



PLANNING COMMISSION
AGENDA
September 27, 2021– 6:30 PM
Online Via Zoom

1. Call to Order
2. Roll Call
3. Public Requests and Comments
4. Approval of Minutes
 - Approval of the September 13, 2021 Planning Commission Minutes
5. New Business
 - Public Hearing for the Permit Procedures and Permitted Use Matrix Code Amendment
6. Old Business

NA
7. Miscellaneous Business
8. Recent Council Action on Commission Items
9. Upcoming Items
10. Adjourn

Zoom Meeting Information

Topic: Planning Commission Meeting
Time: September 27, 06:30 PM Pacific Time (US and Canada)

ZOOM INFORMATION:

<https://us02web.zoom.us/j/89176883137?pwd=TGVYNFBhRWIDZmdDWURnRHNabHg0dz09>

Zoom Online Webinar ID# 891 7688 3137
Passcode: 323561
Or Join by Telephone: (253) 215-8782



Planning Commission Meeting Minutes September 13, 2021

Call to Order 6:00 pm

Roll Call

Present: Cody Davis
Larry Sather
Eric Warnat
Patrick Hosterman
Marcus Metz
Monea Birkhofer
Justin Burns
Eric Warnat

Staff Present: Patricia Love
Sara Robinson
Tansy Schroeder

Also known to be present: Peggy Wendell

Public Requests and Comments: N/A

Approval of Minutes:

The Minutes of July 12, 2021 were approved as written.

New Business: None

Old Business:

- **Permitted Use Matrix Code and Permitting Processes Amendment**

Previous discussions with the Commission centered on how to simplify the permitted use matrix, how to make it more user friendly, and how to potentially tie the use back to the permitting process. To address these concepts, staff has proposed the following:

- The Permitted Use Matrix is divided by land use categories: Residential, Commercial, Industrial, Public Facilities and Special Uses.
- Permit types are identified next to the use: P-I – Administrative; P-II – Administrative with Public Notice; P-III – Public Hearing Required; and C – Conditional Use Permit.
- A condensed version of the definition is included in the matrix.

A new section has been added to the permitted use chapter. This section specifically identifies those uses that are not allowed in the city, in any zone. The proposed list of prohibited uses includes:

- a. Aggregate extraction
- b. The disassembly, dismantling, or storage of more than five (5) wrecked vehicles as defined in RCW 46.80.010(6) at any one time unless completely contained within an enclosed building
- c. Manufacture of explosives
- d. Stockyards, slaughterhouses, or rendering plants; with the exception of existing legal nonconforming uses or those established prior to November 8, 2018
- e. Petroleum refineries
- f. Fertilizer manufacture
- g. Sanitary landfills
- h. Waste to energy facilities



Planning Commission
Meeting Minutes
September 13, 2021

- i. Casinos and Card Rooms
- j. Homeless Shelters unless otherwise allowed by the State of Washington
- k. New Enhanced Service Facilities
- l. Recovery Homes
- m. Orphanage
- n. Manufactured / Mobile Home Parks
- o. Sale of livestock, poultry or similar animals
- p. Storage, manufacturing or sales of highly volatile or otherwise extremely hazardous substances or materials
- q. Incineration or reduction of garbage, sewage, dead animals or refuse
- r. Crematoriums
- s. Septage treatment plants
- t. Uses that cannot meet and/or exceed the performance standards listed in SMC 17.50.020 Light industrial and general industrial district performance standards
- u. Use of a travel trailer, motor home, or other recreational vehicle for living purposes for more than two consecutive weeks at a time and more than four weeks per year
- v. Temporary or permanent Homeless Encampments except as allowed by RCW 35A.21.360.

- **Enhanced Service Facilities**

The City Council adopted interim Enhanced Service Facilities (ESF) regulations in October of 2020 and then extended the interim regulations until October. An additional extension may be needed to if the proposed code amendment is not adopted by mid-October.

- **Residential Uses on 102nd Avenue**

Property fronting 102nd Avenue is zoned Main Street Business I with Historic Overlay. According to the zoning code zones are intended to be a combination of historic downtown business and mixed-use development.

It appears sometime after 2009 changes were made to the permitted use matrix that restricts single family and multifamily housing in the Mainstreet Business I district; only mixed-use developments area allowed. This restriction makes perfect sense as it applies to the commercial areas, however north of 272nd on 102nd Avenue the majority of the properties are detached single family residential with the exception of the North Sound Physical therapy building. The City's Comprehensive Plan encourages the preservation and reuse of historic and older homes in the downtown area. These policies appear to conflict with the zoning restriction of not allowing residential uses in the MBI zone where appropriate.

In July the Planning Commission reviewed this issue and recommended that the area north of 272nd Street on 102nd Avenue be allowed to be built out with Single Family, Duplex and Triplex's, but not Multi-Family homes.



Planning Commission Meeting Minutes September 13, 2021

- **PUD Pole and storage yard**

Snohomish County PUD is in the process of constructing several infrastructure upgrades to support future growth and reliability of PUD's electrical service to North Stanwood and Camano Island. Part of that work included building a new substation off Pioneer Highway next to the cemetery. This project has been approved and is currently under construction. Another component of their long-range plans is to surplus their pole yard in downtown Stanwood. They need a larger, new location to store poles and construction supplies; preferably with easy and timely access to Stanwood and Camano Island. They have proposed to use a portion of the Pioneer Highway site for this use.

It is unclear if Stanwood's permitted use matrix would allow the pole yard and storage area as part of their substation. To clarify that these uses would be allowed when located in conjunction with a substation, staff is proposing that the permitted use matrix be amended to allow "electrical equipment and pole storage yard" as a permitted use in all zoning districts with existing and new footnotes.

- Existing Footnote 8: Minimum land area of 10,000 square feet required.
- Existing Footnote 14: Minimum land area of 10,000 square feet required.
- Proposed New Footnote: Pole yards and storage areas shall be screened from adjacent residential or commercial uses. Chain link fences with slats are not allowed.

These procedures are currently being reviewed by the City's Hearing Examiner for clarification, consistency, ease of use, conflicts or gaps. As such, suggested changes to the code may be presented to the Planning Commission at their next meeting.

Miscellaneous Business:

NA

Recent Council Action on Commission Items:

NA

Upcoming Items:

Public Hearing September 27, 2021

Workplan item – Park impact fee ordinance will be brought to the Board in October and November for a Public Hearing in January or February 2022.

A motion to adjourn was made by Larry Sather and seconded by Patrick Hosterman.

Adjourn: 7:35 pm



CITY OF STANWOOD
PLANNING COMMISSION

AGENDA STAFF REPORT

TO: PLANNING COMMISSION

FROM: Patricia Love, Community Development Director

SUBJECT: Permitting Process and Permitted Use Matrix Code Amendment

DATE: September 27, 2021

ATTACHMENT: A. Proposed Draft Permitting Process and Permitted Use Matrix Code Amendment
B. Findings of Fact and Conclusions

Issue:

The issue before the Planning Commission is to review and hold a public hearing on the proposed amendments to the City's Permitting Procedures and Permitted Use Matrix regulations.

Summary:

One of the City's 2020 / 2021 work items is to review and update the City's permitting procedures and simplify the permitted use matrix. Staff and the Planning Commission have been working on the park impact fee since January of 2021; this evaluation period has resulted in the following amendments:

1. Consolidation of the three permit processing chapters into a single chapter;
2. Elimination of duplicative and conflicting code sections;
3. Removal of non-procedural permit processes out of the revised permit procedures;
4. Simplify the permitted use matrix;
5. Update definitions; and
6. Create new code sections for prohibited uses and enhanced service facilities.

Staff Recommendation:

Attached for your review and consideration are the proposed staff recommended amendments to Stanwood Municipal Code regarding permit procedures and permitted uses. 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
6. Recommend approval of the draft code amendment and findings of fact and conclusions to the Stanwood City Council as presented or with amendments.

Planning Commission Options:

- 1) Recommend approval of the proposed code amendments to the Stanwood City Council.
- 2) Recommend alternative language to Stanwood Municipal Code as deliberated and direct staff to include those recommendations in the staff presentation to the City Council.
- 3) Continue the public hearing on the proposed amendments to Stanwood Municipal Code to October 11, 2021 with recommended changes.

Ordinance Summary:

The City of Stanwood has initiated an amendment to the Stanwood Municipal Code to update the City's permit procedures and corresponding permitted use matrix to ensure that the type of land uses are consistent with the intent of the zoning districts and that the permitting process is efficient as possible while ensuring public participation. Below is a summary of the proposed amendments.

Permitted Use Matrix:

Previous discussions with the Commission centered on how to simplify the permitted use matrix, how to make it more user friendly, and how to potentially tie the use back to the permitting process. To address these concepts, staff has proposed the following:

- Clarified use types: Permitted, Accessory Use, Conditional Use, Temporary and Unclassified Uses
- Add a list of prohibited uses
- Updated requirements for adult family homes, group homes, enhanced service facilities, emergency shelters, accessory dwelling units and family day cares in accordance with state law
- Re-organize the permitted land use table into major land use categories: Residential, Commercial and Mixed Use, Industrial, Public, and Special Uses
- Permit types are identified next to the use: P-I – Administrative; P-II – Administrative with Public Notice; P-III – Public Hearing Required; and C – Conditional Use Permit
- Eliminated administrative Conditional Use Permits
- Consolidate existing permitted and conditional uses into “like” uses
- Reflect the associated permit process for uses identified in the permitted use matrix
- Review and update definitions, conditions, footnotes or explanations

Prohibited Uses:

A new section has been added to the permitted use chapter. This section specifically identifies those uses that are not allowed in the city, in any zone. The proposed list of prohibited uses includes:

- a. Aggregate extraction
- b. The disassembly, dismantling, or storage of more than five (5) wrecked vehicles as defined in RCW 46.80.010(6) at any one time unless completely contained within an enclosed building
- c. Manufacture of explosives
- d. Stockyards, slaughterhouses, or rendering plants; with the exception of existing legal nonconforming uses or those established prior to November 8, 2018
- e. Petroleum refineries
- f. Fertilizer manufacture
- g. Sanitary landfills
- h. Waste to energy facilities
- i. Casinos and Card Rooms
- j. New Enhanced Service Facilities
- k. Recovery Homes
- l. Orphanage
- m. Manufactured / Mobile Home Parks
- n. Auctions of livestock or similar animals
- o. Storage, manufacturing or sales of highly volatile or otherwise extremely hazardous substances or materials
- p. Incineration or reduction of garbage, sewage, dead animals or refuse
- q. Crematoriums
- r. Septage treatment plants
- s. Uses that cannot meet and/or exceed the performance standards listed in SMC 17.50.020 Light industrial and general industrial district performance standards
- t. Use of a travel trailer, motor home, or other recreational vehicle for living purposes for more than two consecutive weeks at a time and more than four weeks per year
- u. Temporary or permanent Homeless Encampments except as allowed by RCW 35A.21.360

As requested by the Planning Commission “Homeless shelters unless otherwise allowed by the State of Washington” has been deleted from the list.

The City also received a comment from a Ms. Meagen Watne requesting a revision to the prohibition of section O – Sale of Livestock, Poultry or Similar Animals. She felt this prohibition was not in keeping with the community’s rural character, would negatively impact local 4-H programs, and have the unintended consequence of restricting the annual sale of chicks at the County Store. Staff agrees with Ms. Watnes’ comments and changed this subsection to read: Auctions of Livestock or Other Similar Animals.

Enhanced Service Facilities Code Amendment:

The City Council adopted interim Enhanced Service Facilities (ESF) regulations in October of 2020 and then extended the interim regulations until October. An additional extension may be needed to if the proposed code amendment is not adopted by mid-October. The attached ordinance establishes permanent regulations regulating enhanced services facilities in the city.

An Enhanced Service Facility is a facility that provides support and services to persons for whom acute inpatient treatment is not medically necessary.

WAC 388-107-0700: Conversion of a currently licensed facility to an enhanced services facility. The enhanced service facility building occupancy type will be consistent with resident admission practices and state adopted building codes for licensed (1) nursing homes, (2) assisted living facilities or (3) adult family homes. This determination will be based on the following categories:

- (a) Enhanced service facility category 1: Admit resident(s) physically or cognitively incapable of self preservation (enhanced services facility-nursing home type);
- (b) Enhanced service facility category 2: Admit resident(s) capable of self-preservation with physical assistance from another person (enhanced services facility-assisted living type); or
- (c) Enhanced service facility category 3: Admit no more than six resident(s) capable of evacuating the facility within five minutes (enhanced services facility-adult family home type).

Since the city is mandated to allow conversions of existing nursing homes, assisted living facilities and adult family homes to Enhanced Service Facilities, staff is proposing to follow the WAC categories which are based on building code requirements. We would then allow those uses per existing policy: such as if nursing homes are only allowed in the MF or Commercial zones, then conversions would only be allowed in those zones. Following this concept, the provisions for Enhanced Service Facilities would be permitted as shown below.

- Enhanced Service Facility Conversion Category 1 – Existing Nursing Home Conversion of up to a 16 Bed Facility
- Enhanced Service Facility Conversion Category 2 – Existing Assisted Living Conversion of up to a 16 Bed Facility
- Enhanced Service Facility Conversion Category 3 – Existing Adult Family Home Conversion of up to a 6 Bed Facility

Staff is also proposing to amend SMC 17.95.375, Supplement Standards for Residential Uses, regulations to add a new subsection that applies specifically to Enhanced Service Facilities. The bolded / underlined section is the proposed new language.

- (1) Purpose. It is the purpose of this section to set forth standards for the protection of the health, safety, and welfare of both the community at large and the residents of a facility. These standards are supplementary regulations and are in addition to standards set forth elsewhere in this code.
- (2) Special Residential Uses. Special residential uses include licensed group care homes, ~~homeless shelters,~~ **licensed enhanced service facilities,** **temporary** emergency shelters, ~~residential treatment facilities,~~ ~~recovery homes,~~ or **memory care facilities** ~~designated emergency shelters,~~ except as limited in subsection (5) of this section.
- (3) In addition to other applicable standards, no special residential development shall be located closer than 1,200 feet, measured from property lines, from another such facility. For the purpose of this subsection, a development shall be defined as a building or group of

buildings on a single parcel of land. This provision is intended to prevent the creation of a de facto social service district.

- (4) The following standards shall also apply to special residential uses:
- (a) If the facility is located within a residential neighborhood, it shall be maintained to conform to the character of that neighborhood. This applies to design, density, lot size, landscaping, or other factors affecting the neighborhood character. This will prevent disruption of a neighborhood due to the introduction of a dissimilar structure.
 - (b) Only identification signs not exceeding two square feet in area denoting the name and/or purpose of a special residential use shall be allowed in a residential neighborhood. Such signs must be attached to the structure.
 - (c) Facilities located in nonresidential areas shall be maintained in the general character of the surrounding area. This applies to design, lot size, and landscaping affecting the character of the area.
 - (d) The total occupancy of a structure designed for special residential use shall be at least 100 square feet per occupant, or as provided by the city's adopted building code, as hereafter amended. For homes on a local residential street, occupancy shall not exceed two clients per bedroom.
- (5) Family daycare homes and group care facilities for handicapped persons or children that meet the definition of "family" in SMC 17.20.070 are not subject to the regulations in this section. These facilities are subject to SMC 17.95.380 and 17.95.382 and the use regulations of Chapters 17.30 through 17.79 SMC, similar to any single-family home, and without additional regulation beyond applicable state and federal requirements. [VERIFY CHAPTER NUMBERS]
- (6) In addition to all of the standards listed above, enhanced service facilities shall comply with the following:**
- (a) **Only conversions of currently licensed nursing homes under chapter 18.51 RCW, assisted living facilities under chapter 18.20 RCW, or adult family homes under chapter 70.128 RCW to enhanced service facilities are allowed as provided for in WAC 388-107-0710. No new enhanced service facilities are allowed in the City of Stanwood.**
 - (b) **Converted buildings must be brought up to current building and fire code standards, including ADA (Americans with Disabilities Act) standards and all other applicable state and local rules, regulations, permits, and code requirements.**
 - (c) **The enhanced services facility must also meet specific new construction requirements related to the safety of any residents with complex needs that the facility is choosing to serve.**
 - (d) **Facilities must provide a current copy of their Washington State Business License and Department of Social and Health Services License.**
 - (e) **A written management plan shall be provided for the Director's review and approval. At a minimum, a management plan shall address the following components:**
 - i. **Identify potential impacts on nearby residential uses and proposed methods to mitigate those impacts;**

- ii. **Identify the project management or agency responsible for the support staff and who will be available to resolve concerns pertaining to the facility. The plan shall specify procedures for updating any changes in contact information;**
- iii. **Identify staffing, supervision and security arrangements appropriate to the facility. A twenty-four-hour on-site supervisor is required;**
- iv. **Identify a communications plan in the event that information to the surrounding neighborhood would be needed throughout the time the ESF is in operation.**

On September 13, the Planning Commission requested a few changes to the Enhanced Service Facilities standards listed above. Staff's response to those questions is listed below.

- Require building conversions to be brought up to current ADA standards. Subsection (6)(b) has been modified to include this requirement.
- For building conversions, does the entire building need to be brought up to current code, or just that portion being modified?
 - For buildings in the flood plain, if the value of the remodeled is 50% of the assessed value of the building or greater the entire building will need to be brought into compliance with flood plain regulations
 - For interior remodels, current codes would only apply to the portions of the work that is being altered under the permit and would not require the whole building be brought up to current code.
- For ESF conversions, can the require a portion of the original use be maintained? Conversions of existing assisted living, nursing homes and adult family homes are allowed outright by law up to a certain bed size. Adding further restrictions on top of that allowed by state law would not be allowed. In Stanwood, conversions of larger facilities would not be a significant issue, as these facilities are larger with a mix of senior housing, assisted living and nursing home care. The issue of requiring a portion of the original use to be maintained would arise with the Adult Family Homes that can convert to an ESF. Because both uses (AFH and ESF) are limited to 6 beds, retaining a portion of the original AFH would be impactable and could be viewed as obstructing state law.
- For conversions, can the city require a waiting period before existing facilities can be converted to an ESF? According to the Washington State Department of Social and Health Services website, in order to serve ESF residents, you must be a licensed ESF provider and be contracted with the Home and Community Services (HCS) Division. Successful ESF applicants will have experience providing personal care to Medicaid clients with highly complex personal care and behavioral challenges. In order to receive an ESF Contract to serve DSHS clients, the Contractor must provide evidence of all requirements listed below.
 - The Contractor must have a current Enhanced Services Facility (ESF) license.
 - The Contractor must have demonstrated experience and ability providing services and supports in a community-based setting to adults with complex behavioral and personal care needs.
 - The Contractor must have a demonstrated ability to provide (or arrange) for all required staff trainings.

Based on the licensing requirements, someone could not open an adult family home and immediately convert to an enhance service facility due to the licensing and experience requirements.

Residential Uses On 102nd Avenue:

Property fronting 102nd Avenue is zoned Main Street Business I with Historic Overlay. According to the zoning code zones are intended to be a combination of historic downtown business and mixed-use development.

It appears sometime after 2009 changes were made to the permitted use matrix that restricts single family and multifamily housing in the Mainstreet Business I district; only mixed-use developments area allowed. This restriction makes perfect sense as it applies to the commercial areas, however north of 272nd on 102nd Avenue the majority of the properties are detached single family residential with the exception of the North Sound Physical therapy building.

This section of the MBI district north of 272nd Avenue contains many older, well maintained single family residential homes, some homes that need renovation, and a few vacant lots. This restriction on allowing single family residential zoning north of 272nd Street puts existing houses in non-conforming status that could negatively affect current owners or potential future buyers.

The City has received many requests to allow residential development on the vacant lots along 272nd, but because of the permitted use matrix restricts all residential except mixed-use development, these lots have not developed. In addition, due to the limited size of the vacant lots, building financially viable mixed-use developments on these lots has proven to be unmarketable. In order to make mixed-use development viable in this area, lots would need to be consolidated and existing housing uses demolished for new incoming development.

The City's Comprehensive Plan encourages the preservation and reuse of historic and older homes in the downtown area. These policies appear to conflict with the zoning restriction of not allowing residential uses in the MBI zone where appropriate.

In July the Planning Commission reviewed this issue and recommended that the area north of 272nd Street on 102nd Avenue be allowed to be built out with Single Family, Duplex and Triplex's, but not Multi-Family homes.

House Bill 1220:

The Washington State Legislature passed, and the Governor signed into law E2SHB 1220 which requires cities to accommodate transitional housing, emergency shelters and similar homelessness related facilities. The law states that cities may not prohibit transitional house or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed.

- Transitional Housing: housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.
 - Applies to Stanwood Permitted Use Matrix as follows: All Stanwood zoning districts with the exception of General Industrial.

- Indoor Emergency Shelters and Housing: Effective September 30, 2021 a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed.
 - Applies to Stanwood Permitted Use Matrix as follows: Main Street Business Districts I & II, Neighborhood Business, General Commercial and Light Industrial.

PUD Pole and Storage Yard:

Snohomish County PUD is in the process of constructing several infrastructure upgrades to support future growth and reliability of PUD's electrical service to North Stanwood and Camano Island. Part of that work included building a new substation off Pioneer Highway next to the cemetery. This project has been approved and is currently under construction. Another component of their long-range plans is to surplus their pole yard in downtown Stanwood. They need a larger, new location to store poles and construction supplies; preferably with easy and timely access to Stanwood and Camano Island. They have proposed to use a portion of the Pioneer Highway site for this use.

It is unclear if Stanwood's permitted use matrix would allow the pole yard and storage area as part of their substation. To clarify that these uses would be allowed when located in conjunction with a substation, staff is proposing that the permitted use matrix to amended to allow "electrical equipment and pole storage yard" as a permitted use in all zoning districts with existing and new footnotes.

- Existing Footnote 8: Minimum land area of 10,000 square feet required.
- Existing Footnote 14: Minimum land area of 10,000 square feet required.
- Proposed New Footnote: Pole yards and storage areas shall be screened from adjacent residential or commercial uses. Chain link fences with slats are not allowed.

Chapter 17.80 Permit Review Procedures proposed amendments:

One of the City's 2019 / 2020 work items is to review and improve our permitting process to: improve our communication with the public regarding permitting and to reduce procedural conflicts in the code which causes confusion.

The Stanwood Municipal Code contains three chapters addressing the processing of permits:

- SMC 17.80, Administration
- SMC 17.81A, Procedures
- SMC 17.81B, Types of Land Use Review

These code sections have been amended over time and contain conflicting requirements. They also contain imbedded development regulations, such as grading standards and variance criteria, which should be located in their own separate and distinct chapters.

Instead of trying to fix the inconsistencies and conflicts in the existing code sections, staff is proposing to re-write the permit procedures following the process outlined in the Washington State Regulatory Reform Act contained in RCW 34.05.328. This re-write also provides an opportunity to evaluate the City's existing permit types and processes.

The ordinance maintains the fundamental context of the existing code procedures; however the amendments eliminate conflicts and address gaps in the permit review process. Amendments includes:

- Consolidate the three permitting procedures chapters into a single chapter that follows the permitting steps.
- Eliminate duplicative and conflicting code sections.
- Include easy to read tables detailing permit types and process.
- Move the following non-procedural permit processes out of the administrative code sections and create new chapters:
 - Variance – New Chapter SMC 17.35
 - Conditional Use Criteria – New Chapter SMC 17.40
 - Development Agreements – Added Criteria and Relocated to SMC 17.60
 - Grading Regulations - New Chapter SMC 17.154
 - Amendments to Comprehensive Plans – Relocated to SMC 17.157
 - Amendments to Annexations – Section Relocated to SMC 17.158
- Create flow charts for each permit type (Completed).
- Adopt new permit procedures following the following outline:
 - Article I: General Provisions
 - Article II: Application Provisions and Procedures
 - Article III: Permit Review Procedures
 - Article IV: Post Permit Requirements

The City's Hearing Examiner was requested to review the procedures sections of the ordinance for clarification, consistency, ease of use, conflicts, and gaps. Mr. Galt's comments have been incorporated into the proposed draft.

Consistency with the Growth Management Act:

The Growth Management Act (GMA) requires cities to adopt a fully integrated and consolidated permit processes. The intent of the draft regulations is to update the permitted, accessory, conditional and temporary uses by zone and streamline the permitting processes for the community consistent with the goals of the GMA. In general, all cities and counties are required to develop an integrated and consolidated project permit review process that:

- Combines both procedural and substantive environmental review with project permit review;
- Applies currently adopted code to permit applications consistently;
- Applies a streamlined permit process without sacrificing plan review;
- Allows open record appeal hearings; and
- Prohibits reconsideration of zoning uses and standards at the time of permit review.

Having clear and consistent regulations reduces the potential for misinterpretations of city codes that can lead to inconsistent application of city codes, incompatible uses being located next to each other, appeals or increased attorney fees.

Consistency with Comprehensive Plan:

The City of Stanwood, a coastal farming community, is located at the confluence of the Stillaguamish River, Port Susan Bay and Skagit Bay with beautiful natural areas, working farms,

and a wide range of recreation opportunities. Stanwood functions as the town center for this diverse rural, suburban and urban population. It is the desire of the community to preserve its historic rural, small town character while still providing urban level of services to its citizenry.

The Land Use Element of the Comprehensive Plan describes trends, future needs, and the general character of Stanwood. The land use patterns are what determine the character of the City and the locations, type of future development and redevelopment that will occur. Land use determines where people in the City will reside, shop and work. Goals and policies that support the proposed amendments includes:

Future Land Use Goals and Policies:

- LUG 1 Plan current and future land uses in accordance with the Washington State Growth Management Act, Snohomish Countywide Planning Policies and the values and vision of Stanwood residents and business people.
- LUP 1.3 Create adequate land use capacity to accommodate growth targets by zoning land with sufficient density and range of uses to allow the housing and commercial markets to attract quality development.

Character Goals and Policies:

- LUG 2 Re-vitalize and reinforce the character of Stanwood's existing residential and commercial neighborhoods as infill and redevelopment occur.
- LUP 2.9 Maintain commercial centers with a sufficient range of uses:
 - To allow residents to meet their basic daily needs within town,
 - support a network of personal and business interactions that result in a friendly hometown.
- LUP 2.10 Encourage preservation of open space and recreational opportunities.
- LUG 3 Recognize Stanwood's existing character, scale, and neighborhood quality as assets that will add to the desirability of the community when incorporated into the design of new residential development.
- LUP 3.4 Preserve a predominately single-family land use pattern with some multi-family development in the residential zones with proximity to Downtown, or in proximity to Uptown.
- LUP 3.5 Limit new commercial and industrial development to uses and project designs that complement the small-town character of Stanwood.

Downtown Center Goals and Policies:

- LUG 4 Develop Downtown Stanwood, defined as the area incorporating East District, the 271st Corridor, and West End as a Center consistent with Vision 2040 and recognize that this Center serves the City, surrounding agricultural area and Camano Island.
- LUP 4.1 Allow a mix of residential, office, retail, entertainment and service uses to serve incorporated Stanwood, unincorporated Snohomish County and Camano Island in Island County.
- LUP 4.2 Support re-development of the area within the Transit Overlay for pedestrian oriented development organized around the Amtrak Station. Develop a sub-area plan for the Transit Overlay area and develop flexible parking standards within the Overlay to encourage business development.

LUP 4.3 Allow light industrial use in areas without strong access for retail or service uses.

LUG 6 Encourage mixed-use structures in the Downtown Center that combine residential and commercial uses where deemed appropriate.

LUP 6.1 Encourage mixed-use structures in the Downtown Center that combine residential and commercial uses where deemed appropriate.

The Economic Development Element of the Comprehensive Plan is implemented through the Economic Development Action Plan. The Action Plan implements key goals and policies described in the Land Use and Economic Development Elements of the Comprehensive Plan. Goals outline broad programs and actions that considered together portray an image of the future city with a strong and active economy.

Economic Development Goals and Policies:

EDG 6 Support local business by providing up to date information and equitable and efficient licensing permitting procedures.

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

EDP 6.2 Coordinate with other government entities to eliminate duplication of efforts where specialized industry requirements call for the inspection by government agencies.

Committee Recommendation:

This item was brought to the Community Development Committee on January 14, and June 10, 2021. The Committee is supportive of simplifying the permitting procedures and permitted use matrix. The felt that the methodology used to consolidate permitting process was reasonable and supported the concept of breaking the permitted use matrix into general use categories.

Planning Commission Recommended Motions:

I MOVE TO RECOMMEND APPROVAL OF THE DRAFT PERMIT REVIEW PROCEDURES AND PERMITTED USE MATRIX CODE AMENDMENT TO THE STANWOOD CITY COUNCIL.

I MOVE TO RECOMMEND APPROVAL OF THE ASSOCIATED FINDINGS OF FACT AND CONCLUSIONS AS PRESENTED TO THE STANWOOD CITY COUNCIL.

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

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. 14XX

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE (SMC) TITLE 17 ENTITLED ZONING RELATING TO DEVELOPMENT REGULATIONS AMENDING SECTION 17.20, CONSTRUCTION OF LANGUAGE – DEFINITIONS; AMENDING SECTION 17.30, PERMITTED LAND USES; ADDING NEW SECTION 17.35, VARIANCES, ADDING NEW SECTION 17.40, CONDITIONAL USE PERMITS; AMENDING SECTION 16.60.050, DEVELOPMENT AGREEMENTS; REPLACING AND ADOPTING NEW SECTION 17.80, PERMIT REVIEW PROCEDURES; REPEALING SECTION 17.81A, PROCEDURES; REPEALING SECTION 17.81B, TYPES OF LAND USE REVIEW; AMENDING SECTION 17.95, SUPPLEMENTAL STANDARDS FOR SPECIAL RESIDENTIAL USES; ADDING NEW SECTION 17.154, GRADING; AMENDING SECTION 17.157.140, COMPREHENSIVE PLAN; AMENDING SECTION 17.158, ANNEXATIONS AND ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, it is necessary and beneficial for the health, safety and welfare of the community to update the zoning regulations to create consistency between the permitted use regulations and the permit processing regulations;

WHEREAS, the Growth Management Act (GMA) requires cities to adopt a fully integrated and consolidated permit processes;

WHEREAS, the intent of the draft regulations is to update the permitted, accessory, conditional and temporary uses by zone and streamline the permitting processes for the community consistent with the goals of the GMA;

WHEREAS, the purpose of these code amendments is to eliminate procedural conflicts, simplify the permit procedures and update the list of permitted, accessory, conditional, and temporary uses consistent with the intent of the zoning districts and state law;

WHEREAS, Stanwood's 2015 – 2035 Comprehensive Plan directly addresses the need to create zoning regulations that implement the city's future development vision and growth;

WHEREAS, pursuant to RCW 36.70A.106, on August 16, 2021 the City notified the State of Washington of its intent to adopt amendments to its development regulations;

WHEREAS, the code amendment was circulated for public review on August 17, 2021. One public comment was received and integrated into the draft amendment;

WHEREAS, the City of Stanwood SEPA Responsible Official has reviewed the proposed amendments to the Stanwood Municipal Code and issued a Determination of Non-Significance on August 17, 2021;

WHEREAS, the Stanwood Planning Commission held a public hearing on the draft ordinance on September 27, 2021 and has recommended that the City Council adopt the ordinance as presented;

WHEREAS, the City Council Community Development Committee reviewed the proposed language and amendments set forth in this Ordinance at their October 14, 2021, meeting;

WHEREAS, the City Council held their first reading of the draft code amendment on _____, 2021 and their second and final reading on _____, 2021 and accepted public comment; and

WHEREAS, the City Council of Stanwood has authority under Title 35A, RCW to adopt plans and regulations related to development and operations within the City of Stanwood; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Definitions. Stanwood Municipal Code, Chapter 17.20, Construction of Language - Definitions is hereby amended With updated definition as they relate to permitted uses and permitted procedures as provided in Exhibit "A" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Permitted Land Uses. Stanwood Municipal Code, Chapter 17.30, Permitted Land Uses, is amended to read as provided in Exhibit "B" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 3. Variances. New Stanwood Municipal Code, 17.35, Variances is hereby adopted to read as set forth in Attachment "C", incorporated by reference as though fully set forth herein.

Section 4. Conditional Use Permits. New Stanwood Municipal Code, 17.40, Conditional Use Permits is hereby adopted to read as set forth in Attachment "D", incorporated by reference as though fully set forth herein.

Section 5. Development Agreements. New Stanwood Municipal Code, 17.60.050, Development Agreements is hereby adopted to read as set forth in Attachment “E”, incorporated by reference as though fully set forth herein.

Section 6. Permit Review Procedures. Stanwood Municipal Code, Chapter 17.80, Procedures, is repealed in its entirety and replaced with the new SMC 17.80, Permit Review Procedures as provided in Exhibit “F” attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 7. Permit Procedures. Stanwood Municipal Code, Chapter 17.81A, Procedures, is repealed in its entirety.

Section 8. Types of Land Use Review. Stanwood Municipal Code, Chapter 17.81B, Types of Land Use Review is repealed in its entirety.

Section 9. Supplement Standards for Special Residential Uses. Stanwood Municipal Code, 17.95, Supplement Standards for Special Residential Uses, is hereby amended to read as set forth in Attachment “G”, incorporated by reference as though fully set forth herein.

Section 10. Grading Regulations. New Stanwood Municipal Code, 17.154, Grading Regulations is hereby adopted to read as set forth in Attachment “H”, incorporated by reference as though fully set forth herein.

Section 11. Comprehensive Plan. New Stanwood Municipal Code, 17.157.140 Concurrent Comprehensive Plan amendment and rezone is hereby adopted to read as set forth in Attachment “I”, incorporated by reference as though fully set forth herein.

Section 12. Annexations. Stanwood Municipal Code, 17.158, Annexations, is hereby amended to read as set forth in Attachment “J”, incorporated by reference as though fully set forth herein.

Section 13. Findings of Fact and Conclusions. In support of the code provisions provided in this Ordinance the Stanwood City Council adopts the Findings of Fact and Conclusions attached hereto as Exhibit “K” and incorporated herein by reference and the analysis contained in the Staff Report on the amendments.

Section 14. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 15. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance

including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 16. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED AND APPROVED by the Stanwood City Council this ____ day of _____ 2021.

CITY OF STANWOOD

Elizabeth Callaghan, Mayor

ATTEST:

By: _____
Sara Robinson, City Clerk

APPROVED AS TO FORM:

By: _____
Brett Vinson, City Attorney

Date of Publication: _____

Effective Date: _____

Exhibit A

SMC 17.20: Construction of Language - Definitions

The following amendments to Chapter 17.20, Definitions, is proposed. **Bold and Underlined** font is new language or definitions. Regular font is from the existing code.

“Accessory Use” means uses, facilities and activities normally associated with a use listed as a permitted use in a zone and are permitted as part of that permitted use on the same lot as the principal structure. The accessory use, facility or activity must be clearly secondary to the permitted use. The primary use or activity shall be established before or concurrent with the accessory use of activity.

“Adult Family Home” means a residential home in which a person or persons provide personal care, special care, room, and board for more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services up to eight adults upon approval from the department of social and health services under RCW 70.128.066.

“Assisted living facility” means a state licensed group residence for adults, in which tenants live in individual apartments but receive some personal-care services, including shared meals, day and night supervision, assistance with medications by caregivers, and other benefits, which vary according to state regulations. Caregivers are certified nursing assistants or home care aids staffed 24 hours per day. Nurses are LPN or RN and staffed typically five days per week.

“Assisted Living Facility” means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care consistent with chapter 142, Laws of 2004, to seven or more residents after July 1, 2000. However, an assisted living facility that is licensed for three to six residents prior to or on July 1, 2000, may maintain its assisted living facility license as long as it is continually licensed as an assisted living facility. “Assisted living facility” shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

“Bed and breakfast house or inn” means a building other than a hotel or nursing home where meals and short-term lodging of more than four rooms are provided for compensation to guests and other transient persons.

“Bed and breakfast residence” means a building other than a hotel or nursing home where meals and short-term lodging of four rooms or less are provided for compensation to guests and other transient persons.

“Electrical substation” means a facility that provides transmission and distribution of electric power. The facility may also include areas to support the substation operations and may include storage laydown yards, storage buildings, maintenance buildings, or vehicle parking areas.

“Governmental use” means public land areas and facilities that are utilized for daily administration and operation of government business which house personnel, records, equipment and the like, belonging to or leased by the city, state, or federal government, special district, or agency. This use may include city hall, city offices, libraries, ...

“Enhanced Service Facility” means a residential facility licensed by the Washington State Department of Social Health Services and as defined by RCW 70.97.010 (11) or as amended by the state legislature.

