of decision; and
 7. Completion of project review within applicable time periods (including a 120-day permit processing time).
- B. Actions Subject to Permit Application Process: Permits that are subject to environmental review under SEPAⁱⁱ, or permits/approvals for which environmental review has been completed in connection with other project permits including and not limited to short plats, preliminary plats, shoreline substantial development permits, variances, conditional use permits, or activities that are not otherwise categorically exempt from environmental review under SEPA shall be subject to the permit application processing procedures of the city as described in subsection 11-2C-3A of this title, above.
- C. Administrative Actions Exempt from Permit Application Process: Pursuant to Revised Code of Washington 36.70B.140(2), building permits, boundary line adjustments, and other construction permits, or similar administrative approvals that are categorically exempt from environmental review under SEPAⁱⁱⁱ, or permits/approvals for which environmental review has been completed in connection with other project permits are exempt from the permit processing procedures described in subsection 11-2C-3A of this title, above.
- D. Legislative Actions Exempt from Permit Processing Procedures: The following legislative actions are exempt from the permit processing procedures of the city: 1) zoning code text amendments; 2) adoption of or amendment to development regulations; 3) area-wide rezones to implement new city policies; 4) annexations; 5) adoption of or amendment to the comprehensive plan; 6) landmark designations; and 7) street vacations.

11-2C-4: PROJECT REVIEW PROCEDURES: The Community Development Director shall have authority to classify any permit not expressly classified or indicated by this title. Review of a proposed action shall be by one of the following procedures, in increasing order of discretion utilized: minor administrative (ministerial), administrative, hearing examiner, or legislative.

- A. Ministerial review (minor administrative review) shall be conducted for any proposal permitted outright in the codes and exempt from environmental review. No or minimal discretion shall be exercised on the part of the reviewer.
- B. Administrative review shall be conducted for administrative actions including and not limited to the following: administrative nonconforming use, minor amendments, shoreline substantial development permit minor amendments, site development permits, right-of-way permits, lot consolidations, boundary line adjustments, code interpretations, short plats, and short plat alterations. Minimal to moderate discretion may be exercised by the reviewer. Administrative review shall be subject to permit processing procedures 1, 2, 3, 5, 6, and 7 described in subsection 11-2C-3A of this title.
- C. Hearing examiner review shall be conducted for administrative actions including and not limited to the following: preliminary plats, conditional uses (including shorelines), variances (including shorelines), shoreline substantial development permits, binding site plans, site plan review, as well as appeals of administrative decisions as specified in this chapter. Moderate to substantial discretion may be exercised by the reviewer. Hearing examiner review shall be subject to all permit processing procedures described in subsection 11-2C-3A of this title.
- D. Legislative review shall be conducted in those circumstances where the city council is exercising its authority as a quasi-judicial decision-making body for actions including and not limited to appeals of hearing examiner decisions, final plats, changes to codes, and re-zonings. Substantial to complete discretion may be exercised by the city council as reviewer. Legislative review shall be subject to all permit processing procedures described in subsection 11-2C-3A of this title.

11-2C-5: PRE-APPLICATION CONFERENCE: Applicants are encouraged, but not required, to request a pre-application conference with the community development director prior to filing a project permit application. The purpose of a pre-application conference is to discuss requirements and the review process, and to identify any potential development-related issues. Any comments concerning the proposed development during the pre-application conference should not be construed as approval or denial of the proposal.

11-2C-6: OPTIONAL CONSOLIDATED PERMIT PROCESSING: An applicant may submit complete construction permit applications (building and/or engineering) simultaneously with a required land use approval application. When an applicant elects to submit a land use approval application together with construction applications, the applications will be reviewed and processed as one application and subject to all notices, review and appeals as if one consolidated and integrated application^{iv}.

11-2C-7: PROJECT PERMIT APPLICATION: Applications for land use permits shall be submitted upon forms provided by the city. An application must contain all materials required by the applicable development regulations, and must include the following general information:

- A. A completed project permit application form.
- B. A verified statement by the applicant that property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all the owners of the affected property.
- C. A property and/or legal description of the site for all applications, as required by the applicable development regulations.
- D. Designation of a single person/entity and address to receive determinations and notices required by this article.
- E. The applicable fee, providing, however, if substantially revised, any additional costs shall be borne by the applicant.
- F. Evidence of adequate water supply, as required by Revised Code of Washington 19.27.097.
- G. Evidence of sewer availability and provisions for ensuring continued delivery.
- H. SEPA checklist if required.

11-2C-8: DETERMINATION OF COMPLETENESS:

- A. Within twenty eight (28) days after receiving a project permit application, the city must mail or provide in person a written determination to the applicant, stating either:

1. The application is complete. An application is complete when it meets requirements of this title as determined by the community development director and is sufficient for continued processing, even though additional information may be required or project modifications may be undertaken subsequently.
 2. The application is incomplete and what is necessary to make the application complete. The applicant then has ninety (90) days to submit the additional information to the city. If the applicant submits the necessary additional information within ninety (90) days, the applicant must be notified within fourteen (14) days that the application is complete. If the applicant fails to submit the required additional information within ninety (90) days, the application will lapse, and the applicant shall be notified pursuant to the procedures in section 11-2C-16 of this title^v.
- B. An application will be deemed complete if the city does not provide a written determination to the applicant that the application is incomplete within twenty eight (28) days.

11-2C-9: NOTICE OF APPLICATION:

- A. Actions Subject to Notice Procedures: Permits subject to notice requirements of this section are short plats, preliminary plats, shoreline substantial development permits, variances, conditional use permits, activities not categorically exempt from environmental review under SEPA, or other permits determined by the community development director to be subject to the city's permit processing procedures.
- B. Exemptions: A notice of application is not required for the following actions, which are categorically exempt from SEPA, or for which environmental review has been completed:
1. Application for all administrative approvals except short plats, which include:
 - a. All administrative interpretations and determinations;
 - b. Boundary line adjustments;
 - c. Building permits;
 - d. Preliminary SEPA threshold determination (EIS required);
 - e. Shoreline exemptions, extensions and minor amendments; and
 - f. Sign permits.

- C. Contents; Timing; Distribution: Once an application has been deemed complete, the city shall provide public notice for the project. Notice of application may be combined with notice of public hearing if the hearing date has been set. If notices are combined, the notice requirements of section 11-2C-10 of this title must also be met.
1. Contents: The notice of application must contain the following information:
 - a. The date of the application, the date of issue of the determination of completeness, and the date of the notice of application;
 - b. A description of the proposed project;
 - c. A list of the project permits included in the application;
 - d. Identification of other permits not included in the application, to the extent known by the city;
 - e. Identification of existing environmental documents and studies that evaluate the proposed project and the location where they can be reviewed;
 - f. The dates of the public comment period, which must be not less than fourteen (14) nor more than thirty (30) days following the date of notice of application;
 - g. A statement of the right of any person to comment on the application, receive notice of any hearings, submit oral or written comments at any hearings, and request a copy of the decision once made;
 - h. A statement of any appeal rights and limitations;
 - i. The date, time, place, and type of hearing, if applicable, and if already scheduled, by the date of the notice of application; and
 - j. Any other information determined appropriate by the city, in accordance with Revised Code of Washington 36.70B.110.
 2. Timing: The notice of application must be provided:
 - a. Within fourteen (14) days after a determination of completeness;
 - b. If any open record pre-decision hearing is required for the requested project permit(s), the notice of application must be provided at least fifteen (15) days before the open record hearing, in accordance with Revised Code of Washington 36.70B.110.

3. Distribution:

a. On or before the date of publication under subsection B5 of this section, the community development director must mail by first class mail a copy of the notice of application to other known agencies with jurisdiction and the neighboring real property owners within three hundred feet (300') of the boundaries of the subject property (as listed on the records of the Pacific County assessor). If the notice of application also serves as the notice of public hearing, the notice must be mailed at least fourteen (14) days prior to the hearing.

b. The city must erect a sign containing the notice^{vi} on the subject property. The sign must remain on the property until the conclusion of the hearing.

c. The notice of application must be published in the official city newspaper (Chinook Observer).

4. Time Limit, Public Comment Period: All written public comments received on the notice of application must be received by the city by four o'clock (4:00) P.M. on the last day of the comment period. Comments should be as specific as possible. Nothing in this section shall preclude a person who has not previously provided written comment from appearing at the public hearing and providing comment.

5. Time for Determinations: The city shall not make a SEPA determination of nonsignificance or issue a decision or a recommendation on a project permit until the expiration of the public comment period identified in the notice of application. A SEPA determination of significance may be made before the expiration of the public comment period.

11-2C-10: CONSISTENCY WITH EXISTING PLANS AND REGULATIONS:

A. Fundamental land use planning choices made in adopted comprehensive plans and adopted development regulations will serve as the foundation for review of project permit applications. During project review, the city must determine whether items listed in this section are defined in the development regulations applicable to the proposed project or in the comprehensive plan. This determination of consistency includes:

1. Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as conditional uses, if the criteria for their approval has been satisfied.

2. The level of development, such as units per acre, density of residential

development in the urban growth area, or other measures of density.

3. Availability and adequacy of public facilities and services identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by Revised Code of Washington chapter 36.70A.

4. Character of the development^{vii}.

- B. During project review, the reviewing authority shall not reexamine alternatives to, or hear appeals on, the factors identified in subsection 11-2C-10A of this title, except for issues of title interpretation.
- C. The reviewing authority may determine that requirements for environmental analysis and mitigation measures in its development regulations, comprehensive plan, and other applicable laws provide adequate mitigation for some or all of a project's specific adverse environmental impacts.
- D. Nothing in this section limits the authority of the city to approve, condition, or deny a project as provided in its development regulations and in its SEPA policies. Project review will be used to identify specific project design and conditions relating to the character of development (such as details of site plans, curb cuts, drainage swales, etc.).
- E. Nothing in this section requires documentation of or dictates the city's procedures for considering consistency or limits the city from asking more specific or related questions with respect to the factors identified in subsection 11-2C-10A of this title.

11-2C-11: PUBLIC HEARING PROCEDURES:

- A. One Hearing: The reviewing authority will hold no more than one open record hearing in relation to a given project permit application, including a consolidated permit application.
- B. Pre-decision Hearing, Time: A pre-decision open record hearing pertaining to project permit application must not occur prior to fifteen (15) days after issuance of any threshold SEPA determination related to the given application.
- C. Combining Hearings: The city may combine a hearing on a project permit with a hearing that may be held by another local, state, regional, federal, or other agency provided the joint hearing is held within the city. The applicant may request that hearings be combined as long as the joint hearing can be held within the time periods specified in subsection 11-2C-11B of this title. The applicant may agree to a different schedule in the event that additional time is needed in order to combine hearings.

