Chapter 18.24  
Binding Site Plans

Sections:
18.24.010 Applicability
18.24.020 Purpose
18.24.030 Binding Site Plan Review Procedures
18.24.040 General Binding Site Plan Submission Requirements
18.24.050 General Binding Site Plan Review Procedure
18.24.060 Time Limitation
18.24.070 Specific Binding Site Plan Submission Requirements
18.24.080 Specific Binding Site Plan Review Procedure
18.24.090 Certifications and Dedication
18.24.100 Infrastructure Improvements
18.24.110 Modifications

18.24.010 Applicability

The division of commercial or industrial zoned land for sale or lease when used for commercial or industrial purposes; the division of land for lease when used as a mobile home park, recreational vehicle park, or trailer court; or the division of land into lots or tracts pursuant to RCW 58.17.040(7).

18.24.020 Purpose

The purpose of this section is to provide an alternative to the traditional platting process for the division of land for commercial or industrial purposes or the division of land for lease when used as a mobile home park, and to allow flexibility where appropriate in the timing of required infrastructure improvements.

18.24.030 Binding Site Plan Review Procedures

The review and approval of a binding site plan is a two step process: General and Specific. No sale of land divided through a binding site plan process shall be allowed prior to final approval of a specific binding site plan providing for such sale.

18.24.040 General Binding Site Plan Submission Requirements

The applicant shall submit six (6) copies of the general binding site plan, or more upon request by the City. The plan shall be prepared by a registered land surveyor who shall certify that the general binding site plan is a true and correct representation of the survey or record information. Each general binding site plan shall have a distinct name and a number assigned by the City. The plan shall clearly show the following information:

A. An accurate and complete legal description with area in acres together with a plat certificate or subdivision guarantee dated within seven days of the submittal of the general binding site plan. Copies of all deeds and easements referred to in the plat certificate shall be furnished with the submittal;
B. The name address and telephone number of the owner and the professional land surveyor preparing the plan;

C. The topography of the site at five foot contour intervals (based on City datum), identification of the existing drainage pattern and any creeks or other drainage facilities;

D. All existing and proposed rights-of-way which provide primary access to the site, easements, utilities, and other existing and proposed public improvements;

E. All parcels of land intended to be dedicated or reserved for public use;

F. The location and dimension of all common areas adjacent to and on the subject site, and a description of the purpose of the common area;

G. The proposed landscape plan meeting the requirements of Chapter 19.61 LMC;

H. The map shall include the property in the proposed plan and adjacent lands for a distance of three hundred feet;

I. If the general binding site plan contains a dedication, a certificate or separate written instrument shall provide wording for the dedication of the street and/or other areas shown on the site plan to the public;

J. A completed environmental checklist.

**18.24.050 General Binding Site Plan Review Procedure**

A. The purpose is to establish the necessary requirements for site development which will include but are not limited to:

1. Allowed range of uses and approximate number of tenants;

2. Required infrastructure improvements and phasing of improvements;

3. Identification of potential critical areas.

B. After review of the general binding site plan and the recommendations of the Planning Commission, the City Council shall consider approval of a development contract that includes the following details:

1. Legal Description of the property to be bound by the contract;

2. Infrastructure requirements;

3. Special building restrictions;

4. General land use regulations;
5. A phasing plan with appropriate provisions for known parcels not abutting a public street;

6. Buffers and/or setback requirements;

7. Minimum levels of service and access requirements that must be in place prior to approval of a specific binding site plan.

C. Upon approval of the contract by the developer and the City, the applicant shall complete the general binding site plan consistent with the requirements of this chapter and the contract. This site plan must be prepared and stamped by a registered land surveyor who shall certify that the general binding site plan is a true and correct representation of the land surveyed and stamped by a professional engineer that all infrastructure improvements required under the general binding site plan can be constructed.

D. Both the general binding site plan and the contract shall be filed and recorded with the County Auditor’s office.

18.24.060 Time Limitation

If no specific binding site plans have been approved within five years of the date of recording of the general binding site plan and contract, the general binding site plan and contract shall expire. The City Council may extend the time limit for one year at a time and only two such extensions shall be approved. If all specific binding site plans are not submitted or completed by the end of all approved extensions (maximum of seven years), then it shall be considered abandoned. No action shall be taken on an abandoned site plan without resubmission.

18.24.070 Specific Binding Site Plan Submission Requirements

A. Each specific binding site plan shall include a map prepared by a professional land surveyor based on a complete survey. The applicant shall submit six (6) copies of the specific binding site plan, or more upon request by the city, which clearly shows all items set forth below:

1. An accurate and complete legal description with area in acres together with a plat certificate or subdivision guarantee dated within seven days of the submittal of the general binding site plan. Copies of all deeds and easements referred to in the plat certificate shall be furnished with the submittal;

2. The name address and telephone number of the owner and the professional land surveyor preparing the plan;

3. Topographical and other data: ground elevations on the tract, based on the City’s adopted survey control network; for land that slopes less than approximately two percent, show spot elevations at all breaks in grade,
along all drainage channels or swales, for land that slopes more than approximately two percent, either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;

