CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 13, 2022

AGENDA ITEM:	
Ordinance Amending Marysville Municipal Code Title 14 Water & Sewer and Unified Development Code Title 22	
PREPARED BY:	**DIRECTOR APPROVAL:**
Matthew Eyer, Storm/Sewer Supervisor	
DEPARTMENT:	
Public Works	
ATTACHMENTS:	
1. Staff Presentation 2. PC Recommendation 3. Ordinance Incl. Exhibits A, B, C, D and E	
BUDGET CODE:	**AMOUNT:**
N/A	N/A

SUMMARY:
The City's NPDES Phase II Municipal Stormwater Permit (Phase II Permit) requires the adoption of the 2019 Stormwater Management Manual for Western Washington (SWMMWW), replacing the 2014 SWMMWW by July 1, 2022. The SWMMWW establishes construction, design, and maintenance standards for stormwater management.

The changes to MMC 14.15 include clarification if conflicts arise between design guidance documents and standards, stormwater design vesting timelines, minimization of adoption references, and the removal of any unneeded design guidance contained within the SWMMWW. The changes also include additional requirements to address stormwater management during construction, existing drainage issues at design and references to post construction criteria.

The changes to MMC 14.17 include the removal of references to a previous manual that is now contained completely within the SWMMWW and the removal of a reference to a code elements removed under a previous Ordinance.

The changes to 22C, 22D and 22G reference the newly adopted SWMMWW and align the rainy season with the SWMMWW. The Planning Commission held a duly advertised public hearing in regards to the unified development code changes on April 26, 2022 and recommended City Council approve the proposed amendments.

RECOMMENDED MOTION:
I move to authorize the Mayor to sign and execute the Ordinance No. _____ amending Title 14 and 22 of the Marysville Municipal Code.

EST. 1891
MARYSVILLE
WASHINGTON

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

PC Recommendation - 2019 SWMMWW Title 22 Amendments

The Planning Commission of the City of Marysville, having held a public hearing on April 26, 2022, in review of amendments to MMC 22C.120.170, 22D.050.050 and 22G.010.250 related to soil amendment, temporary restrictions on clearing and grading and vesting as it relates to the adoption of the 2019 Stormwater Management Manual for Western Washington (SWMMWW), 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 in review of amendments to MMC 22C.120.170, 22D.050.050 and 22G.010.250 as it relates to the adoption of the 2019 SWMMWW on March 22, 2022.
2. The proposed amendment to MMC 22C.120.170, 22D.050.050 and 22G.010.250 as it relates to the adoption of the 2019 SWMMWW is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments relating to MMC 22C.120.170, 22D.050.050 and 22G.010.250 as it relates to the adoption of the 2019 SWMMWW to the State of Washington Department of Commerce (DOC) for expedited review pursuant to RCW 36.70A.106(3)(b).
4. The Community Development Department received a letter from the DOC acknowledging receipt of the DRAFT amendments related to MMC 22C.120.170, 22D.050.050 and 22G.010.250 as it relates to the adoption of the 2019 SWMMWW on March 28, 2022 and processed with Submittal ID 2022-S-3804. No comments were received from State Agencies.
5. The Planning Commission was provided public comments received throughout the review process and took into consideration testimony received from staff and the public at the duly advertised public hearing held on April 26, 2022.

CONCLUSION:

At the public hearing, the Planning Commission recommended to adopt amendments to MMC 22C.120.170, 22D.050.050 and 22G.010.250 related to soil amendment, temporary restrictions on clearing and grading and vesting as it relates to the adoption of the 2019 SWMMWW.

RECOMMENDATION:

Forwarded to City Council as a recommendation to adopt amendments to MMC 22C.120.170, 22D.050.050 and 22G.010.250 related to soil amendment, temporary restrictions on clearing and grading and vesting as it relates to the adoption of the 2019 SWMMWW, by the Marysville Planning Commission this 26th day of April, 2022.

By: _____
Steve Leifer, Planning Commission Chair

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, UPDATING THE STORMWATER MANAGEMENT REGULATIONS PURSUANT TO THE WESTERN WASHINGTON NPDES PHASE II MUNICIPAL STORMWATER PERMIT ISSUED TO THE CITY BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY AND AMENDING CHAPTERS 14.15, 14.17, AMENDING SECTIONS 22C.120.170, 22D.050.050, AND 22G.010.025, OF THE MARYSVILLE MUNICIPAL CODE.

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 et seq. (the Act), requires certain local governments such as the City of Marysville to implement stormwater management programs and regulations within prescribed time frames, and pursuant to said Act the United States Environmental Protection Agency (EPA) has adopted rules for such stormwater programs and regulations; and

WHEREAS, the EPA has delegated authority to the Washington State Department of Ecology (Ecology) to administer such stormwater programs and regulations, and Ecology has issued the Western Washington Phase II Municipal Stormwater Permit, effective July 1, 2019 through July 31, 2024, which requires local governments such as the City of Marysville to implement numerous stormwater management requirements, including adopting Ecology's 2019 Stormwater Management Manual for Western Washington by June 30, 2022; and

WHEREAS, in 1999, the City Council adopted Ordinance 2245, which established a stormwater utility to be responsible for the operation, construction and maintenance of stormwater facilities, as set forth in Ch. 14.19 MMC; and

WHEREAS, in 2003, the City Council adopted Ordinance 2476, which adopted Ecology's 2001 Stormwater Management Manual for Western Washington and related regulations, as set forth in Ch. 14.15 MMC; and

WHEREAS, in 2009, the City Council adopted Ordinance 2782, which adopted illegal discharge and connection regulations; and

WHEREAS, in 2010, the City Council adopted Ordinance 2816, which adopted Ecology's 2005 Stormwater Management Manual for Western Washington and related regulations, as set forth in Ch. 14.15 MMC; and

WHEREAS, in 2016, the City Council adopted Ordinance 3035, which adopted Ecology's 2012 Stormwater Management Manual for Western Washington as amended in December 2014 and related regulations, as set forth in Ch. 14.15 MMC; and

WHEREAS, in order to comply with the currently effective Western Washington Phase II Municipal Stormwater Permit, the City has prepared this ordinance amending and updating the City's current stormwater regulations and related municipal code provisions, as primarily set forth in Title 14 MMC, to adopt the 2019 Stormwater Management Manual for Western Washington; and

