



**CITY OF NAPAVINE PLANNING COMMISSION MEETING
Monday– December 2, 2024 – 6:00 PM**

Deborah Graham,
Position 1

Amy Hollinger
Position 2

Arnold Haberstroh,
Position 3

Amy Morris
Position 4

Kacey Torgerson
Position 5

Bryan Morris
PW/CD Director

- I. PLEDGE OF ALLEGIANCE**
- II. INVOCATION**
- III. CALL TO ORDER**
- IV. ROLL CALL**
- V. APPROVAL OF AGENDA – As Presented**
- VI. APPROVAL OF MINUTES**
 - 1) Planning Commission Meeting Minutes– November 18, 2024**
- VII. CITIZEN COMMENT**
- VIII. OLD BUSINESS**
 - 1) Comp Plan Update**
 - 2) NMC 16.06 Establishments of Zoning Districts and Maps**
 - 3) NMC 16.08 Plan Amendments and Zone Changes**
- IX. GOOD OF THE ORDER**
- X. ADJOURNMENT**

**Planning Commission Meeting is held in person and via
Teleconference.**

Teleconference Information

Dial-in number (US): (720) 740-9753

Access code: 8460198

To join the online meeting:

<https://join.freeconferencecall.com/rdenham8>

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City Website
www.cityofnapavine.com



**NAPAVINE PLANNING COMMISSION MINUTES
November 18, 2024 6:00 P.M.
Napavine City Hall, 407 Birch Ave SW, Napavine, WA**

PLEDGE OF ALLEGIANCE:

INVOCATION: Invocation was led by **Director Morris**.

CALL TO ORDER:

Commissioner Graham opened the regular Planning Commission meeting to order at 6:00 PM

ROLL CALL:

Planning Commission present: **All Present**

APPROVAL OF AGENDA – As presented:

Commissioner Hollinger motioned to approve the agenda as presented, seconded by Commissioner Torgerson. Vote on motion 4 ayes, 0 nay.

APPROVAL OF MINUTES:

Commissioner Morris motioned to approve minutes from the Planning Commission meeting on November 4, 2024, seconded by Commissioner Haberstroh. Vote on motion 4 ayes and 0 nay.

OLD BUSINESS:

1. Comp Plan Update

The Planning Commission continued to review the Housing, Economic Development and Park sections of the Land Use Element and made the following changes.

- 1) Strike City’s and add Communities from the Housing section.
Goal. Create and preserve existing affordable housing opportunities, aiming to meet the **City’s Communities** housing targets for households from all economic backgrounds.

Commissioner Haberstroh motioned to strike City’s and add Communities from the Housing section, seconded by Commissioner Morris. Vote on motion 4 ayes, 0 nays.

NEW BUSINESS:

1. NMC 16.06 Establishment of Zoning Districts and Maps

The discussion was mostly on Planned Unit Development District/Zoning.

Planned Unit Development	Planned Unit Development District	Error! — Reference source not found. NDC
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Commissioner Haberstroh Motioned to strike Planned Unit Development from NMC 16.06.010 Classification of districts, seconded by Commissioner Torgerson. Vote on motion 4 ayes, 0 nay.

Commissioner Hollinger motioned to strike (LI) Industrial Light, and (H-C) Highway Commercial from the Downtown Commercial General district in NMC 16.06.010. Motion Failed.

Commissioner Hollinger motioned to table NMC 16.06 until the next meeting, so PC can review the maps and zoning names, seconded by Commissioner Haberstroh. Vote on motion 4 ayes, 0 nay.

2. NMC 16.07 Amendments to the Comprehensive Plan & Development Regulations

Executive Assistant Katie Williams stated that this just gives applicants a guideline of the requirements, process, and timeline on amendments to the city’s comprehensive plan map/text and the development regulations.

Commissioner Haberstroh Motioned to accept and forward NMC 16.07 on to city council as presented, seconded by Commissioner Hollinger. Vote on motion 4 ayes, 0 nay.

3. NMC 16.08 Plan Amendments and Zone Changes

Discussion was held on Planned Unit Developments (16.08.120) and rezoning, the Planning Commission decided to table until the next meeting.

Commissioner Morris motioned to accept 16.08 Plan Amendments and Zone Changes, seconded by Commissioner Torgerson. Motion Failed.