- D. **Publish and Mail Notices:** The notice of public hearing may be combined with the notice of application, as required by section 11-2C-9 of this title. Prior to the public hearing, the community development director must:
1. Publish notice of the hearing in the newspaper of legal record. The city shall publicize said hearing notice for two (2) consecutive weeks in the newspaper of record; and
 2. At least fourteen (14) days prior to the public hearing, mail by first class mail notice of the hearing to the neighboring real property owners within three hundred feet (300') of the boundaries of the subject property (as listed on the records of the Pacific County assessor).
- E. **Contents of Notice:** Notices of public hearings under subsection D of this section must include:
1. A brief description of the project;
 2. The project location;
 3. The permit(s) required;
 4. The time, date, and place of the hearing, and closing date for comments;
 5. The location where further information can be obtained; and
 6. A statement of the right of any person to submit oral or written comments at the hearing.
- F. **Conduct of Hearing; Procedures:** Public hearings must be conducted in accordance with the following procedures:
1. The hearing body is subject to the code of ethics (Revised Code of Washington 35A.42.020), prohibitions on conflict of interest (Revised Code of Washington 35A.42.020 and Revised Code of Washington chapter 42.23), the open public meetings act (Revised Code of Washington chapter 42.30), and the appearance of fairness doctrine (Revised Code of Washington chapter 42.36), the same as now exist or may later be amended.
 2. The applicant bears the burden of proof and must demonstrate that his/her application conforms to applicable elements of the city's development regulations and comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.
 3. The hearing body may recess a public hearing in order to obtain additional

information. Upon recessing for this purpose, the hearing body shall announce the time and date when the public hearing will be resumed.

G. Agenda: The agenda of the open record public hearing will generally observe the following sequence of events:

1. Determination of disqualification(s) of members of the hearing body. A member of the hearing body who is disqualified must be counted for purposes of forming a quorum. A disqualified member must make full disclosure on the record, must not participate in discussion of the matter, and must abstain from voting on the proposal.

2. City staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.

3. Applicant's presentation, including submittal of any materials supplementary to the application. Members of the hearing body may ask questions of the applicant.

4. Testimony or comments by the public relevant to the matter. The chair will prohibit anonymous public comment. Questions from the public directed to the staff or the applicant will be posed by the chair at its discretion.

5. Rebuttal, response, or clarifying statements by the applicant and the city staff.

H. Submitting Letters: For those members of the public who are unable to attend the open record public hearing but wish to comment, letters may be submitted for the record prior to the public hearing.

11-2C-12: REPORT OF DECISION:

A. Content; Distribution:

1. For all permit applications the reviewing authority as identified by this title must adopt a single report stating the decision(s) on the application (s). The report will serve as the permit(s). The report must state applicable findings of fact and conclusions of law. The report must state any mitigation required under the development regulations or under the city's SEPA program. The report must describe applicable deadlines for and methods of appeal. The report must be provided to the applicant and to any person who, prior to the adoption of the report, requested notice of the decision or is a party of record having submitted comments on the application. The report must be issued within the time limit described in subsection B of this section.

2. Summary Published: For all permit applications, the city must publish a summary of the report of decision in the official city newspaper.

B. Timing:

1. Except as otherwise provided in subsection B2 of this section, once a project permit application is complete, a final decision must be issued within one hundred twenty (120) days. In determining the number of days that have elapsed, the following periods are excluded:
 - a. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information.
 - b. Any period during which an environmental impact statement is being prepared following a determination of significance.
 - c. Any period during a pending administrative or judicial appeal of a SEPA mitigated determination of nonsignificance (MDNS), a determination of nonsignificance (DNS), or of the sufficiency of an environmental impact statement (EIS).
 - d. The period from the filing of an administrative appeal through final disposition of the appeal.
 - e. Any extension of time mutually agreed upon by the applicant and the city.
2. The time limits established by subsection B1 of this section do not apply if a project permit application:
 - a. Requires an amendment to the comprehensive plan or a development regulation;
 - b. Requires approval of the siting of an essential public facility as provided in Revised Code of Washington 36.70A.200; or
 - c. Is substantially revised by the applicant, in which case the time period will start from the date at which the revised project application is determined to be complete under section 11-2C-7 of this article.
3. If the city is unable to issue its final decision within the time limits provided in this section, the community development director must provide written notice of this fact to the project applicant. The notice must include a statement of reasons why time limits have not been met and an estimated date for issuance of the notice of final decision.
4. The city is not liable for damages under this article if it fails to make a final decision within the one hundred twenty (120) day period following notification to the applicant that his/her application is complete. Additionally, should the

applicant substantially revise the proposal, the applicant will be responsible for any additional associated costs.

11-2C-13: ADMINISTRATIVE INTERPRETATION: Any project permit applicant, Long Beach resident, owner of real property in Long Beach, or party of record may request an interpretation of the meaning or application of the city's development regulations applicable to project permit applications. A request must be written and must concisely identify the issue and desired interpretation. The community development director must provide a written administrative interpretation within thirty (30) days of receipt of the request.

11-2C-14: APPEALS:

- A. Notice of Appeal: Any aggrieved person who is a party of record may file an appeal of a final decision made by the city of Long Beach under the Long Beach Municipal Code. A written notice of appeal must be filed with the city clerk within fourteen (14) days after the date of the issuance of the decision or interpretation being appealed. The notice of appeal shall contain a concise statement identifying:
 - 1. The decision or interpretation being appealed;
 - 2. The name and address of the appellant and appellant's standing;
 - 3. The specific reason(s) why the appellant asserts the decision is in error; and
 - 4. The desired outcome or change(s) to the decision.
- B. Appeal Filing Fee: Upon filing an appeal, an appellant must pay a fee as set forth by the city council.
- C. Time Limit; Report: Within ninety (90) days of the filing of an appeal under this section, the appeal hearing body shall adopt a single report declaring its decision on the appeal. The report shall be provided to the applicant, the appellant, and to any person who, prior to the adoption of the report, requested notice of the decision. The ninety (90) day time period may be extended upon mutual agreement of all parties to the appeal.
- D. Administrative Decisions. An aggrieved person who is a party of record may appeal any final decision of an administrative official to the hearing examiner (except for administrative design review decisions appealed to the city council under section 12-10-8 of title 12 [Zoning]). The appeal must be in writing in accordance with this title and shall be filed with the city clerk within fourteen (14) days of the date of the action being appealed. If an open record public hearing was

not held as part of the administrative approval, then the hearing examiner shall conduct an open record hearing. Otherwise, the appeal to the hearing examiner shall be a closed record appeal.

1. When an appeal of an administrative design review decision is made subject to procedures of section 12-10-8 of title 12 (Zoning), the city council shall request a recommendation from the planning commission before taking action.

- E. **Planning Commission Decisions.** An aggrieved person who is a party of record may appeal a planning commission decision to the city council. The appeal must be in writing in accordance with this Title and shall be filed with the city clerk within fourteen (14) days of the date of the action being appealed. If an open record public hearing was not held as part of the planning commission decision, then the city council shall conduct an open record hearing. Otherwise, the appeal to the city council shall be a closed record appeal.

- F. **Hearing Examiner Decisions.** An aggrieved person who is a party of record may appeal a hearing examiner decision to the city council, if the examiner’s decision is not a “final action”. The appeal must be in writing in accordance with this title and shall be filed with the city clerk within fourteen (14) days of the date of the action being appealed. If an open record public hearing was not held as part of the hearing examiner decision, then the city council shall conduct an open record hearing. Otherwise, the appeal to the city council shall be a closed record appeal. In the case of appeals from Administrative Decisions, all decisions under the Shorelines Management Act, and any other decision of the hearing examiner that is designated in the Long Beach Municipal Code as a final action, the appeal is to:
 - 1. Pacific County Superior Court if it is subject to the Land Use Petition Act (RCW 36.70C);
 - 2. The Shorelines Hearings Board if it is a Shorelines Management Act decision; or
 - 3. To the appropriate Growth Management Hearings Board if it is an action subject to the Growth Management Act (RCW 36.70A).

- G. **City Council Decisions.** City Council decisions that are considered a “final action” must be appealed to either Pacific County Superior Court if it is a City Council action subject to the Land Use Petition Act (RCW 36.70C) or to the appropriate Growth Management Hearings Board if it is a council action that is subject to the Growth Management Act (RCW 36.70A). Any appellant is encouraged to review state law in order to determine the method and manner of perfecting an appeal of a city council action. The appeal must be filed in the time limits specified by state law.

1. Closed record appeals from a final decision of the city council under this article must be made to Pacific County Superior Court within fourteen (14) days of the date the decision or action became final.
 2. Procedure: The procedure for judicial appeals is as provided in the Land Use Petition Act^{viii} and Washington State Court Rules.
- H. Closed Record Appeal Hearings: All appeal hearings where an open record pre-decision hearing was held on the project permit shall be conducted as a closed record appeal hearing whereby the appeal is heard by the hearing body on the permit decision record as reported in the official file (see 11-2C-15) and no new evidence or testimony is allowed.
- I. Cost Borne By Appellant: The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal will be borne by the appellant. The appellant must post an advance fee deposit (in the amount specified by the city clerk-treasurer) with the city clerk-treasurer prior to the preparation of any records. Any overage will be refunded to the appellant within ten (10) days of filing the certified records with the superior court.
- J. Stay of Decision. The filing of an appeal within the time limits specified by this section shall stay the decision of the city until such time as the appeal has been adjudicated or withdrawn.

11-2C-15: FEES FOR APPLICATIONS, PERMITS AND APPEALS: Fees for applications, permits and appeals shall be set by resolution of the city council. No permit shall be issued, application accepted or determined complete, or appeal filed, without payment of the applicable fee as established in the city's fee schedule.

11-2C-16: OFFICIAL FILES:

- A. Files Required; Contents: After a project permit application has been deemed complete according to section 11-2C-7 of this article, the community development director will begin compiling an official file on each project permit application received by the city. An official file contains the following:
1. The application materials submitted by the applicant;
 2. Documentation of public notice;
 3. The city's report, which summarizes the community development director's findings, conclusions, and recommendations involving a project permit application;

4. Any other staff reports prepared;
 5. All written testimony received on the matter;
 6. The electronic recording and minutes of any public hearing or review on the matter;
 7. The recommendation of the planning commission on the permit or application, if applicable;
 8. The decision of the reviewing authority;
 9. Any other information relevant to the matter; and
 10. Certification of publication of legal notices, a copy of the mailed notification of application, and the date of mailing.
- B. **Public Record:** The official file is a public record. It is available for inspection and copying at city hall during regular business hours. Availability may be temporarily restricted during or prior to public hearings while staff is preparing for the hearing.
- C. **Retention of Files:** Official files will be kept in accordance with the provisions of Revised Code of Washington chapter 40.14 (the public records act).

11-2C-17: APPLICATION TIME LIMIT: The city may consider an application to be moot if the applicant fails to make the application complete by the end of a continuous ninety (90) day period. In such an event, the city may serve notice on the applicant by certified letter that the application will be terminated in thirty (30) days unless the applicant responds by return mail that the application remains an active, on-going concern.