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 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 Planning Commission discussed the above-referenced amendments to MMC Title 22 during a public meeting held on March 22, 2022; and

WHEREAS, on April 26, 2022 the Marysville Planning Commission held a duly-advertised public hearing; and

WHEREAS, on April 26, 2022, the Marysville Planning Commission recommended that the City Council adopt the proposed amendments to MMC Title 22; and

WHEREAS, at a public meeting on June 13, 2022, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to MMC Title 22, as well as the above referenced amendments to the municipal code; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on March 26, 2022, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

WHEREAS, The proposed amendments to MMC 22C.120.170, 22D.050.050 and 22G.010.250 as it relates to the adoption of the 2019 SWMMWW are exempt from State Environmental Policy Act review under WAC 197-11-800(19); and

WHEREAS, the City Council has determined that it is in the public interest and in furtherance of the public health and welfare to adopt this ordinance;

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

Section 1. Amendment of Municipal Code. Sections 14.15.015, 14.15.030, 14.15.040, 14.15.050, 14.15.062 and 14.15.065 of the municipal code are hereby amended as set forth in **Exhibit A**, which is attached hereto and incorporated herein by this reference.

Section 2. Amendment of Municipal Code. Section 14.17.035 of the municipal code is hereby amended as set forth in **Exhibit B**, which is attached hereto and incorporated herein by this reference.

Section 3. Amendment of Municipal Code. Section 22C.120.170 of the municipal code is hereby amended as set forth in **Exhibit C**, which is attached hereto and incorporated herein by this reference.

Section 4. Amendment of Municipal Code. Section 22D.050.050 of the municipal code is hereby amended as set forth in **Exhibit D**, which is attached hereto and incorporated herein by this reference.

Section 5. Amendment of Municipal Code. Section 22G.010.250 of the municipal code is hereby amended as set forth in **Exhibit E**, which is attached hereto and incorporated herein by this reference.

Section 6. Required Findings. The amendments to Sections 22C.120.170, 22D.050.050, and 22G.10.250 of the municipal code are consistent with the following required findings of MMC 22G.010.500:

(1) The amendments is consistent with the purposes of the comprehensive plan;

(2) The amendments is consistent with the purpose of Title 22 MMC;

(3) There have been significant changes in the circumstances to warrant a change;

(4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

Section 7. Amendment of Municipal Code. Section 22A.010.160 of the municipal code, entitled "Amendments," is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

"**22A.010.160 Amendments**.

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

Ordinance	Title (description)	Effective Date
_____	2019 SWMMWW Update	July 1, 2022

Section 8. 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 9. **Corrections**. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including

scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 10. Effective date. This ordinance shall take effect on July 1, 2022.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor

ATTEST:

By _____
April O'Brien, Deputy City Clerk

Approved as to form:

By _____
Jon Walker, City Attorney

Date of Publication:

Effective Date: 7/1/2022

Exhibit A – MMC Chapter 14.15

14.15.015 Stormwater management manual adopted.

The State Department of Ecology ~~2012~~ 2019 Stormwater Management Manual for Western Washington, ~~as amended in December 2014 and~~ as amended by this code, is hereby adopted as the city's minimum storm water regulations, technical reference manual and maintenance standard and is hereinafter referred to as the "Stormwater Manual." Storm water infrastructure shall also be designed and constructed in accordance with the city's engineering design and development standards (EDDS). If there is a conflict between the Stormwater Manual, EDDS or any other ordinance of the city, that which provides more environmental protection shall apply.

Design requirements from the 2019 Stormwater Manual shall apply to all permit applications submitted:

(a) On or after July 1, 2022;

(b) Prior to January 1, 2017, that have not started construction by July 1, 2022; or

(c) Prior to July 1, 2022, that have not started construction by July 1, 2027. (Ord. 3035 § 3 (Exh. C), 2016; Ord. 2816 § 1 (Exh. A), 2010; Ord. 2476 § 2, 2003).

14.15.030 Applicability.

(1) Storm water management review and approval by the city is required when any new development, redevelopment, or proposed construction site project meets or exceeds the threshold conditions defined in the Stormwater Manual and this chapter ~~MMC 14.15.040~~ (e.g., new impervious area, drainage system modifications, redevelopments, etc.) and/or is subject to a city development permit or approval requirement. All the provisions of this title are applicable to any project requiring storm water management review and approval.

(2) Commencement of construction work under any of the nonexempt actions, permits, or applications shall not begin until the department approves a storm water pollution prevention plan (SWPPP) pursuant to the requirements of the Stormwater Manual and this chapter~~MMC 14.15.050~~.

(3) Whenever a minimum area or quantity requirement is set forth in this chapter, such requirement shall be met if any activity or development occurs on the subject property within a continuous 18-month period.

(4) Unless otherwise specified in this chapter, all standards, definitions, and requirements shall be in accordance with the Stormwater Manual.

~~(5) The following activities are exempt from the minimum requirements set forth in MMC 14.15.050 even if such practices meet the definition of new development or redevelopment:~~

~~(a) Forest Practices. Forest practices regulated under WAC Title 222, except for Class IV, General forest practices that are conversions from timberland to other uses, are exempt from the provisions of the minimum requirements.~~

~~(b) Commercial Agriculture. Commercial agriculture practices involving working the land for production are generally exempt. However, the conversion from timberland to agriculture and the construction of impervious surfaces are not exempt.~~

~~(c) Oil and Gas Field Activities or Operations. Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations are exempt. Operators are encouraged to implement and maintain best management practices to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.~~

~~(d) Pavement Maintenance.~~

~~(i) The following pavement maintenance practices are exempt: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.~~

~~(ii) The following pavement maintenance practices are not categorically exempt. The extent to which the minimum requirements in MMC 14.15.050 apply is explained for each circumstance.~~

~~(A) Removing and replacing a paved surface to base course or lower, or repairing the roadway base: If impervious surfaces are not expanded, MMC 14.15.050 minimum requirements Nos. (1) through (5) apply.~~

~~(B) Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders: These are considered new impervious surfaces and are subject to the minimum requirements in MMC 14.15.050 that are triggered when the thresholds identified for redevelopment projects are met.~~

~~(C) Resurfacing by upgrading from dirt to gravel, asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment ("chip seal") to asphalt or concrete: These are considered new impervious surfaces and are subject to the minimum requirements in MMC 14.15.050 that are triggered when the thresholds identified for redevelopment projects are met.~~