Discussion – **Jerry Nixon** asked about the cost of rezone and who is responsible. **Director Morris** stated that is the cost of the applicant and would be on the fee schedule. **Executive Assistant Katie Williams** stated that Planned Unit Development is also included in this section, may want to review more. **Executive Assistant Katie Williams** assumes that the zone would only be identified after it is officially zoned planned unit development, then next time the comp plan needs to update it will be identified in that zone on the map.

Director Morris advised the Planning Commission to take a picture of the zoning map on the way out.

Commissioner Hollinger motioned to table NMC 16.08 until the next meeting, seconded by Commissioner Haberstroh. Vote on motion 4 ayes, 0 nay.

GOOD OF THE ORDER:

Commissioner Graham requested to get a copy of the changed sign code that was passed at the last meeting. **Commissioner Haberstroh** told **Ron Johnson** how he really likes the sign that is in the triangle.

ADJOURNMENT 7:32 pm

Commissioner Haberstroh motioned to adjourn, seconded by **Commissioner Hollinger. Vote 4 ayes, 0 nay.**

These minutes are not verbatim. If so desired, a recording of this meeting is available online at <https://fccdl.in/U79X6Mu2u1>.

Respectfully submitted,

Bryan Morris, Community Development/Public Works Director

Planning Commission Chairperson

City of Napavine
Land Use, Housing, Economic Development, and Parks & Recreation
Goals & Policies

Land Use Element

Development Patterns

Goal LU-1: Ensure orderly growth that respects the City’s scale and prevents sprawl while also accommodating population, housing, and employment growth targets and the requirements of the Growth Management Act (GMA).

Policy LU-1.1: Encourage development in urban areas where adequate public facilities and services are available or convenient.

Policy LU-1.2: Prevent commercial and industrial development from encroaching beyond designated UGAs.

Policy LU1.3: Support land use patterns that reduce the need to drive and result in fewer “vehicle miles traveled.”

Policy LU-1.4: Establish landscaping and buffering standards to mitigate impacts from high intensity uses, including commercial, industrial, multi-family development, and I-5.

Goal LU-2: Engage and collaborate with local and regional stakeholders to reduce conflicts and improve the livability of the community.

Policy LU-2.1: In collaboration with the County, explore a UGA land swap to better protect critical areas in the existing UGA area and to provide more feasible opportunities for future growth.

Policy LU-2.2: Establish public notice procedures, including informing the County, for proposals adjacent to or within natural resource areas.

Policy LU-2.3: Promote and provide opportunities for meaningful, inclusive engagement with community members in planning projects and procedures.

Policy LU-2.4: Engage in meaningful collaboration with interested Tribal governments on land use planning processes.

Goal LU-3: Ensure streamlined and predictable permit review processes.

Policy LU-3.1: Coordinate efficiently and consistently across jurisdictions and agencies in permit reviews.

Policy LU-3.2: Establish an efficient and predictable permit process through updates to permit review development regulations.

Policy LU-3.3: Protect property rights from discriminatory action and provide just compensation to property owners, when required.

Land Use Types

Goal LU-4: Allow residential uses that reflect Napavine’s small-town atmosphere and traditional architectural styles, while safeguarding property owners' rights to develop their property with a variety of housing types that meet community needs and preferences.

Policy LU-4.1: Ensure City zoning contains enough residential land and to accommodate the densities and housing targets for households from all income levels and backgrounds,

Policy LU-4.2: Continue to allow Accessory Dwelling Units (ADUs) wherever single-family homes are allowed, and update ADU regulations to be consistent with the requirements of RCW 36.70A.680-681.

Policy LU-4.3: Continue to allow and encourage manufactured housing as an affordable housing opportunity.

Goal LU-5: Encourage commercial and industrial land uses to foster economic growth, development and provide job opportunities for community members.

Policy LU-5.1: Ensure City zoning contains sufficient land within the Urban Growth Area (UGA) to meet future industrial and commercial needs.

Policy LU-5.2: Explore the impacts and economic benefits of allowing residential use to contain small-scale commercial activities on the same site.

Goal LU-6: Identify and preserve land for public recreation and community facilities, ensuring these spaces are accessible, well-maintained, and meet the needs of current and future residents.

Policy LU-6.1: Prioritize the conservation of natural landscapes and the development of parks, trails, and public amenities.

Policy LU-6.2: Identify and preserve land suitable for public recreation and facilities.

Policy LU-6.3: Where feasible, provide cohesive open space corridors and green spaces throughout the City.

