

**CITY OF GRANITE FALLS**  
**Granite Falls, Washington**  
**ORDINANCE 994-2020**

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, AMENDING PORTIONS OF THE GRANITE FALLS MUNICIPAL CODE TITLE 19 UNIFIED DEVELOPMENT CODE BY AMENDING CHAPTER 19.04 ENTITLED "CODE ADMINISTRATION"; ADDING A NEW CHAPTER 19.04A ENTITLED "PROCEDURES"; ADDING A NEW CHAPTER 19.04B ENTITLED "TYPES OF LAND USE REVIEW"; AMENDING SECTION 19.06.030 ENTITLED "FENCES"; AMENDING SECTION 19.06.050 ENTITLED "LOADING AREA AND OFF-STREET PARKING REQUIREMENTS"; AMENDING SECTION 19.07.010 ENTITLED "ENVIRONMENTAL REVIEW (SEPA)"; ESTABLISHING SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Revised Code of Washington (RCW) 36.70A.470(2) stipulates that all cities planning under the Growth Management Act (RCW 36.70A.040) shall provide procedures for any interested citizen or agency to suggest comprehensive plan and development regulation amendments; and

**WHEREAS**, the suggested amendments pursuant to RCW 36.70A.470(2) are to be docketed and considered on at least an annual basis and the City of Granite Falls docket procedures are provided under Section 19.04.130(F); and

**WHEREAS**, under the State Growth Management Act (GMA), the City is authorized to adopt current zoning amendments to implement its Comprehensive Plan; and

**WHEREAS**, amendments to the zoning code are required to ensure consistency with the Comprehensive Plan; and

**WHEREAS**, the development regulation amendment procedures contained in this ordinance are consistent with the procedural guidelines for amendments to the development regulations of the City; and

**WHEREAS**, on February 11, 2020, March 10, 2020, and May 12, 2020 the Granite Falls Planning Commission reviewed the amendments set forth in this Ordinance during the amendment process; and

**WHEREAS**, the City Council on March 18, 2020 adopted Resolution 2020-03 accepting the recommended list for the 2020 Docket by the Planning Commission; and

**WHEREAS**, the City of Granite Falls SEPA Responsible Official reviewed the amendments and issued a Determination of Non-significance (DNS) on April 24, 2020; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendments at their June 9, 2020 meeting via Zoom. No members of the general public were present, and no comments were received regarding the amendments; and

**WHEREAS**, the Planning Commission made a recommendation to City Council to accept the proposed 2020 Comprehensive Plan and Development Regulations as prepared by staff; and

**WHEREAS**, the City Council held a public hearing on the proposed amendments at their October 7, 2020 meeting via Zoom. No members of the general public were present, and no comments were received regarding the amendments; and

**WHEREAS**, the City Council approved for adoption the 2020 Comprehensive Plan and Development Regulation proposed amendments as prepared by staff and directed staff to have an ordinance prepared to codify these amendments; and

**WHEREAS**, public notice as required by law was given for all public hearings, notifying the general public of their opportunity to provide public input concerning the proposed amendments set forth in this Ordinance; and

**WHEREAS**, the pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments as set out in this ordinance; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to amend Title 19;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS DO HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** GFMC 19.04 entitled "Code Administration" is hereby amended to read as follows:

**Chapter 19.04  
CODE ADMINISTRATION**

Sections:

- 19.04.010 Introduction and purpose.
- 19.04.020 Rules of interpretation.
- ~~19.04.030 Administration.~~
- ~~19.04.040 Types of permit actions.~~
- ~~19.04.050 Determination of procedure type.~~
- ~~19.04.060 Application process.~~
- ~~19.04.070 Reserved.~~
- ~~19.04.080 Public notice requirements.~~
- 19.04.090 Concurrency and adequacy.
- ~~19.04.100 Review and approval process.~~
- ~~19.04.110 Appeals.~~

- 19.04.120 Enforcement.
- 19.04.130 Amendments.
- 19.04.140 Comprehensive plan.
- 19.04.150 Developer agreements.
- 19.04.160 Community facilities district provisions.

#### **19.04.010 Introduction and purpose.**

The purpose of this chapter is to ~~combine and consolidate the application, review, and approval procedures for land development in the city so that these procedures are clear, concise, and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans. Final decision on development proposals shall be made within 120 days of the date of the letter of completeness, except as provided in GFMC 19.04.060 (D).~~ provide for procedural requirements for general legislative processes such as amendments to the development regulations and comprehensive plan. [Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

#### **19.04.020 Rules of interpretation.**

- (A) For the purposes of the development code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.
- (B) Words used in the present tense include the future.
- (C) The plural includes the singular and vice versa.
- (D) The words "will" and "shall" are mandatory.
- (E) The word "may" indicates that discretion is allowed.
- (F) The word "used" includes designed, intended, or arranged to be used.
- (G) The masculine gender includes the feminine and vice versa.
- (H) Distances shall be measured horizontally unless otherwise specified.
- (I) The word "building" includes a portion of a building or a portion of the lot on which it stands. [Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

#### **19.04.030 Administration.**

- ~~(A) Roles and Responsibilities.~~
  - ~~(1) Regulation of Land Development. The regulation of land development is a cooperative activity involving different elected and appointed boards, hearing examiner, and city staff. The specific responsibilities of these bodies are set forth below.~~
  - ~~(2) Developers. A developer is expected to read and understand the city development code and be prepared to fulfill the obligations placed on the developer by this code.~~
- ~~(B) City-Designated Official. The designated official shall review and act on the following:~~
  - ~~(1) Authority. The designated official is responsible for the administration of this UDC.~~
  - ~~(2) Administrative Interpretation. Upon request or as determined necessary, the designated official shall interpret the meaning or application of the provisions of said UDC and issue a written administrative interpretation within 30 days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.~~
  - ~~(3) Administrative Approvals. Administrative approvals are set forth in GFMC 19.04.080 (B).~~
  - ~~(4) Permit Procedures. The designated official shall determine the proper procedure for all development applications. (See GFMC 19.04.060)~~

~~(C) City Council. In addition to its legislative responsibility, the city council shall review and act on the following subjects:~~

- ~~(1) Recommendations of the planning commission.~~
- ~~(2) Appeal of planning commission recommendations.~~
- ~~(3) Approve final plats and mobile/manufactured home park subdivisions.~~
- ~~(4) Recommendations and interpretations by the hearing examiner.~~

~~The review criteria for certain of these actions are contained in Chapter 19.06 GPMC.~~

~~(D) Planning Commission. The planning commission shall review and make recommendations on the following applications and subjects:~~

- ~~(1) Amendments to the comprehensive plan.~~
- ~~(2) Amendments to the buildings and construction code, GPMC Title 15.~~
- ~~(3) Amendments to the unified development code or the official zoning map.~~
- ~~(4) Annexations.~~
- ~~(5) Master plans for parks, trail/walkway systems, downtown, neighborhoods, public facilities, and utilities.~~
- ~~(6) Other legislative actions as requested by the city council.~~

~~(E) Hearing Examiner. The hearing examiner shall serve at the pleasure of the mayor. The hearing examiner shall interpret, review and make recommendations on implementation of land use regulations as provided by ordinance and may perform other quasi-judicial functions as are delegated by ordinance. Unless otherwise specified, the term "hearing examiner" shall also mean deputy examiners and examiners pro tem. Hearing examiners shall be appointed based on their qualifications for the duties of the office including education and experience.~~

~~(1) Influence and Conflict of Interest. No person, including city officials, elected or appointed, shall attempt to influence the hearing examiner in any matter pending before him/her, except at an open record hearing duly called for such purpose, or to interfere with the hearing examiner in the performance of his/her duties in any way; provided, that this section shall not prohibit the city attorney from rendering legal service to the hearing examiner upon request. The hearing examiner shall be subject to the same code of ethics as set forth in Chapter 42.23 RCW.~~

~~(2) Rules. The hearing examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to his/her duties.~~

~~(3) Powers. The hearing examiner shall have the authority to:~~

~~(a) Review and make decisions on the following land use permit matters pursuant to RCW 35A.63.170:~~

- ~~(i) Conditional use permits;~~
- ~~(ii) Variances;~~
- ~~(iii) Preliminary plats;~~
- ~~(iv) Appeals of administrative decisions or determinations;~~
- ~~(v) Planned residential developments (PRDs);~~
- ~~(vi) Binding site plans;~~
- ~~(vii) Appeals of administrative decisions or determinations pursuant to Chapter 43.21C RCW, the State Environmental Policy Act (SEPA);~~
- ~~(viii) Amortization periods for nonconforming signs;~~
- ~~(ix) Manufactured/mobile home parks;~~
- ~~(x) Nonconforming use permits; and~~
- ~~(xi) Appeals of SEPA determinations of the underlying land use action.~~

~~(b) Review and decide civil violations in conjunction with enforcement actions of the city as described in GPMC 19.04.120, Enforcement.~~

~~(c) Review and make recommendations to city council regarding a proposed development agreement in compliance with GPMC 19.04.150.~~

~~(4) Procedures. The hearing examiner shall:~~

~~(a) Receive and examine available information;~~

~~(b) Conduct public hearings in accordance with the provisions of this UDC and Chapter 36.70B RCW and ensure that the city makes a recording of the open record hearing;~~

~~(c) Administer oaths and affirmations;~~

~~(d) Issue subpoenas and examine witnesses; provided, that no person shall be compelled to divulge information which he/she could not be compelled to divulge in a court of law;~~

~~(e) Regulate the course of the hearing;~~

~~(f) Make and enter findings of fact and conclusions to support his/her decisions;~~

~~(g) Conduct conferences for the settlement or simplification of the issues;~~

~~(h) Conduct discovery;~~

~~(i) Dispose of procedural requests or similar matters;~~

~~(j) Take official notice of matters of law or material facts;~~

~~(k) Issue summary orders in supplementary proceedings; and~~

~~(l) Take any other action authorized by or necessary to carry out this chapter;~~

~~(m) The above authority may be exercised on all matters for which jurisdiction is assigned to the hearing examiner by city ordinance, code or other legal action of the city council. The nature of the hearing examiner's decision shall be as specified in this chapter and in each ordinance or code which grants jurisdiction to the hearing examiner. [Ord. 905 § 1 (Att. A), 2016; Ord. 904 § 25, 2015; Ord. 740 § 1 (Exh. A), 2007.]~~

**19.04.040 Types of permit actions.**

~~(A) Procedures for Processing Permit Applications. All development permit applications shall be classified as one of the following: Type 1 or Type 2. Legislative decisions are Type 3 actions. Exclusions from the requirements of permit applications requirements are included at GPMC 19.04.050(A). Table 1 describes the city's permit processing requirements.~~

**Table 1 — Permit Processing Requirements**

	Administrative	Quasi-Judicial	Legislative
	Type 1	Type 2	Type 3
1. Notice of application	No	Yes	Yes
2. Notice to council	Yes	Yes	N/A
3. Open record hearing	No	Hearing examiner	Planning commission Council
4. Open record hearing on an appeal of final administrative decision	N/A	Hearing examiner	N/A

**Table 1 – Permit Processing Requirements**

	<b>Administrative</b>	<b>Quasi-Judicial</b>	<b>Legislative</b>
	<b>Type 1</b>	<b>Type 2</b>	<b>Type 3</b>
5. Recommendation by	N/A	N/A	Planning commission
6. Final decision	Designated official	Hearing examiner Council <sup>4</sup>	Council
7. Appeal to hearing examiner	Yes	No	No
8. Closed record hearing on an appeal of hearing examiner's interpretation	N/A	N/A	Yes
9. Judicial appeal	N/A	Yes	Yes

<sup>4</sup> Final plat approval only.

[Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

**19.04.050 Determination of procedure type.**

The designated official shall determine the proper procedure for all development applications. Questions concerning an appropriate procedure for a specific project shall be resolved by using the higher-numbered procedure.

An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application.

Table 2 describes the types of decisions rendered in each permit procedure category.

**Table 2 – Decisions**

<b>Administrative</b>	<b>Quasi-Judicial</b>	<b>Legislative</b>
<b>(Designated Official)</b>	<b>(Hearing Examiner and Council<sup>4</sup>)</b>	<b>(Planning Commission and Council)</b>
<b>Type 1</b>	<b>Type 2</b>	<b>Type 3</b>
Permitted uses; boundary line adjustments; minor amendments to administratively approved permits; plat alteration to subdivisions and PRDs; temporary permits; sign permits; short plats; land clearing and grading; plat vacations; shoreline permits; administrative interpretations;	Conditional use permits; variances, preliminary plats; final plats <sup>2</sup> ; certain appeals; development agreements; day care centers; and official site plans for manufactured home parks, residential condominiums, and PRDs; and major amendments to any of the above.	Comprehensive plan amendments; development regulations; shoreline master program; zoning text amendments; zoning map amendments; and annexations.

**Table 2—Decisions**

<b>Administrative</b>	<b>Quasi-Judicial</b>	<b>Legislative</b>
<b>(Designated Official)</b>	<b>(Hearing Examiner and Council<sup>1</sup>)</b>	<b>(Planning Commission and Council)</b>
<b>Type 1</b>	<b>Type 2</b>	<b>Type 3</b>
home occupations; day care facilities; accessory dwelling units; and binding site plans.		

<sup>1</sup> Final plats and development agreements only.

<sup>2</sup> Final plats do not require recommendation from the hearing examiner and can go directly to the city council.

**(A) Exemptions.**

(1) The following permits or approvals are specifically excluded from the provisions of this chapter:

- (a) Street vacations pursuant to Chapter 19.10 GPMC;
- (b) Street use permits pursuant to Public Works Standard 2.1; and
- (c) Impact fee decisions pursuant to GPMC Title 21.

(2) Pursuant to RCW 36.70B.140 (2), building permits, boundary line adjustments, or other construction permits, or similar administrative approvals categorically exempt from environmental review under SEPA or permits and approvals for which environmental review has been completed in conjunction with other permit procedures, are excluded from the following:

- (a) Notice of application unless an open public hearing is required;
- (b) Consolidated permit review processing except as provided in RCW 36.70B.140;
- (c) Joint public hearings;
- (d) Single report stating all of the decisions and recommendations made as of the date of the report do not require an open public record hearing; and
- (e) Notice of decision. [Ord. 960 § 10 (Exh. I), 2018; Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

**19.04.060 Application process.**

**(A) Application.**

(1) Consolidation. To the extent possible, the city shall integrate consolidated development application and reviews in order to coordinate the development permit and environmental review process, while avoiding duplication of the review processes.

(2) Submittal. All applications for development permits, variances and other city approvals under the development code shall be submitted on forms provided by the city. All applications shall be signed by the property owner.

**(B) Preapplication Meeting.**

(1) Informal. Applicants for development are strongly encouraged to contact the city and schedule a meeting to discuss the proposed development, city standards, design alternatives, and required permits and application and approval procedures. To be prepared for this meeting the applicant should be aware that the following will be reviewed and/or may apply:

- (a) A description of the requirements for a complete application; a general summary of the permit review procedures; references to the relevant code provisions or development

~~standards that may apply to the proposal; and any other relevant information that the city may deem pertinent to the proposal may be provided by the city at the meeting or immediately following the meeting at the request of the applicant.~~

~~(b) It is impossible for the meeting to be an exhaustive review of all potential issues. The discussions at the meeting or the materials cited in subsection (B)(1)(a) of this section shall not bind the city or prohibit the city's future application or enforcement of all applicable law.~~

~~(C) Contents of Applications.~~

~~(1) Specified Information. All applications for approval under this chapter shall include the information specified in this chapter. The designated official may require such additional information as reasonably necessary to fully and properly evaluate the proposal.~~

~~(2) Permits. The applicant shall apply for all permits required by the city as identified in the preapplication meeting. Other permits required by other jurisdictions are the applicant's responsibility to determine.~~

~~(D) Letter of Completeness.~~

~~(1) Time Limit. Within 28 calendar days of receiving a date-stamped application, the city shall review the application and, as set forth below, provide applicants with a written determination that the application is complete or incomplete. The city has the option of determining completeness at the time of submittal. This shall be followed by a letter confirming the same.~~

~~(2) Complete Application — Materials Required. A project application shall be declared complete only when it contains all of the following materials:~~

~~(a) A fully completed and signed development application and all applicable review fees.~~

~~(b) A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act.~~

~~(c) The information specified for the desired project in the appropriate chapters of this code and as identified in Chapter 19.05GFC.~~

~~(d) Any supplemental information or special studies identified during the preapplication meeting.~~

~~(3) Incomplete Applications — Determination. For applications determined to be incomplete, the city shall identify, in writing, the specific requirements or information necessary to constitute a complete application. Upon submittal of the additional information, the city shall, within 14 days, issue a letter of completeness or identify what additional information is required. The city's determination of completeness shall not preclude the city from requesting additional information or studies either at the time of notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposal.~~

~~(a) If the applicant receives a determination from the city that an application is incomplete, the applicant shall have 90 days to submit the additional required information. Within 14 days after submittal of the additional material, the city shall make a determination as described in this section.~~

~~(b) If the applicant either refuses in writing to submit the additional material or fails to meet the deadline for resubmittal, the application shall lapse.~~

~~(c) In those situations where the application has lapsed because the applicant has failed to submit the required material within the necessary time period, or the applicant has elected to withdraw the application, the applicant may request a refund of the application fee unrelated to the city's determination of completeness. The amount of the refund shall be determined by the city based on its expenditures associated with the administration of the application.~~

~~(4) Complete Application. A development proposal application shall be deemed complete under this section if the city does not provide a written determination to the applicant that the application is incomplete as provided in subsection (D)(3) of this section. The determination of completeness shall be made when the application is sufficiently complete for review even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the city's ability to request additional information or studies whenever new information is required, or when substantial changes have been made to the proposal.~~