~~(e) Underground Utility Projects. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to MMC 14.15.050(2), Minimum Requirement No. 2, Construction Storm Water Pollution Prevention Plan (SWPPP). (Ord. 3035 § 3 (Exh. C), 2016; Ord. 2816 § 1 (Exh. A), 2010; Ord. 2476 § 2, 2003).~~

14.15.040 Minimum requirement thresholds.

Not all of the minimum requirements ~~in MMC 14.15.050~~ apply to every development or redevelopment project. The applicability varies depending on the type and size of the project. Refer to the Stormwater Manual for the Minimum Requirements Thresholds. ~~This section identifies thresholds that determine the applicability of the minimum requirements in MMC 14.15.050 to different projects. The flow charts in Figures 14.15.040(1) and 14.15.040(2) must be used to determine which of the minimum~~

~~requirements in MMC 14.15.050 apply. The minimum requirements themselves are presented in MMC 14.15.050.~~

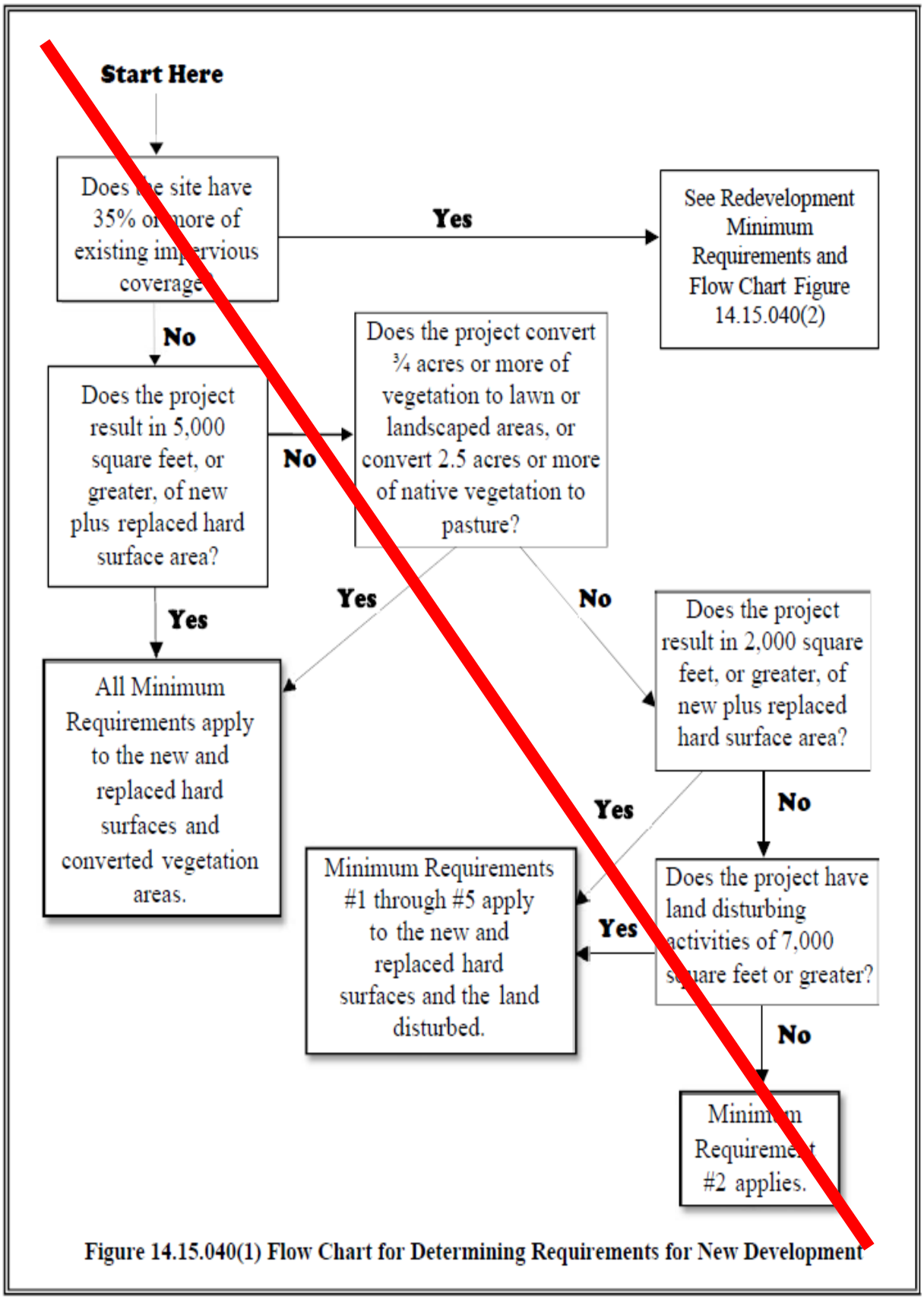

Figure 14.15.040(1) Flow Chart for Determining Requirements for New Development

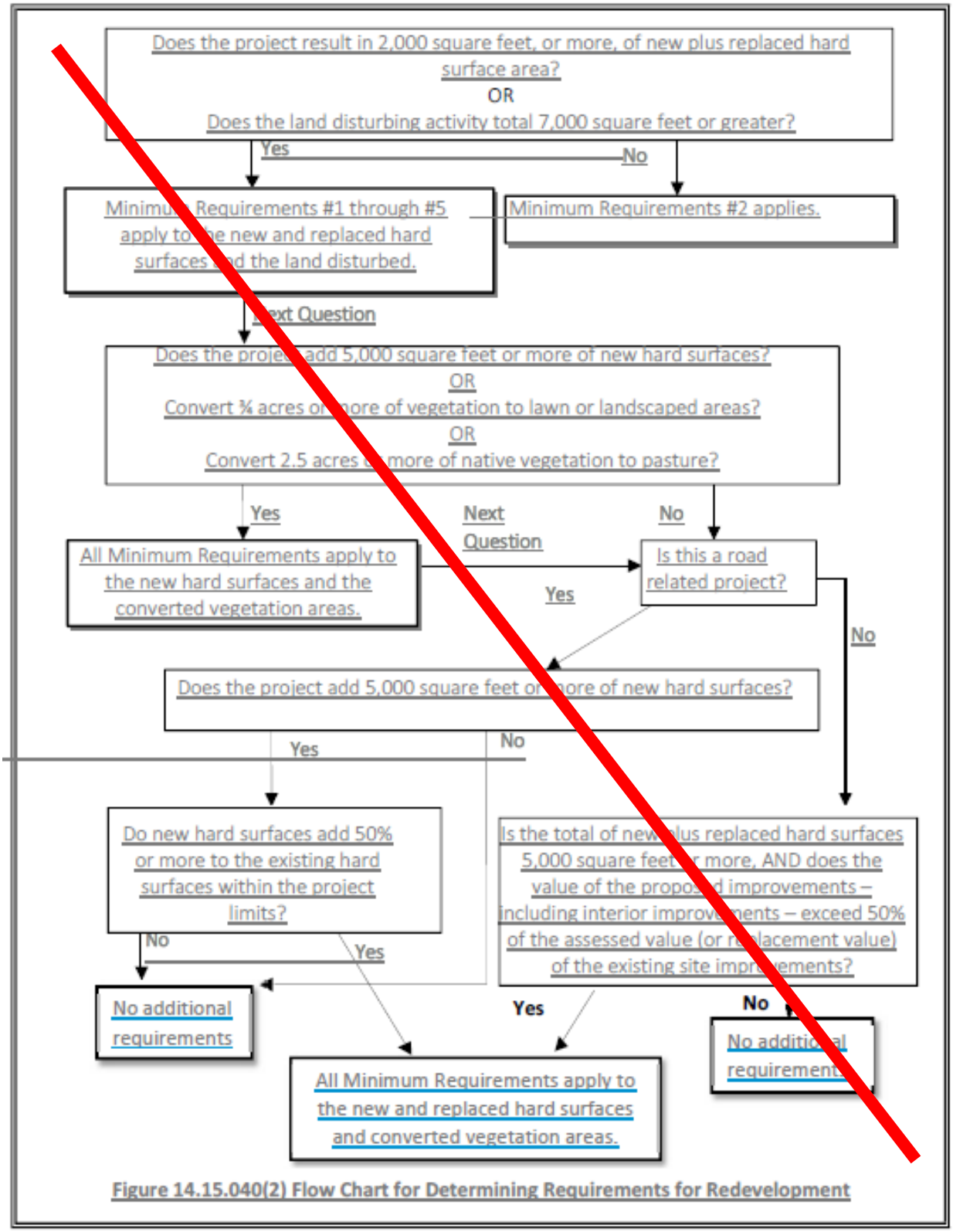

Figure 14.15.040(2) Flow Chart for Determining Requirements for Redevelopment

~~(1) New Development. All new development shall be required to comply with MMC 14.15.050(2), Minimum Requirement No. 2.~~

~~(a) The following new development shall comply with MMC 14.15.050 minimum requirements Nos. 1 through 5 for the new and replaced hard surfaces and the land disturbed:~~

~~(i) Results in 2,000 square feet, or greater, of new plus replaced hard surface area; or~~

~~(ii) Has land disturbing activity of 7,000 square feet or greater.~~

~~(b) The following new development shall comply with MMC 14.15.050 minimum requirements Nos. 1 through 9 for the new and replaced hard surfaces and the converted vegetation areas:~~

~~(i) Creates or adds 5,000 square feet, or greater, of new plus replaced hard surface area; or~~

~~(ii) Converts three-quarters acres, or more, of vegetation to lawn or landscaped areas; or~~

~~(iii) Converts 2.5 acres, or more, of native vegetation to pasture.~~

~~(2) Redevelopment. All redevelopment shall be required to comply with MMC 14.15.050(2), Minimum Requirement No. 2. In addition, all redevelopment that exceeds certain thresholds shall be required to comply with additional minimum requirements in MMC 14.15.050 as follows.~~

~~(a) The following redevelopment shall comply with MMC 14.15.050, Minimum Requirements Nos. 1 through 5 for the new and replaced hard surfaces and the land disturbed:~~

~~(i) Results in 2,000 square feet or more of new plus replaced hard surface area; or~~

~~(ii) Has land disturbing activity of 7,000 square feet or greater.~~

