

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: November 26, 2012

AGENDA ITEM: PA12022 – Site Plan Review Code	AGENDA SECTION: New business	
PREPARED BY: Angela Gemmer, Associate Planner	APPROVED BY:	
ATTACHMENTS: 1. PC Minutes, dated 9/11/12 and 10/9/12 2. PC recommendation 3. Inventory of site plan projects subject to code 4. Adopting Ordinance	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

DESCRIPTION:

The Planning Commission (PC) held a Public Hearing on October 9, 2012 to review a proposed new chapter to MMC Title 22G, *Administration and Procedures*, entitled *Site Plan Review*. Presently the review process for commercial and multi-family site plans not reviewed through Chapter 22G.080, *Planned Residential Development*, and Chapter 22G.100, *Binding Site Plan* is not outlined. The proposed site plan review chapter is modeled after the chapters that outline the submittal requirements and review and approval process for subdivisions, binding site plans, and planned residential developments. The proposed site plan review chapter is intended to provide applicants with a consolidated location for development requirements. In addition, presently a term for expiration of site plan approvals is not specified in code; an approval term valid for five years from the date of approval is proposed. The approval term could be extended by the director for one year upon showing proper justification. Due to current economic conditions, projects which receive preliminary approval on or before December 31, 2012 could apply to the director for a one-time, 36 month time extension.

The PC held a public workshop on September 11, 2012 and a duly advertised public hearing on October 9, 2012 to review the proposal, and received testimony from staff. There was no public testimony at the public hearing. Following the public hearing, the PC made a motion to recommend the proposed amendment to Marysville City Council for adoption by ordinance.

RECOMMENDED ACTION: Affirm the PC’s Recommendation and adopt a new chapter, <i>Site Plan Review</i> , to MMC Title 22G, <i>Administration and Procedures</i> , by Ordinance.
COUNCIL ACTION:



MARYSVILLE PLANNING COMMISSION

September 11, 2012

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the September 11, 2012 meeting to order at 7:05 p.m. noting the excused absence of Steve Lebo.

Chairman: Steve Chair Leifer

Commissioners: Jerry Andes, Marvetta Toler, Roger Hoen, Eric Emery

Staff: Senior Planner Cheryl Dungan, Associate Planner Angela Gemmer and Recording Secretary Amy Hess

Absent: Steve Lebo

APPROVAL OF MINUTES:

June 12, 2012 and July 24, 2012

Motion made by Commissioner Toler, seconded by Commissioner Andes to approve the June 12, 2012 meeting minutes as presented. Motion carries, with Commissioner Hoen abstaining as he was not present (4-0).

NEW BUSINESS:

Site Plan Review Standards

Ms. Gemmer gave an overview of the proposed revisions to the Site Plan Review Process. She described what was currently in place and what the differences would be in the proposed revisions. Additionally, an expiration term was being proposed to be established for Site Plan Reviews. Under the current economic situation, a 36 month extension could be granted. Ms. Gemmer gave some examples of how the proposed revisions could be applied in actual situations.

Commissioner Andes questioned if this was consistent with other codes. Ms. Gemmer responded that it was intended to stream line the process and codify it. Commissioner Andes questioned the Pre Application requirements. He felt that the Pre App could be a little more nailed down in some cases to prevent unforeseen costs in particular situations. Senior Planner Dungan responded that there is now language included in letters regarding Pre App stating that a Pre App approval does not vest a developer in current codes and are

subject to change. She added that the comments staff provides are quite comprehensive and try to point out any foreseeable code changes.

Chair Leifer questioned the exceptions of necessity of a site plan approval. He didn't feel that this provision was necessary if interior improvements don't require land use change. Ms. Gemmer replied that it was intended to be applied in situations where an addition was proposed. She noted that she would clarify the language to be clearer.

Commissioner Toler questioned the projects and applications that were currently unfinished. Ms. Gemmer responded that staff would make contact with the appropriate parties that would be affected by the revisions if they were adopted. The goal was to allow for an end point for projects that really will not be continued.

Ms. Gemmer noted that if the Commission was in support, it would be set for public hearing. Commissioner Emery stated he was in support of setting a Public Hearing.