11-2C-18: APPLICATION WITHDRAWAL AND REACTIVATION: The community development director, planning commission, hearing examiner, or city council, as appropriate, may permit the withdrawal of any application filed under the provisions of this title provided that any hearing must be held for which notice has been given. An application that has been withdrawn may only be reactivated and considered upon receipt of a new complete application by the city and payment of new fees by the applicant as required by this chapter.

CHAPTER 2

ADMINISTRATION AND ENFORCEMENT

Article D. Specific Development Regulations

Section:

11-2D-1: Variances

11-2D-2: Conditional use permits

11-2D-1: VARIANCES:

- A. Hearing Examiner Authority, Title 12 Variances : The hearing examiner shall have authority to grant a variance from provisions of the development standards of title 12 (Zoning) when conditions as set forth in subsection 11-2D-1B of this title have been found to exist, provided that any variance granted shall be subject to such conditions as will assure the adjustment meets the conditions of subsection 11-2D-1B of this title. No variance shall be granted that would result in a use otherwise not permitted in the zone district in which the subject property is situated.
- B. Required Showings, Title 12 Variances: Before any variance may be granted, it shall be shown:
 - 1. Strict application of the bulk, dimensional or performance standards set forth in this title precludes or significantly interferes with a reasonable use of the property not otherwise prohibited.
 - 2. Need for the variance is directly related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the zoning regulations and not, for example, from deed restrictions or the applicant's own actions.
 - 3. The design of the project is compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties.
 - 4. The requested variance does not constitute a grant of special privilege not enjoyed by other properties in the area, and is the minimum necessary to afford relief.
 - 5. The public interest will not suffer any substantial detrimental effect.
- C. Procedure for Approval, Title 12 Variances:

1. **Application:** A request for a variance may be initiated by a property owner or his/her authorized agent by filing an application with the city on forms prescribed by the city. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and its relationship to the surrounding property, building elevations and floor plans if applicable, and a written narrative describing the development standards from which relief is requested, the extent of the requested relief, and a statement of how the applicant believes the standards of subsection B of this section are met. Each application shall be accompanied by a receipt indicating payment of fees, as established by the city council.
 2. **Notice of Application:** Notice of application shall be provided as set forth in section 11-2C-9 of this title.
 3. **Public Hearing:** Before a request for a variance is acted upon, it shall be considered at a public hearing.
 4. **Notice of Public Hearing:** Notice of public hearing shall be provided as set forth in section 11-2C-11 of this title.
 5. **Recess of Hearing:** The hearing examiner may recess a hearing on a request for a variance in order to obtain additional information. Upon recessing for this purpose, the hearing examiner shall announce the time and date when the hearing will be resumed.
 6. **Final Action:**
 - a. The hearing examiner shall cause written notification of his action to be mailed to the applicant for a variance within ten (10) days after the decision has been rendered.
 - b. The applicant or any other aggrieved party with standing in the matter may appeal the decision of the hearing examiner to city council in accordance with the provisions of section 11-2C-14 of this title.
- C. **Hearing Examiner Authority, Title 10 Variances:** The Hearing Examiner shall have authority to grant a variance from provisions of Chapter 4 (Flood Danger Protection), Title 10 (Building Regulations) pursuant to Section 10-4-C of this code.

11-2D-2: CONDITIONAL USE PERMITS:

- A. **City Action; Conditions for Approval:** The hearing examiner may approve, approve with modifications, or deny an application for conditional use authorized by title 12 (Zoning). In determining the impacts a proposed use may have on surrounding properties and the community, the examiner shall make the following

determinations. The hearing examiner shall approve an application that meets all of these requirements. The hearing examiner may modify an approval with conditions that will ensure that the following provisions are met:

1. The proposed use is permitted as a conditional use in the zone in which the subject property is located.
 2. The hours of operation, noise, lighting, odors, vibrations or other impacts of the proposed use will not be disruptive to the neighborhood.
 3. Local and area streets are capable of accommodating traffic projected from the proposed use.
 4. The proposed design of the site and the buildings therein meet city design requirements.
 5. Adequate provision has been made on site to accommodate parking and loading needs of the proposed use.
 6. The proposed use has access to an adequate potable water supply.
 7. The proposed use will connect to a public sewer system with sufficient capacity to accommodate the use and sufficient assurance of continued availability.
 8. The proposed use meets the requirements of other applicable ordinances and regulations including, but not limited to, the comprehensive plan, the shoreline master program, and the state environmental policy act^{ix}.
- B. Bond: The city council may require the applicant for a conditional use permit furnish the city with a performance bond of up to one hundred fifty percent (150%) of the value of the cost of improvements to be guaranteed by such bond, in order to assure the proper development of the conditional use according to restrictions and conditions specified by the city council and as set forth in section 11-1-10 of this title.
- C. Procedure For Approval:
1. Application: A request for conditional use may be initiated by a property owner or his authorized agent by filing an application with the city on forms prescribed by the city. The application shall be accompanied by a site plan, drawn to scale, showing dimensions and arrangement of the proposed development and its relationship to surrounding property, building elevations and floor plans if applicable, a written narrative describing the nature of the proposed use, and a statement of how the applicant believes the standards of subsection A of this section are met. Each application shall be accompanied by a receipt indicating

- payment of fees.
2. Notice of Application: Notice of application shall be provided as set forth in section 11-2C-9 of this title.
 3. Public Hearing: Before a request for a conditional use permit is acted upon, it shall be considered at a public hearing.
 4. Notice of Public Hearing: Notice of public hearing shall be provided as set forth in section 11-2C-11 of this title.
 5. Recess of Hearing: The hearing examiner may recess a hearing on a request for a conditional use in order to obtain additional information. Upon recessing for this purpose, the hearing examiner shall announce the time and date when the hearing will be resumed.
 6. Notice of Action to Council: The hearing examiner shall cause written notification of its action to the city council.
- D. Time Limit: A conditional use permit is valid only if construction or use has commenced within one (1) year from the date of final approval. If substantial construction or use has not commenced within one (1) year of final approval, the conditional use permit shall be null and void. A one year extension may be granted by the city council if such extension is requested prior to the expiration date.
1. The time limit for a conditional use permit issued as part of a shoreline substantial development permit shall be that of the shoreline permit.
- E. Discontinuance of use: A Conditional Use Permit shall run with the land. However, if a use for which a conditional use was granted is discontinued for more than one (1) year, the conditional use permit shall be considered void and a new conditional use permit must be obtained prior to resuming such use.
1. A property owner or business owner may, for cause, request an extension of not more than one (1) additional year from discontinuation of the use. Such request shall be made in writing to the community development director prior to the end of the first year of discontinuation. The request shall explain the need for additional time and provide a schedule for resumption of the use. The city council will evaluate the request and direct the community development director to issue a decision letter.
- F. Expansion of use: A new conditional use permit shall be required if there is any change or expansion of use greater than ten percent (10%). No more than one increase of use greater than ten percent (10%) in aggregate shall be permitted.

CHAPTER 2

ADMINISTRATION AND ENFORCEMENT

Article E. Enforcement

Section:

11-2E-1: Permit suspension, revocation or modification

11-2E-2: Violations; defined

11-2E-3: Violations; investigated

11-2E-4: Violations; penalties

11-2E-1: PERMIT SUSPENSION, REVOCATION OR MODIFICATION:

- A. Grounds: Any permit, variance, or other land use approval issued by the city pursuant to this title may be suspended, revoked, or modified on one or more of the following grounds:
1. The approval was obtained by fraud or material misrepresentation.
 2. The approval was based on inadequate or inaccurate information supplied by the applicant or the applicant's representative.
 3. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval.
 4. The approval or permit granted is exercised contrary to terms or conditions of such approval or in violation of any statute, law, or regulation.
 5. The holder of the permit or approval interferes with any authorized city representative in the performance of his or her duties, relevant to the permit or approval or implementation and review of the permit.
- B. Council Authority: The city council may, after review and recommendation by the planning commission, revoke or modify any land use approval issued.

11-2E-2: VIOLATIONS; DEFINED: No permit or approval in conflict with the provisions of this title, title 10 (Building Regulations) or title 12 (Zoning) shall be issued. Any permit issued or land use approved in violation of this title, title 10, or title 12 shall be void. Structures or uses which do not conform to this title, title 10, or title 12, except approved variances and legal nonconforming uses as specified in this title, title 10, or title 12, are violations subject to enforcement, penalty, and abatement provisions of this title and code. Violations include and are not limited to the following:

- A. Establishing a use not permitted in the zone in which it is located;
- B. Constructing, expanding, or placing a structure in violation of setback, height, and other dimensional standards;
- C. Establishing a permitted use without complying with applicable development standards set forth in other codes, regulations, ordinances, rules, or laws;
- D. Failing to carry out or observe conditions of land use or permit approval, including contract development standards of property-specific agreements;
- E. Failing to secure required land use or permit approval prior to establishing a permitted use; and
- F. Failing to maintain site improvements, such as landscaping, parking, or drainage control facilities, as required in this title.

11-2E-3: VIOLATIONS, INVESTIGATION: The city administrator or his authorized agent shall investigate any charge of violation of this title brought to the city administrator's attention. Upon verifying a violation of this title, the city administrator shall serve notice to the property owner to comply with city building regulations. The city administrator or his authorized agent shall inspect the premises after serving notice of violation and, if the violation is still in effect, may take any action authorized in Title 14 (Penalties).

11-2E-4: VIOLATIONS, PENALTIES: Penalties for violations of this chapter shall be assessed and enforced pursuant to Title 14 (Penalties).

CHAPTER 3
ENVIRONMENTAL REGULATIONS

Section:

11-3-1: State environmental policy act

11-3-2: Shoreline master program

11-3-3: Development in flood areas

11-3-1: STATE ENVIRONMENTAL POLICY ACT^x:

- A. Compliance with Rules and Regulations: See title 5, chapter 1 of this code for SEPA rules and regulations.
- B. Exemptions: The following are normally exempt from SEPA requirements:
 - 1. Annexations.
 - 2. Boundary line adjustments.
 - 3. Short subdivisions.
 - 4. Vacation of public rights-of-way.

11-3-2: SHORELINE MASTER PROGRAM:

- A. City Shoreline Master Program: See shoreline master program and zoning ordinances as adopted by the city.
- B. Relation to Revised Code of Washington Chapter 36.70B: Shoreline substantial development permits, shoreline conditional use permits, and shoreline variances are subject to the following procedures, which are outlined in article 11-2C (Administration of Development Regulations) of this title:
 - 1. Determination of completeness;
 - 2. Notice of application;
 - 3. Optional consolidated project permit review processing, except as provided in Revised Code of Washington 36.70B.140;
 - 4. Joint public hearings (if applicable);

5. Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing;
6. Notice of decision; and
7. Completion of project review within any applicable time periods (including the 120 day permit processing time).