“Enhanced services facility” (ESF) means a residential facility that provides services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the Department of Social Health Services to be inappropriate for placement in other licensed facilities due to complex needs. In accordance with WAC 388-107-0700 three types of enhanced service facilities are based off of building occupancy requirements:

- (a) Enhanced Service Facility Category 1 – Nursing Home Type: Resident(s) physically or cognitively incapable of self-preservation.**
- (b) Enhanced Service Facility Category 2 – Assisted Living Type: Resident(s) capable of self-preservation with physical assistance from another person.**
- (c) Enhanced Service Facility Category 3 – Adult Family Home Type: No more than six residents capable of evacuating the facility within five minutes.**

“Group Care Facility” means shared living quarters (without separate kitchen or bathroom facilities for each room or unit) for seven or more persons with physical or mental impairments that substantially limit one or more of such person’s major life activities when such persons are not living together as a single household unit.

“Group home” means a facility licensed by the state to provide, on a 24-hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.

“Homeless Housing” means housing types that are usually geared specifically towards homeless populations including:

- (a) Transition Housing: Temporary housing for individuals and families for periods up to two (2) years. Such facilities may also include job/or self-sufficiency training and other supportive services to help people transition to independent living.**
- (b) Permanent Supportive Housing: A form of housing that is geared toward chronically homeless individuals who need continuous support to help maintain housing and access to community services. Permanent Supportive Housing is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy**

and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

“Independent living facility” means a group residence where residents are provided housing, monitoring, activities, housekeeping and laundry services with options for meals.

“Indoor Emergency Shelters or Housing” means temporary housing for individuals and families for 24 hours up to 90 days. These facilities may or may not include additional supportive services.

“Park, Private / HOA” means privately owned outdoor premises, available for community use, containing recreational areas, common space, or playground equipment. A private park is owned and maintained by an individual, company or home owners association. The park grounds and recreational facilities shall be for the sole use of residents living in the area or subdivision where such facilities are located and shall not be used for commercial purposes.

“Park, urban” means an area that may be improved for the purpose of providing public access and use in a manner consistent with its recreational, educational, cultural, historical, or aesthetic qualities. This type of facility may include; passive recreation, playground, garden, picnic area, path or trail, seating area, restroom, or similar activities.

“Temporary Use” means common land uses that may require such a permit include art shows, charity events, carnivals, construction offices and yards, model homes that serve as sales centers in a subdivision, outdoor revival meetings, food trucks, pop-up restaurants or crafts shops, produce stands, Christmas tree stands, fireworks stands, camping for large festivals, car shows, and disaster relief kiosks or offices.

Exhibit B

Chapter 17. 30 Permitted Land Uses

SMC Chapter 17.30, Permitted Land Uses, is proposed to be reorganized to describe the allowed uses by major land use categories. The following amendments to Chapter 17.30 is proposed. **Bold and Underlined** font is new language or definitions. Regular font is from the existing code.

Chapter 17.30 PERMITTED LAND USES

Sections:

17.30.010	Permitted Land Uses and Established Classification of Uses
17.30.020	Unclassified Uses
17.30.030	Zoning Use Tables Established
17.30.040	<u>Change in Use</u>
17.30.050	<u>Prohibited Uses</u>
17.30.060	<u>Residential Use Zoning Table Established</u>
17.30.070	<u>Commercial and Mixed-Use Zoning Table Established</u>
17.30.080	<u>Industrial Use Zoning Table Established</u>
17.30.090	<u>Public Facilities Zoning Table Established</u>

17.30.010 Permitted Land Uses and Established Classification of Uses.

- (1) No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or structure or land be used, designed, or arranged, for any purpose other than is permitted pursuant to this section in the district in which the building or structure or land is located; provided, that such regulations shall not prohibit the continuance of an existing use.
- (2) Land Use Classifications Established. This section establishes permitted, conditional, accessory, and prohibited uses for all properties within the city limits. All uses in a given zone are one of the following ~~five~~ permit types:
 - (a) Permitted Use. Land uses allowed outright within a zone. ~~The specific types of permitted uses are set forth in the zoning code chapters for each zoning district.~~
 - (b) Accessory Use. Uses customarily incidental and subordinate to the principal use and located upon the same lot occupied by the principal use. Accessory uses **are intended to support the main occupancy of the principal use.** ~~are determined by the community development director or designee on a case-by-case basis.~~
 - (c) ~~Administrative Conditional Use. Uses with special characteristics that may not be generally appropriate within a zoning district but may be permitted subject to review by the community development director to establish conditions to protect public health, safety and welfare. The specific types of administrative conditional uses are set forth in SMC 17.30.040, Zoning use table, and/or 17.30.050, zoning use conditions.~~
 - (c) Conditional Use. Uses with special characteristics that may not generally be appropriate within a zoning district, but may be permitted subject to review by the hearing examiner to establish conditions to protect public health, safety and welfare. ~~The specific types of conditional uses are set forth in SMC 17.30.040, Zoning use table, and/or 17.30.050, Zoning use conditions.~~

- (d) Prohibited Use. Any use which is not specifically enumerated or interpreted by the city as allowable in that district. Any use not specifically listed as a permitted, accessory, or conditional use is prohibited, except those uses determined to be unclassified and permitted by the community development director pursuant to SMC 17.30.020. **Specific prohibited uses are listed in SMC 17.30.030.** Any prohibited use is illegal and is subject to civil or criminal penalties under Chapter 13.01 SMC.
- (e) **Temporary Uses. Temporary Use Permits are intended to allow for short-term placement of activities on private or public property with appropriate mechanisms in places to be compatible with surrounding areas. The Director may approve or modify and approve an application for a temporary use permit if:**
 - a. The temporary use will not be materially detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use.**
 - b. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use.**
 - c. Adequate parking is provided for the temporary use, and if applicable the temporary use does not create a parking shortage for the existing uses on the site.**
 - d. Hours of operation of the temporary use are specified.**
 - e. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties.**
- (f) Unclassified Use. A use which is not a permitted use, accessory use, or conditional use, but which is interpreted by the community development director **Stanwood Hearing Examiner** as similar to a permitted, conditionally permitted or accessory use and **that is** not otherwise prohibited, pursuant to SMC 17.30.020 **by the permitted use tables listed in this chapter.**

17.30.020 Unclassified uses.

- (1) ~~Unclassified Uses.~~ **In the event that a proposed use is not listed in the permitted use table or there is ambiguity as to if a proposed use meets the definition of a use defined by the Stanwood Municipal Code, Upon inquiry by an applicant, may request an administrative interpretation of the zoning code shall be made by the community development director or designee Hearing Examiner to determine if a proposed use not specifically listed is either allowed, allowed as an accessory use, allowed as a conditional use or prohibited, utilizing the criteria in subsection (2) of this section. Should an interpretation be made that a proposed, unlisted use not be allowed in a specific zoning district, the director shall indicate which zones, if any, do permit the use. If the community development director's interpretation indicates that an unlisted use is not consistent with the permitted, conditional or accessory uses in any district, or if a party does not concur with the permit type applied to a use, appeal may be made pursuant to SMC 17.80.130. Interpretations made by the community development director may be documented, and updates to this title, when consistent with the title format and level of detail, shall incorporate "unclassified use" interpretations upon adoption of a zoning code amendment by the city council.**
- (2) Criteria for Unclassified Uses. In order to make a determination that an unclassified use is permitted, conditionally permitted, or accessory, the community development director **Hearing Examiner** must find that the use is:
 - (a) In keeping with the purpose and intent of the zone **zoning district as described in** and consistent with the Stanwood Comprehensive Plan. policies; and
 - (b) **Compatible with other permitted, accessory or conditional uses in the zoning district including, but not limited to being** similar in nature to, and no more intense than, a specifically listed permitted, conditional or accessory use.

- (c) Compatible in an alternative zoning district that is more appropriate for the proposed use. Evaluation should include, but not be limited to traffic, access, noise, odor, smoke, vibrations, parking, outdoor storage, and adjacent use or zoning buffers.
- (3) Unclassified Use requests shall be processed as a Type P-III permit subject to a public hearing before the Hearing Examiner. After considering staff comments and taking public testimony on the proposed use, the Hearing Examiner shall determine if the use is allowed, allowed as an accessory use, allowed as a conditional use or prohibited within the requested zone or any other appropriate zoning district. The Hearing Examiner may also require special conditions be applied to the use to ensure compatibility with the intent of the zoning district.
- (4) Appeals of a decision issued by the Hearing Examiner on an unclassified use request shall follow the appeal process for Type P-III permits.
- (5) Upon the decision of the Hearing Examiner, or the conclusion of any associated appeals, the interpretations made by the community development director may Hearing Examiner shall be documented and posted on the City's website. Updates to this title, when consistent with the title format and level of detail, shall incorporate "unclassified use" interpretations upon adoption of a zoning code amendment by the city council.

17.30.030 Zoning Use Table

- (1) The tables in SMC [17.30.040](#) establish whether a specific use is permitted in a zoning district and whether the use is allowed as a "permitted," "conditional" or "accessory" use. The zone is located on the horizontal row and the specific use is located on the vertical column of these tables.
- (2) Interpretation of Zoning Use Tables.
 - (a) Legend. The following letters have the following meanings when they appear in the box at the intersection of the column and the row:
 - (i) P—Permitted use.
 - (ii) C—Conditional use.
 - (iii) ADC—Administrative conditional use.
 - (iv) AC—Accessory use.
 - (b) Other Applicable Requirements. The above uses are subject to the review procedures and standards in SMC Title [16](#) and Chapters [17.90](#) through [17.153](#) and [17.200](#) through [17.220](#) SMC.
 - (c) Additional Use Related Conditions. If a number also appears at the intersection of the column and the row, the use is also subject to the additional requirements as listed immediately following the use table in SMC [17.30.050](#).
 - (d) Prohibited Uses. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that district unless otherwise determined by the community development director pursuant to SMC [17.30.020](#).
 - (e) Uses allowed in overlay zones are shown with the following abbreviation:
 - (1) AEO—Adult Entertainment Overlay.
 - (2) CCO—Civic Commons Overlay.
 - (3) TO—Transit Overlay.
 - (4) MPO—Master Plan Overlay.
 - (5) MXO—Mixed Use Overlay.

- (1) Permit types shall be classified according to the following:

- (a) The letter “P-I” means that the use is permissible in the indicated zone with a Type I administrative permit issued by the community development director.
- (b) The letter “P-II” means that the use is permissible in the indicated zone with a Type II administrative permit with public comment period issued by the community development director.
- (c) The letters “P-III” means that the use is permissible in the indicated zone with a Type III permit decision is issued by the hearing examiner after holding a public hearing.
- (d) The letters “P-IV” and “P-V” are additional permits types that require either review by the Planning Commission or approval by the City Council.
- (e) The letters “AC” means that the use is permissible as an Accessory Use to a primary use on the same property.
- (f) The letter “C” means that the use is permissible with a Conditional Use Permit approved by the hearing examiner after holding a public hearing.

KEY:	-
Blank = Not Permitted	AEO = Adult Entertainment Overlay
AC = Accessory Use	HO = Historic Overlay
ADC = Administrative Conditional Use	TO = Transit Overlay
C = Conditional Use	MPO = Master Plan Overlay
P = Permitted Use	MXO = Mixed Use Overlay

Permit Type Key Table

KEY:	
<u>Blank = Not Permitted</u>	<u>AC = Accessory Use</u>
<u>P-I = Type I Permit</u>	<u>C = Conditional Use</u>
<u>P-II = Type II Permit</u>	
<u>P-III = Type III Permit</u>	<u>Footnote Number in Parentheses = Special Development Standards Specific to that Use</u>

17.30.040 Change in Use

- (1) A substantial change in use of property occurs whenever a new use or activity conducted on a lot creates a more intensive impact to the site in question or to the infrastructure of the city than the previous use, as determined by the community development director and/or his or her designee.
- (2) A change in the status of property from occupied to unoccupied or vice versa does not constitute a substantial change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than one hundred eighty consecutive days or has been abandoned.

- (3) A change in ownership of a business or enterprise or a change in the name shall not be regarded as a substantial change in use.

17.30.050 Prohibited Uses

The following activities and uses are prohibited throughout the City of Stanwood due to their impactful nature on adjacent land uses or the community at large.

- a. Aggregate extraction
- b. The disassembly, dismantling, or storage of more than five (5) wrecked vehicles as defined in RCW 46.80.010(6) at any one time unless completely contained within an enclosed building
- c. Manufacture of explosives
- d. Stockyards, slaughterhouses, or rendering plants; with the exception of existing legal nonconforming uses or those established prior to November 8, 2018
- e. Petroleum refineries
- f. Fertilizer manufacture
- g. Sanitary landfills
- h. Waste to energy facilities
- i. Casinos and Card Rooms
- j. New Enhanced Service Facilities
- k. Recovery Homes
- l. Orphanage
- m. Manufactured / Mobile Home Parks
- n. Auctions of livestock or similar animals
- o. Storage, manufacturing or sales of highly volatile or otherwise extremely hazardous substances or materials
- p. Incineration or reduction of garbage, sewage, dead animals or refuse
- q. Crematoriums
- r. Septage treatment plants
- s. Uses that cannot meet and/or exceed the performance standards listed in SMC 17.50.020 Light industrial and general industrial district performance standards
- t. Use of a travel trailer, motor home, or other recreational vehicle for living purposes for more than two consecutive weeks at a time and more than four weeks per year
- u. Temporary or permanent Homeless Encampments except as allowed by RCW 35A.21.360.

17.30.060 Residential Use Zoning Table Established

Permitted Use Table: Residential Zones

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Agriculture							
Farm, Existing	P-I	P (1)	P (1)	P (1)	P (1)	P (1)	Property previously and currently used for ongoing agricultural activity
Animal Services							
Kennel, Hobby	P-I	AC (2)	AC (2)	AC (2)	AC (2)		A collection of 3 or more adult dogs or 4 or more cats and one litter of unweaned pups
Hotels and Guesthouses							
Bed and Breakfast	P-III	C (3) (4)	C (3) (4)	C (3) (4)	C (3) (4)	C (3) (4)	A building other than a hotel or nursing home where meals and short-term lodging are provided for compensation to guests
Public Facilities							
Governmental Use	P-I					P	Public facilities that are utilized for daily administration and operation of government business
Public Safety Station (Police & Fire)	P-II	P (5)	P (5)	P (5)	P (5)	P (5)	A facility used for police and fire services
Quasi-Public							
Cemetery, Existing	P-I		P				A place for the burial or interment of dead persons or household pets
Community Center	P-III	C	C	C	C	P	A building or grounds used for social, civic, or recreational purposes
House of Worship / Church	P-III	C	C	C	C	P	A building or structure wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship
Meeting Hall	P-III	C	C	C	C	P	A place of assembly that is used on a temporary but recurring basis for a variety of public or private events
Recreation							
Open Space	P-I	P	P	P	P	P	A common, accessible area that is shared by residents of a subdivision

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
							and/or by the public and is left in its natural or undisturbed state.
Park, Community	P-II	P	P	P	P		Regional park facility that serves an area of over 10,000 in population and is 20 to 100 acres
Park, Neighborhood	P-II						A park of five to 20 acres serving an area of 2,000 to 10,000 population within a quarter to one-half mile service area
Park, Urban	P-II	P	P	P	P	P	A park providing public access and recreational, educational, cultural, historical, or aesthetic amenities
Private / HOA Parks	P-I	P	P	P	P	P	A park area under common, ownership by a Homeowners Association
Trail	P-II	P	P	P	P	P	A paved or unpaved path used for walking, hiking, running, bicycling and/or horseback riding
Residential							
Adult Family Home	P-I	P	P	P	P	P	A residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services
Assisted Living / Independent Living	P-II					P	A state licensed group residence for adults per RCW 18.20
Congregate Care Facility	P-III					C (6)	A residential facility for the elderly and/or handicapped persons
Daycare, Home	P-I	AC (7)	AC (7)	AC (7)	AC (7)	AC (7)	Care for children under the age of 12 or seniors located in the family dwelling accommodating 12 or fewer
Dwelling, Accessory	P-I	AC (8)	AC (8)	AC (8)	AC (8)		A secondary living unit that is located on the same property as the primary dwelling
Dwelling, Cottage	P-III	P (9)	P (9)	P (9)	P (9)		A minimum of 4 small detached single-family homes located together in a neighborhood format around common open space
Dwelling, Duplex	P-I				P (10)	P	A detached building, designed for 2 families living independently of each other & divided by a common wall

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Dwelling, Multiple Family Development Up to 20 Units	P-I					P	A building designed 3 or more families living independently of each other, including apartment houses but not include hotels, trailers, or mobile/manufactured homes
Dwelling, Multiple Family Development 21 Units or Greater	P-II					P	A building designed 3 or more families living independently of each other, including apartment houses but not include hotels, trailers, or mobile/manufactured homes
Dwelling, Single Family	P-I	P	P	P	P	P	A detached building designed for or occupied exclusively by one family
Dwelling, Townhouse	P-I				C	P	A dwelling unit that is: occupancy by one family; has no units above or under it; and is attached to other units by common side walls
Enhanced Service Facility Conversion Category 1 – Existing Nursing Home Conversion of up to a 16 Bed Facility (21)	P-III					C	A facility licensed under chapter 70.97 RCW that provides support and services to persons for whom acute inpatient treatment is not medically necessary
Enhanced Service Facility Conversion Category 2 – Existing Assisted Living Conversion of up to a 16 Bed Facility (21)	P-II					P	A facility licensed under chapter 70.97 RCW that provides support and services to persons for whom acute inpatient treatment is not medically necessary
Enhanced Service Facility Conversion Category 3 – Existing Adult Family Home Conversion of up to a 6 Bed Facility (21)	P-I	P	P	P	P	P	A facility licensed under chapter 70.97 RCW that provides support and services to persons for whom acute inpatient treatment is not medically necessary
Group Home	P-I	P (11)	P (11)	P (11)	P (11)	P (11)	A facility licensed by the state to provide 24-hour training, care, custody, correction or control, or any combination of those functions, to one or more persons. This term shall not include schools, hospitals, prisons or other social service facilities
Home Occupation	P-I	AC (12)	AC (12)	AC (12)	AC (12)	AC (12)	A business carried on within a dwelling unit or accessory building which is incidental and secondary to the residential use
Homeless Housing	P-I	P	P	P	P	P	Homeless Housing means housing types that are usually geared specifically towards homeless populations including:

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
							Transition Housing Permanent Supportive Housing.
Manufactured / Mobile Home	P-I	P (13)	P (13)	P (13)	P (13)		A residential unit on one or more chassis for towing to the point of use and designed to be used with a permanent foundation as a dwelling unit on a year-round basis
Schools							
Elementary School	P-III	C	C	C	C		Any school, public or private, intended for the education of children from kindergarten through the fifth grade
High School	P-III	C	C	C	C		Any school, public or private, intended for the education of children from the ninth through the twelfth grade
Middle School	P-III	C	C	C	C		Any school, public or private, intended for the education of children from the sixth through eighth grade
Pre-School Facility (#)	P-III / P-II	C	C	C	P (10)	P	An educational establishment that provides instruction and daytime care, for 4 or more children between the ages of 2 and 5 years
Seminary	P-III			C (14)			An educational institution for religious study
Utilities							
Electrical Equipment and Pole Storage Yard	P-I	P	P	P	P	P	Area used for the storage of equipment and support poles associated with s permitted electrical substation.
Electrical Substation	P-II	P	P (15)	P (15)	P (15)	P	A facility that provides transmission and distribution of electric power
Electrical Transmission Lines	P-II	P	P	P	P	P	Lines which connect the power produced at generating facilities to substations
Sewage Lift Station	P-II	P	P	P	P	P	The station in a sewer system where the wastewater needs to be pumped (lifted) to a higher elevation so that gravity can be used to bring the wastewater to the treatment plant
Water Well and Pump Station	P-II	P	P	P	P	P	infrastructure used to move water from a ground water source and convey water within a utility system

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Water, Drainage or Sewage Infrastructure	P-II	P	P	P	P	P	Pipes, installations and other infrastructure that are part of a system used for the purpose of water, drainage or sewage
Wireless Communication Facilities							
Co-Location PWCF	P-II	P (16)	P (16)	P (16)	P (16)	P (16)	The placement and arrangement of multiple providers' antennas and equipment on a single support structure or equipment pad area
Minor Facilities	P-II	P (17)	P (17)	P (17)	P (17)	P (17)	Wireless communications facility consisting of up to three antennas within specified size limitations
Single PWCF	P-II	P (18)	P (18)	P (18)	P (18)	P (18)	A wireless communications facility for the transmission and/or reception of radio frequency signals associated with personal wireless services and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure, reception and transmission devices and antennas and temporary or portable service facilities
Monopole Towers	P-II	C (19)	C (19)	C (19)	C (19)	C (19)	Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities
Small Cell Facilities	P-II	P (20)	P (20)	P (20)	P (20)	P (20)	A personal wireless services facility that meets the requirements SMC 17.200-220
Other							
Daycare Center	P-II			P (7)	P (7)	P (7)	Care of children under the age of 12, or seniors, located in a facility which accommodates 13 or more persons
Daycare, Mini	P-II				P (7)	P (7)	Care of children under the age of 12, or seniors, located in a facility other than a family dwelling, which accommodates 12 or fewer persons
Transitional Housing	P-II	P	P	P	P	P	Temporary housing for individuals and families for periods up to two (2) years. Such facilities may also include job/or self-sufficiency training and other

Land Use	Permit Type	SR 12.4	SR 9.6	SR 7.0	SR 5.0	MR	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
							supportive services to help people transition to independent living.
Emergency Shelter	P-I	P	P	P	P	P	Emergency Shelter means an indoor facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.
Emergency Housing	P-I	P	P	P	P	P	Emergency Housing means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.
Temporary Uses	P-I	P	P	P	P	P	A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time

Residential Zoning Use Conditions.

- (1) Farms shall register with the city for the right to farm per Chapter 17.102 SMC. New farms are limited to the SR 12.4 zone with a minimum land area of two and one-half acres. Farms preexisting on the effective date of Ordinance No. 1032 in 2002 are permitted on smaller land areas and may register to receive right-to-farm protection.
- (2) A hobby kennel license is required for a total of four or more dogs and four or more cats over three months of age. A maximum of four animals is allowed when the parcel is under one acre, five animals per acre are allowed when the parcel is one to five acres and 25 animals are allowed when the parcel is over five acres. These maximums may be exceeded with special hobby kennel permit issued administratively by the animal control officer pursuant to SMC 8.02.450 and 8.02.470; provided, however, that in all cases exceeding the maximum standard by six animals requires an administrative conditional use permit. All indoor and outdoor kennels shall comply with the animal control and licensing standards contained in Chapter 8.02 SMC. Three or fewer animals are allowed as an accessory use without a kennel license as pets.
- (3) A business license and compliance with conditions in SMC 17.100.060 for permitting a bed and breakfast use are required. Bed and breakfast residence use is limited to four rooms per residence. Bed and breakfast inn use is limited to six rooms in the SR 5.0 zone, 10 rooms in the MR zone and 16 rooms in the GC zone.
- (4) Restaurants that serve lunches and/or dinner shall be allowed in bed and breakfast accommodations.
- (5) Twenty thousand square feet of land area are required. This minimum land area requirement may be reduced through the conditional use permit process in SMC 17.80.120 provided the lot meets the minimum lot size standard for the zone.
- (6) Limited to 30 rooms/increment of minimum land area.
- (7) All daycare uses shall comply with the daycare facilities requirements provided in SMC 17.95.382. Family daycare shall require a home occupation permit. Daycare centers are limited to a minimum land area of 10,000 square feet in the SR 5.0 zone and 30,000 square feet in the SR 7.0 zone.
- (8) One accessory dwelling unit per lot is allowed. Accessory dwelling units shall comply with the criteria and design standards set forth in SMC 17.95.470 through 17.95.480.
- (9) Cottage housing units shall comply with the requirements in SMC 17.95.450.
- (10) Minimum land area of 7,000 square feet required.
- (11) This use shall comply with the special residential use requirements provided in SMC 17.95.375. Group homes are limited to six rooms in the SR 7.0, SR 5.0, RM and GC zones.
- (12) A home occupation permit and business license are required. Home occupations shall comply with the requirements in SMC 17.95.380.
- (13) This use shall comply with the manufactured housing requirements of SMC 17.95.385. Manufactured housing use is limited to Type A homes certified as meeting U.S. HUD standards. Manufactured home park use may accommodate both Type A and Type B HUD certified units and requires a minimum land area of three acres in SR 7.0 and two acres in SR 5.0 zones.
- (14) Limited to 9,000 square feet in the SR 7.0 zone.
- (15) Minimum land area of 10,000 square feet required.
- (16) Subject to the wireless communications facilities standards in Chapter 17.220 SMC.

- (17) Minor facilities are limited to co-location on an existing monopole and are subject to the wireless communications facilities standards in Chapter 17.220 SMC.
- (18) Limited to one personal wireless communications facility (PWCF) on existing light standards and power poles within the public right of-way and subject to the wireless communications facilities standards in Chapter 17.220 SMC.
- (19) Monopole towers only are permitted. Guy and lattice towers are prohibited. Limited to locations on properties with existing public use, except in the general commercial and general industrial zones subject to a conditional use permit, and subject to the wireless communications facilities standards in Chapter 17.220 SMC.
- (20) All small wireless communication facilities shall be subject to the requirements of Chapters 17.200, 17.205, and 17.210 SMC.
- (21) Enhanced Service Facility Conversions of Category 1 -3 Facilities shall be subject to the requirements of SMC 17.95.375.

17.30.070 Commercial and Mixed-Use Zoning Table Established

Permitted Use Table: Commercial and Mixed-Use Zones

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Animal Services								
Animal Daycare/Grooming	P-I	P (1)	P (2)	P	P (1)	P (1)	P	An establishment providing daytime training, supervision, recreation, clipping, hygienic care, or cleaning services for animals
Kennel, Commercial Indoor / Outdoor			AC (4)	AC (4)				A facility holding 4 or more domestic animals over four months of age for boarding, breeding, sale, or treatment
Veterinarian Hospital or Clinic	P-I		P (5)	P (5)		P	P	A building used to provide health care services to animals.
Automotive Services								
Automobile Rental Agency	P-I					P		A rental and incidental storage agency which provides motor vehicle rentals under 10,000 lb.
Automobile Repair and Services	P-I					P (6)		An establishment that provides a variety of levels of repair, sales, handling, maintaining, or disposing of motor vehicles.
Automobile Sales and Service, New or Used	P-I					P (7)		An establishment that sells new or used motorized vehicles as its primary use, and allows for minor or major repairs, or paint and body work.
Automobile Service Station	P-I			P (35)				A building that sells or supplies fuels, lubricants, air, water, and other operating commodities for motor vehicles or boats
Car Wash	P-I			P		P		A building, or portion thereof, for washing automobiles utilizing mechanical devices.
Parking Lots, Garages	P-I	AC	AC, P (8)	P, AC	AC	AC	AC	A building, or area beneath a building, except those described as a private garage, used for the parking only of automotive vehicles.
Parking Structure, Commercial	P-I		P (8)	P		P		A stand-alone structure used for the storage or parking of motor vehicles.
Cultural / Entertainment								

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Art Gallery	P-I		P	P			P	A room or building devoted to the exhibition of works of art or an institution or business exhibiting or dealing in works of art
Game, Video Arcade	P-I		P	P			P	A venue where people play indoor table games and/or arcade video games
Live Entertainment	P-I		AC (9)	AC (9)	AC (9)	AC (9)	AC (9)	Music, comedy, readings, dancing, acting, or other entertainment performed at an establishment such as a theater or concert hall.
Museum	P-II		P	P			P	A nonprofit, noncommercial establishment operated as a repository or a collection of natural, historic, scientific or works of art
Night club	P-I		P	P			P	A business conducted inside a building that has the capacity for at least 30 persons seated at tables, includes a bar, employs a bartender and maintains table service, dancing, and/or live entertainment.
Theater	P-I		P	P			P	A building or part of a building, devoted to showing motion pictures, or for dramatic, musical or live performances.
Hotels and Guesthouses								
Bed and Breakfast	P-III		P (10) (11)	P (10) (11)		C (10) (11)		A building other than a hotel or nursing home where meals and short-term lodging of more than two rooms are provided for compensation
Hotel	P-I		P	P (7)			P	Any building containing more than six guest rooms intended to be used, rented or hired out to be occupied for sleeping purposes
Industrial								
Food and Beverage Processing Facility	P-III					C		Means sorting, packaging, bottling or labeling raw or semi-processed food or beverages into a product
Manufacturing, Light	P-II					P (12)		A use engaged in the manufacture, predominantly from previously prepared materials, of finished

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
								products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing
Communication Technology (TV broadcasting, radio station, video production, internet or movie production or other similar technologies)	P-I						P	An industry consisting of the technological and commercial broadcasting institutions or filmmaking
Office								
Professional Office	P-I	P	P	P	P		P	A business providing expertise to clients for a fee for service in any of the following related categories: accounting, architecture, engineering, planning, law, music, art, interior design, real estate, writing, education, or any similar type of business.
Health Care Office	P-I	P	P	P	P		P	Health care services such as primary care clinics, mental health clinics, community health centers, dentist, orthodontist, nutritionist, physical therapy, optometrists, or similar medical practices excluding hospitals.
Hospital	P-III	C	C	C	C		C	A facility providing primary health services and medical or surgical care to persons, primarily inpatients suffering from illness, disease, injury, deformity, other abnormal physical or mental conditions, chemical or substance dependency or abuse, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, and training facilities.
Personal Services								
Assisted / Independent Living		C		P (7) (17)		P (17)		A state licensed group residence for adults per RCW 18.20.
Salon	P-I	P	P	P	P	P	P	An establishment where hair cutting, coloring and styling, facials,

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
								manicures, lashes, and/or spa services are provided.
Daycare Center	P-I	P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	Care of children under the age of 12, or seniors, located in a facility which accommodates 13 or more persons.
Laundromat / Dry Cleaner	P-I	P (14)	P	P	P		P	An establishment providing dry cleaning businesses or washing, drying machines on the premises for rental use to the general public.
Equipment Rental	P-I			P			P	Equipment rental is a service providing machinery, equipment and tools of all kinds and sizes for a limited period of time individual consumers.
Health / Athletic Club	P-I		P	P			P	Gymnasiums (except those related to educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.
Funeral Home	P-I		P	P				A building used for the preparation of the deceased for burial, the display of the deceased, and ceremonies connected therewith before burial or cremation; crematories are not considered part of a funeral home or an accessory.
Janitorial Services	P-I			P				A company providing janitorial services such as the cleaning of offices or other building establishments.
Mail / Small Shipping Store	P-I		P	P			P	An establishment that provides shipping, shredding, printing, fax, passport photos, personal and business mailboxes, and notary services.
Private Clubs	P-I		P	P			P	Organizations that are privately owned and operated by their members and not operated for profit such as clubs, lodges, lounges, and halls.

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Tattoo & Piercing Parlors	P-I		P	P		P	P	A business designing and creating permanent graphic images on the human body, may include piercing.
Public Facilities								
Governmental Use	P-I	P	P (15)	P (7)		P		Public facilities that are utilized for daily administration and operation of government business
Park and Ride Facility	P-II		P (8)					A parking area designated for commuters using public transportation.
Post Office	P-I		P	P (7)		P		A facility authorized by a postal system for posting, receipt, sorting, handling, transmission, and delivery of mail and offer mail related services
Public Safety Station (Police and Fire)	P-II	P (15)	P (15)	P (15)		P (15)		A facility used for police and fire services.
Public Transit Storage and Maintenance Facility	P-II					P		A facility used for public transit storage and maintenance.
Public Transit Terminal	P-II		P (8)	P				A terminal used for public transit.
Quasi-Public								
Meeting Hall	P-II	P (7)	P	P (7)				A building or grounds used for social, civic, or recreational purposes and owned and operated by a nonprofit organization and open to the general public.
House of Worship / Church	P-III	C (7)			P (7)	P (7)		A building or structure wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.
Recreation								
Amusement Park or Center	P-II					P		A group of amusement devices for children and/or adults and their accessory uses.
Bowling Alley	P-I			P				A recreational facility which includes bowling lanes, and may include a small lounge, restaurant or snack bar, video games and pool tables.

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Community Garden	P-I			P		P		Land set aside for collective use for an organization or for the general public to grow produce and/or flowers. Excluding marijuana.
Open Space	P-I					P		A common, accessible area that is shared by residents of a subdivision and/or by the public and is left in its natural or undisturbed state
Park, Community	P-II					P		Regional park facility that serves an area of over 10,000 in population and is 20 to 100 acres
Park, Urban	P-II		P	P		P		A park providing public access and recreational, educational, cultural, historical, or aesthetic amenities
Private / HOA Parks	P-I		P	P		P		A park area under common, ownership by a Homeowners Association
Trail	P-II	P	P	P	P	P		A paved or unpaved path used for walking, hiking, running, bicycling and/or horseback riding
Repair Services								
Minor Service Repairs Within the Confines of a Building; No Outside Storage or Repair	P-I	P	P	P	P		P	An establishment providing minor repair services such as shoe repair, tailoring, bicycle repairs, computer repairs or similar type uses.
Residential								
Adult Family Home	P-I	P	P	P	P	P	P	A residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.
Assisted Living/Independent Living	P-II					P		A state licensed group residence for adults per RCW 18.20.
Boarding House	P-I		P (16)	P (16)				A building other than a motel, where lodging and meals are provided for more than five persons for compensation on a long-term basis.
Congregate Care Facility	P-III	C		P (7) (17)		P (17)		A residential facility for the elderly and/or handicapped persons.

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Daycare, Family	P-I	P	P (8)	P (13)	P		P (13)	A residence used for the care of children under the age of 12 or seniors located in the family dwelling of the person or persons under whose direct care the child or children are placed, accommodating 12 or fewer, such numbers to include those members of the resident family who are under the age of 12 years old.
Dwelling, Accessory	P-I	AC (18)						A secondary living unit that is located on the same property as the primary dwelling
Dwelling, Cottage	P-II	P (20)						A minimum of 4 small detached single-family homes located together in a neighborhood format around common open space
Dwelling, Duplex	P-I	P	P (37)	P (21)				A detached building, designed for 2 families living independently of each other & divided by a common wall
Dwelling, Triplex	P-I		P (37)					A detached building, designed for 3 families living independently of each other & divided by a common wall.
Dwelling, Multiple Family	P-II	P (7)		P			P	A building designed 3 or more families living independently of each other, including apartment houses but not include hotels, trailers, or mobile/manufactured homes
Dwelling, Single Family	P-I	P	P (37)	P (21)				A detached building designed for or occupied exclusively by one family
Dwelling, Townhouse	P-I	P	P (8) (37)	P		P (8)	P	A dwelling unit that is: occupancy by one family; has no units above or under it; and is attached to other units by common side walls
Group Care Facilities		P	P	P				Shared living quarters (without separate kitchen or bathroom facilities for each room or unit) for seven or more persons with physical or mental impairments that substantially limit one or more of such person's major life activities when

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
								such persons are not living together as a single household unit.
Group Home	P-I			P (19)		P (19)		A facility licensed by the state to provide 24-hour training, care, custody, correction or control, or any combination of those functions, to one or more persons. This term shall not include schools, hospitals, prisons or other social service facilities
Home Occupation	P-I	AC (22)	AC (22)	AC (22)		AC	AC (22)	A business carried on within a dwelling unit or accessory building which is incidental and secondary to the residential use
Live/Work Units	P-1		P	P			P	
Mixed Use	P-II	P	P	P (8)		P (8)	P	Residential and commercial uses within a single building or development that may occur either within one story as a horizontal mix, in one structure with multiple stories as a vertical mix or in more than one detached structure
Retail Trade Establishments								
Retail Shop – Boutique Style Less than 3,000 square fee	P-I		P	P	P		P	Small scale retail uses such as boutiques, bakeries, florists, convenience stores, pharmacies, and more.
Retail Shop – Mid-Range between 3,000 and 10,000 square feet	P-I	P	P	P		P		Midsized retail uses such as grocery stores, sporting goods store, large thrift stores, office supplies, and more.
Retail – Big Box greater than 10,000 square feet	P-III			C		C	C	Large scale retail uses such as supermarkets, construction supply stores, furniture stores, and more.
Agricultural Produce Stand	P-I	P		P	P	P		A farm stand that sells produce including fresh, dried or bottled vegetables and fruits and plants/flowers.
Farmer's Market	P-I	P	P	P	P	P		Retail area, outdoors or indoors, where vendors sell produce, baked goods, food and/or limited crafts to the public.

