

CITY OF GRANITE FALLS

ORDINANCE NO. 562

**AN ORDINANCE OF THE CITY OF GRANITE FALLS,
WASHINGTON, ESTABLISHING A PROCEDURAL
ADMINISTRATION FOR LAND USE APPLICATIONS,
AND ADOPTING TITLE 17 OF THE GRANITE FALLS
MUNICIPAL CODE.**

**THE CITY COUNCIL OF THE CITY OF GRANITE FALLS,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. A new Title is hereby added to the Granite Falls

Municipal Code, to read as follows:

**TITLE 17
PROCEDURAL ADMINISTRATION FOR LAND USE APPLICATIONS**

CHAPTERS

17.01	Introduction
17.02	Administration
17.03	Consolidated Application Process
17.04	Public Notice Requirements
17.05	Review and Approval Process
17.06	Appeals
17.07	Enforcement

**CHAPTER 17.01
INTRODUCTIONS**

17.01.010 Purpose. The purpose of this section is to combine and consolidate the application review and approval processes in a manner that is clear, concise, and understandable. It is further intended (a) to comply with state guidelines to combine and expedite development review and (b) to integrate environmental review and development proposals. Final decision on development proposals shall be made within 120 days of the date of the Letter of Completeness except as provided in Section 17.05.

17.01.020 Applicability. This section applies to the following applications for projects:

- A. Subdivisions
- B. Site-Specific Rezones
- C. Binding Site Plans
- D. Planned Residential Developments
- E. Conditional Use Permits
- F. Shoreline Substantial Permits
- G. Site Plan Review
- H. Permits required by Critical Areas Ordinances
- I. Short Plats

It does not apply to:

- A. Landmark Designations
- B. Street Vacations
- C. Sewer System Connection Permits
- D. Boundary Line Adjustments
- E. Building and Grading Permits (when exempt from SEPA or when covered in other SEPA review).

**CHAPTER 17.02
ROLES AND RESPONSIBILITIES**

- 17.02.020 Administrator
- 17.02.030 City Council
- 17.02.040 Planning Commission

17.02.020 Administrator. The Mayor shall appoint an Administrative Team which shall be composed of a member of the Planning Commission, the Mayor, the City Clerk, the Consulting Engineer, Contract Planner, the City Attorney, and others with technical expertise as deemed necessary to adequately process and report on development applications.

The Administrative Team may interpret ordinance provisions pertaining to rezones, variances, subdivisions, or provisions which relate to interpretation of the Comprehensive Plan. Upon request, or as determined necessary, the Administrative Team may interpret the meaning or application of the provisions of said sections and issue a written administrative interpretation within 30 days.

Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.

17.02.030 City Council. In addition to its legislative responsibility, the City Council shall review and act on the following subjects:

- A. Recommendation of the Planning Commission
- B. Appeal of Planning Commission recommendations
- C. Appeal of administrative interpretations
- D. Appeal of a Determination of Significance

17.02.040 Planning Commission. The Planning Commission shall review and make recommendations on the following applications and subjects:

- A. A - I of Section 17.01.020.
- B. Amendments to the Comprehensive Plan
- C. Amendments to the Building Code
- D. Amendments to the Subdivision Ordinance
- E. Amendments to the Zoning Ordinance and Map
- F. Amendments to the Environmental Ordinance
- G. Applications for Preliminary Plats and Binding Site Plans
- H. Appeals of a SEPA Determination of Non-Significance
- I. Other actions requested or remanded by the City Council

CHAPTER 17.03
CONSOLIDATED APPLICATION PROCESS

17.03.010	Application
17.03.020	Preapplication Conference
17.03.030	Contents of Applications
17.03.040	Fee Schedule
17.03.050	Determination of Completeness
17.03.060	Technical Review
17.03.070	SEPA Review

17.03.010 Application.

A. The City shall consolidate the development application and review process with the environmental review process to avoid duplication.

B. Applications for development permits, variances, and land use actions shall be submitted on forms provided by the City Clerk. All applications shall be acknowledged by the property owner.

17.03.020 Preapplication Conference. The Administrative Team may require a preapplication conference in a timely manner to determine the nature of the proposal, the application and permit requirements, the review process and schedule, and any applicable development standards, ordinances, plans, policies and regulations. Preapplication conferences may be subject to fees as established in the Granite Falls Municipal Code.

The Administrative Team may invite affected jurisdictions, agencies and/or special districts to the preapplication meeting.