11-3-3: DEVELOPMENT IN FLOOD AREAS:

- A. City Comprehensive Flood Hazard Management Plan: The City of Long Beach comprehensive flood hazard management plan (FHMP) was completed for the city in 1995. The FHMP sets forth the recommendations for land development within flood areas in Long Beach and procedures for obtaining development permits or approvals within flood areas.
- B. Flood Damage Prevention Ordinance^{xi}: The flood damage prevention ordinance sets up specific standards for structures located in areas subject to the 100-year flood and specific provisions for substantial improvements to or construction of new structures in areas subject to the 100-year flood.
- C. Development In Flood Areas: Persons proposing development within flood areas must comply with the requirements of the most recent edition of the FHMP, the most recent update of the flood damage prevention ordinance, in addition to the regulations of this title.

11-3-4 DEVELOPMENT IN CRITICAL AREAS:

- A. City Critical Areas Ordinance: See the Critical Areas Ordinance as adopted by the City.
- B. All of the City of Long Beach is located within an environmental Critical Area, and development proposals, unless exempted, are subject to all or a portion of the requirements of the Critical Areas Ordinance, including preparation of a critical areas checklist, preparation of a critical areas report, preparation and compliance with a mitigation plan. Critical Areas review is an element of the development permit process of the city.

CHAPTER 4
LAND DIVISION

Article A. Land Division In General

Section:

- 11-4A-1: Purposes
- 11-4A-2: Authority
- 11-4A-3: Applicability
- 11-4A-4: Exemptions
- 11-4A-5: Pre-application conference
- 11-4A-6: Plat approval or disapproval; time limit; extension
- 11-4A-7: Subdivision development standards

11-4A-1: PURPOSES: The purposes of this chapter, including articles A through E, are to regulate subdivision of land and to promote the public health, safety, and general welfare in accordance with standards established by the state.

11-4A-2: AUTHORITY: These regulations are established pursuant to provisions of Revised Code of Washington chapter 58.17 and should not preclude full compliance with same.

11-4A-3: APPLICABILITY:

- A. Every subdivision and short subdivision must comply with provisions of this chapter, including articles A through D.
- B. No person may subdivide or develop land within the city except in accordance with provisions contained in this title, unless specifically exempted from such provisions.
- C. No development permit will be issued for any parcel of land developed or divided in violation of the city shoreline master program.
- D. A building or development permit must be obtained before construction or development begins within any area of special flood hazard, in accordance with title 10 (Building Regulations) of this code.

11-4A-4: EXEMPTIONS: In accordance with Revised Code of Washington chapter 58.17, provisions of this chapter (including articles A through D) do not apply to:

- A. Cemeteries and other burial plots while used for that purpose.
- B. Divisions of land into lots or tracts each of which is 1/128 of a section of land or larger, or five (5) acres or larger if the land is not capable of description as a fraction of a section of land;
- C. Divisions made by testamentary provisions or by laws of descent.
- D. 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 result in any lot, tract, parcel, site, or division which does not meet minimum requirements for width and area for a building site.
- E. Divisions made for mobile home parks.
- F. A division made under the provisions of the Horizontal Properties Regimes Act, Condominiums (Chapter 64.32 RCW), except that all condominium divisions made under said statute shall have their conditions, covenants, and restrictions (CC&Rs) reviewed and approved by the community development director to assure compliance with the this code prior to executing and filing such CC&Rs and other enabling documents with Pacific County.
- G. Assessors' plats, provided they contain a survey of subdivision and contain permanent control monuments as required by Revised Code of Washington chapter 58.17.

11-4A-5: PRE-APPLICATION CONFERENCE: An applicant may request a pre-application conference with the community development director prior to filing an application to discuss requirements and the review process, in accordance with section 11-2C-5 of this title.

11-4A-6: PLAT APPROVAL OR DISAPPROVAL; TIME LIMIT; EXTENSION:

- A. Preliminary Plats: Preliminary plats will be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from date of filing, unless the applicant consents to an extension of such time period or the ninety (90) day limitation is extended to include up to twenty one (21) days as specified under Revised Code of Washington 58.17.095(3).
- B. Environmental Impact Statement: If an environmental impact statement is required as provided in Revised Code of Washington 43.21C.030, the ninety (90)

day period will not include the time spent preparing and circulating the environmental impact statement.

- C. Final Plats and Short Plats: Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing, unless the applicant consents to an extension of such time period.
- D. Final Plat Submittal to Council: A final plat meeting all requirements of this article must be submitted by the applicant to the city council for approval within five (5) years of the date of preliminary plat approval.
- E. Extension: The city council may extend a preliminary plat approval for an additional year, if the approval for extension of time is granted prior to the original expiration date. No more than one extension shall be granted. In considering a request for extension, the city council shall consider whether the map presently conforms to the requirements of the city and whether:
 - 1. The extension is necessary to secure needed approvals from other agencies;
 - 2. The extension is necessary to comply with conditions of the original approval of this title and other ordinances; or
 - 3. The applicant has demonstrated a good faith attempt to finalize the plat within the prescribed time.

11-4A-7: SUBDIVISION DEVELOPMENT STANDARDS:

- A. Lot Standards:
 - 1. No lot shall be established that is in violation of this code.
 - 2. Lot shapes shall be designed to avoid awkward configuration.
 - 3. Each lot shall have sufficient width, area/size and frontage to comply with the minimum requirements established in each zoning district.
 - 4. The building envelope shall be shown on all lots.
 - 5. All lots shall have direct access to a public or private street, private driveway or access easement, constructed to city standards.
- B. Easements:
 - 1. Public and/or private easements for access and for the construction and maintenance of utilities and public facilities shall be granted to provide and

maintain access and adequate utility service to each lot and adjacent lands.

2. An easement, tract or area shall be granted as deemed appropriate by the city where preservation of an environmentally sensitive area benefits the public health, safety and welfare. Such benefits may include and are not limited to surface water and erosion, visual buffering and protection of plant and animal habitat. Such easement shall impose upon all present and future owners and occupiers of land subject to the easement, the obligation to leave undisturbed all trees and other vegetation within the easement, except that area required for future construction of multi-purpose low-impact trails and city-approved utilities. The vegetation within the easement may not be cut, pruned, covered by fill, removed, damaged or enhanced without express written permission from the city.

3. Placement of any building on or over an easement for utility mains or lines shall be prohibited.

- C. Water Supply: All lots shall be served by the city water system unless this requirement is waived pursuant to section 11-5-3C of this title. The water supply system serving those lots shall be designed and constructed according to all applicable provisions of this code and the public works development design standards.
- D. Sewage Disposal: All lots shall be served by the city sanitary sewer system unless this requirement is waived pursuant to section 11-5-3C of this title. Except for private side sewers, any common sanitary sewer system serving more than one lot shall be provided by the applicant and dedicated to the city. Such sewer systems shall be designed and constructed according to all applicable provisions of the public works development design standards.
- E. Storm Drainage:
1. All lots shall be provided with adequate storm drainage connected to the city storm drainage system, where so served, or another system approved by the city engineer.
 2. Where a public street is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system in the right-of-way.
 3. Where appropriate, storm drainage facilities shall include suitable on-site detention and/or retention facilities. Low impact development techniques are encouraged.
 4. Storm drainage shall be provided in accordance with the city's Development Guidelines and Public Works Standards or other standards and specifications approved by the city Engineer.

F. Streets:

1. Subdivisions shall provide direct access to at least one existing improved and publicly dedicated street.
2. Dead-end streets shall be local streets only and shall terminate in a cul-de-sac or hammerhead sufficient in size to allow emergency vehicles to turn around. Streets that dead-end, and that would normally be continued if the adjacent property were developed, shall be shown as temporary turnarounds.
3. The street system for subdivisions shall connect to the existing city street system and be designed to provide safe and efficient traffic movement, to reduce conflicts between various types of land uses and transportation modes, and to coordinate the location of proposed buildings with parking, loading and other transportation-related facilities.
4. Streets shall be designed in accordance with the public works development design standards or other standards and specifications approved by the city engineer.
5. Dedication of rights-of-way, consistent with the functional classification of the road serving the property, shall be required where necessary.
6. Streetlights shall be required, one light per three hundred (300) linear feet of street frontage, and provided in accordance with the public works development design standards or other standards and specifications approved by the city engineer.

G. Sidewalks:

1. Subdivisions shall provide sidewalks or other city-approved pedestrian facilities separate from the traveled way and safe for pedestrians.
2. Pedestrian accommodations may be incorporated into other trails or paths designed for non-motorized transportation, such as and not limited to bike paths.

CHAPTER 4
LAND DIVISION

Article B. Short Subdivision

Section:

- 11-4B-1: Submitting application, related materials and fee
- 11-4B-2: Determination of completeness
- 11-4B-3: Development standards
- 11-4B-4: Notice to surrounding property owners
- 11-4B-5: Distribution of application
- 11-4B-6: Community development director's decision
- 11-4B-7: Re-division of short plats
- 11-4B-8: Filing and distribution of approved short plats
- 11-4B-9: Appeals

11-4B-1: SUBMITTING APPLICATION, RELATED MATERIALS AND FEE:

Persons requesting short plat approval must submit the following to the community development director, in accordance with section 11-2C-7 of this title:

- A. A completed application form furnished by the city.
- B. Three (3) copies of the plat, with additional information specified by the application form.
- C. An application fee.

11-4B-2: DETERMINATION OF COMPLETENESS: The community development director will notify the applicant the application has been received and that it is complete or incomplete, in accordance with section 11-2C-8 of this title.

11-4B-3: DEVELOPMENT STANDARDS:

- A. Access to a short subdivision, including but not limited to surface material and width, shall be constructed according to the city's adopted development guidelines and public works standards or other standards and specifications approved by the city engineer.

- B. When access to a short subdivision is by public right-of-way, streetlights shall be installed, one light per each three hundred (300) linear feet of street.
- C. When access to a short subdivision is by private right-of-way or driveway, a maneuvering radius or hammerhead that can accommodate emergency vehicles shall be constructed at the most distant point on the access.

11-4B-4: NOTICE TO SURROUNDING PROPERTY OWNERS: Upon submittal of a completed application for short subdivision, the community development director shall send out a notice of the application to all property owners within three hundred feet (300') of the property proposed for subdivision as described in section 11-2C-9 of this title. Surrounding property owners will have fourteen (14) days to provide comment to the community development director regarding the proposed subdivision.

11-4B-5: DISTRIBUTION OF APPLICATION:

- A. Agency Review: The community development director will forward as circumstances dictate, one copy of the proposed short plat to the following:
 - 1. City engineer.
 - 2. City administrator.
 - 3. Fire marshal.
 - 4. Superintendent of schools.
 - 5. Police chief.
 - 6. Other agencies, as may be warranted.
- B. Department of Transportation Notification: Whenever the city receives an application for approval of a short plat of a short subdivision that is located adjacent to the right of way of a state highway, the community development director must give written notice of the application, including a legal description of the short subdivision and a location map, to the district manager of the department of transportation. The district manager will submit to the community development director any information the district manager deems relevant regarding the proposed short subdivision upon legal access to the state highway, the carrying capacity of the state highway, and the safety of users of the state highway.

- C. The community development director will allow fourteen (14) calendar days for transmittal of review comments from individuals and agencies listed in subsections 11-4B-5A and B of this title.