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Kiosk / Vending Machine	P-I	AC (23)	AC (23)	AC (23)	AC (23)	AC (23)	AC (23)	Mobile units such as kiosks and vending machines that dispense products for sale including but not limited to beverages, food and video
Marijuana Retailer	P-I		C					As set forth in RCW 69.50.101. --a person licensed by the board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.
Plant Nursery	P-I			P			P	An enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance.
Retail Prepared Food / Beverage Establishments								
Bars and Cocktail Lounges	P-I		P	P			P	A business conducted entirely within a building wherein primarily alcoholic beverages are sold at retail for consumption on the premises. Limited food service and live entertainment may be provided as an accessory use. Excludes nightclubs, restaurants, and taverns.
Catering	P-I	P (24)	P (24)	P	P		P	An establishment that prepares food on site and delivers it to another location for consumption. Caterers may also provide party planning and occasional hourly labor for special events.
Beverage Stand	P-I	P (24) (25)	P (26) (24)	P (26) (25)	P (26) (25)	P (26) (25)		Restaurants specializing in coffee, tea, and other assorted beverage products, accessory baked goods and concessions.
Restaurant	P-I	P (26) (24)	P (26) (24)	P (25)	P (26) (25)	P (26) (25)	P	Restaurant - An establishment whose primary business is the sale of food and beverages to patrons for consumption on the premises. Fast Food Restaurant - Any establishment whose principal business is sale of foods, frozen desserts, or beverages

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
								to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, Drive-In Restaurant. Any establishment where provision is made on the premises for the sale of foods, frozen desserts or beverages to the consumer in automobiles or primarily within a completely enclosed building accommodating at least 90 percent of the establishment's permitted seating capacity. Carry-Out Restaurant. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state. Catering Service. Any establishment whose principal business is the sale and delivery of food, beverages, and services to the customer in a ready-to-consume state. Catering services may operate as a home occupation. Hotel food service operations and restaurants may operate as catering services.
Tavern	P-I		P (24)	P			P	A business conducted entirely within a building where beer and/or wine is served to the public, which holds a class "A" or "B" license from the Washington State Liquor Control Board. Limited food service and live entertainment may be provided as an accessory use. Excludes bars/cocktail lounges, night clubs and restaurants
Schools								
Elementary School	P-III	C						Any school, public or private, intended for the education of children

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
								from kindergarten through the fifth grade
Preschool Facility	P-II/P-III		P (8)	P or C				An educational establishment that provides instruction and daytime care, for 4 or more children between the ages of 2 and 5 years
School, Other	P-I			P (27)				Places for systematic instruction, to include trade, vocational/technical, art, music, dance, and business schools or similar type institutions.
Wholesale Storage / Distribution Facilities								
Detached Commercial Accessory Storage	P-III		C (28)	C (28)	C (28)	C (28)		Storage structure that is subordinate and incidental to a commercial or industrial use.
Mini-Warehouse / Storage Facility	P-II							A building or group of buildings consisting of individual storage units not exceeding 400 square feet per storage unit that are leased or owned for the storage of business and household goods or contractor's supplies, not to be used for any wholesale or retail operations.
Utilities								
Electrical Equipment and Pole Storage Yard	P-I	P (29) (36)	P (29) (36)	P (29) (36)	P (29) (36)	P (29) (36)	P (29) (36)	Area used for the storage of equipment and support poles associated with permitted electrical substations.
Electrical Substation	P-II	P (29)	P	P	P	P		A facility that provides transmission and distribution of electric power
Electrical Transmission Lines	P-II		P	P		P		Lines which connect the power produced at generating facilities to substations
Recycle Collection Stand	P-II		AC	AC	AC	AC		A movable kiosk for the collection of recyclable materials or donations such as newspapers, clothing or book
Sewage Lift Station	P-II		P	P				The station in a sewer system where the wastewater needs to be pumped (lifted) to a higher elevation so that gravity can be used to bring the wastewater to the treatment plant

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Water Well and Pump Station	P-II	P						Infrastructure used to move water from a ground water source and convey water within a utility system
Water, Drainage or Sewage Infrastructure	P-II	P	P	P	P	P	P	Pipes, installations and other infrastructure that are part of a system used for the purpose of water, drainage or sewage
Utilities								
Co-Location PWCA	P-I	P (30)	P (30)	P (30)	P (30)	P (30)	P (30)	The placement and arrangement of multiple providers' antennas and equipment on a single support structure or equipment pad area
Minor Facilities	P-I	P (31)	P (31)	P (31)	P (31)	P (31)	P (31)	Wireless communications facility consisting of up to three antennas within specified size limitations
Single PWCF	P-II	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	A wireless communications facility for the transmission and/or reception of radio frequency signals associated with personal wireless services and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure, reception and transmission devices and antennas and temporary or portable service facilities
Monopole Towers	P-III	C 33	C 33	C 33	C 33	C 33	C 33	Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities
Small Cell Facilities	P-I	P (34)	P (34)	P (34)	P (34)	P (34)	P (34)	A personal wireless services facility that meets the requirements SMC 17.200-220
Other								
Indoor Emergency Shelters	P-I	P	P	P	P	P	P	Emergency Shelter means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and

Land Use	Permit Type	TN	MB-I	MB-II	NB	GC	GC MXO (3)	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
								warming centers that do not provide overnight accommodations.
Indoor Emergency Housing	P-I		P	P	P	P	P	Emergency Housing means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.
Temporary Uses	P-I	P	P	P	P	P	P	A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time
Transitional Housing	P-I	P				P	P	Housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

Commercial and Mixed-Use Zoning Use Conditions.

- (1) Subject to animal services grooming parlor conditions in [SMC 8.02.480](#).
- (2) Retail trade establishments are limited to 50,000 square feet gross floor area per individual establishment. A business license and compliance with conditions in SMC 17.100.060 for permitting a bed and breakfast use are required. Bed and breakfast residence use is limited to four rooms per residence. Bed and breakfast inn use is limited to six rooms in the SR 5.0 zone, 10 rooms in the MR zone and 16 rooms in the GC zone.
- (3) Permitted when located in the mixed use overlay and part of a mixed use project as defined in [SMC 17.79.030](#).
- (4) A hobby kennel license is required for a total of four or more dogs and four or more cats over three months of age. A maximum of four animals is allowed when the parcel is under one acre, five animals per acre are allowed when the parcel is one to five acres and 25 animals are allowed when the parcel is over five acres. These maximums may be exceeded with special hobby kennel permit issued administratively by the animal control officer pursuant to SMC [8.02.450](#) and [8.02.470](#); provided, however, that in all cases exceeding the maximum standard by six animals requires an administrative conditional use permit. All indoor and outdoor kennels shall comply with the animal control and licensing standards contained in Chapter [8.02](#) SMC. Three or fewer animals are allowed as an accessory use without a kennel license as pets.
- (5) No outdoor kennels.
- (6) Automobile repair is limited to minor repair services in the general commercial zone and to minor and major repair services as defined in SMC [17.20.020](#) in the light industrial zone. Minor repair, major repair and paint/body shops are permitted in the general industrial zone.
- (7) Minimum land area of 20,000 square feet is required. This standard may be modified through the conditional use permit process provided in SMC [17.80.120](#).
- (8) Permitted in the transit overlay when part of a transit-oriented project as defined in SMC [17.77.040](#).
- (9) Subject to standards in SMC [17.100.055](#).
- (10) A business license and compliance with conditions in SMC [17.100.060](#) for permitting a bed and breakfast use are required.
- (11) Restaurants that serve lunches and/or dinner shall be allowed in bed and breakfast accommodations.
- (12) In the general commercial zone, light manufacturing is limited to assembly and fabrication of products such as medical equipment, optics, electrical and electronic goods.
- (13) All daycare uses shall comply with the daycare facilities requirements provided in SMC [17.95.382](#). Family daycare shall require a home occupation permit.
- (14) Limited to drop-off and pick-up with no on-site dry cleaning allowed.
- (15) Twenty thousand square feet of land area are required. This minimum land area requirement may be reduced through the conditional use permit process in SMC [17.80.120](#) provided the lot meets the minimum lot size standard for the zone.
- (16) Boarding/rooming houses shall be allowed only as second or third floor activities over retail trade, personal service or business professional service establishments, and not as ground floor uses.
- (17) Limited to 30 rooms/increment of minimum land area.

- (18) One accessory dwelling unit per lot is allowed. Accessory dwelling units shall comply with the criteria and design standards set forth in SMC [17.95.470](#) through [17.95.480](#).
- (19) This use shall comply with the special residential use requirements provided in SMC [17.95.375](#). Group homes are limited to six rooms in the GC zone.
- (20) Cottage housing units shall comply with the requirements in SMC [17.95.450](#).
- (21) Permitted when part of a mixed use development.
- (22) A home occupation permit and business license are required. Home occupations shall comply with the requirements in SMC [17.95.380](#).
- (23) Kiosks/vending machines are permitted only as accessory uses inside a building.
- (24) No drive-through service allowed.
- (25) Drive-up windows allowed subject to the supplemental standards for drive-through facilities provided in SMC [17.100.040](#).
- (26) Outside dining is limited to areas designated for such use, shall be in keeping with the exterior architectural theme of the building, and shall not permit the consumption of food or beverages within automobiles.
- (27) Permitted when located in the historic downtown overlay, provided there is no outdoor display or storage.
- (28) Detached accessory storage shall comply with “nonresidential performance standards” SMC [17.100.075](#), conditions for permitting detached storage structures in commercial zones, and the additional architectural standards in SMC [17.112.030](#) in the MB-I and MB-II zoning districts, and SMC [17.112.040](#) in the GC zoning district.
- (29) Minimum land area of 10,000 square feet required.
- (30) Subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (31) Minor facilities are limited to co-location on an existing monopole and are subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (32) Limited to one personal wireless communications facility (PWCF) on existing light standards and power poles within the public right-of-way and subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (33) All small wireless communication facilities shall be subject to the requirements of Chapters [17.200](#), [17.205](#), and [17.210](#) SMC.
- (34) Monopole towers only are permitted. Guy and lattice towers are prohibited. Limited to locations on properties with existing public use, except in the general commercial and general industrial zones subject to a conditional use permit, and subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (35) The cross-section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage and also shall be used for the measurement of setback requirements.
- (36) Pole yards and storage areas shall be screened from adjacent residential or commercial uses. Chain link fences with slats are not allowed.
- (37) Only permitted on properties adjacent to 102nd Ave and north of 272nd Street in the MB-I Zoning District. All parking must be maintained on site. No parking shall be allowed on street or in an alley.

Permitted Use Table: Industrial Zones

Land Use	Permit Type	LI	GI	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Animal Services				
Kennel, Commercial Indoor / Outdoor	P-I	P (1)		A building holding 4 or more domestic animals over four months of age for boarding, breeding, sale, or treatment
Veterinarian Hospital or Clinic	P-II	P		A building used to provide health care services to animals
Automotive Services				
Automobile or Truck Repair and Services	P-I	P (2)	P (2)	An establishment that provides a variety of levels of repair, sales, handling, maintaining, or disposing of motor vehicles
Automobile Sales and Service, New or Used	P-I	P	P	An establishment that sells new or used motorized vehicles as its primary use, and allows for minor or major repairs, or paint and body work
Automobile Service Station	P-I	P (3)		A building that sells or supplies fuels, lubricants, air, water, and other operating commodities for motor vehicles or boats
Car Wash	P-I	AC		A building, or portion thereof, for washing automobiles utilizing mechanical devices
Impound, Storage, Tow Yards	P-I	AC (4)	AC (4)	A lot used for temporary storage of vehicles which have been towed by a towing company or for impounded vehicles
Parking Lots, Garages	P-I	AC, P (5)	AC, P (5)	A building, or area beneath a building, except those described as a private garage, used for the parking only of automotive vehicles
Parking Structure, Commercial	P-I	P	P (5)	A stand-alone structure used for the storage or parking of motor vehicles
Towing	P-I	P (6)	P (6)	A service that provides the towing of a disabled vehicle or trailer
Wrecking	P-I		P (6)	The dismantling/wrecking of one or more motor vehicles or trailers; and/or the storage, sale, or dumping of dismantled vehicles or their parts
Cultural / Entertainment				
Adult Entertainment Facility	P-I		P (7)	A room or building devoted to the exhibition of works of art or an institution or business exhibiting or dealing in works of art
Live Entertainment	P-I	AC		Music, comedy, readings, dancing, acting, or other entertainment performed at an establishment such as a theater or concert hall.
Hotels and Guesthouses				
Bed and Breakfast	P-I		P (5)	A building other than a hotel or nursing home where meals and short-term lodging of more than two rooms are provided for compensation
Hotel	P-I	P (8)		Any building containing more than six guest rooms intended to be used, rented or hired out to be occupied for sleeping purposes
Resort	P-III	P (8)		A hotel that serves as a destination point for visitors, generally provides recreational facilities for paying guests on vacation
Industrial				

Land Use	Permit Type	LI	GI	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Building Construction Yard	P-I		P	An outdoor area consisting of short-term parking and storage of equipment and supplies used in the construction industry and may contain an office
Feed and Fertilizer Operation	P-I		P	A business which produces feed and/or fertilizer typically for the purpose of agricultural use
Food and Beverage Processing Facility	P-I	P	P	Means sorting, packaging, bottling or labeling raw or semi-processed food or beverages into a product
Freezer Plant / Cold Storage / Food Mill	P-I		P	An industrial business providing refrigeration and storage of food or products requiring refrigeration/freezing and may include food processing
Laboratory	P-I		P	A place devoted to experimental study, such as testing and analyzing, as well as physical diagnostic facilities. Manufacturing of any product is not considered part of this definition
Laundry Plant	P-I		P	An establishment for the mechanized washing and/or dry cleaning of clothing and the like
Lumber and Wood Products Processing	P-I		P	A facility that fabricates wood products and/or provides mill work or construction and assembly of products made of wood
Manufacturing, Heavy	P-II		P	A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve, hazardous or commonly recognized offensive conditions
Manufacturing, Light	P-II	P (9)	P (9)	A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing
Communication Technology (TV broadcasting, radio station, video production, internet or movie production or other similar technologies)	P-I	P		An industry consisting of the technological and commercial broadcasting institutions or filmmaking
Printing, Publishing, and Allied Industry	P-I	P	P	An establishment providing printing and publishing services
Office				
Professional Office	P-I	P	P	A business providing expertise to clients for a fee for service in any of the following related categories: accounting, architecture, engineering, planning, law, medicine, music, art, interior design, real estate, writing, education, or any similar type of business
Personal Services				
Daycare Center	P-I		P (5)	Care of children under the age of 12, or seniors, located in a facility which accommodates 13 or more persons
Equipment Rental	P-I	P	P	Equipment rental is a service providing machinery, equipment and tools of all kinds

Land Use	Permit Type	LI	GI	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
				and sizes for a limited period of time individual consumers
Funeral Home	P-I	P		A building used for the preparation of the deceased for burial, the display of the deceased, and ceremonies connected therewith before burial or cremation; crematories are not considered part of a funeral home or an accessory to a funeral home.
Health / Athletic Club	P-I	P		Gymnasiums (except those related to educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments
Janitorial Services	P-I	P	P	A company providing janitorial services such as the cleaning of offices or other building establishments
Laundromat / Dry Cleaner	P-I	P	P	An establishment providing dry cleaning businesses or washing, drying machines on the premises for rental use to the general public
Mail / Small Shipping Store	P-I	P		An establishment that provides shipping, shredding, printing, fax, passport photos, personal and business mailboxes, and notary services
Salon	P-I		P (5)	An establishment where hair cutting, coloring and styling, facials, manicures, lashes, and/or spa services are provided
Tattoo & Piercing Parlors	P-I		P	A business designing and creating permanent graphic images on the human body, may include piercing
Public Facilities				
Courthouse	P-III	P		A building in which courts of law are regularly held
Park and Ride Facility	P-II	P (5)	P (5)	A parking area designated for commuters using public transportation
Post Office	P-I	P		A facility authorized by a postal system for posting, receipt, sorting, handling, transmission and delivery of mail and offer mail related services
Public Safety Station	P-II		P	A facility used for police and fire services
Public Transit Storage and Maintenance Facility	P-II		P	A facility used for public transit storage and maintenance
Public Transit Terminal	P-II	P (5)	P (5)	A terminal used for public transit
Quasi-Public				
Meeting Hall	P-II	P (10)		A building or grounds used for social, civic, or recreational purposes and owned and operated by a nonprofit organization and open to the general public
Recreation				
Bowling Alley	P-I	P		A recreational facility which includes bowling lanes, and may include a small lounge, restaurant or snack bar, video games and pool tables
Go-Cart Track	P-I	P		Tracks used for go-kart racing
Open Space	P-I	P	P	A common, accessible area that is shared by residents of a subdivision and/or by the public and could be left in its natural or undisturbed state, used as community gardens or conservation areas

Land Use	Permit Type	LI	GI	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Park, Community	P-II	P	P	Regional park facility that serves an area of over 10,000 in population and is 20 to 100 acres
Park, Neighborhood	P-II	P	P	A park of five to 20 acres serving an area of 2,000 to 10,000 population within a quarter to one-half mile service area
Park, Urban	P-II	P	P	A park providing public access and recreational, educational, cultural, historical, or aesthetic amenities
Skating Rink	P-I	P		A surface used for ice skating or roller skating located indoors or outdoors
Swimming Pool	P-II	P		Any in-ground or above-ground structure designed for swimming, wading, or other aquatic recreational purposes
Trail	P-II	P	P	A paved or unpaved path used for walking, hiking, running, bicycling and/or horseback riding
Repair Services				
Minor Service Repairs Within the Confines of a Building; No Outside Storage or Repair	P-I	P		An establishment providing minor repair services such as shoe repair, tailoring, bicycle repairs, computer repairs or similar type uses
Small Appliance and Tool	P-I	P		An establishment repairing a wide variety of electrical, gas and mechanical appliances and tools
Small Engines	P-I	P	P	An establishment repairing small engines (excluding automobiles)
Residential				
Caretaker's House	P-I	P (11)	P (11)	An accessory building for the sole use of a person employed on the premises
Dwelling, Multiple Family	P-II		P (5)	A building designed 3 or more families living independently of each other, including apartment houses but not include hotels, trailers, or mobile/manufactured homes
Dwelling, Townhouse	P-I		P (5)	A dwelling unit that is: occupancy by one family; has no units above or under it; and is attached to other units by common side walls
Home Occupation	P-I		AC	A business carried on within a dwelling unit or accessory building which is incidental and secondary to the residential use
Mixed Use	P-II		P (5)	Residential and commercial uses within a single building or development that may occur either within one story as a horizontal mix, in one structure with multiple stories as a vertical mix or in more than one detached structure
Retail Trade Establishments				
Retail Shop – Boutique Style Less than 3,000 square fee		P		Small scale retail uses such as boutiques, bakeries, florists, convenience stores, pharmacies, thrift stores, and more.
Retail Shop – Mid-Range between 3,000 and 10,000 square feet		P		Midsized retail uses such as grocery stores, sporting goods store, large thrift stores, office supplies, and more
Retail – Big Box greater than 10,000 square feet		C	C	Large scale retail uses such as supermarkets, construction supply stores, furniture stores, sporting goods store, and more.

Land Use	Permit Type	LI	GI	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Farmer's Market	P-I	P (12)		Retail area, outdoors or indoors, where vendors sell produce, baked goods, food and/or limited crafts to the public.
Kiosk / Vending Machine	P-I	AC (13)	AC (13)	Mobile units such as kiosks and vending machines that dispense products for sale including but not limited to beverages, food and video.
Plant Nursery	P-I	P (12)		An enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance.
Retail Prepared Food / Beverage Establishments				
Bars and Cocktail Lounges	P-I		P	A business conducted entirely within a building wherein primarily alcoholic beverages are sold at retail for consumption on the premises. Limited food service and live entertainment may be provided as an accessory use. Excludes nightclubs, restaurants, and taverns.
Catering	P-I		P	An establishment that prepares food on site and delivers it to another location for consumption. Caterers may also provide party planning and occasional hourly labor for special events.
Beverage Stand	P-I		P (14) (15)	Restaurants specializing in coffee, tea, and other assorted beverage products, accessory baked goods and concessions.
Restaurant	P-I		P (14), P (15)	Restaurant - An establishment whose primary business is the sale of food and beverages to patrons for consumption on the premises. Fast Food Restaurant - Any establishment whose principal business is sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, Drive-In Restaurant . Any establishment where provision is made on the premises for the sale of foods, frozen desserts or beverages to the consumer in automobiles or primarily within a completely enclosed building accommodating at least 90 percent of the establishment's permitted seating capacity. Carry-Out Restaurant . Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state. Catering Service . Any establishment whose principal business is the sale and delivery of food, beverages, and services to the customer in a ready-to-consume state. Catering services may operate as a home occupation. Hotel food service operations and restaurants may operate as catering services.
Schools				
Bus Transportation and Maintenance Facility	P-I	P	P	Any building and adjacent outdoor space required for the servicing, washing, and the overnight parking of buses or other mass

Land Use	Permit Type	LI	GI	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
				transit vehicles that are used for transporting the public, tourists, school children, the elderly, and/or handicapped or construction workers.
Middle School	P-II		P (5)	Any school, public or private, intended for the education of children from the sixth through eighth grade.
Post-Secondary School	P-II	P		An institution providing a post-secondary level of education that is provided at academies, universities, colleges, seminaries, institutes of technology, and certain other collegiate-level institutions, such as vocational schools, trade schools, and career colleges, that award academic degrees or professional certifications.
Preschool Facility	P-I	P (5)	P (5)	An educational establishment that provides instruction and daytime care, for 4 or more children between the ages of 2 and 5 years
School, Other	P-I	P		Places for systematic instruction, to include trade, vocational/technical, art, music, dance, and business schools or similar type institutions.
Wholesale Storage / Distribution Facilities				
Detached Commercial Accessory Storage	P-I	C (16)	C (16)	Storage structure that is subordinate and incidental to a commercial or industrial use.
Equipment and Machinery Storage	P-I		P	An establishment handling heavy machinery used in agriculture, trucking, industry and manufacturing, and providing short-term storage in addition to sales. The use occurs both indoors and outdoors, and may include storage yards.
Freight Distribution Center	P-II		P	An industrial business receiving, storing and delivering a wide variety of goods to other wholesale or retail outlets typically by truck or train. Facilities may include a loading dock.
Fuel Storage Facility	P-III		C	An area used for the storage and distribution of petroleum products used for the powering of motor vehicles, boats and ships, and aircraft, and for the operation of electrical generating plants. The facilities may be above ground or underground storage tanks of propane, gasoline and other petroleum storage and distribution.
Mini-Warehouse / Storage Facility	P-II	P (17)	P	A building or group of buildings consisting of individual storage units not exceeding 400 square feet per storage unit that are leased or owned for the storage of business and household goods or contractor's supplies, not to be used for any wholesale or retail operations.
Moving Van and Storage Facilities	P-I	P (17)	P	An establishment providing trucking to move household or business furniture and both short-term or long-term storage facilities.
Warehouse Operations	P-II	P (17)	P	The storage of goods and materials. Warehouse operations may also include office and maintenance areas as accessory functions.

Land Use	Permit Type	LI	GI	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Wholesale Operations	P-II	P (17)	P	An establishment that includes large storage and distribution areas for receiving goods (such as produce) and shipping these goods to places such as grocery stores and restaurants or large facilities to provide items for sale to the public at wholesale prices. This definition excludes retail sales or clubs that sell wholesale goods to members as a retail transaction.
Utilities				
Electrical Equipment and Pole Storage Yard	P-I	P (24) (25)	P (24) (25)	Area used for the storage of equipment and support poles associated with permitted electrical substations.
Electrical Generating Plant	P-II		C	An establishment or utility that provides electricity.
Electrical Substation	P-II	P	P	A facility that provides transmission and distribution of electric power.
Electrical Transmission Lines	P-II	P	P	Lines which connect the power produced at generating facilities to substations.
Recycle Collection Stand	P-II	AC		A movable kiosk for the collection of recyclable materials or donations such as newspapers, clothing or book.
Sewage Lift Station	P-II	P		The station in a sewer system where the wastewater needs to be pumped (lifted) to a higher elevation so that gravity can be used to bring the wastewater to the treatment plant.
Sewage Treatment Plant	P-II		C (18)	Any arrangement of devices and structures used for treating sewage and does not include the definition of septage facility.
Solid Waste Disposal / Recycling Center	P-II		C	A facility providing solid waste disposal or sorting and/or processing of recycled material for resale.
Water Well and Pump Station	P-II	P		Infrastructure used to move water from a ground water source and convey water within a utility system.
Water, Drainage or Sewage Infrastructure	P-II	P	P	Pipes, installations and other infrastructure that are part of a system used for the purpose of water, drainage or sewage.
Wireless Communication Facilities				
Co-Location PWCA	P-I	P (19)	P (19)	The placement and arrangement of multiple providers' antennas and equipment on a single support structure or equipment pad area.
Minor Facilities	P-I	P (20)	P (20)	Wireless communications facility consisting of up to three antennas within specified size limitations.
Single PWCF	P-II	P (21)	P (21)	A wireless communications facility for the transmission and/or reception of radio frequency signals associated with personal wireless services and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure, reception and transmission devices and antennas and temporary or portable service facilities.
Monopole Towers	P-III	C (22)	C (22)	Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.
Small Cell Facilities	P-I	P (23)	P (23)	A personal wireless services facility that meets the requirements SMC 17.200-220.

Land Use	Permit Type	LI	GI	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Other				
Indoor Emergency Housing	P-I	P		Emergency Housing means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.
Indoor Emergency Shelter	P-I	P		Emergency Shelter means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.
Transitional Housing	P-I	P		Housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.
Temporary Uses	P-I	P	P	A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.

Industrial Zoning Use Conditions.

- (1) A hobby kennel license is required for a total of four or more dogs and four or more cats over three months of age. A maximum of four animals is allowed when the parcel is under one acre, five animals per acre are allowed when the parcel is one to five acres and 25 animals are allowed when the parcel is over five acres. These maximums may be exceeded with special hobby kennel permit issued administratively by the animal control officer pursuant to SMC [8.02.450](#) and [8.02.470](#); provided, however, that in all cases exceeding the maximum standard by six animals requires an administrative conditional use permit. All indoor and outdoor kennels shall comply with the animal control and licensing standards contained in Chapter [8.02](#) SMC. Three or fewer animals are allowed as an accessory use without a kennel license as pets.
- (2) Automobile repair is limited to minor repair services in the general commercial zone and to minor and major repair services as defined in SMC [17.20.020](#) in the light industrial zone. Minor repair, major repair and paint/body shops are permitted in the general industrial zone.
- (3) The cross-section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage and also shall be used for the measurement of setback requirements.
- (4) A six-foot sight-obscurer fence or wall and landscaping consistent with Chapter [17.145](#) SMC, Landscape Performance Standards, shall be required.
- (5) Permitted in the transit overlay when part of a transit-oriented project as defined in SMC [17.77.040](#).
- (6) Twenty thousand square feet of land area are required. This minimum land area requirement may be reduced through the conditional use permit process in SMC [17.80.120](#) provided the lot meets the minimum lot size standard for the zone.
- (7) Adult entertainment uses shall be located only in the adult entertainment overlay zone and shall comply with the requirements in SMC [5.32.030](#).
- (8) Limited to 30 rooms/increment of minimum land area.

- (9) Accessory retail limited to 2,000 square feet for goods manufactured, assembled or distributed on site.
- (10) Minimum land area of 20,000 square feet is required. This standard may be modified through the conditional use permit process provided in SMC [17.80.120](#).
- (11) Caretaker units are limited to one per parcel.
- (12) Retail trade establishments are limited to 50,000 square feet gross floor area per individual establishment.
- (13) Kiosks/vending machines are permitted only as accessory uses inside a building.
- (14) Outside dining is limited to areas designated for such use, shall be in keeping with the exterior architectural theme of the building, and shall not permit the consumption of food or beverages within automobiles.
- (15) Drive-up windows allowed subject to the supplemental standards for drive-through facilities provided in SMC [17.100.040](#).
- (16) Detached accessory storage shall comply with “nonresidential performance standards” SMC [17.100.075](#), conditions for permitting detached storage structures in commercial zones, and the additional architectural standards in SMC [17.112.030](#) in the MB-I and MB-II zoning districts, SMC [17.112.040](#) in the NB, GC and GI zoning districts and SMC [17.112.045](#) in the LI zoning district.
- (17) Accessory retail limited to 2,000 square feet for goods manufactured, assembled or distributed on site.
- (18) Privately owned and operated sewage treatment plants, including but not limited to septage facilities, are not permitted.
- (19) Subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (20) Minor facilities are limited to co-location on an existing monopole and are subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (21) Limited to one personal wireless communications facility (PWCF) on existing light standards and power poles within the public right-of-way and subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (22) Monopole towers only are permitted. Guy and lattice towers are prohibited. Limited to locations on properties with existing public use, except in the general commercial and general industrial zones subject to a conditional use permit, and subject to the wireless communications facilities standards in Chapter [17.220](#) SMC.
- (23) All small wireless communication facilities shall be subject to the requirements of Chapters [17.200](#), [17.205](#), and [17.210](#) SMC.
- (24) Minimum land area of 10,000 square feet required.
- (25) Pole yards and storage areas shall be screened from adjacent residential or commercial uses. Chain link fences with slats are not allowed.

Permitted Use Table: Parks and Open Space

Land Use	Permit Type	POS	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
Recreation			
Athletic Field	P-I	P	Grounds used for playing sports or games generally but not exclusively outdoors. Generally, playing fields are wide expanses of grass, dirt or sand without many obstructions.
Ball Park	P-II	P	An athletic field or stadium in which games such as baseball or soccer are played.
Batting Cage	P-II	P	An area where pitching machines enable batting practice in a controlled environment for recreational purposes.
Community Garden	P-I	P	Land set aside for collective use for an organization or for the general public to grow produce and/or flowers. No marijuana shall be grown in such gardens.
Conservation Area	P-I	P	A tract of land that has protected status in order to ensure that natural features, cultural heritage or biota are safeguarded. A conservation area may be a nature reserve, a park, a land reclamation project or other area
Golf Course	P-III	P	A tract of land for the playing of the game of golf, with tees, greens, fairways, hazards, etc. A golf course may be nine or 18 holes in length.
Open Space	P-I	P	A common, accessible area that is shared by residents of a subdivision and/or by the public and is left in its natural or undisturbed state.
Park, Community	P-III	P	Regional park facility that serves an area of over 10,000 in population and is 20 to 100 acres
Park, Neighborhood	P-II	P	A park of five to 20 acres serving an area of 2,000 to 10,000 population within a quarter to one-half mile service area.
Park, Urban	P-II	P	A park providing public access and recreational, educational, cultural, historical, or aesthetic amenities.
Playground	P-I	P	A piece of land used for and usually equipped with facilities for recreation especially by children. This definition includes small parcels developed as "tot lots" and may include playground equipment such as swings, slides and climbing structures.
Recreation Area / Facility	P-I	P	Any privately or publicly owned passive or active park, playground, sports field,

Land Use	Permit Type	POS	Abbreviated Definition (Chapter 17.20 Contains Full Definition)
			access easement, beach, or other recreation area.
Swimming Pool	P-III	P	Any in-ground or above-ground structure designed for swimming, wading or other aquatic recreational purposes.
Trail	P-II	P	A path paved or unpaved used for walking, hiking, running, bicycling and/or horseback riding.
Utilities			
Electrical Equipment and Pole Storage Yard	P-I	P (1) (2)	Area used for the storage of equipment and support poles associated with permitted electrical substations.
Water, Drainage or Sewage Infrastructure	P-II	P	Pipes, installations and other infrastructure that are part of a system used for the purpose of water, drainage or sewage.
Other			
Temporary Uses	P-I	P	A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Public Facilities Use Conditions.

- (1) Minimum land area of 10,000 square feet required.
- (2) Pole yards and storage areas shall be screened from adjacent residential or commercial uses. Chain link fences with slats are not allowed

Exhibit C

New Chapter 17.35 Variances

Variances

Sections:

17.35.010	Purpose and Applicability
17.35.020	<u>Who May Apply</u>
17.35.030	<u>Permit Process</u>
17.35.040	<u>Applicant's Responsibility</u>
17.35.050	<u>Fees</u>
17.35.060	<u>Decision Criteria</u>
17.35.070	<u>Procedure - Administrative Variance Criteria</u>

17.35.010 Purpose and Applicability.

A variance is a mechanism by which relief may be granted from provisions of this title where compliance with the provisions of this title renders an unnecessary hardship. Variances may be granted from the strict application of any land dimension, density, or height requirements of this title ~~when, by reason of~~ **due to** exceptional narrowness, shallowness, shape, or substandard size of specific parcels of property, or by reason of exceptional topographic conditions or other extraordinary situations or conditions of specific parcels of property.

17.35.020 Who May Apply

A property owner, or his duly authorized agent, may file an application for a variance or an administrative variance, when the proposed use or development requires cannot meet the strict requirements as set forth in the zone district.

17.35.030 Permit Process

Variance permit applications shall be reviewed and processed in accordance with the procedures set forth in SMC 17.80, Permit Review Procedures.

17.35.040 Applicant's Responsibility

The application shall set forth fully the grounds and the facts justifying the granting of the variance or administrative variance permit.

17.35.050 Fees

Fees for a variance or administrative variance application shall be as listed in Chapter [3.30](#) SMC, Fee Schedule.

17.35.060 Decision Criteria.

Strict application of this code or amendment thereto must be found to result in a practical difficulty or unnecessary hardship upon the owner of said property, provided:

- (a) That such variance can be granted without substantial impairment of the intent, purpose, and integrity of this title and of the Comprehensive Plan of Stanwood; and
- (b) That this variance shall not permit a use of land not authorized within the zoning district, increase in the volume of a building or structure, or increase the density of development beyond that permitted, as established by this code; and
- (c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which subject property is situated; and
- (d) That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land; and
- (e) That there must be a finding that all of the following conditions exist:
 - (i) That, if the owner or lessor complied with the provisions of this code, he or she would not be able to make reasonable use of his or her property;
 - (ii) That the difficulties or hardships are peculiar to the property in question in contrast with those of other properties in the same district;
 - (iii) That the hardship was not the result of the applicant's own action (applicant's own action shall not include the purchase of the property); and
 - (iv) That the hardship is not merely financial or pecuniary.
- (f) The fact that property may be utilized more profitably will not be an element of consideration.

17.35.070 Procedure.

~~Application for a variance shall be made by petition of the subdivider or other permit applicant stating fully the necessity of the variance and the specific requirement for which the variance is requested.~~

- ~~(a) If a variance is in conjunction with a preliminary plat or other major permit application requiring a public hearing, it shall be so stated in the public notice of hearing, and a single hearing shall be held.~~
- ~~(b) Public notice of a hearing on a variance shall be given pursuant to SMC 17.80, Permit Review Procedures.~~

17.35.070 Administrative Variances

Upon meeting the variance criteria listed in 17.35.060, Decision Criteria, minor administrative variances may be granted by the Community Development Director, or their appointee, from the following development standards.

- (a) **A decrease of not more than twenty-five (25) percent of the required width of front, side, or rear setback.**
- (b) **A reduction in the minimum lot size for existing lots to eliminate the property from being declared non-conforming.**

- (c) A decrease of not more than twenty percent in the number of required parking spaces if the reduction would allow the preservation of trees, critical areas, buffers, or other unique topographical features.
- (d) Allow compact parking stalls to account for up to twenty percent of the total number of parking stalls required on a site.

Conditional Use Permits

Sections:

17.40.010	Purpose
17.40.020	Who May Apply
17.40.030	<u>City Authority Permit Process</u>
17.40.040	Applicant's Responsibility
17.40.050	Fees
17.40.060	Decision Criteria
17.40.070	Additional Conditions

17.40.010 Purpose.

The purpose of ~~conditional and administrative~~ conditional use permits is to allow certain uses in districts where they are normally prohibited by this title, when the proposed uses are deemed consistent with other existing and potential uses within the general area of the proposed use. Except as provided in this section, a conditional use permit may not reduce the requirements of the zone in which the use is to be located.

17.40.020 Who May Apply.

A property owner, or his ~~their~~ duly authorized agent, may file an application for a ~~conditional or administrative~~ conditional use permit, when the proposed use or development requires any such permit as set forth in the zone districts.

17.40.030 City Authority Permit Process.

Conditional use permits shall be reviewed and processed in accordance with the procedures set forth in SMC 17.80, Permit Review Procedures.

17.40.040 Applicant's Responsibility.

The application shall set forth fully the grounds and the facts justifying the granting of the ~~conditional or administrative~~ conditional use permit.

17.40.050 Fees.

Fees for a ~~conditional or administrative~~ conditional use permit shall be as listed in Chapter [3.30](#) SMC, Fee Schedule.

17.40.060 Decision Criteria.

~~The reviewing official shall consider the following factors, among all other relevant information:~~

An applicant must demonstrate compliance with all of the following criteria before a conditional use permit may be issued.