~~(b) The following redevelopment shall comply with MMC 14.15.050 minimum requirements Nos. 1 through 9 for the new hard surfaces and converted vegetation areas:~~

~~(i) Adds 5,000 square feet or more of new hard surfaces; or~~

~~(ii) Converts three-quarters acres, or more, of vegetation to lawn or landscaped areas; or~~

~~(iii) Converts 2.5 acres, or more, of native vegetation to pasture.~~

~~(c) If the runoff from the new impervious surfaces and converted pervious surfaces is not separated from runoff from other surfaces on the project site, the storm water treatment facilities must be sized for the entire flow that is directed to them.~~

~~(d) The director may allow the minimum requirements in MMC 14.15.050 to be met for an equivalent (flow and pollution characteristics) area within the same site. For public roads projects, the equivalent area does not have to be within the project limits, but must drain to the same receiving water.~~

~~(3) Additional Requirements for Redevelopment Project Sites.~~

~~(a) For road-related projects, runoff from the replaced and new hard surfaces (including pavement, shoulders, curbs, and sidewalks) and the converted vegetation areas shall meet all the minimum requirements in MMC 14.15.050 if the new hard surfaces total 5,000 square feet or more and total 50 percent or more of the existing hard surfaces within the project limits. The project limits shall be defined by the length of the project and the width of the right-of-way.~~

~~(b) Other types of redevelopment projects shall comply with all the minimum requirements in MMC 14.15.050 for the new and replaced hard surfaces and the converted vegetation areas if the total of new plus replaced hard surfaces is 5,000 square feet or more, and the valuation of proposed improvements – including interior improvements – exceeds 50 percent of the assessed value of the existing site improvements.~~

~~(c) The director may exempt or institute a stop-loss provision for redevelopment projects from compliance with MMC 14.15.050, Minimum Requirements No. 5, On-site Stormwater Management; No. 6, Runoff Treatment; No. 7, Flow Control; and/or No. 8, Wetlands Protection, as applied to the replaced hard surfaces if the director has adopted a plan and a schedule that fulfills those requirements in regional facilities. See also MMC 14.15.175 and 14.15.180 and Chapter 14.18 MMC.~~

~~(d) The director may grant a variance/exception to the application of the flow control requirements to replaced impervious surfaces if such application imposes a severe economic hardship. See MMC 14.15.175 and 14.15.180.~~ (Ord. 3035 § 3 (Exh. C), 2016; Ord. 2816 § 1 (Exh. A), 2010; Ord. 2476 § 2, 2003)~~.~~