Policy LU-6.4: Identify and designate through zoning changes open spaces to preserve wildlife habitat areas.

Protecting Natural and Cultural Resources

Goal LU-7: Ensure the City’s procedures and regulations preserve (or conserve? Or delete as protect is similar to preserve) and protect environmentally critical areas, for both the benefit of the environment as well as public health and wellbeing.

Policy LU-7.1: Use Best Available Science (BAS) when updating development regulations for critical areas and geologically hazardous areas.

Policy LU-7.2: Work with the County to develop a Transfer of Development (TDR) program to preserve rural lands under development pressure in exchange for added city density.

Policy LU-7.3: Ensure fishery resources and their extended habitat areas, including tributaries and wetlands, are protected from activities that threaten their continuity and production.

Policy LU-7.4: Update development codes to require Best Management Practices to reduce or eliminate impacts on natural resources and the environment.

Policy LU-7.5: Protect the quality and production of groundwater resources for public water supply in accordance with Best Available Science.

Goal LU-8: Identify and protect critical areas, including wetlands, frequently flooded areas, aquifer recharge areas, fish and wildlife habitat conservation areas, and geologically hazardous areas.

Policy LU-8.1: Establish and maintain standards to protect and sustain critical areas in the City.

Policy LU-8.2: Through interagency agreements, coordinate with other jurisdictions and agencies to manage and protect surface and groundwater.

Policy LU-8.3: Consider and enhance critical area functions in subarea planning and development regulation updates.

Policy LU-8.4: Encourage incentives like conservation easements, land exchanges, land banking, assessment relief, and similar programs aimed to protect environmentally critical areas.

Policy LU-8.5: Use development clustering procedures, such as Planned Unit Development (PUD), to minimize impacts to environmentally critical areas.

Goal LU-9: Identify and encourage preservation of historic, cultural, and archeologic resources.

Policy LU-9.1: Encourage the adaptive reuse of historic properties, both to preserve city history and to extend the useful lives of buildings.

Policy LU 9.2: Collaborate with local and regional historic preservation organizations, including the Washington State Department of Archaeology and Historic Preservation (DAHP), to preserve include cultural resource protection in planning efforts.

Housing

Housing capacity and targets

Goal H-1: Ensure City zoning contains sufficient residential land area to accommodate a range of housing types meeting all income levels, including those earning 0 to 30% of the Area Median Income (AMI), and update development regulations to allow these housing types.

Housing types and diversity

Goal H-2: Allow property owners to build a variety of housing types that meet the diverse needs of community members, including both rental and homeownership opportunities for households of all income levels.

Policy H-2.1: Allow, encourage, and incentivize Accessory Dwelling Unit (ADU) construction in all residential neighborhoods of the City.

Policy H-2.2: Continue to allow duplexes and fourplexes in residential neighborhoods with adequate infrastructure.

Policy H-2.3: Continue to allow manufactured homes and protect existing manufactured home parks through zoning and partnerships with regional organizations.

Goal H-3: Promote innovative construction processes and types, land management strategies, and financing options to increase the availability of affordable housing.

Policy H-3.1: Streamline development permitting procedures to expedite and reduce “red tape” for residential development.

Policy H-3.2: Explore partnerships with local and regional organizations working to establish residential community land trusts to increase housing affordable to community members.

Policy H-3.3: Encourage residential development that uses regional and national tax incentives to create affordable housing, such as the Low-Income Housing Tax Credit (LIHTC) program.

Displacement and affordability

Goal H-4: Create and preserve existing affordable housing opportunities, aiming to meet the City’s community housing targets for households from all economic backgrounds.

Policy H-4.1: Provide incentives for preserving and rehabilitating existing affordable housing stock.

Policy H-4.2: Acknowledge the role of existing housing stock in providing house-sharing opportunities.

Policy H-4.3: Coordinate with the County and regional agencies to build more affordable housing options.

Goal H-5: Identify and remove barriers to housing opportunities, ensuring that all households, regardless of income level, education, race, or background, have fair access to housing.

Policy H-5.1: Facilitate pathways to homeownership by exploring programs and partnerships that mitigate the influence of rising land values on property acquisition.

Policy H-5.2: Seek to ensure safe and affordable housing stock, especially for low-income households.

Goal H-6: Identify and prevent or mitigate housing displacement pressures.

Policy H-6.1: Identify, prevent, and provide mitigation measures for areas at risk of displacement due to market forces, regulatory changes, or infrastructure investments.