- (a) ~~Comprehensive Plan~~ **Zoning Compatibility**. The proposed use shall be compatible with the general purpose, goals, objectives and standards of the ~~Comprehensive Plan~~, **and intent of the zoning district as described in Chapter 17.10, Establishment of**

zoning Districts. ~~the zoning regulations and any other plan, program, map or ordinance of the city of Stanwood.~~

- (b) Community Need. There shall be a community need for the proposed use at the proposed location. In the determination of community need the reviewing official shall consider the following factors, among all other relevant information:
 - (i) The proposed location shall not result in either the detrimental overconcentration of a particular use within the city or within the immediate area of the proposed use;
 - (ii) That the proposed location is suited for the proposed use.
- (c) Effect on Adjacent Properties. The proposed use at the proposed location shall not result in substantial or undue adverse effects on adjacent property. The following factors shall be considered:
 - (i) Compatibility. The proposed use shall be compatible with the scale and character of the neighborhood.
 - (ii) Traffic. Traffic and circulation patterns of vehicles and pedestrians relating to the proposed use and surrounding area shall be reviewed for potential effects on, and to ensure safe movement in, the surrounding area.
 - (iii) Noise and Glare. Potential noise, light and glare impacts shall be evaluated based on the location of the proposed use on the lot and the location of on-site parking areas, outdoor recreational areas and refuse storage areas.
 - (iv) Landscaping. The hearing examiner may require additional landscaping to buffer adjacent properties from potentially adverse effects of the proposed use.
 - (v) Public Improvements. The proposed use and location shall be adequately served by and not impose an undue burden on any public improvements, facilities, utilities and services. Approval of a conditional use permit may be conditioned upon the provision and/or guarantee by the applicant of necessary public improvements, facilities, utilities and/or services.

17.40.070 Additional Conditions.

- (a) Additional conditions for bed and breakfast uses in single-family residential zones are set forth in SMC [17.100.060](#).
- (b) Additional conditions for school uses in single-family residential zones are set forth in SMC [17.100.070](#).
- (c) Additional conditions for wireless communications facilities are set forth in Chapter [17.220](#) SMC.
- (d) Additional conditions for ball parks, athletic fields, parks, playgrounds, community centers, houses of worship and meeting halls in residential zones are set forth in SMC [17.100.050](#).
- (e) Additional conditions for marijuana retailers are set forth in SMC [17.100.045](#).

17.60.050 Development Agreements. [New Section]

- (1) The city may enter into a development agreement with a person having ownership or control of property of at least five acres in size within the city's jurisdiction. The city may enter into a development agreement for property outside its boundaries as part of a proposed annexation or service agreement.**
- (2) A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the property for the duration specified in the agreement. "Development standards" include, but are not limited to the following:**

 - 1. Project elements such as, residential densities, and non-residential densities and intensities or building sizes;**
 - 2. 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, or dedications;**
 - 3. Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW or as amended;**
 - 4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, parking, design standards and other development features;**
 - 5. Parks and open space preservation;**
 - 6. Phasing;**
 - 7. Review procedures and standards for implementing decisions;**
 - 8. A build-out or vesting period for applicable standards; and**
 - 9. Any other development requirement or procedure deemed appropriate by the City Council.**
- (3) Uses shall be confined to only those allowed under the site's underlying zoning and may not be altered under the provisions of a development agreement.**
- (4) A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. The city and project applicants may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities.**
- (5) The city shall only approve a development agreement by ordinance or resolution after a public hearing.**
- (6) A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.**

Exhibit F
Permit Review Procedures

Article I: General Provisions

- 17.80.100 Purpose**
- 17.80.110 Applicability**
- 17.80.120 Permit Required**
- 17.80.130 Exemptions**
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Article II: Application Provisions and Procedures

- 17.80.200 Pre-Application Meeting**
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Article III: Permit Review Procedures

- 17.80.300 Purpose**
- 17.80.310 Permit Review Process**
- 17.80.320 Notice of Completeness**
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- 17.80.340 Permit Integration With State Environmental Policy Act (SEPA)**
- 17.80.350 Project Review**
- 17.80.360 Application Review Timeframes**
- 17.80.370 Public Meetings and Public Hearings**
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Article IV: Post Permit Requirements

- 17.80.400 Inspections**
- 17.80.410 Modifications**
- 17.80.420 Extensions**
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17.80.450	Commencement of Work
17.80.460	Permit Revocation
17.80.470	Re-Applications
17.80.480	Effect of Decisions
17.80.490	Violations

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Article I

General Provisions

17.80.100 Purpose

In enacting regulations to conform with of Chapter 36.70B RCW, the city intends to establish a mechanism for implementing the provisions of the Growth Management Act regarding compliance, conformity and consistency of land use development permit review with the city's adopted comprehensive plan and existing development regulations. In order to achieve this purpose, the city finds that:

- A. Considerable time and effort went into the adoption of the city's comprehensive plan under the mandates of the Growth Management Act. The comprehensive plan and the city's supporting development regulations identify land use types, densities, minimum development standards, and mitigation for critical areas and public impacts. These documents are the foundation for project and environmental review in the city. The city shall not reanalyze these basic land use planning decisions when making a permit decision.
- B. The following land use development permit review process shall determine consistency between the proposed project and applicable regulations or plans through an integrated project and environmental impact analysis that run concurrently with each other, not separately.
- C. This chapter provides a coordinated review of zoning and other development regulations to ensure that proposed site development complies with the city's comprehensive plan, zoning regulations, public works standards, and other applicable development regulations

17.80.110 Applicability

The provisions of this chapter apply to all development permits identified in this code and to any related regulation implementing these provisions or any other ordinance or law. The Community Development Director, or his or her designee, shall administer these provisions and may adopt such rules as will assist in administering these provisions. Rules shall be filed with the clerk and copies given to the mayor and council.

17.80.120 Permit Required

A permit is required for any following including but not limited to: building permits, boundary line adjustments, subdivisions, binding site plans, planned unit developments, development agreements, conditional uses or variances, shoreline substantial development permits, site plan review, signs, permits or approvals required by critical area ordinances, engineering permits (i.e.: right of way, clearing, grading, filling) and site-specific rezones authorized by a comprehensive plan or subarea plan. No permit or approval shall be issued for any parcel of land developed or divided in violation of this title.

17.80.130 Exemptions

- A. Notwithstanding any provision in this code to the contrary, no permit shall be required pursuant to this code for the following types of development:
1. Accessory structures in a residential zone that do not require a building permit according to the most recently adopted International Building Codes;
 2. Right-of-way permits that do not require a grading permit;
 3. Fences;
 4. Adoption or amendment of a comprehensive plan, subarea plan, development agreements, or development regulations. Comprehensive Plan Amendments and Subarea Plans shall be processed according to Chapter 17.157 SMC. Development regulation Code Amendments shall be processed per Chapter 17.155 SMC; and
 5. Annexations: which shall be processed according to Chapter 17.158 SMC.
- B. Where immediate action by a person is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster or serious accident, or in other cases of emergency, the requirement of obtaining a permit prior to initiating such action under this section may be waived by the Community Development Director. The applicant shall notify the Community Development Director, in writing, of the type and location of the work, the length of time necessary to complete the work, and the name of the person or public agency conducting the work. Work shall be commenced within 30 days following the disaster, accident, or other emergency. However, this shall not preclude the requirement for building permits for such activity. One 30 day extension may be permitted by the Community Development Director if progress towards project completion is demonstrated.

17.80.140 Permit Approval Criteria

- B. A permit shall be granted if the city finds, based on substantial evidence in the record, that the development is consistent with the goals, policies, requirements and performance standards of the Stanwood Municipal Code, the street and utility standards, and other applicable laws and regulations. Consistency shall be established by determining if the following four factors have been met:
1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied.
 2. The level of development, such as units per acre or other measures of density, meets the zone for which it is located, including any density bonus provisions.
 3. Availability and adequacy of infrastructure, public facilities and services needed to serve the development as identified in the comprehensive plan, including but not limited to: transportation, utilities, parks, and capital facilities.
 4. The character of the development, including all development and design standards.

- C. The development project as proposed incorporates, to the maximum extent feasible, mitigation measures to substantially lessen or eliminate all adverse environmental impacts of the development.
- D. The development is connected to the city water, sewer, and stormwater systems.

17.80.150 Rule Making Authority

- A. The Community Development Director may, consistent with the intent of the Comprehensive Plan, Zoning Code and other applicable laws and regulations, issue written rules as he/she deems necessary to carry out the provisions of this code. Such rules shall include but are not limited to the following:
 - 1. Information to be required in the application, including, without limitation, proof of legal interest in the property, authority to sign the application, drawings, maps, data, and charts concerning land and uses and areas in the vicinity of the proposed development, and appropriate supplementary data reasonably required to describe and evaluate the proposed development and to determine whether the proposed development complies with statutory criteria under which it might be approved; and
 - 2. Requirements for the conduct and continuance of public hearings and the methods of providing public notice on projects and permits.
- B. The Community Development Director may administratively determine the format and contents of permits, application forms, application checklists, additional information needs, and notices above and beyond the minimums set forth in this code.

17.80.160 Administrative Interpretations This section establishes the procedure and criteria that the city will use in deciding upon a written request to interpret the provisions of Title 17, Zoning. The interpretation of the provisions of a development agreement or concomitant agreement will be treated as an interpretation of the zoning code.

- A. **Applicability.** This section applies to each written request to interpret the provisions of the zoning code, with the exception of unclassified uses as outlined in Chapter 17.30 SMC, Permitted Land Uses.
- B. **Purpose.** An interpretation of the provisions of the zoning code clarifies conflicting or ambiguous wording or the scope or intent of the provisions of the zoning code. A request for a zoning code interpretation must relate to a specific site, land use district, classified use or application within the City of Stanwood. An interpretation of the provisions of the zoning code may not be used as, or considered to be, an amendment to the zoning code.
- C. **Applicable Procedure.**
 - 1. The Community Development Director shall interpret the provisions of the zoning code in conformance with this section.
 - 2. A zoning code interpretation requested by a person other than the project proponent or property owner must be requested prior to the date of expiration of

any applicable administrative appeal period for a land use decision on the application to which the request relates. Any zoning code interpretation requested after the applicable administrative appeal period shall not affect an issued permit or decision.

3. Unclassified use applications shall be interpreted by the Hearing Examiner and processed in accordance with SMC 17.30.020.
- D. Submittal Requirements. Any person requesting an interpretation of the zoning code shall submit a written request on a form provided by the city specifying each provision of the zoning code for which an interpretation is requested, why an interpretation of each provision is necessary, and any reasons or material in support of a proposed interpretation.
- E. Factors for Consideration. In making an interpretation of the provisions of the zoning code, the Director shall consider the following factors:
 1. The applicable provisions of the zoning code, including their purpose, intent, and context;
 2. The impact of the interpretation on other provisions of the municipal code;
 3. The implications of the interpretation for development within the city as a whole;
 4. The applicable provisions of the Comprehensive Plan and other relevant codes and policies; and
 5. Any applicable state statutes and court decisions.
- F. Effect of Interpretation. An interpretation of the zoning code issued under this section shall have the same effect as any provision of the zoning code.
- G. Time Limitation. An interpretation of the zoning code remains in effect until rescinded in writing by the Director or Title 17, Zoning is amended.
- H. Appeals. Interpretations may be appealed to the Hearing Examiner following the appeal procedures contained in this chapter.

Article II

Application Provisions and Procedures

17.80.200 Pre-Application Meeting

- A. At the applicant's request, a pre-application conference shall be scheduled with representatives of the city planning, engineering, fire and building departments. The purpose of the pre-application process is for the applicant to provide city staff with the necessary information about the proposed project and site conditions so that the city can provide the applicant with the requirements that must be met in order to have the proposed project proceed through the formal permit review process.
- B. For the city to accurately evaluate the proposed project at the pre-application meeting, the applicant shall provide at a minimum a draft site plan, preliminary grading and critical area plans, and locations of drainage and utility connections.
- C. It is impossible for the meeting to be an exhaustive review of all potential issues. The discussions at the meeting shall not bind or prohibit the city's future application or enforcement of all applicable laws.
- D. Information provided at the pre-application meeting, including but not limited to conceptual site and civil construction plans, building concepts, environmental documents or interpretation requests shall not vest a development.
- E. While pre-application meetings are informational in nature, it is the responsibility of the applicant to ensure their project meets the minimum requirements of the Stanwood Municipal Code and City Street and Utility Standards.

17.80.210 Vesting

- A. An application for a permit or project permit listed as a Type I – V permit, except those which seek variance from land use regulations, shall be considered under the development regulations in effect on the date of a complete application. For purposes of this section the "date of a complete application" shall mean the date on which the applicant files a permit application that contains all information, documents, plans and reports required by this chapter.
- B. The Community Development Director, or their designee, shall prepare a written notice of complete application that is mailed, emailed or hand delivered noting that the application includes all of the required permit submittals. The issuance of a written notice of complete application as provided in this chapter shall be a final determination of whether an application is vested pursuant to this chapter.
- C. Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application unless the information is requested because incorrect information was submitted by the applicant and if the incorrect information would materially affect the final decision on the application.
- D. An applicant-requested modification occurring either before or after issuance of the permit shall eliminate vesting when such modification would result in a substantial change in a project's review requirements, as determined by the Director. Under such a condition, the application will be deemed a new application.

- E. Applications for subdivisions that propose to create offspring lots within a parent site comprising existing detached condominiums or attached townhouses for which a grading or building permit has been issued shall vest to the site development requirements and standards in effect at the time such grading or building permit application was determined to be complete by the city.
- F. Building permits that may be subsequently required to construct or complete a vested site development permit shall be considered new applications under the building code, zoning, or other land use control ordinances in effect on the date of application and shall be subject to the edition of the building code in place at the time of application.
- G. Nothing herein shall restrict the Director's authority to impose conditions on site development permits pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW and WAC 197-11-600.
- H. Filing of a permit application does not vest the payment of fees. Fees due, including impact mitigation fees, application fees, or other charges, shall be those fees in effect on the date the fee is paid in accordance with the most current city council fee resolution.

17.80.220 Submittal Requirements

- A. All applications for development permits shall provide the information required on the relevant application checklist provided in Table 2, Permit Submittals for Type I-V Permit Applications.
- B. Submittal materials shall include:
 - 1. Scaled Drawings. Site and construction plans drawn to an engineering scale of appropriate size to read and verify drawing elements.
 - 2. Plans. Plans shall be prepared by a registered engineer, architect, landscape architect, or land surveyor illustrating the proposed development of the property unless otherwise waived by the Community Development Director.
 - 3. Evidence of Ownership or Legal Interest. All applications shall be signed by the property owner or an authorized representative as follows:
 - a. The applicant shall be required to show evidence in writing of his or her legal interest in and the right to perform development upon all property on which work would be performed.
 - b. A developer may 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.
- C. Applications shall include an accurate address, assessor's parcel number(s), and legal description of the property subject to the requested permit.
- D. A statement shall be signed by the applicant stating that the information as shown on the plans, maps, and application is true and correct. Any failure to comply with

the provisions of this section shall be good cause to deny the application and/or to revoke any permit which may have been issued for any building or use of land.

- E. Application and inspection fees shall be paid at the time of permit submittal as set forth in the fee resolution adopted by the city council.

17.80.230 Permit Types

- A. The City has five (5) levels of land use review. Land use and development decisions are classified 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 is as follows:
 - 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.
 - 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 requires public notice at the application and/or decision stages of the review.
 - 3. Type III Review – Quasi-Judicial Decisions – Hearing Examiner. A Type III process is a quasi-judicial review and decision by the Hearing Examiner. The Hearing Examiner holds a pre-decision open record public hearing and makes a decision based on evidence submitted at the hearing, including a staff report and public testimony. A public meeting may be required prior to the Hearing Examiner hearing by the Planning Commission in certain types of cases. Public notice is required at the application and public hearing stages of application review.
 - 4. Type IV Review – Quasi-Judicial Decisions – City Council. A Type IV process is a quasi-judicial review and decision by the City Council upon receipt of a recommendation from the Hearing Examiner. Public notice is required at the application and public hearing (if any) stages of application review.
 - 5. Type V Review – Council Decisions. A Type V permit process is a decision made by the City Council after holding a public meeting or public hearing depending on the specific permit.
- C. Application types by permit classification are provided in Table 1 – Permit Applications by Category.
- D. Permits and Actions Not Listed. If a permit or land use action is not listed the Community Development Direct shall make the determination as to the appropriate review procedure.

Table 1 – Permit Applications by Category

Type I: Administrative Decisions without Notice	Type II: Administrative Decisions with Notice	Type III: Quasi-Judicial Decisions – Hearing Examiner	Type IV: Quasi-Judicial Decisions – City Council	Type V: City Council Decisions
▪ Single Family Residential Building Permits ▪ Multifamily Residential Projects Equal or Less Than 39 Units ▪ Commercial and Industrial Developments Less Than 12,000 Square Feet ▪ Mixed-Use Developments Equal To or Less than 19 Units ▪ Grading ▪ Sign ▪ Home Occupation ▪ Accessory Dwelling Unit ▪ Parcel Combination ▪ Manufactured Home Infill ▪ Boundary Line Adjustment	▪ Multifamily Residential Projects Greater Than 40 Units ▪ Commercial and Industrial Developments Greater Than 12,000 Square Feet ▪ Mixed-Use Developments Greater Than 20 Units ▪ Administrative Variance ▪ Reasonable Use Permit ▪ Short Plats ▪ Binding Site Plans ▪ Shoreline Substantial Development Permit ▪ Forest Practice Waiver – SFR	▪ Type II Multifamily, Commercial, Industrial or Mixed-Use Permits ▪ Developments with 5+ Substantive Comments ▪ Conditional Use Permit ▪ Preliminary Plat; Including PRD's, Cottage, and Off-spring subdivision ▪ Shoreline CUP ▪ Shoreline Variance ▪ Essential Public Facilities ▪ Forest Practice Waiver – Nonresidential ▪ WCF – Mono Pole ▪ WCF – Deviation ▪ TN – Residential Subdivisions ▪ Non-Administrative Variance	▪ Development Agreements ▪ Site Specific Rezones	▪ Street Vacations ▪ Final Plats

Type I: Administrative Decisions without Notice	Type II: Administrative Decisions with Notice	Type III: Quasi-Judicial Decisions – Hearing Examiner	Type IV: Quasi-Judicial Decisions – City Council	Type V: City Council Decisions
▪ Administrative Zoning Code Interpretation ▪ Code Enforcement ▪ Floodplain Development ▪ Small Cell WCF ▪ Co-Located WCF ▪ Minor Modification to WCF ▪ Public Works Deviation Requests ▪ TN – Public Facilities ▪ Right of Way Permits ▪ Encroachment Permit	▪ SEPA Determinations ▪ Concurrency Evaluation with Major Site Development ▪ Right to Farm	▪ TN_ Commercial / Mixed Use Projects ▪ Code Enforcement Appeals ▪ Building Code Appeals ▪ Administrative Appeals		

17.80.240 Phased Permit Applications

- A. Projects may be completed in phases, provided the phasing meets the requirements of this section and conforms to the approved phasing plan. The zoning regulations in effect at the time of the original approval shall continue to apply.
- B. Developers shall submit site plans that clearly show the various phases or stages of the proposed development and how the requirements of this title 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 in Phase 2.
- D. The vehicle and pedestrian 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 during each phase.
- E. Phased development authorized in one site development permit may be commenced with separate building permits, however each phase must be initiated prior to the permit expiration period as provided in Table 8, Permit Approval Time Frames. All construction shall conform to the International Building Code and International Fire Code regulations in force at the time of building permit application.

17.80.250 Consolidated Permit Review

- A. If a project action requires two or more permit types, the applicant may elect in writing to have the permit reviewed under a consolidated permit review process. This includes a combined application review and approval process covering all project permits requested by an applicant for all or part of a project action and a designated permit coordinator. If an applicant elects the consolidated process, the determination of completeness, the notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.
- B. 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 shall be reviewed and processed collectively at the applicant's request. Consolidated reports setting forth the recommendation and decision shall be issued.
- C. If the applicant elects to have a project reviewed under a consolidated permit process, it shall be reviewed collectively under the highest numbered procedure required for any part of the application.
- D. No hearing or deliberation upon an application 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

17.80.260 Complete Application Requirements

- A. All applications for Type I-V permits shall provide the information required on the relevant application checklist provided by the city, which includes the requirements listed in Table 2 – Permit Submittals for Type I-V Permit Applications.
- B. An applicant may request a waiver of any of the submittal requirements where they can prove to the satisfaction of the Community Development Director's office that a waiver is appropriate.
- C. The Director may waive in writing specific submittal requirements determined to be unnecessary for review of an application. Alternatively, the Director may require additional material, such as maps, studies, or models, when the Director determines such material is needed to adequately assess the proposed project and submits the request in writing to the applicant.

Table 2 – Permit Submittals for Type I-V Permit Applications

Type I Permit – Submittal Requirements Administrative Decisions without Public Notice										
➤ The number indicates the item is required for submittal and the number of copies required ➤ A “•” indicates the item shall, upon request, be required for submittal						General Information Meeting Date: _____ Submittal Date: _____				
Submittal Requirements	Complete Submittal Item?			Accesso ry Dwelling Unit	Administr ative Modificati on	Bounda ry Line Adjust ment	Final Short Plat (≤ 9 lots)	Floodplain Developme nt Permit	Manufa ctured Housin g Infill	Minor Site Develop ment
	Ye s	No	N/ A							
General Application:										
Land Use Application Form	☐	☐	☐	1	1	1	1	1	1	1
Project Narrative	☐	☐	☐	1	1	1	1	1	1	1
Review Fee ¹	☐	☐	☐	1	1	1	1	1	1	1
Legal Description	☐	☐	☐		•	1	1		1	1
Vicinity Map or Aerial Photograph	☐	☐	☐			1	1			1
Water/Sewer Availability Approval ²	☐	☐	☐	1					1	1
Site Plans:										
Site Plan ³	☐	☐	☐	4	•	4		1	4	4
Landscape Plan ³	☐	☐	☐		•		4			4
Tree Retention Plan ³	☐	☐	☐		•		1			1
Plat Map ⁴	☐	☐	☐		•		4			
Reduced Plan Set (11x17)	☐	☐	☐	1	•	1	1	1	1	1
Building Elevations (11x17)	☐	☐	☐	4	•				4	1
Civil / Engineering:										
Drainage Report	☐	☐	☐					•		3
Traffic Impact Study	☐	☐	☐							3
Grading and Clearing Plan ⁵	☐	☐	☐	•	•			1	•	3
Road and Drainage Plans ⁵	☐	☐	☐		•			1		3
TESCP (Erosion Control Plan)	☐	☐	☐	•	•			1		3
Topography ⁵ (Existing Conditions)	☐	☐	☐	•				1		3
Water / Sewer / Utility Plans ⁵	☐	☐	☐		•			1	•	3

**Type I Permit – Submittal Requirements
Administrative Decisions without Notice**

Submittal Requirements	Complete Submittal Item?			Accessory Dwelling Unit	Administrative Modification	Boundary Line Adjustment	Final Short Plat (≤ 9 lots)	Floodplain Development Permit	Manufactured Housing Infill	Minor Site Development
	Yes	No	N/A							
Environmental:										
SEPA Checklist ⁶	☐	☐	☐	•				•	•	•
Critical Area Report	☐	☐	☐	•				1	•	1
Wildlife Habitat Report (floodplain)	☐	☐	☐	•				1	•	•
Archaeology / Cultural Report	☐	☐	☐	•				•	•	•
Geotechnical Report	☐	☐	☐	•				•	•	•
Other:										
Public Notice Materials ⁷	☐	☐	☐							
School Safe Walking Conditions Assessment	☐	☐	☐							•
C.C. & R.s	☐	☐	☐		•					
Petition	☐	☐	☐							
Title Certificate (< 30 days old)	☐	☐	☐		•	1	1			
Lot Closures	☐	☐	☐		•	1	1			
PDF's for Submitted Documents	☐	☐	☐	1	1	1	1	1	1	1
Before Final Plat or Final Certificate of Occupancy:										
Deeds/Easements/ Conveyances	☐	☐	☐			•	•			•
As-Built Plans ⁸	☐	☐	☐				3			3
Sureties / Bonds ⁹	☐	☐	☐				1			1
Electronic CAD As-Built Plans	☐	☐	☐				1			1
NOTES:						FOR CITY USE ONLY				
1.	See the City of Stanwood Adopted Fee Schedule Water / Sewer Availability shall be determined prior to submittal and					☐	This application is complete.			
2.						☐	This application is incomplete. See items noted above.			

3.	letters submitted.	
4.	See Site Plan Submittal Requirements for required specifications. See Preliminary Short Plat, Preliminary Plat, Final Short Plat or Final Plat Submittal Requirements for required specifications.	• The City of Stanwood may require additional information. The applicant will be notified in writing if additional information is necessary.
5.	See Engineering Plan Submittal Requirements for required specifications.	These submittal requirements are for the City of Stanwood permits only. Additional permits may be required by other federal, state, regional or local agencies. It is the responsibility of the applicant to ascertain whether other permits are required.
6.	See the SEPA Checklist Requirements for Categorical Exemption Thresholds.	
7.	See Public Notice Materials for requirements.	
8.	See As-Built Plan Submittal Requirements for required specifications.	
9.	See Sureties/Bond Submittal Requirements for required specifications.	
		_____ _____ _____ Community Development Representative Date

**Type II Permit – Submittal Requirements
Administrative Decisions with Public Notice**

- The number indicates the item is required for submittal and the number of copies required
- A “•” indicates the item shall, upon request, be required for submittal

**General Information Meeting
Date:** _____

Submittal Date: _____

Submittal Requirements	Complete Submittal Item?			Administ rative Conditio nal Use	Bind ing Site Plan	Major Site Develop ment ¹⁰	Prelimina ry Short Plat / PRD (≤ 9 lots)	Right- to-Farm Registr ation	Sensitive Area Reasona ble Use	Shorel ine Subst antial	Varian ce ¹¹
	Y e s	N o	N/ A								
General Application:											
Land Use Application Form	☐	☐	☐	1	1	1	1	1	1	1	1
Project Narrative	☐	☐	☐	1	1	1	1	1	1	1	1
Review Fee ¹	☐	☐	☐	1	1	1	1	1	1	1	1
Legal Description	☐	☐	☐	1	1	1	1	1	1	1	•
Vicinity Map or Aerial Photograph	☐	☐	☐	1	1	1	1	1	1	1	1
Water/Sewer Availability Approval ²	☐	☐	☐	1	1	1	1		•		
Site Plans:											
Site Plan ³	☐	☐	☐	4		4		4	4	4	4
Landscape Plan ³	☐	☐	☐	4	4	4	4			•	•
Tree Retention Plan ³	☐	☐	☐	4	4	4	4			•	•
Plat Map ⁴	☐	☐	☐		4		4				
Reduced Plan Set (11x17)	☐	☐	☐	1	1	1	1	1	1	1	1
Building Elevations (11x17)	☐	☐	☐			1				•	•
Civil / Engineering:											
Drainage Report	☐	☐	☐	3	3	3	3	•	•	3	•
Traffic Impact Study	☐	☐	☐	3	3	3	3				•
Grading and Clearing Plan ⁵	☐	☐	☐	3	3	3	3	•	•	3	•
Road and Drainage Plans ⁵	☐	☐	☐	3	3	3	3	•		3	•
TESCP (Erosion Control Plan)	☐	☐	☐	3	3	3	3	•	•	3	•

Topography ⁵ (Existing Conditions)	☐	☐	☐	3	3	3	3	•	•	3	•
Water / Sewer / Utility Plans ⁵	☐	☐	☐	3	3	3	3	•	•	3	•
Type II Permit – Submittal Requirements Administrative Decisions with Notice											
Submittal Requirements	Complete Submittal Item?			Administrative Conditional Use	Binding Site Plan	Major Site Development ¹⁰	Preliminary Short Plat / PRD (≤ 9 lots)	Right-to-Farm Registration	Sensitive Area Reasonable Use	Shoreline Substantial	Variance ¹¹
	Yes	No	N/A								
Environmental:											
SEPA Checklist ⁶	☐	☐	☐	•	•	•	•	•	1	1	1
Critical Area Report	☐	☐	☐	•	3	3	3	•	1	1	•
Wildlife Habitat Report (floodplain or shoreline)	☐	☐	☐	•	•	•	•	•	•	1	•
Archaeology / Cultural Report	☐	☐	☐	•	•	•	•	•	•	•	•
Geotechnical Report	☐	☐	☐	•	•	•	•	•	•	•	•
Other:											
Public Notice Materials ⁷	☐	☐	☐	1	1	1	1	1	2	1	1
School Safe Walking Conditions Assessment	☐	☐	☐	•	1	•	1				•
C.C. & R.s	☐	☐	☐		•	•	•				
Petition	☐	☐	☐						1		
Title Certificate (< 30 days old)	☐	☐	☐		1						
Lot Closures	☐	☐	☐		1						
PDF's for Submitted Documents	☐	☐	☐	1	1	1	1	1	1	1	1
Before Final Plat or Final Certificate of Occupancy:											
Deeds/Easements/ Conveyances	☐	☐	☐	•	1	•	•	•	•	•	•
As-Built Plans ⁸	☐	☐	☐	•	3	3	3				
Sureties / Bonds ⁹	☐	☐	☐	•	1	1	1				
Electronic CAD As-Built Plans	☐	☐	☐	•	1	1	1				
NOTES:						FOR CITY USE ONLY					
1.	See the City of Stanwood Adopted Fee Schedule					☐ This application is complete.					
						☐ This application is incomplete. See items noted					

2.	Water / Sewer Availability shall be determined prior to submittal and letters submitted.		above.
3.			
4.	See Site Plan Submittal Requirements for required specifications.		The City of Stanwood may require additional information. The applicant will be notified in writing if additional information is necessary.
5.	See Preliminary Short Plat, Preliminary Plat, Final Short Plat or Final Plat Submittal Requirements for required specifications.		
6.	See Engineering Plan Submittal Requirements for required specifications.		These submittal requirements are for the City of Stanwood permits only. Additional permits may be required by other federal, state, regional or local agencies. It is the responsibility of the applicant to ascertain whether other permits are required.
7.	See the SEPA Checklist Requirements for Categorical Exemption Thresholds.		
8.	See Public Notice Materials for requirements.		
9.	See As-Built Plan Submittal Requirements for required specifications.		
10	See Sureties/Bond Submittal Requirements for required specifications.		
.	Major Site Development and Variances could be processed as a Type III Permit depending on Public Comments.		
11	Administrative Variance unless comments are received during noticing, then Hearing Examiner Decision.		Community Development Representative Date

**Type III Permit – Submittal Requirements
Quasi-Judicial, Hearing Examiner Decisions**

- The number indicates the item is required for submittal and the number of copies required
- A “•” indicates the item shall, upon request, be required for submittal

**General Information Meeting
Date:** _____

Submittal Date: _____

Submittal Requirements	Complete Submittal Item?			Conditional Use Permit	Preliminary Plat / PRD (≥ 10 lots)	Shoreline Conditional Use Permit	Shoreline Variance
	Yes	No	N/A				
General Application:							
Land Use Application Form	☐	☐	☐	1	1	1	1
Project Narrative	☐	☐	☐	1	1	1	1
Review Fee ¹	☐	☐	☐	1	1	1	1
Legal Description	☐	☐	☐	1	1	1	1
Vicinity Map or Aerial Photograph	☐	☐	☐	1	1	1	1
Water/Sewer Availability Approval ²	☐	☐	☐	1	1	•	•
Site Plans:							
Site Plan ³	☐	☐	☐	4		4	4
Landscape Plan ³	☐	☐	☐	4	4	4	•
Tree Retention Plan ³	☐	☐	☐	4	4	4	•
Plat Map ⁴	☐	☐	☐		4		
Reduced Plan Set (11x17)	☐	☐	☐	1	1	1	1
Building Elevations (11x17)	☐	☐	☐	•		•	•
Civil / Engineering:							
Drainage Report	☐	☐	☐	3	3	3	•
Traffic Impact Study	☐	☐	☐	3	3	3	•
Grading and Clearing Plan ⁵	☐	☐	☐	3	3	3	•
Road and Drainage Plans ⁵	☐	☐	☐	3	3	3	•
TESCP (Erosion Control Plan)	☐	☐	☐	3	3	3	•
Topography ⁵ (Existing Conditions)	☐	☐	☐	3	3	3	•

Water / Sewer / Utility Plans ⁵	☐	☐	☐	3	3	3	•
Type III Permit – Submittal Requirements Quasi-Judicial, Hearing Examiner Decision							
Submittal Requirements	Complete Submittal Item?			Conditional Use Permit	Preliminary Plat / PRD (≥ 10 lots)	Shoreline Conditional Use Permit	Shoreline Variance
	Yes	No	N/A				
Environmental:							
SEPA Checklist ⁶	☐	☐	☐	3	3	3	3
Critical Area Report	☐	☐	☐	3	3	3	3
Wildlife Habitat Report (floodplain)	☐	☐	☐	•	•	3	3
Archaeology / Cultural Report	☐	☐	☐	•	•	•	•
Geotechnical Report	☐	☐	☐	•	•	•	•
Other:							
Public Notice Materials ⁷	☐	☐	☐	2	2	2	2
School Safe Walking Conditions Assessment	☐	☐	☐	1	1		
C.C. & R.s	☐	☐	☐	•	•		
Petition	☐	☐	☐				
Title Certificate (< 30 days old)	☐	☐	☐				
Lot Closures	☐	☐	☐				
PDF's for Submitted Documents	☐	☐	☐	1	1	1	1
Before Final Plat or Final Certificate of Occupancy:							
Deeds/Easements/ Conveyances	☐	☐	☐	•	1	•	•
As-Built Plans ⁸	☐	☐	☐	3	3	•	•
Sureties / Bonds ⁹	☐	☐	☐	1	1	•	•
Electronic CAD As-Built Plans	☐	☐	☐	1	1	•	•
NOTES:					FOR CITY USE ONLY		
1. See the City of Stanwood Adopted Fee Schedule 2. Water / Sewer Availability shall be determined prior to submittal and letters submitted. 3. See Site Plan Submittal Requirements for required specifications. 4. See Preliminary Short Plat, Preliminary Plat, Final Short Plat or Final					☐	This application is complete.	
					☐	This application is incomplete. See items noted above.	
					•	The City of Stanwood may require additional information. The applicant will be notified in writing if	

5. 6. 7. 8. 9.	Plat Submittal Requirements for required specifications. See Engineering Plan Submittal Requirements for required specifications. See the SEPA Checklist Requirements for Categorical Exemption Thresholds. See Public Notice Materials for requirements. See As-Built Plan Submittal Requirements for required specifications. See Sureties/Bond Submittal Requirements for required specifications.		additional information is necessary. These submittal requirements are for the City of Stanwood permits only. Additional permits may be required by other federal, state, regional or local agencies. It is the responsibility of the applicant to ascertain whether other permits are required. Community Development Representative Date
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Type IV & Type V Permit – Submittal Requirements Legislative, Development Agreements, City Council Decisions, and City Council Decisions with Planning Commission Recommendation									
➤ The number indicates the item is required for submittal and the number of copies required					General Information Meeting Date: _____				
➤ A “•” indicates the item shall, upon request, be required for submittal					Submittal Date: _____				
Submittal Requirements	Complete Submittal Item?			Annexation	Annual Docket	Developer's Agreement	Final Plat (≥ 10 lots)	Vacation of Streets and Alleys	Zoning Code Amendment / Zoning Map Rezone
	Yes	No	N/A						
General Application:									
Land Use Application Form	☐	☐	☐	1	1	1	1	1	1
Project Narrative	☐	☐	☐	1	1	1	1	1	1
Review Fee ¹	☐	☐	☐	1		1	1	1	1
Legal Description	☐	☐	☐	1		1	1	•	1
Vicinity Map or Aerial Photograph	☐	☐	☐	1		1	1	1	1
Water/Sewer Availability Approval ²	☐	☐	☐			1			1
Site Plans:									
Site Plan ³	☐	☐	☐	4		4			1
Landscape Plan ³	☐	☐	☐			•			
Tree Retention Plan ³	☐	☐	☐			•			
Plat Map ⁴	☐	☐	☐				4		
Reduced Plan Set (11x17)	☐	☐	☐	1		1	1		
Building Elevations (11x17)	☐	☐	☐			•			•
Civil / Engineering:									
Drainage Report	☐	☐	☐			•			
Traffic Impact Study	☐	☐	☐			•			1
Grading and Clearing Plan ⁵	☐	☐	☐			•			
Road and Drainage Plans ⁵	☐	☐	☐			•			
TESCP (Erosion Control Plan)	☐	☐	☐			•			
Topography ⁵ (Existing Conditions)	☐	☐	☐			•			

Water / Sewer / Utility Plans ⁵	☐	☐	☐			•			
Type IV & Type V Permit – Submittal Requirements Legislative, Development Agreements, City Council Decisions, and City Council Decisions with Planning Commission Recommendation									
Submittal Requirements	Complete Submittal Item?			Annexation	Annual Docket	Developer's Agreement	Final Plat (≥ 10 lots)	Vacation of Streets and Alleys	Zoning Map Amendment / Rezone
	Yes	No	N/A						
Environmental:									
SEPA Checklist ⁶	☐	☐	☐		•	1			1
Critical Area Report	☐	☐	☐			•			1
Wildlife Habitat Report (floodplain)	☐	☐	☐			•			•
Archaeology / Cultural Report	☐	☐	☐			•			
Geotechnical Report	☐	☐	☐			•			
Other:									
Public Notice Materials ⁷	☐	☐	☐	2		2			2
School Safe Walking Conditions Assessment	☐	☐	☐						
C.C. & R.s	☐	☐	☐						
Petition	☐	☐	☐	1	1			1	
Title Certificate (< 30 days old)	☐	☐	☐				2		
Lot Closures	☐	☐	☐				2		
PDF's for Submitted Documents	☐	☐	☐	1	1		1	1	1
Before Final Plat or Final Certificate of Occupancy:									
Deeds/Easements/ Conveyances	☐	☐	☐	•		1	1		
As-Built Plans ⁸	☐	☐	☐				3		
Sureties / Bonds ⁹	☐	☐	☐				3		
Electronic CAD As-Built Plans	☐	☐	☐				1		
NOTES:						FOR CITY USE ONLY			
1. See the City of Stanwood Adopted Fee Schedule 2. Water / Sewer Availability shall be determined prior to submittal and letters submitted. 3. See Site Plan Submittal Requirements for required specifications.						☐ This application is complete.			
						☐ This application is incomplete. See items noted above.			
						• The City of Stanwood may require additional			

5. See Preliminary Short Plat, Preliminary Plat, Final Short Plat or Final Plat Submittal Requirements for required specifications. 6. See Engineering Plan Submittal Requirements for required specifications. 7. See the SEPA Checklist Requirements for Categorical Exemption Thresholds. 8. See Public Notice Materials for requirements. 9. See As-Built Plan Submittal Requirements for required specifications. See Sureties/Bond Submittal Requirements for required specifications.		information. The applicant will be notified in writing if additional information is necessary.
	•	These submittal requirements are for the City of Stanwood permits only. Additional permits may be required by other federal, state, regional or local agencies. It is the responsibility of the applicant to ascertain whether other permits are required.
		_____ _____ _____ Community Development Representative Date

Article III

Permit Review Procedures

17.80.300 Purpose

It is the intent of this Article to provide the review procedures for applications and land use actions classified as Types I through V permits. These procedures are intended to outline the permitting process once an application has been submitted.

