

**CITY OF MARYSVILLE**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: January 12, 2014**

<b>AGENDA ITEM:</b> Ordinance adopting amendments to the Marysville Municipal Code Title 22 <i>Unified Development Code</i> , related to enactments adopted by the Washington State Legislature	<b>AGENDA SECTION:</b> New Business	
<b>PREPARED BY:</b> Chris Holland, Planning Manager	<b>APPROVED BY:</b>	
<b>ATTACHMENTS:</b> 1. PC Recommendation, including: <ul style="list-style-type: none"> <li>. <b>Exhibit A</b> – PC Recommended Ordinance</li> <li>. <b>Exhibit B</b> – PC Public Hearing Minutes, November 25, 2014</li> <li>. <b>Exhibit C</b> – PC Workshop Minutes, September 9, 2014</li> </ul> 2. Adopting Ordinance	<b>MAYOR</b>	<b>CAO</b>

**DESCRIPTION:**

The Washington Cities Insurance Authority (WCIA) conducted a Land Use Liability Audit of the City of Marysville in 2014. The City passed the land use audit, however, a few deficiencies related to legislative enactments governing group homes/adult family homes, daycares, deadlines for the approval, disapproval or return to the applicant of preliminary or final subdivisions, vesting and determining what constitutes a minor and major amendment to site plans, binding site plans, short plats and subdivisions.

The Planning Commission held a public work session on September 9, 2014 and a duly advertised public hearing on November 12, 2014, which was continued to November 25, 2014. No public comments were received prior to or at the public hearing. Having considered all of the exhibits and testimony presented, the Planning Commission has recommended adoption of amendments to the Marysville Municipal Code Title 22 *Unified Development Code*, related to enactments adopted by the Washington State Legislature.

**RECOMMENDED ACTION:**

Affirm the Planning Commission’s recommendation adopting amendments to Marysville Municipal Code Title 22 *Unified Development Code*, related to enactments adopted by the Washington State Legislature.

**COUNCIL ACTION:**



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

## PC Recommendation - Legislative Enactment Code Amendments

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014, in review of amendments to the Marysville Municipal Code related to enactments adopted by the Washington State Legislature, including group homes, adult family homes, daycares, deadlines for the approval, disapproval or return to the applicant of preliminary or final subdivision applications, vesting, and minor and major amendments, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

### FINDINGS:

1. The Planning Commission held a public work session to review amendments related to enactments adopted by the Washington State Legislature on September 9, 2014.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments related to enactments adopted by the Washington State Legislature to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b). No comments were received from State Agencies.
4. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014.
5. No public comments were received on the DRAFT amendments related to enactments adopted by the Washington State Legislature.

### CONCLUSION:

At the public hearing, which was continued to November 25, 2014, the Planning Commission recommended adoption of the amendments related to enactments adopted by the Washington State Legislature, as reflected in the Ordinance attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes attached hereto as **Exhibit(s) B & C**.

### RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to enactments adopted by the Washington State Legislature by the Marysville Planning Commission this 25<sup>th</sup> day of November, 2014.

By: \_\_\_\_\_

Steve Leifer, Planning Commission Chair

# EXHIBIT A

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO ENACTMENTS ADOPTED BY THE WASHINGTON STATE LEGISLATURE BY AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22C.020.060 PERMITTED USES; 22C.010.070 PERMITTED USES – DEVELOPMENT CONDITIONS; 22G.010.150 ADMINISTRATIVE APPROVALS WITHOUT NOTICE; 22G.010.250 VESTING; 22G.010.260 MINOR REVISIONS TO APPROVED DEVELOPMENT APPLICATIONS; 22G.010.270 MAJOR REVISIONS TO APPROVED RESIDENTIAL DEVELOPMENT APPLICATIONS; 22G.010.280 REVISIONS NOT DEFINED AS MINOR OR MAJOR; 22G.010.290 SUPPLEMENTAL INFORMATION; 22G.010.300 OATH OF ACCURACY; 22G.010.310 LIMITATIONS ON REFILEING OF APPLICATIONS; 22G.010.320 CODE COMPLIANCE REVIEW – ACTIONS SUBJECT TO REVIEW; 22G.010.330 DECISIONS AND APPEALS; 22G.010.340 ACTIONS SUBJECT TO REVIEW; 22G.010.350 NOTICE REQUIREMENTS AND COMMENT PERIOD; 22G.010.360 DECISION OR PUBLIC HEARING REQUIRED; 22G.010.370 ADDITIONAL REQUIREMENTS PRIOR TO HEARING; 22G.010.380 DECISION REGARDING PROPOSAL; 22G.010.390 TIME LIMITATIONS; 22G.010.400 PURPOSE; 22G.010.410 TEMPORARY USE PERMIT; 22G.010.420 VARIANCE; 22G.010.430 CONDITIONAL USE PERMIT; 22G.010.440 REZONE CRITERIA; 22G.010.450 REZONE AND REVIEW PROCEDURES; 22G.010.460 HOME OCCUPATION PERMIT; 22G.010.470 CONTINUING JURISDICTION; 22G.010.480 CANCELLATION OF DECISIONS; 22G.010.490 TRANSFER OF OWNERSHIP; 22G.010.500 PURPOSE; 22G.010.510 AUTHORITY AND APPLICATION; 22G.010.520 REQUIRED FINDINGS; 22G.010.530 BURDEN OF PROOF; 22G.010.540 APPEAL PROCESS – GENERAL DESCRIPTION; 22G.010.550 APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND APPROVALS; 22G.010.560 JUDICIAL APPEAL; 22G.030.020 GENERAL FEE STRUCTURE; 22G.090.170 PRELIMINARY AND FINAL SUBDIVISION APPROVAL – TERMS; 22G.090.185 REVISIONS AFTER PRELIMINARY SUBDIVISION APPROVAL; REPEALING 22G.090.280; AMENDING SECTION 22G.090.380 PRELIMINARY AND FINAL SHORT SUBDIVISION APPROVAL – TERMS; AND CREATING NEW SECTIONS 22G.090.385 REVISIONS AFTER PRELIMINARY SHORT SUBDIVISION APPROVAL; 22G.100.125 REVISIONS; 22G.120.390 REVISION OF THE OFFICIAL SITE PLAN; AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY’S UNIFORM DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

**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

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**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**, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (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.

**WHEREAS**, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 9, 2014; and

**WHEREAS**, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

**WHEREAS**, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

**WHEREAS**, at a public meeting on January 12, 2015, , the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

**WHEREAS**, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 12, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

**WHEREAS**, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

**NOW, THEREFORE**, the City Council of the City of Marysville, Washington do ordain as follows:

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**Section 1. MMC 22C.020.060 is hereby amended as follows:**

Residential land uses										
Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
<b>Group Residences:</b>										
Adult family home	P	P	P	P	P	P(70)	P(70)	P(70)	P(70)	P
Residential care facility	P	P	P	P	P	P(70)	P(70)	P(70)	P(70)	P
<b>Personal Services:</b>										
Day care I	P(70)	P(70)	P(70)	P(70)	P(70)	P(70)	P(21)(70)	P(70)	P(70)	P(70)

**Section 2. MMC 22C.020.070 is hereby amended as follows. (All other provisions of MMC 22C.020.070 remain in effect and unchanged):**

(70) Permitted within existing legal non-conforming single-family residences.

**Section 3. MMC 22G.010.150 is hereby amended as follows:**

**22G.010.150 Administrative approvals without notice.**

(1) The director may approve, approve with conditions, or deny the following without notice:

- (a) Boundary line adjustments;
- (b) Extension of time for approval;
- (c) Minor amendments or modifications to approved developments or permits in accordance with MMC 22G.010.260. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not:

- ~~(i) Affect overall project character;~~
- ~~(ii) Increase the number of lots, dwelling units, or density; or~~
- ~~(iii) Decrease the quality or amount of open space;~~

- (d) Home occupations;
- (e) Critical areas management determinations made by the community development director pursuant to Chapter 22E.010 MMC;
- (f) Bed and breakfast permits;
- (g) Accessory dwelling units;
- (h) Site plan with commercial, industrial, institutional (e.g., church, school) or multiple-family building permit if permitted outright;
- (i) Site plan with administrative conditional use permit;

(2) Director's decisions under this section shall be final on the date issued.

**Section 4. MMC 22G.010.250 is replaced in its entirety to read as follows:**

**22G.010.250 Vesting.**

~~(1) Only a complete application for a conditional use permit shall be considered under zoning and other land use control ordinances in effect as of the date of submittal.~~

~~(2) Supplemental information required after acceptance and vesting of a complete application shall not affect the validity of the vesting for such application.~~

~~(3) Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals.~~

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~~(4) This section vests only conditional use permits. Vesting for other development permits shall be governed by other applicable titles. No rights shall vest by virtue of any application for a zone reclassification.~~

~~(1) Purpose. The purpose of this section is to implement plan policies and state laws that provide for vesting. This section is intended to provide property owners, permit applicants, and the general public assurance that regulations for project development will remain consistent during the lifetime of the application. The section also establishes time limitations on vesting for permit approvals and clarifies that once those time limitations expire, all current development regulations and current land use controls apply.~~

~~(2) Applicability. This section applies to complete applications and permit approvals required by the City of Marysville pursuant to Title 22 MMC, including and limited to, land use permits, preliminary subdivisions, final subdivisions, short subdivisions, binding site plans, conditional use permits, shoreline development permits and any other land use permit application that is determined by Washington State law to be subject to the Vested Rights Doctrine. Vesting of building permit applications are governed by the rules of RCW 19.27.095 and Title 16 MMC.~~

~~(3) Vesting of Applications.~~

~~(a) An application described in subsection (2) shall be reviewed for consistency with the applicable development regulations in effect on the date the application is deemed complete.~~

~~(b) An application described in subsection (2) shall be reviewed for consistency with the construction and utility standards in effect on the date the separate application for a construction or utility permit is deemed complete. An applicant may submit a separate construction or utility permit application simultaneously with any application described in subsection (2) to vest for a construction or utility standard. The application or approval of a construction or utility permit or the payment of connection charges or administrative fees to a public utility does not constitute a binding agreement for service and shall not establish a vesting date for development regulations used in the review of applications described in subsection (2).~~

~~(c) An application described in subsection (2) utilizing vested rights shall be subject to all development regulations in effect on the vesting date.~~

~~(d) An application described in subsection (2) that is deemed complete is vested for the specific use, density, and physical development that is identified in the application submittal.~~

~~(e) Applications submitted pursuant to Title 22 MMC that are not listed in subsection (2) shall be governed by those standards which apply to said application. These applications shall not vest for any additional development regulations.~~

~~(f) The property owner is responsible for monitoring the time limitations and review deadlines for the application. The City shall not be responsible for maintaining a valid application. If the application expires, a new application may be filed with the Community Development Department, but shall be subject to the development regulations in effect on the date of the new application.~~

~~(4) Duration of Vesting.~~

~~(a) Land Use Permits. The development of an approved land use permit shall be governed by the terms of approval of the permit unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.~~

~~(b) Preliminary Subdivision. Development of an approved preliminary subdivision shall be based on the controls contained in the Hearing Examiner's decision. A final subdivision meeting all of the requirements of the preliminary subdivision approval shall be submitted within the time period specified in MMC 22G.090.170 and RCW 58.17.140. Any extension of time beyond the time period specified in MMC 22G.090.170 and RCW 58.17.140 may contain additional or altered conditions and requirements based on current development regulations and other land use controls.~~

# EXHIBIT A

(c) Land Use Permits Associated with a Preliminary Subdivision. Land Use Permit applications, such as Planned Residential Development applications that are approved as a companion to a preliminary subdivision application shall remain valid for the duration of the preliminary and final subdivision as provided in subsections (b) and (d) of this section.