17.03.030 Contents of Applications.

A. All applications submitted for review and approval shall include the information specified in the applicable sections of this chapter. The Administrative Team may require additional information as necessary to evaluate the proposal fully.

B. The applicant shall apply for all permits identified at the preapplication conference.

17.03.040 Fee Schedule. The fee schedule shall be as set forth in the Granite Falls Zoning Ordinance No. 443, and codified as Section 19.88 of the Granite Falls Municipal Code.

17.03.050 Determination of Completeness.

A. The Administrative Team shall review the application for completeness within twenty-eight (28) days of having received and date-stamped the application as set forth below and will provide applicants with a written determination that the application is complete or incomplete. This review is to determine the completeness of the application and not an evaluation of substance of the project.

B. A project application shall be declared complete only when it contains all of the following materials:

1. A signed, completed, and acknowledged application and all applicable review fees.
2. A signed, completed, and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act.
3. The specific information as described in the applicable sections of this chapter and any other codes, ordinances, or regulations.
4. Any supplemental information or special studies identified by the Administrative Team.

C. For incomplete applications, the Administrative Team shall list in writing the specific requirements or information needed to constitute a completed application. Within fourteen (14) days of receipt of the additional information, the Administrative Team shall either issue a Letter of Completeness or shall list any additional needed information.

D. An application is considered complete if a Letter of Completeness is not issued within the twenty-eight (28) day review period.

17.03.060 Technical Review.

A. Immediately following the issuance of a Letter of Completeness the Administrative Team shall schedule a meeting to review the development application for compliance with city ordinances, plans and regulations, to coordinate necessary permit reviews, and to identify the development's environmental impacts.

17.03.070 Environmental Review.

A. Developments subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedures contained in Granite Falls Municipal Code, Title 20.

B. For projects not exempt from SEPA, the SEPA review shall be conducted concurrently with development project review.

CHAPTER 17.04
PUBLIC NOTICE REQUIREMENTS

17.04.010	Notice of Development Application
17.04.020	Notice of Public Hearing
17.04.030	Notice of Appeal Hearing
17.04.040	Notice of Decision

17.04.010 Notice of Development Application.

A. Within fourteen (14) working days of having issued the Letter of Completeness under Chapter 17.03, the City shall issue a Notice of Development Application. The notice shall include but not be limited to the following:

1. The name of the applicant.
2. Date of application.
3. The date of the letter of completeness.
4. The location of the project.
5. A project description.
6. The requested approvals, actions, and/or required studies.
7. A public comment period not less than fourteen (14) nor more than thirty (30) working days and that provides for public comments to be accepted up to the closing of the records of the open-record public hearing.

8. Identification of existing environmental documents.
9. A city contact and phone number.
10. The date, time, and place of a public hearing, if one has been scheduled.
11. A statement that the decision on the application is scheduled to be made within 120 days of the date of the Letter of Completeness and that any person may receive notice and participate in the public hearing.
12. Any other information deemed appropriate.
13. To agencies with jurisdiction as required by RCW 38.70B.110.

B. The Notice of Development Application shall be posted on the subject property and published once in a newspaper of general circulation.

C. The Notice of Development Application shall be issued prior to and is not a substitute for, required notice of a public hearing.

17.04.020 Notice of Public Hearing. Notice of a public hearing for all development applications and all open record appeals shall be given as follows:

A. Time of Notices: Except as otherwise required, public notification of meetings, hearings, and pending actions shall be made by:

1. Publication at least ten (10) working days before the date of a public meeting, hearing, or pending action in the newspaper of record or a newspaper of general circulation in the City; and

2. Mailing at least ten (10) working days before the date of a public meeting, hearing, or pending action to all property owners as shown on the records of the County Assessor and to all street addresses of properties within 500 feet not including street rights-of-way, of the boundaries of the property which is subject of the meeting or pending action. Addressed, pre-stamped envelopes

3. Posting at least ten (10) working days before the meeting, hearing or pending action in three public places where ordinances are posted and at least one notice on the subject property.

B. Content of Notice: The public notice shall include a general description of the proposed project, action to be taken, a non-legal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.