FEMA Biological Opinion Response

Senior Planner Dungan stated that this was more of an informative item which didn't require any action by the Commission. She described the 3 choices cities were given for projects within flood plains. She also described the standards in place by the City and how fish within the flood plains are protected by these standards. The hope was that the documentation provided to FEMA would be accepted and current City Codes and standards would be sufficient.

Chair Leifer questioned when the Shoreline Master Program would be reviewed again. Senior Planner Dungan replied that it had been most recently updated in 2006, with some administrative changes proposed a few months back. It was scheduled for review every 7 years. Senior Planner Dungan was glad that the 2006 Plan was approved when it was, as the process seems to be a cumbersome and slow one.

There was discussion regarding requirements for traffic mitigation of coffee stands, gas stations and the like. There was also discussion regarding the new Walmart being constructed on Hwy. 9.

Commissioner Hoen wanted to take a moment to remember 9/11. Chair Leifer thought that it was too easy for people to become complacent and forget about what happened and let our guard down. It was a good reminder to stay vigilant.

ADJOURNMENT:

Motion made by Commissioner Emery, seconded by Commissioner Toler to adjourn the meeting at 7:54 p.m. Motion carries, (5-0).

NEXT MEETING:

September 25, 2012



Amy Hess, Recording Secretary



MARYSVILLE PLANNING COMMISSION

October 9, 2012

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the October 9, 2012 meeting to order at 7:03 p.m.

Chairman: Steve Chair Leifer

Commissioners: Jerry Andes, Marvetta Toler, Roger Hoen, Eric Emery, Steve Lebo, Kelly Richards

Staff: Senior Planner Chris Holland, Associate Planner Angela Gemmer, CAO/CD Director Gloria Hirashima, Recording Secretary Amy Hess

Absent: None

APPROVAL OF MINUTES:

September 11, 2012

Motion made by Commissioner Andes, seconded by Commissioner Toler to approve the September 11, 2012 meeting minutes as presented. Motion carries, with Commissioner Richards abstaining as he was not present (6-0).

PUBLIC HEARING:

Site Plan Review Standards

Ms. Gemmer described the 2 proposed ordinances in front of the Commission for approval tonight and the intent behind them. Commissioner Hoen questioned whether the ordinances were completely new or modifications of existing ones. Ms. Gemmer responded that both ordinances were entirely new and went into further detail of what each ordinance would accomplish if adopted. Chair Leifer requested clarification of references of what wasn't captured in 22G. What was not included? Ms. Gemmer described what was included in each section of Code and what was being proposed in the ordinances in front of the commission. Mr. Holland added that the intent was to codify the process that had been being followed since about 1995 adding that this would give the applicant some certainty of the process as well as to establish a time limit to ensure projects remain current. Chair Leifer questioned if there was any further discussion regarding what comes out of a pre-application meeting and whether or not any language had been included. Ms. Gemmer responded that staff does their best to give the most pertinent comments and anticipate any potential code changes, but that only current information could be provided at the time of

pre-app. The issue is whether or not an applicant is vested at the time of pre-app or final application.

Motion made by Commissioner Emery to approve ordinances as written and forward to Council for approval, seconded by Commissioner Toler. Motion carries, (7-0). Public Hearing closed at 7:21 p.m.

NEW BUSINESS:

School District Capital Facilities Plans

Mr. Holland went over the bi-annual process that was ahead of the City. Mr. Holland added that all fees, except for one, would all be going down significantly. There was further discussion regarding current multi-family housing projects. Commissioner Hoen had some questions related to how projected student counts were figured. Mr. Holland replied that he would have to refer those types of questions to the School District, as the City does not come up with these numbers. He recommended the Commission look over the materials provided and have questions prepared for the Public Hearing which would be held in 2 weeks.

Mr. Holland informed the Commission that the impact fee deferral ordinances had been approved by Council and seemed to be being well accepted by developers; both with current projects as well as prospective projects.

Ms. Hirashima introduced a Proclamation passed at City Council last night regarding National Community Planning Month. She echoed the sentiment of the Council recognizing the Commission for their efforts in and dedication to Community Planning.

Mr. Holland also updated the Commission on the CDBG meeting that had taken place earlier tonight and the presentation the applicants had given. Ms. Hirashima added that it was a valuable experience hearing the different groups present and that it really gives the City a better idea of the groups and organizations working within the Community.