(d) Final Subdivision. The lots in a final subdivision may be developed by the terms of approval of the final subdivision, and the development regulations in effect at the time the preliminary subdivision application was deemed complete for a period as specified in RCW 58.17.170 unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(e) Short Subdivision. The lots in a short subdivision may be developed by the terms and conditions of approval, and the development regulations in effect at the time the application was deemed complete for a period specified in RCW 58.17.170 unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(f) Binding Site Plan. The lots in a Binding Site Plan may be developed by the terms of approval of the Binding Site Plan, and the development regulations in effect at the time the application was deemed complete unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(g) All approvals described in this section shall be vested for the specific use, density, and physical development that is identified in the permit approval.

(h) Sign Permit. A sign permit shall expire if the permit is not exercised within one year of its issuance. No extensions of the expiration date shall be permitted.

(5) Waiver of Vesting. A property owner may voluntarily waive vested rights at any time during the processing of an application by delivering a written and signed waiver to the Director stating that the property owner agrees to comply with all development regulations in effect on the date of delivery of the waiver. Any change to the application is subject to the modification criteria described in MMC 22G.010.260 and 22G.010.270 and may require revised public notice and/or additional review fees.

## **Section 5. MMC 22G.010.260 is hereby amended as follows:**

### **22G.010.260 Modifications to proposal-Minor revisions to approved development applications.**

~~(1) Modifications to an application required by the city shall not be deemed a new application.~~

~~(2) An applicant requested modification occurring either before or after issuance of the permit shall be deemed a new application for the purpose of vesting when such modification would result in a substantial increase in a project's impact as determined by the department. Such substantially increased impact may include increases in residential density or traffic generation or a greater than 10 percent increase in building square footage.~~

The purpose and intent of this section is to provide an administrative process for minor revisions to approved development applications. For the purposes of this section, approved development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other development applications.

(1) A minor revision to an approved residential development application is limited to the following when compared to the original development application, provided that there shall be no change in the proposed type of development or use:

(a) Short subdivisions shall be limited to no more than one additional lot, provided the maximum number of lots allowed in a short subdivision is not exceeded.

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(b) Subdivisions, single-family detached unit developments, cottage housing, townhomes and multiple-family developments shall be limited to the lesser of:

(i) A 10 percent increase in the number of lots or units; or

(ii) An additional 10 lots or units, provided the additional/lots units

will not cause the project to exceed the maximum categorical exemption threshold level established in MMC 22E.030.090.

(c) A reduction in the number of lots or units.

(d) A change in access points may be allowed when combined with subsection (1)(a) or (b) of this section or as a standalone minor revision provided that it does not change the trip distribution. No change in access points that changes the trip distribution can be approved as a minor revision.

(e) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application, provided that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(f) A change to the internal lot lines that does not increase lot or unit count beyond the amount allowed for a minor revision.

(g) A change in the aggregate area of designated open space that does not decrease the amount of designated open space by more than ten percent. Under no circumstances shall the quality or amount of designated open space be decreased to an amount that is less than that required by code.

(h) A change not addressed by the criteria in subsections (1)(a) through (g) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(2) A minor revision to an approved nonresidential development application is limited to the following when compared to the original development application, provided that there is no change in the proposed type of development or use or no more than a 10 percent increase in trip generation:

(a) A utility structure shall be limited to no more than a 400-square-foot increase in the gross floor area.

(b) All other structures shall be limited to no more than a 10 percent increase in the gross floor area.

(c) A change in access points when combined with subsection (2)(a) or (b) of this section or as a standalone minor revision.

(d) A change which does not substantially alter the character of the approved development application or site plan and prior approval.

(3) A minor revision may be approved subject to the following:

(a) An application for a minor revision shall be submitted on forms approved by the community development department. An application for a minor revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a minor revision shall be accompanied by any fees specified in Chapter 22G.030 MMC.

(c) An application for a minor revision shall require notification of the relevant city departments and agencies.

(d) An application for a minor revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The director shall grant approval of the request for a minor revision if it is determined that the minor revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or



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- (iii) The public health, safety and welfare.
- (f) A minor revision shall be properly documented as a part of the records for the approved development application.
- (g) A minor revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:
  - (i) Preliminary approval for subdivisions or short subdivisions; or
  - (ii) Approval for all other development applications.
- (4) The final determination of what constitutes a minor revision shall be made by the Community Development Director.

## **Section 6. MMC 22G.010.270 is replaced in its entirety to read as follows:**

### **22G.010.270 Major revisions to approved residential development applications.**

The purpose and intent of this section is to provide a process for major revisions to approved residential development applications. Residential development applications shall include short subdivisions, subdivisions, single family detached unit developments, cottage housing, townhomes and multiple family developments. For the purposes of this section, approved residential development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other residential development applications.

(1) A major revision to an approved residential development application is limited to the following when compared to the original development application, provided there is no change in the proposed type of development or use:

(a) Subdivisions, single family detached unit developments, cottage housing, townhomes and multiple family developments shall be limited to the lesser of:

- (i) A 20 percent increase in the number of lots or units; or
- (ii) An additional 20 lots or units.

(b) A change in access points, when combined with subsection (1)(a) of this section.

(c) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application, provided that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(d) A change to the internal lot lines when combined with another criteria in subsection (1) of this section that does not increase lot or unit count beyond the amount allowed for a major revision.

(e) A change in the aggregate area of designated open space beyond that allowed as a minor revision, provided that the decrease will not result in an amount that is less than that required by code.

(f) A change not addressed by the criteria in subsections (1)(a) through (e) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(3) A major revision shall require processing through the same process as a new development application subject to the following:

(a) An application for a major revision shall be submitted on forms approved by the department. An application for a major revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a major revision shall be accompanied by any fees specified in Chapter 22G.030 MMC.

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(c) An application for a major revision shall require public notice pursuant to MMC 22G.010.090.

(d) An application for a major revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The Community Development Director or the Hearing Examiner shall grant approval of the major revision if it is determined that the major revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

(iii) The public health, safety and welfare.

(f) A major revision shall be properly documented as a part of the records for the approved development application.

(g) A major revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:

(i) Preliminary approval for subdivisions or short subdivisions; or

(ii) Approval for all other residential development applications.

(4) The final determination of what constitutes a major revision shall be made by the Community Development Director.

## **Section 7. MMC 22G.010.280 is replaced in its entirety to read as follows:**

### **22G.010.280 Revisions not defined as minor or major.**

Any proposed revision to an approved development application that does not meet the criteria in MMC 22G.010.260 or MMC 22G.010.270 shall require a new development application and a new completeness determination. The new application shall conform to the development regulations which are in effect at the time the new development application is determined complete.

## **Section 8. MMC 22G.010.270 is renumbered to read as follows. (All other provisions of MMC 22G.010.270 remain in effect and unchanged):**

### **22G.010.270~~290~~ Supplemental information.**

## **Section 9. MMC 22G.010.280 is renumbered to read as follows. (All other provisions of MMC 22G.010.280 remain in effect and unchanged):**

### **22G.010.280~~300~~ Oath of accuracy.**

## **Section 10. MMC 22G.010.290 is renumbered to read as follows. (All other provisions of MMC 22G.010.290 remain in effect and unchanged):**

### **22G.010.290~~310~~ Limitations on refiling of applications.**

## **Section 11. MMC 22G.010.300 is renumbered to read as follows. (All other provisions of MMC 22G.010.300 remain in effect and unchanged):**

### **22G.010.300~~320~~ Code compliance review – Actions subject to review.**

## **Section 12. MMC 22G.010.310 is renumbered to read as follows. (All other provisions of MMC 22G.010.310 remain in effect and unchanged):**

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## **22G.010.310330 Decisions and appeals.**

**Section 13.** MMC 22G.010.320 is renumbered to read as follows. (All other provisions of MMC 22G.010.320 remain in effect and unchanged):

## **22G.010.320340 Actions subject to review.**

**Section 14.** MMC 22G.010.330 is renumbered to read as follows. (All other provisions of MMC 22G.010.330 remain in effect and unchanged):

## **22G.010.330350 Notice requirements and comment period.**

**Section 15.** MMC 22G.010.340 is hereby amended as follows:

### **22G.010.340360 Decision or public hearing required.**

Following the comment period provided in MMC 22G.010.330350, the community development director shall:

- (1) Review the information in the record and render a decision pursuant to MMC 22G.010.360380; or
- (2) Forward the application to the hearing examiner for public hearing, if:
  - (a) Adverse comments are received from at least five persons or agencies during the comment period which are relevant to the decision criteria of Article VI of this chapter, or state specific reasons why a hearing should be held; or
  - (b) The community development director determines that a hearing is necessary to address issues of vague, conflicting or inadequate information, or issues of public significance.

**Section 16.** MMC 22G.010.350 is renumbered to read as follows. (All other provisions of MMC 22G.010.350 remain in effect and unchanged):

## **22G.010.350370 Additional requirements prior to hearing.**

**Section 17.** MMC 22G.010.360 is hereby amended as follows:

### **22G.010.360380 Decision regarding proposal.**

Decisions regarding the approval or denial of proposals subject to community development director review pursuant to MMC 22G.010.320340 shall be based upon compliance with the required showings of Article VI of this chapter, Land Use Application – Decision Criteria.

**Section 18.** MMC 22G.010.370 is hereby amended as follows:

### **22G.010.370390 Time limitations.**

Permit approvals which are subject to review per MMC 22G.010.320340 shall have a time limit of two years from issuance or date of the final appeal decision, whichever is applicable, in which any required conditions of approval must be met; however, conditional use approval for schools shall have a time limit of five years. The time limit may be extended one additional year by the community development director or the hearing examiner if the applicant provides written justification prior to the expiration of the time limit. For the purpose of this chapter, "issuance or date" shall be the date the permit is issued or date upon which the hearing examiner's decision is issued on an appeal of a permit, whichever is later. A permit is effective indefinitely once any required conditions of approval have been met.

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Exception: Effective until December 31, 2011, a one-time, 36-month time extension, less any previously approved one-year extension, may be granted by the community development director for any unexpired conditional use permit approved prior to December 31, 2009, if the applicant or successor:

- (1) Files with the community development director a sworn and notarized declaration that final conditional use permit approval will be delayed as a result of adverse market conditions and an inability of the applicant to secure financing; and
- (2) Is current on all invoices for work performed by the department on the conditional use permit review.