11-4B-6: COMMUNITY DEVELOPMENT DIRECTOR'S DECISION:

- A. Criteria For Consideration:

- 1. Criteria Listed: In reviewing the application for short plat approval, the community development director will consider the following criteria:

- a. Whether the short plat meets applicable zoning and other land use regulatory requirements of the city and state. No short plat will be approved unless it is found to be in compliance with applicable zoning requirements.

- b. Whether the proposed short subdivision is adequately served by sidewalks and other planning features that assure safe walking conditions for students who walk to and from school and others who may use sidewalks.

- c. Whether the design, shape, size, and orientation of the proposed short subdivision are appropriate to the proposed use for which the lots are intended and are compatible with the character of the area in which they are located.

- d. The recommendations of the city engineer and other agencies and personnel listed in subsection 11-4B-5 of this title, if they gave recommendations.

- e. Whether easements are provided and conveyed where necessary for utility installation and maintenance, public access, drainage, and buffer strip or protective easements.

- f. When only a portion of an entire tract is proposed to be short subdivided, the community development director shall consider how the proposed lots and improvements will eventually relate and coordinate with the entire tract when fully platted.

- 2. Written Decision: The decision of the community development director must be in writing and must include findings of fact and conclusions to support the decision.

- B. Report of Decision: The community development director shall provide the mayor a single report stating the decision on the short subdivision in accordance with section 11-2C-12 of this title.

11-4B-7: RE-DIVISION OF SHORT PLATS:

- A. Land contained within a short subdivision, as shown on an approved short plat, may not be further divided within a period of five (5) years, unless a final plat is filed and approved in accordance with procedures established in this article. Not more than four (4) parcels may be created within five (5) years without going through the preliminary/final plat process described in articles C and D of this chapter.
- B. If an approved short plat contains fewer than four (4) parcels however, nothing in this section prevents the owner who filed the short plat from filing an alteration within the five (5) year period to create up to a total of four (4) lots within the original short plat boundaries.

11-4B-8: FILING AND DISTRIBUTION OF APPROVED SHORT PLATS:

- A. The original of any approved short plat must be signed by the mayor. The plat must contain all requirements and certification statements as set forth in subsections A through Q and T through U of section 11-4D-2, of this title, plus the following city approval certification statement:

The city of Long Beach has reviewed the final plat for compliance with the standards of the city's subdivision ordinance, the record of decision, and required letters of recommendation, and approves the subdivision on this ____ day of _____, 20__.

Mayor

ATTEST:

City Clerk-Treasurer.

-
- B. The signed short plat must be filed for record by the applicant with the Pacific County auditor. Pursuant to Revised Code of Washington 58.17.065, the final short plat will not be deemed approved until filed with the Pacific County auditor.
 - C. One paper copy of the recorded short plat will be furnished to the city and one reproducible copy will be furnished to the city engineer.
 - D. One paper copy of the recorded short plat will be filed with the Pacific County assessor if so required by that office.

- E. Paper copies of the recorded short plat will be provided to such other agencies as may be required by the community development director.

11-4B-9: APPEALS: The decision of the community development director on short plat approval may be appealed to the hearing examiner in accordance with section 11-2C-14 of this title.

CHAPTER 4

LAND DIVISION

Article C. Preliminary Plat

Section:

- 11-4C-1: Application for preliminary plat approval
- 11-4C-2: Determination of completeness
- 11-4C-3: Notice of application
- 11-4C-4: Public hearing notice
- 11-4C-5: Distribution of application
- 11-4C-6: Hearing examiner review and decision
- 11-4C-7: Criteria for consideration
- 11-4C-8: Dedications
- 11-4C-9: Report of decision
- 11-4C-10: Appeals

11-4C-1: APPLICATION FOR PRELIMINARY PLAT APPROVAL:

- A. A preliminary plat is a conceptual plan for a development. It shows the proposed development and amenities. To be considered for preliminary plat approval, the applicant must submit the following to the community development director, in accordance with section 11-2C-7 of this title:
 - 1. A completed application form, as provided by the city.
 - 2. Ten (10) copies of the preliminary plat, with additional information as specified by the application form.
 - 3. SEPA environmental checklist.
 - 4. SEPA EIS, if applicable.
 - 5. An erosion control plan, in accordance with subsection 11-5-4D of this title.
 - 6. An application fee.
- B. An applicant for preliminary plat approval may elect to process all related project permit applications together in accordance with section 11-2C-6 of this title.

11-4C-2: DETERMINATION OF COMPLETENESS: The community development director must notify the applicant that his/her preliminary plat application has been received and that it is complete or incomplete, in accordance with section 11-2C-8 of this title.

11-4C-3: NOTICE OF APPLICATION: The community development director must provide a notice of application in accordance with subsection 11-2C-9 of this title. In addition:

- A. Notice of the filing of a preliminary plat of a proposed subdivision located in the city and adjoining the municipal boundary will be given to appropriate county officials.
- B. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right of way of a state highway or within two (2) miles of the boundary of a state or municipal airport will be given to the district manager, Washington state department of transportation. The district manager must respond to the city within fifteen (15) days of such notice as to the effect that the proposed subdivision will have on the state highway or state or municipal airport.

11-4C-4: PUBLIC HEARING NOTICE: Upon notification from the community development director that the preliminary plat application is complete, notice of a hearing examiner public hearing will be given in accordance with section 11-2C-11 of this title.

11-4C-5: DISTRIBUTION OF APPLICATION:

- A. After a preliminary plat application has been deemed complete according to section 11-2C-8 of this title, the community development director will forward one copy of the preliminary plat to each of the following for their comments and recommendations:
 - 1. City administrator.
 - 2. City engineer.
 - 3. Fire marshal.
 - 4. Superintendent of schools.
 - 5. Police chief.
 - 6. Water and wastewater supervisor.

7. Streets and storm water supervisor.
- B. Each preliminary plat submitted for approval of the hearing examiner will be accompanied by recommendations for approval or disapproval by the individuals listed in subsection A of this section.

11-4C-6: HEARING EXAMINER REVIEW AND DECISION:

- A. Upon receipt of the application from the community development director, the hearing examiner will conduct a public hearing on the preliminary plat application, pursuant to the procedures set forth in section 11-2C-11 of this title, at which he/she will consider the application, related materials, SEPA determinations, comments made at the hearing by the applicant, adjoining property owners, and other interested parties.
- B. Based on results of the public hearing, the hearing examiner will make a decision on the preliminary plat. The examiner will consider criteria in sections 11-4A-7 and 11-4C-7 of this article in making his/her recommendation.
- C. The hearing examiner may not, as a condition to the approval of any subdivision, require a release from damages to be procured from other property owners.

11-4C-7: CRITERIA FOR CONSIDERATION: The hearing examiner will consider all relevant evidence to determine whether the preliminary plat should be approved or disapproved. In accordance with Revised Code of Washington chapter 58.17, such evidence will include:

- A. Whether the proposed subdivision is in conformance with the city's comprehensive plan.
- B. Whether appropriate provisions have been made for, but not limited to, the public health, safety, and general welfare regarding open spaces, drainageways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds.
- C. Whether sidewalks and other planning features assure safe walking conditions for people who use them.
- D. Whether capital facilities to be provided by the city can be provided concurrently with the expected development, in accordance with the comprehensive plan.
- E. Whether the public interest will be served by the subdivision and dedication.

- F. The physical characteristics of the proposed subdivision, including flood, inundation, or wetland conditions (which are grounds for disapproval). No plat will be approved if it covers any land situated in a flood control zone as provided in Revised Code of Washington chapter 86.16 without the prior written approval of the department of ecology of the state of Washington.
- G. Any information provided as a result of compliance with the state environmental policy act^{xii}.

11-4C-8: DEDICATIONS:

- A. Dedication of land to the city and/or provision of public improvements to serve the subdivision may be required as a condition of subdivision approval. Dedications must be clearly shown on the final plat.
- B. No dedication or provision of public improvements will be allowed that constitutes an unconstitutional taking of private property.

11-4C-9: REPORT OF DECISION:

The hearing examiner shall adopt a single report stating the decision on the preliminary plat application in accordance with section 11-2C-12 of this title, including findings of fact and conclusions to support the decision.

11-4C-10: APPEALS: The decision of the hearing examiner on the preliminary plat may be appealed to the city council in accordance with section 11-2C-14 of this title.

CHAPTER 4

LAND DIVISION

Article D. Final Plat

Section:

- 11-4D-1: Application for final plat
- 11-4D-2: Requirements and certification statements
- 11-4D-3: Title insurance report
- 11-4D-4: Improvements
- 11-4D-5: Maintenance security
- 11-4D-6: Procedure and criteria for council approval
- 11-4D-7: Filing and distribution of approved final plats

11-4D-1: APPLICATION FOR FINAL PLAT:

- A. An applicant for final plat must submit:
 - 1. A completed application form, furnished by the city;
 - 2. Ten (10) copies of the final plat with all required data per section 11-4D-2 of this title;
 - 3. The application fee; and
 - 4. One reduced scale reproducible copy of the final plat.
- B. Failure of an applicant to submit all required application materials shall constitute a lack of compliance with this article, and the community development director may suspend the application until all required materials are submitted.
- C. The complete final plat shall be submitted within five (5) years of the date of approval of the preliminary plat, as set forth in section 11-4A-6 of this title. Failure to submit a complete application for a final plat within that time will result in expiration of the preliminary plat.

11-4D-2: REQUIREMENTS AND CERTIFICATION STATEMENTS: Every final plat submitted for approval must conform to requirements listed in subsections A through M of this section and all required information must be clearly shown. The final plat must show the certification statements listed in subsections N through U of this section, with appropriate signatures and seals before the subdivision is approved and recorded.

- A. The plat must consist of one or more pages of a size acceptable to the city council. The plat must be clearly and legibly drawn on stable base polyester film or equivalent approved material. All drawing and lettering must be in permanent black ink, or an approved equivalent.
- B. The perimeter of the subdivision must be depicted with heavier lines than appear elsewhere on the plat. The scale must be one inch equals hundred feet (1" = 100'), unless the community development director approves another scale. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of three inches (3") on the left side and one inch (1") on the remaining sides.
- C. The name of the subdivision, the graphic scale, and the north point.
- D. An accurate map of the subdivided land, based upon a complete survey by a licensed surveyor.
- E. All section, township, municipal and county lines lying within or adjacent to the subdivision.
- F. The location of all monuments or other evidence used as ties to establish the subdivision's boundaries, and all permanent monuments with linear dimensions.
- G. The boundary of the subdivision with complete bearings and linear distances.
- H. The length and bearings of all straight lines and the radii arcs and semi-tangents of all curves.
- I. The length of all lot lines, together with bearings and other data necessary for the location of any lot line in the field.
- J. The location, right-of-way width, pavement width, centerline and name or number of all streets and alleys within and adjoining the subdivision.
- K. Numbers assigned to all lots, indication of the acreage and/or square footage of each lot, and letters assigned to all blocks within the subdivision. A house address system will be provided by the city; provided, however, that an index system will be shown on the plat to allow assignment of house numbers by the city.
- L. Building envelopes, wetlands, buffers, sensitive areas and other areas that affect the location of development on the site.
- M. Notations of any survey discrepancies.