COMMENTS FROM COMMISSIONERS:

Chair Leifer welcomed the new Commissioner, Kelly Richards. Commissioner Richards introduced himself and gave a brief biography of his life in Snohomish County.

Commissioner Emery announced that the next meeting would be his last, and he was giving his official resignation tonight. He added that he had very much enjoyed his time on the Commission.

Commissioner Lebo questioned whether there had been any discussion regarding the Doleshel Tree Farm Property and if it would be becoming a park. Ms. Hirashima described that recent conversations and events regarding this project, but that it seemed to be getting closer. Commissioner Lebo added that he felt it would be a great benefit to the community and offered his services in any aspect needed. There was agreement that it was important

to follow through with this project, especially given the amount of volunteer time that had been dedicated to this as well as the benefit to the City and Community.

ADJOURNMENT:

Motion made by Commissioner Lebo, seconded by Commissioner Richards to adjourn the meeting at 7:53 p.m. Motion carries, (7-0).

NEXT MEETING:

October 23, 2012



Amy Hess, Recording Secretary



COMMUNITY DEVELOPMENT DEPARTMENT
80 Columbia Avenue ♦ Marysville, WA 98270
(360) 363-8100 ♦ (360) 651-5099 FAX

PC Recommendation – Site Plan Review Code

The Planning Commission (PC) of the City of Marysville, having held a public hearing on October 9, 2012 in review of a NON-PROJECT action amendment of the Marysville Municipal Code, proposing amendments to the Marysville Municipal Code, Title 22G, *Administration and Procedures*, adopting a new chapter 22G.120, *Site Plan Review*, and having considered the exhibits and testimony presented, PC does hereby enter the following findings, conclusions and recommendation for consideration by the Marysville City Council:

FINDINGS:

1. The Community Development Department held a public meeting to introduce the NON-PROJECT action Site Plan Review Code to the community on September 11, 2012.
2. The proposal was submitted to the State of Washington Department of Commerce for 30-day expedited review on July 9, 2012, in accordance with RCW 36.70A.106.
3. The PC held a public work session to review the NON-PROJECT action amendments proposing adoption of the NON-PROJECT action Site Plan Review Code amendments as described above, on September 11, 2012.
5. The PC held a duly-advertised public hearing on October 9, 2012 and received testimony from city staff and the public.
6. At the public hearing, the PC reviewed and considered the Site Plan Review Code.

CONCLUSION:

At the public hearing, held on October 9, 2012, the PC recommended **APPROVING** the Site Plan Review Code.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of **APPROVAL** of the NON-PROJECT action known as Site Plan Review Code, an amendment to the Marysville Municipal Code, Title 22G, *Administration and Procedures*, this **October 9, 2012**.

By: _____

Stephen Leifer, Planning Commission Chair

**SITE PLANS SUBMITTED FROM 2003 – 2012 WITH SITE PLAN APPROVAL
WHICH WILL BE IMPACTED BY IMPLEMENTATION OF SITE PLAN EXPIRATION TERM**

File Number	Project Name	Filing Date	Preliminary Approval Date	Civil Construction Plan Approval Date	Expiration Date if Expiration Term Adopted	Project Location and Description
Commercial						
PA06024	Leifer Dev. Lot 2	3/15/06	4/27/06	11/3/06	4/27/11; 4/27/14 if extension applied for and granted.	13101 41 st Avenue NE/ 37,363 SF industrial warehouse building comprised of 21,163 SF (Bldg. A) and 16,200 SF (Bldg. B)
PA07067	Tran Commercial Site Plan	11/20/07	2/28/08	7/30/08	2/28/13; 2/28/16 if extension applied for and granted.	17033 28 th Drive NE/ 10,476 SF retail development.
PA07068	Marysville Ford	12/30/07	12/15/08	-	12/15/13; 12/15/16 if extension applied for and granted.	15900 Smokey Point Boulevard/ 35,000 SF car dealership.
PA07069	Nyhus Office Addition	12/3/07	3/7/08	-	3/7/13; 3/7/16 if extension applied for and granted.	1423 6 th Street and 601 State Avenue/ 1,832 SF office addition.
PA08007	Emerald Hills Estates 5	2/7/08	10/17/08	10/27/08	10/17/13; 10/17/16 if extension applied for and granted.	14727 43 rd Avenue NE/ 4-unit mobile home park expansion