**Section 19. MMC 22G.010.380 is renumbered to read as follows. (All other provisions of MMC 22G.010.30 remain in effect and unchanged):**

**22G.010.380400 Purpose.**

**Section 20. MMC 22G.010.390 is renumbered to read as follows. (All other provisions of MMC 22G.010.390 remain in effect and unchanged):**

**22G.010.390410 Temporary use permit.**

**Section 21. MMC 22G.010.400 is renumbered to read as follows. (All other provisions of MMC 22G.010.400 remain in effect and unchanged):**

**22G.010.400420 Variance.**

**Section 22. MMC 22G.010.410 is renumbered to read as follows. (All other provisions of MMC 22G.010.410 remain in effect and unchanged):**

**22G.010.410430 Conditional use permit.**

**Section 23. MMC 22G.010.420 is renumbered to read as follows. (All other provisions of MMC 22G.010.420 remain in effect and unchanged):**

**22G.010.420440 Rezone criteria.**

**Section 24. MMC 22G.010.430 is renumbered to read as follows. (All other provisions of MMC 22G.010.430 remain in effect and unchanged):**

**22G.010.430450 Rezone and review procedures.**

**Section 25. MMC 22G.010.440 is renumbered to read as follows. (All other provisions of MMC 22G.010.440 remain in effect and unchanged):**

**22G.010.440460 Home occupation permit.**

**Section 26. MMC 22G.010.450 is hereby amended as follows:**

**22G.010.450470 Continuing jurisdiction.**

The hearing examiner shall retain continuing jurisdiction over all variances and conditional use permits. Upon a petition being filed by any person with a substantial and direct interest in a variance or conditional use permit, or by any public official, alleging that a condition has been violated or that modifications to the variance or conditional use permit are necessary, the hearing examiner may call a public hearing for the purpose of reviewing

# EXHIBIT A

that variance or conditional use permit. Notice of the public hearing shall be as provided in accordance with MMC 22G.010.110. Immediately upon a petition for review being accepted by the hearing examiner, the community development director may, for good cause shown, issue a stop work order to temporarily stay the force and effect of all or any part of the variance or conditional use permit in question until such time as the review is finally adjudicated. Following a hearing the hearing examiner may reaffirm, modify or rescind all or any part of the variance or conditional use permit being reviewed. Appeal of the hearing examiner decision shall be to the superior court pursuant to MMC 226.010.540~~560~~.

**Section 27. MMC 22G.010.460 is renumbered to read as follows. (All other provisions of MMC 22G.010.460 remain in effect and unchanged):**

**22G.010.460~~480~~ Cancellation of decisions.**

**Section 28. MMC 22G.010.470 is renumbered to read as follows. (All other provisions of MMC 22G.010.470 remain in effect and unchanged):**

**22G.010.470~~490~~ Transfer of ownership.**

**Section 29. MMC 22G.010.480 is renumbered to read as follows. (All other provisions of MMC 22G.010.480 remain in effect and unchanged):**

**22G.010.480~~500~~ Purpose.**

**Section 30. MMC 22G.010.490 is renumbered to read as follows. (All other provisions of MMC 22G.010.490 remain in effect and unchanged):**

**22G.010.490~~510~~ Authority and application.**

**Section 31. MMC 22G.010.500 is renumbered to read as follows. (All other provisions of MMC 22G.010.500 remain in effect and unchanged):**

**22G.010.500~~520~~ Required findings.**

**Section 32. MMC 22G.010.510 is hereby amended as follows:**

**22G.010.510~~530~~ Burden of proof.**

The applicant must demonstrate that the proposed amendment meets the conditions of the required findings in MMC 22G.010.500~~520~~.

**Section 33. MMC 22G.010.520 is hereby amended as follows:**

**22G.010.520~~540~~ Appeal process – General description.**

(1) Only a single open record hearing will be held on any development project permit application. Administrative decisions are appealable to the hearing examiner. The hearing examiner will conduct a public hearing in which public testimony and new information may be presented (open record hearing).

(2) Appeals of hearing examiner's decisions shall be made to superior court as provided in MMC 226.010.540~~560~~.

**Section 34. MMC 22G.010.530 is renumbered to read as follows. (All other provisions of MMC 22G.010.530 remain in effect and unchanged):**

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**22G.010.530550 Appeal of administrative interpretations and approvals.**

**Section 35. MMC 22G.010.540 is renumbered to read as follows. (All other provisions of MMC 22G.010.540 remain in effect and unchanged):**

**22G.010.540560 Judicial appeal.**

**Section 36. MMC 22G.030.020 is hereby amended as follows:**

**22G.030.020 General fee structure.**

The community development department is authorized to charge and collect the following fees:

Type of Activity	Fee
<b>Land Use Review Fees</b>	
Administrative approval (bed and breakfast, accessory dwelling unit, or similar request)	\$250.00
Annexation:	
Under 10 acres	\$250.00
Over 10 acres	\$750.00
Appeals (quasi-judicial):	
For activity that requires a hearing for the primary project action	\$250.00
For activity that would not have required a hearing for the primary action	\$500.00
Appeals (administrative)	\$250.00
Boundary line adjustment (up to two lots)	\$500.00
Comprehensive plan amendment:	
Map amendment with rezone (under 5 acres)	\$2,500
Map amendment with rezone (over 5 acres)	\$5,000
Text amendment	\$500.00
Conditional use permit (administrative):	
Residential	\$1,000 + \$100.00 for each unit
Group residence or communication facility	\$2,500
Commercial (including RV park, churches)	\$3,500
Conditional use permit (public hearing)	Administrative fee + \$1,500
Critical areas review:	
Under 0.50 acre	\$250.00
0.51 – 2 acres	\$500.00 (+ peer review costs if applicable)
2.01 – 10 acres	\$1,500 (+ peer review costs if applicable)
10.01 – 20 acres	\$2,500 (+ peer review costs if applicable)

## EXHIBIT A

20.01 – 50 acres	\$3,500 (+ peer review costs if applicable)
50.01+ acres	\$5,000 (+ peer review costs if applicable)
EIS preparation and review	All direct, indirect costs and materials (\$135.00/hour for staff time)
Home occupation (administrative approval)	\$50.00
Lot status determination:	
Readily verifiable with documents submitted by applicant	\$50.00
Requires research and detailed document evaluation and confirmation	\$200.00
Minor modifications (to subdivision, site plan) <u>Modifications:</u>	<del>\$350.00</del>
<u>Minor</u>	<u>\$500.00</u>
<u>Major</u>	<u>\$500.00 or thirty-percent (30%) of the applicable land use review fee, whichever is greater (excludes any lot or unit fee)</u>
Miscellaneous reviews not otherwise listed	\$120.00/hour
Preapplication review fee	\$350.00 (fee will be credited upon application submittal if filed within 90 days of the preapplication meeting)
Rezone:	
Commercial (plus site plan charges if combined with project level review)	\$2,500
PRD and mixed use overlay (plus site plan or subdivision charges)	\$2,500
SEPA checklist:	
Residential (1 – 9 lots or dwelling units)	\$350.00
Residential (10 – 20 lots or dwelling units)	\$500.00
Residential (21 – 100 lots)	\$1,000
Residential (greater than 100 lots or units)	\$1,500
Commercial/industrial (0 – 2 acres)	\$350.00
Commercial/industrial (2 – 20 acres)	\$750.00
Commercial/industrial (greater than 20 acres)	\$1,500
Shoreline permit (administrative review)	\$1,000
Shoreline permit, shoreline conditional use permit, or shoreline variance permit with public hearing	\$5,000
Site plan review (commercial, multifamily, PRD, master plan):	
Under 0.50 acre	\$500.00 + \$50.00/lot or unit
0.51 – 2 acres	\$750.00 + \$50.00/lot or unit

## EXHIBIT A

2.01 – 10 acres	\$2,000 + \$50.00/lot or unit
10.01 – 20 acres	\$5,000 + \$45.00/lot or unit
20.01+ acres	\$7,500 + \$40.00/lot or unit
Site/subdivision plan review (with utility availability for county projects):	
Under 0.50 acre	\$500.00
0.51 – 2 acres	\$750.00
2.01 – 10 acres	\$2,000
10.01+ acres	\$5,000
Subdivisions:	
Preliminary binding site plan (commercial, industrial)	\$5,000 + \$100.00/lot or unit
Preliminary plat	\$5,000 + \$100.00/lot or unit
Preliminary short plat	\$3,000 + \$100.00/lot or unit
Final binding site plan, plat or short plat	\$1,000 + \$100.00/lot or unit
Subdivision <u>time extension</u> requests ( <del>time extension, amendment</del> )	\$200.00
Temporary use permit	\$50.00
Transitory accommodations permit	\$500.00
Variance (quasi-judicial decision – zoning, utility)	\$500.00
Zoning code text amendment	\$500.00
Fast-track overtime (when authorized by both the department and applicant, for project reviews prioritized on overtime basis)	\$165.00/hour for overtime worked, in addition to regular project review fees
<b>Engineering Review and Construction Inspection Fees</b>	
Engineering construction plan review:	
Residential (full plan sets – roads, drainage, utilities)	\$225.00/lot or unit (for duplex or condominium projects), \$2,000 minimum for first two reviews, \$120.00/hour for each subsequent review
Residential (partial construction review – i.e., utilities, grading)	\$100.00/lot or unit (for duplex or condominium projects), \$1,000 minimum for first two reviews
Multiple residential/commercial/industrial	\$250.00 administrative base fee + \$135.00/hour
Engineering, design and development standards modifications/variances (administrative)	\$250.00
Miscellaneous reviews not otherwise listed, and hourly rate from January 1, 2005, for projects initiated prior to 2005 (prior rates charged for hours worked prior to 2005)	\$120.00/hour
Fast-track overtime (when authorized by both the department and applicant, for project reviews)	\$165.00/hour for overtime worked, in addition to regular project review



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prioritized on overtime basis)	fees
<b>Construction Inspection Fees</b>	
Security for performance/security for maintenance fee	\$20.00/lot or unit, with a minimum amount being \$250.00
Inspection for water, sewer, storm, street improvements associated with approved residential construction plans	\$250.00/lot or unit (for duplex or condominium projects), \$2,000 minimum
Inspection for utilities only (residential)	\$100.00/lot or unit (for duplex or condominium projects), \$1,000 minimum
Multiple residential/commercial/industrial	\$250.00 administrative base fee + \$135.00/hour
Right-of-way permit	\$250.00
Miscellaneous reviews and inspections not otherwise listed, and hourly rate from January 2005 for projects initiated prior to 2005 (prior rates charged for hours worked prior to 2005)	\$120.00/hour
Fast-track overtime (when authorized by both the department and applicant, for project reviews and inspections prioritized on overtime basis)	\$165.00/hour for overtime worked, in addition to regular project inspection fees
<b>Impact Fee Administration Charge</b>	
School impact fee administrative charge	\$50.00/single-family or duplex, or \$100.00/apartment building

**Section 37. MMC 22G.090.170 is replaced in its entirety to read as follows:**

**22G.090.170 Preliminary and final subdivision approval – Terms.**

(1) Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to twenty-one (21) days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

(2) Final subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(3) Final subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five (5) years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five-year period.

(b) Within seven (7) years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

# EXHIBIT A

(c) Within ten (10) years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(4) If final subdivision approval is not obtained within the timeframes outlined in subsection (3) of this section, the preliminary subdivision approval is void.