P. Registered land surveyor's certification, as follows:

I, a registered land surveyor, do hereby certify that the plat of is based on actual survey and subdivision of section , Township North, Range East, that the distances and courses and angles are shown thereon correctly and that proper monuments have been set and lot block corners staked on the ground as shown on the lot.

Registered Land Surveyor

Q. County treasurer's certification, as follows:

I certify that all property taxes on the land described hereon have been fully paid to and including the year .

Pacific County Treasurer

R. City engineer approval, as follows:

I, the city engineer for the city of Long Beach, Washington, have reviewed the plat and have found it to comply with the provisions of the approved preliminary plat and the requirements and standards of the city's subdivision code, and therefore recommend approval on this day of , 20 .

City Engineer

S. City council approval, as follows:

The city council has reviewed the final plat for compliance with the approved preliminary plat requirements and standards of the city's subdivision ordinance, and required letters of recommendation, and approve the subdivision on this day of, 20____ .

Mayor

ATTEST:

City Clerk-Treasurer

T. County assessor approval, as follows:

Examined and approved this day of, 20.

Pacific County Assessor

U. County officer of records certificate (to be signed at the time of recording the approved final plat):

Filed for record at the request of, this day of, 20 at minutes past o'clock M, and recorded in Volume of plats, on page, recorded of Pacific County, Washington.

Pacific County Auditor

Deputy Auditor

11-4D-3: TITLE INSURANCE REPORT: The applicant for final plat approval must submit a title insurance report confirming the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the plat's certificate.

11-4D-4: IMPROVEMENTS:

To file a final plat, a developer must construct all required improvements of the preliminary plat, repair existing streets and other public facilities damaged in the development of the subdivision, and submit a final plat for approval before filing with the county auditor. As-built drawings for all improvements shall be submitted to the city within 90 days of their completion. City council may authorize the execution of a security agreement pursuant to the requirements of section 11-1-10 of this title for improvements or repairs not completed prior to final plat approval.

11-4D-5: MAINTENANCE SECURITY:

A. Types Of Security: All required minimum improvements within any subdivision may be subject to a maintenance bond or other approved surety guaranteeing to the city the successful operation of improvements for a period of two (2) years. The subdivider must file with the final plat one of the following:

1. A surety bond executed by a surety company authorized to transact business

- in the state of Washington in a form approved by the city attorney.
2. A personal bond approved by the city attorney cosigned by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
 3. Cash.
 4. A letter of credit approved by the city attorney from a financial institution stating that money is held for the purposes of development of the stated project.
- B. Amount: The bond or other approved surety will be for twenty percent (20%) of the estimated value of all required improvements as determined by the city clerk-treasurer.
- C. Authorize Release of Bond or Surety: Upon the termination of the warranty period, and upon restoration of the improvements to successful operation and the repair of any defects or damage in the improvements, the city clerk-treasurer will authorize release of the maintenance bond or surety.
- D. Withhold Release of Bond or Surety: The city clerk-treasurer may withhold release of the bond or surety up to one year from the date of any restoration or repairs to ensure that restoration or repairs were adequate.
- E. Security Agreement: The city clerk-treasurer and the applicant must sign a notarized security agreement, approved in form by the city attorney, in accordance with section 11-1-10 of this title.

11-4D-6: PROCEDURE AND CRITERIA FOR COUNCIL APPROVAL:

- A. Council Agenda: Upon receipt by the community development director of a completed application for final plat that requires city council approval, the community development director will notify the city administrator to place the final plat application on the city council's agenda for its next regular meeting not sooner than ten (10) days after receipt.
- B. Criteria for Consideration: The council shall consider the following criteria when it reviews a final plat for approval:
1. The final plat conforms to the proposed preliminary plat and any conditions imposed.
 2. The maintenance security assures successful operation of improvements.

3. The final plat conforms to the city's zoning regulations and all other applicable land use regulations.
- C. **Written Approval:** When the city council finds the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of Revised Code of Washington chapter 58.17, other applicable state laws, the city code, and other applicable local laws, the mayor or other designated member of the city council will suitably inscribe and execute his/her written approval on the face of the final plat.
- D. **Findings To Support Decision:** All findings of fact and conclusions supporting the city council's action on the final plat must be recorded in the minutes of the meeting during which the action was taken.

11-4D-7: FILING AND DISTRIBUTION OF APPROVED FINAL PLATS:

- A. The original of any approved final plat will be filed for record with the Pacific County auditor.
- B. One paper copy will be furnished to the city and one reproducible copy will be furnished to the city engineer.
- C. One paper copy will be filed with the Pacific County assessor if so required by that office.
- D. Paper copies will be provided by the community development director to such other agencies as may be required.

CHAPTER 4

LAND DIVISION

Article E. Boundary Line Adjustments

Section:

11-4E-1	Description
11-4E-2	Pre-application conference
11-4E-3	Submitting application, related materials and fee
11-4E-4	Community development director review and decision
11-4E-5	Record boundary line adjustment
11-4E-6	Appeals

11-4E-1: DESCRIPTION:

- A. A boundary line adjustment is a legal method of moving a property line.
- B. The purpose of a boundary line adjustment is to accommodate a minor transfer of land between adjacent legally created lots in order to correct property line or setback encroachments, create better lot design, or improve access, without creating substandard lots or substandard yard or setback areas.
- C. It is not the purpose of a boundary line adjustment to create additional building lots.
- D. A boundary line adjustment is exempt from most procedures in chapter 2, article C of this title, as explained in subsection 11-2C-3C of this title.
- E. A boundary line adjustment does not allow for any physical development, cannot result in an impact to the environment, and is exempt from SEPA requirements.

11-4E-2: PRE-APPLICATION CONFERENCE: An applicant may request a pre-application conference with the community development director prior to filing a boundary line adjustment application to discuss requirements and the review process, in accordance with section 11-2C-5 of this title.

11-4E-3: SUBMITTING APPLICATION, RELATED MATERIALS AND FEE:

Persons requesting a boundary line adjustment must submit the following to the community development director, in accordance with section 11-2C-7 of this title:

- A. A boundary line adjustment application form, provided by the city, accompanied by a scaled map of the properties involved in the boundary line adjustment showing the existing and proposed boundaries, existing and proposed lot dimensions, existing and proposed lot areas, and existing improvements.
- B. Title certificates indicating the ownership of the real property parcels which are to be included in the boundary line adjustment request. All persons and entities having a title interest in the property to be adjusted are required to sign all documents relating to the request. The applicant must also provide proof that all past due property taxes are paid.
- C. An application fee.

11-4E-4: COMMUNITY DEVELOPMENT DIRECTOR REVIEW AND DECISION:

- A. The community development director will evaluate the boundary line adjustment request in relation to the current comprehensive plan and zoning district requirements in making his/her decision. The director may approve an application for a boundary line adjustment provided the following criteria are met:
 - 1. The proposed adjustment shall meet the exemption requirements of RCW 58.17.040(6);
 - 2. The boundary line adjustment shall not result in creation of any additional tract, lot, parcel, site or division;
 - 3. The property being transferred within the boundary line adjustment shall be combined with the benefiting parcel and shall not be a separate parcel;
 - 4. The lots, tracts or parcels resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable zone as pursuant to title 12 (Zoning) of this code;
 - 5. All lots modified by the boundary line adjustment procedures shall have legal access meeting city standards;
 - 6. The boundary line adjustment shall not violate any requirement or condition of a previous land use action, subdivision, short subdivision or binding site plan;
 - 7. All boundary line adjustments shall be recorded surveys consistent with requirements of RCW 58.09 and Chapter 332-130 WAC. All lot lines being adjusted shall be surveyed and newly established lot corners shall be staked.

- B. The decision of the community development director must be written and include findings of fact and conclusions to support the decision.

11-4E-5: RECORD BOUNDARY LINE ADJUSTMENT:

- A. The applicant must record the boundary line adjustment approval with Pacific County and must transmit a copy of the survey map to the Pacific County assessor's office in order for the tax records to be adjusted.
- B. A copy of the survey map approval showing that it has been recorded must be returned to the city. The approval will not be deemed final until the applicant has complied with requirements of this section.

11-4E-6: APPEALS: The community development director has final approval authority on boundary line adjustments. Decisions of the community development director may be appealed to the hearing examiner.

CHAPTER 5

DEVELOPMENT STANDARDS: STREETS, UTILITIES AND DRAINAGE

Section:

11-5-1: Streets

11-5-2: Utilities

11-5-3: Sewer and water

11-5-4: Drainage, erosion control, storm water management

11-5-1: STREETS:

- A. Purpose: The purpose of this section is to define requirements for street planning and construction to be followed in development, review, and approval of site plans, subdivisions, and short subdivisions, as well as new development on existing plats.
- B. Construction Standards and Specifications: Construction and design standards and specifications for streets are contained in the document entitled "Development Guidelines and Public Works Standards", and all streets must be completed in accordance with these standards.
- C. Right-of-Way Permit Required: Prior to performing any work within a right-of-way, the person performing the work must obtain a right-of-way permit from the community development director, who may condition the permit as necessary to protect the public health, safety, and welfare.
- D. State Highway Access: R.C.W. Chapter 47.50 is hereby adopted by reference to provide for regulation and control of vehicular access and connection points of ingress to and egress from the state highway system within the incorporated area of the city of Long Beach. In order to implement requirements of R.C.W. 47.50, the provisions of W.A.C. Chapter 468-51 and W.A.C. Chapter 468-52, as may be amended, are adopted by reference, with the following exceptions and standards:
 - 1. Driveways accessing the state highway shall be located at least twenty five feet (25') from street intersections.
 - 2. There shall be no more than one driveway per property accessing the state highway.

3. Wherever possible, access shall be from city side streets instead of the state highway. The reviewing authority may grant access to the state highway in addition to side street access if it is determined the size, type, and intensity of use as well as traffic volumes are such that multiple driveways are necessary.

4. Driveways accessing the state highway are also subject to the driveway width requirements contained in chapter 12 (Off Street Parking and Loading), title 12 (Zoning) of this code.

11-5-2: UTILITIES:

- A. Utility Ownership and Easement Rights: When a developer installs or causes the installation of water, sewer, electrical power, telephone, cable television, or other types of utility facilities and intends the facilities to be owned, operated, or maintained by any party other than the developer, the developer must transfer to such party the necessary ownership or easement rights to enable the party to operate and maintain the facilities.
- B. Right-of-Way Permit Required: Prior to performing any work within a right-of-way, the person performing the work must obtain a right-of-way permit from the community development director in consultation with the streets and storm water supervisor, who may condition the permit as necessary to protect the public health, safety, and welfare.
- C. Plan Approval Required: Prior to the installation of any new sewer system or water system pipes, the developer must provide plans, prepared by a licensed engineer, for review by the city.
- D. As-built Drawings Required: Whenever a developer installs or causes to be installed any utility within the city, or connects to existing facilities within the city, the developer must, as soon as practicable after installation is complete, and before acceptance of any utility by the city, furnish the city with a copy of a drawing that shows the exact location of such utility. The drawings must be verified as accurate by the utility service provider. Compliance with this requirement is a condition of the continued validity of the permit authorizing such development.
- E. Utilities Consistent with Internal and External Development:
 - 1. Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other developments, such facilities shall be located and constructed so that extensions can be made conveniently, and without undue burden or expense or unnecessary duplication of service. In all cases, utilities shall extend to the common property line(s) of the subject property and the properties anticipated to be undergoing future development.