Goal H-7: Promote opportunities and strategies for community members to age in place.

Policy H-7.1: Explore housing types and lot configurations that would meet the needs of those downsizing from individual homes on large lots.

Policy H-7.2: Identify areas of the City best suited for aging in place due to access to services, transportation, and medical facilities.

Economic Development

Local economy and small business opportunities

Goal ED-1: Endeavor to be a self-sustaining community by encouraging and supporting the development of a diversified well-balanced economy with stable, sustained growth.

Policy ED-1.1: Promote tourism and recreation in Napavine to support the local economy and provide supplemental income to natural resources industries.

Goal ED-2: Provide support for and incentivize small businesses that provide local jobs and meet community needs.

Policy ED-2.1: Support the location, retention, and expansion of businesses that offer living wage jobs.

Policy ED-2.2: Encourage small business development along Washington Street to create a small downtown environment.

Goal ED-3: Encourage the development and siting of alternative energy production facilities.

Policy ED-3.1: Encourage efforts to expand workforce training and development to provide skilled labor for alternative energy industries and “green collar” jobs.

Parks and Recreation

Goal PR-1: Promote the retention of open and green space and the enhancement of associated recreational opportunities.

Policy PR-1.1: Promote the conservation and enhancement of fish and wildlife habitats, natural resources, and water resources.

Policy PR-1.2: Protect, enhance, and utilize the Newaukum River for both active and passive recreation opportunities.

Goal PR-2: Actively seek grants and other funding opportunities for the acquisition, development, and improvement of park and recreational facilities.

Policy PR-2.1: Explore the use of Open Space and Forestry Taxation Laws as effective tools for natural resource preservation.

Policy PR-2.2: Coordinate with other jurisdictions to meet regional demands for park and recreation facilities.

Goal PR-3: Improve access to parks and expand park and recreational opportunities

Policy PR-3.1: Equitably distribute and increase park and recreation activities available in the City to meet the demand for recreational activities that are conveniently accessible to all age groups and abilities.

Policy PR-3.2: Maintain existing park and open spaces and improve accessibility, for instance by providing adequate lighting of facilities or prioritizing parking for those with disabilities.

Chapter 16.06 ESTABLISHMENT OF ZONING DISTRICTS AND MAPS.

Sections:

- 16.06.010 Classification of districts.
- 16.06.020 Zoning map.
- 16.06.030 District boundaries.

16.06.010. Classification of districts.

For the purposes of this title, the city is divided into zoning districts designated as follows:

Comprehensive Plan Designation	Corresponding Zoning District	Code Section
Urban Residential	R-1 Single-family residential;	Error! Reference source not found. NDC
	R-2 Multiple residential;	Error! Reference source not found. NDC
	R-3 Multiple residential;	Error! Reference source not found. NDC
Downtown Commercial General	C-1 Commercial;	Error! Reference source not found. NDC
	H-C Highway commercial;	
	MX Mixed Use	Error! Reference source not found. NDC
	LI Industrial, light.	
Public and Parks Facilities	Urban Public (UP)	Error! Reference source not found. NDC
	Community Service (C-S)	Error! Reference source not found. NDC
Urban Holding	Urban Holding (UH)	Error! Reference source not found. NDC
Planned Unit Development	Planned Unit Development District	Error! Reference source not found. NDC

16.06.020. Zoning map.

- A. The location and boundaries of the zoning districts are shown on the map entitled, “Zoning Map of the city of Napavine,” dated with the effective date of the ordinance codified in this title and signed by the Mayor and City Clerk, and hereafter referred to as the “zoning map.”
- B. The signed copy of the city’s zoning map shall be maintained on file in the office of the city clerk and is made a part of this title.
- C. Revised Maps. The city council may, from time to time, direct the Planning Director to replace the official zoning maps, or portions thereof, with a map or maps, or portions thereof, which include all lawful changes of zone to date. Such maps, or portions thereof, filed as replacements, shall bear dated, authenticating signatures of the city council and city clerk. Any maps, or portions thereof, thereby replaced shall be retained in a separate file by the city clerk. Any revisions or replacements of said maps, when duly entered, signed, and filed with the city clerk as authorized by this chapter, are part of this title.

16.06.030. District boundaries.

The district boundary lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any district as shown on the zoning maps, the following rules shall apply.