## **Section 38. MMC 22G.090.185 is hereby created as follows:**

### **22G.090.185 Revisions after preliminary subdivision approval.**

Revisions of approved preliminary subdivisions prior to installation of improvements and recording of the final subdivision shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

## **Section 39. MMC 22G.090.280 is hereby repealed in its entirety and marked as reserved, as follows:**

### **22G.090.280 Time limits for action. (Reserved)**

~~Final subdivisions shall be approved, disapproved or returned to the applicant within 30 calendar days from date of filing the final subdivision for approval by the city council, unless the applicant consents to an extension of such time period in writing. The 30 day time period shall not commence to run until the applicant files with the city all required final subdivision documents completed to the satisfaction of the city.~~

## **Section 40. MMC 22G.090.380 is hereby amended as follows:**

### **22G.090.380 Preliminary and final short subdivision approval – Terms.**

(1) ~~Approval Within 60 Calendar Days. Preliminary short subdivisions shall be approved, disapproved or returned to the applicant within 60 calendar days from the date of filing a complete application, unless the applicant consents to a written extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the time period shall not include the time spent preparing and circulating the EIS.~~ Preliminary short subdivisions and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to twenty-one (21) days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

(2) Final short subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(2) ~~Limitation on Approval. Final short subdivision approval must be acquired within five years of preliminary approval, after which time the preliminary short subdivision approval is void. The five year time frame shall commence from the effective date of the decision approving the short subdivision. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final short plat within the five year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five year period.~~

Exception: For short plats which obtained preliminary short plat approval on or before December 31, 2007, and are not subject to the requirements adopted under Chapter 90.58 RCW, a final short plat meeting all requirements of this chapter shall be submitted for approval within nine years of the date of preliminary short plat approval pursuant to RCW

# EXHIBIT A

~~58.17.140. For short plats which obtained preliminary short plat approval between January 1, 2008, and December 31, 2014, a final short plat meeting all requirements of this chapter shall be submitted for approval within seven years of the date of preliminary short plat approval pursuant to RCW 58.17.140. An extension may be granted by the community development director for up to two years on short plats which received preliminary short plat approval between January 1, 2008, and December 31, 2014, if the applicant has attempted in good faith to submit the final short subdivision within the seven year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the seven year period. (Ord. 2894 § 4, 2012; Ord. 2852 § 10 (Ex. A), 2011).~~

(3) Final short subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five (5) years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five-year period.

(b) Within seven (7) years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

(c) Within ten (10) years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(4) If final short subdivision approval is not obtained within the timeframes outlined in subsection (3) of this section, the preliminary subdivision approval is void.

## **Section 41. MMC 22G.090.385 is hereby created as follows:**

### **22G.090.385 Revisions after preliminary short subdivision approval.**

Revisions of approved preliminary short subdivisions prior to installation of improvements and recording of the final short subdivision shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

## **Section 42. MMC 22G.100.125 is hereby created as follows:**

### **22G.100.125 Revisions.**

Revisions to an approved binding site plan shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

## **Section 43. MMC 22G.120.390 is hereby created as follows:**

### **22G.120.390 Revision of the official site plan.**

Revisions to an approved official site plan shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

**Section 44.** MMC 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:

# EXHIBIT A

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Legislative Enactments	_____, 2015"

**Section 45. Severability.** If any section, subsection, sentence, clause, phrase or word 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 46. 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 \_\_\_\_\_, 2015.

CITY OF MARYSVILLE

By: \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By: \_\_\_\_\_  
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

By: \_\_\_\_\_  
GRANT K. WEED, CITY ATTORNEY

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_  
(5 days after publication)

# EXHIBIT B

## PLANNING COMMISSION



## MINUTES

November 25, 2014

7:00 p.m.

City Hall

### CALL TO ORDER

Chair Leifer called the November 25, 2014 meeting to order at 7:00 p.m. noting excused absence of Commissioners Lebo and Richards and the continuing absence of Commissioner Marvetta Toler. He noted that there was no one in the audience.

### Marysville

**Chairman:** Steve Leifer

**Commissioners:** Roger Hoen, Jerry Andes, Kay Smith,

**Staff:** Planning Manager Chris Holland  
Associate Planner Angela Gemmer

**Absent:** Steven Lebo, Kelly Richards, Marvetta Toler

### APPROVAL OF MINUTES

**Motion** made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 12, 2014 Meeting Minutes. **Motion** passed unanimously (4-0).

### AUDIENCE PARTICIPATION

None

### OLD BUSINESS

- Code Amendments
- Caretaker's Quarters (hearing closed)

Planning Manager Holland presented the revised draft ordinance as discussed at the last meeting. He asked if what was reflected in the revised draft ordinance is indicative of what the Planning Commission had recommended. He pointed out that in the Definitions section the Commission had talked about recreational vehicles or other temporary structures being included. He noted that if you read what a recreational vehicle entails it also includes, but is not limited to campers, motor homes, and travel

## EXHIBIT B

trailers. Tents are excluded. In the GI and LI zones other temporary structures, such as Pacific Mobile construction trailers, would also be permitted because there are no design regulations. He solicited Commission comments on the revised draft ordinance.

Chair Leifer commented that the proposed draft ordinance is consistent with his recollection of the Commission's discussion. He agrees that the exclusion of other temporary structures makes sense.

Commissioner Hoen commented that they had also discussed looking into a limitation based on the size of the business. Planning Manager Holland agreed and said it had been included in the minutes, but noted that the recommendation from the Commission had not included that. Commissioner Hoen asked if staff sees any unintended consequences of allowing recreational vehicles as caretaker's quarters. Planning Manager Holland stated that staff does not support the Planning Commission's position and believes that there would be consequences for allowing recreational vehicles as caretaker's quarters.

Chair Leifer clarified his discussion with a staff member from the City of Everett which he had referred to at the last meeting. Since the last meeting, he spoke with other staff members who had a different opinion about the way the code would be interpreted, and they would not allow recreational vehicles as caretaker's quarters.

**Motion** made by Commissioner Andes, seconded by Commissioner Smith, to have Chair Leifer sign the Planning Commission Recommendation, which includes the revised ordinance allowing recreational vehicles as caretaker's quarters, and forward it to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

### PUBLIC HEARING

Chair Leifer reopened the public hearing at 7:12 p.m.

#### Code Amendments:

- **Legislative Enactment Amendments**

Planning Manager Holland noted that the City got audited by the Washington Cities Insurance Authority (WCIA) this year and one of the focuses was for land use. The City passed, but WCIA pointed out a few deficiencies related to group and adult family homes. Case law states those can't be prohibited from any zone. This ordinance addresses that by permitting those uses in all zones. Also deadlines for approvals have been amended for binding site plans, subdivisions, short subdivisions, etc. Vesting regulations were also amended. Finally, the Code now clarifies what constitutes minor and major amendments for land use actions.

Commissioner Andes asked how the fees were determined. Planning Manager Holland stated that they were based on a fee study done several years ago by looking at other jurisdictions and analyzing staff time for reviews. The only proposed change to the fee

## EXHIBIT B

schedule was based on the minor/major amendments modifications. The fee for minor amendments was increased to more accurately reflect the amount of staff time these reviews take.

Chair Leifer asked about extension periods on short plats. Planning Manager Holland explained that short plats and plats are governed by state law. He then reviewed timelines associated with plats and the commercial, or multi-family, site plan extension regulations.

Commissioner Andes asked if you have to prove you are making progress in the five-year period in order to get the one-year extension. Planning Manager Holland affirmed that you do have to show that you have attempted in good faith to submit the final plat within the five-year period.

Chair Leifer said he would have to recuse himself from any voting on this code amendment because he has an issue related to this. He asked what staff's position would be on any further movement on some of the stuff that is still sitting out there that has run out of time. Planning Manager Holland stated there are no proposed changes to commercial and multi-family site plan reviews. He summarized that if they were approved prior to when the Unified Development Code was adopted in 2012 they probably wouldn't be up to the design standards that are in place now. Chair Leifer asked if redesign of those projects would require all new submittal fees. Planning Manager Holland explained that if you had an approved civil construction plans and were approved under the 2005 DOE Stormwater Management Manual you likely wouldn't have to do an amendment. It would just be a matter of resubmitting the same thing and having an engineer stamp them so hopefully it wouldn't be a very big cost burden to the applicant.

**Motion** made by Commissioner Andes, seconded by Commissioner Smith, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously.

- **Nonconforming Situations**

Planning Manager Holland stated that staff is proposing to eliminate the CUP process and make this administrative which would reduce the cost. Instead, a building permit and site plan submittal showing setbacks would be required. He reviewed the proposed changes which would save costs and staff time.

**Motion** made by Commissioner Smith, seconded by Commissioner Andes, to approve the Nonconforming code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Sign Code**

Angela Gemmer reviewed the four proposed Sign code amendments:

## EXHIBIT B

1. Require that signs that are freestanding and under 12-feet be monument-style signs.
2. Clarify the provision that requires that the structural posts of freestanding signs have decorative materials encasing them.
3. Clarify the intent for the changeable copy portion of the sign so it is limited to 30% of the sign area that is actually constructed.
4. Clarify the non-conforming sign provisions to indicate that converting them to an electronic changeable copy sign is not what the reface provision is intended to allow.

Commissioner Andes asked for clarification about the last one. Ms. Gemmer explained that if the sign meets the City's current design standards then you can convert whatever portion is allowable to an electronic changeable copy sign. Otherwise, you would need to retrofit the freestanding sign to meet the current sign code first. Planning Manager Holland commented that this has happened in a lot of the redevelopment of areas like the gas station on 4<sup>th</sup> Street.

**Motion** made by Commissioner Smith, seconded by Commissioner Hoen, to approve the sign code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Beekeeping**

Ms. Gemmer reviewed two draft alternative ordinances on beekeeping with the following proposed changes:

- Allow a temporary 30-day doubling of the number of hives allowed in order to avoid swarming and other nuisance conditions
- Allow five migratory hives for agricultural purposes. A three-acre site would be allowed 15 hives. Thereafter you could have an additional five hives per acre.

Alternative 1 allows two hives on lots that are less than 10,000 square feet. Alternative 2 would not allow hives on lots less than 3,500 square feet, but would allow two hives on lots over 3,500 square feet up to 10,000 square feet.

Commissioner Andes expressed concern about having hives on small lots at all. 3,500 square feet seems too small to him. Even 5,000 square feet seems too small. He stated that the City needs to protect the public and not the bees.

Commissioner Hoen asked about lot sizes in the City. Planning Manager Holland reviewed these and explained that the size is based on the type of development. As far as building coverage is concerned, in no case can you ever go over 50% of the lot size for your building coverage.

Commissioner Smith concurred with Commissioner Andes.



## EXHIBIT B

Commissioner Hoen noted that according to the beekeepers the bees are foraging a mile away anyway. He was not sure what the size breaking point should be. He wondered how they would tell the difference between temporary and permanent hives.

Ms. Gemmer noted that the intent of the code is that this would be complaint-driven similar to the way chickens, dogs, or cats are handled.

There was discussion about approving Alternative 2, but amending the minimum from 3,500 to 5,000 square feet.

**Motion** made by Commissioner Andes, seconded by Commissioner Hoen, to approve Alternative 2 with the replacement in item 1(i) of 3,500 to 5,000 and (ii) 5,001 to 10,000 and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Pet Daycares and Kennels**

Ms. Gemmer explained that the proposed code would create a specific use category for pet daycares and continue to allow them in all the zones they are presently allowed except in the Mixed Use zone. Also, the definition for dog kennels is proposed to be amended to eliminate the five-acre threshold to enable dog kennels to site in zones where they would be compatible. Additionally, there are new provisions to the dog daycare and kennel and similar facilities that pertain to health and sanitary conditions that are found in most jurisdictions. There is also a provision to implement setbacks from residences for dog kennels, a provision that dog kennels and daycares comply with the Washington Administrative Code in terms of how much noise is able to be emitted, and different provisions to address noise if noise limits are exceeded.