14.15.050 Minimum requirements.

Refer to the Stormwater Manual for the Minimum Requirements. This section describes City requirements above and beyond the Stormwater Manual. ~~the thresholds of the minimum requirements for storm water management at new development and redevelopment sites. MMC 14.15.040 should be consulted to determine which of the minimum requirements below apply to any given project. Figures 14.15.040(1) and 14.15.040(2) should be consulted to determine whether the minimum requirements apply to new surfaces, replaced surfaces or new and replaced surfaces. See the Stormwater Manual for more information about each of the minimum requirements.~~

~~(1) Minimum Requirement No. 1: Preparation of Storm Water Site Plans. Preparation of a storm water site plan is required for projects meeting the thresholds in MMC 14.15.040. Storm water site plans shall use site appropriate development principles, as required and encouraged by the Marysville Municipal Code, to retain native vegetation and minimize impervious surfaces to the extent feasible. Storm water site plans shall be prepared in accordance with Chapter 3 of Volume 1 of the Stormwater Manual.~~

~~(2)~~ Minimum Requirement No. 2: Construction Storm Water Pollution Prevention Plan (SWPPP). If BMPs described in the SWPPP are inadequate to stabilize the site the City will require additional BMPs or different BMPs. The SWPPP must be onsite during construction and updated as changes are made. If a construction project is required to obtain a Construction Stormwater General Permit from the Department of Ecology then copies of permit submittals shall be provided to the City upon request.~~All new development and redevelopment projects are responsible for preventing erosion and discharge of sediment and other pollutants into receiving waters. All projects which result in 2,000 square feet or more of new plus replaced hard surface area, or which disturb 7,000 square feet or more of land must develop a construction storm water pollution prevention plan (SWPPP). Projects below those thresholds are not required to prepare a construction SWPPP, but must consider all of the elements for~~

~~construction SWPPPs and develop controls for all elements that pertain to the project site. The city may develop an abbreviated SWPPP format to meet the SWPPP requirement for project sites that will disturb less than one acre. The SWPPP shall be prepared in accordance with the Stormwater Manual.~~

~~(3) Minimum Requirement No. 3: Source Control of Pollution. All known, available and reasonable source control BMPs are required for all projects approved in the city. Source control BMPs must be selected, designed, and maintained in accordance with Volume IV of the Stormwater Manual.~~

~~(4)~~ Minimum Requirement No. 4: Preservation of Natural Drainage Systems and Outfalls. If City records indicate drainage problems at the natural drainage system outfall, the applicant may be required to quantify the extent of the problem. The allowable release rate may be decreased on a case by case basis, or additional stormwater treatment and flow control BMPs/facilities may be required due to the constraints in the drainage system downstream. ~~Natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location, to the maximum extent practicable. The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and down gradient properties. All outfalls require energy dissipation.~~

~~(5) Minimum Requirement No. 5: On-site Storm Water Management. Except as provided below, the project site must provide on-site storm water management BMPs in accordance with the project thresholds, standards, and lists in the Stormwater Manual to infiltrate, disperse, and retain storm water runoff on site to the extent feasible without causing flooding or erosion impacts. Projects qualifying as flow control exempt in accordance with Minimum Requirement No. 7 do not have to achieve the LID performance standard, nor consider bioretention, rain gardens, permeable pavement, or full dispersion if using List No. 1 or List No. 2. However, those projects must implement BMP T5.13; BMPs T5.10A, B, or C; and BMP T5.11 or T5.12, if feasible.~~

~~(a) Project Thresholds.~~

~~(i) Projects triggering only Minimum Requirement Nos. 1 through 5 shall either:~~

~~(A) Use on-site storm water management BMPs from List No. 1 for all surfaces within each type of surface in List No. 1; or~~

~~(B) Demonstrate compliance with the LID performance standard. Projects selecting this option cannot use rain gardens. They may choose to use bioretention BMPs as described in the Stormwater Manual.~~

~~(ii) New development and redevelopment projects triggering Minimum Requirement Nos. 1 through 9 for any parcel inside the city must meet the low impact development performance standard and BMP T5.13; or use List No. 2 (applicant option).~~

~~(6) Minimum Requirement No. 6: Runoff Treatment. The following project thresholds should be administered as applicable to projects within the city. Treatment facility sizing, selection, design, maintenance and additional requirements from the Stormwater Manual also apply.~~

~~(a) Project Thresholds. When assessing a project against the following thresholds, only consider those hard and pervious surfaces that are subject to this minimum requirement as determined in MMC 14.15.040. The following require construction of storm water treatment facilities:~~

~~(i) Projects in which the total of pollution-generating hard surface (PGHS) is 5,000 square feet or more in a threshold discharge area of the project, or~~

~~(ii) Projects in which the total of pollution-generating pervious surfaces (PGPS), not including permeable pavements, is three-quarters of an acre or more in a threshold discharge area, and from which there will be a surface discharge in a natural or manmade conveyance system from the site.~~

~~(b) Treatment-Type Thresholds.~~

~~(i) Oil Control. Treatment to achieve oil control applies to projects that have "high-use sites." High-use sites are those that typically generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil. High-use sites include:~~

~~(A) An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;~~

~~(B) An area of a commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil;~~

~~(C) An area of a commercial or industrial site subject to parking, storage or maintenance of 25 or more vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.);~~

~~(D) A road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements.~~

~~(ii) Enhanced Treatment. Except where specified below under "basic treatment," enhanced treatment for reduction in dissolved metals is required for the following project sites that: (A) discharge directly to fresh waters or conveyance systems tributary to fresh waters designated for aquatic life use or that have an existing aquatic life use; or (B) use infiltration strictly for flow control – not treatment – and the discharge is within one-quarter mile of a fresh water designated for aquatic life use or that has an existing aquatic life use:~~

~~(A) Industrial project sites,~~

~~(B) Commercial project sites,~~

~~(C) Multifamily project sites, and~~

~~(D) High AADT roads as follows:~~

~~(I) Fully controlled and partially controlled limited access highways with annual average daily traffic (AADT) counts of 15,000 or more.~~

~~(II) All other roads with an AADT of 7,500 or greater.~~

~~Any areas of the above-listed project sites that are identified as subject to basic treatment requirements (below) are not also subject to enhanced treatment requirements. For developments with a mix of land use types, the enhanced treatment requirement shall apply when the runoff from the areas subject to the enhanced treatment requirement comprise 50 percent or more of the total runoff within a threshold discharge area.~~