2. All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

11-5-3: SEWER AND WATER:

- A. Sewage Disposal Lines: All sewage disposal lines must be constructed in accordance with the latest edition of the "APWA Standard Specifications", and subject to inspection by the city.
- B. Water Distribution Lines: All water distribution lines must be constructed in accordance with the latest edition of the "APWA Standard Specifications" and the "City of Long Beach Conditions and Standards for Extensions to the city Water System", and subject to inspection by the city.
- C. Connection Required: All new construction shall be required to connect to the city water and sewer systems, unless a waiver of the connection requirement is granted by city council. Any waiver granted shall require the property owner to enter into an agreement with the city to connect the property to the city water and/or sewer system at such time as services become available at the lot and agreeing to join a local improvement district (LID), if a district is formed that would serve the property.
- D. Pressure Sewer Systems: Property owners in areas not served by city sewer may connect to the city sewer system via private pressure systems. Connection is subject to the property owner entering into a sewer connection agreement, subject to the following conditions:
 - 1. At the time a LID is formed to provide sewer service to the property, the property owner shall not oppose creation of the LID and the property owner shall agree to join the LID.
 - 2. Once the new sewer system is installed, the pressure main connection shall be abandoned and the property owner shall connect to the new system. Unless granted approval by the city at time of connection to the new system, all service lines for the pressure main shall be removed from city rights-of-ways when abandoned, at the property owner's cost. Removal of the pressure main shall occur according to plans and specifications prepared by a licensed professional engineer. The plans and specifications shall be approved by the city prior to removal.
 - 3. The property owner shall pay the full cost of a sewer connection fee at the time of installation of the pressure main service. Installation of the pressure main and its associated infrastructure shall be at the property owner's expense. The

property owner shall install a check valve at the property line and at the main; the valve shall be as approved by the city's water and sewer supervisor.

4. The property owner shall be responsible for installation and all associated expenses, as established by the LID, at the time of permanent connection.
 5. The agreement shall run with the property, and shall be recorded with the Pacific County Assessor.
- E. Responsibility to Maintain: Maintenance of sewer service lines (those lines connecting the city's transport system and the source), water service lines (those lines connecting the city's transport system and the user), and private septic systems shall be the responsibility of the property owner.
- F. Septic Systems: Septic systems are not allowed if city sewer is available.

11-5-4: DRAINAGE, EROSION CONTROL STORM WATER MANAGEMENT:

- A. Natural Drainage System Utilized to Extent Feasible:
1. To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting human made drainageways must remain undisturbed.
 2. To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting human made drainageways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainageways.
- B. Proper Drainage Required:
1. All developments must be provided with a drainage system that is adequate to prevent undue detention or retention of surface water on the development site. Surface water will not be regarded as unduly detained or retained if:
 - a. The detention or retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
 - b. The detention or retention is not substantially different in location or degree than that experienced by the development site in its predevelopment state, unless such detention or retention presents a danger to health or safety.
 2. No surface water may be channeled or directed into a sanitary sewer.

3. To the extent practicable, the drainage system of a development must coordinate with and connect to drainage systems or drainageways on surrounding properties or streets.
 4. Construction specifications for drainage swales are contained in "Development Guidelines and Public Works Standards".
- C. Storm Water Management: All developments must be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments.
- D. Sedimentation and Erosion Control: No permit shall be issued and nor final plat a subdivision approved for any development that would cause land disturbing activity unless the community development director has certified to the city that an erosion control plan has been submitted to and approved by the city administrator.
- E. Storm Water System Design:
1. Storm sewers constructed within the street will be sized by the developer's engineer and will consider all potential runoff requirements within the site and upstream of the site. The storm sewer will be designed for a 100-year mean recurrence interval. Spacing of catch basins along the street must conform to published engineering recommendations, which consider profile and width of the street.
 2. On-site detention may be required for new development where downstream deficiencies exist or are anticipated to exist in the next five (5) years. Recommended design criteria for a commercial or residential storm drainage detention facility is a ten (10) year mean recurrence interval.
 3. Erosion control and water quality control facilities for a project that disturb over five (5) acres must apply to the state department of ecology for an NPDES permit. Erosion control practices (e.g., straw bales, wattles, etc) are required for all plats and all projects that have site plan review. Erosion control practices may include straw bales, hydroseeding, etc.
 4. Low impact development techniques that will control drainage and reduce runoff to public stormwater facilities are encouraged.
- F. Illegal Discharge of Materials into Storm Water System: The discharge of any material other than clean storm water into the storm water system is prohibited and is a public nuisance pursuant to chapter 2 of title 5 (Health, Sanitation and Environment) of this code.

CHAPTER 6

MISCELLANEOUS APPROVALS

Article A. Annexation

Article A. Annexation

Section:

- 11-6A-1: Purpose
- 11-6A-2: Development of uniform criteria
- 11-6A-3: Goals and policies
- 11-6A-4: Jurisdictional cooperation
- 11-6A-5: Decision on annexation
- 11-6A-6: Annexation procedures

11-6A-1: PURPOSE: The purpose of this article is to define the City's approach to annexation and to identify those State regulations that define the legal procedures for annexation.

11-6A-2: DEVELOPMENT OF UNIFORM CRITERIA: The city should develop uniform criteria to use in evaluating annexations.

- A. The city should evaluate all annexations on the basis of their short- and long-term impact on the community.
- B. Annexations shall be consistent with the Comprehensive Plan. Existing zoning of the area may be honored, provided it is consistent with the comprehensive plan.
- C. The city shall assure adequate financial capability of the city and the annexed area to support the service needs of the annexed are.
- D. The city shall evaluate the existing and required condition and safety of all streets, availability and condition of public utilities, and the demand for emergency services (police, fire and medical) in an area proposed fro annexation.
- E. Annexations shall be dependent upon the city's ability to provide or acquire, operate and maintain general services and utility services. Annexation should take place only after the city is satisfied that services and utilities can be made available to the area proposed fro annexation in a manner cost effective to the city.

- F. The city administrator or his designee shall perform the following:
 - 1. Receive and process annexation requests;
 - 2. Furnish the public and city officials with annexation information;
 - 3. Prepare technical studies and assessments on the impacts of annexation.
- G. The city may require property owners within an annexing area to assume a pro rata share of the city's bonded indebtedness existing at the time of annexation.
- H. The city may require impact fees and/or assessments as a condition of annexation.
- I. The city shall prepare or may require the applicant to prepare a report assessing the probable short- and long-term financial, economic and social impacts of annexation.

11-6A-3: GOALS AND POLICIES: The city should consider annexations that best meet the growth goals and policies of Long Beach.

- A. The city may, by council approval, utilize extension of utilities and services to encourage and guide needed and desirable urban growth, provided that:
 - 1. The area served by water and/or sewer be subject to a contractual arrangement wherein it is agreed that all utility improvements meet city standards and that residents of the area will annex to the city at such time as the city deems appropriate;
 - 2. The owners of lands to be served by such water and/or sewer service agree to participate, financially, to the extent and in the manner agreeable to the city, in capital improvements taking place, or projected to take place;
 - 3. The owners of lands to be served by such water and/or sewer service provide, when requested, by local improvement district or other noncity funds, specified water and/or sewer supply, transmission, distribution and storage facilities, inter-tied with city systems. Ownership and control of such facilities shall be transferred to the city following construction, inspection and acceptance;
 - 4. In those instances where extensions or improvements to city water and/or sewer are provided, the city may waive all or any part of surcharges and/or utility charges which might otherwise be applicable.

11-6A-4: JURISDICTIONAL COOPERATION:

- A. Prior to acting on any annexation, the city should confer with affected special districts and other jurisdictions.

- B. If an annexation is acceptable to the city, the city shall forward reports, plans, studies and agreements to Pacific County.

11-6A-5: DECISION ON ANNEXATION:

- A. The decision to annex a property is vested in the discretion of the Long Beach city council. The acceptance of a notice of intent by the city represents a commitment by the city to process an annexation consistent with the requirements of RCW 35A.14 as may be amended, and consistent with the criteria and policies described in sections 11-6A-2 and 11-6A-3.
- B. The decision to accept an annexation will depend upon the decision of the council that the applicant has adequately satisfied the requirements of RCW 35A.14 and the annexation criteria and policies described in sections 11-6A-2 and 11-6A-3. Final acceptance of the annexation is within the sole discretion of the city upon a finding that the annexation, as proposed, is beneficial to the city and consistent with the city's adopted plans and policies at the time the annexation request was considered for approval.

11-6A-6: ANNEXATION PROCEDURES: The allowed procedures for proposing and processing an annexation to the city are those found at RCW Chapter 35.14A: Annexation by Code Cities, as may be amended.

CHAPTER 6

MISCELLANEOUS APPROVALS

Article B. Comprehensive Plan Amendments

Section:

- 11-6B-1: Purpose
- 11-6B-2: Initiation and timing of text and map amendments
- 11-6B-3: Criteria for amendment procedure
- 11-6B-4: Filing of text and map amendments
- 11-6B-5: Consideration of comprehensive plan amendments
- 11-6B-6: Preparation of plan text and map amendments
- 11-6B-7: Review of text and map amendments
- 11-6B-8: Public participation
- 11-6B-9: Planning commission action
- 11-6B-10: City council action
- 11-6B-11: Final filing with city clerk
- 11-6B-12: Appeals of decisions

11-6B-1: PURPOSE: The city may find instances in carrying out its comprehensive plan review function where it is necessary to amend all or part of the Comprehensive Plan's text and/or maps. The purpose of this chapter is to provide the procedural steps needed to govern any amendments to the Comprehensive Plan text and/or maps.

11-6B-2: INITIATION AND TIMING OF TEXT AND MAP AMENDMENTS:

A. Initiation: The city's comprehensive plan shall be subject to continuing evaluation and review by the city. any amendment or revision to the comprehensive plan shall conform to RCW Chapter 36.70A. Comprehensive plan amendments may be initiated by citizens, by the planning commission, city staff, city council, or any other interested persons including applicants, hearing examiners and staff of other agencies. The proposed amendments or revisions to the comprehensive plan shall be docketed and considered by the city no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:

1. The initial adoption of a subarea plan.
2. The adoption or amendment of a shoreline master program under the procedures set forth in RCW Chapter 90.58.
3. The amendment of the capital facilities element of a comprehensive plan that

occurs concurrently with the adoption or amendment of a City budget.