Chair Leifer asked how the noise levels are measured. Ms. Gemmer explained that it goes by decibels and can be measured with noise equipment. She reviewed the different classes and explained that each zone has a maximum amount of decibels that can be emitted in daytime and nighttime hours.

Commissioner Andes asked about the people who wanted to do a dog shelter in the old Sears building. He noted that would be a good place for a dog kennel. Ms. Gemmer concurred and indicated she would contact them if this code is approved.

**Motion** made by Commissioner Hoen, seconded by Commissioner Andes, to approve the Pet Daycare and Kennel amendments as presented and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **School, Traffic and Park Impact Fees**

Associate Planner Gemmer explained that the School, Traffic, and Park Impact Fee amendment would increase the term under which the fees collected may be expended from six years to ten years as required by state law.

## EXHIBIT B

**Motion** made by Commissioner Andes, seconded by Commissioner Smith, to approve the amendments regarding School, Traffic, and Park Impact Fees and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **State Environmental Policy Act**

Planning Manager Holland reviewed the proposed changes which would bring the City's code in compliance with the Phase 2 amendments.

**Motion** made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Wireless Communication Facilities**

Planning Manager Holland stated that this is also related to SEPA review. There were some FCC laws enacted regarding existing wireless communication facilities. Based on that, the state put in an exemption for wireless communication facilities. The proposed amendment would specifically state that in the ordinance to be in compliance with state law.

Chair Leifer asked if there are provisions about locating wireless facility towers. Planning Manager Holland reviewed these.

**Motion** made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

The public hearing was closed at 8:10 p.m.

### CITY COUNCIL AGENDA ITEMS AND MINUTES

#### ADJOURNMENT

**Motion** made by Commissioner Smith, seconded by Commissioner Andes, to adjourn the meeting at 8:11 p.m. **Motion** passed unanimously.

#### NEXT MEETING:

December 9, 2014



Laurie Hugdahl, Recording Secretary

# EXHIBIT C

## PLANNING COMMISSION



## MINUTES

September 9, 2014

7:00 p.m.

City Hall

### CALL TO ORDER

Chair Leifer called the September, 2014 meeting to order at 7:00 p.m. noting no one in the audience and the excused absence of Roger Hoen and the continuing absence of Marvetta Toler.

#### Marysville

**Chairman:** Steve Leifer

**Commissioners:** Jerry Andes, Kay Smith, Steven Lebo, Kelly Richards

**Staff:** Planning Manager Chris Holland, Associate Planner Angela Gemmer

**Absent:** Roger Hoen, Marvetta Toler

### APPROVAL OF MINUTES

#### July 8, 2014

**Motion** made by Commissioner Andes, seconded by Commissioner Richards, to approve the July 8, 2014 Meeting Minutes. **Motion** passed unanimously (5-0).

### AUDIENCE PARTICIPATION

None

### NEW BUSINESS

#### WCIA Audit Code Amendments

Planning Manager Holland explained that the City passed the WCIA Land Use Audit, but the auditors pointed out some deficiencies based on new state laws and other factors regarding: Group Homes, Adult Family Homes and Daycare 1; Subdivision

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Deadlines; and Vesting. Additionally staff has been receiving a lot of questions about issues related to proposed minor and major amendments to the site plans, binding site plans, short plats and subdivisions.

- Group Homes, Adult Family Homes and Daycare 1

Associate Planner Angela Gemmer explained that staff is proposing changes to the permitted uses matrices. Under state law, the City cannot treat Adult Family Homes differently than other sorts of single-family residences. The code would be amended to allow Adult Family Homes if there are existing single family residences in all commercial zones. A new single family residence would not be allowed, but if there is an existing single family residence, this amendment would enable people to pursue an Adult Family Home. Similarly, state law requires that family daycares be allowed in all zones. The code is proposed to be amended to allow Daycare 1 within commercial zones. The other change being proposed is to allow Residential Care Facilities if an existing single-family residence is in a commercial zone. With those amendments the City's code would be in compliance with the state requirement to allow Daycare 1's and adult family homes within all zones.

- Subdivision Deadlines

Planning Manager Holland discussed the changes regarding this over the years. The proposed changes would bring the City in alignment with the state RCW by amending the subdivision approval terms and short subdivision approval terms to match what is included in the RCW. This means 90 days to be approved or returned to the applicant for modifications or corrections. A final subdivision has to be approved within five years if approved after January 1, 2015. The applicant would have seven years to have a final subdivision or short subdivision if it received preliminary approval before December 31, 2014 or ten years if it received preliminary approval before December 31, 2007. The City has always treated the subdivisions and short subdivisions per the RCWs, but this would codify it for clarification.

Chair Leifer asked if the response time was 60 days or 120 days before this. Planning Manager Holland replied that it was 60 days in the City's code for short subdivisions, and 90 days for the rest. He acknowledged that the RCW is confusing. Generally, the City's response time is about three weeks. General discussion about response times followed.

Commissioner Andes asked about the possibility for extensions. Planning Manager Holland indicated that there is still a provision for a one-year extension from the Community Development Director.

Chair Leifer asked how these provisions work with the special extensions for civil construction plans that were given during the economic downturn. Planning Manager Holland explained that in the Engineering section of the code it states that your approval is good for as long as the project approval is good.

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- Vesting

Planning Manager Holland commented that the current vesting language is substandard, and the auditor provided examples of better vesting language. Staff is proposing to eliminate the entire current vesting section and replace it with a new section. Planning Manager Holland reviewed the proposed vesting language consisting of Purpose, Applicability, Vesting of Applications, Duration of Vesting, and Waiver of Vesting. He emphasized that vesting does not apply to processes.

- Minor and Major Amendments

Staff is proposing the following changes. A minor amendment for a short subdivision would mean not more than one additional lot. For subdivisions, single-family detached units, cottage housing, townhomes, and multi-family developments, a minor amendment would be the lesser of a 10 percent increase in the number of lots or units or an additional 10 lots or units; a reduction in the number of lots or units; a change in access points; a change in project boundaries required to address surveying errors or other issues; a change to the internal lot lines that does not increase lot or unit count beyond the amount allowed; a change in the aggregate areas of designated open space that would decrease the amount by more than 10 percent; or a change not addressed above that does not substantially alter the character of the approved development application or site plan and prior approval.

Commissioner Andes commented that if you go from a vault to a pond, but you give up a lot or two to get the open space back to where it should have been it shouldn't be a major modification. Chris Holland concurred.

Planning Manager Holland explained that a major revision for a subdivision would be the lesser of a 20% increase in the number of lots or units or an additional 20 lots or units; a change in the project boundaries; a change in lot lines, a change in the aggregate area of designated open space beyond what is allowed as a minor revision; and a change not addressed above. Proposed increases to fees related to associated costs were also reviewed (page 8 of 8 in the Commission Packet in the WCIA Audit section). The fees are based on the amount of scrutiny required for a major amendment.

There were no questions or concerns raised.

## Master Planned Senior Communities

Planning Manager Holland explained that staff recently received a request to do a Master Planned Senior Community in a Community Business zone. The Master Plan provides for a variety of housing and care options for senior citizens including independent senior housing, assisted living, nursing care, recreation, dining, and onsite medical facilities. The City does not see commercial zones as the most desirable zone

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for these types of facilities. The City Council recently set a public hearing to enact a moratorium to not allow Master Planned Senior Communities in commercial zones for a period of 6-months. He pointed out that the General Description, Criteria, and Standards for those zones is also included in the packet. Staff is proposing to remove these types of business from the Permitted Uses in the NB, CB, GC and DC zones. Master Planned Senior Communities would continue to be allowed in the Mixed Use and Public Institutional zones. They would also continue to be permitted in all residential zones upon obtaining a Conditional Use Permit.

## Honey Bees

Associate Planner Angela Gemmer explained that recently the City Council had received concerns related to beekeeping and has asked the Planning Commission to review this matter. She presented a memo regarding basic information on bees and comparative best management practices policies to promote compatibility with residential uses. She summarized that backyard beekeeping is something that can be compatible with adjacent residential uses if proper management uses are in place. Presently there are no regulations pertaining to bees. Staff is proposing some basic regulations to ensure that the use would be compatible with adjacent properties.

Commissioner Richards asked if a license is required for beekeeping in Marysville. Associate Planner Gemmer commented that beekeepers are supposed to register their hives with the state, but there are currently no regulations in the City regarding beekeeping. Ms. Gemmer thought the information regarding hives could be obtained from the Department of Agriculture. The proposed regulations would be useful in the event that any issues arise.

Commissioner Andes commented that the two hives on a lot under 5,000 square feet seems like too much. He recommended a minimum lot size of about 5,000 square feet. Planning Manager Holland said he didn't think there would be many folks with beehives in urban developments because of the lack of foraging opportunities. He thought there would be more beehives next to NGPA areas where they can actually thrive. Ms. Gemmer commented that beekeeping is a complicated endeavor and people who pursue it are pretty serious about it. Planning Manager Holland offered to bring back some minimum lot size alternatives.

Chair Leifer commented that it was interesting comparing what other communities allow.

## Kennels

Associate Planner Gemmer explained that staff has become aware that the existing code regarding dog daycares and kennels is somewhat restrictive. Staff wants to make sure they are compatible with adjacent uses while perhaps allowing them to occur in smaller areas.

Chair Leifer asked if the five-acre minimum lot size was exclusively for the dog kennel or if other uses could be done on the property. Associate Planner Gemmer replied that

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the code is not clear on that point. Chair Leifer wondered if it was economically feasible for a dog kennel operation to set aside five acres of industrial property to operate. He commented that it might be possible to have the dog kennel in the center of the five acres with other uses around the edges of the property as a noise buffer.

Ms. Gemmer commented that it appeared most kennel operators had a hard time finding a five-acre piece of property. She explained that staff is hoping to make the code more flexible to allow uses in existing structures if proper measures are taken regarding noise and other issues. Staff is proposing eliminating the five-acre threshold for kennels, allowing dog day cares as its own use in the code but no longer allowing it in the Neighborhood Business zones; restricting dog daycares to indoors in general with outdoor runs; and including a general provision to comply with the WAC in terms of noise, etc. Staff will be coming back to discuss this more.

### COMMISSIONER COMMENTS

Chair Leifer asked if the state's 10-year tax exemption for multifamily can only be used for affordable housing or if it can be used for market rate housing. Planning Manager Holland stated that the only way you get the tax exemption market rent apartments is if the City adopts a provision allowing a tax exemption. The only area the City currently allows it is in the downtown. There is a formula requiring a certain percentage of affordable units. For state and federal tax exemptions it could not be a market rate unit unless it was located downtown.

### CITY COUNCIL AGENDA ITEMS AND MINUTES

#### ADJOURNMENT

**Motion** made by Commissioner Richards, seconded by Commissioner Lebo, to adjourn the meeting at 8:16 p.m. **Motion** passed unanimously.