- A. Unless otherwise specified, district boundaries are lot lines, the centerlines of streets, and railroad right-of-way, or such lines extended.
 - 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines;
 - 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - 3. Boundaries indicated as following shorelines of lakes or rivers shall be construed to follow such shorelines and in the event of change in a shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines;
 - 4. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 3 shall be so construed; (Ord. 163 § 3.4, 1989)
- B. If a district boundary divides a lot into two districts, the entire lot shall be placed in the district that accounts for the greater area of the lot; provided, that if a district boundary divides a lot into two equal portions, the lot shall meet the requirements of both districts to the extent practical.
- C. Any land or property not specifically identified with a zoning designation shall be considered to be zoned as is the most restrictive zone classification designated on adjoining and/or abutting properties, until such time as it is determined otherwise by a rezone action.
- D. Where the application of Section 16.06.030 NDC does not clarify the zone boundary location, the Director shall interpret the maps, and by written decision, determine the location of the zoning boundary. Said written descriptions shall be kept on file with the city clerk.

Chapter 16.08 PLAN AMENDMENTS AND ZONE CHANGES.

Sections:

- 16.07.010 Zoning amendment.
- 16.07.015 Comprehensive plan amendment.
- 16.07.020 Initiation of amendment.
- 16.07.030 Pre-application review.
- 16.07.040 Review process.
- 16.07.050 Application contents.
- 16.07.060 Approval criteria.
- 16.07.070 Expiration and extension.
- 16.07.080 Concomitant rezone.

16.08.010. General Procedure.

The council may, from time to time, on its own motion, on petition of any person in interest, or on initial recommendation of the commission, amend, supplement or repeal the regulations and provisions of this title, including the chart and map, provided that where territory is sought to be rezoned by application from a person other than the council or commission, the person petitioning for rezoning of territory must have a property interest in the subject property.

16.08.020. Policy on rezones.

For the purpose of establishing and maintaining sound, stable, and desirable development within the city, the rezoning of land is to be discouraged and allowed only under certain circumstances as provided hereafter. This policy is based on the opinion of the city council that the comprehensive plan and zoning ordinance are the result of a detailed and comprehensive appraisal of the city's present and future needs regarding land use allocations and, as such, should not be amended unless to correct a manifest error or because of changed or changing conditions in a particular area or of the city in general. Rezoning shall only be allowed if the applicant demonstrates by clear and convincing evidence that:

- A. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the comprehensive plan; or
- B. Conditions in the area for which rezoning is requested have changed or are changing to such a degree that it is in the public interest to encourage a redevelopment of the area; or

- C. The proposed rezoning is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the comprehensive plan, and that such rezoning will be consistent with the policies of the comprehensive plan.

This declaration of policy for rezonings shall not control a rezoning which occurs incidental to a comprehensive revision of the city's zoning map. (Ord. 163 § 10.5, 1989)

16.08.030. Annexed areas.

- A. Zoning of land in the process of annexation may be done under the procedure and notice requirements of this chapter. The ordinance establishing zoning for annexed territory shall not be passed on the final reading prior to the date when the annexation ordinance is passed on final reading, but the ordinance which annexes property may also establish zoning for it. If the zoning process is commenced prior to the effective date of the annexation ordinance, the written notice area for rezoning shall be determined solely on geographic location, irrespective of whether the land in such written notice area is within or without or partly within or partly without the city limits of the city.

16.08.040. Comprehensive plan amendment.

- A. The boundaries of the comprehensive plan map designations and the comprehensive plan text may be amended as provided herein through a Type V process.
- B. Consistent with the Washington State Growth Management Act (Ch. 36.70A RCW), the city shall amend its comprehensive plan and/or plan map no more than one time per year and shall consider the cumulative effects of all proposed comprehensive plan and map amendments simultaneously.

16.08.050. Initiation of amendment.

Amendments of this title or the comprehensive plan may be initiated by the following:

- A. A Type IV application by one or more owners of the property which is proposed to be changed or reclassified consistent with the adopted comprehensive plan; or
- B. A Type V legislative process by motion of the planning commission and adoption by the city council.

16.08.060. Pre-application review.

- A. An application for a Type IV review is subject to pre-application review under Chapter 16.06 NDC. A pre-application conference for a Type IV amendment is mandatory.
- B. An applicant for pre-application review for a plan map amendment or zone change shall submit the requisite fee and ten (10) copies of the following information except as otherwise provided by the city Clerk:
 - 1. A completed form provided by the Community Development Department for that purpose;
 - 2. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
 - 3. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale and information relevant to the plan map amendment and/or zone

change, such as existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering and structures on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned;

4. A written summary of the proposed plan map amendment and/or zone change and of facts and evidence based on which the application(s) can be approved.