~~(5) Other Agencies. To the extent known by the city, other agencies with jurisdiction over the application shall be identified in the city's determination of completeness.~~

~~(E) Technical Review Committee.~~

~~(1) Meeting—Notification. Immediately following the issuance of a letter of completeness, the city may schedule a meeting of the technical review committee (TRC) and notify the applicant of the meeting. The TRC may be composed of representatives of all affected city departments, utility districts, the fire district, and any other entities or agencies with jurisdiction. The TRC shall be chaired either by the designated official, city engineer, consulting planner, or building inspector.~~

~~(2) Review. The TRC shall review the development application for compliance with city plans and regulations, coordinate necessary permit reviews, and identify the development's environmental impacts.~~

~~(F) Environmental Review.~~

~~(1) Policies and Procedures. Developments and planned actions subject to the provisions of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall be reviewed in accordance with the policies and procedures contained in Chapter 19.07 GFMG.~~

~~(2) Exemptions. Environmental review shall be conducted concurrently with development project review. The following are exempt from concurrent review:~~

~~(a) Projects categorically exempt from SEPA.~~

~~(b) Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action. [Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]~~

**19.04.070 Reserved.**

~~[Ord. 905 § 1 (Att. A), 2016; Ord. 883 § 8, 2014; Ord. 867 § 1, 2014; Ord. 827 § 3, 2012; Ord. 740 § 1 (Exh. A), 2007.]~~

**19.04.080 Public notice requirements.**

~~(A) Development Application.~~

~~(1) Included Information. Within 14 days of issuing a letter of completeness, under GFMG 19.04.060 (D), the city shall issue a notice of development application. See Table 1 in GFMG 19.04.040 for permits requiring notices. The notice shall include, but not be limited to, the following:~~

~~(a) The name of the applicant.~~

~~(b) Date of application.~~

~~(c) The date of the letter of completeness.~~

~~(d) The location of the project, including street address and legal description.~~

~~(e) A project description.~~

~~(f) The requested approvals, actions, and/or required approvals, actions or studies.~~

~~(g) A statement of the public comment period which shall be not less than 14 nor more than 30 days following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Also, a statement that comments on the notice are due by 5:00 p.m. on the last day of the comment period, or on the first working day following the last day if the last day falls on a weekend or holiday.~~

~~(h) Identification and location of existing environmental documents.~~

~~(i) A city staff contact and phone number.~~

~~(j) The date, time, and place of a public hearing if one has been scheduled.~~

~~(k) Preliminary determination, if made, of SEPA threshold and/or development regulations that will be used for project impact mitigation.~~

~~(l) A statement that the decision on the application will be made within statutory limits.~~

~~(2) Posting. The notice of development application shall be posted on the subject property.~~

~~(3) Publication. The notice of development application shall be published once in a local newspaper of general circulation.~~

~~(4) Mailing. The notice of development application shall be mailed to all owners of property within 300 feet of the subject property.~~

~~(5) Issuance. The notice of development application shall be issued prior to required notice of a public hearing and is not a substitute for that notice.~~

~~(6) Exemptions. A notice of application is not required for the following actions when the referenced actions are categorically exempt from SEPA or environmental review has been completed:~~

~~(a) Application for building permits.~~

~~(b) Application for lot line adjustments.~~

~~(c) Application for administrative approvals.~~

~~(B) Administrative Approval. Notice of administrative approvals shall be made as follows:~~

~~(1) Notification of Preliminary Approval. The designated official shall notify the adjacent property owners within 300 feet of the subject property of his intent to grant approval at least 14 days prior to the effective date of the approval. Notification shall be made by mail only. The notice shall include:~~

~~(a) A description of the preliminary approval granted, including any conditions of approval.~~

~~(b) A place where further information may be obtained.~~

~~(c) A statement that final approval will be granted unless an appeal requesting a public hearing is filed with the city clerk within 15 days of the date of the notice.~~

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

~~(1) Time of Notices. Except as otherwise required, public notification of meetings, hearings, and pending actions under this UDC shall be made by:~~

~~(a) Publication at least 10 days before the date of a public meeting, hearing, or pending action in the official newspaper if one has been designated or a newspaper of general circulation in the city; and~~

~~(b) Mailing at least 10 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 300 feet, or 500 feet when adjacent to natural resource~~

~~lands, not including street rights-of-way, of the boundaries of the property which is the subject of the meeting or pending action. Addressed, prestamped envelopes shall be provided by the applicant; and~~

~~(c) Posting at least 10 days before the meeting, hearing, or pending action at City Hall and other public posting places and at least one notice on the subject property.~~

~~(2) Content of Notice. The public notice shall include a general description of the proposed project, action to be taken, a nonlegal 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.~~

~~(3) 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 certain date and no further notice under this section is required.~~

~~(4) Shoreline Master Program Permits. Notice for SMP permits shall be given in accordance with Chapter 90.58 RCW.~~

~~(D) Appeal Hearing. In addition to the posting and publication requirements of this section, notice of appeal hearings shall be as follows:~~

~~(1) Administrative Approvals. For appeals of administrative approvals, notice shall be mailed at least 10 days before the date of the appeal hearing to all property owners as shown on the records of the county assessor and to all street addresses of properties within 300 feet, or 500 feet when adjacent to natural resource lands, not including street rights-of-way, of the boundaries of the property which is the subject of the appeal hearing. Addressed, pre-stamped envelopes shall be provided by the applicant.~~

~~(2) Planning Commission Appeals. For appeals of planning commission recommendations, notice shall be mailed to parties of record from the planning commission hearing.~~

~~(E) Decision. A written notice for all final decisions shall be sent to the applicant and all parties of record. For development applications requiring hearing examiner review and city council approval, the notice shall be the signed ordinance or resolution. [Ord. 960 § 11 (Exh. J), 2018; Ord. 937 § 21 (Exh. T), 2017; Ord. 905 § 1 (Att. A), 2016; Ord. 827 § 4, 2012; Ord. 740 § 1 (Exh. A), 2007.]~~

#### **19.04.090 Concurrency and adequacy.**

The re-adoption of Section 19.04.090 Concurrency and adequacy does not repeal current interim regulation and amendment of 19.04.090 to address capacity and sewer availability. Notwithstanding the provisions of this Ordinance, the interim regulations shall remain in full force and effect pending the expiration, repeal or revision of the interim provisions in 19.04.090.

(A) Intent. The purpose of this section is to ensure that public facilities and services owned, operated, or provided by the city and public facilities and services owned, operated or provided by other governments, special districts and applicable organizations within the city are provided simultaneous to or within six years after development occurs consistent with the capital facilities element of the comprehensive plan and RCW 36.70A.070(6)(e). This chapter shall apply to all applications for development or redevelopment permit approvals that will result in:

(1) More than 10 new p.m. peak hour vehicle trips; and

(2) Five or more connections or five SFR equivalent connections to city water and/or sanitary sewer systems.

(B) Authority. The designated official shall be responsible for enforcing the provisions of this chapter.

(C) Exemptions. The test for concurrency shall not be required for exempted developments as specified below:

- (1) Highways of statewide significance (HSS) are exempt from this concurrency section.
- (2) No Impact. Development which creates little or no additional impacts on public water, sanitary sewer, surface water management, streets, schools and parks are exempt from the test for concurrency. Such development includes but is not limited to:
  - (a) Uses falling under thresholds described in GPMC 19.07.010 (H);
  - (b) Additions, accessory structures, or interior renovations to or replacement of a residence which do not result in a change in use or increase in the number of dwelling units or residential equivalents;
  - (c) Additions to or replacement of a nonresidential structure which do not result in a change in use, expansion in use, or otherwise increase demand in public facilities as defined above;
  - (d) Temporary uses as described in GPMC 19.05.060; and
  - (e) Demolitions.
- (3) Permits and Actions. The following are exempt from the test for concurrency:
  - (a) Boundary line adjustments;
  - (b) Temporary use permits;
  - (c) Variances and shoreline variances;
  - (d) Approvals pursuant to site development regulations;
  - (e) Administrative interpretations;
  - (f) Sign permits;
  - (g) Street vacations;
  - (h) Demolition permits;
  - (i) Street use or right-of-way permits;
  - (j) Clearing, grading, and excavation permits;
  - (k) Mechanical, electrical and plumbing permits;
  - (l) Fire code permits;
  - (m) Other permits as determined by the city that will not result in impacts on public services or utilities.
- (4) SEPA. Applications exempt from the test for concurrency are not necessarily exempt from SEPA.
- (5) Exemptions. The portion of any development used for any of the following purposes is exempt from the requirements of this chapter:
  - (a) Public transportation facilities;
  - (b) Public parks and recreational facilities; and
  - (c) Public libraries.

(D) Concurrency Procedures.

- (1) Concurrency Review Procedures. The test for concurrency shall be performed in the processing of all nonexempt permit applications through a concurrency review process established by the individual service providers.
  - (a) The concurrency review process shall be completed prior to issuance of a building permit. The designated official shall determine the time of the concurrency test dependent on the time of permit.
  - (b) The concurrency review process shall include review of phased projects.
  - (c) The concurrency review process established by the individual service providers shall be specified in written policy, and shall be available for city distribution.

(2) Test for Concurrency – Roles.

(a) The designated official shall provide the overall coordination of the test for concurrency by:

- (i) Notifying the service providers of all applications requiring a test for concurrency;
- (ii) Notifying the service providers of all exempted development applications which use capacity;
- (iii) Notifying the service providers of expired development permits or other actions resulting in a release of capacity reserved through a certificate of capacity.

(b) Service providers shall:

- (i) Be responsible for conducting the test for concurrency for their individual public facilities, for all applications requiring a test for concurrency;
- (ii) Reserve the capacity needed for each application;
- (iii) Account for the capacity for each exempted application which uses capacity;
- (iv) Adjust capacity to reflect the release of reserved capacity as notified by the city;
- (v) Annually report the capacity of their public facilities to the city. Said annual report shall include an analysis of comprehensive plan infrastructure priorities in accordance with the six-year capital improvement plan; and
- (vi) Have the authority to charge applicable fees to recover the costs of concurrency testing and monitoring their concurrency systems.

(3) Capacity. For sanitary sewer and domestic water supply, only available capacity shall be used in conducting the test for concurrency. For streets, available and planned capacity may be used in conducting the test for concurrency. The adopted level of service standards outlined in the comprehensive plan shall be the basis for determining whether adequate capacity will be available.

(4) Test for Concurrency – Pass. The test for concurrency is passed when the capacity of public facilities and services is equal to or greater than the capacity required to maintain the level of service standards established by the city. A certificate of capacity will be issued by the city according to the following provisions:

- (a) A certificate of capacity will be issued upon payment of any fee, performance of any condition, or other assurances required by the service provider.
- (b) A certificate of capacity shall apply only to the specific land use types, densities, intensities, and development project described in the certificate.
- (c) A certificate of capacity is not transferable to other land, but may be transferred to new owners of the subject land along with any conditions imposed by the city in the permit or approval documents.
- (d) A certificate of capacity shall expire if the accompanying permit expires or is revoked. The expiration date of the certificate of capacity may be extended according to the same terms and conditions as the accompanying permit. If the permit is granted an extension, so shall the certificate of capacity. If the accompanying permit does not include an expiration date, the certificate of capacity shall expire two years from the date of issuance. Expiration dates shall be included in certificates of capacity.

(5) Test for Concurrency – Fail. The test for concurrency is not passed and the proposed project may be denied if the capacity of the public services or facilities is less than the capacity required to maintain the adopted level of service standards after the impacts associated with the requested permit are added to the existing capacity utilization. The following options are

available to applicants in the event that partial capacity of public facilities and services is available:

- (a) The scope of the project may be reduced to the level equal to that which would absorb the available capacity;
- (b) The phasing of the project may be modified to accommodate planned capacity improvements;
- (c) The capacity shortfall may be mitigated as part of the project; or
- (d) The results of the test for concurrency may be appealed to the hearing officer.

(E) Check for Adequacy. The check for adequacy will be performed on an annual basis concurrent with the annual update of the capital facilities element of the comprehensive plan. The check for adequacy will be conducted by the appropriate service provider.

(1) City. The city shall:

- (a) Provide the affected service providers a report on all permit applications occurring within the past year;
- (b) Provide population growth figures to the service providers;
- (c) Maintain a cumulative record of all checks for adequacy.

(2) Service Providers. Service providers shall provide annual reports on checks for adequacy to the city.

(F) Approval or Denial of Permits.

(1) Approvals. Permits which would not result in a reduction of an adopted level of service standard for a public facility or service may be approved as long as all other provisions of the code are met.

(2) Denials. Permits which would result in a reduction of an adopted level of service standard for a public facility or service are subject to denial.

(G) Concurrency Test Request without Application. Test for concurrency may be requested without an accompanying permit application. Any available capacity found at the time of the test cannot be reserved and no certificate of capacity will be issued. [Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

#### **19.04.100 Review and approval process.**

~~(A) Administrative Approvals without Notice.~~

~~(1) Specified. The designated official may approve, approve with conditions, or deny the following:~~

- ~~(a) Type 1 permits as described in GPMC 19.04.040.~~
- ~~(b) Extension of time for approval.~~
- ~~(c) Plat alterations or modifications to approved developments or permits. Plat alterations 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;~~
  - ~~(iii) Decrease the quality or amount of open space; or~~
  - ~~(iv) Increase the number of vehicle access points.~~
- ~~(d) The designated official's decisions under this section shall be final on the date issued unless appealed.~~

~~(B) Planning Commission Review and Recommendation. Planning commission action authority is defined in GPMC 19.04.030.~~

- (1) ~~Staff Report.~~ The designated official shall prepare a staff report on the proposed action summarizing the comments and recommendations of city departments, affected agencies and special districts, and evaluating the development's consistency with the comprehensive plan, development code, and other adopted plans and regulations. The staff report shall include findings, conclusions and proposed recommendations for disposition of the application.
- (2) ~~Hearing.~~ The planning commission shall conduct an open public hearing on proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's comprehensive plan, development code, appropriate decision criteria and other adopted plans and regulations. Notice of the planning commission hearing shall be in accordance with GPMC 19.04.080(C).
- (3) ~~Required Findings.~~ The planning commission shall not recommend approval of a proposal unless it first makes the findings and conclusions consistent with the criteria set forth in this code and/or the comprehensive plan.
- (4) ~~Recommendation.~~ Upon completion of its review of a proposal, the planning commission shall prepare and approve a report setting forth the planning commission's findings, conclusions and recommendations and promptly forward it to the city council for consideration. The recommendation may be for approval, approval with conditions, or denial based on the findings and conclusions of subsection (B)(3) of this section.

~~(C) City Council Action.~~

- (1) ~~Actions.~~ Upon receiving a recommendation from the planning commission or hearing examiner or notice of any other matter requiring the city council's attention, the city council shall perform the following actions as appropriate:

- ~~(a) Make a decision on a planning commission or hearing examiner recommendation.~~
- ~~(b) At the city council's discretion, hold a closed record hearing and make a decision on the following matters:~~
  - ~~(i) Appeal of hearing examiner interpretations.~~
  - ~~(ii) Other matters not prohibited by law.~~

- (2) ~~Decisions.~~ The city council shall make its decision by motion, resolution, or ordinance as appropriate.

- ~~(a) A city council decision on a planning commission or hearing examiner recommendation shall include one of the following actions:~~
  - ~~(i) Approve as recommended.~~
  - ~~(ii) Approve with additional conditions.~~
  - ~~(iii) Modify, with or without the applicant's concurrence; provided, that the modifications do not:~~
    - ~~A. Enlarge the area or scope of the project.~~
    - ~~B. Increase the density or proposed building size.~~
    - ~~C. Significantly increase adverse environmental impacts as determined by the designated official.~~
  - ~~(iv) Deny (reapplication or resubmittal is permitted).~~
  - ~~(v) Deny with prejudice (reapplication or resubmittal is not allowed for one year).~~
  - ~~(vi) Remand for further proceedings and/or evidentiary hearing in accordance with subsection (G) of this section.~~

- ~~(D) Procedures for Open Record Public Hearings.~~ Open record public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an

evidentiary record upon which the body will base its decision. The chair shall open the public hearing and, in general, observe the following sequence of events:

(1) ~~Staff Presentation.~~ Staff presentation, including submittal of any administrative reports.

~~Members of the hearing body may ask questions of the staff.~~

(2) ~~Applicant Presentation.~~ Applicant presentation, including submittal of any materials.

~~Members of the hearing body may ask questions of the applicant.~~

(3) ~~Public Testimony or Comments.~~ Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion.

(4) ~~Rebuttal, Response or Clarifying Statements.~~ Rebuttal, response or clarifying statements by the staff and the applicant.

(5) ~~Deliberation.~~ The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.

(E) ~~Procedures for Closed Record Appeals.~~ Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the hearing body's decision. Closed record appeals shall be conducted generally as provided for public hearings. Except for evidence of proper public notice as provided in GPMC 19.04.080(C) and (D), no new evidence or testimony shall be given or received. The parties to the appeal may submit timely written statements or arguments.

(F) ~~Reconsideration.~~ A party to a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the designated official within five days of the oral announcement of the final decision. The request shall comply with this section. The city council or hearing body shall consider the request at its next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the city council or hearing body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

(G) ~~Remand.~~ In the event the city council determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the city council may, if the applicant waives the prohibition of one open public record hearing, remand the matter back to the hearing body to correct the deficiencies. The city council shall specify the items or issues to be considered and the time frame for completing the additional work. The city council may hold a public hearing on a closed record appeal only for the limited purposes identified in RCW 34.05.562(1).