#### NEXT MEETING:

September 23, 2014

  
\_\_\_\_\_  
Laurie Hugdahl, Recording Secretary

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO ENACTMENTS ADOPTED BY THE WASHINGTON STATE LEGISLATURE BY AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 22C.020.060 PERMITTED USES; 22C.010.070 PERMITTED USES – DEVELOPMENT CONDITIONS; 22G.010.150 ADMINISTRATIVE APPROVALS WITHOUT NOTICE; 22G.010.250 VESTING; 22G.010.260 MINOR REVISIONS TO APPROVED DEVELOPMENT APPLICATIONS; 22G.010.270 MAJOR REVISIONS TO APPROVED RESIDENTIAL DEVELOPMENT APPLICATIONS; 22G.010.280 REVISIONS NOT DEFINED AS MINOR OR MAJOR; 22G.010.290 SUPPLEMENTAL INFORMATION; 22G.010.300 OATH OF ACCURACY; 22G.010.310 LIMITATIONS ON REFILEING OF APPLICATIONS; 22G.010.320 CODE COMPLIANCE REVIEW – ACTIONS SUBJECT TO REVIEW; 22G.010.330 DECISIONS AND APPEALS; 22G.010.340 ACTIONS SUBJECT TO REVIEW; 22G.010.350 NOTICE REQUIREMENTS AND COMMENT PERIOD; 22G.010.360 DECISION OR PUBLIC HEARING REQUIRED; 22G.010.370 ADDITIONAL REQUIREMENTS PRIOR TO HEARING; 22G.010.380 DECISION REGARDING PROPOSAL; 22G.010.390 TIME LIMITATIONS; 22G.010.400 PURPOSE; 22G.010.410 TEMPORARY USE PERMIT; 22G.010.420 VARIANCE; 22G.010.430 CONDITIONAL USE PERMIT; 22G.010.440 REZONE CRITERIA; 22G.010.450 REZONE AND REVIEW PROCEDURES; 22G.010.460 HOME OCCUPATION PERMIT; 22G.010.470 CONTINUING JURISDICTION; 22G.010.480 CANCELLATION OF DECISIONS; 22G.010.490 TRANSFER OF OWNERSHIP; 22G.010.500 PURPOSE; 22G.010.510 AUTHORITY AND APPLICATION; 22G.010.520 REQUIRED FINDINGS; 22G.010.530 BURDEN OF PROOF; 22G.010.540 APPEAL PROCESS – GENERAL DESCRIPTION; 22G.010.550 APPEAL OF ADMINISTRATIVE INTERPRETATIONS AND APPROVALS; 22G.010.560 JUDICIAL APPEAL; 22G.030.020 GENERAL FEE STRUCTURE; 22G.090.170 PRELIMINARY AND FINAL SUBDIVISION APPROVAL – TERMS; 22G.090.185 REVISIONS AFTER PRELIMINARY SUBDIVISION APPROVAL; REPEALING 22G.090.280; AMENDING SECTION 22G.090.380 PRELIMINARY AND FINAL SHORT SUBDIVISION APPROVAL – TERMS; AND CREATING NEW SECTIONS 22G.090.385 REVISIONS AFTER PRELIMINARY SHORT SUBDIVISION APPROVAL; 22G.100.125 REVISIONS; 22G.120.390 REVISION OF THE OFFICIAL SITE PLAN; AND AMENDING MMC SECTION 22A.010.160 GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY’S UNIFORM DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

**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**, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (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.

**WHEREAS**, the Planning Commission discussed the above-referenced amendment during a public meeting held on September 9, 2014; and

**WHEREAS**, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

**WHEREAS**, On November 25, 2014, at the continued public hearing, the Marysville Planning Commission made a recommendation to the City Council recommending the adoption of the proposed amendments to the City's development regulations; and

**WHEREAS**, at a public meeting on January 12, 2015, , the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

**WHEREAS**, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 12, 2014, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

**WHEREAS**, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

**NOW, THEREFORE**, the City Council of the City of Marysville, Washington do ordain as follows:

**Section 1. MMC 22C.020.060 is hereby amended as follows:**

Residential land uses										
Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
<b>Group Residences:</b>										
Adult family home	P	P	P	P	P	P(70)	P(70)	P(70)	P(70)	P
Residential care facility	P	P	P	P	P	P(70)	P(70)	P(70)	P(70)	P
<b>Personal Services:</b>										
Day care I	P(70)	P(70)	P(70)	P(70)	P(70)	P(70)	P(21)(70)	P(70)	P(70)	P(70)

**Section 2. MMC 22C.020.070 is hereby amended as follows. (All other provisions of MMC 22C.020.070 remain in effect and unchanged):**

(70) Permitted within existing legal non-conforming single-family residences.

**Section 3. MMC 22G.010.150 is hereby amended as follows:**

**22G.010.150 Administrative approvals without notice.**

(1) The director may approve, approve with conditions, or deny the following without notice:

- (a) Boundary line adjustments;
- (b) Extension of time for approval;
- (c) Minor amendments or modifications to approved developments or permits in accordance with MMC 22G.010.260. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not:

- (i) ~~Affect overall project character;~~
- (ii) ~~Increase the number of lots, dwelling units, or density; or~~
- (iii) ~~Decrease the quality or amount of open space;~~
- (d) Home occupations;
- (e) Critical areas management determinations made by the community development director pursuant to Chapter 22E.010 MMC;
- (f) Bed and breakfast permits;
- (g) Accessory dwelling units;
- (h) Site plan with commercial, industrial, institutional (e.g., church, school) or multiple-family building permit if permitted outright;
- (i) Site plan with administrative conditional use permit;

(2) Director's decisions under this section shall be final on the date issued.

**Section 4. MMC 22G.010.250 is replaced in its entirety to read as follows:**

**22G.010.250 Vesting.**

~~(1) Only a complete application for a conditional use permit shall be considered under zoning and other land use control ordinances in effect as of the date of submittal.~~

~~(2) Supplemental information required after acceptance and vesting of a complete application shall not affect the validity of the vesting for such application.~~

~~(3) Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals.~~

~~(4) This section vests only conditional use permits. Vesting for other development permits shall be governed by other applicable titles. No rights shall vest by virtue of any application for a zone reclassification.~~

~~(1) Purpose. The purpose of this section is to implement plan policies and state laws that provide for vesting. This section is intended to provide property owners, permit applicants, and the general public assurance that regulations for project development will remain consistent during the lifetime of the application. The section also establishes time limitations on vesting for permit approvals and clarifies that once those time limitations expire, all current development regulations and current land use controls apply.~~

~~(2) Applicability. This section applies to complete applications and permit approvals required by the City of Marysville pursuant to Title 22 MMC, including and limited to, land use permits, preliminary subdivisions, final subdivisions, short subdivisions, binding site plans, conditional use permits, shoreline development permits and any other land use permit application that is determined by Washington State law to be subject to the Vested Rights Doctrine. Vesting of building permit applications are governed by the rules of RCW 19.27.095 and Title 16 MMC.~~

~~(3) Vesting of Applications.~~

~~(a) An application described in subsection (2) shall be reviewed for consistency with the applicable development regulations in effect on the date the application is deemed complete.~~

~~(b) An application described in subsection (2) shall be reviewed for consistency with the construction and utility standards in effect on the date the separate application for a construction or utility permit is deemed complete. An applicant may submit a separate construction or utility permit application simultaneously with any application described in subsection (2) to vest for a construction or utility standard. The application or approval of a construction or utility permit or the payment of connection charges or administrative fees to a public utility does not constitute a binding agreement for service and shall not establish a vesting date for development regulations used in the review of applications described in subsection (2).~~

~~(c) An application described in subsection (2) utilizing vested rights shall be subject to all development regulations in effect on the vesting date.~~

~~(d) An application described in subsection (2) that is deemed complete is vested for the specific use, density, and physical development that is identified in the application submittal.~~

~~(e) Applications submitted pursuant to Title 22 MMC that are not listed in subsection (2) shall be governed by those standards which apply to said application. These applications shall not vest for any additional development regulations.~~

~~(f) The property owner is responsible for monitoring the time limitations and review deadlines for the application. The City shall not be responsible for maintaining a valid application. If the application expires, a new application may be filed with the Community Development Department, but shall be subject to the development regulations in effect on the date of the new application.~~

~~(4) Duration of Vesting.~~

~~(a) Land Use Permits. The development of an approved land use permit shall be governed by the terms of approval of the permit unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.~~

~~(b) Preliminary Subdivision. Development of an approved preliminary subdivision shall be based on the controls contained in the Hearing Examiner's decision. A final subdivision meeting all of the requirements of the preliminary subdivision approval shall be submitted within the time period specified in MMC 22G.090.170 and RCW 58.17.140. Any extension of time beyond the time period specified in MMC 22G.090.170 and RCW 58.17.140 may contain additional or altered conditions and requirements based on current development regulations and other land use controls.~~

(c) Land Use Permits Associated with a Preliminary Subdivision. Land Use Permit applications, such as Planned Residential Development applications that are approved as a companion to a preliminary subdivision application shall remain valid for the duration of the preliminary and final subdivision as provided in subsections (b) and (d) of this section.

(d) Final Subdivision. The lots in a final subdivision may be developed by the terms of approval of the final subdivision, and the development regulations in effect at the time the preliminary subdivision application was deemed complete for a period as specified in RCW 58.17.170 unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(e) Short Subdivision. The lots in a short subdivision may be developed by the terms and conditions of approval, and the development regulations in effect at the time the application was deemed complete for a period specified in RCW 58.17.170 unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(f) Binding Site Plan. The lots in a Binding Site Plan may be developed by the terms of approval of the Binding Site Plan, and the development regulations in effect at the time the application was deemed complete unless the legislative body finds that a change in conditions creates a serious threat to the public health, safety or welfare.

(g) All approvals described in this section shall be vested for the specific use, density, and physical development that is identified in the permit approval.

(h) Sign Permit. A sign permit shall expire if the permit is not exercised within one year of its issuance. No extensions of the expiration date shall be permitted.

(5) Waiver of Vesting. A property owner may voluntarily waive vested rights at any time during the processing of an application by delivering a written and signed waiver to the Director stating that the property owner agrees to comply with all development regulations in effect on the date of delivery of the waiver. Any change to the application is subject to the modification criteria described in MMC 22G.010.260 and 22G.010.270 and may require revised public notice and/or additional review fees.

**Section 5. MMC 22G.010.260 is hereby amended as follows:**

**22G.010.260 Modifications to proposal-Minor revisions to approved development applications.**

~~(1) Modifications to an application required by the city shall not be deemed a new application.~~

~~(2) An applicant requested modification occurring either before or after issuance of the permit shall be deemed a new application for the purpose of vesting when such modification would result in a substantial increase in a project's impact as determined by the department. Such substantially increased impact may include increases in residential density or traffic generation or a greater than 10 percent increase in building square footage.~~

The purpose and intent of this section is to provide an administrative process for minor revisions to approved development applications. For the purposes of this section, approved development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other development applications.

(1) A minor revision to an approved residential development application is limited to the following when compared to the original development application, provided that there shall be no change in the proposed type of development or use:

(a) Short subdivisions shall be limited to no more than one additional lot, provided the maximum number of lots allowed in a short subdivision is not exceeded.

(b) Subdivisions, single-family detached unit developments, cottage housing, townhomes and multiple-family developments shall be limited to the lesser of:

(i) A 10 percent increase in the number of lots or units; or

(ii) An additional 10 lots or units, provided the additional/lots units

will not cause the project to exceed the maximum categorical exemption threshold level established in MMC 22E.030.090.

(c) A reduction in the number of lots or units.

(d) A change in access points may be allowed when combined with subsection (1)(a) or (b) of this section or as a standalone minor revision provided that it does not change the trip distribution. No change in access points that changes the trip distribution can be approved as a minor revision.

(e) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application, provided that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(f) A change to the internal lot lines that does not increase lot or unit count beyond the amount allowed for a minor revision.