C. Continuations: If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required.

**CHAPTER 17.05
REVIEW AND APPROVAL PROCESS**

17.05.010	Planning Commission Review and Recommendation
17.05.020	City Council Action
17.05.030	Procedures for Public Hearings
17.05.040	Procedures for Closed Record Appeals
17.05.050	Remand
17.05.060	Final Decision

17.05.010 Planning Commission Review and Recommendation.

A. Staff Report. The Administrative Team shall prepare a staff report on the proposed development or action which summarizes the comments and recommendations of city staff, affected agencies and special districts, and which evaluates the development's consistency with the city's ordinances, adopted plans and regulations. The staff report shall include findings, conclusions and proposed recommendations for disposition of the development application.

B. Hearing. The Planning Commission shall conduct an open record Public Hearing on the applications to take public testimony, hear evidence, consider facts germane to the proposal, and evaluate the proposal for consistency with the City's ordinances, adopted plans and regulations. Notice of the Planning Commission Hearing shall be in accordance with Section 17.04.020.

1. At the beginning of the Public Hearing the Planning Commission shall:
 - a. State the testimony will be received only if it is relevant to the applicable approval criteria and development standards and is not unduly repetitious.
 - b. Identify the applicable approval criteria and development standards.

c. State that the Planning Commission will consider any party's request that the hearing be continued or that the record be kept open for a period of time. The Planning Commission may grant or deny that request.

d. State that the Planning Commission must be impartial and state whether the Planning Commissioners have had any ex parte contact or have any personal or business interest in the application. The Planning Commission shall allow parties an opportunity to challenge its impartiality.

e. State whether the Planning Commissioners have visited the site.

f. State that persons who want to receive notice of the decision may sign a mailing list for that purpose at the hearing and where that list is kept, and

g. Summarize the conduct of the hearing.

2. At the conclusion of the hearing, the Planning Commission shall announce one of the following actions:

a. That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.

b. That the public record is held open to a date and time certain. The Planning Commission shall state where additional written evidence and testimony can be sent, and shall announce any limits on the nature of the evidence that will be received after the hearing.

c. That the application is taken under advisement and a recommendation to approve, deny, or approve with conditions, together with a brief summary of that recommendation, will be made to the City Council.

d. Within ten (10) working days after the date of the record closes, the Planning Commission shall issue a written report regarding the application. However, the Planning Commission shall not issue the written report until at least fifteen (15) calendar days after the threshold determination under SEPA is made. The decision shall include:

1. A statement of the city's applicable approval criteria and development standards;

2. A statement of the facts showing the application does or does not comply with each applicable approval criterion and standards;

3. The recommendation; and if approved, any conditions necessary to ensure the proposed development will comply with applicable criteria and standards.

4. A statement that the complete case file is available for review. The statement shall list the place, dates and times where the case file is available and the name and telephone number of the City representative to contact for information about the case.

D. Recommendation. Upon approval or denial of a development proposal or action, the Planning shall prepare and adopt a resolution setting forth its findings, conclusions and recommendations and promptly forward it to the City Council for consideration.

17.05.020 CITY COUNCIL ACTIONS

A. Actions. Upon receiving a recommendation from the Planning Commission or notice of any other matter requiring the Council's attention, the Council shall perform the following actions as appropriate:

1. Hold a closed record public hearing and make a decision on a Planning Commission recommendation.
2. At the Council's discretion, hold a closed record public hearing to make a decision on the following matters:
 - a. Appeal of administrative interpretations.
 - b. Appeal of determination of significance.
 - c. Other matters not prohibited by law.

B. Decisions. The City Council shall make its decision by motion, resolution, or ordinance as appropriate.

1. A Council decision following a Planning Commission recommendation shall:
 - a. Approve as recommended.
 - b. Approve with additional conditions.
 - c. Modify, with or without the applicant's concurrence, provided that the modifications to not:
 - i. Enlarge the area or scope of the project.
 - ii. Increase the density or proposed building size.
 - iii. Significantly increase adverse environmental impacts as determined by the responsible official.
 - d. Deny without prejudice (reapplication or resubmittal is permitted).

- e. Deny with prejudice (reapplication or resubmittal is not allowed for one year).
- f. Remand for further proceedings and/or evidentiary hearings in accordance with Section 17.05.050.

17.05.040 PROCEDURES FOR CLOSED RECORD HEARINGS.

Closed record hearings shall serve to provide argument and guidance for the hearing body's decision. Closed record hearings shall be conducted generally as provided for public hearings.

17.05.050 REMAND.

In the event the City Council determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the Council may remand the matter back to the hearing body to correct the deficiencies. The Council shall specify the items or issues to be considered and the time frame for completing the additional work.