File Number	Project Name	Filing Date	Preliminary Approval Date	Civil Construction Plan Approval Date	Expiration Date if Expiration Term Adopted	Project Location and Description
Commercial						
PA08013	Tran State Avenue Plaza	2/28/08	8/21/08	-	8/21/13; 8/21/16 if extension applied for and granted.	1085 State Avenue/ 17,145 SF retail strip mall and 4,080 SF restaurant.
PA08033	State Avenue Plaza	7/9/08	8/20/08	1/21/09	8/20/13; 8/20/16 if extension applied for and granted.	1023 State Avenue/ 5,560 SF commercial building consisting of 4,261 SF office and 1,298 SF apartment
PA10029	Zorzi Mixed Use Project	11/28/10; 4/7/11 revised application submitted.	9/27/11	2/27/12	9/27/16; 9/27/19 if extension applied for and granted.	2810 164 th Street NE/ Ph. 1- 18,098 SF warehouse/showroom with 2,000 SF incidental stone fabrication; Ph. 2- 37,679 SF warehouse/showroom, 4,873 SF retail, 3,959 SF cafe, 4 residential apartments.
PA11006	Lam Commercial Site Plan Modification	4/1/11	7/13/11	Under review.	7/13/16; 7/13/19 if extension applied for and granted.	17033 28 th Drive NE/ Change of use from a church to a furniture store.

File Number	Project Name	Filing Date	Preliminary Approval Date	Civil Construction Plan Approval Date	Expiration Date if Expiration Term Adopted	Project Location and Description
Multi-family and Condominium Developments						
PA06039	Brickyard Commons	5/5/06	6/15/06	3/5/07	6/15/11; 6/15/14 if extension applied for and granted.	1222 Ash Avenue/ 19 multi-family units.
PA06085	Sagewood	11/07/06	7/8/08	8/10/09	7/8/13; 7/8/16 if extension applied for and granted.	6227, 6309 and 6315 83 rd Avenue NE/ 138 unit townhouse development.
PA07015	47 th Ave Condos	03/19/07	08/10/07	-	8/10/12; 8/10/15 if extension applied for and granted.	7110 47 th Avenue NE/ 6 unit condominium consisting of 2 3-unit buildings.
PA07057	Sterley Multifamily	09/05/07	8/21/08	-	8/21/13; 8/21/16 if extension applied for and granted.	8116 47 th Avenue NE/ 16 unit multi-family consisting of 3 buildings.
PA07061	Balbair Townhomes	09/28/07	11/28/07	12/2/08	11/28/12; 11/28/15 if extension applied for and granted.	4731 100 th Street NE/ 12 unit townhouse.
PA09008	Armar Road Townhomes	3/11/09	6/26/09	9/9/09	6/26/14; 6/26/17 if extension applied for and granted.	6828 51 st Avenue NE/ 9 unit multi-family apartment.

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING THE CITY'S MUNICIPAL CODE AND DEVELOPMENT REGULATIONS BY AMENDING TITLE 22G, ADMINISTRATION AND PROCEDURES, BY ADDING CHAPTER 22G.120, SITE PLAN REVIEW; AND AMENDING SECTION 22A.010.160 OF MMC CHAPTER 22A.010, GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY'S UNIFORM DEVELOPMENT CODE.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, during public meetings on September 11, 2012 and October 9, 2012, the Planning Commission discussed the proposed amendments to MMC Title 22G, Administration and Procedures;

WHEREAS, after providing notice to the public as required by law, on October 9, 2012, the Marysville Planning Commission held a Public Hearing on the proposed amendments to the City's development regulations; and

WHEREAS, on October 9, 2012 the Planning Commission made a Recommendation to the City Council recommending the adoption of the proposed amendments to MMC Title 22G, Administration and Procedures, by adding MMC Chapter 22G.120, Site Plan Review; and

WHEREAS, at a public meeting on _____, the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed amendments to the development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on July 9, 2012, as required by RCW 36.70A.106; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act, Ch.43.21C RCW, (SEPA) by adopting a determination of non-significance for the proposed revisions to the City's development regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Approval of Planning Commission's Recommendation and Adoption of Findings and Conclusions. The Planning Commission's October 9, 2012 Recommendation regarding the proposed development regulation revisions, including the Findings and Conclusions contained therein, as set forth in the attached **Exhibit "A"**, is hereby adopted and incorporated herein by this reference.