(g) A change in the aggregate area of designated open space that does not decrease the amount of designated open space by more than ten percent. Under no circumstances shall the quality or amount of designated open space be decreased to an amount that is less than that required by code.

(h) A change not addressed by the criteria in subsections (1)(a) through (g) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(2) A minor revision to an approved nonresidential development application is limited to the following when compared to the original development application, provided that there is no change in the proposed type of development or use or no more than a 10 percent increase in trip generation:

(a) A utility structure shall be limited to no more than a 400-square-foot increase in the gross floor area.

(b) All other structures shall be limited to no more than a 10 percent increase in the gross floor area.

(c) A change in access points when combined with subsection (2)(a) or (b) of this section or as a standalone minor revision.

(d) A change which does not substantially alter the character of the approved development application or site plan and prior approval.

(3) A minor revision may be approved subject to the following:

(a) An application for a minor revision shall be submitted on forms approved by the community development department. An application for a minor revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a minor revision shall be accompanied by any fees specified in Chapter 22G.030 MMC.

(c) An application for a minor revision shall require notification of the relevant city departments and agencies.

(d) An application for a minor revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The director shall grant approval of the request for a minor revision if it is determined that the minor revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

- (iii) The public health, safety and welfare.
- (f) A minor revision shall be properly documented as a part of the records for the approved development application.
- (g) A minor revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:
  - (i) Preliminary approval for subdivisions or short subdivisions; or
  - (ii) Approval for all other development applications.
- (4) The final determination of what constitutes a minor revision shall be made by the Community Development Director.

**Section 6. MMC 22G.010.270 is replaced in its entirety to read as follows:**

**22G.010.270 Major revisions to approved residential development applications.**

The purpose and intent of this section is to provide a process for major revisions to approved residential development applications. Residential development applications shall include short subdivisions, subdivisions, single family detached unit developments, cottage housing, townhomes and multiple family developments. For the purposes of this section, approved residential development applications shall include preliminary approval for subdivisions and short subdivisions and final approval prior to construction for all other residential development applications.

(1) A major revision to an approved residential development application is limited to the following when compared to the original development application, provided there is no change in the proposed type of development or use:

(a) Subdivisions, single family detached unit developments, cottage housing, townhomes and multiple family developments shall be limited to the lesser of:

- (i) A 20 percent increase in the number of lots or units; or
- (ii) An additional 20 lots or units.

(b) A change in access points, when combined with subsection (1)(a) of this section.

(c) A change to the project boundaries required to address surveying errors or other issues with the boundaries of the approved development application, provided that the number of lots or units cannot be increased above the number that could be approved as a minor revision to the original approved development application on the original project site before any boundary changes.

(d) A change to the internal lot lines when combined with another criteria in subsection (1) of this section that does not increase lot or unit count beyond the amount allowed for a major revision.

(e) A change in the aggregate area of designated open space beyond that allowed as a minor revision, provided that the decrease will not result in an amount that is less than that required by code.

(f) A change not addressed by the criteria in subsections (1)(a) through (e) of this section which does not substantially alter the character of the approved development application or site plan and prior approval.

(3) A major revision shall require processing through the same process as a new development application subject to the following:

(a) An application for a major revision shall be submitted on forms approved by the department. An application for a major revision shall not be accepted if a variance is required to accomplish the change to the approved development.

(b) An application for a major revision shall be accompanied by any fees specified in Chapter 22G.030 MMC.

(c) An application for a major revision shall require public notice pursuant to MMC 22G.010.090.

(d) An application for a major revision shall be subject to the development regulations in effect as of the date the original development application was determined to be complete.

(e) The Community Development Director or the Hearing Examiner shall grant approval of the major revision if it is determined that the major revision does not substantially alter:

(i) The previous approval of the development application;

(ii) The final conditions of approval; or

(iii) The public health, safety and welfare.

(f) A major revision shall be properly documented as a part of the records for the approved development application.

(g) A major revision does not extend the life or term of the development application approval and concurrency determination, which shall run from the original date of:

(i) Preliminary approval for subdivisions or short subdivisions; or

(ii) Approval for all other residential development applications.

(4) The final determination of what constitutes a major revision shall be made by the Community Development Director.

**Section 7. MMC 22G.010.280 is replaced in its entirety to read as follows:**

**22G.010.280 Revisions not defined as minor or major.**

Any proposed revision to an approved development application that does not meet the criteria in MMC 22G.010.260 or MMC 22G.010.270 shall require a new development application and a new completeness determination. The new application shall conform to the development regulations which are in effect at the time the new development application is determined complete.

**Section 8. MMC 22G.010.270 is renumbered to read as follows. (All other provisions of MMC 22G.010.270 remain in effect and unchanged):**

**22G.010.270290 Supplemental information.**

**Section 9. MMC 22G.010.280 is renumbered to read as follows. (All other provisions of MMC 22G.010.280 remain in effect and unchanged):**

**22G.010.280300 Oath of accuracy.**

**Section 10. MMC 22G.010.290 is renumbered to read as follows. (All other provisions of MMC 22G.010.290 remain in effect and unchanged):**

**22G.010.290310 Limitations on refile of applications.**

**Section 11. MMC 22G.010.300 is renumbered to read as follows. (All other provisions of MMC 22G.010.300 remain in effect and unchanged):**

**22G.010.300320 Code compliance review – Actions subject to review.**

**Section 12. MMC 22G.010.310 is renumbered to read as follows. (All other provisions of MMC 22G.010.310 remain in effect and unchanged):**

**22G.010.310330 Decisions and appeals.**

**Section 13.** MMC 22G.010.320 is renumbered to read as follows. (All other provisions of MMC 22G.010.320 remain in effect and unchanged):

**22G.010.320340 Actions subject to review.**

**Section 14.** MMC 22G.010.330 is renumbered to read as follows. (All other provisions of MMC 22G.010.330 remain in effect and unchanged):

**22G.010.330350 Notice requirements and comment period.**

**Section 15.** MMC 22G.010.340 is hereby amended as follows:

**22G.010.340360 Decision or public hearing required.**

Following the comment period provided in MMC 22G.010.330350, the community development director shall:

- (1) Review the information in the record and render a decision pursuant to MMC 22G.010.360380; or
- (2) Forward the application to the hearing examiner for public hearing, if:
  - (a) Adverse comments are received from at least five persons or agencies during the comment period which are relevant to the decision criteria of Article VI of this chapter, or state specific reasons why a hearing should be held; or
  - (b) The community development director determines that a hearing is necessary to address issues of vague, conflicting or inadequate information, or issues of public significance.

**Section 16.** MMC 22G.010.350 is renumbered to read as follows. (All other provisions of MMC 22G.010.350 remain in effect and unchanged):

**22G.010.350370 Additional requirements prior to hearing.**

**Section 17.** MMC 22G.010.360 is hereby amended as follows:

**22G.010.360380 Decision regarding proposal.**

Decisions regarding the approval or denial of proposals subject to community development director review pursuant to MMC 22G.010.320340 shall be based upon compliance with the required showings of Article VI of this chapter, Land Use Application – Decision Criteria.

**Section 18.** MMC 22G.010.370 is hereby amended as follows:

**22G.010.370390 Time limitations.**

Permit approvals which are subject to review per MMC 22G.010.320340 shall have a time limit of two years from issuance or date of the final appeal decision, whichever is applicable, in which any required conditions of approval must be met; however, conditional use approval for schools shall have a time limit of five years. The time limit may be extended one additional year by the community development director or the hearing examiner if the applicant provides written justification prior to the expiration of the time limit. For the purpose of this chapter, "issuance or date" shall be the date the permit is issued or date upon which the hearing examiner's decision is issued on an appeal of a permit, whichever is later. A permit is effective indefinitely once any required conditions of approval have been met.



Exception: Effective until December 31, 2011, a one-time, 36-month time extension, less any previously approved one-year extension, may be granted by the community development director for any unexpired conditional use permit approved prior to December 31, 2009, if the applicant or successor:

- (1) Files with the community development director a sworn and notarized declaration that final conditional use permit approval will be delayed as a result of adverse market conditions and an inability of the applicant to secure financing; and
- (2) Is current on all invoices for work performed by the department on the conditional use permit review.

**Section 19. MMC 22G.010.380 is renumbered to read as follows. (All other provisions of MMC 22G.010.30 remain in effect and unchanged):**

**22G.010.380400 Purpose.**

**Section 20. MMC 22G.010.390 is renumbered to read as follows. (All other provisions of MMC 22G.010.390 remain in effect and unchanged):**

**22G.010.390410 Temporary use permit.**

**Section 21. MMC 22G.010.400 is renumbered to read as follows. (All other provisions of MMC 22G.010.400 remain in effect and unchanged):**

**22G.010.400420 Variance.**

**Section 22. MMC 22G.010.410 is renumbered to read as follows. (All other provisions of MMC 22G.010.410 remain in effect and unchanged):**

**22G.010.410430 Conditional use permit.**

**Section 23. MMC 22G.010.420 is renumbered to read as follows. (All other provisions of MMC 22G.010.420 remain in effect and unchanged):**

**22G.010.420440 Rezone criteria.**

**Section 24. MMC 22G.010.430 is renumbered to read as follows. (All other provisions of MMC 22G.010.430 remain in effect and unchanged):**

**22G.010.430450 Rezone and review procedures.**

**Section 25. MMC 22G.010.440 is renumbered to read as follows. (All other provisions of MMC 22G.010.440 remain in effect and unchanged):**

**22G.010.440460 Home occupation permit.**

**Section 26. MMC 22G.010.450 is hereby amended as follows:**

**22G.010.450470 Continuing jurisdiction.**

The hearing examiner shall retain continuing jurisdiction over all variances and conditional use permits. Upon a petition being filed by any person with a substantial and direct interest in a variance or conditional use permit, or by any public official, alleging that a condition has been violated or that modifications to the variance or conditional use permit are necessary, the hearing examiner may call a public hearing for the purpose of reviewing

that variance or conditional use permit. Notice of the public hearing shall be as provided in accordance with MMC 22G.010.110. Immediately upon a petition for review being accepted by the hearing examiner, the community development director may, for good cause shown, issue a stop work order to temporarily stay the force and effect of all or any part of the variance or conditional use permit in question until such time as the review is finally adjudicated. Following a hearing the hearing examiner may reaffirm, modify or rescind all or any part of the variance or conditional use permit being reviewed. Appeal of the hearing examiner decision shall be to the superior court pursuant to MMC 226.010.540~~560~~.

**Section 27. MMC 22G.010.460 is renumbered to read as follows. (All other provisions of MMC 22G.010.460 remain in effect and unchanged):**

**22G.010.460~~480~~ Cancellation of decisions.**

**Section 28. MMC 22G.010.470 is renumbered to read as follows. (All other provisions of MMC 22G.010.470 remain in effect and unchanged):**

**22G.010.470~~490~~ Transfer of ownership.**

**Section 29. MMC 22G.010.480 is renumbered to read as follows. (All other provisions of MMC 22G.010.480 remain in effect and unchanged):**

**22G.010.480~~500~~ Purpose.**

**Section 30. MMC 22G.010.490 is renumbered to read as follows. (All other provisions of MMC 22G.010.490 remain in effect and unchanged):**

**22G.010.490~~510~~ Authority and application.**

**Section 31. MMC 22G.010.500 is renumbered to read as follows. (All other provisions of MMC 22G.010.500 remain in effect and unchanged):**

**22G.010.500~~520~~ Required findings.**

**Section 32. MMC 22G.010.510 is hereby amended as follows:**

**22G.010.510~~530~~ Burden of proof.**

The applicant must demonstrate that the proposed amendment meets the conditions of the required findings in MMC 22G.010.500~~520~~.