17.05.060 FINAL DECISION.

A. Time. The final decision on a development proposal shall be made within 120 days from the date of the Letter of Completeness. Exemptions as defined in RCW 36.70B.090 or as hereafter amended and also including:

1. Any time required to correct plans, perform studies, or provide additional information provided that within 14 days of receiving the requested additional information, the Administrative team shall determine whether the information is adequate to resume the project review.
2. Substantial project revisions made or requested by an applicant, in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.
3. All time required for the preparation and review of an environmental impact statement.
4. Projects involving the siting of an essential public facility.
5. An extension of time mutually agreed upon by the City and the applicant.
6. All time required to obtain a variance.
7. Any remand to the hearing body.
8. All time required for the administrative appeal of a Determination of Significance.

B. **Effective Date.** The final decision of the Council shall be effective on the date stated in the decision, motion, resolution, or ordinance, provided that the date from which appeal periods shall be calculated shall be the date the Council or hearing body takes action on the motion, resolution, or ordinance.

CHAPTER 17.06
APPEALS

17.06.010 Judicial Appeals

17.06.010 Judicial Appeals.

A. Appeals from the final decision of the City Council or Board of Adjustment or other City board or body involving the Granite Falls Municipal Code, and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County Superior Court within thirty (30) days of the date the decision or action became final, unless another time period is established by state law or local ordinance.

B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the City Clerk, Mayor, and City Attorney within the applicable time period. This requirement is jurisdictional.

C. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the City Clerk prior to the preparation of any records an advance fee deposit in the amount specified by the City Clerk. Any overage will be promptly returned to the appellant.

CHAPTER 17.07
ENFORCEMENT

17.07.010 Severability
17.07.020 Liability

17.07.010 Severability.

A. If any section, subsection, sentence, clause or phrase of the ordinance or amendment thereto, or its application to any person or circumstances, is held invalid, the remainder of this ordinance of application to other persons or circumstances shall not be affected.

17.07.020 Liability.

It is expressly the purpose of this section to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this section.

It is the specific intent of this section that no provisions nor any term used in this section is intended to impose any duty to third parties whatsoever upon the city or any of its officers or employees.

Nothing contained in this section is intended nor shall be construed to create or form the basis of any liability on the part of the city or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the city, its officers, employees, or agents.

PASSED by the Council of the City of Granite Falls, this 14th
day of August, 1996.

APPROVED:

Bella R Morris
Mayor

ATTEST:

Berry James
City Clerk

APPROVED AS TO FORM:

Cheryl L Beyer
City Attorney

FIRST READING:	July 24, 1996
SECOND READING:	August 14, 1996
DATE OF PUBLICATION:	August 22, 1996
EFFECTIVE DATE:	August 28, 1996



Snohomish County

Planning and Development Services

Robert J. Drewel
County Executive

M/S #604
3000 Rockefeller Avenue
Everett, Wa 98201-4046
(206)388-3311
FAX(206)388-3872

July 28, 1995

Bob Gilden, Superintendent
Granite Falls School District
P. O. Box H
Granite Falls, WA 98252

Dear Mr. Gilden:

This letter is your official notification that the Granite Falls School District's 1995 recertification documentation has been reviewed by our department and found to be in compliance with the certification requirements of SCC Title 26C. Your district remains eligible to receive mitigation payments from new residential development that is subject to the mitigation provisions of County Code.

The effective date of your district's recertification is August 1, 1995. Affected development applications for which a SEPA threshold determination (DNS or MDNS) is made on or after this date will be subject to the mitigation amount identified below. Development applications for which an EIS is required (DS issued) will be subject to the mitigation amounts which are in effect at the time of issuance of the Draft EIS. The certified mitigation amounts for your district are:

\$1,781 per single-family unit
\$ 254 per one bedroom multi-family unit
\$1,279 per two or more bedroom multi-family unit

These certified mitigation amounts shall remain valid for one year, or until adoption of the new impact fee program based on the Growth Management Act, which is expected to be considered by County Council late this year or early in 1996.

Your district's capital facilities plan must be accepted by the Department before any new GMA-based program can be initiated. The final plan you submit should contain enrollment projections and other supporting data that is at least as current as that used in your new recertification documents. If your district has already approved and submitted a capital facilities plan that relies upon earlier data, we will require that it be amended to reflect current data before it is formally accepted by the County.

If you have any questions or need additional information, please contact Michael Zelinski at 388-3311, ext 2088.

Sincerely,

Stephen L. Holt
Director

95LET.DOC