Section 2. Required Findings. In accordance with MMC 22G.010.500, the following findings are made regarding the development regulation amendments subject of this ordinance:

- (1) The amendments are consistent with the purposes of the comprehensive plan;
- (2) The amendments are consistent with the purpose of Title 22 MMC;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

Section 3. MMC Title 22G, Administration and Procedures, is hereby amended by adopting new Chapter 22G.120, Site Plan Review, to read as follows:

Chapter 22G.120 SITE PLAN REVIEW

Article I. General Provisions

22G.120.010 Title for citation.

This chapter shall be known as the site plan review ordinance of the city of Marysville, and the requirements set forth in this chapter are applicable to all new construction, redevelopment, and exterior expansion of multiple-family, commercial, industrial, utility, shoreline development, public-initiated land use proposals, parking, and landscaping site plan reviews.

22G.120.020 Purpose.

- (1) The purpose of this chapter is to provide a method for approval of site plans, not reviewed through Chapters 22G.090 *Planned Residential Development* or 22G.100 *Binding Site Plan*.
- (2) It is further the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title.
- (3) It is the specific intent of this chapter to place the obligation of complying with its requirements upon the property owner and applicant, and no provision or term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers, employees, or agents, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

(4) Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure to comply with this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees, or agents.

22G.120.030 Scope.

Review and approval is required for all new construction, redevelopment, and exterior expansion of multiple-family, commercial, industrial, utility, shoreline development, public-initiated land use proposals, parking, and landscaping site plan reviews; or as otherwise specified in Title 22 MMC *Unified Development Code*. All of the above projects require the review and approval of a site plan except for:

- (1) Construction activities which do not require a building permit;
- (2) Construction of a single family residence not located within shoreline jurisdiction or a regulated critical area or buffer;
- (3) Construction or expansion of a residential accessory structure;
- (4) Interior remodels of existing structures when not a change of occupancy (such as converting from a residential use to a commercial use); and
- (5) Tenant improvements when the modification or addition does not necessitate an expansion to the parking area.

22G.120.040 Administration.

The community development director shall have the duty and responsibility of administering the provisions of this chapter with the authority to promulgate rules and regulations to implement and administer this chapter.

Article II. Review Process

22G.120.050 Preapplication requirements.

(1) Preapplication Meeting. Prior to submittal of a site plan application for consideration by the city, the applicant shall request a preapplication meeting with city staff on the express conditions that the city, its officers, and employees shall be held harmless and released from any claims for damages arising from discussions at said preapplication meeting. The city shall provide written comments to the applicant, and may discuss the general goals and objectives of the proposal, the overall design possibilities, the general character of the site, including environmental constraints, and development. The focus of the meeting shall be general in nature and none of the discussions shall be interpreted as a commitment by the city or applicant. No statements or assurances made by city representatives shall in any way relieve the applicant of his or her duty to submit an application consistent with all relevant requirements of all pertinent city, state and federal codes, laws, regulations and land use plans.

(2) Preliminary Drawing.

(a) The applicant shall provide an accurate drawing showing proposed site layout, building location(s) and size, access, utilities location, open space and adjacent land use. This drawing must be provided to the city before a preapplication meeting may be scheduled.

(b) The applicant shall also provide a legal description of the property and a vicinity map.

22G.120.060 Application submittal.

(1) Application Fees. The applicant shall pay the required fees as established in Chapter 22G.030 MMC *Land Use and Development Fees* when submitting the land use application for site plan review.

(2) Application Documents. A site plan review application shall consist of the following documents: land use application form, legal descriptions of parcel(s), vicinity map, title report/plat certificate, site plan, environmental checklist (if required), building elevations, landscaping plans, and preliminary drainage plans and drainage report. The following additional items may need to be submitted if determined to be necessary: traffic impact analysis, geotechnical report, and critical areas analysis and preliminary mitigation plan. The city shall provide appropriate forms and application instructions.