~~(iii) Basic Treatment. Basic treatment is required in the following circumstances:~~

~~(A) Project sites that discharge to the ground, unless:~~

~~(I) The soil suitability criteria for infiltration treatment are met (See Chapter 3, Volume III of the Stormwater Manual), and alternative pretreatment is provided (see Chapter 6, Volume V of the Stormwater Manual); or~~

~~(II) The project site uses infiltration strictly for flow control – not treatment – and the discharge is within one-quarter mile of a phosphorus sensitive lake (use a phosphorus treatment facility); or~~

~~(III) The project site is industrial, commercial, multifamily residential, or a high AADT road (consistent with the enhanced treatment-type thresholds listed above) and is within one-quarter mile of a fresh water designated for aquatic life use or that has an existing aquatic life use (use an enhanced treatment facility).~~

~~(B) Residential projects not otherwise needing phosphorus control as designated by USEPA, the Department of Ecology, or by the city;~~

~~(C) Project sites discharging directly (or indirectly through a municipal separate storm sewer system) to basic treatment receiving waters (Appendix I-C of the Stormwater Manual);~~

~~(D) Project sites that drain to fresh water that is not designated for aquatic life use, and does not have an existing aquatic life use; and project sites that drain to waters not tributary to waters designated for aquatic life use or that have an existing aquatic life use;~~

~~(E) Landscaped areas of industrial, commercial, and multifamily project sites, and parking lots of industrial and commercial project sites that do not involve pollution-generating sources (e.g., industrial activities, customer parking, storage of erodible or leachable material, wastes or chemicals) other than parking of employees' private vehicles. For developments with a mix of land use types, the basic treatment requirement shall apply when the runoff from the areas subject to the basic treatment requirement comprise 50 percent or more of the total runoff within a threshold discharge area.~~

~~(7) Minimum Requirement No. 7: Flow Control. The following thresholds should be administered as applicable to projects within the city. Additional standards and requirements from the Stormwater Manual also apply:~~

~~(a) Applicability. Except as provided below, projects shall provide flow control to reduce the impacts of storm water runoff from hard surfaces and land cover conversions. The requirement below applies to projects that discharge storm water directly, or indirectly through a conveyance system, into a fresh water body. Flow control is not required for projects that discharge directly to, or~~

~~indirectly through, the MS4 to a water listed in Appendix I-E of the Stormwater Manual subject to the following restrictions:~~

~~(i) Direct discharge to the exempt receiving water does not result in the diversion of drainage from any perennial stream classified as Types 1, 2, 3, or 4 in the State of Washington Interim Water Typing System, or Types "S," "F," or "Np" in the Permanent Water Typing System, or from any category I, II, or III wetland; and~~

~~(ii) Flow splitting devices or drainage BMPs are applied to route natural runoff volumes from the project site to any downstream Type 5 stream or category IV wetland:~~

~~(A) Design of flow splitting devices or drainage BMPs will be based on continuous hydrologic modeling analysis. The design will assure that flows delivered to Type 5 stream reaches will approximate, but in no case exceed, durations ranging from 50 percent of the two-year to the 50-year peak flow.~~

~~(B) Flow splitting devices or drainage BMPs that deliver flow to category IV wetlands will also be designed using continuous hydrologic modeling to preserve pre-project wetland hydrologic conditions unless specifically waived or exempted by regulatory agencies with permitting jurisdiction; and~~

~~(iii) The project site must be drained by a conveyance system that is comprised entirely of manmade conveyance elements (e.g., pipes, ditches, outfall protection) and extends to the ordinary high water line of the exempt receiving water; and~~

~~(iv) The conveyance system between the project site and the exempt receiving water shall have sufficient hydraulic capacity to convey discharges from future build-out conditions (under current zoning) of the site, and the existing condition from nonproject areas from which runoff is or will be collected; and~~

~~(v) Any erodible elements of the manmade conveyance system must be adequately stabilized to prevent erosion under the conditions noted above; and~~

~~(vi) If the discharge is to a stream that leads to a wetland, or to a wetland that has an outflow to a stream, both this minimum requirement (Minimum Requirement No. 7) and Minimum Requirement No. 8 apply.~~

~~(b) Thresholds. When assessing a project against the following thresholds, consider only those impervious, hard, and pervious surfaces that are subject to this minimum requirement as determined in MMC 14.15.040. The following circumstances require achievement of the standard flow control requirement for western Washington:~~

~~(i) Projects in which the total of effective impervious surfaces is 10,000 square feet or more in a threshold discharge area, or~~

~~(ii) Projects that convert three-quarters acre or more of vegetation to lawn or landscape, or convert two and one-half acres or more of native vegetation to pasture in a threshold discharge area, and from which there is a surface discharge in a natural or manmade conveyance system from the site, or~~

~~(iii) Projects that through a combination of hard surfaces and converted vegetation areas cause a 0.10 cubic feet per second (cfs) increase or greater in the 100-year flow frequency from a threshold discharge area as estimated using the Western Washington Hydrology Model or other approved model and one-hour time steps (or a 0.15 cfs increase or greater using 15-minute time steps). The 0.10 cfs (one-hour time steps) or 0.15 cfs (15-minute time steps) increase should be a comparison of the post-project runoff to the existing condition runoff. For the purpose of applying this threshold, the existing condition is either the pre-project land cover, or the land cover that existed at the site as of a date when the local jurisdiction first adopted flow control requirements into code or rules.~~

~~(8) Minimum Requirement No. 8: Wetlands Protection. The following thresholds should be administered as applicable to projects within the city. Additional standards and requirements from the Stormwater Manual also apply.~~

~~(a) Applicability. The wetland protection requirements in the Stormwater Manual apply only to projects whose storm water discharges into a wetland, either directly or indirectly through a conveyance system.~~

~~(b) Thresholds. The thresholds identified in Minimum Requirement No. 6, Runoff Treatment, and Minimum Requirement No. 7, Flow Control, shall also be applied to determine the applicability of this requirement to discharges to wetlands.~~

~~(9)~~ Minimum Requirement No. 9: Operation and Maintenance. Private facilities must record a Stormwater Covenant and Easement per MMC 14.15.155 or a document providing equivalent measures as approved by the Director. ~~All project submittals must include an operation and maintenance manual that is consistent with the provisions in Volume V of the Stormwater Manual for proposed storm water facilities and BMPs. The party (or parties) responsible for maintenance and operation shall be identified in the operation and maintenance manual. For private facilities approved by the city, a copy of the operation and maintenance manual shall be retained on site or within reasonable access to the site, and shall be transferred with the property to the new owner. For public facilities, a copy of the operation and maintenance manual shall be retained in the appropriate department. A log of maintenance activity that indicates what actions were taken shall be kept and be available for inspection by the city.~~ (Ord. 3035 § 3 (Exh. C), 2016; Ord. 2857 § 3, 2011; Ord. 2816 § 1 (Exh. A), 2010; Ord. 2694 § 2, 2007; Ord. 2476 § 2, 2003).