16.08.070. Review process.

- A. Review of a technically complete application for a plan map amendment and/or zone change is subject to a Type IV process pursuant to Section 16.06.100 NDC.
- B. When a plan map amendment and/or zone change application is initiated by the city and involves relatively large areas of the city and/or relatively many property owners or involves the creation of new regulations, it is subject to a Type V process. See Section 16.06.110 NDC.

16.08.080. Application contents.

- A. An applicant for a Type IV amendment shall submit the requisite fee and ten (10) copies of the applicable information required by Section 16.06.050(B) NDC except as otherwise provided therein; provided application fees are not required for an application subject to Type V review.
- B. A technically complete application shall contain:
 1. A map of the proposed amendment, if applicable;
 2. The complete proposed text amendment, if applicable;
 3. A narrative describing the potential effects the proposal will have on public services, including streets, schools, parks and utilities, to the extent applicable;
 4. An analysis of the potential cumulative effects of the proposal;
 5. Materials required under Section 16.06.050 NDC; and
 6. Other materials the Director deems necessary.

16.08.090. Approval criteria.

- A. For a Type V review, the city council shall approve the proposal upon findings that:
 1. The proposed amendment is consistent with the applicable policies of the comprehensive plan or that a significant change in circumstances requires an amendment to the plan or map,
 2. The proposed amendment complies with relevant statutory requirements under Washington law;
 3. The proposed amendment is in the public interest; and
 4. Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Napavine Capital Facilities Plan.
- B. For a Type IV review, the hearings examiner shall review and make a recommendation to the City Council. The City Council shall approve the application or approve it subject to conditions if it finds:

1. The requested zone map change is consistent with the comprehensive plan map designation;
2. The requested zone map or text change is consistent with the relevant comprehensive plan policies;
3. Conditions have changed substantially since the current zoning was applied to the property; and
4. Approval of the amendment will not result in a decrease in the level-of-service for capital facilities and services identified in the Napavine Capital Facilities Plan.

16.08.100. Expiration and extension.

A decision approving or conditionally approving a Type IV request enacted by ordinance, other than a concomitant rezone, does not expire.

16.08.110. Concomitant Rezone.

A. Rezone Agreements.

1. The purpose of this subsection is to allow for the implementation of the comprehensive plan policies relating to future commercial centers and industrial developments, as appropriate and consistent with the Napavine Comprehensive Plan and Napavine Capital Facilities Plan. If, from the facts presented, and the findings, report and recommendations of the Planning Commission as required by this section thereof, the City Council determines that the public health, safety and general welfare will be best served by a proposed change of zone, the City Council may indicate its general approval, in principle, of the proposed rezoning by the adoption of a “resolution of intent to rezone” the area involved.

This resolution shall include any conditions, stipulations or limitations which the City Council may feel necessary to require in the public interest as a prerequisite to final action. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the City Council.

Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning, or by imposing setback, area or lot coverage restrictions not specified in the code for the zoning classification, or as a substitute for a variance. Upon completion of compliance action by the applicant, the City Council shall, by ordinance, effect such rezoning.

The failure of the applicant to meet any or all conditions, stipulations or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to rezone null and void, unless an extension is granted by the City Council upon recommendation of the Planning Commission. Generally, the time limitation shall be one (1) year. The City Council may grant one (1) one (1) year extension, after which the resolution shall be null and void if all conditions, stipulations and limitations have not been met by the applicant.