(3) Site Plan. The proposed site plan shall contain the following information:

(a) The name or title of the proposed project;

(b) The date, north arrow and appropriate engineering scale as approved by the community development department (e.g., one inch equals 20 feet; one inch equals 30 feet; one inch equals 40 feet; one inch equals 50 feet; one inch equals 60 feet);

(c) Property lines and dimensions;

(d) Location and name of existing and proposed streets and right-of-way;

(e) Drainage channels, watercourses, marshes, lakes and ponds;

(f) Existing and proposed structures and setbacks;

(g) The location of existing driveways;

(h) All easements and uses including the references to Auditor's File Numbers;

(i) Existing and proposed utilities services;

(j) Fire hydrant location and distance;

(k) Five-foot contour lines;

(l) Preliminary street profile together with a preliminary grading and preliminary storm drainage plan and report;

(m) A typical cross-section of the proposed street improvements; and

(n) Any regulated sensitive area such as wetlands, steep slopes or wildlife habitat.

(4) Additional Application Requirements. If the city finds the presence of any of the following site conditions, then the city may require the applicant to provide additional information such as detailed studies and site plans.

- (a) Site has existing slopes exceeding 15 percent for more than 50 (running) feet;
- (b) Site has permanent drainage course or wetlands;
- (c) Conditions exist on the site or in the area adjacent to the site which may contribute to or cause erosion, drainage problems, surface slippage or other geological hazards;
- (d) Site has other unique physical features or sensitive features;
- (e) The development will result in 10 or more peak-hour vehicular trips onto public streets, or sight distance/safety concern.

(5) Land Use Applications Processed Simultaneously. Unless an applicant for site plan approval requests otherwise, a site plan application shall be processed simultaneously with any application for rezones, variances, street vacations and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

22G.120.070 Review process – City department action

(1) If the site plan application meets all the requirements specified in MMC 22G.120.060, then the application shall be deemed complete and the community development department shall circulate copies of the site plan application to relevant city departments who shall review the application and furnish the community development department with a report as to the effect of the proposed development upon the public health, safety and general welfare, and containing their recommendations as to the approval of the application. The report submitted shall include recommendations as to the extent and types of improvements to be provided.

(2) Site plan review is exempt from the public notice requirements set forth in MMC Section 22G.010.090 unless a concurrent review process such as State Environmental Policy Act (SEPA), rezone, variance, etc. requires public notice.

22G.120.080 Approval.

(1) Standards for Site Plans. The standards set forth in this chapter are to be used for site plan review.

(2) Provisions for Approval. No site plan shall be approved unless appropriate provisions are made for, but not limited to, the public health, safety, and general welfare.

22G.120.090 Public use reservations.

Street Right-of-Way Realignment, Dedication or Widening. If the city concludes that the street right-of-way adjacent to a proposed development is inadequate for widening, and realignment of the existing street is necessary as a direct result of the proposed development, then the city may require a dedication of necessary right-of-way and improvement of that right-of-way, in accordance with Chapter 12.02A MMC *Street Department Code*.

22G.120.100 Design with environment.

Information generated through the environmental review process, if applicable, will be used in designing the development in such a way as to mitigate potential adverse environmental impacts.

22G.120.110 Development with existing structures.

In reviewing any project, all existing structures shall comply with the standards of this chapter and the requirements of Title 22 MMC. However, if the structures are nonconforming, the applicant shall bring the project into compliance with the standards set forth in Title 22 MMC to the maximum extent possible. This chapter does not allow the applicant to increase or intensify the nonconforming nature of the structure.

22G.120.120 Site-specific energy conservation.

The use of site-specific energy schemes shall be encouraged that best offer opportunities for maximum use of southern exposures and the use of natural climate conditions. Consideration should be given to design which preserves opportunities for potential future installments of solar energy systems as allowed for in Chapter 22C.270

22G.120.130 Landscaping.

Landscaping shall be required on all projects in accordance with Chapter 22C.120 MMC *Landscaping and Screening* and all other applicable landscaping design standards outlined in Title 22 MMC.

22G.120.140 Off-street Parking.

Off-street parking shall be provided in accordance with Chapter 22C.130 MMC *Parking and Loading*. All parking lots shall be hard-surfaced and designed per city standards.

22G.120.150 Loading areas.

Loading areas, when required, shall be provided per Chapter 22C.130 MMC *Parking and Loading*.