14.15.062 Low impact development (LID).

(1) Low impact development (LID) is a storm water management and land development strategy utilized in site design and construction that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to mimic natural hydrologic functions. Implementation of LID benefits streams, lakes, and Puget Sound by moderating the impacts of storm water runoff generated by the built environment. LID techniques are the preferred and commonly used approach to site development with traditional, structural storm water management solutions used where LID is infeasible. Low impact development best management practices (LID BMPs) are described in the Stormwater Manual ~~and the Low Impact Development Technical Guidance Manual for Puget Sound, published by the Puget Sound Partnership and Washington State University Extension~~. LID site design objectives are:

(a) To retain or restore native forest cover to capture, infiltrate, and evaporate all or a portion of the rainfall on a site;

(b) To confine development to the smallest possible footprint and minimize land disturbance and site grading;

(c) To preserve or restore the health and water-holding capacity of soils;

(d) To incorporate natural site features that promote storm water infiltration;

(e) To minimize all impervious surfaces and especially those that drain to conventional piped conveyances;

(f) To manage storm water through infiltration, bioretention, and dispersion;

(g) To manage storm water runoff as close to its origin as possible in small, dispersed facilities;

(h) Locate buildings away from critical areas and soils that provide effective infiltration;

(i) Increase reliability of the storm water management system by providing multiple or redundant LID flow control practices; and

(j) Integrate storm water controls into the development design and utilize the controls as amenities to create a multifunctional landscape.

(2) Use of LID BMPs may reduce or eliminate the need for conventional detention facilities but does not remove the obligation to comply with the minimum requirements described in the Stormwater Manual ~~in MMC 14.15.050~~. A variety of BMPs to minimize impervious surfaces and to manage storm water have been developed and tested for use in western Washington. These BMPs and the overall LID approach are described in the Stormwater Manual ~~and the Low Impact Development Technical Guidance Manual for Puget Sound~~.

(3) The menu of LID BMPs identified in the Stormwater Manual ~~and the Low Impact Development Technical Guidance Manual for Puget Sound~~ are accepted for use in storm water site plans to address the minimum requirements therein unless otherwise specified in MMC 14.15.050, subject to the specifications, performance standards, and design criteria in the Stormwater Manual, and city of Marysville engineering design and development standards and review and approval under this chapter, and MMC Title 22, as applicable, and the requirements and limitations below.

(a) Tree retention, tree planting and dispersion into native vegetation areas shall be performed per the applicable Stormwater Manual BMPs, and the following:

(i) An arborist report may be required.

(ii) Tree species to be preserved or planted should be consistent with Appendix V-E, Recommended Newly Planted Tree Species for Flow Control Credit, in the Stormwater Manual.

(iii) Monitoring and maintenance of plants shall be required in accordance with MMC 22E.010.260.

(iv) Development within protected native vegetated areas shall be limited to biofiltration swales, storm water dispersion facilities, pervious pedestrian trails, and approved surface water restoration projects. Activities within the protected native growth areas shall be limited to passive recreation, removal of invasive species, amendment of disturbed soils consistent with all applicable regulations, and planting of native vegetation. Development shall be consistent with critical areas requirements and restrictions in Chapter 22E.010 MMC.

(v) A permanent protective mechanism shall be legally established to ensure that the required protected native vegetated area is preserved and protected in perpetuity in a form that is acceptable to the city and filed with the county auditor's office. A permanent protected native vegetated area shall be established using one of the following mechanisms:

(A) Placement in a separate nonbuilding tract owned in common by all lots within a subdivision;

(B) Covered by a protective easement or public or private land trust dedication;

(C) Preserved through an appropriate permanent protective mechanism that provides the same level of permanent protection as this subsection as determined by the community development director or hearing examiner.

(vi) Restrictions on the future use of the protective native vegetated area shall be recorded on the face of the final plat, short plat, binding site plan, or site plan.

(b) The duff layer and native topsoils shall be retained in an undisturbed state to the maximum extent practicable. ~~If a development project triggers Minimum Requirement No. 5, then BMP T5.13, Post Construction Soil Quality and Depth, shall be implemented per the Stormwater Manual; see MMC 14.15.040 for the minimum requirement thresholds.~~

(4) Restrictions on conversion of drainage facilities shall be recorded on the face of the plat.

A covenant and easement may also be required to be recorded with the Snohomish County auditor's office for each lot containing or served by LID BMP facilities in a form approved by the city attorney. The covenant shall identify requirements and liability for preservation and maintenance of low impact development facilities approved under this chapter and privately held in individual or shared ownership. The easement shall be granted for city access to low impact development facilities on private property to allow inspection, emergency maintenance and repair. (Ord. 3035 § 3 (Exh. C), 2016; Ord. 2857 § 3, 2011; Ord. 2816 § 1 (Exh. A), 2010; Ord. 2694 § 2, 2007).

14.15.065 Contents of a storm water site plan.

(1) Storm Water Site Plan Required. New development and redevelopment projects must submit a storm water site plan, prepared using ~~Volume I, Chapter 3 of~~ the ~~adopted~~ Stormwater Manual, for approval by the department ~~as required in MMC 14.15.040~~.

(2) Contents of Plan. In addition to the requirements described in ~~MMC 14.15.050 and~~ the Stormwater Manual, an off-site analysis report shall be required. (Ord. 3035 § 3 (Exh. C), 2016; Ord. 2816 § 1 (Exh. A), 2010; Ord. 2476 § 2, 2003).

Exhibit B - MMC Chapter 14.17

14.17.035 Maintenance of low impact development (LID) facilities.

(1) Approved LID facilities, which are located on private property or in public street rights-of-way but dedicated to private ownership, shall be cleaned, maintained and protected in continuous compliance with this title, the standards and specifications of the city, and any recorded maintenance agreements. Responsibility for such work shall be borne by the owner of the underlying property or parties with shared ownership interest.

(2) Property owners shall inspect and maintain approved LID facilities in accordance with the maintenance requirements set forth in the Stormwater Manual~~, or the most current edition of the LID Technical Guidance Manual for Puget Sound,~~ as needed or as specified in said manual and in city standards, maintenance specifications, and any recorded maintenance agreements.

(3) If an approved LID facility required to be maintained by a private property owner fails to perform as designed due to lack of maintenance, the city has the authority to perform the necessary maintenance, and to recoup the costs incurred from the property owner directly or by liening the property, ~~and to revoke any surface water fee discounts given for the LID facility.~~ (Ord. 3035 § 5 (Exh. E), 2016; Ord. 2816 § 1 (Exh. A), 2010; Ord. 2694 § 4, 2007).

EXHIBIT C - MMC Chapter 22C

22C.120.170 Landscaping – Soil amendment.

All landscaped and lawn areas, except areas within the dripline of preserved trees, shall be amended per the specification of the Post-Construction Soil Quality and Depth BMP in the Stormwater Manual adopted in MMC 14.15.050. Deeper soil amendment will provide improved growing medium and increased water holding capacity. (Ord. 3035 § 8 (Exh. H), 2016; Ord. 2852 § 10 (Exh. A), 2011).

EXHIBIT D - MMC Chapter 22D

22D.050.050 Temporary restrictions on clearing and grading

(1) In the areas listed below, clearing and grading may be permitted to continue or to be initiated during the rainy season only if the director grants specific approval per subsection (3) of this section. The rainy season is defined as ~~November~~ October 1st through April 30th, unless the director modifies these dates based on weather patterns and forecasts. In determining whether to permit rainy season construction, the director shall consult with the public works department. Such consultation shall occur on a regular basis to ensure consistent implementation of the city's environmental policies and shall occur as needed regarding individual projects on specific sites.

(a) Developments within the Quilceda/Allen Creek watershed occurring on the Getchell hillsides within Planning Area No. 4: East Sunnyside/Whiskey Ridge, and Planning Area No. 5: Cedarcrest/Getchell Hill. The planning area boundaries are defined by the Marysville comprehensive plan.

(2) If clearing and grading are prohibited during the rainy season, building construction can nonetheless proceed as long as necessary clearing and grading are complete and effective erosion control is in place and effectively maintained.

(3) The director shall grant approval to initiate or continue clearing or grading activity in the areas listed in subsection (1) of this section during the rainy season only if, based on an evaluation of site and project conditions, the director determines the proposal ensures slope stability and adequately protects receiving waters from increased erosion and sedimentation during construction. The evaluation of site and project conditions shall include, but not be limited to, an evaluation of the following:

(a) Whether the clearing and grading are near completion if the project is already underway;

(b) Average existing slope of the site;

(c) Quantity of proposed cut and/or fill;

(d) Classification of the predominant soils and their erosion and runoff potential;

(e) Proposed deep utility installation;

(f) Hydraulic connection of the site to features that are sensitive to the impacts of erosion/sedimentation;

(g) Ability to phase clearing and grading and to create a feasible clearing and grading schedule;

(h) Extent of clearing and grading BMPs proposed, and if the project is underway, the project's track record at controlling erosion and sedimentation.

(4) Determinations under subsection (3) of this section shall be made by the director on a site-specific basis. However:

(a) Rainy season construction generally will be prohibited for proposals requiring large-scale clearing and grading.

(b) Rainy season construction generally will be approved for smaller-scale clearing and grading proposals that have limited, shallow utility installation and are on sites with less than 15 percent slopes, predominant soils that have low runoff potential, and are not hydraulically connected to sediment-/erosion-sensitive features.

(c) Rainy season construction will be approved if extraordinary BMPs to control erosion/sedimentation and slope stability are proposed when:

(i) Moderate scale clearing and grading are proposed;

(ii) The proposal involves deep utility installation; or

(iii) The proposal is located on sites with greater than 15 percent slopes, soils with a high runoff potential, or sites hydraulically near a sediment-/erosion-sensitive feature.

(5) Whenever rainy season clearing and grading are allowed, the applicant may be required to implement extraordinary BMPs if the BMPs that are initially implemented are not working. If the permit was issued in the dry season, and work is allowed to continue in the rainy season, the city may modify the previously issued permit to require additional, extraordinary BMPs. Extraordinary BMPs may include, but not be limited to:

(a) Performance monitoring to determine compliance with state water quality standards, or more stringent standards if adopted by the city.

(b) Funding additional city inspection time, up to a full-time inspector.

(c) Shutting down work if necessary to control erosion and sedimentation.

(d) Construction of additional siltation/sedimentation ponds.

(e) Use of a series of temporary filter vaults.

(f) Use of high quality catch basin inserts to filter runoff.

(g) Use of erosion control blankets, nets, or mats in addition to or in conjunction with straw mulch.

(6) If a clearing and grading permit is issued, and the city subsequently issues three stop work orders or correction notices for insufficient erosion and sedimentation control, the permit will be suspended until the dry season, or, if violations occurred in the dry season, until weather conditions are favorable and effective erosion and sedimentation control is in place.

(7) The director has the authority to temporarily stop clearing and grading during periods of heavy rain.

(8) When clearing and grading are suspended during the rainy season or interrupted at any time of the year due to heavy rain or for other reasons, the permittee shall stabilize the site and maintain the erosion control BMPs. (Ord. 2852 § 10 (Exh. A), 2011).

EXHIBIT E - MMC Chapter 22G

Item 3: MMC Chapter 22G.010.250 Vesting

(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 MMC Title 22, 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 is governed by the rules of RCW 19.27.095 and MMC Title 16.

(3) Vesting of Applications.

(a) An application described in subsection (2) of this section 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) of this section 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) of this section 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) of this section.

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

(d) An application described in subsection (2) of this section 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 MMC Title 22 that are not listed in subsection (2) of this section 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 (4)(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.

(i) Stormwater Design Requirements. See section 14.15.015 MMC, for stormwater design vesting timeframes.

(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. (Ord. 2981 § 4, 2015; Ord. 2852 § 10 (Exh. A), 2011).