- B. **Timing of Review:** All pending amendment proposals shall be considered by the city concurrently so the cumulative effect of the various proposals can be ascertained. However, the city may adopt amendments or revisions to its comprehensive plan that conform with RCW Chapter 36.70A whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with a court.
- C. **Periodic Review:** The city shall periodically review the densities permitted within its boundaries, and to the extent to which urban growth has occurred within the city according to the timetable established by the growth management act. The city shall revise its projected population figures a minimum of every ten (10) years to accommodate the urban growth projected to occur in the city for the succeeding twenty (20) year period.

11-6B-3: CRITERIA FOR AMENDMENT PROCEDURE: Criteria be used to make recommendations and decisions on whether or not to consider an amendment to the comprehensive plan include the following:

- A. Conditions in the vicinity of the proposal have markedly changed since the subject property was designated, and under those changed conditions, a plan amendment is within the public interest.
- B. The proposal is correcting an inconsistency within or is a clarification of the plan.
- C. The public interest is served by dealing with the proposal at the present time rather than later.
- D. The proposal bears a substantial relation to promotion and preservation of the public health, safety and welfare.
- E. The proposal will result in long-term benefits to the community as a whole and is in the best interest of the community.

11-6B-4: FILING OF TEXT AND MAP AMENDMENTS:

- A. **Application:** Written requests to amend the comprehensive plan, together with all relevant supportive or explanatory material as determined to be applicable by staff in the application packet, shall be submitted to the community development department. A fee shall also be made in accordance with the adopted fee schedule; notwithstanding the fee, the applicant shall be responsible for all costs related to the comprehensive plan amendment request, unless the community development director finds otherwise.

- B. Call for Acceptance: The city shall establish a start and end date for the call for acceptance of written requests, and such shall be advertised in the local newspaper of record at least twice. All plan amendment requests shall be docketed for possible consideration for inclusion in the comprehensive plan.
- C. Consideration of Requests for Amendment: the docketed list of proposed amendments shall be presented to the planning commission within ninety (90) days of the ending date. The planning commission shall make a recommendation to the city council on whether or not to move forward on consideration of docketed amendments within thirty (30) days.

11-6B-5 CONSIDERATION OF COMPREHENSIVE PLAN AMENDMENTS: The city council, after a recommendation from staff and the planning commission, can recommend that an amendment be processed in the current amendment cycle, remain on the docket list for future consideration, or be denied further consideration. The city council's decision as to disposition of the amendment shall be final and is not appealable.

11-6B-6: PREPARATION OF PLAN TEXT AND MAP AMENDMENTS: It is the responsibility of the planning commission to review and oversee preparation of all materials to express, explain, or depict elements of the text or map amendments, including documentation required by the state environmental policy act (SEPA). The planning commission also has the responsibility to approve all findings of fact and recommendations that are to be transmitted to the city council for their consideration.

11-6B-7: REVIEW OF TEXT AND MAP AMENDMENTS: The city may request other governmental entities to provide comments and recommendations on comprehensive plan amendments. Comments and recommendations must be submitted to the city by the date of the planning commission's hearing unless the city grants an extension of time. In proposing any changes to its comprehensive plan, the city shall notify the department of community, trade and economic development (CTED) of its intent to adopt such amendments at least sixty (60) days prior to final adoption. The city shall transmit a complete and accurate copy of its comprehensive plan to CTED in accordance with state law.

11-6B-8: PUBLIC PARTICIPATION

- A. Processing of Text and Map Amendments: The city may use any or all of the following techniques to provide for early and continuous public participation in the development and/or amendments of the city's comprehensive plan:
 - 1. Opportunity for written comments;

2. Public meetings;
 3. Newsletter/newspaper articles;
 4. Consideration of and response to public comments.
- B. Comments: Comments expressing support or objection regarding a proposed comprehensive plan amendment may be filed by any interested party. Comments must be filed with the city by the date of the public hearing unless an extension of time is granted.

11-6B-9: PLANNING COMMISSION ACTION:

- A. Planning Commission Action: The planning commission shall conduct a public hearing and make its findings of fact and recommendation on a proposed amendment at the public hearing. Public notice of the hearing shall occur as set forth in section 11-2C-11 of this title. The Commission shall make one of four recommendations in considering text and map amendments:
1. Approval in the form submitted for public hearing;
 2. Approval with changes;
 3. Approval in part;
 4. Disapproval.
- B. Transmittal of Decision: Staff shall transmit the planning commission's recommendation to the city council as part of a staff report to the city council within ninety (90) days.

11-6B-10: CITY COUNCIL ACTION:

- A. City Council Action: Upon receipt of the planning commission's findings and recommendations on the comprehensive plan and map amendments, the city council shall consider the proposed amendment at a public hearing prior to a decision. Public notice of the hearing shall occur as set forth in section 11-2C-11 of this title. The city council in its consideration shall make one of the following decisions:
1. Approval in accordance with the findings and recommendation submitted by the planning commission;

2. Approval with modifications;
 3. Approval in part;
 4. Refer all or part of the plan text or map amendment proposal back to the planning commission;
 5. Disapprove.
- B. City Council Decision: If the city council's decision is to refer the amendment request back to the planning commission for reconsideration, the city council must specify which matters it wishes reconsidered. The final form and content of the comprehensive plan is determined by the city council. The comprehensive plan shall be adopted by ordinance.

11-6B-11: FINAL FILING WITH CITY CLERK: The comprehensive plan together with any and all amendments shall be provided to the city clerk to be placed in a permanent file and made available for public inspection.

11-6B-12: APPEALS OF DECISIONS: All requests for review by the Growth Management Hearings Board shall be initiated by filing a petition in accordance with RCW Chapters 36.70A, 90.58 or 43.21C. Only parties of record may initiate an appeal of the city Council's final decision.

CHAPTER 6

MISCELLANEOUS APPROVALS

Article C. Vacation of Public Rights-Of-Way

Section:

- 11-6C-1: Petition by owners or resolution by city
- 11-6C-2: Setting date for hearing
- 11-6C-3: Notice of hearing
- 11-6C-4: Hearing; ordinance of vacation
- 11-6C-5: Streets abutting bodies of water, limitations
- 11-6C-6: Title to vacated street or alley
- 11-6C-7: Zoning of vacated street or alley
- 11-6C-8: Vested rights not affected

11-6C-1: PETITION BY OWNERS OR RESOLUTION BY CITY:

- A. The owners of an interest in any real estate abutting upon any street or alley may petition the city council to make vacation, giving a description of the property to be vacated.
- B. The city council itself may also initiate by resolution a street vacation procedure.
- C. The petition or resolution must be filed with the city administrator.

11-6C-2: SETTING DATE FOR HEARING: If the petition is signed by the owners of more than two-thirds (2/3) of the property abutting upon the street or alley sought to be vacated, the city council shall by resolution set a date when the petition will be heard and decided upon. The date shall be not more than sixty (60) days nor less than twenty (20) days after the date of the passage of such resolution.

11-6C-3: NOTICE OF HEARING:

- A. Post Notice; Contents of Notice: Upon passage of the resolution, the city administrator must post notice of the petition in three (3) public places in the city and a notice in a conspicuous place on the street or alley sought to be vacated. The notice must contain:
 - 1. A statement that a petition has been filed to vacate the street or alley described in the notice; and

2. A statement of the time and place fixed for the hearing of the petition.
- B. Mailing Notice: If the proceeding is initiated by resolution of the city council and not by the property owners abutting the street or alley sought to be vacated, the notice described in subsection A of this section must be mailed to the owners of property abutting upon any street or alley or any part of a street or alley sought to be vacated, as shown on the rolls of the county treasurer, at least fifteen (15) days before the date fixed for the hearing. Notice of the public hearing shall be provided as required in section 11-2C-11 of this title except notice shall only be provided to abutting property owners.
- C. Objections Filed: If fifty percent (50%) of the abutting property owners file written objection to the proposed vacation with the city administrator prior to the time of the hearing, the city will not proceed with the resolution.

11-6C-4: HEARING; ORDINANCE OF VACATION:

- A. Ordinance Required: The hearing on the petition must be held by the city council. If the city council decides to grant the petition or any part of it, the city council may by ordinance vacate the street or alley. The ordinance may provide that it will not become effective until the owners of property abutting upon the street or alley so vacated will compensate the city in an amount which does not exceed one-half (1/2) the appraised value of the area so vacated, except in the event the subject property was acquired at public expense, compensation may be required in an amount equal to the full appraised value of the vacation; provided, that the ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.
1. The initiating party shall be responsible for the payment of all costs associated with the vacation, including the appraisal of the property.
- B. Record Ordinance: A certified copy of the ordinance must be recorded by the city clerk-treasurer with the Pacific County auditor.

11-6C-5: STREETS ABUTTING BODIES OF WATER, LIMITATIONS:

- A. Conditions for Allowing: The city may not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:
1. The vacation is sought to enable the city to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

2. The city council by resolution declares the street or alley is not presently being used as a street or alley and the street or alley is not suitable for any of the following purposes: port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education; or
 3. The vacation is sought to enable the city to implement a plan adopted by resolution or ordinance, and the plan provides comparable or improved public access to the same shoreline area as the vacated property.
- B. City Actions Required: Before adopting a resolution vacating a street or alley abutting a body of water under subsection 11-6C-5A2 of this title, the city shall:
1. Compile an inventory of all rights-of-way within the city that abut the same body of water that is abutted by the street or alley sought to be vacated;
 2. Conduct a study to determine if the street or alley to be vacated is suitable for use by the city for any of the following purposes: port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;
 3. Hold a public hearing on the proposed vacation in the manner required by this article, where, in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated. The posted notice shall indicate the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official indicating his/her objection; and
 4. Make a finding the street or alley sought to be vacated is not suitable for any of the purposes listed under subsection 11-6C-5B2 of this title, and that the vacation is in the public interest.
- C. Payment of Fair Market Value; Use of Funds: No vacation will be effective until the fair market value has been paid for the street or alley that is vacated. Money received from the vacation may be used by the city only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

11-6C-6: TITLE TO VACATED STREET OR ALLEY: If any street or alley is vacated by the city council, the property within the limits so vacated will belong to the abutting property owners.

11-6C-7: ZONING OF VACATED STREET OR ALLEY: The zoning of vacated rights-of-way shall be the same as that of the abutting property to which it will belong.

11-6C-8: VESTED RIGHTS NOT AFFECTED: No vested rights are affected by the provisions of this article.

ENDNOTES

ⁱSee also title 1, chapter 8 of this code.

ⁱⁱRCW ch. 43.21C.

ⁱⁱⁱIbid.

^{iv}RCW 36.70B.060(3), 36.70B.120.

^vRCW 36.70B.070.

^{vi}RCW 36.70B.110(4)(a).

^{vii}RCW 36.70B.030, 36.70B.040.

^{viii}RCW ch. 36.70C.

^{ix}RCW ch. 43.21C.

^xIbid.

^{xi}See title 10, chapter 2 of this code.

^{xii}RCW ch. 43.21C.