2. Concomitant Rezone Agreements.

- a. Purpose. The purpose of this subsection is to explicitly provide for the use of agreements concomitant to rezone approvals. The agreement may call for performance by the applicant which is directly related to public needs which may be expected to result from the proposed usage of the property. The performance called for will mitigate the public burden in meeting those resulting needs by placing it more directly on the party whose property use will give rise to such needs. The agreement shall generally be in the form of a covenant running with the land. The provisions of the agreement shall be in addition to all other pertinent NDC requirements.
- b. Applicability. This agreement process will not generally be used for rezones to urban residential zoning districts such as LDR-8.5. It may, however, be used in any situation where extraordinary potential adverse impacts from a proposed rezone may be neutralized by the agreement. The agreement process may be employed for rezones in sensitive geographic areas or areas such as critical transportation corridors. The agreement process will generally be used for rezones to commercial, industrial, and non-single-family residential not specifically identified by the comprehensive plan map. The intent is that concomitant rezone agreements shall only be used when normal review and approval procedures are not adequate to resolve the specific issues involved in the rezone proposal.
- c. Mitigating Measures. The agreement may include mitigating measures such as:
 - i. Access control;
 - ii. Landscaping, screening, buffering;
 - iii. Improvements to public services including drainage, sewer, water and roads;
 - iv. Lot coverage, dimension;
 - v. Phasing of development.
- d. Concept Plan. A concept plan may be required. When required, the concept plan shall be drawn to a one (1) inch to one hundred (100) foot scale and include:
 - i. General location of existing and proposed structures;
 - ii. Location and number of access points;
 - iii. Approximate gross floor area of structures;
 - iv. Name of the proposal;
 - v. Identification of areas requiring special treatment due to their sensitive nature;
 - vi. North directional arrow; and
 - vii. Names and location of all public streets or roads bordering the site.
- e. Application Procedure. The applicant may propose an agreement concomitant to rezone approval at the time of, or after, a pre-application conference with the responsible official. The proposed agreement shall include any proposed mitigating measures and concept plan as provided for by this chapter. In cases where a specific project is to be considered in conjunction with a rezone request, the responsible official shall review the site plan.
- f. Modifications. Modifications which are minor and without major impact, as determined by the Planning Director, may be approved by the City Council or its duly authorized representative, administratively and without public hearing. Any other

modifications shall only be approved after the same procedure applicable to all rezones has been followed, following a public hearing.

- g. Enforcement. The agreement shall provide for appropriate enforcement mechanisms and performance guarantees.

B. Release of Concomitant Rezone Agreements.

1. Upon application by the property owner, a concomitant rezone covenant may be fully or partially released, or modified, by the hearing examiner following a public hearing with notice as prescribed by Section 16.06.120 NDC and in accordance with the criteria set forth in this section;
2. In considering requests for release or modification of concomitant rezone covenants, the review authority shall consider the following:
 - a. In the case of full covenant release, whether development of the site would be consistent with current zoning regulations and comprehensive plan recommendations; and
 - b. In the case of either full or partial covenant release or covenant modification, whether adequate public/private services are available to support development of the site; and
 - c. In the case of either full or partial covenant release or covenant modification, whether the requested action would unreasonably impact development undertaken on nearby properties in reliance upon the covenant commitments; and
 - d. In the case of partial covenant release or covenant modifications, whether future development under current zoning will be consistent with existing and planned development.

16.08.120. Planned unit development.

A planned unit development is considered a special zone, and as such an application therefore is subject to the rezoning procedures outlined in this chapter and is subject to the procedures for Type IV applications, with the following additional requirements:

- A. An application for a Type IV review is subject to pre-application review under Chapter 16.04 NDC. A pre-application conference for a Type IV amendment is mandatory.
- B. An applicant for pre-application review for a planned unit development shall submit the requisite fee and ten (10) copies of the following information except as otherwise provided by the city Clerk:
 1. A completed form provided by the Community Development Department for that purpose;
 2. The name, mailing address, and telephone number of the owner/s, engineer, surveyor, planner, and/or attorney and the person with whom official contact should be made regarding the application;
 3. A preliminary plan at a scale of no more than one inch equals 200 feet, with north arrow, date, graphic scale and information relevant to the plan map amendment and/or zone change, such as existing and proposed lots, tracts, easements, rights-of-way, development, access, parking, maneuvering and structures on the site; existing and proposed natural features on the site, including vegetation, topography and grades; existing and proposed utilities (water, sewer, drainage, fire hydrants); and existing lots, tracts, easements, rights-of-way and structures abutting the site; provided, information about off-site structures and

other features may be approximate if such information is not in the public record. The applicant shall provide one copy of the plan reduced to fit on an eight-and-one-half-inch by 11-inch page. Principal features of the plan shall be dimensioned;

4. A written summary of the proposed plan map amendment and/or zone change and of facts and evidence based on which the application(s) can be approved.
- C. Following the pre-application conference, an application for rezoning for a planned unit development may be filed. Such application will be processed in accordance with provisions of NDC 16.04.140 and the provisions of this chapter.