(H) ~~Final Decision.~~

(1) ~~Time.~~ The final decision on a development proposal shall be made within 120 days from the date of the letter of completeness. Exceptions to this include:

(a) Any time required to correct plans, perform studies or provide additional information; provided, that within 14 days of receiving the requested additional information, the designated official shall determine whether the information is adequate to resume the project review.

(b) 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.

(c) All time required for the preparation and review of an environmental impact statement.

- ~~(d) Projects involving an essential public facility.~~
- ~~(e) An extension of time mutually agreed upon by the city and the applicant.~~
- ~~(f) Subdivisions.~~
- ~~(g) Any remand to the hearing body.~~
- ~~(h) All time required for the administrative appeal of a determination of significance.~~
- ~~(i) All time required to complete street vacations.~~
- ~~(j) All time required to approve street use permits.~~
- ~~(k) All scheduled extensions resulting from a request by the applicant for a joint public hearing as defined under subsection (l) of this section.~~

~~(2) Effective Date. The final decision of the city council or hearing body 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 of the written decision of the city council or hearing body.~~

~~(l) Joint Public Hearings.~~

~~(1) Designated Official's Decision to Hold a Joint Hearing. The designated official may combine any public hearing on a development proposal with any hearing that may be held by another local, state, regional, federal, or other agency as long as:~~

- ~~(a) The hearing is held within the city limits; and~~
- ~~(b) The requirements of subsection (C) of this section are met.~~

~~(2) Applicant's Request for Joint Hearing. The applicant may request that the public hearing on a development proposal be combined as long as the joint hearing can be held within the time periods set forth in this chapter. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.~~

~~(3) Prerequisites to Joint Public Hearings. A joint public hearing may be held with another local, state, regional, federal, or other agency and the city as long as:~~

- ~~(a) The other agency is not expressly prohibited by statute from doing so;~~
- ~~(b) Sufficient notice of the hearing is given to each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and~~
- ~~(c) The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing. [Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]~~

**19.04.110 Appeals.**

~~(A) Appeal of Administrative Interpretations and Approvals. Type 1 administrative approvals may be appealed, by applicants or parties of record, to the hearing examiner.~~

~~(B) Appeal of Planning Commission Recommendations. Recommendations of the planning commission may be appealed, by applicants or parties of record, from the planning commission hearing to the city council.~~

~~(C) Appeal of Hearing Examiner Decisions. Decisions of the hearing examiner may be appealed, by applicants or parties of record, from the public hearing to the Snohomish County superior court.~~

~~(D) Filing of Appeals.~~

~~(1) Filing. Every appeal to the city council or hearing examiner shall be filed with the designated official within 10 days after the date of the recommendation or decision of the matter being appealed.~~

~~(2) Contents. The notice of appeal shall contain a concise statement identifying:~~

- ~~(a) The decision being appealed.~~

- ~~(b) The name and address of the appellant and his interest(s) in the matter.~~
- ~~(c) The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong.~~
- ~~(d) The desired outcome or requested changes to the decision.~~
- ~~(e) The appeals fee as may be established by resolution of the city council. No appeal fee shall be required for a city enforcement action.~~

~~(E) Standing. Appeals to decisions made by the designated official, hearing examiner, planning commission, and city council as set forth in this UDC can only be made by parties of record, including, but not limited to:~~

- ~~(1) Applicants;~~
- ~~(2) Persons who provided written or oral testimony during the open record public hearing;~~
- ~~(3) Persons who commented on the notice of application or SEPA determination;~~
- ~~(4) Residents within the site proposed for development.~~

~~(F) Judicial Appeal.~~

- ~~(1) Authority—Time Limit. Appeals from the final decision of the city council, or other city board or body involving this UDC and for which all other appeals specifically authorized have been timely exhausted shall be made to Snohomish County superior court within 21 days of the date the decision or action became final, unless another time period is established by state law or local ordinance.~~
- ~~(2) Notice. The land use petition and any other pleadings required to be filed with the court shall be served on the city clerk, designated official, and city attorney within the applicable time period. This requirement is jurisdictional.~~
- ~~(3) Costs. 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. [Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]~~

#### **19.04.120 Enforcement.**

(A) Enforcing Official – Authority. The designated official shall be responsible for enforcing this UDC and this code and may adopt administrative rules to meet that responsibility. The designated official may delegate enforcement responsibility to other department heads, building inspector, fire chief, or chief of police as appropriate.

(B) General Penalty. Compliance with the requirements of this UDC shall be mandatory. The general penalties and remedies established in subsections (D) and (E) of this section for such violations shall apply to any violation of the UDC. The enforcement actions authorized under this chapter shall be supplemental to those general penalties and remedies.

(C) Application.

- (1) Action Taken. Actions under this chapter may be taken in any order deemed necessary or desirable by the designated official to achieve the purpose of this chapter or of the development code.
- (2) Violation. Proof of a violation of a development permit or approval shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An enforcement action under this chapter shall not relieve or prevent enforcement against any other responsible person.

(D) Civil Regulatory Order.

- (1) Authority. A civil regulatory order may be issued and served upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of the development code.
- (2) Notice. A civil regulatory order shall be deemed served and shall be effective when posted at the location of the violation and/or delivered to any suitable person at the location or delivered by mail or otherwise to the owner or other person having responsibility for the location.
- (3) Content. A civil regulatory order shall set forth:
  - (a) The name and address of the person to whom it is directed.
  - (b) The location and specific description of the violation.
  - (c) A notice that the order is effective immediately upon posting at the site and/or receipt by the person to whom it is directed.
  - (d) An order that the violation immediately cease, or that the potential violation be avoided.
  - (e) An order that the person stop work until correction and/or remediation of the violation as specified in the order.
  - (f) A specific description of the actions required to correct, remedy, or avoid the violation, including a time limit to complete such actions.
  - (g) A notice that failure to comply with the regulatory order may result in further enforcement actions, including civil fines and criminal penalties.
- (4) Remedial Action. The designated official may require any action reasonably calculated to correct or avoid the violation including, but not limited to, replacement, repair, supplementation, revegetation, or restoration.

**(E) Civil Fines.**

- (1) Authority. A person who violates any provision of the development code, or who fails to obtain any necessary permit or who fails to comply with a civil regulatory order shall be subject to a civil fine.
- (2) Amount. The civil fine assessed shall not exceed \$1,000 for each violation. Each separate day, event, action or occurrence shall constitute a separate violation.
- (3) Notice. A civil fine shall be imposed by a written notice, and shall be effective when served or posted as set forth in subsection (D) of this section. The notice shall describe the date, nature, location, and act(s) comprising the violation, the amount of the fine, and the authority under which the fine has been issued.
- (4) Collection. Civil fines shall be immediately due and payable upon issuance and receipt of the notice. The designated official may issue a regulatory order stopping work until such fine is paid. If remission or appeal of the fine is sought, the fine shall be due and payable upon issuance of a final decision. If a fine remains unpaid 30 days after it becomes due and payable, the designated official may take actions necessary to recover the fine. Civil fines shall be paid into the city's general fund.
- (5) Application for Remission. Any person incurring a civil fine may, within 10 days of receipt of the notice, apply in writing to the designated official for remission of the fine. The designated official shall issue a decision on the application within 10 days. A fine may be remitted only upon a demonstration of extraordinary circumstances.
- (6) Appeal. A civil fine may be appealed to the hearing examiner as set forth in ~~GFMC 19.04.140~~ 19.04B.140. [Ord. 905 § 1 (Att. A), 2016; Ord. 862 §§ 31 – 33, 2013; Ord. 740 § 1 (Exh. A), 2007.]

**19.04.130 Amendments.**

(A) Purpose. The purpose of this section is to define types of amendments to administratively approved permits, the development regulations, comprehensive plan, and other official controls and to identify procedures for those actions. Amendments to the comprehensive plan and development regulations are legislative functions separate from any permit process otherwise set forth in this section.

(B) Minor Amendment Standards. The following provisions include methods for approving minor amendments to administratively approved permits:

(1) Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent.

(2) Minor amendment applications may be circulated to any city department or agency with jurisdiction at the discretion of the designated official.

(3) Minor amendments may be approved or modified with conditions of approval by the designated official, provided all of the following requirements are met:

(a) Any proposal that results in a change of use must be permitted outright in the current zone classification.

(b) A change to a condition of approval does not modify the intent of the original condition.

(c) The perimeter boundaries of the original site shall not be extended beyond the original lot area.

(d) The proposal does not add any gross square footage of structures on the site or lots in a subdivision.

(e) The proposal does not increase the overall impervious surface on the site.

(f) Any additions or expansions approved through plat alterations that cumulatively exceed the requirements of this section shall be reviewed as a major amendment.

(4) Minor amendment decisions shall be in writing and attached to the official file.

(5) Copies of the decision shall be mailed to all parties of record.

(C) Major Amendments. All major amendments resulting from proposed changes to a permitted project shall require resubmittal and be subjected to review and approval procedures according to the provisions of this UDC.

(D) Development Regulations and Other Official Controls. This section is intended to provide the method for adopting amendments to the text and official map of the city's development regulations and other official controls. Requests to change a regulatory zone affecting a parcel of land, or portion of a lot, are processed under this section.

~~(1) Initiation of Amendment. Pursuant to the docketing process set forth under subsection (F) of this section, a~~ An amendment to the zoning code or other official controls may be initiated by:

~~(a) The city council requesting the planning commission to set the matter for hearing and recommendations;~~

~~(b) The planning commission with the concurrence of the designated official;~~

~~(c) The city designated official;~~

~~(e)(d)~~ One or more property owners directly affected by a proposal through the submittal to the city of an application and fee as set forth in subsections (D)(2) and (3) of this section;

~~(d)(e)~~ Citizen advisory committees or organizations through the submittal to the city of an application and fee as set forth in subsections (D)(2) and (3) of this section.

(2) Application Required. A zoning code amendment application is required to formally request a change to the regulations and standards in this UDC. A zoning map amendment application is required to formally request a change to the official zoning map. All zoning map amendment

applications must be accompanied by a comprehensive plan amendment application in compliance with subsection (E) of this section. Applications shall include:

- (a) A completed zoning code or zoning map amendment application form;
- (b) Property owners' and agents' names, addresses, and other contact information;
- (c) Reason for the requested change;
- (d) Statement of how the proposed amendment is consistent with comprehensive plan goals and policies;
- (e) For proposed amendments regarding a specific parcel or parcels rather than a zone, district or designated area of the city;
  - (i) Parcel identification number and address of the parcel or parcels;
  - (ii) Mailing labels of all property owners within 300 feet of the parcel or parcels;
  - (iii) A legal description of the subject property; and
  - (iv) Vicinity map;
- (f) A completed environmental checklist; and
- (g) Other relevant information regarding the proposal.

(3) Fees. As may be established by resolution of the city council.

(4) Staff Report. The designated official shall prepare a written report on each amendment pending before the planning commission. The report shall be transmitted to the planning commission and to the applicant before the public hearing. Each report shall contain:

- (a) Any factual findings pertaining to the amendment.
- (b) Any comments from city departments or other agencies with jurisdiction.
- (c) The environmental assessment, SEPA determination and/or final environmental impact statement.
- (d) The designated official's recommendation.

(5) Public Hearing by Planning Commission. The city shall give notice and the planning commission shall hold a public hearing prior to the recommendation for adoption or amendment of any official control to the city council. See GPMC ~~19.04.100~~ 19.04B.405-460 for hearing procedures and rules.

(6) Adoption by City Council. Amendments to the development regulations or other official controls shall be adopted by the city council by ordinance after a public hearing on the planning commission's recommendation.

(E) Comprehensive Plan. This section is intended to provide the method for adopting amendments to the text and official maps of the city's comprehensive plan. Comprehensive plan amendments may include, but are not limited to, policy changes; land use designation changes; level of service standard changes; addition of new analyses; addition of new elements; or other changes that are mandated by state law or determined to be in the interest of the city. GPMC 19.04.140 describes the adopted comprehensive plan.

(1) Initiation of Amendment. Pursuant to the docketing process set forth under subsection (F) of this section, an amendment to the comprehensive plan may be initiated by:

- (a) The city council requesting the planning commission to set the matter for hearing and recommendations;
- (b) The planning commission with the concurrence of the designated official;
- (c) The city designated official;
- ~~(e)~~(d) One or more property owners directly affected by a proposal through the submittal to the city of an application and fee as set forth in subsections (E)(2) and (3) of this section;

- (d)(e) Citizen advisory committees or organizations through the submittal to the city of an application and fee as set forth in subsections (E)(2) and (3) of this section.
- (2) Application Required. Application for a change to the comprehensive plan shall include:
- (a) A completed application form;
  - (b) Property owners' and agents' names, addresses, and other contact information;
  - (c) Reasons for the requested change;
  - (d) Statement of how the proposed amendment is consistent with comprehensive plan goals and policies;
  - (e) For proposed amendments regarding a specific parcel or parcels rather than a zone, district or designated area of the city:
    - (i) Parcel identification number and address of the parcel or parcels;
    - (ii) Mailing labels of all property owners within 300 feet of the parcel or parcels;
    - (iii) A legal description of the subject property; and
    - (iv) Vicinity map;
  - (f) A completed environmental checklist; and
  - (g) Other relevant information regarding the proposal.
- (3) Fees. As may be established by resolution of the city council.
- (4) Staff Report. The designated official shall prepare a written report on each amendment pending before the planning commission. The report shall be transmitted to the planning commission and to the applicant before the public hearing. Each report shall contain:
- (a) Any factual findings pertaining to the amendment.
  - (b) Any comments from city departments or other agencies with jurisdiction.
  - (c) The environmental assessment, SEPA determination and/or final environmental impact statement.
  - (d) The staff's recommendation.
- (5) Public Hearing by Planning Commission. The planning commission shall hold a public hearing prior to the recommendation for adoption or amendment of any comprehensive plan amendment to the city council. See GPMC 19.04B.400405-460 for hearing procedures and rules.
- (6) Adoption by City Council. Amendments to the comprehensive plan shall be adopted by the city council by ordinance after a public hearing on the planning commission's recommendation.
- (F) Docket Process. The comprehensive plan and development regulations shall be amended no more frequently than annually, except that subarea plans may be adopted as amendments at any time. Amendment proposals shall be processed as follows:
- (1) The city shall advertise the comprehensive plan and development regulation amendment docketing process on September 1st, inviting the public to propose amendments by October 31st. The notice shall also state that the city council shall decide which proposed amendments will be carried forward during the current cycle.
  - (2) At the close of the proposal period, the submittals shall be reviewed by the planning commission and the proposals recommended for further processing sent to the city council. This list will include proposals submitted by city departments, boards and commissions and other agencies as well as private parties.
  - (3) The city council shall adopt a resolution directing the designated official to proceed with the selected amendments for the current cycle. Proposed amendments that are eliminated from further consideration may be resubmitted in the next cycle. [Ord. 905 § 1 (Att. A), 2016; Ord. 827 §§ 5 – 8, 2012; Ord. 740 § 1 (Exh. A), 2007.]

#### **19.04.140 Comprehensive plan.**

##### **(A) Comprehensive Plan Adopted.**

- (1) Official Document. The Granite Falls comprehensive plan as amended, including land use designation maps, is approved in its entirety as the official land use classification and development guidance document for the city.
- (2) Copy Available for Inspection. The adopted Granite Falls comprehensive plan as amended shall be filed with the city clerk and shall be available for public inspection upon its effective date.
- (3) Filed with State. The city clerk shall transmit a copy of the comprehensive plan as adopted to the State Department of Community Trade and Economic Development within 10 days of the effective date of its adoption, and to such other offices and agencies as may be required by law.
- (4) Compliance with Plan – Revisions. The planning commission shall be responsible for recommending amendments to the city development regulations to be consistent with the Granite Falls comprehensive plan.
- (5) City Planning Boundary. The Granite Falls urban growth area designated in the 2015 and subsequent amendments to the Granite Falls comprehensive plan as approved shall serve as the city's planning boundary until such time as it is amended by the city council. [Ord. 905 § 1 (Att. A), 2016; Ord. 862 § 34, 2013; Ord. 740 § 1 (Exh. A), 2007.]

#### **19.04.150 Developer agreements.**

(A) In addition to the provisions of Chapter 19.05 GFMC, the following provisions may be used to set forth binding agreements between the city and project proponents to bind them to specific project requirements:

- (1) The city may consider, and enter into, a development agreement related to a project permit application with a person having ownership or control of real property within the city limits. The city may consider a development agreement for real property outside of the city limits but within the urban growth area (UGA) as part of a proposed annexation or a service agreement.
- (2) A development agreement shall be consistent with the applicable policies and goals of the Granite Falls comprehensive plan and applicable development regulations.

##### **(B) General Provisions.**

- (1) As applicable, the development agreement shall specify the following:
  - (a) Project components which define and detail the permitted uses, residential densities, nonresidential densities and intensities or building sizes;
  - (b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
  - (c) Mitigation measures, development conditions and other requirements of Chapter 43.21C RCW;
  - (d) Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements and other development features;
  - (e) Provisions for affordable housing, if applicable;
  - (f) Parks and common open space dedication and/or preservation;
  - (g) Phasing;
  - (h) A build out or vesting period for applicable standards; and

(i) Any other appropriate development requirement or procedure which is based upon a city policy, rule, regulation or standard.

(2) As provided in RCW 36.70B.170, the development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

(C) Enforceability. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build out period specified in the agreement. The agreement may not be subject to an amendment to a zoning ordinance or development standard or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. The permit approval issued by the city after the execution of the agreement must be consistent with the development agreement.

(D) Approval Procedure. A development agreement shall be processed in accordance with the procedures established in this UDC. A development agreement shall be approved by resolution or ordinance of the city council after a public hearing, based on the hearing examiner's recommendation.

(E) Form of Agreement – Council Approval – Recording.

(1) Form. All development agreements shall be in a form provided by the city attorney's office. The city attorney shall approve all development agreements for form prior to consideration by the planning commission.