17.80.310 Permit Review Process

Table 3A and 3B, Decision Making and Appeals, outlines the permit review process for the five levels of land use permits. Once the permit type has been determined, applications are processed according to the associated processes.

Table 3A: Decision Making and Appeals: Non-Shoreline Permits

Permit Type	Public Meeting with PC	Open Record Public Hearing	Project Decision	Open Record City Appeal	Closed Record Appeal	Non-City or Judicial Appeal¹
Type I	No	No	CDD / CE	HE	No	Yes
Type II	Yes ² /No	No	CDD / CE	HE	No	Yes
Type III	Yes	HE	HE	No	No	Yes
Type IV	Yes	HE ³	CC	No	No	Yes
Type V	No	Yes/No ⁴	CC	No	No	Yes

Abbreviations:

CC = City Council

HE = Hearing Examiner

CE = City Engineer

PC = Planning Commission

CDD = Community Development
Director

Footnotes:

- 1 Non-City or Judicial Appeals are filed with Snohomish County Superior Court
- 2 Only major site development projects require a public meeting with the Planning Commission
- 3 Hearing Examiner makes a recommendation to the City Council after holding a public hearing
- 4 Final Plats are approved by the City Council at a public meeting; a public hearing is not required

Table 3B: Decision Making and Appeals: Shoreline Permits

Permit Type	Public Meeting with PC	Open Record Public Hearing	Project Decision	Open Record City Appeal	Closed Record Appeal	SHB Appeal
Type II Shoreline Substantial Development	Yes	No	CDD / CE	SHB	No	Superior Court
Type III Shoreline Conditional Use and Variance	Yes	HE	HE ¹	SHB	No	Superior Court

Abbreviations:

CC = City Council

CE = City Engineer

CDD = Community Development Director

HE = Hearing Examiner

PC = Planning Commission

SHB = Shorelines Hearing Board

Footnotes:

- 1 Type III Shoreline conditional Uses and Variances are subject to approval or denial by the State Department of Ecology whose decision is subject to appeal to the Shorelines Hearing Board.

17.80.320 Notice of Completeness

- 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. Table 4, Notice of Completeness Required, establishes whether a determination of completeness is required by permit category.

Table 4: Notice of Completeness Required

Permit Category	Notice of Completeness Required
Type I	No
Type II	Yes
Type III	Yes

Type IV	Yes
Type V	Yes

- B. Determination of Completeness. Within twenty-eight calendar days after receiving a Type I-V permit application, the city shall mail or personally provide a written determination of completeness to the applicant which states either: (1) that the application is complete and the date that it was complete; or (2) that the application is incomplete and state what additional information is necessary to make the application complete.
- C. Additional Information. A site development permit application is complete for purposes of this section when it meets the submission requirements outlined in Section 17.80.260, Table 2 – Permit Submittals for Type I-V Permit Applications. However, each development is unique, and therefore the Director 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.
- D. A determination of completeness shall be made when the required submittals are determined to be in a comprehensible format and contain at least the minimum amount of information to allow review of the project to progress even though additional information may be required or project modifications may be undertaken subsequent to initial project review. The city's determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the determination of completeness or at some later time.
- E. Incomplete Application Procedure. If the applicant received a determination of incompleteness from the city, the applicant shall have ninety calendar days from the date of the determination of incompleteness to submit the necessary information to the city. Within fourteen calendar days after an applicant has submitted the requested additional information, the city shall prepare a written determination of completeness as described in the section above, and notify the applicant in the same manner.
- F. If the applicant does not submit the required information within the ninety-calendar-day period, the Community Development Director or their designee shall make findings that the application has lapsed for failure to submit the necessary information in a timely manner and close the permit application file. The Direct may grant one time extension to submit the required information, not to exceed an additional ninety calendar days.
- G. City's Failure to Provide a Determination of Completeness. If, within twenty-eight calendar days of the date of the submitted application, the city has not provided a written determination of completeness, a Type I-V permit application shall be deemed complete.

17.80.330 Notice of Application

- A. Notice of Applications (NOA). Within fourteen calendar days after the city has made a determination of completeness of a site development permit application, the city shall issue a notice of application in accordance with Table 5 – Notice of application Noticing Requirements. The NOA shall include the following information:
1. The date of application and the date of the notice of application;
 2. 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;
 3. The identification of other permits not included in the application, to the extent known by the city;
 4. 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;
 5. A statement of the limits of the public comment period;
 6. 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;
 7. The date, time, place and type of meeting or hearing, if applicable and if it has been scheduled as of the date of notice of the application;
 8. 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;
 9. 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;
 10. 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;
 11. 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.

- B. All Notice of Applications shall be noticed according to Table 5, Notice of Application Noticing Requirements.

Table 5 - Notice of Application Noticing Requirements

Permit Category	Post Site	Post at Designed Posting Locations	Advertise in Designated Newspaper	Adjacent Jurisdictions in within ¼ Mile	WSDOT If Adjacent to Hwy	Property Owners within 300'	Other Agencies with Jurisdiction	Parties of Record
Type I ¹	None	None	None	None	None	None	None	None
Type II -V ²	✓	✓	✓	✓	✓	✓	✓	✓

Footnotes:

- 1 Type 1 Permits are not subject to a Notice of Application Requirement; However Type I permit applications shall be circulated for comment to internal and external departments that may have an interest in the project.
- 2 Final Plat Applications do not require NOA's or noticing

- C. All public comments on a notice of application must be received by the Community Development department by four-thirty (4:30) p.m. on the last day of the comment period. Comments may be mailed, emailed, personally delivered, sent by facsimile or by any online digital method established by the city. Comments should be as specific as possible.
- D. When required, the public meeting and/or public hearing notice shall be published at least once in a newspaper of general circulation in the city. At a minimum the notice shall contain the information contained in Section 17.80.370, Public Meetings and Public Hearings.
- E. Minimum public noticing periods shall be provided as follows:

Table 6 – Public Comment and Noticing Periods

Permit Category / Type	Notice of Application Comment Period	Public Meeting & Hearing Noticing Period
Type II Permit	15 Days	10 Days
Type II Shoreline Permits	30 Days for 2 consecutive weeks	15 Days
Type III Permit	15 Days	10 Days
Type III Shoreline Permits	30 Days for 2 consecutive weeks	15 Days
Type IV Permit	15 Days	10 Days
Type V Permit (Except Final Plats)	15 Days	10 Days

- F. The City has designated the following locations as official noticing/posting sites: City Hall, Library, and the Post Office.

- G. 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.
- H. 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.
- I. 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.
- J. As an option to mailing the full Notice of Application, the City may issue a post card Notice of Application to adjacent property owners as long as the post card includes the website address where detailed information on the project is available for viewing.

17.80.340 Permit Integration With State Environmental Policy Act (SEPA)

- A. Except for the issuance of a DNS/MDNS using the "optional DNS process" or the issuance of a determination of significance, the city will not issue its threshold determination, or issue a decision or recommendation on a land use development permit until the expiration of the public comment period on the notice of application.
- B. If the optional DNS process, as authorized under SEPA and set forth in this section, is used, the responsible official shall:
 - 1. State on the first page of the notice of application that it expects to issue a DNS for the proposal, and that:
 - a) The optional DNS process is being used;
 - b) This may be the only opportunity to comment on the environmental impacts of the proposal;
 - c) The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
 - d) A copy of the subsequent threshold determination for the specific proposal may be obtained upon request;
 - 2. List in the notice of application the conditions being considered to mitigate environmental impacts, if a MDNS is expected;
 - 3. Comply with the requirements for a notice of application and public notice in RCW 36.70B.110;
 - 4. Send the notice of application and environmental checklist to:
 - a) Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and

- b) Anyone requesting a copy of the environmental checklist for the specific proposal;
- 5. If the responsible official indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application in accordance with WAC 197-11-940 and 197-11-948;
- 6. The responsible official shall consider timely comments on the notice of application and either:
 - a) Issue a DNS or MDNS with no comment period;
 - b) Issue a DNS or MDNS with a comment period;
 - c) Issue a DS; or
 - d) Require additional information or studies prior to making a threshold determination;
- 7. If a DNS or MDNS is issued under this section, the responsible official shall send a copy of the DNS or MDNS to the Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be recirculated.

17.80.350 Project Review

- A. Project Analysis. Upon determination that the proposed project is consistent with the adopted development regulations and standards a single staff report shall be prepared which consolidates all land use development permit recommendations or decisions. The report shall state any mitigation required or proposed under the development regulations or through SEPA. If a threshold determination, other than a determination of significance, has not been previously issued by the city, the report shall include or append the SEPA threshold determination for the project. The SEPA threshold determination shall be issued at least fifteen calendar days prior to the opening of a public hearing.
- B. Insufficient Information. If, upon review of a complete application, the city finds that additional information is necessary or corrections are required to be made to the plans to be consistent with city codes and regulations, the city shall write a letter to the applicant detailing the necessary corrections. The applicant shall have ninety calendar days from the date of the letter requesting additional information to submit the necessary information to the city. If the applicant does not submit the required information within ninety calendar days, the application shall lapse for failure to submit the necessary information in a timely manner, and the Community Development Director, or his/her designee shall document that the application has lapsed for failure to submit the necessary information in a timely manner and close

the permit application file. The Director may allow for an extension to submit the required information, not to exceed an additional sixty days.

- C. Applications may be approved, approved with conditions, or denied. For those permits subject to review by the Hearing Examiner, the Examiner may remand an application to staff for further review. If an application for a permit is denied, the applicant may not submit another application for development of the same property sooner than one year after the date of such denial.

17.80.360 Application Review Timeframes

- 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 issuance of a final decision for Type II, III, or IV reviews. No time frames are established by state 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. Application Review and Decision Time Frame.
 - 1. Decisions on Type II, III, or IV applications shall not exceed 120 days, unless the Community Development Director 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. 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 V 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.
- D. 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.
- D. 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.

17.80.370 Public Meetings and Public Hearings

- A. This section sets forth procedures for public meetings and hearings.
- 1. 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 recorded.
 - 2. 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 when this chapter or state law requires a hearing; when a hearing is required, the following shall apply:
 - a) A verbatim record shall be kept;
 - b) Those present shall be given the opportunity to testify under oath;
 - c) The hearing authority shall be allowed to ask questions of those testifying;

- d) The hearing shall be conducted to ensure fairness to all parties;
 - e) The hearing authority may subpoena witnesses; and
 - f) 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.
- B. Notices of public meetings or hearings shall include the following information:
- 1. The date, time, and place and/or manner of the meeting or 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.
- C. 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 applicant or their designated agents. Unless otherwise specified in statute or ordinance, the standard of proof shall be preponderance of the evidence.
 - 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.
- D. 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 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 RCW 36.70B.110(7) are met.
 - 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 chapter. 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.

E. Record.

- 1. Electronic recordings shall be made of all hearings required by this chapter, 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 provided to the City in digital form and shall be made a part of the record of the proceedings and shall be kept by the city for at least two years.

17.80.380 Hearing Examiner Procedures

- 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.
- D. 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. The Hearing Examiner may remand an application to staff for revision. In all other cases, the Hearing Examiner shall deny the application.
- E. 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, the hearing examiner shall conduct a new hearing on the modified proposal.

- F. The Hearing Examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.
- G. The Hearing Examiner shall within 10 business days following the close of the record, unless a longer time period is agreed to on the record by the applicant/appellant, issue a written report supporting the decision. The Hearing Examiner's written report shall be distributed to parties of record electronically or in paper form by the Community Development department. 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 superior court.
- H. 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. The request shall explicitly set forth alleged errors of procedure or fact. The Examiner shall request comments from affected parties of record and reviewing city departments on the request for reconsideration. Comments shall be received within 14 business days. The Hearing Examiner shall act within 10 business days after the close of the comment period by denying the request, issuing a revised decision, or calling for an additional public hearing. A reconsideration request for which one of the actions specified above has not been taken within the required time period shall be deemed to have been denied.
 - 1. The grounds for reconsideration shall be limited to the following:
 - a) The Hearing Examiner exceeded their jurisdiction;
 - b) The Hearing Examiner failed to follow the applicable procedure in reaching their 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 Examiner's action following reconsideration is not subject to further requests for reconsideration.
- I. Proceedings before the Hearing Examiner shall conform with the Hearing Examiner's Rules of Procedure promulgated pursuant to Chapter 17.87.080 SMC.

17.80.385 Notice of Final Decision

- A. Following the completion of any hearing, procedure, or administrative decision, the permit application shall be approved, approved with conditions, remanded, or denied and a written notice of decision shall be issued within five calendar days. The notice of decision shall include the final determination of approval or denial of the project, a statement of any threshold determination made under SEPA, and the procedure to appeal the notice of decision.
1. For Type I permit applications a published notice of decision is not required. However, a memorandum or completed project checklist shall be placed in the permit file containing findings describing how the application was consistent/inconsistent with applicable zoning regulations and development standards.
 2. For Type II –V permit applications a notice of decision shall be mailed or emailed 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 director 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.
- B. If the city is unable to issue its notice of decision within the allotted timeframe, it shall provide written notice to the project applicant including the reasons the time limits have not been met and an estimated date for issuance of the notice of decision. The time limits established in this chapter do not apply if a site development permit application requires:
1. An amendment to the comprehensive plan or development regulations; or
 2. Approval of a new fully contained community, master planned resort, or the siting of an essential public facility; or
 3. Substantial revisions 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.

17.80.390 Appeals

- A. Processing of Appeals. Appeals of decisions on permits shall be processed according to the procedures outlined in this section. 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.
- B. Effect of Appeal. Decisions on Type I, Type II, Type III, and Type IV permits are assumed valid unless overturned by an appeal decision. An appeal stays all actions by the Director seeking enforcement of or compliance with the order or decision

appealed from, unless the Director finds that a stay would, in their opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed except by order of the Hearing Examiner, Shorelines Hearing Board or a court with jurisdiction.

- C. Consolidated Appeals. All appeals of 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)]
- D. SEPA Appeals. Appeals shall only be of the determination of nonsignificance or mitigated determination of nonsignificance, or final determination if issued. See SMC17.149.070 for SEPA and agency decisions.
- E. Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee as outlined in the City's most current fee resolution, and contain the following information:
 - 1. Appeals must be submitted with a completed appeal form
 - 2. Facts demonstrating that the person is adversely affected by the decision;
 - 3. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - 4. The specific relief requested; and
 - 5. Any other information reasonably necessary to make a decision on the appeal.
- F. Appeal Standing. The project applicant or any person who submitted written comments or testified at a public hearing on the application has standing to appeal the decision if comments were provided prior to the date the decision was issued. Appeals shall be submitted to the Community Development Department no later than 4:00 pm on the last day of the appeal period. The cost of appeal hearing shall be borne by the appellant.
- F. Appeal Hearing. Appeals shall be heard and processed according to Table 7 – Appeal Procedures. The City does not provide closed record appeals.

Table 7 – Appeal Procedures

Permit Type:	I	II	III	IV	V
Permit Decision Maker	Admin	Admin	HE	CC	CC
<i>Local / Administrative Open Record Appeals</i>					
Appeal Period	14 Days	14 Days	None	None	None
Appeal Body	HE	HE			
Appeal Type	Open Record	Open Record			
Time Period to Complete Appeal	90 Days	90 Days			
Time Period For Written Decision After the Hearing is Closed	14 Days	14 Days			
<i>SEPA Open Record Appeals</i>					

Appeal Period	14 Days	14 Days	14 Days		
Appeal Body	HE	HE	HE		
<i>Judicial Appeals</i>					
Appeal of HE Decision	Snohomish County Superior Court				
Appeal Period	21 Days Per Chapter <u>36.70C</u> RCW				
<i>Shoreline Appeals</i>					
Appeal Body	Pursuant to RCW 90.58.140				
Time Period to Appeal	Pursuant to RCW 90.58.140				

Notes:

Admin = Administrative Decision

CC = City Council

HE = Hearing Examiner

- G. Notice of Appeal. A hearing before the designated appeal body, as established in Table 7 – Appeal Procedures. The hearing notice shall be mailed or emailed to the appellant, the applicant, and all parties of record. Notice shall be mailed or emailed no less than 10 days prior to the appeal hearing.
- H. Public Hearing. The Hearing Examiner shall conduct an open record hearing per Table 7, Appeal Procedures. 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 application; provided, that the Examiner may allow nonparties to present relevant testimony if allowed under the examiner rules of procedure.
- I. Decision on 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:
1. The appellant has carried the burden of proof; and
 2. The Examiner finds that the decision is not supported by a preponderance of the evidence.
 3. The Hearing Examiner shall accord substantial weight to the decision of the applicable department director.
- J. Decision of Appeal. The city shall issue a written decision of appeal within ten business days of the appeal body's final action to the parties of record disclosing whether the appeal is upheld or denied.
- K. Judicial appeals. The city's final decision on an application (excepting Shoreline permit decisions) may be appealed by a party of record with standing by filing a land use petition in Snohomish County Superior Court. Such petition must be filed within twenty-one (21) days of issuance of the decision, as provided in Chapter 36.70C RCW.

- L. Exhaustion of Administrative Remedies. No action to obtain judicial review may be commenced unless all rights of administrative appeal provided by this chapter 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.

17.80. 395 Expiration of Approvals and Approved Permits

- A. Land use approvals/permits shall expire as outlined in Table 8 – Permit Approval Time Frames if a grading, right-of-way or building permit has not been obtained within the required time frame.

Table 8 – Permit Approval Time Frames

Permit Type	Approval Period	Extension If Approved
Subdivisions	5 Years	1 Year
Short Plats	5 Years	1 Year
Conditional Use Permits and Variances	2 Years	None
Shoreline Permits	2 Years	1 Year
All Other Type I Permits	1 Year	1 Year
All Other Type II – V Permits	2 Years	1 Year

- B. Extensions may be granted by the Director upon showing proper justification if:
1. The extension is requested at least 30 calendar days before the permit expires;
 2. The permittee has proceeded with due diligence and in good faith;
 3. The zoning designation of the property has not changed; and
 4. 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.
- C. Once the time period and any extensions have expired, permit approval shall terminate, and the application is void and deemed withdrawn.

Article IV Post Permit Requirements

17.80.400	Construction Plan Approvals
17.80.410	Inspections
17.80.420	Permit Modifications
17.80.430	Effect of Decisions
17.80.440	Certificate of Occupancy
17.80.450	Commencement of Work
17.80.460	Vacation of Approved Permits
17.80.470	Revocation of Approved Permits
17.80.480	Re-Applications
17.80.490	Violations

17.80.400 Construction Plan Approvals

- A. Final civil construction plan applications may be submitted with the land use entitlement permit or after the land use entitlement permit process has been completed. At a minimum the 30% design plans shall be submitted with the land use entitlement application. To obtain civil construction plan approval, the plans shall be consistent with the Stanwood Municipal Code and the Street and Utility Standards.
- B. Approval of final civil construction plans is exempt from the 120 day plan review timeframe as outlined in the Growth Management Act.
- C. Construction shall begin or a building permit be issued prior to the expiration times outlined in section 17.80.395, Table 8, Permit Approval Time Frames. If work has not begun prior to expiration of the land use entitlement permit, all plans must be resubmitted and comply with the current code requirements.

17.80.410 Inspections

- A. Once a permit is issued inspections are required to verify that the construction or work is being done in accordance with the approved plans. Site inspections shall include, but are not limited to: erosion control, critical area protection, grading, pavement, roadway and sidewalk improvements, drainage, utility installation, parking and landscaping. The project applicant is responsible for ensuring all inspections have been conducted pursuant to city requirements.
- B. Final project approval shall not be given, whether a final plat approval or certificate of occupancy, until all of the required site improvements have been inspected, bonded and approved by the City Inspector.

17.80.420 Permit Modifications

- A. Minor Modifications to an Approved Permit. Minor modifications to a permit may be permitted by administrative decision. To be considered a minor modification, the amendment must not:
 - 1. Involve more than a 10 percent increase in area or scale of the development in the approved site development plan; or
 - 2. Have a significantly greater impact on the environment and facilities than the approved plan; or
 - 3. Change the boundaries of the originally approved plan.
- B. Major Adjustments to an Approved Permit. Major adjustments to an approved permit will require a new application. The review and approval shall rest with the approval body which approved the original permit. Major adjustments involve a substantial change in the basic site design plan, intensity, density, use, and other zoning code issues and generally involve more than a 10 percent change in area or scale.

17.80.430 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 or construction permits, designed to support the approved land use. Actual occupancy or use 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.

17.80.440 Certificate of Occupancy

- A. No land area shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until an occupancy permit has been issued by the Building Official, stating that the premises, building, or other development complies with all provisions of this code. Minor expectations include:
 - 1. Cases of alteration that does not require vacating the premises;
 - 2. Cases where parts of the premises are finished and ready for occupancy before the completion of the alteration, or
 - 3. In the case of a new structure, before its completion, a conditional occupancy permit may be issued.
- B. No change, extension of use, or alteration shall be made in a nonconforming use without a building permit having first been issued by the Building Official that such change, extension or alteration is in conformity with the provisions of this code.
- C. Within 10 days from the date that an applicant requests that an occupancy permit be issued on his/her development project, the Building Official shall render a decision as to whether or not said occupancy permit is to be issued. If the decision is not to issue the occupancy permit, the Building Official shall so notify the applicant including the reasons for denial of the permit. If no occupancy permit has been issued within 10 working days of the written request thereof, and the Building Official has not informed the applicant of approval or denial, in writing, it shall be deemed

that the Building Official approves the request and the applicant may legally occupy the premises.

17.80.450 Commencement of Work

An appeal stays all actions by the director seeking enforcement of or compliance with the order or decision appealed from, unless the director 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.

17.80.460 Vacation of Approved Permits

- A. Requests to vacate a permit or variance shall be made in writing to the Community Development Department.
- B. The Community Development Director 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 Community Development Department.

17.80.470 Revocation of Approved Permits

- A. The city 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.

17.80.480 Re-Applications

Reapplication Following Denial of Permit. Whenever a land use permit or a variance is denied, the same or similar permit application may not be resubmitted 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.

17.80.490 Violations

- A. Any person violating any provisions of this chapter shall be subject to SMC Title 13, Enforcement Code, and Chapter 17.160 SMC, Enforcement and Penalties.
- B. Any building, structure, development, activity, land use, or division of land, not in conformance with Title 17, Zoning, 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 SMC Title 13, Enforcement Code, and Chapter 17.160 SMC, Enforcement and Penalties.

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Exhibit G

Chapter 17.95.375 Supplemental Standards for Special Residential Uses

The following amendments to SMC Section 17.95.375 is proposed. **Bold and Underlined** font is new language or definitions. Regular font is from the existing code.

17.95.375 Supplemental Standards for Special Residential Uses

- (1) Purpose. It is the purpose of this section to set forth standards for the protection of the health, safety, and welfare of both the community at large and the residents of a facility. These standards are supplementary regulations and are in addition to standards set forth elsewhere in this code.
- (2) Special Residential Uses. Special residential uses include licensed group care homes, ~~homeless shelters,~~ **licensed enhanced service facilities,** ~~temporary emergency shelters,~~ **temporary** emergency shelters, ~~residential treatment facilities,~~ ~~recovery homes,~~ or **memory care facilities** ~~designated emergency shelters,~~ except as limited in subsection (5) of this section.
- (3) In addition to other applicable standards, no special residential development shall be located closer than 1,200 feet, measured from property lines, from another such facility. For the purpose of this subsection, a development shall be defined as a building or group of buildings on a single parcel of land. This provision is intended to prevent the creation of a de facto social service district.
- (4) The following standards shall also apply to special residential uses:
 - (a) If the facility is located within a residential neighborhood, it shall be maintained to conform to the character of that neighborhood. This applies to design, density, lot size, landscaping, or other factors affecting the neighborhood character. This will prevent disruption of a neighborhood due to the introduction of a dissimilar structure.
 - (b) Only identification signs not exceeding two square feet in area denoting the name and/or purpose of a special residential use shall be allowed in a residential neighborhood. Such signs must be attached to the structure.
 - (c) Facilities located in nonresidential areas shall be maintained in the general character of the surrounding area. This applies to design, lot size, and landscaping affecting the character of the area.
 - (d) The total occupancy of a structure designed for special residential use shall be at least 100 square feet per occupant, or as provided by the city's adopted building code, as hereafter amended. For homes on a local residential street, occupancy shall not exceed two clients per bedroom.
- (5) Family daycare homes and group care facilities for handicapped persons or children that meet the definition of "family" in SMC 17.20.070 are not subject to the regulations in this section. These facilities are subject to SMC 17.95.380 and 17.95.382 and the use regulations of Chapters 17.30 through 17.79 SMC, similar to any single-family home, and without additional regulation beyond applicable state and federal requirements.
- (6) **In addition to all of the standards listed above, enhanced service facilities shall comply with the following:**

- (a) Only conversions of currently licensed nursing homes under chapter 18.51 RCW, assisted living facilities under chapter 18.20 RCW, or adult family homes under chapter 70.128 RCW to enhanced service facilities are allowed as provided for in WAC 388-107-0710. No new enhanced service facilities are allowed in the City of Stanwood.
- (b) Converted buildings must be brought up to current building, floodplain and fire code standards, including, ADA (Americans with Disabilities Act) standards and all other applicable state and local rules, regulations, permits, and code requirements.
- (c) The enhanced services facility must also meet specific new construction requirements related to the safety of any residents with complex needs that the facility is choosing to serve.
- (d) Facilities must provide a current copy of their Washington State Business License and Department of Social and Health Services License.
- (e) A written management plan shall be provided for the Director's review and approval. At a minimum, a management plan shall address the following components:
 - i. Identify potential impacts on nearby residential uses and proposed methods to mitigate those impacts. Impacts could include, but is not limited to noise, access, security, and/or traffic;
 - ii. Identify the project management or agency responsible for the support staff and who will be available to resolve concerns pertaining to the facility. The plan shall specify procedures for updating any changes in contact information;
 - iii. Identify staffing, supervision and security arrangements for the facility. A twenty-four-hour on-site supervisor is required;
 - iv. Identify a communications plan in the event that information to the surrounding neighborhood would be needed throughout the time the ESF is in operation.

Exhibit H
New Chapter 17.154, Grading Regulations

Grading Regulations

Sections:

17.154.010	Purpose and Applicability
17.154.020	Exemptions
17.154.030	Other Laws
17.154.040	Accuracy of Plans
17.154.050	Applications
17.154.060	SEPA
17.154.070	Engineered Grading
17.154.080	Geotechnical Reports
17.154.090	Permit Issuance
17.154.100	Filling of Wetlands
17.154.110	Permit Expiration
17.154.120	Inspections
17.154.130	Transfer of Responsibility
17.154.140	Completion of Work
17.154.150	Modification to Permits
17.154.160	Cuts or Excavations
17.154.170	Fills or Embankments
17.154.180	Setbacks
17.154.190	Drainage and Terracing
17.154.200	Erosion Control

17.154.010 Purpose and Applicability

The purpose of this section shall be to regulate grading, excavating, filling, and the creation of impervious surface to safeguard life, property, and the environment. The provisions of this chapter apply to all grading activity.

17.154.020 Exemptions.

The following grading is exempt from the requirements of this chapter, provided it occurs outside a critical area and is at least two feet from a property boundary line:

- (i) Operation of a solid waste disposal site subject to a solid waste permit pursuant to Chapter [70.95](#) RCW. The expansion, relocation, or closure of a solid waste disposal site is not exempt;
- (ii) On-going commercial operations involving mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay if such operations are authorized by a county conditional use permit or permitted elsewhere in this code. This exemption does not apply to reclamation activities; an operation which the director determines may destabilize or undermine any adjacent or contiguous property; or an operation which the director determines may result in adverse downstream drainage impacts.
- (b) On-going commercial agricultural activities, as follows:
 - (i) Tilling, soil preparation, and maintenance; and

- (ii) Fallow rotation, planting, and harvesting.
- (c) Site investigative work necessary for land use application submittals such as surveys, soil borings and test pits, percolation tests, and other related activities, provided the land-disturbing activity is no greater than is necessary to accomplish the work.
- (d) Excavation of a well for a single-family dwelling.
- (e) Excavation or filling of cemetery graves.
- (f) Grading or filling of less than 50 cubic yards, provided it occurs outside a critical area and buffer and is at least two feet from a property line.
- (g) Utility and related underground drainage system construction and maintenance in city rights-of-way and outside of critical areas.
- (h) Excavation performed during the construction of a building for which a valid building permit has been issued.
- (i) Paving or the creation of less than 2,000 square feet of impervious surface, which requires no utilities.
- (j) Emergency sandbagging, diking, ditching, or similar work immediately before, during, or after periods of extreme weather conditions, including flooding, when done to protect life or property.

17.154.030 Other Laws.

Approvals and permits granted under this chapter and any policies and procedures promulgated hereunder do not constitute waivers of the requirements of any other laws or regulations nor do they indicate compliance with any other laws or regulations. Compliance is still required with all applicable federal, state, and local laws and regulations.

17.154.040 Accuracy of Plans.

- (a) The city is not responsible for the accuracy of grading plans submitted for approval. The city expressly disclaims any responsibility for the design or implementation of a grading plan. The design and implementation of a suitable grading plan is the responsibility of the owner and applicant.
- (b) The applicant or owner shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. Any person performing grading subject to a grading permit shall have a copy of a valid grading permit and plans on the work site at all times and shall also be responsible for compliance with the plans, specifications, and permit requirements.

17.154.050 Applications.

Grading permit applications shall meet the application checklist requirements provided by the planning department.

17.154.060 SEPA.

Grading applications for fills of 1,000 cubic yards or more or any fill located within a sensitive area or buffer shall require review under SEPA.

17.154.070 Engineered Grading.

The following require grading plans stamped and signed by a civil engineer:

- (a) All grading in excess of 50 cubic yards. Such grading also requires submittal of a full drainage plan as specified in the application checklist provided by the community development department;

- (b) All grading within rights-of-way, whether public or private. Such grading shall comply with city specifications;
- (c) All grading plans for development activities that are subject to environmental review pursuant to SEPA;
- (d) All paving in excess of 2,000 square feet; and
- (e) All other grading that requires civil engineering.

17.154.080 Geotechnical Reports.

- (a) If the city determines that geologic, hydrologic, or soil conditions may present special grading or drainage conditions that may damage a public right-of-way or pose a substantial threat to public health, safety, or welfare, the city may require the applicant to submit a geotechnical engineering report that includes a soils engineering report and/or an engineering geology report pursuant to subsection (8)(b) and (8)(c) of this section. If a geotechnical engineering report is required, the applicant's geotechnical engineer or civil engineer shall inspect and approve the suitability of the prepared ground to receive fills and the stability of cut slopes with respect to soil, hydrologic, and geologic conditions. The geotechnical evaluation shall also address the need for subdrains or other groundwater drainage devices. To verify safety, the city may require testing for required compaction, soil bearing capacity, stability of all finished slopes and the adequacy of structural fills as a condition of approval.
- (b) Soils Engineering Report. The city may require a soils engineering report, which shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including structural fills, when necessary, and an opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
- (c) Engineering Geology Report. The city may require an engineering geology report, which shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and an opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.
- (d) Liquefaction Report. The city may require a geotechnical investigation and report in accordance with IBC Sections 1802.2 and 1802.6, which address the potential for liquefaction.

17.154.090 Permit Issuance.

A grading permit shall be issued after all other necessary permits and plan approvals have been obtained or assured by other affected agencies (as allowed by state law), all fees have been paid, grading plans and specifications have been approved, and environmental review has been completed, if applicable.

17.154.100 Filling of Wetlands.

Filling of wetlands shall be subject to environmental review and the city's sensitive area regulations. Filling of wetlands may require permits from other federal and state agencies. It is the applicant's responsibility to obtain needed permits. All filling of wetlands within the city's floodplain is subject to the city's Shoreline Master Program.

17.154.110 Permit Expiration.

- (a) Grading permits shall expire 24 months from the date of issuance; provided, that the director may set an earlier expiration date for a permit, or issue a permit that is non-renewable, or both, if the director determines that soil, hydrologic, or geologic conditions on the project site necessitate that grading and drainage improvements and site stabilization be completed within less time.
- (b) If a permit has expired, the applicant shall obtain a renewed permit before starting work authorized under the expired permit.
- (c) A permit may be renewed once for up to 24 additional months except as provided in subsection (15) of this section, and a request for renewal shall be made no later than 30 days after the date of expiration of the original permit.
- (d) Requirements under this chapter that are not expressly temporary during the grading operations, including, but not limited to, requirements for erosion control, drainage, and slope management, do not terminate with the expiration of the grading permit.

17.154.120 Inspections.

- (a) Grading operations for which a permit is required shall be subject to inspection by the city. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, or the engineering geologist retained to provide such services for engineered grading and as required by the city, as follows:
 - (i) The civil engineer shall provide professional inspection, which shall consist of observation and review as to the establishment of line, grade, surface drainage and erosion control of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.
 - (ii) The soils engineer shall provide professional inspection, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the city.
 - (iii) The engineering geologist shall provide professional inspection, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.
- (b) The applicant or owner shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and shall engage consultants, if required, to provide professional inspections on a timely basis. In the event of changed conditions, the applicant or owner shall be responsible for informing the city of such change and shall provide revised plans for approval.
- (c) The public works director or city engineer may inspect grading of subdivisions to assure the future roadways, whether public or private, are graded in accordance with the approved plans and specifications and in conformance with provisions of the public works standards.
- (d) The city shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.
- (e) If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer or the engineering geologist finds that the work is not being done in

conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the city.

(f) The city shall notify the applicant or owner of any discrepancies that would necessitate plan revisions or corrections by the professional consultants when notified in subsection (12)(e) of this section.

(g) The types of soils inspections and standards recognized as acceptable soils tests are:

- (i) ASTM D 1557, moisture-density relations of soils and soil aggregate mixtures;
- (ii) ASTM D 1556, in place density of soils by the sand-cone method; ASTM D 2167, the rubber-balloon method; or ASTM D 2937, the drive-cylinder method; and
- (iii) ASTM D 2922 and D 3017, in place moisture content and density of soils by nuclear methods.

17.154.130 Transfer of Responsibility.

If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work in compliance with approved plans. It shall be the duty of the applicant or owner to notify the director or city in writing of such change prior to the recommencement of such grading.

17.154.140 Completion of Work.

Upon completion of the work, the civil engineer shall submit as-built drawings and a report to the city certifying that the completed project conforms to the conditions of the permit and the approved plans, and that all grading work, drainage facilities, erosion control measures, etc., have been completed in accordance with the issued permit. Minor deviations from the approved plans shall be listed in the report or noted on reproducible as-built drawings, which must be submitted with the report.

17.154.150 Modification to Permits.

(a) After issuance of a grading permit, the director may require modifications of grading plans, specifications, construction phasing and/or operations or impose additional or more stringent standards and requirements, to the extent necessary to protect public health, safety and welfare. Such modifications, standards, or requirements may be necessary because of unusual circumstances or newly discovered site conditions including but not limited to soil type, topography, and weather conditions. Such modifications, standards and requirements may include but are not limited to scheduling, phasing or time restrictions.