22G.120.160 Outdoor storage.

Outdoor storage areas that contain material not for sale, rent or lease to the public shall be fully screened from view from all streets and residential zoning boundary in accordance with MMC Chapter 22C.120, *Landscaping and Screening*, and all other applicable screening standards outlined in Title 22 MMC.

22G.120.170 Signs.

All signs shall be per MMC Title 22 and Chapter 22C.160 MMC *Signs*. All signing shall be approved by the city and integrated into the building design and the overall site plan.

22G.120.180 Building setbacks.

All setbacks for structures shall comply with Title 22C MMC *Land Use Standards*.

22G.120.190 Fire hydrants.

- (1) Fire hydrants shall be installed in accordance with Title 9 MMC *Fire*.
- (2) Fire hydrants must be approved and operating prior to wood framing of buildings.

22G.120.200 Access and circulation.

Ingress, egress and general circulation shall be approved by the city engineer.

22G.120.210 Street frontage.

Whenever a project is proposed on an existing public street, frontage shall be improved to current city standards in accordance with Chapter 12.02A *Street Department Code*.

22G.120.220 Sewer improvements.

All sewer improvements shall be required as specified in Title 14 MMC *Water and Sewers*.

22G.120.230 Water improvements.

All water improvements shall be required as specified in Title 14 MMC *Water and Sewers*.

22G.120.240 Drainage improvements.

Drainage improvements shall be required as specified in Title 14 MMC *Water and Sewers*.

22G.120.250 Clearing and grading.

- (1) Before any site modification where existing natural features would be disturbed or removed, a grading plan must be submitted to the city and approved by the city showing the extent of the proposed modification.
- (2) Debris, waste, trees, timber, junk, rubbish or other materials of any kind shall not be buried in any land or deposited in any surface water.
- (3) All erosion control plans must be in compliance with city standards and MMC Chapter 14.15 , Controlling Storm Water Runoff From New Development, Redevelopment, and Construction Sites.

22G.120.260 Easements.

Permanent easements shall be provided, as necessary, for utilities and other public services identified prior to certificate of occupancy being granted.

22G.120.270 Underground wiring.

- (1) It is the intent of this provision to eliminate insofar as possible the installation of overhead wires and of wire-carrying poles being henceforth developed under this chapter.
- (2) All projects shall have all power lines, telephone wires, television cables, fire alarm systems and other communication wires, cables or lines placed in underground location either by direct burial or by means of conduit or ducts and, with the exception of the city fire alarm system, providing service to each building site.

(3) All such underground installations or systems shall be approved by the appropriate utility company and shall adhere to all governing applicable regulations including but not limited to the city and state applicable regulations and specific requirements of the appropriate utility.

(4) If the appropriate utility company will not approve an underground installation or system because it cannot reasonably be installed according to accepted engineering practices, applicant may request a waiver of the requirement of underground installations or systems to the city engineer. If the city engineer concurs that under accepted engineering practices underground installations or systems cannot reasonably be installed, a waiver shall be granted. If the city engineer does not concur, recommendations shall be made relating to the undergrounding of electrical service to the applicant for transmittal to the appropriate utility company.

(5) All utility easements within a proposed development shall be approved by the appropriate utility company before a certificate of occupancy is granted and shall be shown in their exact location on the final record drawing of said development.

(6) Nothing in this section or any other section of this title in relation to underground wiring shall be construed to prohibit the placement of pad mounted transformers, terminal pedestals or other electrical and communications devices above ground, as determined by the appropriate utility involved.

22G.120.280 Improvements – Smooth transition required.

All improvements required by this title shall be extended as necessary to provide a smooth transition with existing improvements, both laterally across the street and longitudinally up and down the street, for utilities, vehicular and pedestrian traffic.

22G.120.290 Utility improvement plans.

All street and utility improvement plans shall be prepared by a state of Washington licensed civil engineer. All plans shall be prepared on reproducible Mylar material and presented to the city for approval.

22G.120.300 Acceptance of improvements.

The city engineer is authorized to accept all improvements and/or right-of-way dedications required in this title on behalf of the city.

22G.120.310 Performance guarantee requirements.