4. All existing and proposed rights-of-way that provide primary access to the site, easements, utilities, and other existing and proposed public improvements. All proposed improvements must be designed by a professional engineer and conform to the requirements of the Project Manual for Engineering Design and Development Standards;

5. Street names in accordance with 18.14.130 LMC and right-of-way widths shall be shown. If street dedications or additional right-of-way purchases have been made after the original binding site plan filing date, the Auditor’s file number shall be shown in the area of the affected street right-of-way. If the binding site plan includes a portion of a vacated street, the City Vacation Ordinance number shall be shown within the vacated portion of the street;

6. All parcels of land intended to be dedicated or reserved for public use;

7. The location and dimension of all common areas adjacent to and on the subject site, and a description of the purpose of the common area;

8. A statement on the face of the map that requires all construction to conform with the requirements of the general binding site plan contract;

9. Certification that the specific binding site plan is a true and correct representation of the land actually surveyed; and that permanent control monuments have been established at each controlling corner of the parcel;

10. The County Auditor’s file number of the applicable general binding site plan.

B. In addition to the map or maps, every application for specific binding site plan shall include the following information:

1. A general stormwater management plan completed by a professional engineer including, but not limited to stormwater quality and quantity management and erosion and sedimentation control;

2. A completed Environmental Checklist and/or additional environmental review if required under the provisions of a Phased SEPA review initiated in the review of the general binding site plan;
3. Attachment of covenants, conditions, or restrictions. A copy of any and all covenants, conditions and restrictions that are drafted in conjunction with, or as a result of a binding site plan shall accompany the binding site plan. Said covenants, conditions and restrictions shall either be shown on the face of the plan, or shall be recorded at the County Auditor’s office with the binding site plan.

18.24.080 Specific Binding Site Plan Review Procedure

A. The purpose of the specific binding site plan is to provide a timely staff review of site plan divisions; ensure appropriate conditions and requirements have been met; and provide proper recording of divisions for sale or transfer. No occupancy permit or use of the parcel or lease area(s) being created by a specific binding site plan shall be issued or allowed until all necessary improvements and requirements specified by this title and general binding site plan contract have been met.

B. Upon receipt of a complete specific binding site plan application, the Planning Director shall forward the information to the Technical Review Committee for their review. A Technical Review Committee meeting shall be scheduled with the applicant to note what changes, corrections, additions, or deletions, if any, should be made to the plan.

C. Upon compliance with the recommendations of Technical Review Committee and all conditions of the general binding site plan contract, the specific binding site plan shall be signed by the owners and the others noted in 18.24.090 LMC below. Once signed, the specific binding site plan shall be filed for record with the County Auditor’s office.

18.24.090 Infrastructure Improvements

It is the intent of this section to allow the required infrastructure improvements to be installed prior to building construction:

A. Before approval may be granted for any specific binding site plan, the following improvements have provided or will be provided at the time of building construction under the conditions specified in the binding site plan contract:
   1. Street improvements;
   2. Stormwater management;
   3. City Water;
   4. Sanitary Sewer;
   5. Appropriate dedications or easements as required;
   6. All applicable private utilities.

B. If the development of the site is to be done in phases, the applicant shall submit a schedule of installation of the required improvements to coincide with the development phasing. Such improvement schedule is subject to approval of the Public Works Director.
C. A professional engineer shall design all improvements in accordance with the City’s Project Manual for Engineering Design and Development Standards and the appropriate utility comprehensive plans.

D. Security covering construction performance and guaranteeing the construction shall be required in accordance with 18.06.010 (5) and (6) LMC.

18.24.100 Certifications and Dedications

The following certificates and information shall appear on every binding site plan:

A. Land Surveyor Certification

I hereby certify that this binding site plan was prepared under my direction, and is based on an actual field survey at the request of ________________ on ________________, 20__, that the technical data is correctly shown thereon, and that all required monuments and/or parcel corner markers will be set at the designated points shown on the plan prior to issuance of any and all building permits.

__________________________
(Name printed) PLS Number
(seal to be affixed)

B. Department of Public Works

I hereby certify that this binding site plan has been examined and that all the requirements of the City of Lynden have been provided for and is hereby approved by the Department of Public Works this __ day of ________________, 20__.

__________________________
Public Works Director

C. Planning Department

I hereby certify that this binding site plan has been examined for conformance with applicable state statues and City ordinances, together with a review of the technical information shown thereon and is hereby approved by the Planning Department this ____ day of ________________, 20__.

__________________________
Planning Director

D. Covenants, Conditions and Restrictions

All parcels within this binding site plan are subject to the restrictive covenants, limitations and conditions as recorded in the County Auditor’s Office, Volume __ ______ of ____, at page ____. 
18.24.110 Modifications

1. The Technical Review Committee shall consider any modifications to a general or specific binding site plan. The Technical Review Committee may allow minor modifications to the contract without modifying said instrument. A minor modification is defined as a modification that meets the following provisions:
   a. The modification does not violate any provisions of this chapter;
   b. The lot area requirements are not varied by more than ten percent;
   c. The common open space and/or useable open space is not reduced by more than ten percent;
   d. The total ground area covered by buildings is not increased more than five percent;

2. All other modifications shall require amendment to the general binding site plan contract. An amendment shall be processed in the same manner as the original application.