(b) A phasing plan may be approved as part of a modified permit for incomplete portions of a grading proposal subject to the following requirements:

- (i) In lieu of completing the required improvements the applicant shall provide a two-year bond or equivalent form of financial surety at 150 percent of the established cost of the improvements made pursuant to the grading permit when it is determined by the city engineer that the incomplete project requires additional erosion control, slope management and/or drainage improvements to protect adjacent and abutting property and/or critical areas on the site;

All phases of a plan shall be completed within 24 months of the approval of the modified permit, except the director may set an earlier expiration date pursuant to subsection (11)(a) of this section.

(c) Standards. A phased grading plan shall provide:

- A plan sheet delineating the phases and sequencing of proposed grading with proposed completion dates for each phase;
- An explanation of why the phased plan is needed;

The percentage of remaining work to be completed as a separate phase and cost of each phase;

A revised plan sheet showing how each phase complies with the performance standards for the permit including describing the edge of the filled area and temporary erosion control;

Description of how site drainage will be controlled until the project is complete.

17.154.160 Cuts or Excavations.

(a) Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section. These provisions shall not apply to minor cuts which are less than four feet in height when such cuts do not pose a threat to adjoining property.

(b) The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than one unit vertical in two units horizontal (50 percent slope) unless the applicant furnishes a soils engineering report or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

(c) Slopes shall be stabilized after being cut. The soils engineering or an engineering geology report, or both, shall verify that the slopes shall not be subject to on-going erosion that would adversely impact public or private property.

17.154.170 Fills or Embankments.

(a) General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. These provisions shall not apply to minor fills not intended to support structures, and which are less than four feet in height when such fills do not pose a threat to adjoining property.

(b) Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than one unit vertical in two units horizontal (50 percent slope).

(c) Fill Material.

(i) Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the city, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

(ii) Exception. The city may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

(A) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan;

(B) Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically; and

(C) Rocks shall be placed so as to assure filling of all voids with well-graded soil.

(iii) Compaction. All fills intended to support structures or private roads shall be compacted to a minimum of 95 percent of maximum density. All fills within public or private rights-of-way shall be compacted in accordance with city specifications.

(iv) Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than one unit vertical in two units horizontal (50 percent slope).

17.154.180 Setbacks.

- (a) Field Marking. Before performing any grading or clearing subject to a grading permit pursuant to this chapter, the applicant shall mark, in the field, the limits of all proposed clearing and grading, sensitive and critical areas and their buffers, trees to be retained, and drainage courses.
- (b) Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.
- (c) The top of cut slopes shall not be made nearer to a site boundary line than one-fifth of the vertical height of cut, but in no event nearer than two feet from the boundary line. The setback shall be increased as necessary for stability of any required subsurface drainage or surcharge.
- (d) The toe of fill slope shall not be made nearer to the site boundary line than one-half the height of the slope, but in no event nearer than two feet from the boundary line.

17.154.190 Drainage and Terracing.

- (a) Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than one unit vertical in three units horizontal (33.3 percent slope).
- (b) Terraces at least six feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer and approved by the director or city. Suitable access shall be provided to permit proper cleaning and maintenance.
- (c) Swales or ditches on terraces shall have a minimum gradient of one-half percent.
- (d) Cut or fill slopes shall be provided with subsurface drainage as necessary for stability and proper conveyance of groundwater.
- (e) All drainage facilities shall be designed to carry waters to the nearest practicable drainage way in a safe manner approved by the director or city. Outfalls or points of discharge shall be designed using best management practices and construction procedures which prevent or minimize erosion.
- (f) Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the city. Exception: The gradient from the building pad may be one percent if all of the following conditions exist throughout the permit area:
 - (i) No proposed fills are greater than 10 feet in maximum depth;
 - (ii) No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet; and
 - (iii) No existing slope faces steeper than one unit vertical in 10 units horizontal (10 percent slope) have a vertical height in excess of 10 feet.
- (g) Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains, if required, shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of drain shall be approved by the city.

17.154.200 Erosion Control.

- (a) The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting, hydroseeding, or mulching. The protection for the slopes shall be installed as soon as practicable, and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.
- (b) Where necessary to provide safety to adjoining properties, check dams, cribbing, riprap, silt fences or other devices and methods shall be employed.
- (c) Erosion control shall conform to the city's adopted stormwater manual.

Exhibit I

Amendments to Section 17.157.140 Comprehensive Plan

17.157.140 Concurrent Comprehensive Plan amendment and rezone.

A site specific rezone is a site-specific change in the zoning classification of a property or properties. A site-specific rezone process shall not be used to amend a comprehensive plan designation, therefore a site-specific rezone application must be consistent with the comprehensive plan designation. If a rezone application is not consistent with the comprehensive plan designation, an amendment to the Comprehensive Plan may be submitted for concurrent review.

The process for review by the planning commission and the city council shall be the same as provided for in SMC 17.155.030. If the city receives a concurrent application for a site-specific rezone and an amendment to the Comprehensive Plan, then the city will review the application to first determine whether the proposed Comprehensive Plan amendment satisfies the necessary criteria; if it does not, the site-specific rezone will not be considered.

Exhibit J
Amendments to Chapter 17.158 Annexations

Annexations

Sections:

17.158.010	Purpose.
17.158.020	Scope.
17.158.030	Uniform criteria.
17.158.040	Comprehensive Plan consistency.
17.158.050	Decision to annex.
17.158.060	Pre-application conference.
17.158.070	Notice of intent.
17.158.080	Review of intent petition.
17.158.090	Meeting with the petitioner.
17.158.100	Annexation petition.
17.158.110	Review of annexation petition.
17.158.120	Zoning or Comprehensive Plan amendment.
17.158.130	Planning department review.
17.158.140	Public hearing and notice.
17.158.150	Resolution of intent to annex.
17.158.160	Boundary review board.
17.158.170	Council decision.
17.158.180	Annexation notification.
17.158.190	<u>Post-annexation processing of building and related permits and land use applications.</u>

17.158.010 Purpose.

The ordinance codified in this chapter is enacted pursuant to the provisions of Chapter 35A.14 RCW, and is intended to accomplish the following:

- (1) To identify criteria for evaluation of annexation proposals;
- (2) To outline annexation procedures; and
- (3) To ensure that an adequate level of service (LOS) is available for annexation proposals.

17.158.020 Scope.

The area within Stanwood's designated urban growth area is subject to this chapter.

17.158.030 Uniform criteria.

Uniform criteria shall be used in evaluating annexations.

- (1) Annexations shall comply with all requirements with respect to the city's Comprehensive Plan. The city should evaluate all annexations on the basis of their short- and long-term community impact. Annexations shall be consistent with city plans for urban densities and uses

within the urban area of the city and to assure adequate financial capability of the annexed area to meet the criteria for urban areas.

(2) The city should, at a minimum, analyze and evaluate the condition and safety of all streets, the availability and condition of public utilities and the demand for emergency services (police, fire and medical). Public services and facilities to be analyzed may include:

- (a) City facilities;
- (b) Transportation needs;
- (c) Necessary utilities;
- (d) Sidewalks, curbs and lighting;
- (e) Recreational and human services (includes parks and open spaces and social services); and
- (f) Support a balance of housing, commercial and public recreational needs.

(3) The city may require the development of a plan for public transportation to serve the newly annexed area. When possible, plans should be consistent with plans of community transit for public transportation in north Snohomish County.

(4) Annexation of land should be directly dependent upon the city's ability to provide, acquire, operate and maintain general services and utility services. Annexation will take place only after the city is satisfied that general services, utility resources and necessary utility plan capacity can be made available in a manner cost effective to the city.

(5) In order to accomplish the above, this code will establish uniform annexation procedures.

(a) In addition to adoption of the annexation procedures, the city shall designate staff to perform the following:

- (i) Receive and process annexation requests;
- (ii) Furnish the public and city official with annexation information;
- (iii) Prepare technical studies and assessments on the impacts from annexation.

(b) The city may require the applicant to prepare a report assessing the probable short- and long-term financial, economic, environmental and social impacts from the annexation.

(c) If the annexation is acceptable to the city, the city shall forward reports, plans, studies and agreement of areas requesting annexation to Snohomish County and the boundary review board (BRB) to facilitate processing. (Ord. 1071, 1999).

17.158.040 Comprehensive Plan consistency.

The city should consider annexations that best meet the growth goals and policies set forth in the Stanwood Comprehensive Plan.

(1) The city may, by council approval, condition the extension of utilities and services to encourage and guide needed and desirable urban growth.

(a) The area served by water and/or sewer may be subject to a contractual arrangement wherein it is agreed that all utility improvements meet city standards.

(2) The owners of lands to be served by such water and/or sewer service agree to participate, financially, to the extent and in the manner agreeable to the city, in capital improvements taking place, or projected to take place. (Ord. 1071, 1999).

17.158.050 Decision to annex.

(1) The decision to annex a property is vested in the discretion of the Stanwood city council. The acceptance of a notice of intent by the city represents a commitment by the city to process an annexation consistent with the requirements of this code and the Comprehensive Plan annexation goals and policies.

(2) Final acceptance of the annexation is within the sole discretion of the city council upon a finding that the annexation, as proposed, is both beneficial to the residents of the city and is consistent with the city's plans and policies at the time the annexation request was considered for approval. The decision to approve an annexation is conditioned on the council finding, through a public hearing process, that the applicant has adequately satisfied the requirements of the final annexation ordinance and these annexation guidelines. (Ord. 1110 § 3, 2002; Ord. 1071, 1999).

17.158.060 Pre-application conference.

Prior to submitting a notice of intent to annex petition and related documents, the applicant will meet with the community development director and other departmental staff at an informal meeting to discuss the annexation process and any issues that may affect the proposed annexation request. (Ord. 1316 § 14, 2012; Ord. 1110 § 3, 2002; Ord. 1071, 1999).

17.158.070 Notice of intent.

The notice of intent petition shall be filed utilizing a form supplied by the city. In addition, the applicant shall file ownership documentation as required by the city attorney. A fee deposit shall also be paid to cover the costs of reviewing of the intent petition (SMC 3.30.060). (Ord. 1071, 1999).

17.158.080 Review of intent petition.

The planning department will review the material supplied by the petitioner and determine:

(1) Whether sufficient information has been filed to meet city requirements and to certify the intent petition;

(2) Whether all costs have been paid; and

(3) Whether or not the intent petition can be certified to have sufficient signatures of property owners to meet the requirements of state law.

If there are any defects in the petition, information, or cost payments, the planning department shall return the application and notify the petitioner of the defects. Once the petition, other information, and cost payments are complete, the planning department will assign a file number to the intent petition and give the petition a filing date. Copies of the relevant information will be distributed to the city council and Snohomish County staff.

17.158.090 Meeting with the petitioner.

The city council shall set a public meeting with the intent petitioners within 60 days of the petition filing date. The meeting shall be open to the public and occur at a regular or special council meeting. At the meeting, the city council shall determine whether the city will accept, reject, or geographically modify the proposed annexation; whether it shall require the simultaneous adoption of a proposed zoning regulation; and whether it will require the assumption of all or a fair portion of existing city indebtedness by the area to be annexed. A resolution may be adopted incorporating the council's decision. Approval by the council shall be a condition precedent to circulation of the annexation petition. The city council reserves the right to reject the annexation at any time until final adoption of an annexation ordinance.

17.158.100 Annexation petition.

If the city council accepted the notice of intent petition, the petitioners shall circulate an annexation petition on a form provided by the city and approved by the city attorney. A fee deposit shall also be paid to cover the costs of reviewing the annexation petition.

17.158.110 Review of annexation petition.

The planning department will review the material supplied by the petitioner and determine:

- (1) Whether sufficient information has been filed to meet city requirements and to certify the annexation petition;
- (2) Whether all costs have been paid; and
- (3) Whether or not the annexation petition can be certified to have sufficient signatures of property owners to meet the requirements of state law.

If additional information is needed in the petition, information, or cost payments, the planning department shall return the application and notify the petitioner of the defects. Once the petition, other information, and cost payments are complete, copies of the relevant information will be distributed to the city council.

17.158.120 Zoning or Comprehensive Plan amendment.

If the city council elects to simultaneously adopt a new zoning regulation for the area to be annexed, the rezone and any related Comprehensive Plan amendment shall be referred to the planning commission and the procedure for rezones and plan amendments set forth in these regulations shall be utilized. The referral shall be made at such a time as an annexation petition is certified by the planning department.

17.158.130 Planning department review.

Upon filing of an annexation petition, the planning director shall evaluate the property in relation to the Comprehensive Plan, infrastructure capacity, existing level of service (LOS), capital improvements program, expected revenue/expenditures impact, and other element particulars important to the annexation request. The planning director may refer the petition to other parties for review and comment including but not limited to:

(1) A third party consultant may be required to provide level of service, fiscal, land use analysis or similar information if the director determines that additional data is needed to evaluate the impact of the proposed annexation on city services. The cost of any additional consultant services shall be the responsibility of the applicant and shall be based on a scope of work determined by the city and Chapter 3.30 SMC, Fee Schedule.

(2) Snohomish County, the Stanwood School District, the State Departments of Transportation and Ecology, and other appropriate agencies and jurisdictions.

Upon completion of the review, the planning department shall transmit a report on the annexation to the city council.

17.158.140 Public hearing and notice.

The planning department shall issue a notice for a public hearing on the annexation before the city council. The notice shall be prepared in accordance with the requirements of RCW 35A.14.130 and 35A.14.340. After notice, the city council shall conduct a public hearing on the proposed annexation considering the report of the planning department, any input from the petitioners, and other public comment at the hearing.

17.158.150 Resolution of intent to annex.

After the public hearing, if the city council determines that it is willing to annex, the council shall pass a resolution of intent to annex to be forwarded to the county boundary review board (BRB).

17.158.160 Boundary review board.

After the public hearing, the planning director will forward an annexation packet to the boundary review board unless the annexation is exempt from BRB review by law (Chapter 36.93 RCW). The packet shall contain all information required by the BRB to review the proposed annexation. If the annexation is exempt from BRB review, the city council shall proceed to make a decision on the annexation. On annexations subject to BRB review, the city shall take no further action until the annexation is returned to the city by the BRB for further consideration.

17.158.170 Council decision.

After the city council passes a resolution of intent to annex and BRB consideration, the city council shall make a final decision on the annexation. The timing for the decision is within the sole discretion of the city council. The city council reserves the right to reject any annexation until an ordinance is adopted and becomes effective annexing the property into the city. The city shall have the right to modify the annexation in accordance with state law. The city shall also have the right to condition the annexation, as it deems necessary, to protect public health, safety, and welfare, and to serve the best interests of the citizens of Stanwood. The annexation

may be conditioned upon a preannexation agreement. The preannexation agreement must be signed by the mayor and approved by the city council.

17.158.180 Annexation notification.

Upon the adoption by the city council of an ordinance approving an annexation, the planning department shall file a certified copy of the ordinance with Snohomish County. The planning department shall also prepare annexation certificates to be filed with the state of Washington and with other agencies.

17.158.190 Post-annexation processing of building and related permits and land use applications.

(1) 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.

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

(3) 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.

(4) 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.

(5) 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.

(6) 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 SMC 17.80, Permit Review Procedures.

(7) 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 (3) and (4) 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.

(8) 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 SMC 17.80, Permit Review Procedures, shall govern expiration of vested status.



Exhibit K

City of Stanwood

Findings of Fact and Conclusions of Law

Planning Commission Recommendation

A. GENERAL INFORMATION

Project Summary: Permitted Land Use Code Amendment
Land Use Permit Procedures Code Amendment

Applicant: City of Stanwood

Location: City of Stanwood

Public Hearing Date: September 27, 2021

Staff Contact: Patricia Love, Community Development Director

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The City of Stanwood has initiated an amendment to the Stanwood Municipal Code to update the City's permit procedures and corresponding permitted use matrix to ensure that the type of land uses are consistent with the intent of the zoning districts and that the permitting process is efficient as possible while ensuring public participation.

The permitted use matrix code amendment includes a list of uses that are prohibited or allowed as a permitted, accessory use, conditional use or temporary use to ensure compatibility within each of the city's zoning districts as envisioned in the Comprehensive Plan. Permitted Use Matrix Amendments include:

- Clarified use types: Permitted, Accessory Use, Conditional Use, Temporary and Unclassified Uses
- Add a list of prohibited uses
- Updated requirements for adult family homes, group homes, enhanced service facilities, accessory dwelling units and family day cares in accordance with state law
- Re-organize the permitted land use table into major land use categories: Residential, Commercial and Mixed Use, Industrial, Public, and Special Uses
- Consolidate existing permitted and conditional uses into "like" uses
- Reflect the associated permit process for uses identified in the permitted use matrix
- Review and update definitions, conditions, footnotes or explanations

The permitting processing code amendment is procedural in nature and consolidates the existing three permit procedures chapters into a single chapter that follows the general permitting steps. This amendment is intended to simplify the process and eliminate procedural conflicts in the code. Permit Procedures Amendments include:

- Consolidate the three permit procedures chapters into a single chapter that follows the permitting steps
- Eliminate duplicative and conflicting code sections
- Include easy to read tables detailing permit types and process
- Create flow charts for each permit type
- Adopt new permit procedures following the following outline:
 - Article I: General Provisions
 - Article II: Application Provisions and Procedures
 - Article III: Permit Review Procedures
 - Article IV: Post Permit Requirements
- Move the following non-procedural permit processes out of the administrative code sections and create new chapters:
 - Grading Regulations
 - Development Agreements
 - Variance and Conditional Use Criteria
 - Amendments to Annexations

C. CODE AMENDMENT CRITERIA

The city may approve or approve with modifications amendments to the text of the zoning code if:

(a) The purpose and desired effect of the proposed zoning code amendment are consistent with the Stanwood Municipal Code;

The Stanwood Comprehensive Plan establishes land use designations based on historic development patterns and community desires. The Stanwood Municipal Code then implements the Comprehensive Plan through the adoption of zoning standards which address allowed or prohibited uses, building density, building height, lot dimensions, site and architectural development standards and protection of critical areas. Also included in the zoning chapter of the municipal code are the procedures for approving permits, amending the municipal code and adopting amendments to the Comprehensive Plan. The municipal code is the set of laws that govern the operation and development of the city.

Stanwood Municipal Code contains four chapters addressing permitted uses and procedures:

- Chapter 17.30: Permitted Land Uses
- Chapter 17.80: Administration
- Chapter 17.81A: Procedures
- Chapter 17.81B: Types of Land Use Review

The Permitted Use Matrix (SMC Chapter 17.30) has been updated 18 times over the last ten years. The Administrative Chapter (SMC 17.80) has been updated 8 times within a similar time period. These amendments over time have resulted in unintended conflicts with the Procedures and Permit Types (SMC 17.81A and 17.81B) chapters of the Stanwood Municipal Code.

The purpose of these code amendments is to eliminate procedural conflicts, simplify the permit procedures and update the list of permitted, accessory, conditional, and temporary uses consistent with the intent of the zoning districts.

To ensure consistency between the permitted use chapter and the new procedures chapter, a permitted use table was created for each zone type: Residential, Commercial, Industrial, Public Facilities and Special Uses with the permit type and definition identified in the table for each use. This format resembles the zoning development standards tables and provides consistency throughout the code. It also is more reader friendly for users of the code to determine uses by zoning category.

(b) There is a positive relationship to the public health, safety and welfare of the community; and

The Growth Management Act (GMA) requires cities to adopt a fully integrated and consolidated permit processes. The intent of the draft regulations is to update the permitted, accessory, conditional and temporary uses by zone and streamline the permitting processes for the community consistent with the goals of the GMA. Having clear and consistent regulations reduces the potential for misinterpretations of city codes that can lead to inconsistent application of city codes, incompatible uses being located next to each other, appeals or increased attorney fees.

(c) The proposed amendment is consistent with the Stanwood Comprehensive Plan.

The City of Stanwood, a coastal farming community, is located at the confluence of the Stillaguamish River, Port Susan Bay and Skagit Bay with beautiful natural areas, working farms, and a wide range of recreation opportunities. Stanwood functions as the town center for this diverse rural, suburban and urban population. It is the desire of the community to preserve its historic rural, small town character while still providing urban level of services to its citizenry.

The Land Use Element of the Comprehensive Plan describes trends, future needs, and the general character of Stanwood. The land use patterns are what determine the character of the City and the locations, type of future development and redevelopment that will occur. Land use determines where people in the City will reside, shop and work. Goals and policies that support the proposed amendments includes:

Future Land Use Goals and Policies:

- LUG 1 Plan current and future land uses in accordance with the Washington State Growth Management Act, Snohomish Countywide Planning Policies and the values and vision of Stanwood residents and business people.
- LUP 1.3 Create adequate land use capacity to accommodate growth targets by zoning land with sufficient density and range of uses to allow the housing and commercial markets to attract quality development.

Character Goals and Policies:

- LUG 2 Re-vitalize and reinforce the character of Stanwood's existing residential and commercial neighborhoods as infill and redevelopment occur.
- LUP 2.9 Maintain commercial centers with a sufficient range of uses:
 - To allow residents to meet their basic daily needs within town,
 - support a network of personal and business interactions that result in a friendly hometown.
- LUP 2.10 Encourage preservation of open space and recreational opportunities.
- LUG 3 Recognize Stanwood's existing character, scale, and neighborhood quality as assets that will add to the desirability of the community when incorporated into the design of new residential development.
- LUP 3.4 Preserve a predominately single family land use pattern with some multi-family development in the residential zones with proximity to Downtown, or in proximity to Uptown.
- LUP 3.5 Limit new commercial and industrial development to uses and project designs that complement the small town character of Stanwood.

Downtown Center Goals and Policies:

- LUG 4 Develop Downtown Stanwood, defined as the area incorporating East District, the 271st Corridor, and West End as a Center consistent with Vision 2040 and recognize that this Center serves the City, surrounding agricultural area and Camano Island.
- LUP 4.1 Allow a mix of residential, office, retail, entertainment and service uses to serve incorporated Stanwood, unincorporated Snohomish County and Camano Island in Island County.
- LUP 4.2 Support re-development of the area within the Transit Overlay for pedestrian oriented development organized around the Amtrak Station. Develop a sub-area plan for the Transit Overlay area and develop flexible parking standards within the Overlay to encourage business development.
- LUP 4.3 Allow light industrial use in areas without strong access for retail or service uses.

- LUG 6 Encourage mixed-use structures in the Downtown Center that combine residential and commercial uses where deemed appropriate.
- LUP 6.1 Encourage mixed-use structures in the Downtown Center that combine residential and commercial uses where deemed appropriate.

The Economic Development Element of the Comprehensive Plan is implemented through the Economic Development Action Plan. The Action Plan implements key goals and policies described in the Land Use and Economic Development Elements of the Comprehensive Plan. Goals outline broad programs and actions that considered together portray an image of the future city with a strong and active economy.

Economic Development Goals and Policies:

- EDG 6 Support local business by providing up to date information and equitable and efficient licensing permitting procedures.
- EDP 6.1 Ensure that City licensing and permitting procedures and development regulations are coherent, fair, and expeditious.
- EDP 6.2 Coordinate with other government entities to eliminate duplication of efforts where specialized industry requirements call for the inspection by government agencies.

D. FINDINGS OF FACT

1. It is necessary and beneficial for the health, safety and welfare of the community to update the zoning regulations to create consistency between the permitted use regulations and the permit processing regulations.
2. The Growth Management Act (GMA) requires cities to adopt a fully integrated and consolidated permit processes.
3. The intent of the draft regulations is to update the permitted, accessory, conditional and temporary uses by zone and streamline the permitting processes for the community consistent with the goals of the GMA.
4. The purpose of these code amendments is to eliminate procedural conflicts, simplify the permit procedures and update the list of permitted, accessory, conditional, and temporary uses consistent with the intent of the zoning districts and state law.
5. Stanwood's 2015 – 2035 Comprehensive Plan directly addresses the need to create zoning regulations that implement the city's future development vision and growth. Section C of

these Findings lists those goals and polices that support the proposed amendments to the permit use matrix and permitting procedures.

6. Pursuant to RCW 36.70A.106, on August 16, 2021 the City notified the State of Washington of its intent to adopt amendments to its development regulations.
7. The Planning Commission held a public hearing on September 27, 2021 and considered all relevant matters, and heard all parties in support or opposition, and subsequently forwarded a recommendation to the City Council.
8. The City of Stanwood SEPA Responsible Official reviewed the amendments and issued a Determination of Non-significance (DNS) on August 17, 2021.
9. The code amendment was circulated for public review on August 17, 2021. One comment was received on the amendment.
10. The City Council Community Development Committee reviewed the proposed amendments set forth in this Ordinance at their January 14 and June 10, 2021 meetings.
11. Staff prepared a report summarizing the proposed code amendment. This report is part of the public record and was presented to the Planning Commission at the public hearing on September 27, 2021 for their consideration.

E. CONCLUSIONS OF LAW

1. The City of Stanwood has authority under RCW Title 35A, to adopt plans and regulations related to development and operations within the City of Stanwood.
2. SMC section 17.155.030 requires that the Planning Commission review and make recommendations to the Stanwood City Council regarding code amendments to Title 17, Zoning.
3. Planning Commission held briefings to discuss the proposed code amendments on January 11, January 25, February 8, April 12, May 10, June 14, July 12 and September 13, 2021.
4. On September 14, 2021, the public hearing notice was printed in the Stanwood Camano News as required by law that a public hearing was to be held by the Planning Commission and all persons wishing to provide public input concerning the proposed amendments set forth in this Ordinance were heard.

5. SEPA review was conducted on the proposal and a Determination of Nonsignificance (DNS) was issued on August 17, 2021 under WAC 197-11-340(2). No appeals of the SEPA determination were filed.
6. The proposal is consistent with the Comprehensive Plan and meets the requirements and intent of the Plan, including Land Use Policies and Economic Development Policies as outlined Section C of these findings.
7. The proposal is beneficial to the public health, safety and welfare and is in the public interest by providing clear, concise and streamlined permitted regulations that maintains community character as envisioned in the Comprehensive Plan.
8. After considering staff comments and public testimony the Stanwood Planning Commission determined the draft code amendment is consistent with the Comprehensive Plan and should be adopted.

F. STAFF RECOMMENDATION

Move that the Planning Commission **ADOPT** the Findings of Fact and Conclusions of Law contained herein and **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission and recommend that the Stanwood City Council **APPROVE** the proposed amendments to Chapter 17 of the Stanwood Municipal Code.

Dated: September 27, 2021

Marcus Metz, Planning Commission Chair
City of Stanwood

Black original text in new red brackets denotes a word or words that I suggest be eliminated or about which I have a question; new text in red within a title or paragraph denotes a word or words that I suggest be added. Red text at the end of a section, paragraph, etc. are my comments on the preceding material.

Permit Procedures Amendments

Exhibit A

I suggest that this chapter be restructured to parallel Chapter 17.40 SMC, the Conditional Use Chapter.

Variances

Sections:

17.35.010	Purpose and Applicability
17.35.020	Decision Criteria
17.35.030	Procedure

17.35.010 Purpose and Applicability.

A variance is a mechanism by which relief may be granted from provisions of this title where compliance with the provisions of this title renders an unnecessary hardship. Variances may be granted from the strict application of any land dimension, density, or height requirements of this title [when], by reason of exceptional narrowness, shallowness, shape, or substandard size of specific parcels of property, or by reason of exceptional topographic conditions or other extraordinary situations or conditions of specific parcels of property.

“When” (underlined above) requires a concluding clause. You don’t have one here. Maybe you aren’t trying to have a “when” situation. I’m not really sure what is intended, I just know the “when” appears almost as an orphan as written.

I suggest inserting the equivalent of SMC 17.40.030 here.

17.35.020 Decision Criteria.

Strict application of this code or amendment thereto must be found to result in a practical difficulty or unnecessary hardship upon the owner of said property, provided:

- (a) That such variance can be granted without substantial impairment of the intent, purpose, and integrity of this title and of the Comprehensive Plan of Stanwood; and
- (b) That this variance shall not permit a use of land not authorized within the zoning district, increase in the volume of a building or structure, or increase the density

- of development beyond that permitted, as established by this code; and
- (c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which subject property is situated; and
 - (d) That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land; and
 - (e) That there must be a finding that all of the following conditions exist:
 - (i) That, if the owner or lessor complied with the provisions of this code, he or she would not be able to make reasonable use of his or her property;
 - (ii) That the difficulties or hardships are peculiar to the property in question in contrast with those of other properties in the same district;
 - (iii) That the hardship was not the result of the applicant's own action (applicant's own action shall not include the purchase of the property); and
 - (iv) That the hardship is not merely financial or pecuniary.
 - (f) The fact that property may be utilized more profitably will not be an element of consideration.

17.35.030 Procedure.

Application for a variance shall be made by petition of [the subdivider or other permit applicant] stating fully the necessity of the variance and the specific requirement for which the variance is requested.

This clause is awkward. Why single out a "subdivider"? Does "other permit applicant" imply that a variance application must always be associated with another type of application? Why not parallel what you have in SMC 17.40.020 ?

- (a) If a variance is in conjunction with a preliminary plat or other major permit application requiring a public hearing, it shall be so stated in the public notice of hearing, and a single hearing shall be held.
- (b) Public notice of a hearing on a variance shall be given pursuant to SMC 17.80, Permit Review Procedures.

Why have a "Procedure" section at all? There isn't one in Chapter 17.40 SMC for Conditional Uses.

Both current and new SMC 17.80.230, Table 1, provide for "Administrative variances" and "Non-Administrative variances." I cannot find where those terms are defined. Are the criteria the same? Shouldn't both terms be used in this chapter to make clear what this chapter pertains to?

Exhibit B
Conditional Use Permits

Sections:

17.40.010	Purpose
17.40.020	Who May Apply
17.40.030	City Authority
17.40.040	Applicant's Responsibility
17.40.050	Fees
17.40.060	Decision Criteria
17.40.070	Additional Conditions

17.40.010 Purpose.

The purpose of conditional and administrative conditional use permits is to allow certain uses in districts where they are normally prohibited by this title, when the proposed uses are deemed consistent with other existing and potential uses within the general area of the proposed use. Except as provided in this section, a conditional use permit may not reduce the requirements of the zone in which the use is to be located.

What is a "conditional conditional use permit"? As with variances, I don't find a definition for a "conditional" or an "administrative" conditional use. This term is used in .020, .040, and .050; my comment applies to all.

17.40.020 Who May Apply.

A property owner, or his duly authorized agent, may file an application for a conditional or administrative conditional use permit, when the proposed use or development requires any such permit as set forth in the zone districts.

17.40.030 City Authority.

The text of this section doesn't describe City authority. Perhaps a more descriptive title would be "Process."

Conditional use permits shall be reviewed and processed in accordance with the procedures set forth in SMC 17.80, Permit Review Procedures.

17.40.040 Applicant's Responsibility.

The application shall set forth fully the grounds and the facts justifying the granting of the conditional or administrative conditional use permit.

17.40.050 Fees.

Fees for a conditional or administrative conditional use permit shall be as listed in Chapter 3.30 SMC, Fee Schedule.

17.40.060 Decision Criteria.

The reviewing official shall consider the following factors, among all other relevant

information:

A requirement to “consider the following factors” does not mandate that an application must demonstrate compliance with all the factors – just that they have to be considered. If that’s what you mean, fine. If the City wants all conditional uses to meet these criteria, then you need something like “An applicant must demonstrate compliance with all the following criteria before a conditional use permit may be issued.”

- (a) Comprehensive Plan. The proposed use shall be compatible with the general purpose, goals, objectives and standards of the Comprehensive Plan, the zoning regulations and any other plan, program, map or ordinance of the city of Stanwood.

The State Supreme Court has held that comprehensive plans are applicable in project permit review only where implementing GMA regulations addressing a given topic have not been enacted. [*Mount Vernon*] State law reinforces that view. [RCW 36.70B.040] I would urge caution in making compliance with comprehensive plan policies a criterion for any permit. Not only do you have the above issue to consider, but also comprehensive plans tend to have “something for everybody” content. It is typically impossible to show compliance with all comprehensive plan goals and policies as they are, as a Planning Director I know once said, “in tension.”

- (b) Community Need. There shall be a community need for the proposed use at the proposed location. In the determination of community need the reviewing official shall consider the following factors, among all other relevant information:
 - (i) The proposed location shall not result in either the detrimental overconcentration of a particular use within the city or within the immediate area of the proposed use;
 - (ii) That the proposed location is suited for the proposed use.
- (c) Effect on Adjacent Properties. The proposed use at the proposed location shall not result in substantial or undue adverse effects on adjacent property. The following factors shall be considered:
 - (i) Compatibility. The proposed use shall be compatible with the scale and character of the neighborhood.
 - (ii) Traffic. Traffic and circulation patterns of vehicles and pedestrians relating to the proposed use and surrounding area shall be reviewed for potential effects on, and to ensure safe movement in, the surrounding area.
 - (iii) Noise and Glare. Potential noise, light and glare impacts shall be evaluated based on the location of the proposed use on the lot and the location of on-site parking areas, outdoor recreational areas and refuse storage areas.
 - (iv) Landscaping. The hearing examiner may require additional landscaping to buffer adjacent properties from potentially adverse effects of the proposed use.

Since subsection (iv) says the “hearing examiner” may do this, does it mean that this criterion is not applicable in administrative conditional use applications?

- (v) Public Improvements. The proposed use and location shall be adequately served by and not impose an undue burden on any public improvements, facilities, utilities and services. Approval of a conditional use permit may be conditioned upon the provision and/or guarantee by the applicant of necessary public improvements, facilities, utilities and/or services.

17.40.070 Additional Conditions.

- (a) Additional conditions for bed and breakfast uses in single-family residential zones are set forth in SMC 17.100.060.
- (b) Additional conditions for school uses in single-family residential zones are set forth in SMC 17.100.070.
- (c) Additional conditions for wireless communications facilities are set forth in Chapter 17.220 SMC.
- (d) Additional conditions for ball parks, athletic fields, parks, playgrounds, community centers, houses of worship and meeting halls in residential zones are set forth in SMC 17.100.050.
- (e) Additional conditions for marijuana retailers are set forth in SMC 17.100.045.

Exhibit C
Development Agreements

17.60.050 Development agreements. [New Section]

You should be consistent on section title capitalization throughout this entire document: Some titles capitalize all nouns in section titles, others capitalize only the first word of the title.

- (1) The city may enter into a development agreement with a person having ownership or control of property within the city's jurisdiction. The city may enter into a development agreement for property outside its boundaries as part of a proposed annexation or service agreement.
- (2) A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the property for the duration specified in the agreement. "Development standards" include, but are not limited to the following:

 1. Project elements such as, residential densities, and non-residential densities and intensities or building sizes;
 2. 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, or dedications;
 3. Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW or as amended;
 4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, parking, design standards and other development features;
 5. Parks and open space preservation;
 6. Phasing;
 7. Review procedures and standards for implementing decisions;
 8. A build-out or vesting period for applicable standards; and
 9. Any other development requirement or procedure deemed appropriate by the City Council.
- (3) Uses shall be confined to only those allowed under the site's underlying zoning and may not be altered under the provisions of a development agreement.
- (4) A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. The city and project applicants may

include provisions and agreements whereby applicants are reimbursed over time for financing public facilities.

(5) The city shall only approve a development agreement by ordinance or resolution after a public hearing.

(6) A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

Is there any minimum size threshold (however you might define size) for entering into a development agreement?

Exhibit D
Permit Review Procedures

Article I: General Provisions

- 17.80.100 Purpose**
- 17.80.110 Applicability**
- 17.80.120 Permit Required**
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- 17.80.200 Pre-Application Meeting**
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Article III: Permit Review Procedures

- 17.80.300 Purpose**
- 17.80.310 Permit Review Process**
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- 17.80.340 Permit Integration With State Environmental Policy Act (SEPA)**
- 17.80.350 Project Review**
- 17.80.360 Application Review Timeframes**
- 17.80.370 Public Meetings and Public Hearings**
- 17.80.380 Hearing Examiner Procedures**
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Article IV: Post Permit Requirements

- 17.80.400 Inspections**
- 17.80.410 Modifications**
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- 17.80.430 Certificate of Occupancy**
- 17.80.440 Expiration Period**

17.80.450	Commencement of Work
17.80.460	Permit Revocation
17.80.470	Re-Applications
17.80.480	Effect of Decisions
17.80.490	Violations

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Article I General Provisions

17.80.100 Purpose

In enacting [the requirements of] **regulations to conform with** Chapter 36.70B RCW, the city intends to establish a mechanism for implementing the provisions of the Growth Management Act regarding compliance, conformity and consistency of land use development permit review with the city's adopted comprehensive plan and existing development regulations. In order to achieve this purpose, the city finds that:

You are not literally "enacting the requirements of Chapter 36.70B." It would be clearer as suggested.

- A. Considerable time and effort went into the adoption of the city's comprehensive plan under the mandates of the Growth Management Act. The comprehensive plan and the city's supporting development regulations identify land use types, densities, minimum development standards, and mitigation for critical areas and public impacts. These documents are the foundation for project and environmental review in the city. The city shall not reanalyze these basic land use planning decisions when making a permit decision.
- B. The following land use development permit review process shall determine consistency between the proposed project and applicable regulations or plans through an integrated project and environmental impact analysis that run concurrently with each other, not separately.
- C. This chapter provides a coordinated review of zoning and other development regulations to ensure that proposed site development complies with the city's comprehensive plan, zoning regulations, public works standards, and other applicable development regulations

17.80.110 Applicability

[These rules] **The provisions of this chapter** apply to all development permits identified in this code and to any related regulation implementing these provisions or any other ordinance or law. The Community Development Director, or his or her designee, shall administer these provisions and may adopt such rules as will assist in administering these provisions. Rules shall be filed with the clerk and copies given to the mayor and council.

17.80.[030] 120 **Site Development Permit Required**

- A. A site development permit is required for any land use or environmental permit including but not limited to: building permits, boundary line adjustments, subdivisions, binding site plans, planned unit developments, development agreements, conditional uses or variances, shoreline substantial development permits, site plan review, signs, permits or approvals required by critical area

ordinances, engineering permits (i.e.: right of way, clearing, grading, filling) and site-specific rezones authorized by a comprehensive plan or subarea plan. No permit or approval shall be issued for any parcel of land developed or divided in violation of this title.

The section number is a typo.

It appears that Sections .120, .130, and .140 apply to a specific type of permit called a “site development permit”. The rest of the chapter doesn’t. If that is true, then I suggest that the permit name be included in the title of each of those three sections.

In fact, is this the proper place to place these three sections? If they address a specific type of permit – maybe they should be in Article II?

If a site development permit is not a specific, separate type of permit, then I am quite confused as to what these sections are talking about.

What benefit does a Site Development Permit serve in the permitting system when the underlying permit action has already reviewed the project for compliance with essentially the same criteria: subdivisions and short subdivisions, BSPs, PUDs, conditional uses, variances, shoreline permits etc. I have never really understood the intent of the Site Development Permit – and I still don’t.

- B. All divisions of land shall comply with Title 16, Subdivisions and Title 17, Zoning. Any portion of a lot or lots that was used to calculate compliance with these titles, 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.

Why is this here and not with subdivision regulations?

17.80.130 Site Development Permit Exemptions

- A. Notwithstanding any provision in this code to the contrary, no site development permit shall be required pursuant to this code for the following types of development:
1. Accessory structures in a residential zone that do not require a building permit according to the most recently adopted International Building Codes;
 2. Right-of-way permits that do not require a grading permit;
 3. Fences;
 4. Adoption or amendment of a comprehensive plan, subarea plan, or development regulations. Comprehensive Plan Amendments and Subarea Plans shall be

processed according to SMC 17.157. Development regulation Code Amendments shall be processed per SMC 17.155; and

Since you've included comprehensive plan amendments in this list, should Development Agreements also be added?

I believe the more proper form of citation for a code chapter is "Chapter 17.157 SMC," not "SMC 17.157."

Personally, I do not like the use of "per" as a substitute for "pursuant to." "Per" mean "each." I realize that a lot of planners and engineers use it routinely as a substitute for "pursuant to," but if I were their boss I'd tell them not to do it! (And anytime I encounter it in recommended conditions I change it.)

5. Annexations: which shall be processed according to SMC 17.158.
- B. Where immediate action by a person is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster or serious accident, or in other cases of emergency, the requirement of obtaining a site development permit prior to initiating such action under this section may be waived by the Community Development Director. The applicant shall notify the Community Development Director, in writing, of the type and location of the work, the length of time necessary to complete the work, and the name of the person or public agency conducting the work. Work shall be commenced within 30 days following the disaster, accident, or other emergency. However, this shall not preclude the requirement for building permits for such activity. One 30 day extension may be permitted by the Community Development Director if progress towards project completion is demonstrated.

17.80.140 Site Development Permit Approval Criteria

- B. A site development permit shall be granted if the city finds, based on substantial evidence in the record, that the development is consistent with the goals, policies, requirements and performance standards of the Stanwood Municipal Code, the street and utility standards, and other applicable laws and regulations. Consistency shall be established by determining if the following four factors have been met:
1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied.
 2. The level of development, such as units per acre or other measures of density, meets the zone for which it is located, including any density bonus provisions.

3. Availability and adequacy of infrastructure, public facilities and services needed to serve the development as identified in the comprehensive plan, including but not limited to: transportation, utilities, parks, and capital facilities.
 4. The character of the development, including all development and design standards.
- C. The development project as proposed incorporates, to the maximum extent feasible, mitigation measures to substantially lessen or eliminate all adverse environmental impacts of the development.
- D. The development is connected to the city water, sewer, and stormwater systems.

17.80.150 [Administrative] Rule making Authority

This section is not about general administrative authority, it is about the Director's authority to adopt rules. I suggest making the title more descriptive.

- A. The Community Development Director may, consistent with the intent of the Comprehensive Plan, Zoning Code and other applicable laws and regulations, issue written [interpretations] **rules** as he/she deems necessary to carry out the provisions of this code. Such [interpretations] **rules** shall include but are not limited to the following:

The interpretations section is SMC 17.80.160. You should not use the word "interpretations" here because this is a different topic.

1. Information to be required in the application, including, without limitation, proof of legal interest in the property, authority to sign the application, drawings, maps, data, and charts concerning land and uses and areas in the vicinity of the proposed development, and appropriate supplementary data reasonably required to describe and evaluate the proposed development and to determine whether the proposed development complies with statutory criteria under which it might be approved;
2. [Interpretation of development standards, zoning use provisions and procedural requirements;] and

This subsection belongs in SMC 17.80.160.

3. Requirements for the conduct and continuance of public hearings and the methods of providing public notice on projects and permits.
- B. The Community Development Director may administratively determine the format and contents of permits, application forms, application checklists, additional information needs, and notices above and beyond the minimums set forth in this code.

17.80.160 Administrative Interpretations This section establishes the procedure and criteria that the city will use in deciding upon a written request to interpret the provisions of Title 17, Zoning. The interpretation of the provisions of a development agreement or concomitant agreement will be treated as an interpretation of the zoning code.

- A. Applicability. This section applies to each written request to interpret the provisions of the zoning code, with the exception of unclassified uses as outlined in SMC [.]17.30., Permitted Land Uses.
- B. Purpose. An interpretation of the provisions of the zoning code clarifies conflicting or ambiguous wording or the scope or intent of the provisions of the zoning code. A request for a zoning code interpretation must relate to a specific site, land use district, classified use or application within the City of Stanwood. An interpretation of the provisions of the zoning code may not be used as, or considered to be, an amendment to the zoning code.
- C. Applicable Procedure.
 - 1. The Community Development Director shall interpret the provisions of the zoning code in conformance with this section.
 - 2. A zoning code interpretation requested by a person other than the project proponent or property owner must be requested prior to the date of expiration of any applicable administrative appeal period for a land use decision on the application to which the request relates. Any zoning code interpretation requested after the applicable administrative appeal period shall not affect an issued permit or decision.
 - 3. Unclassified use applications shall be interpreted by the Hearing Examiner and processed in accordance with SMC 17.30.020.
- D. Submittal Requirements. Any person requesting an interpretation of the zoning code shall submit a written request on a form provided by the city specifying each provision of the zoning code for which an interpretation is requested, why an interpretation of each provision is necessary, and any reasons or material in support of a proposed interpretation.
- E. Factors for Consideration. In making an interpretation of the provisions of the zoning code, the Director shall consider the following factors:
 - 1. The applicable provisions of the zoning code, including their purpose, intent, and context;
 - 2. The impact of the interpretation on other provisions of the municipal code;
 - 3. The implications of the interpretation for development within the city as a whole;
 - 4. The applicable provisions of the Comprehensive Plan and other relevant codes and policies; and
 - 5. Any applicable state statutes and court decisions.
- F. Effect of Interpretation. An interpretation of the zoning code issued under this section shall have the same effect as any provision of the zoning code.

- G. Time Limitation. An interpretation of the zoning code remains in effect until rescinded in writing by the Director or Title 17, Zoning is amended.
- H. Appeals. Interpretations may be appealed to the Hearing Examiner following the appeal procedures [in] contained in this chapter.

“in” is an unnecessary word.

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Article II Application Provisions and Procedures

17.80.200 Pre-Application Meeting

- A. At the applicant's request, a pre-application conference shall be scheduled with representatives of the city planning, engineering, fire and building departments. The purpose of the pre-application process is for the applicant to provide city staff with the necessary information about the proposed project and site conditions so that the city can provide the applicant with the requirements that must be met in order to have the proposed project proceed through the formal permit review process.
- B. For the city to accurately evaluate the proposed project at the pre-application [conference] meeting, the applicant shall provide at a minimum a draft site plan, preliminary grading and critical area plans, and locations of drainage and utility connections.
- C. It is impossible for the [conference] meeting to be an exhaustive review of all potential issues. The discussions at the [conference] meeting shall not bind or prohibit the city's future application or enforcement of all applicable laws.
- D. Information provided at the pre-application meeting, including but not limited to conceptual site and civil construction plans, building concepts, environmental documents or interpretation requests shall not vest a development.
- E. While pre-application meetings are informational in nature, it is the responsibility of the applicant to ensure their project meets the minimum requirements of the Stanwood Municipal Code and City Street and Utility Standards.

Since the section title is "meeting," that word should be used throughout instead of "conference." Or change them all to "conference."

17.80.210 Vesting

- A. An application for a site development permit or project permit listed as a Type I – V permit, except those which seek variance from land use regulations, shall be considered under the development regulations in effect on the date of a complete application. For purposes of this section the "date of a ["]complete application" shall mean the date on which the applicant files a permit application that contains all information, documents, plans and reports required by this chapter.
- B. The Community Development Director, or their designee, shall prepare a written notice of complete application that is mailed, emailed or hand delivered noting that the application includes all of the required permit submittals. The issuance of a written notice of complete application as provided in this chapter shall be a final determination of whether an application is vested pursuant to this chapter.
- C. Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application unless the information is requested because incorrect information [is] was submitted by the applicant and if the incorrect information would materially affect the final decision on the application.

- D. An applicant-requested modification occurring either before or after issuance of the permit shall eliminate vesting when such modification would result in a substantial change in a project's review requirements, as determined by the Director. Under such a condition, the application will be deemed a new application.
- E. Applications for subdivisions that propose to create offspring lots within a parent site comprising existing detached condominiums or attached townhouses for which a grading or building permit has been issued shall vest to the site development requirements and standards in effect at the time such grading or building permit application was determined to be complete by the city.
- F. Building permits that may be subsequently required to construct or complete a vested site development permit shall be considered new applications under the building code, zoning, or other land use control ordinances in effect on the date of application and shall be subject to the edition of the building code in place at the time of application.
- G. Nothing herein shall restrict the Director's authority to impose conditions on site development permits pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW and WAC 197-11-600.
- H. Filing of a permit application does not vest the payment of fees. Fees due, including impact mitigation fees, application fees, or other charges, shall be those fees in effect on the date the fee is paid in accordance with the most current city council fee resolution.

17.80.220 Submittal Requirements

- A. All applications for site development permits shall provide the information required on the relevant application checklist provided in Table 2, Permit Submittals for Type I-V Permit Applications.
- B. Submittal materials shall include:
 - 1. Scaled Drawings. Site and construction plans drawn to an engineering scale of appropriate size to read and verify drawing elements.
 - 2. Plans. Plans shall be prepared by a registered engineer, architect, landscape architect, or land surveyor illustrating the proposed development of the property unless otherwise waived by the Community Development Director.
 - 3. Evidence of Ownership or Legal Interest. All applications shall be signed by the property owner or an authorized representative as follows:
 - a. The applicant shall be required to show evidence in writing of his or her legal interest in and the right to perform development upon all property on which work would be performed.
 - b. A developer may 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.

- C. Applications shall include an accurate address and legal description of the property subject to the requested permit.

How about requiring the Assessor's parcel number for each parcel in the application?

- D. A statement shall be signed by the applicant stating that the information as shown on the plans, maps, and application is true and correct. Any failure to comply with the provisions of this section shall be good cause to deny the application and/or to revoke any permit which may have been issued for any building or use of land.
- E. Application and inspection fees shall be paid at the time of permit submittal as set forth in the fee resolution adopted by the city council.

17.80.230 Permit Types

- A. The City has five (5) levels of land use review. Land use and development decisions are classified 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 [has be] is as follows:
 - 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.
 - 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 requires public notice at the application and/or decision stages of the review.
 - 3. Type III Review – Quasi-Judicial Decisions – Hearing Examiner. [This] A Type III process is a quasi-judicial review and decision by the Hearing Examiner. The Hearing Examiner holds [an] a pre-decision open record public hearing and makes a decision based on evidence submitted at the hearing, including a staff report and public testimony. A public meeting may be [held] required prior to the Hearing Examiner hearing [with] by the Planning Commission in certain types of cases. Public notice is required at the application and public hearing stages of application review.
 - 4. Type IV Review – Quasi-Judicial Decisions – City Council. A Type IV process is a quasi-judicial review and decision by the City Council upon receipt of a recommendation from the Hearing Examiner. Public notice is required at the application and public hearing (if any) stages of application review.

- 5. Type V Review – Council Decisions. A Type V permit process is a decision made by the City Council after holding a public meeting or public hearing depending on the **specific** permit [application].
- C. Application types by permit classification are provided in Table 1 – Permit Applications by Category.
- D. Permits and Actions Not Listed. If a permit or land use action is not listed, the Community Development Direct shall make the determination as to the appropriate review procedure.

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Table 1 – Permit Applications by Category

Type I: Administrative Decisions without Notice	Type II: Administrative Decisions with Notice	Type III: Quasi-Judicial Decisions – Hearing Examiner	Type IV: Quasi-Judicial Decisions – City Council	Type V: City Council Decisions
▪ Minor Site Development* ▪ Grading ▪ Sign ▪ Home Occupation ▪ Accessory Dwelling Unit ▪ Parcel Combination ▪ Manufactured Home Infill ▪ Boundary Line Adjustment ▪ Administrative Zoning Code Interpretation ▪ Code Enforcement ▪ Floodplain Development ▪ Small Cell WCF ▪ Co-Located WCF ▪ Minor Modification to WCF ▪ Public Works Deviation Requests	▪ Major Site Development** ▪ Administrative Variance ▪ Reasonable Use Permit ▪ Short Plats ▪ Binding Site Plans ▪ Shoreline Substantial Development Permit ▪ Forest Practice Waiver – SFR ▪ SEPA Determinations ▪ Concurrency Evaluation with Major Site Development ▪ Right to Farm	▪ Major Site Development with 5+ Comments** ▪ Conditional Use Permit ▪ Preliminary Plat; Including PRD's, Cottage, and Off-spring subdivision ▪ Shoreline CUP ▪ Shoreline Variance ▪ Essential Public Facilities ▪ Forest Practice Waiver – Nonresidential ▪ WCF – Mono Pole ▪ WCF – Deviation ▪ TN – Residential Subdivisions	▪ Development Agreements ▪ Site Specific Rezones	▪ Street Vacations ▪ Final Plats

Type I: Administrative Decisions without Notice	Type II: Administrative Decisions with Notice	Type III: Quasi-Judicial Decisions – Hearing Examiner	Type IV: Quasi-Judicial Decisions – City Council	Type V: City Council Decisions
▪ TN – Public Facilities ▪ Right of Way Permits ▪ Encroachment Permit		▪ Non-Administrative Variance ▪ TN_ Commercial / Mixed Use Projects ▪ Code Enforcement Appeals ▪ Building Code Appeals ▪ Administrative Appeals		
Notes:				
* Minor Site Developments Include: • Single Family Residential Building Permits • Multifamily Residential Projects Equal To or Less Than 39 Units • Commercial and Industrial Developments Less Than 12,000 Square Feet • Mixed-Use Developments Equal To or Less Than 19 Units				
** Major Site Developments Include: • Multifamily Residential Projects 40 Units or Greater • Commercial and Industrial Developments Equal To or Greater Than 12,000 Square Feet • Mixed-Use Developments Equal To or Greater Than 20 Units				

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17.80.240 Phased Permit Applications

- A. Projects may be completed in phases, provided the phasing meets the requirements of this section and conforms to the approved phasing plan. The zoning regulations in effect at the time of the original approval shall continue to apply.
- B. Developers shall submit site plans that clearly show the various phases or stages of the proposed development and how the requirements of this title 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] in Phase 2.
- D. The vehicle and pedestrian 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 during each phase.
- E. Phased development authorized in one site development permit may be commenced with separate building permits, however each phase must be initiated prior to the permit expiration period as provided in Table 8, Permit Approval Time Frames. All construction shall conform to the International Building Code and International Fire Code regulations in force at the time of building permit application.

17.80.250 Consolidated Permit Review

- A. If a project action requires two or more permit types, the applicant may elect in writing to have the permit reviewed under a consolidated permit review process. This includes a combined application review and approval process covering all project permits requested by an applicant for all or part of a project action and a designated permit coordinator. If an applicant elects the consolidated process, the determination of completeness, the notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.

This may not seem like a big deal, but I routinely encounter cases in all my jurisdictions where an applicant has ostensibly elected consolidation, but there is absolutely nothing in the record to document that choice. I think the election should be in writing and preserved as part of the record – just to protect staff and the City from post-decision complaints etc.

- B. 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 shall be reviewed and processed collectively at the applicant's request. [A c] Consolidated reports setting forth the recommendation and decision shall be issued.

You don't want to imply that the staff recommendation and Examiner Decision will be in one report.

- C. If the applicant elects to have a project reviewed under a consolidated permit process, it shall be reviewed collectively under the highest numbered procedure required for any part of the application.
- D. No hearing or deliberation upon an application 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

17.80.260 Complete Application Requirements

- A. All applications for [site development permits] ?? shall provide the information required on the relevant application checklist provided by the city, which includes the requirements listed in Table 2 – Permit Submittals for Type I-V Permit Applications.

Do you really mean “site development permits”? Or do you mean “Type I – V permits”?

- B. An applicant may request a waiver of any of the **submittal** requirements where they can prove to the satisfaction of the Community Development Director's office that a waiver is appropriate.

As written an applicant could arguably request a waiver of processing requirements or decision criteria.

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

Table 2 – Permit Submittals for Type I-V Permit Applications

Type I Permit – Submittal Requirements Administrative Decisions without Public Notice										
➤ The number indicates the item is required for submittal and the number of copies required ➤ A “•” indicates the item shall, upon request, be required for submittal						General Information Meeting Date: _____ Submittal Date: _____				
						Complete Submittal Item? Yes No N/A			Accesso ry Dwell ing Unit	Administ rative Modificati on
Submittal Requirements										
General Application:										
Land Use Application Form	☐	☐	☐	1	1	1	1	1	1	1
Project Narrative	☐	☐	☐	1	1	1	1	1	1	1
Review Fee ¹	☐	☐	☐	1	1	1	1	1	1	1
Legal Description	☐	☐	☐		•	1	1		1	1
Vicinity Map or aerial photograph	☐	☐	☐			1	1			1
Water/Sewer Availability Approval ²	☐	☐	☐	1					1	1
Site Plans:										
Site Plan ³	☐	☐	☐	4	•	4		1	4	4
Landscape Plan ³	☐	☐	☐		•		4			4
Tree Retention Plan ³	☐	☐	☐		•		1			1
Plat Map ⁴	☐	☐	☐		•		4			
Reduced Plan Set (11x17)	☐	☐	☐	1	•	1	1	1	1	1
Building Elevations (11x17)	☐	☐	☐	4	•				4	1
Civil / Engineering:										
Drainage Report	☐	☐	☐					•		3
Traffic Impact Study	☐	☐	☐							3
Grading and Clearing Plan ⁵	☐	☐	☐	•	•			1	•	3
Road and Drainage Plans ⁵	☐	☐	☐		•			1		3
TESCP (Erosion Control Plan)	☐	☐	☐	•	•			1		3
Topography ⁵ (Existing Conditions)	☐	☐	☐	•				1		3
Water / Sewer / Utility Plans ⁵	☐	☐	☐		•			1	•	3

**Type I Permit – Submittal Requirements
Administrative Decisions without Notice**

Submittal Requirements	Complete Submittal Item?			Accessory Dwelling Unit	Administrative Modification	Boundary Line Adjustment	Final Short Plat (≤ 9 lots)	Floodplain Development Permit	Manufactured Housing Infill	Minor Site Development
	Yes	No	N/A							
Environmental:										
SEPA Checklist ⁶	☐	☐	☐	•				•	•	•
Critical Area Report	☐	☐	☐	•				1	•	1
Wildlife Habitat Report (floodplain)	☐	☐	☐	•				1	•	•
Archaeology / Cultural Report	☐	☐	☐	•				•	•	•
Geotechnical Report	☐	☐	☐	•				•	•	•
Other:										
Public Notice Materials ⁷	☐	☐	☐							
School Safe Walking Conditions Assessment	☐	☐	☐							•
C.C. & R.s	☐	☐	☐		•					
Petition	☐	☐	☐							
Title Certificate (< 30 days old)	☐	☐	☐		•	1	1			
Lot Closures	☐	☐	☐		•	1	1			
PDF's for Submitted Documents	☐	☐	☐	1	1	1	1	1	1	1
Before Final Plat or Final Certificate of Occupancy:										
Deeds/Easements/ Conveyances	☐	☐	☐			•	•			•
As-Built Plans ⁸	☐	☐	☐				3			3
Sureties / Bonds ⁹	☐	☐	☐				1			1
Electronic CAD As-Built Plans	☐	☐	☐				1			1
NOTES:						FOR CITY USE ONLY				
1.	See the City of Stanwood Adopted Fee Schedule Water / Sewer Availability shall be determined prior to submittal and					☐	This application is complete.			
2.						☐	This application is incomplete. See items noted above.			

3. letters submitted. 4. See Site Plan Submittal Requirements for required specifications. See Preliminary Short Plat, Preliminary Plat, Final Short Plat or Final Plat Submittal Requirements for required specifications. 5. See Engineering Plan Submittal Requirements for required specifications. 6. See the SEPA Checklist Requirements for Categorical Exemption Thresholds. 7. See Public Notice Materials for requirements. 8. See As-Built Plan Submittal Requirements for required specifications. 9. See Sureties/Bond Submittal Requirements for required specifications.	The City of Stanwood may require additional information. The applicant will be notified in writing if additional information is necessary.
	These submittal requirements are for the City of Stanwood permits only. Additional permits may be required by other federal, state, regional or local agencies. It is the responsibility of the applicant to ascertain whether other permits are required.
	_____ _____ _____ Community Development Representative Date

Type II Permit – Submittal Requirements Administrative Decisions with Public Notice											
➤ The number indicates the item is required for submittal and the number of copies required ➤ A “•” indicates the item shall, upon request, be required for submittal							General Information Meeting Date: _____ Submittal Date: _____				
Submittal Requirements	Complete Submittal Item?			Administrative Conditional Use	Binding Site Plan	Major Site Development ¹⁰	Preliminary Short Plat / PRD (≤ 9 lots)	Right-to-Farm Registration	Sensitive Area Reasonable Use	Shoreline Substantial	Variance ¹¹
	Yes	No	N/A								
General Application:											
Land Use Application Form	☐	☐	☐	1	1	1	1	1	1	1	1
Project Narrative	☐	☐	☐	1	1	1	1	1	1	1	1
Review Fee ¹	☐	☐	☐	1	1	1	1	1	1	1	1
Legal Description	☐	☐	☐	1	1	1	1	1	1	1	•

Vicinity Map or aerial photograph	☐	☐	☐	1	1	1	1	1	1	1	1
Water/Sewer Availability Approval ²	☐	☐	☐	1	1	1	1		•		
Site Plans:											
Site Plan ³	☐	☐	☐	4		4		4	4	4	4
Landscape Plan ³	☐	☐	☐	4	4	4	4			•	•
Tree Retention Plan ³	☐	☐	☐	4	4	4	4			•	•
Plat Map ⁴	☐	☐	☐		4		4				
Reduced Plan Set (11x17)	☐	☐	☐	1	1	1	1	1	1	1	1
Building Elevations (11x17)	☐	☐	☐			1				•	•
Civil / Engineering:											
Drainage Report	☐	☐	☐	3	3	3	3	•	•	3	•
Traffic Impact Study	☐	☐	☐	3	3	3	3				•
Grading and Clearing Plan ⁵	☐	☐	☐	3	3	3	3	•	•	3	•
Road and Drainage Plans ⁵	☐	☐	☐	3	3	3	3	•		3	•
TESCP (Erosion Control Plan)	☐	☐	☐	3	3	3	3	•	•	3	•
Topography ⁵ (Existing Conditions)	☐	☐	☐	3	3	3	3	•	•	3	•
Water / Sewer / Utility Plans ⁵	☐	☐	☐	3	3	3	3	•	•	3	•
Type II Permit – Submittal Requirements											
Administrative Decisions with Notice											
Submittal Requirements	Complete Submittal Item?			Administrative Conditional Use	Binding Site Plan	Major Site Development ¹⁰	Preliminary Short Plat / PRD (≤ 9 lots)	Right-to-Farm Registration	Sensitive Area Reasonable Use	Shoreline Substantial	Variance ¹¹
	Yes	No	N/A								
Environmental:											
SEPA Checklist ⁶	☐	☐	☐	•	•	•	•	•	1	1	1
Critical Area Report	☐	☐	☐	•	3	3	3	•	1	1	•
Wildlife Habitat Report (floodplain or shoreline)	☐	☐	☐	•	•	•	•	•	•	1	•
Archaeology / Cultural Report	☐	☐	☐	•	•	•	•	•	•	•	•
Geotechnical Report	☐	☐	☐	•	•	•	•		•	•	•
Other:											
Public Notice Materials ⁷	☐	☐	☐	1	1	1	1	1	2	1	1

**Type III Permit – Submittal Requirements
Quasi-Judicial, Hearing Examiner Decisions**

- The number indicates the item is required for submittal and the number of copies required
- A “•” indicates the item shall, upon request, be required for submittal

**General Information Meeting
Date:** _____

Submittal Date: _____

Submittal Requirements	Complete Submittal Item?			Conditional Use Permit	Preliminary Plat / PRD (≥ 10 lots)	Shoreline Conditional Use Permit	Shoreline Variance
	Yes	No	N/A				
General Application:							
Land Use Application Form	☐	☐	☐	1	1	1	1
Project Narrative	☐	☐	☐	1	1	1	1
Review Fee ¹	☐	☐	☐	1	1	1	1
Legal Description	☐	☐	☐	1	1	1	1
Vicinity Map or aerial photograph	☐	☐	☐	1	1	1	1
Water/Sewer Availability Approval ²	☐	☐	☐	1	1	•	•
Site Plans:							
Site Plan ³	☐	☐	☐	4		4	4
Landscape Plan ³	☐	☐	☐	4	4	4	•
Tree Retention Plan ³	☐	☐	☐	4	4	4	•
Plat Map ⁴	☐	☐	☐		4		
Reduced Plan Set (11x17)	☐	☐	☐	1	1	1	1
Building Elevations (11x17)	☐	☐	☐	•		•	•
Civil / Engineering:							
Drainage Report	☐	☐	☐	3	3	3	•
Traffic Impact Study	☐	☐	☐	3	3	3	•
Grading and Clearing Plan ⁵	☐	☐	☐	3	3	3	•
Road and Drainage Plans ⁵	☐	☐	☐	3	3	3	•
TESCP (Erosion Control Plan)	☐	☐	☐	3	3	3	•
Topography ⁵ (Existing Conditions)	☐	☐	☐	3	3	3	•

Water / Sewer / Utility Plans ⁵	☐	☐	☐	3	3	3	•
Type III Permit – Submittal Requirements Quasi-Judicial, Hearing Examiner Decision							
Submittal Requirements	Complete Submittal Item?			Conditional Use Permit	Preliminary Plat / PRD (≥ 10 lots)	Shoreline Conditional Use Permit	Shoreline Variance
	Yes	No	N/A				
Environmental:							
SEPA Checklist ⁶	☐	☐	☐	3	3	3	3
Critical Area Report	☐	☐	☐	3	3	3	3
Wildlife Habitat Report (floodplain)	☐	☐	☐	•	•	3	3
Archaeology / Cultural Report	☐	☐	☐	•	•	•	•
Geotechnical Report	☐	☐	☐	•	•	•	•
Other:							
Public Notice Materials ⁷	☐	☐	☐	2	2	2	2
School Safe Walking Conditions Assessment	☐	☐	☐	1	1		
C.C. & R.s	☐	☐	☐	•	•		
Petition	☐	☐	☐				
Title Certificate (< 30 days old)	☐	☐	☐				
Lot Closures	☐	☐	☐				
PDF's for Submitted Documents	☐	☐	☐	1	1	1	1
Before Final Plat or Final Certificate of Occupancy:							
Deeds/Easements/ Conveyances	☐	☐	☐	•	1	•	•
As-Built Plans ⁸	☐	☐	☐	3	3	•	•
Sureties / Bonds ⁹	☐	☐	☐	1	1	•	•
Electronic CAD As-Built Plans	☐	☐	☐	1	1	•	•
NOTES:					FOR CITY USE ONLY		
1. See the City of Stanwood Adopted Fee Schedule 2. Water / Sewer Availability shall be determined prior to submittal and letters submitted. 3. See Site Plan Submittal Requirements for required specifications. 4. See Preliminary Short Plat, Preliminary Plat, Final Short Plat or Final					☐	This application is complete.	
					☐	This application is incomplete. See items noted above.	
					•	The City of Stanwood may require additional information. The applicant will be notified in writing if	

5. Plat Submittal Requirements for required specifications. 6. See Engineering Plan Submittal Requirements for required specifications. 7. See the SEPA Checklist Requirements for Categorical Exemption Thresholds. 8. See Public Notice Materials for requirements. 9. See As-Built Plan Submittal Requirements for required specifications. See Sureties/Bond Submittal Requirements for required specifications.		additional information is necessary.
		These submittal requirements are for the City of Stanwood permits only. Additional permits may be required by other federal, state, regional or local agencies. It is the responsibility of the applicant to ascertain whether other permits are required.
		_____ _____ _____ Community Development Representative Date

Type IV & Type V Permit – Submittal Requirements Legislative, Development Agreements, City Council Decisions, and City Council Decisions with Planning Commission Recommendation									
➤ The number indicates the item is required for submittal and the number of copies required ➤ A “•” indicates the item shall, upon request, be required for submittal					General Information Meeting Date: _____ Submittal Date: _____				
Submittal Requirements	Complete Submittal Item?			Annexation	Annual Docket	Developer's Agreement	Final Plat (≥ 10 lots)	Vacation of Streets and Alleys	Zoning Code Amendment / Zoning Map Rezone
	Yes	No	N/A						
General Application:									
Land Use Application Form	☐	☐	☐	1	1	1	1	1	1
Project Narrative	☐	☐	☐	1	1	1	1	1	1
Review Fee ¹	☐	☐	☐	1		1	1	1	1
Legal Description	☐	☐	☐	1		1	1	•	1
Vicinity Map or aerial photograph	☐	☐	☐	1		1	1	1	1
Water/Sewer Availability Approval ²	☐	☐	☐			1			1
Site Plans:									

Site Plan ³	☐	☐	☐	4		4			1
Landscape Plan ³	☐	☐	☐			•			
Tree Retention Plan ³	☐	☐	☐			•			
Plat Map ⁴	☐	☐	☐				4		
Reduced Plan Set (11x17)	☐	☐	☐	1		1	1		
Building Elevations (11x17)	☐	☐	☐			•			•
Civil / Engineering:									
Drainage Report	☐	☐	☐			•			
Traffic Impact Study	☐	☐	☐			•			1
Grading and Clearing Plan ⁵	☐	☐	☐			•			
Road and Drainage Plans ⁵	☐	☐	☐			•			
TESCP (Erosion Control Plan)	☐	☐	☐			•			
Topography ⁵ (Existing Conditions)	☐	☐	☐			•			
Water / Sewer / Utility Plans ⁵	☐	☐	☐			•			
Type IV & Type V Permit – Submittal Requirements									
Legislative, Development Agreements, City Council Decisions, and City Council Decisions with Planning Commission Recommendation									
Submittal Requirements	Complete Submittal Item?			Annexation	Annual Docket	Developer's Agreement	Final Plat (≥ 10 lots)	Vacation of Streets and Alleys	Zoning Map Amendment / Rezone
	Yes	No	N/A						
Environmental:									
SEPA Checklist ⁶	☐	☐	☐		•	1			1
Critical Area Report	☐	☐	☐			•			1
Wildlife Habitat Report (floodplain)	☐	☐	☐			•			•
Archaeology / Cultural Report	☐	☐	☐			•			
Geotechnical Report	☐	☐	☐			•			
Other:									
Public Notice Materials ⁷	☐	☐	☐	2		2			2
School Safe Walking Conditions Assessment	☐	☐	☐						
C.C. & R.s	☐	☐	☐						
Petition	☐	☐	☐	1	1			1	

Title Certificate (< 30 days old)	☐	☐	☐				2		
Lot Closures	☐	☐	☐				2		
PDF's for Submitted Documents	☐	☐	☐	1	1		1	1	1
Before Final Plat or Final Certificate of Occupancy:									
Deeds/Easements/ Conveyances	☐	☐	☐	•		1	1		
As-Built Plans ⁸	☐	☐	☐				3		
Sureties / Bonds ⁹	☐	☐	☐				3		
Electronic CAD As-Built Plans	☐	☐	☐				1		
NOTES:						FOR CITY USE ONLY			
1. See the City of Stanwood Adopted Fee Schedule 2. Water / Sewer Availability shall be determined prior to submittal and letters submitted. 3. See Site Plan Submittal Requirements for required specifications. 4. See Preliminary Short Plat, Preliminary Plat, Final Short Plat or Final Plat Submittal Requirements for required specifications. 5. See Engineering Plan Submittal Requirements for required specifications. 6. See the SEPA Checklist Requirements for Categorical Exemption Thresholds. 7. See Public Notice Materials for requirements. 8. See As-Built Plan Submittal Requirements for required specifications. 9. See Sureties/Bond Submittal Requirements for required specifications.						☐	This application is complete.		
						☐	This application is incomplete. See items noted above.		
						•	The City of Stanwood may require additional information. The applicant will be notified in writing if additional information is necessary.		
							These submittal requirements are for the City of Stanwood permits only. Additional permits may be required by other federal, state, regional or local agencies. It is the responsibility of the applicant to ascertain whether other permits are required.		
							_____ _____ _____ Community Development Representative Date		

My "aerial photograph" suggestion is just an idea. With Google Earth and Adobe Acrobat it is fairly easy for a person to provide an aerial with the property outlined – perhaps easier than to provide an actual map.

Article III Permit Review Procedures

17.80.300 Purpose

It is the intent of this Article to provide the review procedures for applications and land use actions classified as Types I through V permits. These procedures are intended to outline the permitting process once an application has been submitted.

17.80.310 Permit Review Process

Table 3, Decision Making and [Apples] Appeals, outlines the permit review process for the five levels of land use permits. Once the permit type has been determined, applications are processed according to the associated processes.

Table 3: Decision Making and Appeals

Permit Type	Public Meeting with PC	Open Record Public Hearing	Project Decision	Open Record City Appeal	Closed Record Appeal	Non-City or Judicial Appeal ¹
Type I	No	No	CDD / CE	HE	No	Yes
Type II	Yes ² /No	No	CDD / CE	HE	No	Yes
Type III	Yes	HE	HE	No	No	Yes
Type IV	Yes	HE ³	CC	No	No	Yes
Type V	No	Yes/No ⁴	CC	No	No	Yes

Abbreviations:

CC = City Council

HE = Hearing Examiner

CE = City Engineer

PC = Planning Commission

CDD = Community Development
Director

Footnotes:

- 1 Non-City or Judicial Appeals are filed with Snohomish County Superior Court
- 2 Only major site development projects require a public meeting with the Planning Commission
- 3 Hearing Examiner makes a recommendation to the City Council after holding a public hearing
- 4 Final Plats are approved by the City Council at a public meeting; a public hearing is not required

Shoreline permits pose a problem for your table regarding appeals. City decisions on Type II substantial development permits are final, but appeal would be to the state Shorelines Hearings Board ("SHB"), not Superior Court. (SHB decisions are appealable to Superior Court.) Type III shoreline conditional uses and variances are technically

subject to approval or denial by the state Department of Ecology whose decision is subject to appeal to the SHB and so on. We treat our action on shoreline conditional uses and variances as a final City action subject to reconsideration, but it isn't the actual final decision. This somewhat convoluted process is mandated by state RCW and WAC.

17.80.320 Notice of Completeness

- 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. Table 4, Notice of Completeness Required, establishes whether a determination of completeness is required by permit category.

Table 4: Notice of Completeness Required

Permit Category	Notice of Completeness Required
Type I	No
Type II	Yes
Type III	Yes
Type IV	Yes
Type V	Yes

- B. Determination of Completeness. Within twenty-eight calendar days after receiving a [site development permit] **Type I - V** application, the city shall mail or personally provide a written determination of completeness to the applicant which states either: (1) that the application is complete **and the date that it was complete**; or (2) that the application is incomplete and state what additional information is necessary to make the application complete.