(1) Site improvements shall be completed prior to a certificate of occupancy being granted, or at the discretion of the city engineer, or his designee, security for performance in accordance with the provisions of Chapter 22G.040 MMC may be supplied. The duration for any such security for performance shall not be longer than one year.

(2) Security for performance shall not be released until all applicable departments responsible for acceptance and maintenance of improvements have approved said release.

22G.120.320 Site improvements designated.

Site improvements shall include, but are not limited to: grading of entire width of street rights-of-way, asphalt/concrete surfacing of roadways (as per city standards contained in

the street code), curbs, gutters and sidewalks constructed according to the street code and construction of drainage facilities. The developer shall request inspection of the improvements by the city engineer or his designee at the following times:

- (1) Erosion control measures are installed;
- (2) Rough grading is complete and prior to placing pit run;
- (3) Storm sewer completion;
- (4) Roadway including curb and gutter completion;
- (5) When all improvements, including monuments, have been placed.

All improvements which do not meet city standards shall be immediately replaced or repaired prior to proceeding. The city engineer, or his designee, will inform the developer in writing of any improvements which are not acceptable.

22G.120.330 Warranty requirements for acceptance of final improvements.

(1) After satisfactory completion of roadway improvements, including streets, curbs, gutters and sidewalks, and storm water drainage improvements, and after satisfactory completion of on-site retention facilities, if any, the owner and/or developer shall provide the city with security for maintenance in accordance with the provisions of Chapter 22G.040 MMC. The warranty period for the security for maintenance shall be a minimum of two years.

(2) For the purpose of this title, final approval shall not be given until such time as all of the required improvements have been satisfactorily installed in accordance with the requirements of preliminary approval or security for performance and security for maintenance have been provided and accepted by the city.

22G.120.340 Survey.

A survey conducted by or under the supervision of a registered land surveyor licensed in the state of Washington must be submitted; provided, that the community development director may waive this requirement for minor projects, additions, or other proposals where property boundaries are known. Where a survey is waived, an agreement shall be executed with the city saving and holding it harmless from any damages, direct or indirect, as a result of the approval of the site plan.

22G.120.350 Dedication.

Any dedication, donation or grant as shown on a site plan shall be completed and recorded with the auditor's office prior to a certificate of occupancy being granted.

22G.120.360 Review process – Decision by city.

(1) If the city engineer and community development director find that appropriate provisions have been made according to the requirements of this title, then the site plan may be granted preliminary approval. If the city engineer and community development director find that the site plan does not make the appropriate provisions according to the requirements of this title, the city may disapprove or return it to the applicant for modification and conditions for approval.

(2) The site plan approval decision shall be in writing and shall include findings of fact and conclusions.

(3) Approval of the site plan by the community development director and city engineer shall constitute authorization for the applicant to develop the site plan facilities and improvements as required in the site plan approval.

(4) Administrative decisions may be appealed in accordance with MMC 22G.010.530

22G.120.370 Application time limits.

(1) A decision on site plan applications subject to this chapter shall be made within one hundred twenty days of submission of a complete application as set forth in MMC 22G.010.050.

(2) The following shall be excluded when calculating this time period:

(a) Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional required information due to the applicant's inaccurate or insufficient information.

(b) Any period during which an environmental impact statement is being prepared.

(c) Any period for administrative appeals.

(d) Any extension for any reasonable period mutually agreed upon in writing between the applicant and the department (RCW 36.70B.080(1)).

22G.120.380 Termination of Approval.

(1) Approval of the application shall expire five years from the date the approval was final.

(2) The period may be extended by the director for up to one year upon showing a good faith effort to complete the project and proper justification. Proper justification consists of one or more of the following conditions:

(a) Economic hardship;

(b) Change of ownership;

(c) Unanticipated construction and/or site design problems;

(d) Other circumstances beyond the control of the applicant determined acceptable by the community development director.

Exception: Due to current economic conditions, projects which receive preliminary approval on or before December 31, 2012 may apply to the director for a one-time, 36 month time extension.

(3) The applicant must file a written request with the director requesting the extension at least 30 days before expiration.

(4) Once the time period and any extensions have expired, preliminary approval shall terminate and the application is void and deemed withdrawn.

Section 4. Section 22A.010.160, Amendments, of MMC Chapter 22A.010, General Administration, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Site Plan Review Code	_____, 2012"

Section 5. Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2012.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)