(2) Term. Development agreements may be approved for a maximum period of five years.

(3) Recording. A development agreement shall be recorded against the real property records of the Snohomish County assessor's office. During the term of the development agreement, the agreement is binding on the parties and their successors, including any area that is annexed to the city. [Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

#### **19.04.160 Community facilities district provisions.**

(A) Purpose. A community facilities district (CFD) is a special purpose district created to finance and potentially construct local and sub-regional improvements/infrastructure needed to support growth. RCW 36.145.090 designates a CFD as "an independently governed, special purpose district." A CFD provides tax exempt financing which may lower infrastructure costs.

(B) Requirements.

(1) Inclusion in the CFD district is 100 percent voluntary.

(2) CFD property owners pay 100 percent of formation and operations costs associated with the district.

(3) A petition must be accompanied by an "obligation" signed by at least two petitioners who agree to pay the costs of the formation process.

(4) A CFD must be governed by a board of supervisors appointed by each applicable legislative authority within 60 days of formation of the district.

(5) Residents and businesses located outside the CFD boundaries are not subject to assessments.

(6) CFD bonds are secured only by land inside the district.

(7) Improvements must increase property value at least as much as the assessments and assessments must be fairly distributed.

(8) CFD improvements may be financed by the district prior to, during or after completion of improvements.

(9) All improvements must be permitted and approved by the city.

(10) A CFD does not burden municipal finances or debt capacity and is not backed by the credit of the state or city.

(C) Formation of a Community Facilities District.

(1) A petition executed by 100 percent of the property owners within the proposed district including a request to subject their property to the assessments up to the amount included in the petition is filed with the auditor. The petition must be accompanied by an "obligation" signed by at least two petitioners who agree to pay the costs of the formation process.

(2) Petition to form CFD must include a preliminary assessment roll showing the special assessment proposed to be imposed on each lot, tract, parcel or other property and the proposed method or combination of methods for computing special assessments, determining the benefit to assessed property or use from facilities or improvements funded directly or indirectly by special assessments.

(3) The lead auditor has 30 days to confirm that the petition has been validly executed by 100 percent of all owners of the property located within the proposed district.

(4) The auditor must transmit the petition, together with a certificate of sufficiency, to each city petitioned for formation of the district within 10 days of the lead auditor's finding that the petition is complete.

(5) The city gives notice of a public hearing and the community has an opportunity to participate in the public hearing process. The public hearing is held not less than 30 days but not more than 60 days from the date the lead auditor issues the certificate of sufficiency.

(6) The city must find the CFD is "in the best interests of" the city to approve the CFD. A decision must be issued within 30 days of the public hearing.

(7) CFD is final only after the appeal period expires. An appeal must be filed within 30 days of the resolution approving formation of the district.

(8) The CFD is governed by a five-member board of supervisors. The petition nominates two members of the CFD board of supervisors. The city appoints three members of the CFD board of supervisors (either elected officials or qualified representatives).

(D) Board of Supervisors. A CFD must be governed by a board of supervisors appointed by each applicable legislative authority within 60 days of formation of the district.

(1) All members of the board must be natural persons.

(2) All members must serve without compensation but are entitled to expenses, including travel.

(3) The board must designate a chair.

(4) If the proposed district is located entirely within a single jurisdiction, then the board of supervisors consists of three members of the legislative authority of the jurisdiction and two members appointed from among the list of eligible supervisors included in the petition.

(5) If the proposed district is located within unincorporated land that is entirely surrounded by an incorporated city or town, then the board of supervisors consists of two members appointed from county legislative authority, two members appointed from city legislative authority and one member appointed from among the list of eligible supervisors included in the petition.

(6) The legislative members must be chosen only from among the members of its own governing body.

(7) Legislative authorities may appoint qualified professionals with expertise in municipal finance in lieu of one or more appointments. A jurisdiction's appointments to the board may consist of a combination of qualified professionals; however, a legislative authority is not authorized to exceed the maximum number of appointments.

- (8) A vacancy on the board must be filled by the legislative authority. Vacancies must be filled by a person in the same position vacating the board, which for initial petitioner members or nominees includes successor owners of property located within the boundaries of the district.
- (9) If an approved district was originally located entirely on unincorporated land and the land has been annexed into a city then, as of the effective date of the annexation, the city is deemed the exclusive legislative authority and the composition of the board must be structured accordingly.

**(E) Special Assessments.**

- (1) The term of the special assessment is limited to the lesser of 28 years or two years less than the term of any bonds issued by or on behalf of the district to which the assessments or other revenue of the district is specifically dedicated, pledged, or obligated.
- (2) The CFD board must set a date, time, and place for hearing any objections to the assessment roll which must occur no later than 120 days from final approval of formation of the CFD.
- (3) At the hearing on the assessment roll or within 30 days of the hearing the board may adopt a resolution approving the assessment roll or may correct, revise, raise, lower, change or modify the assessment roll and provide the petitioner with a detailed explanation of the changes made by the board.
- (4) If the assessment role is revised by the board in any way, then, within 30 days of the board's decision, the petitioner must unanimously rescind the petition or accept the changes. Upon acceptance the board must adopt a resolution approving the assessment roll as modified by the board.
- (5) Assessments may not be increased without the approval of 100 percent of the property owners subject to proposed increase, except as provided under Chapter 35.44 RCW.
- (6) The computation of special assessments may provide for the reduction or waiver of special assessments for low-income households as that term is defined in RCW 13.130.010.
- (7) All assessments imposed within the boundaries of the approved district are a lien upon the property from the date of final approval and are paramount and superior to any other lien or encumbrance, except a lien for general taxes.
- (8) Special assessments must be collected by the district treasurer. The district treasurer must establish a CFD fund, into which all district revenues must be paid, and must pay assessment bonds, revenue bonds and the accrued interest thereon in accordance with their terms when interest or principal payments become due. [Ord. 905 § 1 (Att. A), 2016; Ord. 862 § 30, 2013.]

**Section 2.** A new GFMC Chapter 19.04A entitled "Procedures" is hereby added to Title 19 to read as follows:

**Chapter 19.04A  
PROCEDURES**

**Sections:**

**Article I. General Provisions**

- 19.04A.010 Purpose and applicability.  
19.04A.020 Delegation of authority.  
19.04A.030 Planning agency identified.  
19.04A.040 Compliance with this title required.

- 19.04A.050 Effect of decisions.
- 19.04A.060 Official file.
- 19.04A.070 Acknowledgment of owner.

## Article II. General Review Procedures

- 19.04A.110 Purpose.
- 19.04A.120 Environmental review.
- 19.04A.130 Construction plan review.
- 19.04A.140 Building and construction permit review.
- 19.04A.150 Phasing development.
- 19.04A.160 Post-annexation processing of building and related permits and land use applications.
- 19.04A.170 Public works standards.
- 19.04A.180 Security mechanisms.

## Article III. Administrative Review Procedures

- 19.04A.205 Purpose.
- 19.04A.210 Types of review.
- 19.04A.215 Land use permits required.
- 19.04A.220 Application procedures.
- 19.04A.225 Noticing requirements.
- 19.04A.230 Time frames for review.
- 19.04A.240 Vacation of approved permits and variances.
- 19.04A.245 Expiration of inactive applications.
- 19.04A.250 Expiration of approvals and approved permits.
- 19.04A.255 Revocation of approved permits.
- 19.04A.260 Public meetings and public hearings.
- 19.04A.265 Appeals.

## Article IV. Duties, Authorities and Qualifications of Permit-Issuing and Review Bodies

- 19.04A.310 Purpose.
- 19.04A.320 Designated official.
- 19.04A.325 Public works director.
- 19.04A.330 Building official.
- 19.04A.350 Hearing examiner.
- 19.04A.360 Planning commission.
- 19.04A.370 City council.

## Article I. General Provisions

### **19.04A.010 Purpose and applicability.**

The purpose of this chapter is to establish procedures for processing project permit applications and for adopting and amending Comprehensive Plans and development regulations. These procedures are intended to promote land use decisions that further the goals and policies of the Comprehensive Plan.

**19.04A.020 Delegation of authority.**

Wherever this title refers to any of the following agents or any other agents of authority in the city, such agent may delegate the agent's authority in the implementation of this title to another competent agent acting in the agent's behalf.

**19.04A.030 Planning agency identified.**

The planning agency (Chapter 35A.63 RCW) for the city shall be composed of the following:

- (A) The designate official;
- (B) The building official;
- (C) The director of public works;
- (D) The hearing examiner;
- (E) The planning commission; and
- (F) The city council.

**19.04A.040 Compliance with this title required.**

(A) All land uses, activities, construction, clearing, grading, filling, development, and structural modifications or alterations shall comply with this title and with all permits and approvals granted for the use, activity, construction, clearing, grading, filling, development, intensification, or structural modifications or alterations. Except as required by state law, no permit or approval shall be issued for any parcel of land developed or divided in violation of this title.

(B) All divisions of land shall comply with this title. Any portion of a lot or lots that was used to calculate compliance with this title, standards, or regulations shall not be subsequently subdivided or segregated from such lot or lots or sold or transferred separately from such lot or lots.

(C) Violations and Penalties.

(1) Any person violating any provisions of this title shall be subject to Section 19.04.120 GPMC, Enforcement.

(2) Any building, structure, development, activity, land use, or division of land, not in conformance with this title and not a legal nonconformance or exempted by a policy governing existing nonconforming structures or uses, is declared to be unlawful, substandard, and a public nuisance, and is subject to the enforcement and abatement provisions in Section 19.04.120 GPMC, Enforcement.

**19.04A.050 Effect of decisions.**

(A) No Occupancy or Use of Property Until Requirements Fulfilled. Issuance of a land use permit authorizes the recipient to commence construction activity, subject to obtaining appropriate building permits, designed to support the approved land use. Actual commencement of the approved land use may not occur until all requirements of the permit have been satisfied.

(B) Transfer of Permit and Permit Applications on Successors and Assigns. Active land use permits and pending land use permit applications, including subdivisions, run with the land and therefore are transferable to new owners.

(C) Reapplication Following Denial of Permit. Whenever a land use permit or a variance is denied, such action may not be reconsidered for a period of one year from the date of denial unless the applicant clearly demonstrates that:

- (1) The zoning classification or relevant development standards have changed;

- (2) New information is available that could not with reasonable diligence have been presented at a previous hearing; or
- (3) The project is modified in such a manner so as to correct the defects on which the original denial was based.

**19.04A.060 Official file.**

(A) The designated official and/or city clerk shall compile an official file on each application filed containing the following:

- (1) The application materials submitted by the applicant.
- (2) Any staff reports prepared.
- (3) All written testimony received on the matter.
- (4) The electronic recording and minutes of any public hearing on the matter.
- (5) The decision of the permit-granting authority on the permit.
- (6) Any other information relevant to the matter.
- (7) Certification of publication, and a copy of the mailed notification and the date of mailing.

(B) The official file is a public record. It is available for inspection and copying in city hall during regular business hours, though availability may be temporarily restricted during or prior to public hearings while staff is preparing for the hearing.

(C) Official files shall be kept pursuant to state retention requirements.

**19.04.070 Acknowledgment of owner.**

(A) All applications shall be signed by the property owner or an authorized representative and shall include an accurate description of the property to be subject to the requested permit.

(B) A developer shall operate under the property owner's authority.

(C) The developer and/or property owner is either an individual or a duly formed and qualified corporation, partnership or other legal entity.

(D) The person signing all applications or other legal documents is authorized by the legal entity and/or property owner to do so.

## **Article II. General Review Procedures**

**19.04A.110 Purpose.**

The purpose of this article is to provide general procedures for the review of development applications. Detailed administrative review procedures for applications and land use actions classified as Types I through Type IV are outlined in Chapter 19.04B GFMC.

**19.04A.120 Environmental review.**

Environmental review is conducted pursuant to Section 19.07.010 GFMC, Environmental review (SEPA).

**19.04A.130 Construction plan review.**

(A) Purpose. The purpose of this section is to establish procedures for reviewing site construction plans for site improvements. Site construction drawings are engineering documents that are required for improvements to a particular site.

(B) Public Works Construction Plan Approval.

- (1) Upon receipt of approval of a land use permit or preliminary subdivision, the applicant is required to apply for construction plan approval relating to following elements: on-site and off-site stormwater management, erosion control measures, public road and frontage improvements, dedication or deeding of right-of-way, street trees and other required landscaping elements, utilities, and any other improvement related to the development.
  - (2) The application for construction plan approval shall include a completed construction plan review application form, plans and materials as outlined in the construction plan submittal checklist, and fee as set by council.
  - (3) The applicant is required to obtain approvals from the postmaster and utility purveyors.
  - (4) Following approval of the construction plans and prior to any site work, the applicant shall schedule a preconstruction meeting with the public works department. All contractors, subcontractors and utility representatives are to meet to discuss and identify how they will address any issues related to the construction activity and minimizing impacts to the neighborhood and nearby facilities.
  - (5) Pursuant to GPMC 20.06.210(A), the city may require a performance security to be in place before construction activities are commenced. Any performance security shall be based on an engineer's estimate of the work to be performed.
- (C) Public Improvements Required Before Occupancy. No final plat approval or certificate of occupancy shall be issued unless the required public improvements have been installed and accepted by the public works department or the applicant has provided a completion security pursuant to GPMC 20.06.210(D) to ensure that all required public improvements will be completed and accepted within 12 months after final plat approval. Replacement trees to be located on public property must be planted prior to final plat approval. Replacement trees to be located on a private lot must be installed prior to issuing a final inspection or certificate of occupancy for that lot.
- (D) Dedication of Public Stormwater Facilities. Stormwater facilities shall be the responsibility of the homeowners association at the time of final plat approval. Multifamily, commercial, and industrial stormwater facilities remain the responsibility of the property owner(s).
- (E) Maintenance of Dedicated Facilities until Acceptance. Facilities intended to be dedicated to the city shall be maintained by the owner until such time as the dedication is accepted by the city.
- (F) Protection against Defects.
- (1) Whenever public improvements are to be dedicated to the city, the developer shall post a maintenance bond or other sufficient surety pursuant to GPMC 20.06.210(D) to guarantee that the developer will correct all defects in such facilities or improvements that occur within two years after the acceptance of dedication of the improvements.
  - (2) An architect or engineer retained by the developer shall certify to the city that all facilities and improvements to be dedicated to the city have been constructed in accordance with the approved construction plan and the requirements of this chapter. This certification shall be a condition precedent to acceptance by the city of the offer of dedication of such facilities or improvements.
  - (3) For purposes of this section, the term "defects" refers to any condition that requires repairs over and above the normal amount of maintenance required for a particular improvement.
- (G) Authorizing Use and/or Occupancy before Completion of Development under Land Use Permits. When weather conditions or other factors beyond the control of the applicant (exclusive of financial hardship) make it unreasonable for the applicant to comply with all of the requirements of the permit (exclusive of subdivision approvals), the designated official may authorize the commencement of the intended use or the occupancy of buildings, if the permit recipient provides a performance bond or

other security to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed 12 months) and if the building official finds that such occupancy will not result in a safety or health hazard.

**19.04A.140 Building and construction permit review.**

Procedures and requirements for administering and enforcing building and construction codes are set forth in GFMC Title 15.

**19.04A.150 Phasing development.**

(A) Projects may be completed in phases, provided the phasing meets the requirements of this section.

(B) The developer shall submit site plans that clearly show the various phases or stages of the proposed development and the requirements of this title that will be satisfied with respect to each phase or stage.

(C) Each phase must stand on its own in terms of meeting the requirements of the permit and this title. For example, improvements necessary to support Phase 1 cannot be deferred to be constructed at Phase 2.

(D) The circulation pattern at the end of each phase must result in a configuration that does not create traffic hazards and that adequately supports the level of traffic anticipated to be generated.

**19.04A.160 Post-annexation processing of building and related permits and land use applications.**

(A) The purpose of this section is to clearly state the process for processing of permits in newly annexed areas consistent with any adopted interlocal agreements.

(B) The city will honor subdivisions, short plats, and other projects that have already vested under Snohomish County development standards pursuant to this section.

(C) The county will continue the building permit review and project inspections of vested active projects and active land use permits pursuant to any adopted annexation interlocal agreement.

(D) After the effective date of an annexation, all new land use and building applications not previously vested shall conform to city regulations, and all plan reviews and inspections will be conducted by the city.

(E) Transfer by Request of an Applicant. An applicant may request a transfer of a pending building permit application from the county to the city by submitting a written request to the city. The city will recognize any intermediate approvals that are effective prior to transfer of the permit application.

(F) Permit Renewal or Extension. After the effective date of annexation, any request to renew a building permit or to renew or extend a land use permit issued by the county in the annexation area shall be made to and administered by the city and subject to the provisions of GFMC 19.04A.250.

(G) Applicant-Requested Change to County Vested Project or County Approved Land Use Permit. Once permit processing has been transferred to the city pursuant to subsections (C) and (D) of this section, or a permit has been approved by the county pursuant to an adopted annexation interlocal agreement, an applicant may request a change to a permit from the city in compliance with the requirements within the applicable code section. Administrative modifications will be pursuant to county code; all other modifications will be pursuant to city code.

(H) Expiration of County Vested Permits. The vested status of permits in an annexation area which vested in the county before the effective date of the annexation shall expire pursuant to the county

code. If the county code does not specifically address expiration, then GPMC 19.04A.250 shall govern expiration of vested status.

**19.04A.170 Public works standards.**

The public works standards are located in GPMC 12.05.

**19.04A.180 Security mechanisms.**

Security mechanisms are located in GPMC 20.06.200 and GPMC 20.06.210.

**Article III. Administrative Review Procedures**

**19.04A.205 Purpose.**

It is the intent of this article to provide the administrative review procedures for applications and land use actions classified as Types I through IV.

**19.04A.210 Types of review.**

(A) The purpose of this section is to provide an overview of the four levels of land use review. Land use and development decisions are classified into four processes based on who makes the decision, the amount of discretion exercised by the decision maker, the level of impact associated with the decision, the amount and type of input sought, and the type of appeal opportunity.

(B) Classification of Permits and Decisions.

(1) Type I Review – Administrative Decisions without Notice. A Type I process is an administrative review and decision by the appropriate department or division. Applications reviewed under the Type I process are minor administrative decisions and are exempt from certain administrative procedures, such as complete application review, noticing, and decision time frames. Appeals of Type I decisions are made to the hearing examiner, except shoreline permit appeals are made to the shoreline hearings board. The permits and actions reviewed and decided as Type I are listed in the table in subsection (D) of this section.

(2) Type II Review – Administrative Decisions with Notice. A Type II process is an administrative review and decision with recommendation from staff, city departments or others and requiring public notice at the application and/or decision stages of the review. Appeals of Type II decisions are made to the hearing examiner, except shoreline permit appeals are made to the shoreline hearings board. The permits and actions reviewed and decided as Type II are listed in the table in subsection (D) of this section.

(3) Type III Review – Quasi-Judicial Decisions – Hearing Examiner. This Type III process is a quasi-judicial review and decision by the hearing examiner. The hearing examiner makes a decision based on a staff report. A public meeting may be held prior to the hearing examiner hearing with the planning commission. The hearing examiner considers public testimony received at an open record public hearing. Public notification is provided at the application, public hearing, and decision stages of application review. Appeals of hearing examiner decisions are made to Snohomish County superior court, except shoreline permit appeals are made to the shoreline hearings board. The permits and actions reviewed and decided as Type III are listed in the table in subsection (D) of this section.

(4) Type IV Review – Legislative Decisions – City Council with Planning Commission Recommendation. A Type IV review is for legislative and/or non-project decisions by the city council under its authority to establish policies and regulations regarding future private and

public development and management of public lands. The planning commission makes a recommendation to the city council. The planning commission will conduct a public hearing to obtain public testimony on the proposed legislation. The city council may elect to conduct an additional public hearing. The actions reviewed and decided as Type IV are listed in the table in subsection (D) of this section.

(C) Permits and Actions Not Listed. If a permit or land use action is not listed in Table 19.04A-I, the designated official shall make the determination as to the appropriate review procedure.

(D) Permit-Issuing Authority and Appeal Authority. The permit-issuing authority and appeal authority for permit applications and legislative actions are established in Table 19.04A-I. A detailed explanation for each review procedure is in Chapter 19.04B GFMC under each article for each review type. Any inconsistency in classification of permits and decisions between Table 19.04A-I and Titles 19 and 20, Table 19.04A-1 shall govern.

**Table 19.04A-I: Classification of Permits and Decisions**

Type of Application	Public Comment/Notice Period	Pre-Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non-City or Judicial Appeal
<b>Type I:</b>								
Grading permit and sign permit	No	No	No	No	DO	HE	No	Yes
Home occupation permit and day care facilities	No	No	No	No	DO	HE	No	Yes
Accessory dwelling unit	No	No	No	No	DO	HE	No	Yes
Parcel combination	No	No	No	No	DO	HE	No	Yes
Boundary line adjustment	No	No	No	No	DO	HE	No	Yes
Administrative deviation and interpretation	No	No	No	No	DO	HE	No	Yes
Floodplain development permit	No	No	No	No	DO	HE	No	Yes
Small cell WCF; co-located WCF; minor modifications	No	No	No	No	DO	HE	No	Yes
Temporary permits	No	No	No	No	DO	HE	No	Yes
Final Short Plat	No	No	No	No	DO	HE	No	Yes
Minor amendments to administratively approved permits	No	No	No	No	DO	HE	No	Yes

**Table 19.04A-I: Classification of Permits and Decisions**

Type of Application	Public Comment/Notice Period	Pre-Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non-City or Judicial Appeal
<b>Type II:</b>								
Flood hazard variance*	14-day NOA or NOH	No	No	No	DO *	HE	No	Yes
Sensitive area reasonable use allowance*	15-day NOA or NOH	No	No	No	DO *	HE	No	Yes
Short plat	15-day NOA	DO	No	No	DO and PWD	HE	No	Yes
Binding site plan	10-day NOA	DO	No	No	DO	HE	No	Yes
Site plans	15-day NOA	DO	Yes	No	DO	HE	No	Yes
Shoreline substantial development permit	30-day NOA 15-day NOH	No	No	No	DO	HE	No	Yes
Plat alterations to subdivision and PRDs	10-day NOA	DO	No	No	DO	HE	No	Yes
Plat Vacations	10-day NOA							
SEPA determination	14 days (post determination)	No	No	No	DO	HE	No	Yes
Concurrency evaluation	None	No	No	No	DO	HE	No	No
Minor Amendments to Type III permits	10-day NOA	No	No	NO	DO	HE	No	Yes
<b>Type III:</b>								
Conditional use permit and Variances	15-day NOA 10-day NOH	No	No	HE	HE	No	No	Yes
Preliminary plat	15-day NOA 10-day NOH	DO	PC	HE	HE	No	No	Yes
Shoreline CUP	30-day NOA plus 15-day NOH	No	No	HE	HE	No	No	Yes
Shoreline variance	30-day NOA plus 15-day NOH	No	No	HE	HE	No	No	Yes
WCF: Monopole	15-day NOH	DO	PC	HE	HE	No	No	Yes
WCF: Small cell architectural	15-day NOH	DO	PC	HE	HE	No	No	Yes

**Table 19.04A-I: Classification of Permits and Decisions**

Type of Application	Public Comment/Notice Period	Pre-Application Meeting	Public Meeting/Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non-City or Judicial Appeal
design deviation request								
Official site plan for manufactured home parks, PRD, and Residential Condominiums	15-day NOA 10-day NOH	DO	PC	HE	HE	No	No	Yes
Day care centers	15-day NOA 10-day NOH	DO	No	HE	HE	No	No	Yes
Major Amendments to Type III permits	15-day NOA 10-day NOH	DO	No	HE	HE	No	No	Yes
<b>Type IV:</b>								
Comprehensive plan amendment	NOA 10-day NOH	None	Yes	PC++	PC recommendation** 10-day NOH	No	No	Yes
Development regulations amendments	NOA 10-day NOH	None	No	PC++	PC recommendation** CC decision**	No	No	Yes
Annexation	15-day NOA 10-day NOH	DO, CE	No	CC/SCBRB	CC/SCBRB	No	No	Yes
Final plat	10-day NOA	No	No	No	CC	No	No	Yes
Vacations of streets and alleys	10-day NOH	CE	No	CC	CC	No	No	Yes
Development agreement***	10-day NOH	No	No	CC	CC	No	No	Yes
Zoning map amendment	10-day NOH	DO	No	PC	CC	No	No	Yes

CC City Council

HE Hearing Examiner

NOH Notice of Hearing (per GPMC 19.04A.260)

WCC Wireless Communications Facilities

CE City Engineer

DO Designated Official

NOA Notice of Application (per GPMC 19.04B.225)

PC Planning Commission.

SCBRB Snohomish County Boundary Review Board

PWD Public Works Director

\* The designate official shall have the option of referring the application to the hearing examiner for a public hearing and decision. In this case, an appeal of the hearing examiner's decision shall be heard in a closed record appeal as a judicial appeal.

\*\* Either the planning commission or the city council may opt to hold one or more workshops or joint workshops on an application.

\*\*\* Planning commission review is not required for this type of action. City council will be the sole reviewing body.

++ The city council may opt to hold the required public hearing(s).

(E) Associated Land Use Determinations. Associated land use determinations are decisions that need to be made as part of another land use action or permit review, as set forth in Table 19.04A-II. Each type of determination has a separate review process determined by the designated official or public works director.

**Table 19.04A-II: Associated Land Use Determinations**

Associated Land Use Determinations
<ul style="list-style-type: none"> <li>• Public Works Standards Street Deviations</li> </ul>
<ul style="list-style-type: none"> <li>• Miscellaneous Administrative Determinations (e.g., application requirements, waiver allowed by code in parking or landscaping, etc.)</li> </ul>
<ul style="list-style-type: none"> <li>• Underground Utility Deviations</li> </ul>

**19.04A.215 Land use permits required.**

- (A) Prior to building construction or alteration, substantial change of use, land clearing, or grading, the property owner is required to obtain applicable permits.
- (B) Whenever a proposed project requires more than one land use permit, the permits will be processed simultaneously using the consolidated permit process specified in GPMC 19.04A.220(G).

**19.04A.220 Application procedures.**

- (A) This section describes the requirements for making application for review, including pre-application conferences, submittal requirements, and fees.
- (B) Applications for development permits and other land use actions shall be made to the city clerk, except Type I applications shall be made to the department which has the decision-making authority (see GPMC 19.04A.210(D)).
- (C) The property owner or any agent of the owner with authorized proof of agency may apply for a permit or approval under the type of process specified. Consent to the application must be made by the owners or lessees of property or persons who have contracted to purchase property. Signatures by agents of these parties may be accepted, if a letter from the party with ownership interest is submitted which authorizes the agent to sign the application in their name.
- (D) Pre-Application Conferences.
  - (1) To achieve efficient and effective application of the requirements of this title, a pre-application conference between the applicant and the city staff is required for projects identified in Table 19.04A-I.
  - (2) Pre-application conferences are highly recommended for applications requiring Type II, III, and IV reviews which are not identified as requiring one under Table 19.04A-I. Pre-application conferences are optional for applications requiring Type I reviews.
  - (3) Prior to submitting an application, the applicant may arrange a conference with designated official staff to review the proposed action, to become familiar with city policies, plans and development requirements and to coordinate all necessary permits and procedures. Pre-application procedures and submittal requirements shall be determined by the designated official and available in city halls.

(4) Since it is impossible for the conference to be an exhaustive review of all potential issues, the discussions at the conference shall not bind or prohibit the city's future application or enforcement of all applicable law.

(5) To request a pre-application conference, an applicant shall submit a set of preliminary plans to the city. The amount and quality of the information submitted is up to the applicant; however, better information provided initially is more likely to result in better feedback and discussion with staff. At a minimum, the plans should include a basic layout of the proposal, including circulation, lot patterns and building locations, location of critical areas, and other site constraints.

**(E) Submittal Requirements.**

(1) Consistent with this code, the designated official shall specify submittal requirements, including type, detail, and number of copies, for an application to be complete. Submittal requirements for each permit application shall be available in city hall. At a minimum the following shall be submitted with new applications:

- (a) General application form;
- (b) Environmental checklist (if not exempt);
- (c) Applicable signatures, stamps or certifications;
- (d) All required items stated in the applicable development handouts.

(2) The designated official may waive in writing specific submittal requirements determined to be unnecessary for review of an application. Alternatively, the designated official may require additional material, such as maps, studies, or models, when the designated official determines such material is needed to adequately assess the proposed project and submits the request in writing to the applicant.

**(F) Determination of Complete Application.**

(1) The presumption established by this title is that all of the information set forth in the specified submittal checklists is necessary to satisfy the requirements of this section. However, each development is unique, and therefore the designated official may request additional information, if necessary, or may waive certain items if it is determined they are not necessary to ensure that the project complies with city requirements.

(2) The designated official shall make a determination of completeness pursuant to GFMC 19.04A.230(C).

**(G) Consolidated Permit Process.**

(1) When applying concurrently for a development that involves two or more related applications, individual permit numbers shall be assigned and separate permit fees shall be paid, but the applications may be reviewed and processed collectively at the applicant's request. A consolidated report setting forth the recommendation and decision shall be issued.

(2) Applications processed in accordance with subsection (G)(1) of this section, which have the same highest numbered procedure but are assigned different hearing bodies, shall be heard collectively by the highest decision maker(s). The city council is the highest, followed by the hearing examiner and the planning commission.

(3) No hearing or deliberation upon an application for a conditional use permit, subdivision, variance, residential development, site development plan review, administrative conditional use permit, shoreline permit, or similar quasi-judicial or administrative action, which is inconsistent with the existing zoning map, shall be scheduled for the same meeting at which the required zoning map amendment will be considered by the appropriate hearing body. This section is intended to be a procedural requirement applicable to such actions as noted in RCW 58.17.070.

(H) Application and Inspection Fees. Fees are set forth in a separate fee resolution adopted by the city council.

#### **19.04A.225 Noticing requirements.**

##### **(A) Mailed Notices.**

(1) Mailings shall include a mailed notice to owners of real property within 300 feet of the project site, including the project name and number and the following information. Mailings may provide a website address where detailed information is available for viewing. Mailings shall include the following information or Internet addresses to the following information:

- (a) The date of application and the date of the notice of application;
- (b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;
- (c) The identification of other permits not included in the application, to the extent known by the city;
- (d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
- (e) A statement of the limits of the public comment period;
- (f) A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a hearing, if applicable, request a copy of the decision once made, and any appeal rights;
- (g) The date, time, place and type of meeting or hearing, if applicable and if it is scheduled at the date of notice of the application;
- (h) A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation;
- (i) A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal or website address where maps can be viewed;
- (j) A statement announcing the city's goal of complying with the intent of the Americans with Disabilities Act, announcing accessibility, offer of assistance to persons with special needs, and availability of TDD services;
- (k) Any other information determined appropriate by the city, such as the city's threshold determination, if complete at the time of issuance of the notice of application.

(2) Mailings will be sent to adjacent jurisdictions if the proposed development is within one-quarter mile of the jurisdiction's boundary; the State Department of Transportation if the proposed development is adjacent to a state highway; and to all other agencies with jurisdiction.

(3) Mailings shall also include the mailed or emailed notice of application including at least the information required in subsection (A)(1) of this section to each person who has requested such notice.

(4) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

(5) The records of the Snohomish County assessor's office or title company shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the Snohomish County real property tax records.

(6) All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

**(B) Posted Notices.**

(1) On-Site Posting. At least one public notice board shall be posted on the site on each public right-of-way fronting on the site. The sign shall be erected in a manner that is accessible and easy to read by the general public. The designated official shall establish standards for size, color, layout, design, wording and placement of the notice boards, which generally shall consist of the items listed in subsection (A)(1) of this section. The designated official and/or city clerk will prepare signs for on-site posting and post the site. A signed affidavit of on-site posting with a photo of each on-site notice is required.

(2) Public Posting. A public notice shall also be posted on the official notice board at City Hall, library, and the post office.

**(C) Published Notice.** When required, the applicable department director shall publish a notice at least once in a newspaper of general circulation in the city. At a minimum the notice shall contain the following information (specific state or federal laws may require certain items contained on a public notice):

- (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 14 nor more than 30 days. The length of the comment period will be based on complexity of the project, as determined by the designated official;
- (8) Identification of existing environmental documents;
- (9) A city staff contact and phone number;
- (10) The date, time, and place of a public hearing if one has been scheduled.

**(D) Responsibility for Notice.** The designated official and/or city clerk is responsible for providing published legal notices, mailed notices, and posted notices. The applicant is responsible for complying with on-site posted notice requirements.

**19.04A.230 Time frames for review.**

**(A) Purpose.** RCW 36.70B.070 and 36.70B.080 require time frames be established to ensure applications are reviewed in a timely and predictable manner. This subsection establishes the time frames and procedures for a determination of completeness and final decision for Type II, III, or IV reviews. No time frames are established by these statutes for Type I or Type V reviews.

**(B) Computing Time.** Unless otherwise specified, all time frames are indicated as calendar days, not working days. For the purposes of computing time, the day the determination or decision is rendered shall not be included. The last day of the time period shall be included; provided, that if it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the city's ordinances as a legal holiday, then it also is excluded and the time period concludes at the end of the next business day.

**(C) Complete Application Review Time Frame.** The following procedures shall be applied to new applications requiring Type II and III reviews. Applications requiring Type I or Type IV review are excluded from this requirement.

- (1) Within 28 days after receiving an application, the designated official and/or city clerk shall mail, email, fax, or otherwise provide to the applicant a written determination that the application

is complete, or that the application is incomplete, and what is necessary to make the application complete. The applicant has 90 days to submit the necessary information to the city.

(2) If the designated official does not provide a written determination within the 28 days, the application shall be deemed complete at the end of the twenty-eighth day.

(3) If additional information is needed to make the application complete, the designated official shall notify the applicant whether the application is complete or what additional information is necessary within 14 days after an applicant has submitted the information identified by the designated official as being needed.

(4) An application is complete for purposes of this section when it meets the submittal requirements established by the designated official and is sufficient for continued processing, even though additional information may be required, or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the designated official from requesting additional information or studies either at the time of the notice of completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.

(5) To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the city's determination of completeness required by subsection (C)(1) of this section.

(D) Application Review and Decision Time Frame.

(1) Decisions on Type II and III applications shall not exceed 120 days, unless the designated official makes written findings that a specified amount of additional time is needed for processing of a specific complete project application. Applications for developments that are complex or that have extensive or difficult issues may take additional time. The applicant and the city may agree in writing to extend the time period.

(2) Preliminary Plats. Pursuant to RCW 58.17.140, preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from the date of filing thereof unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to 21 days as specified under RCW 58.17.095(3). The 90-day period shall not include the time spent preparing and circulating an environmental impact statement by the local governmental agency.

(3) Final Plats and Short Plats. Pursuant to RCW 58.17.140, final plats and short plats shall be approved, disapproved, or returned to the applicant within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(4) Appeals. The time period for consideration and decision on appeals shall not exceed 90 days for an open record appeal hearing and 60 days for a closed record appeal. The parties may agree in writing to extend these time periods. Any extension of time mutually agreed upon by the applicant and the city shall be in writing.

(5) Exemptions. The time limits established in this title do not apply if a project permit application:

(a) Requires an amendment to the comprehensive plan or a development regulation;

(b) Requires approval of the siting of an essential public facility as provided in RCW 36.70A.200;

(c) Is reviewed as Type I or IV permit;

(d) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.

(E) Calculating Decision Time Frame. In determining the number of days that have elapsed after the city has notified the applicant that the application is complete for purposes of calculating the time for issuance of the notice of final decision, the following periods shall be excluded:

- (1) Any period during which the applicant has been requested by the city to correct plans, perform required studies, or provide additional required information. If the city determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies. The period shall be calculated from the date the city notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided to the city;
- (2) Any period during which an environmental impact statement is being prepared following a determination of significance (DS) pursuant to Chapter 43.21C RCW, or if the city and the applicant in writing shall agree to a time period for completion of an environmental impact statement;
- (3) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed; or
- (4) Any extension of time mutually agreed upon by the applicant and the city.

(F) Possible Extension of Time for Final Decision. If the city is unable to issue a final decision within the time limits provided herein, the applicant shall be provided written notice of this fact. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

#### **19.04A.240 Vacation of approved permits and variances.**

(A) Requests to vacate a permit or variance shall be made in writing to the city clerk.

(B) The designated official may vacate the permit or variance if the following conditions are present:

- (1) The use authorized by the permit or variance does not exist and is not actively being pursued; or
- (2) The use has been terminated and no violation of the terms and the conditions of the variance or permit exists.

(C) Vacation of any permit or variance shall be documented by the filing of a notice of land use permit or variance vacation with the county auditor on a form provided by the designated official and/or city clerk.

#### **19.04A.245 Expiration of inactive applications.**

(A) An application shall expire 180 days after the last date that additional information is requested, if the applicant has failed to provide the information, except that:

- (1) The designated official may grant one 90-day extension if the following criteria are met:
  - (a) A written request for extension is submitted at least 30 days prior to the expiration date;
  - (b) The applicant demonstrates that circumstances beyond the control of the applicant prevent timely submittal of the requested information; and
  - (c) The applicant provides a reasonable schedule for submittal of the requested information.
- (2) The department may set an expiration date of less than 180 days, when the permit application is the result of a code enforcement action. Permit application expiration does not affect permits under code enforcement action.

(3) No application shall expire when under review by the department following submittal of a complete application or timely resubmittal of an application when all required information has been provided.

(4) The department may extend an expiration date for an application with no written request from an applicant, when additional time for city processing or scheduling of appointments is required, when the department needs information or responses from other agencies, or under other similar circumstances.

(B) A permit application approved for issuance, but not paid for and issued, shall expire 90 days after the date it is approved for issuance.

#### **19.04A.250 Expiration of approvals and approved permits.**

(A) Land use approvals/permits other than subdivisions or shoreline permits shall expire automatically within one year after the issuance of such permits, if:

(1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, excavation or demolition is necessary before commencement of such use; or

(2) Less than 10 percent of the total cost of all construction, excavation or demolition of the approved development has been completed.

(B) Land use permits other than subdivisions shall also expire automatically if construction, grading or excavation is commenced but such work is discontinued for a period of one year.

(C) For land use permits other than preliminary short subdivisions, subdivisions and sign permits:

(1) The designated official may grant one six-month extension to a permit upon showing proper justification, if:

(a) The extension is requested at least 30 calendar days before the permit expires;

(b) The permittee has proceeded with due diligence and in good faith; and

(c) The zoning designation of the property has not changed.

(2) Proper justification consists of one or more of the following conditions:

(a) Economic hardship;

(b) Change of ownership;

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

(d) Other circumstances beyond the control of the applicant and determined acceptable by the appropriate department director.

(D) Preliminary short subdivision approvals shall expire automatically if, within five years after the issuance of such approvals:

(1) The final plat or short plat has not been submitted to the city for approval; or

(2) An extension has not been granted. The designated official may approve a single one-year original extension to the approval, if:

(a) The request was delivered in writing to the designated official or city clerk at least 30 calendar days prior to the approval's expiration and meets one of the proper justifications listed in subsection (C)(2) of this section;

(b) The permittee has proceeded with due diligence and in good faith to complete the plat; and

(c) Conditions have not changed so substantially as to warrant a new application.

(E) Subdivision approvals shall expire in accordance with GFMC 20.08.030(H)(2).

(F) Construction Plan Approvals.

(1) Construction plans for projects reviewed under the development code shall be approved for a period of 60 months from the date the city signs the plans or until expiration of the preliminary plat, preliminary short plat, binding site plan, conditional use permit, or site development plan approval, whichever is shorter. If the construction plan is not connected to another permit, it shall expire in one year with one six-month extension allowed.

(2) The city may grant an extension of up to 12 months if substantial progress has been made by the applicant to complete construction of the approved project. Extensions shall be considered on a case-by-case basis by the public works director or designee and will require a letter to be submitted to the city requesting the extension at least 30 calendar days prior to the approval's expiration. Said letter shall demonstrate that the project has made substantial construction progress, the reason for the extension request, and an estimated timeline for completion of construction.

(3) When the approval period or any extension thereof expires, the city's approval of the construction plans shall be deemed automatically withdrawn. In order to receive further consideration by the city after such expiration and automatic withdrawal, construction plans must be resubmitted and must comply with the current code requirements.

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

#### **19.04A.255 Revocation of approved permits.**

(A) The hearing entity may revoke an approved permit through the same approval and/or hearing procedures for the original approval.

(B) An approved permit may be revoked only upon finding that:

- (1) The use for which the approval was granted has been abandoned for a period of at least one year;
- (2) Approval of the permit was obtained by misrepresentation of material fact; or
- (3) The permit is being exercised contrary to the terms of approval.

#### **19.04A.260 Public meetings and public hearings.**

(A) This section sets forth procedures for public meetings and hearings in addition to processes set forth in each of the review types in Chapter 19.04B GFMC.

(B) Public Meetings. The purpose of a public meeting is to provide the public with the opportunity to learn about a project and/or the city, a board or panel, or decision maker to ask questions for a better understanding of a project. Meetings are not as formal as a hearing, do not require public testimony, and are not required to be taped. Public meetings may be required for Type II, III, or IV reviews.

(C) Public Hearings. The purpose of having hearings is to provide decision makers with an opportunity to obtain additional information and to provide the public with an opportunity to introduce that information and to make their views known. Public hearings are required for Type III and IV reviews. When this title or state law requires a hearing, the following shall apply:

- (1) A verbatim record shall be kept;
- (2) Those present shall be given the opportunity to testify;
- (3) The hearing authority shall be allowed to ask questions of those testifying;
- (4) The hearing shall be conducted to ensure fairness to all parties;
- (5) The hearing authority may subpoena witnesses; and

(6) A hearing may be kept open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six months or more elapses between meeting dates.

(D) Notices of public meetings or hearings shall include the following information:

- (1) The date, time, and place of the hearing.
- (2) Location of the site.
- (3) A brief description of the request, and any proposed modifications or variances.
- (4) Applicant's name.
- (5) Project name and file number and a statement of its availability for inspection by the public.
- (6) A statement of the right of any person to submit written testimony to the appropriate permit-issuing authority and to appear at the public hearing to give testimony orally.
- (7) A statement that only persons who submit written or oral testimony to the permit-issuing authority may appeal the decision.
- (8) A statement announcing the city's goal of complying with the intent of the Americans with Disabilities Act, announcing accessibility, offer of assistance to persons with special needs, and availability of TDD services.

(E) Burden of Proof/Testimony.

- (1) The burden of presenting evidence to the permit-issuing entity sufficient to lead it to conclude that the application should be approved, conditioned, or denied shall be upon the party advancing the position.
- (2) All persons in attendance that wish to testify shall be sworn in.
- (3) All findings and conclusions necessary to the issuance of a decision shall be based upon reliable evidence.

(F) Joint Public Meetings or Hearings.

- (1) Approval Authority's Decision to Combine Joint Hearing. At the applicant's request, the approval authority may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as:
  - (a) The hearing is held within the city limits; and
  - (b) The requirements of subsection (F)(3) of this section are met. [RCW 36.70B.110(7)]
- (2) Applicant's Request for a Joint Meeting or Hearing. The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings. [RCW 36.70B.110(7)]
- (3) Prerequisites to Joint Public Meeting or Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:
  - (a) The other agency is not expressly prohibited by statute from doing so [RCW 36.70B.110(8)];
  - (b) Sufficient notice of the meeting or hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;
  - (c) The agency has received the necessary information about the proposed project from the applicant in enough time to hold its meeting or hearing at the same time as the local government hearing; and
  - (d) The meeting or hearing is held within the geographic boundary of the local government.

(G) Record.

(1) Tape recordings shall be made of all hearings required by this title, and such recordings shall be kept for at least two years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made. The written decision of a hearing examiner shall meet the requirement for minutes of the hearing examiner public hearing.

(2) Whenever practicable, all documentary evidence presented at a hearing, as well as all other types of physical evidence, shall be made a part of the record of the proceedings and shall be kept by the city for at least two years.

#### **19.04A.265 Appeals.**

(A) This section sets forth procedures for appeals, in addition to any specific procedures set forth in each of the review types in Chapter 19.04B GPMC.

(B) Processing of Appeals. Appeals of decisions on project permit decisions shall be processed according to the procedures outlined in each of the review types in Chapter 19.04B GPMC. The decision maker on the appeal may reverse or affirm or modify the decision, if it is found the original decision was based on faulty facts or incorrect application of the law. Any modifications to the decision shall be limited to those necessary to ensure the decision criteria of this title are met.

(C) Effect of Appeal. Decisions on Type I, Type II and Type III permits are assumed valid unless overturned by an appeal decision. An appeal stays all actions by the designated official seeking enforcement of or compliance with the order or decision appealed from, unless the designated official finds that a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed except by order of the hearing examiner or a court.

(D) Exhaustion of Administrative Remedies. No action to obtain judicial review may be commenced unless all rights of administrative appeal provided by this title or state law have been exhausted. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant. A copy of each transcript prepared by an appellant shall be submitted to the city for confirmation of its accuracy.

(E) Consolidated Appeals. All appeals of project permit application decisions, other than an appeal of determination of significance (DS), shall be considered together in a consolidated appeal. [RCW 43.21C.075, 36.70B.060(6)].

### **Article IV. Duties, Authorities and Qualifications of Permit-Issuing and Review Bodies**

#### **19.04A.310 Purpose.**

The purpose of this article is to define the authorities, roles and responsibilities for the positions or entities responsible for administering this title.

#### **19.04A.320 Designated official.**

(A) The designated official enforces the municipal code unless otherwise specified. As specified in this title, the designated official shall be a city representative.

(B) Authority and Duties. The designated official or designee shall have the authority to enter and inspect buildings and land during reasonable hours with permission of the occupant or owner or by court order, to issue abatement orders and citations and to cause the termination and abatement of violations of this title unless otherwise specified. The duties of the designated official shall include, but not be limited to, the following: enforce and administer this title unless otherwise specified; investigate complaints and initiate appropriate action; render decisions or make recommendations as specified in this title; and keep adequate records of land use applications, enforcement actions, and appeals. The

designated official may also review administrative modifications items previously approved by the planning commission, and/or city council.

(C) Appeals. Appeals of final decisions of the designated official made in the course of interpretation or administration of this title shall be governed by GPMC 19.04A.265, Appeals. Code enforcement actions pursuant to GPMC 19.04A.040, Compliance with this title required, are not "final decisions" for the purpose of this section, except as otherwise provided in this title.

#### **19.04A.325 Public works director.**

The public works director or designee is the administrative head of the public works department. As provided in various sections, the public works director is responsible for planning, administration, enforcement, and decision making as it pertains to public improvements as specified in this title, including the approval of plans for public improvements and approval of public improvements for acceptance by the city, or to delegate such authority to the public works staff or designated official. In delegating authority, the public works director or his or her representative reserves the right of final decision.

#### **19.04A.330 Building official.**

The office of the building official is established to administer and enforce the building and construction codes. The rules, regulations and procedures under which the building official or designee shall operate are established in GPMC Title 15.

#### **19.04A.350 Hearing examiner.**

(A) The purpose of establishing a hearing examiner is to separate the application of land use regulations from policy making; to provide a level of expertise to conduct administrative and quasi-judicial hearings arising from the application of this title and the rules and procedures developed under it; to better protect and promote the interests of the community; and to expand the principles of fairness and due process in public hearings.

(B) Authority and Duties. The hearing examiner shall serve at the pleasure of the mayor. The hearing examiner shall interpret, review and make recommendations on implementation of land use regulations as provided by ordinance and may perform other quasi-judicial functions as are delegated by ordinance. Unless otherwise specified, the term "hearing examiner" shall also mean deputy examiners and examiners pro tem. Hearing examiners shall be appointed based on their qualifications for the duties of the office including education and experience.

(1) Influence and Conflict of Interest. No person, including city officials, elected or appointed, shall attempt to influence the hearing examiner in any matter pending before him/her, except at an open record hearing duly called for such purpose, or to interfere with the hearing examiner in the performance of his/her duties in any way; provided, that this section shall not prohibit the city attorney from rendering legal service to the hearing examiner upon request. The hearing examiner shall be subject to the same code of ethics as set forth in Chapter 42.23 RCW.

(2) Rules. The hearing examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to his/her duties.

(3) Powers. The hearing examiner shall have the authority to:

(a) Review and make decisions on the following land use permit matters pursuant to RCW 35A.63.170:

- (i) Conditional use permits;
- (ii) Variances;

- (iii) Preliminary plats;
- (iv) Appeals of administrative decisions or determinations;
- (v) Planned residential developments (PRDs);
- (vi) Binding site plans;
- (vii) Appeals of administrative decisions or determinations pursuant to Chapter 43.21C RCW, the State Environmental Policy Act (SEPA);
- (viii) Amortization periods for nonconforming signs;
- (ix) Manufactured/mobile home parks;
- (x) Nonconforming use permits; and
- (xi) Appeals of SEPA determinations of the underlying land use action.

(b) Review and decide civil violations in conjunction with enforcement actions of the city as described in GPMC 19.04.120, Enforcement.

(c) Review and make recommendations to city council regarding a proposed development agreement in compliance with GPMC 19.04.150.

(4) Procedures. The hearing examiner shall:

- (a) Receive and examine available information;
- (b) Conduct public hearings in accordance with the provisions of this UDC and Chapter 36.70B RCW and ensure that the city makes a recording of the open record hearing;
- (c) Administer oaths and affirmations;
- (d) Issue subpoenas and examine witnesses; provided, that no person shall be compelled to divulge information which he/she could not be compelled to divulge in a court of law;
- (e) Regulate the course of the hearing;
- (f) Make and enter findings of fact and conclusions to support his/her decisions;
- (g) Conduct conferences for the settlement or simplification of the issues;
- (h) Conduct discovery;
- (i) Dispose of procedural requests or similar matters;
- (j) Take official notice of matters of law or material facts;
- (k) Issue summary orders in supplementary proceedings; and
- (l) Take any other action authorized by or necessary to carry out this chapter;

(m) The above authority may be exercised on all matters for which jurisdiction is assigned to the hearing examiner by city ordinance, code or other legal action of the city council. The nature of the hearing examiner's decision shall be as specified in this chapter and in each ordinance or code which grants jurisdiction to the hearing examiner.

#### **19.04A.360 Planning commission.**

(A) A planning commission is created by Chapter 2.24 GPMC to involve residents of the city in advising the city council on matters of community development.

(B) Authority and Duties. The planning commission's authority and duties are provided in Chapter 2.24 GPMC and this section. The planning commission shall serve as an advisory body to the city council in the following respects:

- (1) The planning commission may make recommendations to the city council based on its findings and conclusions and on those of its committees. It shall prepare the elements of the comprehensive plan or this title for adoption or modification; advise the council regarding comprehensive land use and development policy or special area concerns; and investigate and make recommendations on matters suggested by the council, the mayor, Granite Falls citizens, or upon its own initiative.

(2) The planning commission shall monitor the growth and development of the city and the areas surrounding the city and shall continually reevaluate and recommend revisions to the elements of the comprehensive plan or land use code.

(C) Public Hearings. The planning commission shall conduct its public hearings under this title in accordance with GFMC 19.04A.260, Public meetings and public hearings. The planning commission may hold additional hearings and meetings as it sees fit to conduct its business.

(D) Quorum. A quorum shall be considered a majority of the currently constituted membership.

#### **19.04A.370 City council.**

(A) The city council makes decisions on changes to the text of this title and to the official zoning map pursuant to Section 19.04.130 GFMC.

(B) Authority and Duties. The city council's authority and duties are provided in Chapter 2.08 GFMC.

(C) Public Hearings. The city council shall conduct its public hearings under this title in accordance with GFMC 19.04A.260.

(D) Public Hearings and Appeals. The city council may hold additional hearings and meetings as it sees fit to conduct its business.

**Section 3.** A new GFMC Chapter 19.04B entitled "Types of Land Use Review" is hereby added to Title 19 to read as follows:

### **Chapter 19.04B TYPES OF LAND USE REVIEW**

#### **Sections**

#### **Article I. Type I Review – Administrative Decisions without Public Notice**

19.04B.105 Purpose.

19.04B.110 Overview of Type I review.

19.04B.115 Type I review permit-issuing authority and appeal body.

19.04B.120 Application submittal.

19.04B.125 Public notification.

19.04B.130 Administrative decision.

19.04B.135 Expiration of approval.

19.04B.140 Appeal of Type I decision.

19.04B.145 Commencement of activity.

19.04B.150 Modification or addition to an approved project or decision.

#### **Article II. Type II Review – Administrative Decisions with Public Notice**

19.04B.205 Purpose.

19.04B.210 Overview of Type II review.

19.04B.215 Type II review permit-issuing authority and appeal body.

19.04B.220 Application submittal.

19.04B.225 Notice of application.

19.04B.230 Minimum comment period.

19.04B.235 Administrative decision.

- 19.04B.240 Notice of decision.
- 19.04B.245 Expiration of approval.
- 19.04B.250 Appeal of Type II decision.
- 19.04B.255 Commencement of activity.
- 19.04B.260 Modification or addition to an approved project or decision.

### Article III. Type III Review – Quasi-Judicial, Hearing Examiner Decisions

- 19.04B.305 Purpose.
- 19.04B.310 Overview of Type III review.
- 19.04B.315 Notice of application.
- 19.04B.320 Minimum comment period.
- 19.04B.325 Public meetings.
- 19.04B.330 Environmental review.
- 19.04B.335 Staff recommendation.
- 19.04B.340 Notice of public hearing.
- 19.04B.345 Hearing examiner public hearing.
- 19.04B.350 Hearing examiner decision.
- 19.04B.355 Notice of final decision.
- 19.04B.360 Expiration of approval.
- 19.04B.365 Appeal of Type III decision.
- 19.04B.370 Commencement of activity.
- 19.04B.375 Modification or addition to an approved project or decision.

### Article IV. Type IV Review – Legislative, City Council Decisions with Planning Commission Recommendation

- 19.04B.405 Purpose.
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- 19.04B.415 Amendments in general.
- 19.04B.420 Initiation of amendments.
- 19.04B.425 Planning commission review.
- 19.04B.430 Notice of public hearing.
- 19.04B.435 Notice of planning commission public hearing.
- 19.04B.440 Planning commission public hearing.
- 19.04B.445 Planning commission recommendation.
- 19.04B.450 Notice of city council public hearing.
- 19.04B.455 City council action.
- 19.04B.460 Appeal of Type IV decision.

### Article I. Type I Review – Administrative Decisions without Public Notice

#### **19.04B.105 Purpose.**

A Type I review is an administrative review and decision by the appropriate department with no public notice requirements. These are applications which are categorically exempt from review under the State Environmental Policy Act (SEPA) or permits for which environmental review has been completed in connection with another application. Appeals of Type I decisions are made to the

hearing examiner, except shoreline exemption appeals are made to the state Shoreline Hearings Board. Type I reviews are exempt from the procedures of GPMC 19.04A.230, Time frames for review. The purpose of this article is to provide the necessary steps for permit approvals requiring Type I review.

#### **19.04B.110 Overview of Type I review.**

This article contains the procedures the city will use in processing Type I applications. The process begins with a complete application, followed by decision by the appropriate department. The administrative approval body is the designated official. Appeals of the designated official's decision on a Type I appeal are made to the hearing examiner, except shoreline exemption appeals are made to the state Shoreline Hearings Board. An appeal of the hearing examiner's appeal decision is made to the Snohomish County superior court.

#### **19.04B.115 Type I review permit-issuing authority and appeal body.**

Decisions on Type I applications are made by the designated official. The permit-issuing authority and designated appeal body for each application reviewed as a Type I are indicated in Table.

#### **19.04B.120 Application submittal.**

Application forms and submittal requirements for each of the Type I permits shall be prepared and maintained by the department responsible for issuing the decision on the application. Applications shall be submitted to the appropriate department.

#### **19.04B.125 Public notification.**

Public notice is not required for Type I decisions.

#### **19.04B.130 Administrative decision.**

A written record of the Type I decision shall be prepared in each case. The record may be in the form of a staff report, letter, the permit itself, or other written document and shall indicate whether the application has been approved, approved with conditions, or denied. The department decision shall be based on the applicable land use code or other adopted uniform code and shall include any conditions to ensure consistency with the development regulations. The applicant shall be notified of the final decision. All other decisions are final upon expiration of any applicable appeal period or if appealed, on the date of the appeal body's final decision on the application.

#### **19.04B.135 Expiration of approval.**

Approval of the Type I application shall expire one year from the date approval was final unless significant action proposed in the application has been physically commenced and remains in progress pursuant to GPMC 19.04A.250.

#### **19.04B.140 Appeal of Type I decision.**

If a Type I or II decision has an administrative appeal available as set forth in GPMC 19.04B.115 or 19.04B.215, except for shoreline permits, the following procedures shall be followed:

(A) Appellant. The project applicant or any person who submitted written comments prior to the date the decision was issued may appeal the decision.

(B) Form of Appeal. A person appealing a Type I or II decision must submit a completed appeal form which sets forth:

- (1) Facts demonstrating that the person is adversely affected by the decision;
- (2) A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
- (3) The specific relief requested; and
- (4) Any other information reasonably necessary to make a decision on the appeal.

(C) Time to Appeal. The written appeal and the appeal fee, if any, must be received by the city clerk no later than 4:00 p.m. on the fourteenth day following the date of the notice of decision.

(D) Notice of Appeal. If a Type I or II decision is appealed, a hearing before the designated appeal body (as established in Table 19.04A-I referenced in GFMC 19.04B.115 or 19.04B.215) shall be set and notice of the hearing shall be mailed or emailed to the appellant, the applicant, and all parties of record by the designated official. Notice shall be mailed or emailed no less than 10 days prior to the appeal hearing, except that if the Type I or II decision has been consolidated with a recommendation on a Type III application, any appeal of the Type I decision shall be consolidated with the Type III public hearing. No separate notice of a Type I or II appeal needs to be provided if the public hearing has already been scheduled for the Type III component of an application.

(E) Hearing Examiner.

(1) Type I or II appeal. The appellant, the applicant, and the city shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information or to present testimony on a consolidated Type III application; provided, that the examiner may allow nonparties to present relevant testimony if allowed under the examiner rules of procedure.

(2) Decision on Appeal.

(a) Within 14 days after the close of the record for the Type I or II appeal, the hearing examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The hearing examiner may grant the appeal or grant the appeal with modification if:

- (i) The appellant has carried the burden of proof; and
- (ii) The examiner finds that the Type I or II decision is not supported by a preponderance of the evidence.

(b) The hearing examiner shall accord substantial weight to the decision of the designated official.

(c) Reconsideration Period. Any person who participated in the hearing may file a written request with the hearing examiner for reconsideration within 10 business days of the date of the hearing examiner's decision. The request shall explicitly set forth alleged errors of procedure or fact. The hearing examiner shall act within 14 days after the filing of the request for an appeal by denying the request, issuing a revised decision, or calling for an additional public hearing.

(F) Appeal of Hearing Examiner Decision on Appeal. A hearing examiner decision on a Type I or II appeal may be appealed to the Snohomish County superior court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. Requirements for fully exhausting city administrative appeal opportunities must be fulfilled.

(G) Time Period to Complete Appeal Process. In all cases, except where the parties to an appeal have agreed to an extended time period, the administrative appeal process generally shall be completed within 90 days from the date the original administrative appeal period closed. The

administrative appeal process shall be deemed complete on the date of issuance of the hearing examiner's decision or the city council's decision on the appeal.

(H) Shoreline Permit Appeals. An appeal of a shoreline exemption or shoreline substantial development permit shall be to the state Shoreline Hearings Board and shall be filed within 21 days of the receipt of the city's decision by the Department of Ecology, as set forth in RCW 90.58.180.

**19.04B.145 Commencement of activity.**

An appeal stays all actions by the designated official seeking enforcement of or compliance with the order or decision appealed from, unless the designated official finds that a stay would, in his or her opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed except by order of the hearing examiner or a court.

**19.04B 150 Modification or addition to an approved project or decision.**

Modifications or additions to approved projects or decisions shall be processed in accordance with the applicable code section.

**Article II. Type II Review – Administrative Decisions with Public Notice**

**19.04B.205 Purpose.**

A Type II review is an administrative review and decision by the appropriate department. These are applications which are typically categorically exempt from review under the State Environmental Policy Act (SEPA), a separate SEPA review, or permits for which environmental review has been completed in connection with another application. Public notification is provided at the application and decision stages of application review. Appeals of Type II decisions are made to the hearing examiner, except shoreline permit appeals are made to the state Shoreline Hearings Board. Type II reviews are exempt from the procedures of GPMC 19.04A.230, Time frames for review. The purpose of this article is to provide the necessary steps for permit approvals requiring Type II review.

**19.04B.210 Overview of Type II review.**

This article contains the procedures the city will use in processing Type II applications. The process begins with a complete application, followed by decision by the appropriate department. The administrative approval body is the designated official. Appeals of the designated official's decision on a Type II appeal are made to the hearing examiner, except shoreline permit appeals are made to the state Shoreline Hearings Board. An appeal of the hearing examiner's appeal decision is made to the Snohomish County superior court.

**19.04B.215 Type II review permit-issuing authority and appeal body.**

Decisions on Type II applications are made by the designated official. Appeals of Type II decisions are made to the appropriate appeal body. The permit-issuing authority and designated appeal body for each application reviewed as a Type II are indicated in Table 19.04A-I.

**19.04B.220 Application submittal.**

Application forms and submittal requirements for each of the Type II permits shall be prepared and maintained by the department responsible for issuing the decision on the application. Applications shall be submitted to the appropriate department.

**19.04B.225 Notice of application.**

(A) Notice of application for Type II permits shall be provided within 14 days of the determination of completeness pursuant to GFMC 19.04A.230, Time frames for review. Notice shall be provided as indicated in subsection (B) of this section.

(B) Notice of Application Requirements of Type II Review.

Type II Action or Permit	Mail	Post	Publish
All Type II Actions and Permits	X	X	X

(C) Mailed Notices. Mailings shall be completed pursuant to GFMC 19.04A.225 with the following additional requirements for shoreline substantial development permits: a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning the application as expeditiously as possible after issuance of the decision, may submit the comments or requests for decisions to the city within 30 days of the last date the notice is to be published pursuant to this section.

(D) Posted Notices. Posted notices shall be completed pursuant to GFMC 19.04A.225.

(1) On-Site Posting. At least one public notice board shall be posted on the site on each public right-of-way fronting on the site.

(2) Public Posting. A public notice shall also be posted on the notice board at City Hall, library, and post office.

(E) Published Notice. If required, published notice shall be completed pursuant to GFMC 19.04A.225.

**19.04B.230 Minimum comment period.**

(A) The notice of application shall provide a minimum comment period of 14 days, except for shoreline permits pursuant to subsection (E) of this section. All comments received on the notice of application must be received in the city clerk department by 4:00 p.m. on the last day of the comment period. Comments may be mailed, emailed, personally delivered or sent by facsimile. The designated official's decision on a Type II application shall not be issued prior to the expiration of the minimum comment period.

(B) Comments should be submitted to the city clerk as early in the review of an application as possible and should be as specific as possible.

(C) If early SEPA review is requested, as described in GFMC 19.07.010(L)(2), the designated official may combine the notice of application and DNS comment periods. When a final DNS is issued, there is no additional comment period.

(D) The designated official may accept and respond to public comments at any time prior to making the Type II decision.

(E) Shoreline Substantial Development Permits. The minimum comment period on the notice of application for a shoreline substantial development permit shall be 30 days.

**19.04B.235 Administrative decision.**

A written record of the Type II decision shall be prepared in each case. The record may be in the form of a staff report, letter, the permit itself, or other written document and shall indicate whether the application has been approved, approved with conditions, or denied. The department decision shall

be based on the applicable land use code or other adopted uniform code and shall include any conditions to ensure consistency with the development regulations. The applicant shall be notified of the final decision. All other decisions are final upon expiration of any applicable appeal or if appealed, on the date of the appeal body's final decision on the application.

**19.04B.240 Notice of decision.**

Within five days of a decision, the designated official shall mail or email notice of the decision and the SEPA determination, if any, to all parties of record, which shall include the applicant and each person who submitted comments during the public comment period or at any time prior to issuance of the decision. The notice of decision shall include a statement of any threshold determination made under SEPA (Chapter 43.21CRCW) and the procedures for administrative appeal, if any. For those project permits subject to SEPA, the notice of decision on the issued permit shall contain the requirements set forth in GPMC 19.04A.120, Environmental review. For shoreline permits, the designated official shall notify the following persons in writing of its final approval or disapproval of a shoreline substantial development permit.

- (A) The applicant.
- (B) The Department of Ecology.
- (C) Any person who has submitted written comments on the application.
- (D) Any person who has written to the designated official requesting notification.

**19.04B.245 Expiration of approval.**

Approval of the Type II application shall expire two years from the date approval was final, except for shoreline substantial development permits expire two years from final approval, unless significant action proposed in the application has been physically commenced and remains in progress pursuant to GPMC 19.04A.250.

**19.04B.250 Appeal of Type II decision.**

An appeal of a Type II decision is made pursuant to GPMC 19.04B.140.

**19.04B.255 Commencement of activity.**

An appeal stays all actions by the designated official seeking enforcement of or compliance with the order or decision appealed from, unless the designated official finds that a stay would, in his or her opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed except by order of the hearing examiner or a court.

**19.04B.260 Modification or addition to an approved project or decision.**

Modifications or additions to approved projects or decisions shall be processed in accordance with the applicable code section.

**Article III. Type III Review – Quasi-Judicial, Hearing Examiner Decisions**

**19.04B.305 Purpose.**

A Type III process is a quasi-judicial review and decision made by the hearing examiner. The hearing examiner makes a decision based on a recommendation from staff and, if required, the planning commission will review and provide comments. The hearing examiner considers public testimony received at an open record public hearing. Public notification is provided at the application, public

hearing and decision stages of application review. The administrative appeal body is the superior court, except shoreline permits are appealed to the state Shoreline Hearings Board. The purpose of this article is to provide the necessary steps for permit approvals requiring Type III review.

**19.04B.310 Overview of Type III review.**

(A) This article contains the procedures the city will use in processing Type III applications. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held. The permit-issuing authority and designated appeal body for each application reviewed as a Type III are indicated in Table 19.04A-I.

(B) If required by the State Environmental Policy Act, a threshold determination will be issued by the SEPA responsible official. The threshold determination shall be issued prior to the issuance of staff's recommendation on the application.

(C) After notice to the planning commission, if applicable, a public hearing will be held before the city hearing examiner.

(D) The decision of the hearing examiner on a Type III application is appealable to the superior court, except shoreline permit appeals are made to the state Shoreline Hearings Board. The hearing examiner action deciding the appeal and approving, approving with modifications, or denying a project is the final city decision on a Type III application. A final appeal may be made to the Snohomish County superior court.

**19.04B.315 Notice of application.**

(A) Notice of application for Type III permits shall be provided within 14 days of the determination of completeness pursuant to GFMC 19.04A.230, Time frames for review. Notice shall be provided as indicated in subsection (B) of this section. If any open record predecision hearing is required for the requested project permit(s), the notice of application shall be provided at least 15 days prior to the open record hearing.

(B) Notice of Application Requirements of Type III Permits.

Type III Action or Permit	Mail	Post	Publish
All Type III Actions and Permits	X	X	X

(C) Mailed Notices. Mailings shall be completed pursuant to GFMC 19.04A.225 with the additional requirements stated below:

**(1) Additional Notification Requirements for Preliminary Plats.**

(a) Notice of the filing of a preliminary plat adjacent to or within one mile of the municipal boundaries of a city or town, or which contemplates the use of any city or town utilities, shall be given to the appropriate city or town authorities.

(b) Notice of the filing of a preliminary plat of a proposed subdivision located in a city or town and adjoining the municipal boundaries thereof shall be given to the appropriate county officials.

(c) Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the Secretary of Transportation.

(2) Additional Notification Requirements for Shoreline Permits. A statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning the application as expeditiously as possible after issuance of the decision, may submit the comments or requests for decisions to the city within 30 days of the last date the notice is to be published pursuant to this section.

(D) Posted Notices. Posted notices shall be completed pursuant to GPMC 19.04A.225 with the additional requirements stated in subsection (D)(3) of this section:

(a) On-Site Posting. At least one public notice board shall be posted on the site on each public right-of-way fronting on the site.

(b) Public Posting. A public notice shall also be posted on the notice board at City Hall, library, and post office.

(c) The following Type III applications are major land use actions: conditional uses, preliminary plats, and shoreline permits.

(E) Published Notice. If required, published notice shall be completed pursuant to GPMC 19.04A.225.

#### **19.04B.320 Minimum comment period.**

(A) The notice of application shall provide a minimum comment period of 14 days with the exception for shoreline permits pursuant to subsection (E) of this section. All comments received on the notice of application must be received in the city clerk by 4:00 p.m. on the last day of the comment period. Comments may be mailed, emailed, personally delivered, or sent by facsimile. Staff recommendation on a Type III application shall not be issued prior to the expiration of the minimum comment period.

(B) Comments should be submitted to staff as early in the review of an application as possible and should be as specific as possible.

(C) If the early SEPA review is requested, as described in GPMC 19.07.010(L)(2), the notice of application and DNS comment periods shall be combined. When a final DNS is issued, there is no additional comment period.

(D) Staff may accept and respond to public comments at any time prior to the closing of the public hearing record.

(E) Shoreline Permits. The minimum comment period on the notice of application for a shoreline conditional use permit or shoreline variance shall be 30 days.

#### **19.04B.325 Public meetings.**

A public meeting may be required for Type III applications before the planning commission. Staff may require the applicant to participate in the meeting to inform citizens about the proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type III applications. Notice of the public meeting shall be provided in the same manner as required for the notice of application. The public meeting notice will be combined with the notice of application whenever possible.

#### **19.04B.330 Environmental review.**

Environmental review includes a threshold determination pursuant to Section 19.07.010 GPMC, Environmental Review (SEPA). Early SEPA review may be issued with the notice of application pursuant to GPMC 19.07.010(L)(2).

**19.04B.335 Staff recommendation.**

A written report from staff making a recommendation to the hearing examiner for approval, approval with conditions, or with modifications, or for denial shall be prepared. The staff recommendation shall be based on the applicable decision criteria and may include any conditions necessary to ensure consistency with city development regulations.

**19.04B.340 Notice of public hearing.**

(A) Public notice of the date of the hearing examiner public hearing for the application shall be published in a newspaper of general circulation. The public notice shall also include a notice of availability of the staff recommendation. If a determination of significance was issued by the SEPA responsible official, the notice of staff recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The public hearing shall be scheduled no sooner than 10 days following the date of publication of the notice.

(B) The city clerk shall mail notice of the public hearing and the availability of the recommendation to each owner of real property within 300 feet of the project site.

(C) The city clerk shall mail or email notice of the availability of the recommendation and the date of the public hearing to each person who submitted oral or written comments during the public comment period or at any time prior to the publication of the notice of recommendation.

(D) The city clerk shall post the notice of the date of the public hearing and the availability of the recommendation on site and at City Hall, library, and post office. The designated official shall establish standards for size, color, layout, design, wording and placement of the notice boards.

(E) All public hearings on residential developments shall be held in the evening.

**19.04B.345 Hearing examiner public hearing.**

(A) Any person may participate in the hearing examiner public hearing by submitting written comments to staff prior to the hearing or by submitting written comments or making oral comments at the hearing. Also, any party may be represented by agent or attorney.

(B) The department shall transmit to the hearing examiner a copy of the department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by staff. The file shall also include information to verify that the requirements for notice to the public (notice of application and notice of SEPA threshold determination) have been met.

(C) The department shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

**19.04B.350 Hearing examiner decision.**

(A) The hearing examiner shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of this code. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the hearing examiner shall deny the application.

(B) If the hearing examiner requires a modification which results in a different proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to GFMC 19.04B.340, the hearing examiner shall conduct a new hearing on the modified proposal.

(C) The hearing examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.

(D) The hearing examiner shall within 15 calendar days following the close of the record distribute a written report supporting the decision. The report shall contain the following:

- (1) The decision of the hearing examiner;
- (2) Any conditions included as part of the decision;
- (3) Findings of fact upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
- (4) A statement explaining the process to appeal the decision of the hearing examiner to the superior court.

(E) Reconsideration Period. Any person who presented or commented at the hearing may file a written request with the hearing examiner for reconsideration within 10 business days of the date of the hearing examiner's decision is issued. The request shall explicitly set forth alleged errors of procedure or fact. The hearing examiner shall act within 14 days of the close of the reconsideration period by denying the request, issuing a revised decision, or calling for an additional public hearing, or providing parties of record and revision city departments 14 days in which to submit written comments on timely filed requests for reconsideration. If the hearing examiner calls for written comments, the examiner shall take one of the other three actions within 14 days of the close of the comment period.

- (1) The grounds for reconsideration shall be limited to the following:
  - (a) The hearing examiner exceeded his or her jurisdiction;
  - (b) The hearing examiner failed to follow the applicable procedure in reaching his or her decision;
  - (c) The hearing examiner committed an error of law or misinterpreted the applicable city regulation, ordinance or other state law or regulation;
  - (d) The hearing examiner's findings, conclusions and/or conditions are not supported by the record; and/or
  - (e) Newly discovered evidence alleged to be material to the hearing examiner's decision which could not reasonably have been produced prior to the hearing examiner's decision.
- (2) Requests for reconsideration may use the additional grounds that changes to the application proposed by the applicant are in response to deficiencies identified in the decision.
- (3) The hearing examiner's actions following reconsideration is not subject to further requests for reconsideration.

#### **19.04B.355 Notice of final decision.**

Within five days of the conclusion of the appeal period or the resolution of a filed appeal, the designated official shall mail or email the notice of final decision and any changes to the SEPA threshold determination, if any, to all parties of record, which shall include the applicant and each person who participated in the public hearing or who submitted comments during the public comment period at any time prior to issuance of the decision. For shoreline permits, the designated official shall notify the following persons in writing of its final approval or disapproval of a shoreline conditional use permit or shoreline variance:

- (A) The applicant.
- (B) The Department of Ecology.
- (C) Any person who has submitted written comments on the application.
- (D) Any person who has written to the hearing examiner requesting notification.

#### **19.04B.360 Expiration of approval.**

Except as otherwise provided herein, approval of the Type III application shall expire two years from the date approval was final unless significant action proposed in the application has been physically commenced and remains in progress pursuant to GFMC 19.04A.250. Preliminary plats shall terminate pursuant to GFMC 20.08.030(H)(2). Shoreline conditional use permits and shoreline variance permits expire two years from final approval.

**19.04B.365 Appeal of Type III decision.**

(A) Except for shoreline conditional use or shoreline variance, which is appealed to the Shoreline Hearings Board as per subsection (B) of this section, a Type III decision of the hearing examiner may be appealed to Snohomish County superior court by filing a land use petition which meets the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties, as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. The appeal period shall commence upon the hearing examiner's final decision and not upon expiration of the reconsideration period.

(B) Shoreline Permit Appeals. An appeal of a shoreline conditional use permit or shoreline variance shall be to the state Shoreline Hearings Board and shall be filed within 21 days of the receipt of the city's decision by the Department of Ecology, as set forth in RCW 90.58.180.

**19.04B.370 Commencement of activity.**

An appeal stays all actions by the designated official seeking enforcement of or compliance with the order or decision appealed from, unless the designated official finds that a stay would, in his or her opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed except by order of the hearing examiner or a court.

**19.04B.375 Modification or addition to an approved project or decision.**

Modifications or additions to approved projects or decisions shall be processed in accordance with applicable code section.

**Article IV. Type IV Review – Legislative, City Council Decisions with Planning Commission Recommendation**

**19.04B.405 Purpose.**

A Type IV review is for legislative land use decisions made by the city council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The process generally includes a hearing and recommendation by the planning commission and a hearing and action by the city council. Review under the State Environmental Policy Act (SEPA) may be required. Type IV reviews are exempt from the procedures of GFMC 19.04A.230, Time frames for review.

**19.04B.410 Overview of Type IV review.**

This article contains the procedures the city will use in processing Type IV applications. Type IV processes may be initiated by city council, planning commission, city administration, or any other person. The planning commission will typically hold a public hearing and send a recommendation to city council. City council may hold a public hearing before taking action. The permit-issuing authority and designated appeal body for each application reviewed as a Type IV are indicated in Table 19.04A-I.

**19.04B.415 Amendments in general.**

(A) Amendments to the comprehensive plan, this title or the zoning map shall be made in accordance with the provisions of this article.

(B) The term “major map amendment” shall refer to an amendment that addresses the zoning classification of five or more tracts of land in separate ownership or any parcel of land (regardless of the number of lots or owners) in excess of 50 acres. All other amendments to the zoning map shall be referred to as “minor map amendments.”

**19.04B.420 Initiation of amendments.**

Type IV applications may be initiated in accordance with GPMC 19.04.130(D)(1).

**19.04B.425 Planning commission review.**

(A) Type IV proposals will usually be introduced to the planning commission, which may schedule study sessions as needed to consider the proposal. Prior to making a recommendation, the planning commission shall schedule a public hearing. After the public hearing, and after any further study sessions as may be needed, the planning commission shall transmit its recommendation to the city council through the applicable designated official and the city clerk.

(B) The planning commission may recommend that the city council adopt or adopt with modifications a proposal, if it complies with the applicable decision criteria. In all other cases, the planning commission shall recommend denial of the proposal.

(C) If the planning commission recommends a modification which results in a proposal not reasonably foreseeable from the notice provided pursuant to GPMC 19.04B.430, the planning commission shall conduct a new public hearing on the proposal as modified. The planning commission shall consider the public comments at the hearing in making its final recommendation.

(D) A vote to recommend adoption of the proposal or adoption with modification must be by a majority vote of the planning commission members present and voting.

**19.04B.430 Notice of public hearing.**

(A) When the planning commission or city council has scheduled a public hearing on a Type IV proposal, notice of the public hearing shall be provided 10 days prior to the scheduled hearing date in the manner set forth in subsection (B) of this section.

(B) Notice of Public Hearing.

Type IV Action or Permit	Mail	Post	Publish
Comprehensive Plan Amendment – Map & Text	X	X	X
Development Agreements			X
Land Use Code Amendments			X

<b>Type IV Action or Permit</b>	<b>Mail</b>	<b>Post</b>	<b>Publish</b>
Rezone – Area-Wide Zoning Map Amendment		X	X

(C) Mailed Notices. Mailings shall be completed pursuant to GPMC 19.04A.225 with the additional specifications:

- (1) For minor map amendments, notices shall be mailed to the record owners for tax purposes of all properties whose zoning classification is proposed to be changed, as well as the owners of all properties which are within 300 feet of the property proposed.
- (2) For major map amendments, notice over and above that specified in this section may be provided at the discretion of the designated official, as deemed necessary to ensure ample opportunity for citizens and property owners to become aware of the upcoming hearing.
- (3) Notice of the public hearing, containing the same information set forth in subsection (E) of this section, shall be mailed to each owner of real property within 300 feet of any boundary of the subject property.

(D) Posted Notices.

- (1) All posted notices shall be completed pursuant to GPMC 19.04A.225.
- (2) For minor map amendments, at least one public notice board shall be posted on the site on public right-of-way within the property proposed to be rezoned.
- (3) For major map amendments, a minimum of three public notice boards shall be posted on public right-of-way.

(E) Published Notice. When required, the designated official shall publish a notice at least once in a newspaper of general circulation in the city. The notice shall contain the following information:

- (1) The name of the applicant, and if applicable, the project name;
- (2) If the application involves specific property, the street address of the subject property, a description in nonlegal terms sufficient to identify its location, and a vicinity map indicating the subject property or website address where maps can be viewed;
- (3) A brief description of the action or approval requested;
- (4) The date, time, and place of the public hearing;
- (5) Summarize the nature and character of the proposed change;
- (6) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;
- (7) State that the full text of the amendment can be obtained from city hall;
- (8) State that substantial changes in the proposed amendment may be made following the public hearing; and
- (9) A statement of the right of any person to participate in the public hearing.

(F) Alternative Means of Notification. In the case of the following actions initiated by the city, which affect large areas of the city, the designated official may elect to use alternative means of public notification in addition to the newspaper publication required by RCW 35A.63.070 or the mail and posting provisions above, provided such notification is likely to achieve equal or greater actual public notification:

- (1) Adoption or amendment of a neighborhood or other area-wide community plan; or
- (2) Area-wide zoning map amendments.

**19.04B.435 Notice of planning commission public hearing.**

Public notice of the date of the planning commission public hearing at which the planning commission will consider the application shall be published in a newspaper of general circulation. The public hearing shall be scheduled no sooner than 10 days following the date of publication of the notice. If a determination of significance was issued by the SEPA responsible official, the notice of staff recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted.

**19.04B.440 Planning commission public hearing.**

(A) Any person may participate in the public hearing by submitting written comment to the city clerk prior to the hearing or by submitting written or making oral comments to the planning commission at the hearing. All written comments received by the city clerk shall be transmitted to the planning commission no later than the date of the public hearing.

(B) The designated official shall transmit to the planning commission a copy of the department file on the application including all written comments received prior to the hearing and information reviewed by or relied upon by staff. The file shall also include information to verify that the requirements for notice to the public (notice of application, as required; notice of SEPA determination) have been met.

(C) The planning commission shall record and compile written minutes of each hearing.

**19.04B.445 Planning commission recommendation.**

(A) The planning commission shall provide a written recommendation to the city council on the proposal. The recommendation shall contain the following:

- (1) The recommendation of the planning commission;
- (2) Any conditions included as part of the recommendation; and
- (3) Findings of fact upon which the recommendation, including any conditions, was based and the conclusions derived from those facts.

(B) If the planning commission makes a recommendation that requires a modification which results in a proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to GPMC 19.04B.430, the planning commission shall conduct a new hearing on the modified proposal.

**19.04B.450 Notice of city council public hearing.**

(A) Public notice of the date of the city council public hearing at which the city council will consider the application shall be published in a newspaper of general circulation. If a hearing is required before the city council the hearing shall be scheduled no sooner than 10 days following the date of publication of the notice. The notice of the city council public hearing shall also include the notice of the availability of the planning commission's recommendation.

(B) The designated official shall mail or email notice of the public hearing, the SEPA threshold determination, and the availability of the recommendation to all parties of record, which shall include the applicant and each person who submitted comments during the public comment period or at any time prior to the publication of the notice of the public hearing.

**19.04B.455 City council action.**

(A) Provided the requirements of the Growth Management Act for ensuring adequate public involvement are met, the council need not await the recommendations of the planning commission

before taking action on a proposed amendment, nor is the council bound by any recommendations of the planning commission.

(B) The designated official shall transmit to the city council a copy of the department file on the application, including all written comments received prior to the city council hearing. The file shall also include information to verify that the requirements for notice to the public (notice of application, notice of SEPA threshold determination, and notice of public hearing) have been met.

(C) The city council may consider at a public meeting each recommendation transmitted by the planning commission. The council may take one of the following actions:

- (1) Adopt an ordinance or resolution adopting the recommendation, or adopt the recommendation with modifications;
- (2) Adopt a motion denying the proposal; or
- (3) Refer the proposal back to the planning commission for further proceedings, in which case the city council shall specify the time within which the planning commission shall report back to the city council with a recommendation.

(D) If the city council makes a modification which results in a proposal not reasonably foreseeable from the notice provided pursuant to GPMC 19.04B.430, the city council shall conduct a new public hearing on the proposal as modified, prior to taking final action.

#### **19.04B.460 Appeal of Type IV decision.**

The action of the city council on a Type IV proposal may be appealed together with any SEPA threshold determination by filing a petition with the Growth Management Hearings Board pursuant to the requirements set forth in RCW 36.70A.290. The petition must be filed within the 60-day time period set forth in RCW 36.70A.290(2). The appeal period shall commence upon the city council's final decision and its publication and not upon expiration of the reconsideration period. Judicial appeal where applicable is to Snohomish County superior court.

**Section 4.** GPMC 19.06.030 entitled "Fences" is hereby amended to read as follows (all other provisions of GPMC Section 19.06.030 entitled "Fences" remain in effect and unchanged):

#### **19.06.030 Fences.**

(A) Purpose. The purpose of this section is to help explain the city's fence regulations in residential areas.

- (1) Fences and hedges over 48 inches high but less than 72 inches high may be located in any yard. On a street setback yard, for any portion of a fence or wall over 48 inches high, 80 percent of the fence area shall be open to light and vision.
- (2) At the intersection of two street setback areas, no structure or hedge shall exceed 36 inches in height for the triangular area formed by 25 feet of each street lot line from the point of intersection, or center of the arc of the curve, and a line connecting the ends of these lines.
- (3) In a residential area, the street setback area extends 20 feet from the edge of the public right-of-way into the yard. It is the person putting up the fence's responsibility to accurately determine property line locations before construction.

(B) The Designate Official or designee may allow for administrative deviation to fence(s) that do not conform to the regulations of this section.

- (1) As part of approving fences under this section, the Designate Official may impose conditions or limitations on fences allowed under this section to ensure that such fences conform with the purpose and intent of this chapter and this title.

**Section 5.** GPMC 19.06.050 entitled "Loading area and off-street parking requirements" is hereby amended to read as follows (all other provisions of GPMC Section 19.06.050 entitled "Official site plans" remain in effect and unchanged):

**19.06.050 Loading area and off-street parking requirements.**

(A) Purpose. The purpose of this section is to regulate parking and loading in order to lessen traffic congestion and contribute to public safety by providing sufficient on-site areas for the maneuvering and parking of motor vehicles.

(1) Required Automobile Parking Spaces. Off-street parking spaces shall be provided as an accessory use in accordance with the requirements of this section at the time any building or structure is erected, enlarged, or expanded.

(2) Size and Access. Each off-street parking space shall have an area of not less than ~~160~~ 162 square feet exclusive of access drives or aisles and a width of not less than ~~eight~~ nine feet.

There shall be adequate provision for ingress and egress from each parking space at all times.

**Section 6.** GPMC 19.07.010 entitled "Environmental review (SEPA)" is hereby amended to read as follows (all other provisions of GPMC Section 19.07.010 entitled "Environmental review (SEPA)" remain in effect and unchanged):

**19.07.010 Environmental review (SEPA).**

(E) Designation of Designated Official.

(1) For those proposals for which the city is the lead agency, the designated official shall be the SEPA responsible official as defined by WAC 1947-11-788.

(2) For all proposals for which the city is the lead agency, the designated official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the lead agency or designated official by those sections of the SEPA rules that were adopted by reference in WAC 173-8062-020.

(3) The city shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW.

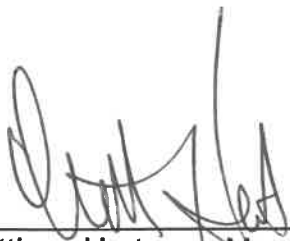
**Section 7. Copy to Commerce Department.** Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

**Section 8. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

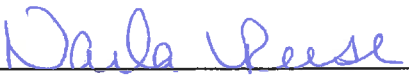
**Section 9. Effective Date.** This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

**ADOPTED** by the City Council and **APPROVED** by the Mayor this 21st day of October, 2020.

CITY OF GRANITE FALLS

  
\_\_\_\_\_  
Matthew Hartman, Mayor

ATTEST:

  
\_\_\_\_\_  
Darla Reese, MMC, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Thom Graafstra, City Attorney

Passed by City Council: October 21, 2020

Date of Publication: October 24, 2020

Effective Date: October 29, 2020