**Section 33. MMC 22G.010.520 is hereby amended as follows:**

**22G.010.520~~540~~ Appeal process – General description.**

(1) Only a single open record hearing will be held on any development project permit application. Administrative decisions are appealable to the hearing examiner. The hearing examiner will conduct a public hearing in which public testimony and new information may be presented (open record hearing).

(2) Appeals of hearing examiner's decisions shall be made to superior court as provided in MMC 226.010.540~~560~~.

**Section 34. MMC 22G.010.530 is renumbered to read as follows. (All other provisions of MMC 22G.010.530 remain in effect and unchanged):**

**22G.010.530550 Appeal of administrative interpretations and approvals.**

**Section 35. MMC 22G.010.540 is renumbered to read as follows. (All other provisions of MMC 22G.010.540 remain in effect and unchanged):**

**22G.010.540560 Judicial appeal.**

**Section 36. MMC 22G.030.020 is hereby amended as follows:**

**22G.030.020 General fee structure.**

The community development department is authorized to charge and collect the following fees:

Type of Activity	Fee
<b>Land Use Review Fees</b>	
Administrative approval (bed and breakfast, accessory dwelling unit, or similar request)	\$250.00
Annexation: Under 10 acres Over 10 acres	\$250.00 \$750.00
Appeals (quasi-judicial): For activity that requires a hearing for the primary project action For activity that would not have required a hearing for the primary action	\$250.00 \$500.00
Appeals (administrative)	\$250.00
Boundary line adjustment (up to two lots)	\$500.00
Comprehensive plan amendment: Map amendment with rezone (under 5 acres) Map amendment with rezone (over 5 acres) Text amendment	\$2,500 \$5,000 \$500.00
Conditional use permit (administrative): Residential Group residence or communication facility Commercial (including RV park, churches)	\$1,000 + \$100.00 for each unit \$2,500 \$3,500
Conditional use permit (public hearing)	Administrative fee + \$1,500
Critical areas review: Under 0.50 acre 0.51 – 2 acres 2.01 – 10 acres 10.01 – 20 acres	\$250.00 \$500.00 (+ peer review costs if applicable) \$1,500 (+ peer review costs if applicable) \$2,500 (+ peer review costs if applicable)

20.01 – 50 acres	\$3,500 (+ peer review costs if applicable)
50.01+ acres	\$5,000 (+ peer review costs if applicable)
EIS preparation and review	All direct, indirect costs and materials (\$135.00/hour for staff time)
Home occupation (administrative approval)	\$50.00
Lot status determination: Readily verifiable with documents submitted by applicant	\$50.00
Requires research and detailed document evaluation and confirmation	\$200.00
Minor modifications (to subdivision, site plan) <u>Modifications:</u> <u>Minor</u> <u>Major</u>	<del>\$350.00</del> \$500.00 \$500.00 or thirty-percent (30%) of the applicable land use review fee, whichever is greater (excludes any lot or unit fee)
Miscellaneous reviews not otherwise listed	\$120.00/hour
Preapplication review fee	\$350.00 (fee will be credited upon application submittal if filed within 90 days of the preapplication meeting)
Rezone: Commercial (plus site plan charges if combined with project level review)	\$2,500
PRD and mixed use overlay (plus site plan or subdivision charges)	\$2,500
SEPA checklist: Residential (1 – 9 lots or dwelling units)	\$350.00
Residential (10 – 20 lots or dwelling units)	\$500.00
Residential (21 – 100 lots)	\$1,000
Residential (greater than 100 lots or units)	\$1,500
Commercial/industrial (0 – 2 acres)	\$350.00
Commercial/industrial (2 – 20 acres)	\$750.00
Commercial/industrial (greater than 20 acres)	\$1,500
Shoreline permit (administrative review)	\$1,000
Shoreline permit, shoreline conditional use permit, or shoreline variance permit with public hearing	\$5,000
Site plan review (commercial, multifamily, PRD, master plan): Under 0.50 acre	\$500.00 + \$50.00/lot or unit
0.51 – 2 acres	\$750.00 + \$50.00/lot or unit

2.01 – 10 acres	\$2,000 + \$50.00/lot or unit
10.01 – 20 acres	\$5,000 + \$45.00/lot or unit
20.01+ acres	\$7,500 + \$40.00/lot or unit
Site/subdivision plan review (with utility availability for county projects):	
Under 0.50 acre	\$500.00
0.51 – 2 acres	\$750.00
2.01 – 10 acres	\$2,000
10.01+ acres	\$5,000
Subdivisions:	
Preliminary binding site plan (commercial, industrial)	\$5,000 + \$100.00/lot or unit
Preliminary plat	\$5,000 + \$100.00/lot or unit
Preliminary short plat	\$3,000 + \$100.00/lot or unit
Final binding site plan, plat or short plat	\$1,000 + \$100.00/lot or unit
Subdivision <u>time extension</u> requests ( <del>time extension, amendment</del> )	\$200.00
Temporary use permit	\$50.00
Transitory accommodations permit	\$500.00
Variance (quasi-judicial decision – zoning, utility)	\$500.00
Zoning code text amendment	\$500.00
Fast-track overtime (when authorized by both the department and applicant, for project reviews prioritized on overtime basis)	\$165.00/hour for overtime worked, in addition to regular project review fees
<b>Engineering Review and Construction Inspection Fees</b>	
Engineering construction plan review:	
Residential (full plan sets – roads, drainage, utilities)	\$225.00/lot or unit (for duplex or condominium projects), \$2,000 minimum for first two reviews, \$120.00/hour for each subsequent review
Residential (partial construction review – i.e., utilities, grading)	\$100.00/lot or unit (for duplex or condominium projects), \$1,000 minimum for first two reviews
Multiple residential/commercial/industrial	\$250.00 administrative base fee + \$135.00/hour
Engineering, design and development standards modifications/variances (administrative)	\$250.00
Miscellaneous reviews not otherwise listed, and hourly rate from January 1, 2005, for projects initiated prior to 2005 (prior rates charged for hours worked prior to 2005)	\$120.00/hour
Fast-track overtime (when authorized by both the department and applicant, for project reviews)	\$165.00/hour for overtime worked, in addition to regular project review

prioritized on overtime basis)	fees
<b>Construction Inspection Fees</b>	
Security for performance/security for maintenance fee	\$20.00/lot or unit, with a minimum amount being \$250.00
Inspection for water, sewer, storm, street improvements associated with approved residential construction plans	\$250.00/lot or unit (for duplex or condominium projects), \$2,000 minimum
Inspection for utilities only (residential)	\$100.00/lot or unit (for duplex or condominium projects), \$1,000 minimum
Multiple residential/commercial/industrial	\$250.00 administrative base fee + \$135.00/hour
Right-of-way permit	\$250.00
Miscellaneous reviews and inspections not otherwise listed, and hourly rate from January 2005 for projects initiated prior to 2005 (prior rates charged for hours worked prior to 2005)	\$120.00/hour
Fast-track overtime (when authorized by both the department and applicant, for project reviews and inspections prioritized on overtime basis)	\$165.00/hour for overtime worked, in addition to regular project inspection fees
<b>Impact Fee Administration Charge</b>	
School impact fee administrative charge	\$50.00/single-family or duplex, or \$100.00/apartment building

**Section 37. MMC 22G.090.170 is replaced in its entirety to read as follows:**

**22G.090.170 Preliminary and final subdivision approval – Terms.**

(1) Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to twenty-one (21) days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

(2) Final subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(3) Final subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five (5) years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five-year period.

(b) Within seven (7) years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

(c) Within ten (10) years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(4) If final subdivision approval is not obtained within the timeframes outlined in subsection (3) of this section, the preliminary subdivision approval is void.

**Section 38. MMC 22G.090.185 is hereby created as follows:**

**22G.090.185 Revisions after preliminary subdivision approval.**

Revisions of approved preliminary subdivisions prior to installation of improvements and recording of the final subdivision shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

**Section 39. MMC 22G.090.280 is hereby repealed in its entirety and marked as reserved, as follows:**

**22G.090.280 Time limits for action. (Reserved)**

Final subdivisions shall be approved, disapproved or returned to the applicant within 30 calendar days from date of filing the final subdivision for approval by the city council, unless the applicant consents to an extension of such time period in writing. The 30 day time period shall not commence to run until the applicant files with the city all required final subdivision documents completed to the satisfaction of the city.

**Section 40. MMC 22G.090.380 is hereby amended as follows:**

**22G.090.380 Preliminary and final short subdivision approval – Terms.**

(1) Approval Within 60 Calendar Days. Preliminary short subdivisions shall be approved, disapproved or returned to the applicant within 60 calendar days from the date of filing a complete application, unless the applicant consents to a written extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the time period shall not include the time spent preparing and circulating the EIS. Preliminary short subdivisions and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from the date of filing a complete application unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to twenty-one (21) days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

(2) Final short subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(2) Limitation on Approval. Final short subdivision approval must be acquired within five years of preliminary approval, after which time the preliminary short subdivision approval is void. The five year time frame shall commence from the effective date of the decision approving the short subdivision. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final short plat within the five year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five year period.

Exception: For short plats which obtained preliminary short plat approval on or before December 31, 2007, and are not subject to the requirements adopted under Chapter 90.58 RCW, a final short plat meeting all requirements of this chapter shall be submitted for approval within nine years of the date of preliminary short plat approval pursuant to RCW

~~58.17.140. For short plats which obtained preliminary short plat approval between January 1, 2008, and December 31, 2014, a final short plat meeting all requirements of this chapter shall be submitted for approval within seven years of the date of preliminary short plat approval pursuant to RCW 58.17.140. An extension may be granted by the community development director for up to two years on short plats which received preliminary short plat approval between January 1, 2008, and December 31, 2014, if the applicant has attempted in good faith to submit the final short subdivision within the seven year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the seven year period. (Ord. 2894 § 4, 2012; Ord. 2852 § 10 (Exh. A), 2011).~~

(3) Final short subdivision approval must be acquired in accordance with RCW 58.17.140, as follows:

(a) Within five (5) years of the date of preliminary approval, if the date of preliminary approval is on or after January 1, 2015. An extension may be granted by the community development director for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the community development director requesting the extension at least 30 days before expiration of the five-year period.

(b) Within seven (7) years of the date of preliminary approval, if the date of preliminary approval is on or before December 31, 2014.

(c) Within ten (10) years of the date of preliminary approval, if the project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

(4) If final short subdivision approval is not obtained within the timeframes outlined in subsection (3) of this section, the preliminary subdivision approval is void.

**Section 41. MMC 22G.090.385 is hereby created as follows:**

**22G.090.385 Revisions after preliminary short subdivision approval.**

Revisions of approved preliminary short subdivisions prior to installation of improvements and recording of the final short subdivision shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

**Section 42. MMC 22G.100.125 is hereby created as follows:**

**22G.100.125 Revisions.**

Revisions to an approved binding site plan shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

**Section 43. MMC 22G.120.390 is hereby created as follows:**

**22G.120.390 Revision of the official site plan.**

Revisions to an approved official site plan shall be processed pursuant to MMC 22G.010.260 or 22G.010.270.

**Section 44.** MMC 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:



