1. Agenda

    Documents:

        7-23-2018 PC AGENDA.PDF

2. Meeting Materials

    Documents:

        2018 2019 DOCKET.PDF
        ATTACHMENT A 2018-2019 DOCKET NOTICE OF APPLICATION.PDF
        EXTENDED PLANNING COMMISSION AGENDA.PDF
        INDUSTRIAL ZONES PERFORMANCE STANDARDS CODE AMENDMENT.PDF
        JULY 9, 2018.PDF
        NOTICE OF APPLICATION DEADLINE ADVERTISEMENT.PDF
        PUBLIC HEARING FINAL PLAT CODE AMENDMENT.PDF

# PLANNING COMMISSION AGENDA

## Monday July 23, 2018 – 6:30PM

Stanwood Fire Station (8117 267th Pl NW)

1. Call to Order and Welcoming of new Commissioner Darren Robb

2. Roll Call

3. Public Requests and Comments

4. Minutes of July 9, 2018 4-1

5. New Business

6. Old Business

- **PUBLIC HEARING:** Final Plat Code Amendment 6-1
- Industrial Zones Performance Standards Code Amendment 6-16

7. Miscellaneous Business

- Agenda Packet Distribution Discussion
- Extended Planning Commission Agenda 7-1
- 2018 /2019 Docket Advertisement 7-2

8. Public Comments

9. Recent Council Action on Commission Items

10. Upcoming Items

- August 13, 2018 Planning Commission meeting
- August 27, 2018 Planning Commission meeting - CANCELLED

11. Adjourn

**For information about this agenda, contact the Community Development Department at 360-629-2181 ext. 4512.**

**SPECIAL ACCOMMODATIONS: The City of Stanwood strives to provide accessible meetings for people with disabilities. Please contact the Planning Commission Clerk at 360-629-2181 ext. 4512 two business days prior to the meeting.**

10220 270th St NW
Stanwood, WA 98292
360-629-4577

# MEMORANDUM

**COMMUNITY DEVELOPMENT DEPARTMENT**

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**TO:** PLANNING COMMISSION

**FROM:** Patricia Love, Community Development Director

**SUBJECT:** 2018 / 2019 Docket

**DATE:** July 23, 2018

**ATTACHMENT:** A. Docket Advertisement

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2018 / 2019 Docket is being advertised starting on August 1 through August 31, 2018. This is the annual open call for the public to suggest changes to the City's Comprehensive Plan and/or Development Regulations.

Stanwood's Docket Process includes five (5) steps:

1. Open Call for Docket Applications: August 1 – 31, 2018
2. Staff Evaluation of the Docket Applications
3. Review by the Planning Commission ~ Estimated in September
4. Review by the Council Community and Economic Development Committee
5. Adoption of the Final Docket by the City Council

Placing an item on the Final Docket list is not an approval of that application. Being placed on the Final Docket list means that the City Council finds merit in the request and that further analysis is warranted. Once placed on the Final Docket list the requests will be placed on the Planning Commission's work plan for the following year.

City of Stanwood, Washington

# Annual Docket Process

Docketing is the public participation procedure required by the state law (GMA) that allows residents the opportunity to request amendments to the City's comprehensive plan and development regulations on an annual basis.

| Step 1 | Step 2 | Step 3 | Step 4 | Step 5 |
|---|---|---|---|---|
| **Annual Call for Docket Applications** | **Application Assessment** | **Planning Commission Briefing** | **Community and Economic Development Committee Briefing** | **City Council Review and Approval** |
| • Open to Residents and Community Organizations<br>• Advertise by Aug 1<br>• 30 Day Open Period | • Staff Reviews Applications and Prepares Recommendation | • Review Applications and Staff Recommendations | • Review Planning Commission's and Staff Recommendations | • Public Hearing on Docket<br>• Adopt Final Docket for Next Review Cycle |
| August | September | October | October / November | November / December |

***What is the Final Docket?***

- List of Comprehensive Plan or Development Regulation proposals that merit City review;
- Placement on the final docket is not an approval of the request - it is the beginning of the formal review process; and
- Early opportunity to review requests to determine if it meets the City's vision

# NOTICE OF APPLICATION DEADLINE FOR THE

# 2018-2019 ANNUAL DOCKET PROGRAM

**For**

**Amendments to the Comprehensive Plan or City Development Regulations**

## APPLICATION DEADLINE IS AUGUST 31, 2018

The City of Stanwood hereby announces that the annual application deadline for amendments to the Stanwood Comprehensive Plan or City Development Standards is **Friday, August 31, 2018.** The Comprehensive Plan is the City's 20-year development plan. The annual amendment process provides an opportunity for residents or community groups to request changes to the Comprehensive Plan or Development Regulations, as provided by State Law (Chapter 36.70A RCW).

The City is currently accepting public requests for amendments to the Comprehensive Plan or Development Regulations that may include changes to land use designations or text amendments to the elements, goals, policies and / or zoning map or text changes. Initial requests are submitted for docketing pending review by the Stanwood Planning Commission and acceptance by the Stanwood City Council. Once docketed, the Stanwood Planning Commission reviews complete amendment applications and may consider related zoning changes concurrently. Following a public hearing, the Planning Commission makes recommendations to the Stanwood City Council. The City Council makes the final decision on proposed Comprehensive Plan amendments and related rezone applications.

Docket requests shall be submitted on the City's application form. Forms are available on the City's website or at City Hall. Please contact Patricia Love, Community Development Director at (360) 629-2181 or visit City Hall at 10220 270th St NW, Stanwood WA 98292 for additional information.

# Planning Commission
# 2018 Tentative Extended Agenda

| Date | Topic |
|---|---|
| July 23 | Public Hearing: Final Plat Procedures<br>Industrial Code Amendment – Text Edits |
| August 13 | Public Hearing: Final Plat Procedures<br>Cell Tower Code Amendment<br>Off-Site Signage |
| August 27 | Cancelled |
| September 10 | Presentation: Alliance for housing Affordability<br>Stanwood Housing and Population Trends |
| September 24 | 2018 Docket Review<br>Shoreline Master Plan Update<br>Land Use / GMA Primer |
| October 8 | Hearing Examiner Proposed Code Amendments |
| October 22 | |
| November 12 | |
| November 26 | Cancelled |
| December 10 | |
| December 24 | Cancelled |

Future Requested Agenda Items:

- GIS Primer
- Fireworks

# MEMORANDUM

**City of Stanwood**
**10220 270th St NW**
**Stanwood, WA 98292**
**360-629-4577**

## COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** PLANNING COMMISSION

**FROM:** Patricia Love, Community Development Director

**SUBJECT:** Industrial Zones Performance Standards Code Amendment

**DATE:** July 23, 2018

**ATTACHMENT:** NONE

***Update:***
At the June 25, 2018 meeting, the Planning Commission requested one additional change to for staff consider expanding the exemption list for agriculture or other existing uses that currently operate in the city. In response, staff proposes to amend new section 17.50.025 by adding subjections 2-6 below:

**17.50.025 EXCEPTIONS TO PERFORMANCE STANDARDS [NEW SECTION]**
The following uses shall be exempted from compliance with this chapter:
(1) The existing City of Stanwood water and sewer treatment plant as it is an Essential Public Facility;
(2) Any uses or activities allowed per SMC 17.102, Right-to-Farm Registration;
(3) Legally permitted uses and / or businesses prior to adoption of Ordinance XXX;
(4) Temporary smoke or odors originating from uses for a duration of less than 15 minutes per day;
(5) Street light glare; and / or
(6) Temporary construction projects.

The Planning Commission also requested that the amendment be prepared for a public hearing on July 23, 2018. However, due to a scheduling conflict with the public hearing notice, the hearing has been postponed to August 13, 2018 to ensure that proper legal notice of the Planning Commission's hearing is provided.

***Background:***
At the June 11, 2018 Planning Commission meeting, the Commission considered potential changes to the Light Industrial and General Industrial performance standards to reduce negative impacts on surrounding commercial and residential properties. The Commission, after considering staff and public comments, requested the following changes:

1. Work to reduce and / or eliminate "vague" language in the code which could lead to conflicting interpretations or inconsistent enforcement; and
2. Address code enforcement.

In response to the Commissions comments, the following changes were made to the draft code amendment:

- The tone of the chapter changed from outright prohibiting all uses to allowing uses identified in the permitted use matrix with the requirement to meet additional performance standards that mitigate impacts on adjacent commercial and residential properties.

- Revised the prohibited uses subsection, specific uses were identified and those uses that could not meet the performance standards.

- Revised the standards to apply to both the Light Industrial and General Industrial zones, as there were not significant differences between the two zones.

- Required that businesses meet performance standards within their property boundaries, not within the entire zone. The Commission may want to consider if it matters whether a use in the same zone affects another business.

- Added a new section exempting the water and sewer treatment plant from the performance standard requirement as it is an essential public facility.

- Added a new section: Submittal Requirements. This section puts the burden on the applicant to provide proof of compliance with the performance standards and gives the City authority to ask for special studies at the applicants cost if needed. It also gives the City the authority to recover any costs for peer review for technical expertise when needed to fully evaluate a proposal.

- Added a new section: Enforcement. This section provides that violations of the performance standards is subject to the City's enforcement procedures and that the City has the authority to issue either stop work or emergency notices halting any activity that violates the code until corrective actions are implemented.

***Next Steps:***
Schedule a public hearing for August 13, 2018.

# STANWOOD PLANNING COMMISSION MINUTES

## July 9, 2018

### *Call to Order*

Chair Utgard called the meeting to order at 6:30PM with the following Commissioners present: Steve Shepro, Lance Dennis, and Marcus Metz. Commissioners Randy Heagle and Susan Ronken were excused. Elected Officials and staff present; Council Member Diane White, Community Development Director Patricia Love, Senior Planner Amy Rusko and Planning Commission Clerk Devin Sola. Known public in attendance: Peggy Wendell, Michael and Cathy Wooten, Sid Roberts.

### *Public Requests or Comments*

### *Minutes*

The minutes of the June 25, 2018 meeting was approved as presented.

### *New Business*

**McDay Brewery**

Senior Planner Amy Rusko gave the staff report, explaining the proposal including the proposed site, frontage improvements on 84th Ave and 270th. There will be parking throughout and an entrance from 270th. Site location is in the flood plain and site will be filled partially and the building raised similar to NW Architect Design next to City Hall. This permit requires a site development permit which is a Type II permit. It also requires a public meeting which is being held tonight, but it does not require a public hearing.

Planning Commission discussed:

- Project staff contact is Amy Rusko, Senior Planner
- No variances have been applied for to-date

### *Old Business*

**Shoreline Master Plan Update**

Ms. Love explained that the City Council has approved the public participation plan and consultant contract and gave a power point presentation on a Shoreline update primer to the Commission. The primer included why we do an update and its importance, as well as shoreline areas in Stanwood, Department of Ecology grant for consultant work and community involvement through the public participation plan. The Commission thanked Ms. Love for the presentation.

### *No Miscellaneous Business*

- Planning Commission Extended Agenda
- Meeting schedule and frequency of meeting for Commission
- 9/10/18 Commission meeting presenter from Affordable Housing
- Temporary signage- A-boards, off-site signage

- Cancellation of 8/27/18, 11/26/18 and 12/24/18 Commission meetings
- Fireworks- governance, enforcement, current allowable time frames

*Recent Council Action on Commission Items*

- Shoreline Master Plan Public Participation Plan / Consultant Contract
- Park Projects: Council approved contract for Hamilton Park project

**Public Comment:**

Sid Roberts, 28001 84th DR NW, Stanwood. Former City of Lynnwood Council Member and current Stanwood resident. Expressed frustration with lenient time frame allowed for fireworks within the City of Stanwood. Stanwood and Sultan have the most liberal fireworks code language the State allows. Would like to see code language reviewed in order to be more restrictive. Added that with the new park impact fee code passing this could be a serious revenue source for the City. Would encourage a city-sponsored fireworks event at Heritage Park. Stated Hennings home fire which recently occurred and safety issues surrounding fireworks in urban areas.

Council Member White explained the history behind a City-sponsored fireworks show at Heritage Park and the reasons behind discontinuing the event.

The Commission discussed the fact that wildfires are becoming more common and larger and safety education to the public is important.

Peggy Wendel, 27305 83rd Ave NW, Stanwood. Supports brewery proposal. The waste products of beer making process seem beneficial to the environment as the spent grain may be used for animal feed or in baked goods. Excited about the proposal.

Cathy Wooten, 27828 84th AVE NW, Stanwood. Inquired why office space is currently being utilized in the first floor of the new Designs NW Architect building when the public was told at previous city meetings that the first floor would not be occupied due to FEMA requirements.

Staff explained that the building has flood panels and in a flood event water would go through that first floor. Additionally, staff explained that there are different standards for building in the flood plain.

*Upcoming Items*

- Lenz Port Susan Marketplace site – new building pad will include Mod Pizza as one of three known businesses to go into the common spaces
- Viking Way status

*Adjourn*

The meeting adjourned at 7:40PM.

_____

Devin M. Sola, City of Stanwood

# NOTICE OF APPLICATION DEADLINE FOR THE

# 2018-2019 ANNUAL DOCKET PROGRAM

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10220 270th St NW
Stanwood, WA 98292
360-629-4577

# MEMORANDUM

**COMMUNITY DEVELOPMENT DEPARTMENT**

---

**TO:** PLANNING COMMISSION

**FROM:** Patricia Love, Community Development Director

**SUBJECT:** Final Plat Code Amendment

**DATE:** July 23, 2018

**ATTACHMENT:**
A. Draft Stanwood Municipal Code Amendments
B. Findings of Fact and Conclusions

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***Issue:***
The issue before the Planning Commission is to review code changes amending the City's final plat approval procedures.

***Summary:***
Changes in state law recently granted local governments the authority to administratively approve final plats. Stanwood has historically required final plats (subdivisions of 10 or more lots) to be approved by the City Council. The new law allows a jurisdiction's administrative staff, such as the Community Development and Public Works Director, to approve final plats if the project conforms to the conditions of approval and the associated infrastructure is in place.

***City Council Community and Economic Development Committee Recommendation:***
The Council CDC's July meeting included a briefing on the proposed final plat code amendment. At that meeting the Committee did not recommend that the final plat process be amended to eliminate the Council's approval. The Committee felt it was important to keep the Council as the final check to ensure that all conditions of preliminary plat approval have been met.

***Staff Recommendation:***
Attached for your review and consideration is the proposed draft code amendment changing the final plat approval process from the Stanwood City Council to an administrative process.

As an alternative option, to address the Council Committee's concern, the code could be amended to note that the City Council shall approve final plats, but the requirement for a public hearing be eliminated. State law does not require public hearings for final plat approval. Eliminating the public hearing requirement, and noting that final plats are non-discretionary, could help reduce the confusion with the public on the purpose of final plat approval.

Staff recommends that the Planning Commission:

1. Open the Public Hearing
2. Receive the Staff Presentation and Ask Questions (if any)
3. Take Public Testimony and Ask Questions (if any)
4. Deliberate or Ask Any Additional Questions of Staff
5. Close the Public Hearing or Continue the Public Hearing to August 13, 2018
   Option 1: Recommend approval of the draft code amendment as presented or with minor amendments. Bring back findings of fact and conclusions for approval by the Planning Commission at their next meeting.
   Option 2: Bring back revised code language which maintains the City Council as the final review authority, but eliminate the public hearing process. Bring back findings of fact and conclusions for approval by the Planning Commission at their next meeting.

***Planning Commission Options:***
1) Recommend approval of the proposed amendments to Title 16, Submissions and Title 17, Zoning, to the Stanwood City Council changing final plat approvals to an administrative process.

2) Recommend to revise the draft final plat code amendment that maintains the City Council as the final review authority, but eliminate the public hearing requirement.

3) Recommend alternative language to the proposed amendments and direct staff to make change prior to recommendation to City Council.

4) Recommend denial of the proposed zoning amendments to the City Council.

***Recommended Motions:***

**I MOVE TO RECOMMEND APPROVAL OF THE FINAL PLAT PROCEDURES CODE AMENDMENT TO THE STANWOOD CITY COUNCIL.**

**Or**

**I MOVE TO REVISE THE DRAFT FINAL PLAT CODE AMENDMENT THAT MAINTAINS THE CITY COUNCIL AS THE FINAL REVIEW AUTHORITY, BUT ELIMINATE THE PUBLIC HEARING REQUIREMENT.**

**I MOVE TO REQUEST STAFF PREPARE THE FINDINGS OF FACT AND CONCLUSIONS AMENDING THE FINAL PLAT APPROVAL PROCEDURES AND TO BRING THEM BACK TO THE NEXT PLANNING COMMISSION MEETING FOR APPROVAL.**

These motions can be amendment to add any proposed amendments as discussed at the public hearing and during deliberations.

***Background:***

Subdivision of land occurs in three distinct phases: preliminary plat, plat construction and final plat. The land use law associated with each phase is also very distinct regarding a city's legal authority to regulate that process.

| Platting Phase: | Process & Legal Authority |
|---|---|
| ***Preliminary Plat*** | Applications for preliminary plat are reviewed against the City's adopted subdivision, zoning, environmental, and development standards for compliance with land use regulations as well as for overall life, health, welfare requirements.<br><br>Public comments are solicited several times during the review stage of the permit: open comment period, during environmental review process and at the public hearing.<br><br>The Hearing Examiner makes a formal decision to either approve, approve with conditions, or deny the preliminary plat application at the conclusion of the public review process.<br><br>Conditions may be attached to the approval which have a direct relationship to the projects impacts; this is call "nexus", and to the size of that impact, which is commonly referred to as "proportionality".<br><br>Upon approval of a plat, all of the building, environmental, and site development issues have been resolved. The applicant now has a legal right to build without any further requirements imposed by the City. |
| ***Plat Construction*** | Applicants have between five and 10 years to construct their plat depending on the date of plat approval. Projects vest at the time of |

| Platting Phase: | Process & Legal Authority |
|---|---|
| | preliminary plat approval with the conditions required at that time. No new conditions can be added to the project.<br><br>During this phase of the development, the applicant submits for final construction plan approval and builds out the plat per the approved plans and conditions of approval. At critical milestones in the development process, city and special district staff inspect the site improvements to ensure compliance with the approved plans and conditions.<br><br>Typical site improvements include roads, utilities, storm water, environmental enhancements, and park improvements. |
| ***Final Plat*** | Once all of the site improvements have been constructed and inspected per the approved plan, the applicant can apply for final plat approval. At the final plat approval stage, the process is essentially administrative: the city verifies all conditions of preliminary plat have been met and site improvements are installed per plan approval. If the City finds that the plat conforms to the preliminary approval, the City must approve the final plat.<br><br>Once the final plat has been approved, the developer can begin building out the lots or sell the property. |

State law changed to ensure that the final plat process remains an administrative process. With final plats requiring approval by the City Council, elected officials have in the past tried to impose additional conditions on a project based on community comments or concerns. These types of actions have led to lawsuits and exposed cities to legal liability with the potential of paying financial damages to applicants.

Secondly, the process was also changed in simplify and streamline the final plat process. Because cities have no option but to approve a final plat if all the conditions of preliminary plat approval have been met, the process of obtaining City Council approval can be lengthy in some jurisdictions.

Final plat approval is not discretionary. By having a final plat reviewed in a public meeting or hearing adds time and confusion to the process: the public and local officials think they have the opportunity to add conditions to a project when in fact there is no such authority by law

***Comprehensive Plan Guidance:***

Stanwood's Comprehensive Plan envisions a strong community that balances the needs of residents and business. Housing is an integral part of that balance. The Comprehensive Plan's

economic development policies support streamlining the City's permit process to make it more efficient and expeditious.

EDP-6.1 Ensure that City licensing and permitting procedures and development regulations are coherent, fair, and expeditious.

EDP-6.4 Expedite permits for projects that further Economic Development, while still providing equitable service for all.

Simplifying the final plat process reduces time and cost to housing developers and it brings housing options on the market faster. By taking the focus off the end process, it emphases the importance of ensuring that all platting issues are properly addressed at the preliminary plat phase where the legal authority exists to mitigate any impacts.

***Financial Impact:***

There are no known financial impacts to the City; for the developer the changes can result in a shorter approval process.

# Title 16 Subdivisions
# Chapter 16.20 Final Plats

## 16.20.060 Approval.

(1) Upon receipt of the final plat and accompanying data, the public works director and planning director shall review the final map and documents to determine that the plan conforms with the approved preliminary plat, and that there is compliance with provisions of the law and of this code. The staff may make checks in the field to verify that the map is sufficiently correct on the ground, and may enter the property for this purpose.

(2) If the public works director and planning director determine that the final plat conforms fully with all applicable regulations and standards, they shall then affix their signatures thereto. See also SMC 17.102.080(3).

(3) ~~After being approved as required above, the final plat shall be presented to the city council.~~ After finding that the final plat has been completed in accordance with the provisions of this code, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the mayor shall sign the final plat accepting such dedications and easements as may be included thereon, and the final plat shall be returned to the applicant for filing for record with the auditor.

(4) Final plats shall be approved, disapproved or returned to the applicant within 30 days from the date of filing with the planning director, unless the applicant consents to an extension of such time period. (Ord. 1032 § 7, 2002; Ord. 1110 § 2, 2002).

## 16.20.065 Duration of approval. [OR REPEAL ENTIRE SECTION: CITY ATTORNEY TO REVIEW]

Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of seven years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat and the statutes, ordinances, and regulations in effect at the time of approval under Chapter 16.15 SMC unless the city ~~council~~ finds that a change in conditions creates a serious threat to the public health or safety in the subdivision; provided, that this provision shall expire December 31, 2014, consistent with RCW 58.17.140 as amended by the 2010 State Legislature in SSB 6544, on which date the effective period for the final plat shall be five years. (Ord. 1266 § 4, 2010).

### 16.20.090 Filing for record.

The original of the final plat shall be recorded with the Snohomish County auditor. One paper copy and one digital copy on CD shall be provided to the planning director. Additional paper copies shall be filed with the Snohomish County assessor, community development director, and the fire chief. All required paper copies shall bear the auditor's recording data.

The county auditor shall refuse to accept any plat for filing and recording until approval of the plat has been given by the Stanwood ~~city council~~ Community Development Director. Should a plat or dedication be filed or recorded without such approval, the city attorney shall apply for writ of mandate in the name of and on behalf of the city ~~council~~ directing the auditor and assessor to remove from their files or records the unapproved plat or dedication of record. (Ord. 1398 § 2, 2015; Ord. 1110 § 2, 2002).

### 16.20.120 Appeal.

Any person aggrieved by the final decision of the ~~city council~~ Community Development Director may appeal the decision pursuant to SMC 17.81A.210(4) and 17.81A.265. (Ord. 1419 § 4, 2016).

## Title 17 – Zoning
## Chapter 17.81A Procedures

### 17.81A.210 Types of Review.

(1) The purpose of this section is to provide an overview of the ~~six~~ five levels of land use review. Land use and development decisions are classified into ~~six~~ five 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.

(2) Classification of Permits and Decisions.

(a) 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 and

final plats are made to Snohomish County superior court. The permits and actions reviewed and decided as Type I are listed in the table in subsection (4) of this section.

(b) 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 (4) of this section.

(c) 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 (4) of this section.

(d) Type IV Review – Quasi-Judicial Decisions – City Council. A Type IV process is a quasi-judicial review and decision by the city council. Public notification is provided at the application, public hearing (if any), and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of city council decisions are made to Snohomish County superior court. The permits and actions reviewed and decided as Type IV are listed in the table in subsection (4) of this section.

(e) Type V Review – Legislative Decisions – City Council with Planning Commission Recommendation. A Type V review is for legislative and/or nonproject 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 V are listed in the table in subsection (4) of this section.

(3) Permits and Actions Not Listed. If a permit or land use action is not listed in Table 17.81A-I, the planning director shall make the determination as to the appropriate review procedure.

(4) Permit-Issuing Authority and Appeal Authority. The permit-issuing authority and appeal authority for permit applications and legislative actions are established in Table 17.81A-I. A detailed explanation for each review procedure is in Chapter 17.81B SMC under each article for each review type.

**Table 17.81A-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 |
|---|---|---|---|---|---|---|---|---|
| **Type I:** | | | | | | | | |
| Administrative site development permit, grading permit, sign permit | No | No | No | No | CDD | HE | No | Yes |
| Home occupation permit | No | No | No | No | CDD | HE | No | Yes |
| Accessory dwelling unit | No | No | No | No | CDD | HE | No | Yes |
| Parcel combination | No | No | No | No | CDD | HE | No | Yes |
| Manufactured housing infill | No | No | No | No | CDD | HE | No | Yes |
| Boundary line adjustment | No | No | No | No | CDD | HE | No | Yes |

| 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 |
|---|---|---|---|---|---|---|---|---|
| Administrative interpretation | No | No | No | No | CDD | HE | No | Yes |
| Encroachment permit | No | No | No | No | CDD/CE | HE | No | Yes |
| Final plat | No | No | No | No | CDD | No | No | Yes |
| Floodplain development permit | No | No | No | No | CDD | HE | No | Yes |
| Administrative decision, modification, adjustment to standards | No | No | No | No | CE | HE | No | Yes |
| **Type V:** | | | | | | | | |
| Comprehensive plan amendment | NOA 10-day NOH | None | Yes | PC++ | PC recommendation** 10-day HOH | No | No | Yes |

| 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 |
|---|---|---|---|---|---|---|---|---|
| Development regulations amendments | 10-day NOH | None | No | PC++ | PC recommendation** CC decision** | No | No | Yes |
| Annexation | 15-day NOA 10-day NOH | CDD, CE | No | CC/SCBRB | PC recommendation** CC decision** | No | No | Yes |
| ~~Final plat~~ | ~~No~~ | ~~No~~ | ~~No~~ | ~~No~~ | ~~CC~~ | ~~No~~ | ~~No~~ | ~~Yes~~ |
| Right-of-way vacation | 10-day NOH | CE | No | CC | CC Committee Recommendation CC decision | No | No | Yes |
| Zoning map amendment | 10-day NOH | CDD | No | PC | CC | No | No | Yes |

CC City Council

CE City Engineer

PC Planning Commission.

HE Hearing Examiner

CDD Community Development Director

SCBRB Snohomish County Boundary Review Board

NOH Notice of Hearing (per SMC 17.81A.260) NOA Notice of Application (per SMC 17.81B.225) PWD Public Works Director

* The community development director 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.

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

(5) 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 17.81A-II. Each type of determination has a separate review process determined by the community development director or public works director.

## Title 17 – Zoning
## Chapter 17.81B Types of Land Use Review

### 17.81B.525 Public meetings.

A public meeting is required for all Type IV applications pursuant to SMC 17.81A.260. 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 IV applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible. ~~Council action for a final plat is a public meeting rather than a public hearing.~~ (Ord. 1419 § 9, 2016).

### 17.81B.540 Notice of city council public hearing.

(1) Public notice of the date of the city council public hearing, ~~or for final plats a public meeting,~~ at which the city council 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. The notice of the city council meeting shall also include the notice of the availability of the staff recommendation.

(2) The director shall mail or email notice of the city council public hearing or public meeting, the SEPA determination, and the notice of the availability of staff recommendation to all parties of record. (Ord. 1419 § 9, 2016).

### 17.81B.545 City council decision.

(1) Within five days of a decision, the planning director 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 meeting 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, notice of public hearing, and notice of SEPA determination) have been met.

(2) Any person may participate in the city council public hearing, ~~or public meeting for final plats,~~ on staff recommendation by submitting written comments to the department of community development prior to the hearing or by submitting written comments or making oral comments at the hearing.

(3) The city council shall, at the open record public hearing or public meeting, consider and take final action on each Type IV application. The final action may take place in the same meeting as the public hearing or public meeting, if any.

(4) The city council shall either:

(a) Approve the application;

(b) Approve the application with modifications;

(c) Remand the application to staff for an additional review limited to specific issues identified by the council; or

(d) Deny the application.

(5) Decision.

(a) Conditions. The city council may, based on the record, include conditions in any decision approving or approving with modifications an application, in order to ensure conformance with the approval criteria specified in the code or process under which the application was made.

(b) Findings of Fact. The city council shall include findings of fact and conclusions derived from those facts which support the decision of the council, including any conditions, in the decision approving or approving with modifications the application. The city council may by reference adopt some or all of the findings and conclusions recommended by staff. (Ord. 1419 § 9, 2016).

## *ATTACHMENT B:*

## *STATE LAW REGARDING PROCESSING OF FINAL PLATS*