I hope you will add the additional, suggested text here. There is usually a difference between the date that an application is actually complete and the date the notice of complete application is issued. For example, an application may have been complete when filed but the notice isn't issued for 28 days, or it may have become complete at some date between filing and the notice date. The date an application is actually complete is its vesting date (which could be critical in some cases), whereas application processing dates and timelines run from the date the notice of complete application is issued, not the vesting date. I frequently have to ask at hearing when the application was actually complete – and sometimes staffers don't know because they are usually concerned about the processing timeline, not the vesting date. If the vesting date had to

be included in the notice of complete application, that problem would be solved.

- C. Additional Information. A site development permit application is complete for purposes of this section when it meets the submission requirements outlined in Section 17.80.260, Table 2 – Permit Submittals for Type [1] I -V Permit Applications. However, each development is unique, and therefore the Director 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.

You need a capital Roman numeral, not an Arabic numeral: “I,” not “1.”

- D. A determination of completeness shall be made when the required submittals are determined to be in a comprehensible format and contain at least the minimum amount of information to allow review of the project to progress even though additional information may be required or project modifications may be undertaken subsequent to initial project review. The city’s determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the determination of completeness or at some later time.
- E. Incomplete Application Procedure. If the applicant received a determination of incompleteness from the city, the applicant shall have ninety calendar days to submit the necessary information to the city. Within fourteen calendar days after an applicant has submitted the requested additional information, the city shall prepare a written determination of completeness as described in the section above, and notify the applicant in the same manner.

When does the 90-day period begin to run? 90 days from the date on the determination of incompleteness letter? Or 90 days from date of mailing? Or 90 days from receipt?

- F. If the applicant does not submit the required information within the ninety-calendar-day period, the Community Development Director or their designee shall make findings that the application has lapsed for failure to submit the necessary information in a timely manner and close the permit application file. The Director may grant one time extension to submit the required information, not to exceed an additional ninety calendar days.
- G. City’s Failure to Provide a Determination of Completeness. If, within twenty-eight calendar days of the date of the submitted application, the city has not provided a written determination of completeness, a [site development permit] Type I – V application shall be deemed complete.

17.80.330 Notice of Application

- A. Notice of Applications (NOA). Within fourteen calendar days after the city has made a determination of completeness of a site development permit application, the city

shall issue a notice of application in accordance with Table 5 – Notice of application Noticing Requirements. The NOA shall include the following information:

1. The date of application and the date of the notice of application;
2. 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;
3. The identification of other permits not included in the application, to the extent known by the city;
4. 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;
5. A statement of the limits of the public comment period;
6. 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;
7. The date, time, place and type of meeting or hearing, if applicable and if it [is] **has been** scheduled [at] **as of** the date of notice of the application;
8. 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;
9. 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;
10. 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;
11. 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.

B. All Notice of Applications shall be noticed according to Table 5, Notice of Application Noticing Requirements.

Table 5 - Notice of Application Noticing Requirements

Permit Category	Post Site	Post at Designed Posting Locations	Advertise in Designated Newspaper	Adjacent Jurisdictions in within ¼ Mile	WSDOT If Adjacent to Hwy	Property Owners within 300'	Other Agencies with Jurisdiction	Parties of Record
Type I ¹	None	None	None	None	None	None	None	None
Type II -V ²	✓	✓	✓	✓	✓	✓	✓	✓

Footnotes:

- 1 Type 1 Permits are not subject to a Notice of Application Requirement; However Type I permit applications shall be circulated for comment to internal and external departments that may have an interest in the project.
- 2 Final Plat Applications do not require NOA's or noticing

- C. All public comments on a notice of application must be received by the [planning] **Community Development** department by four-thirty (4:30) p.m. on the last day of the comment period. Comments may be mailed, emailed, personally delivered, sent by facsimile or by any online digital method established by the city. Comments should be as specific as possible.
- D. When required, the public meeting and/or public hearing notice shall be published at least once in a newspaper of general circulation in the city. At a minimum the notice shall contain the information contained in Section 17.80.370, Public Meetings and Public Hearings.
- E. Minimum public noticing periods shall be provided as follows:

Table 6 – Public Comment and Noticing Periods

Permit Category / Type	Notice of Application Comment Period	Public Meeting & Hearing Noticing Period
Type II Permit	15 Days	10 Days
Type II Shoreline Permits	30 Days for 2 consecutive weeks	15 Days
Type III Permit	15 Days	10 Days
Type III Shoreline Permits	30 Days for 2 consecutive weeks	15 Days
Type IV Permit	15 Days	10 Days
Type V Permit (Except Final Plats)	15 Days	10 Days

- F. The City has designated the following locations as official noticing/posting sites: City Hall, Library, and the Post Office.
- G. 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.
- H. 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.
- I. 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.

- J. As an option to mailing the full Notice of Application, the City may issue a post card Notice of Application to adjacent property owners as [along] long as the post card includes the website address where detailed information on the project is available for viewing.

17.80.340 Permit Integration With State Environmental Policy Act (SEPA)

- A. Except for the issuance of a DNS/MDNS using the “optional DNS process” or the issuance of a determination of significance, the city will not issue its threshold determination, or issue a decision or recommendation on a land use development permit until the expiration of the public comment period on the notice of application.
- B. If the optional DNS process, as authorized under SEPA and set forth in this section, is used, the responsible official shall:
1. State on the first page of the notice of application that it expects to issue a DNS for the proposal, and that:
 - a) The optional DNS process is being used;
 - b) This may be the only opportunity to comment on the environmental impacts of the proposal;
 - c) The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
 - d) A copy of the subsequent threshold determination for the specific proposal may be obtained upon request;
 2. List in the notice of application the conditions being considered to mitigate environmental impacts, if a MDNS is expected;
 3. Comply with the requirements for a notice of application and public notice in RCW 36.70B.110;
 4. Send the notice of application and environmental checklist to:
 - a) Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
 - b) Anyone requesting a copy of the environmental checklist for the specific proposal;
 5. If the responsible official indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application in accordance with WAC 197-11-940 and 197-11-948;
 6. The responsible official shall consider timely comments on the notice of application and either:
 - a) Issue a DNS or MDNS with no comment period;
 - b) Issue a DNS or MDNS with a comment period;

- c) Issue a DS; or
 - d) Require additional information or studies prior to making a threshold determination;
7. If a DNS or MDNS is issued under this section, the responsible official shall send a copy of the DNS or MDNS to the Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be recirculated.

17.80.350 Project Review

- A. Project Analysis. Upon determination that the proposed project is consistent with the comprehensive plan, adopted development regulations and standards, and SEPA, a single staff report shall be prepared which consolidates all land use development permit **recommendations** or decisions. The report shall state any mitigation required or proposed under the development regulations or through SEPA. If a threshold determination, other than a determination of significance, has not been previously issued by the city, the report shall include or append the SEPA threshold determination for the project. The SEPA threshold determination shall be issued at least fifteen calendar days prior to the opening of a public hearing.
- B. Insufficient Information. If, upon review of a complete application, the city finds that additional information is necessary or corrections are required to be made to the plans to be consistent with city codes and regulations, the city shall write a letter to the applicant detailing the necessary corrections. The applicant shall have ninety calendar days to submit the necessary information to the city. If the applicant does not submit the required information within ninety calendar days, the application shall lapse for failure to submit the necessary information in a timely manner, and the Community Development Director, or his/her designee shall document that the application has lapsed for failure to submit the necessary information in a timely manner and close the permit application file. The Director may allow for an extension to submit the required information, not to exceed an additional sixty days.

Same question as to when the 90-day period starts to run.

Isn't this duplicative of SMC 17.80.320(E)? If so, is it necessary?

- C. A [site development] **Type I - V** permit shall be granted if the city finds, based on substantial evidence in the record, that the development complies with each of the following criteria:
 - 1. The development is consistent with the goals, policies, requirements and performance standards of this title, the street and utility standards (Chapter 14.14 SMC), the Comprehensive Plan and other applicable laws and regulations;

2. The development project as proposed incorporates, to the maximum extent feasible, mitigation measures to substantially lessen or eliminate all adverse environmental impacts of the development; and
3. The development is connected to the city water, sewer, and stormwater systems.

This section has a counterpart in the current code – and it causes problems. If it applies to all permit applications, then it is establishing criteria that are different than those required for each application. Yet, the way it's integrated into the process it seems to apply to all permits. If the "site development permit" is, indeed, a separate permit in addition to CUPs, variances, shoreline permits, etc., it would be better if its requirements were listed separately as with all other permits and if there were a clear delineation as to exactly when one had to also obtain a site development permit. And to the extent that it merely seems to duplicate review conducted in other permits, I wonder why it is required in those situations.

- D. Applications may be approved, approved with conditions, or denied. **The hearing examiner may remand an application to staff for further review.** If an application for a [site development] ?? permit is denied, the applicant may not submit another application for development of the same property sooner than 120 calendar days after the date of such denial.

The 120 day time limit appears to conflict with SMC 17.80.480 which says that after a denial an application can't be "reconsidered" within one year except in certain limited situations. That section and this one need to be reconciled.

17.80.360 Application Review Timeframes

- 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 state statutes for Type I or Type V reviews.

This section does not establish time frames for determinations of completeness. That was done in SMC 17.80.320.

- 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. Application Review and Decision Time Frame.
1. Decisions on Type II, III, or IV applications shall not exceed 120 days, unless the Community Development Director 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. 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 V 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.
- D. 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.
- E. 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.

17.80.370 Public Meetings and Public Hearings

A. This section sets forth procedures for public meetings and hearings.

1. 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] recorded.

Taping is fast becoming obsolete, if not already so.

2. 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 when this chapter or state law requires a hearing; when a hearing is required, the following shall apply:

- a) A verbatim record shall be kept;
- b) Those present shall be given the opportunity to testify under oath;
- c) The hearing authority shall be allowed to ask questions of those testifying;
- d) The hearing shall be conducted to ensure fairness to all parties;
- e) The hearing authority may subpoena witnesses; and
- f) 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.

B. Notices of public meetings or hearings shall include the following information:

1. The date, time, and place and/or manner of the meeting or 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.

I suggest adding “and/or manner” to cover remote hearings (“Zoom,” “GoToMeeting,” “WebEx,” etc. platforms) – which you may wish to keep available even after COVID-19 is no longer the problem it is today.

C. 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 applicant or their designated agents. **Unless otherwise specified in statute or ordinance, the standard of proof shall be preponderance of the evidence.**
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.

D. 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 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 RCW 36.70B.110(7) are met.
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 chapter. 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.

E. Record.

1. [Tape] **Electronic** recordings shall be made of all hearings required by this chapter, 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 **provided to the City in digital form and shall be** made a part of the record of the proceedings and shall be kept by the city for at least two years.

This would be a good time to establish your formal authority to accept/require evidence in digital form. Virtually all cities for whom I provide Examiner services are now going all digital – the only thing I get in paper form is a paper copy of large size plat maps and similar plans. Everything is digital and put in a folder on the City's web site for public review – simplifying the public review process and potentially reducing PRA requests.

17.80.380 Hearing Examiner Procedures

- 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.
- D. 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. **The Hearing Examiner may remand an application to staff for revision.** In all other cases, the Hearing Examiner shall deny the application.
- E. 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, the hearing examiner shall conduct a new hearing on the modified proposal.
- F. The Hearing Examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.
- G. The Hearing Examiner shall within **[15 calendar] 10 business** days following the close of the record, **unless a longer period is agreed to on the record by the applicant/appellant, [distribute] issue** a written report supporting the decision. **The Hearing Examiner's written report shall be distributed to parties of record electronically or in paper form by the Community Development department.** 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 superior court.
- H. 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. The request shall explicitly set forth alleged errors of procedure or fact. [Comments shall be requested] **The Examiner shall request comments** from affected parties of record and reviewing city departments on the [petition] **request** for reconsideration. Comments shall be received within 14 days. The Hearing Examiner shall act within [14] **10 business** days after the [filing of the request for reconsideration] **close of the comment period** by denying the request, issuing a revised decision, or calling for an additional public hearing. **A reconsideration request for which one of the actions specified above has not been taken within the required time period shall be deemed to have been denied.**

I suggest changing "petition" in the one place where it occurs to "request" to be consistent with the rest of the section.

As written, my action period ends on the same day that the mandatory comment period ends. That simply can't work. I need two working weeks to deliberate and issue my ruling after comments are received.

Finally, I suggest adding the last sentence to make clear what would happen if for some reason (say I had gone on vacation or was ill) I took no action during the allowed time period. It has never happened yet in 43 years, but there's always a first time.

1. The grounds for reconsideration shall be limited to the following:
 - a) The Hearing Examiner exceeded their jurisdiction;
 - b) The Hearing Examiner failed to follow the applicable procedure in reaching their 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 Examiner's action following reconsideration is not subject to further requests for reconsideration.**
- I. **Proceedings before the Hearing Examiner shall conform with the Hearing Examiner's Rules of Procedure promulgated pursuant to SMC 17.87.080.**

17.80.385 Notice of Final Decision

- A. Following the completion of any hearing, procedure, or administrative decision, the [site development] ??? permit application shall be approved, approved with conditions, remanded or denied and a written notice of decision shall be issued within five calendar days. The notice of decision shall include the final determination of approval or denial of the project, a statement of any threshold determination made under SEPA, and the procedure to appeal the notice of decision.
1. For Type I permit applications a published notice of decision is not required. However, a memorandum or completed project checklist shall be placed in the permit file containing findings describing how the application was consistent/inconsistent with applicable zoning regulations and development standards.
 2. For Type II –V permit applications a notice of decision shall be mailed or emailed 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 director 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.
- B. If the city is unable to issue its notice of decision within the allotted timeframe, it shall provide written notice to the project applicant including the reasons the time limits have not been met and an estimated date for issuance of the notice of decision. The time limits established in this chapter do not apply if a site development permit application requires:
1. An amendment to the comprehensive plan or development regulations; or
 2. Approval of a new fully contained community, master planned resort, or the siting of an essential public facility; or
 3. Substantial revisions 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.

17.80.390 Appeals

- A. Processing of Appeals. Appeals of decisions on [site development] ??? permits shall be processed according to the procedures outlined in this section. 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.

- B. Effect of Appeal. Decisions on Type I, Type II, Type III, and Type IV permits are assumed valid unless overturned by an appeal decision. An appeal stays all actions by the Director seeking enforcement of or compliance with the order or decision appealed from, unless the Director finds that a stay would, in their 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.

You may want to add language regarding the special situation with Shoreline permits.

- C. Consolidated Appeals. All appeals of 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)]
- D. SEPA Appeals. Appeals shall only be of the determination of nonsignificance or mitigated determination of nonsignificance, or final determination if issued. See SMC17.149.070 for SEPA and agency decisions.
- E. Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee as outlined in the City's most current fee [I] resolution, and contain the following information:
1. Appeals must be submitted with a completed appeal form;
 2. Facts demonstrating that the person is adversely affected by the decision;
 3. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 4. The specific relief requested; and
 5. Any other information reasonably necessary to make a decision on the appeal.
- F. Appeal Standing. The project applicant or any person who submitted written comments or testified at a public hearing on the application has standing to appeal the decision if comments were provided prior to the date the decision was issued. Appeals shall be submitted to the Community Development Department no later than 4:00 pm on the last day of the appeal period. The cost of appeal hearing shall be borne by the appellant.
- F. Appeal Hearing. Appeals shall be heard and processed according to Table 7 – Appeal Procedures. The City does not provide closed record appeals.

Table 7 – Appeal Procedures

Permit Type:	I	II	III	IV	V
Permit Decision Maker	Admin	Admin	HE	CC	CC
Local / Administrative Open Record Appeals					
Appeal Period	14 Days	14 Days	None	None	None
Appeal Body	HE	HE			
Appeal Type	Open Record	Open Record			
Time Period to Complete Appeal	90 Days	90 Days			

Time Period For Written Decision After the Hearing is Closed	14 Days	14 Days			
SEPA Open Record Appeals					
Appeal Period	14 Days	14 Days	14 Days		
Appeal Body	HE	HE	HE		
Judicial Appeals					
Appeal of HE Decision	Snohomish County Superior Court				
Appeal Period	21 Days Per Chapter <u>36.70C</u> RCW				
Shoreline Appeals					
Appeal Body	Shoreline Hearings Board				
Time Period to Appeal	21 Days of the Date of Receipt of the Decision by the Dept of Ecology [Per RCW 90.58.140]				

Notes:

Admin = Administrative Decision

CC = City Council

HE = Hearing Examiner

The eccentricities of the shoreline permit/decision/appeal process aren't fully or clearly reflected in the above text and tables.

- G. Notice of Appeal. A hearing before the designated appeal body, as established in Table 7 – Appeal Procedures. The hearing notice shall be mailed or emailed to the appellant, the applicant, and all parties of record. Notice shall be mailed or emailed no less than 10 days prior to the appeal hearing.
- H. Public Hearing. The Hearing Examiner shall conduct an open record hearing per Table 7, Appeal Procedures. 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 application; provided, that the Examiner may allow nonparties to present relevant testimony if allowed under the examiner rules of procedure.
- I. Decision on 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:
1. The appellant has carried the burden of proof; and
 2. The Examiner finds that the decision is not supported by a preponderance of the evidence.
 3. The Hearing Examiner shall accord substantial weight to the decision of the applicable department director.

- J. Decision of Appeal. The city shall issue a written decision of appeal within ten [calendar] business days of the appeal body's final action to the parties of record disclosing whether the appeal is upheld or denied.

Please give me 10 business days to prepare and issue the decision. If an appeal hearing were to be held the Wednesday before Thanksgiving, 10 calendar days would only provide 5 business days – I would have lost half of my decision-making time.

- K. Judicial appeals. The city's final decision on an application (excepting Shoreline permit decisions) may be appealed by a party of record with standing [to file] by filing a land use petition in Snohomish County Superior Court. Such petition must be filed within twenty-one (21) days of issuance of the decision, as provided in Chapter 36.70C RCW.
- L. Exhaustion of Administrative Remedies. No action to obtain judicial review may be commenced unless all rights of administrative appeal provided by this chapter 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.

17.80. 395 Expiration of Approvals and Approved Permits

- A. Land use approvals/permits shall expire as outlined in Table 8 – Permit Approval Time Frames if a grading, right-of-way or building permit has not been obtained within the required time frame.

Table 8 – Permit Approval Time Frames

Permit Type	Approval Period	Extension If Approved
Subdivisions	5 Years	1 Year
Short Plats	5 Years	1 Year
Conditional Use Permits and Variances	2 Years	None
Shoreline Permits	2 Years	1 Year
All Other Type I Permits	1 Year	1 Year
All Other Type II – V Permits	2 Years	1 Year

- B. Extensions may be granted by the Director upon showing proper justification if:
1. The extension is requested at least 30 calendar days before the permit expires;
 2. The permittee has proceeded with due diligence and in good faith;
 3. The zoning designation of the property has not changed; and
 4. 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.
- C. Once the time period and any extensions have expired, permit approval shall terminate, and the application is void and deemed withdrawn.

DRAFT

Article IV Post Permit Requirements

17.80.400	Construction Plan Approvals
17.80.410	Inspections
17.80.420	Permit Modifications
17.80.430	Effect of Decisions
17.80.440	Certificate of Occupancy
17.80.450	Commencement of Work
17.80.460	Vacation of Approved Permits
17.80.470	Revocation of Approved Permits
17.80.480	Re-Applications
17.80.490	Violations

17.80.400 Construction Plan Approvals

- A. Final civil construction plan applications may be submitted with the land use entitlement permit or after the land use entitlement permit process has been completed. At a minimum the 30% design plans shall be submitted with the land use entitlement application. To obtain civil construction plan approval, the plans shall be consistent with the Stanwood Municipal Code and the Street and Utility Standards.
- B. Approval of final civil construction plans is exempt from the 120 day plan review timeframe as outlined in the Growth Management Act.
- C. Construction shall begin or a building permit be issued prior to the expiration times outlined in section 17.80.[390] 395, Table 8, Permit Approval Time Frames. If work has not begun prior to expiration of the land use entitlement permit, all plans must be resubmitted and comply with the current code requirements.

You have an incorrect section citation.

17.80.410 Inspections

- A. Once a permit is issued inspections are required to verify that the construction or work is being done in accordance with the approved plans. Site inspections shall include, but [is] are not limited to: erosion control, critical area protection, grading, pavement, roadway and sidewalk improvements, drainage, utility installation, parking and landscaping. The project applicant is responsible for ensuring all inspections have been conducted [per] pursuant to city requirements.
- B. Final project approval shall not be given, whether a final plat approval or certificate of occupancy, until all of the required site improvements have been inspected and approved by the City Inspector.

Is bonding for completion to be allowed?

17.80.420 Permit Modifications

- A. Minor Modifications to an Approved [Site Development] ??? Plan. Minor modifications to a [site development] ??? plan may be permitted by administrative decision. To be considered a minor modification, the amendment must not:
 - 1. Involve more than a 10 percent increase in area or scale of the development in the approved site development plan; or
 - 2. Have a significantly greater impact on the environment and facilities than the approved plan; or
 - 3. Change the boundaries of the originally approved plan.
- B. Major Adjustments to an Approved [Site Development] ??? Plan. Major adjustments to an approved [site development] ??? plan will require a new application. The review and approval shall rest with the approval body which approved the original [site development] ??? plan. Major adjustments involve a substantial change in the basic site design plan, intensity, density, use, and other zoning code issues and generally involve more than a 10 percent change in area or scale.

17.80.430 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 or construction permits, designed to support the approved land use. Actual occupancy or use 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.

17.80.440 Certificate of Occupancy

- A. No land area shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until an occupancy permit has been issued by the Building Official, stating that the premises, building, or other development complies with all provisions of this code. Minor expectations include:
 - 1. Cases of alteration that does not require vacating the premises;
 - 2. Cases where parts of the premises are finished and ready for occupancy before the completion of the alteration, or
 - 3. In the case of a new structure, before its completion, a conditional occupancy permit may be issued.
- B. No change, extension of use, or alteration shall be made in a nonconforming use without a building permit having first been issued by the Building Official that such change, extension or alteration is in conformity with the provisions of this code.
- C. Within 10 days from the date that an applicant requests that an occupancy permit be issued on his/her development project, the Building Official shall render a decision as to whether or not said occupancy permit is to be issued. If the decision is not to issue the occupancy permit, the Building Official shall so notify the applicant

including the reasons for denial of the permit. If no occupancy permit has been issued within 10 working days of the written request thereof, and the Building Official has not informed the applicant of approval or denial, in writing, it shall be deemed that the Building Official approves the request and the applicant may legally occupy the premises.

17.80.450 Commencement of Work

An appeal stays all actions by the director seeking enforcement of or compliance with the order or decision appealed from, unless the director 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.

17.80.460 Vacation of Approved Permits

- A. Requests to vacate a permit or variance shall be made in writing to the Community Development Department.
- B. The Community Development Director 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 Community Development Department.

17.80.470 Revocation of Approved Permits

- A. The city 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.

17.80.480 Re-Applications

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.

This conflicts with SMC 17.80.350(D). They need to be reconciled.

In addition, the word “reconsidered” is awkward since reconsideration is a special process that must occur right after an Examiner decision is issued. Please use a different word.

17.80.490 Violations

- A. Any person violating any provisions of this chapter shall be subject to SMC Title 13, Enforcement Code, and Chapter 17.160 SMC, Enforcement and Penalties.
- B. Any building, structure, development, activity, land use, or division of land, not in conformance with Title 17, Zoning, 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 SMC Title 13, Enforcement Code, and Chapter 17.160 SMC, Enforcement and Penalties.

Exhibit E Grading Regulations

I have not reviewed Exhibit E: Grading is generally outside of my wheelhouse.

Sections:

17.154.010	Purpose and Applicability
17.154.020	Exemptions
17.154.030	Other Laws
17.154.040	Accuracy of Plans
17.154.050	Applications
17.154.060	SEPA
17.154.070	Engineered Grading
17.154.080	Geotechnical Reports
17.154.090	Permit Issuance
17.154.100	Filling of Wetlands
17.154.110	Permit Expiration
17.154.120	Inspections
17.154.130	Transfer of Responsibility
17.154.140	Completion of Work
17.154.150	Modification to Permits
17.154.160	Cuts or Excavations
17.154.170	Fills or Embankments
17.154.180	Setbacks
17.154.190	Drainage and Terracing
17.154.200	Erosion Control

17.154.010 Purpose and Applicability

The purpose of this section shall be to regulate grading, excavating, filling, and the creation of impervious surface to safeguard life, property, and the environment. The provisions of this chapter apply to all grading activity.

17.154.020 Exemptions.

The following grading is exempt from the requirements of this chapter, provided it occurs outside a critical area and is at least two feet from a property boundary line:

- (i) Operation of a solid waste disposal site subject to a solid waste permit pursuant to Chapter 70.95 RCW. The expansion, relocation, or closure of a solid waste disposal site is not exempt;
- (ii) On-going commercial operations involving mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay if such operations are authorized by a county conditional use permit or permitted elsewhere in this code. This exemption does not apply to reclamation activities; an operation which the director determines may destabilize or undermine any adjacent or contiguous property; or an operation which the director determines may result in adverse downstream drainage impacts.

- (b) On-going commercial agricultural activities, as follows:
 - (i) Tilling, soil preparation, and maintenance; and
 - (ii) Fallow rotation, planting, and harvesting.
- (c) Site investigative work necessary for land use application submittals such as surveys, soil borings and test pits, percolation tests, and other related activities, provided the land-disturbing activity is no greater than is necessary to accomplish the work.
- (d) Excavation of a well for a single-family dwelling.
- (e) Excavation or filling of cemetery graves.
- (f) Grading or filling of less than 50 cubic yards, provided it occurs outside a critical area and buffer and is at least two feet from a property line.
- (g) Utility and related underground drainage system construction and maintenance in city rights-of-way and outside of critical areas.
- (h) Excavation performed during the construction of a building for which a valid building permit has been issued.
- (i) Paving or the creation of less than 2,000 square feet of impervious surface, which requires no utilities.
- (j) Emergency sandbagging, diking, ditching, or similar work immediately before, during, or after periods of extreme weather conditions, including flooding, when done to protect life or property.

17.154.030 Other Laws.

Approvals and permits granted under this chapter and any policies and procedures promulgated hereunder do not constitute waivers of the requirements of any other laws or regulations nor do they indicate compliance with any other laws or regulations. Compliance is still required with all applicable federal, state, and local laws and regulations.

17.154.040 Accuracy of Plans.

- (a) The city is not responsible for the accuracy of grading plans submitted for approval. The city expressly disclaims any responsibility for the design or implementation of a grading plan. The design and implementation of a suitable grading plan is the responsibility of the owner and applicant.
- (b) The applicant or owner shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. Any person performing grading subject to a grading permit shall have a copy of a valid grading permit and plans on the work site at all times and shall also be responsible for compliance with the plans, specifications, and permit requirements.

17.154.050 Applications.

Grading permit applications shall meet the application checklist requirements provided by the planning department.

17.154.060 SEPA.

Grading applications for fills of 1,000 cubic yards or more or any fill located within a sensitive area or buffer shall require review under SEPA.

17.154.070 Engineered Grading.

The following require grading plans stamped and signed by a civil engineer:

- (a) All grading in excess of 50 cubic yards. Such grading also requires submittal of a full drainage plan as specified in the application checklist provided by the community development department;
- (b) All grading within rights-of-way, whether public or private. Such grading shall comply with city specifications;
- (c) All grading plans for development activities that are subject to environmental review pursuant to SEPA;
- (d) All paving in excess of 2,000 square feet; and
- (e) All other grading that requires civil engineering.

17.154.080 Geotechnical Reports.

- (a) If the city determines that geologic, hydrologic, or soil conditions may present special grading or drainage conditions that may damage a public right-of-way or pose a substantial threat to public health, safety, or welfare, the city may require the applicant to submit a geotechnical engineering report that includes a soils engineering report and/or an engineering geology report pursuant to subsection (8)(b) and (8)(c) of this section. If a geotechnical engineering report is required, the applicant's geotechnical engineer or civil engineer shall inspect and approve the suitability of the prepared ground to receive fills and the stability of cut slopes with respect to soil, hydrologic, and geologic conditions. The geotechnical evaluation shall also address the need for subdrains or other groundwater drainage devices. To verify safety, the city may require testing for required compaction, soil bearing capacity, stability of all finished slopes and the adequacy of structural fills as a condition of approval.
- (b) Soils Engineering Report. The city may require a soils engineering report, which shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including structural fills, when necessary, and an opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
- (c) Engineering Geology Report. The city may require an engineering geology report, which shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and an opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.
- (d) Liquefaction Report. The city may require a geotechnical investigation and report in accordance with IBC Sections 1802.2 and 1802.6, which address the potential for liquefaction.

17.154.090 Permit Issuance.

A grading permit shall be issued after all other necessary permits and plan approvals have been obtained or assured by other affected agencies (as allowed by state law), all fees have been paid, grading plans and specifications have been approved, and environmental review has been completed, if applicable.

17.154.100 Filling of Wetlands.

Filling of wetlands shall be subject to environmental review and the city's sensitive area regulations. Filling of wetlands may require permits from other federal and state agencies. It is the applicant's responsibility to obtain needed permits. All filling of wetlands within the city's floodplain is subject to the city's Shoreline Master Program.

17.154.110 Permit Expiration.

- (a) Grading permits shall expire 24 months from the date of issuance; provided, that the director may set an earlier expiration date for a permit, or issue a permit that is non-renewable, or both, if the director determines that soil, hydrologic, or geologic conditions on the project site necessitate that grading and drainage improvements and site stabilization be completed within less time.
- (b) If a permit has expired, the applicant shall obtain a renewed permit before starting work authorized under the expired permit.
- (c) A permit may be renewed once for up to 24 additional months except as provided in subsection (15) of this section, and a request for renewal shall be made no later than 30 days after the date of expiration of the original permit.
- (d) Requirements under this chapter that are not expressly temporary during the grading operations, including, but not limited to, requirements for erosion control, drainage, and slope management, do not terminate with the expiration of the grading permit.

17.154.120 Inspections.

- (a) Grading operations for which a permit is required shall be subject to inspection by the city. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer, or the engineering geologist retained to provide such services for engineered grading and as required by the city, as follows:
 - (i) The civil engineer shall provide professional inspection, which shall consist of observation and review as to the establishment of line, grade, surface drainage and erosion control of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.
 - (ii) The soils engineer shall provide professional inspection, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and

the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the city.

(iii) The engineering geologist shall provide professional inspection, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

(b) The applicant or owner shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and shall engage consultants, if required, to provide professional inspections on a timely basis. In the event of changed conditions, the applicant or owner shall be responsible for informing the city of such change and shall provide revised plans for approval.

(c) The public works director or city engineer may inspect grading of subdivisions to assure the future roadways, whether public or private, are graded in accordance with the approved plans and specifications and in conformance with provisions of the public works standards.

(d) The city shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

(e) If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the city.

(f) The city shall notify the applicant or owner of any discrepancies that would necessitate plan revisions or corrections by the professional consultants when notified in subsection (12)(e) of this section.

(g) The types of soils inspections and standards recognized as acceptable soils tests are:

(i) ASTM D 1557, moisture-density relations of soils and soil aggregate mixtures;

(ii) ASTM D 1556, in place density of soils by the sand-cone method; ASTM D 2167, the rubber-balloon method; or ASTM D 2937, the drive-cylinder method; and

(iii) ASTM D 2922 and D 3017, in place moisture content and density of soils by nuclear methods.

17.154.130 Transfer of Responsibility.

If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work in compliance with approved plans. It shall be the duty of the applicant or owner to notify the director or city in writing of such change prior to the recommencement of such grading.

17.154.140 Completion of Work.

Upon completion of the work, the civil engineer shall submit as-built drawings and a report to the city certifying that the completed project conforms to the conditions of the permit and the approved plans, and that all grading work, drainage facilities, erosion control measures, etc., have been completed in accordance with the issued permit. Minor deviations from the approved plans shall be listed in the report or noted on reproducible as-built drawings, which must be submitted with the report.

17.154.150 Modification to Permits.

(a) After issuance of a grading permit, the director may require modifications of grading plans, specifications, construction phasing and/or operations or impose additional or more stringent standards and requirements, to the extent necessary to protect public health, safety and welfare. Such modifications, standards, or requirements may be necessary because of unusual circumstances or newly discovered site conditions including but not limited to soil type, topography, and weather conditions. Such modifications, standards and requirements may include but are not limited to scheduling, phasing or time restrictions.

(b) A phasing plan may be approved as part of a modified permit for incomplete portions of a grading proposal subject to the following requirements:

(i) In lieu of completing the required improvements the applicant shall provide a two-year bond or equivalent form of financial surety at 150 percent of the established cost of the improvements made pursuant to the grading permit when it is determined by the city engineer that the incomplete project requires additional erosion control, slope management and/or drainage improvements to protect adjacent and abutting property and/or critical areas on the site;

All phases of a plan shall be completed within 24 months of the approval of the modified permit, except the director may set an earlier expiration date pursuant to subsection (11)(a) of this section.

(c) Standards. A phased grading plan shall provide:

A plan sheet delineating the phases and sequencing of proposed grading with proposed completion dates for each phase;

An explanation of why the phased plan is needed;

The percentage of remaining work to be completed as a separate phase and cost of each phase;

A revised plan sheet showing how each phase complies with the performance standards for the permit including describing the edge of the filled area and temporary erosion control;

Description of how site drainage will be controlled until the project is complete.

17.154.160 Cuts or Excavations.

- (a) Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section. These provisions shall not apply to minor cuts which are less than four feet in height when such cuts do not pose a threat to adjoining property.
- (b) The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than one unit vertical in two units horizontal (50 percent slope) unless the applicant furnishes a soils engineering report or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.
- (c) Slopes shall be stabilized after being cut. The soils engineering or an engineering geology report, or both, shall verify that the slopes shall not be subject to on-going erosion that would adversely impact public or private property.

17.154.170 Fills or Embankments.

- (a) General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. These provisions shall not apply to minor fills not intended to support structures, and which are less than four feet in height when such fills do not pose a threat to adjoining property.
- (b) Preparation of Ground. Fill slopes shall not be constructed on natural slopes steeper than one unit vertical in two units horizontal (50 percent slope).
- (c) Fill Material.
 - (i) Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the city, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.
 - (ii) Exception. The city may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:
 - (A) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan;
 - (B) Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically; and
 - (C) Rocks shall be placed so as to assure filling of all voids with well-graded soil.
 - (iii) Compaction. All fills intended to support structures or private roads shall be compacted to a minimum of 95 percent of maximum density. All fills within public or private rights-of-way shall be compacted in accordance with city specifications.
 - (iv) Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than one unit vertical in two units horizontal (50 percent slope).

17.154.180 Setbacks.

- (a) Field Marking. Before performing any grading or clearing subject to a grading permit pursuant to this chapter, the applicant shall mark, in the field, the limits of all proposed clearing and grading, sensitive and critical areas and their buffers, trees to be retained, and drainage courses.
- (b) Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.
- (c) The top of cut slopes shall not be made nearer to a site boundary line than one-fifth of the vertical height of cut, but in no event nearer than two feet from the boundary line. The setback shall be increased as necessary for stability of any required subsurface drainage or surcharge.
- (d) The toe of fill slope shall not be made nearer to the site boundary line than one-half the height of the slope, but in no event nearer than two feet from the boundary line.

17.154.190 Drainage and Terracing.

- (a) Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than one unit vertical in three units horizontal (33.3 percent slope).
- (b) Terraces at least six feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer and approved by the director or city. Suitable access shall be provided to permit proper cleaning and maintenance.
- (c) Swales or ditches on terraces shall have a minimum gradient of one-half percent.
- (d) Cut or fill slopes shall be provided with subsurface drainage as necessary for stability and proper conveyance of groundwater.
- (e) All drainage facilities shall be designed to carry waters to the nearest practicable drainage way in a safe manner approved by the director or city. Outfalls or points of discharge shall be designed using best management practices and construction procedures which prevent or minimize erosion.
- (f) Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the city. Exception: The gradient from the building pad may be one percent if all of the following conditions exist throughout the permit area:
 - (i) No proposed fills are greater than 10 feet in maximum depth;
 - (ii) No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet; and
 - (iii) No existing slope faces steeper than one unit vertical in 10 units horizontal (10 percent slope) have a vertical height in excess of 10 feet.

(g) Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains, if required, shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The slope of drain shall be approved by the city.

17.154.200 Erosion Control.

(a) The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting, hydroseeding, or mulching. The protection for the slopes shall be installed as soon as practicable, and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

(b) Where necessary to provide safety to adjoining properties, check dams, cribbing, riprap, silt fences or other devices and methods shall be employed.

(c) Erosion control shall conform to the city's adopted stormwater manual.

Exhibit F
Comprehensive Plan

17.157.140 Concurrent Comprehensive Plan amendment and rezone.

A site-specific rezone is a site-specific change in the zoning classification of a property or properties. A site-specific rezone process shall not be used to amend a comprehensive plan designation, therefore a site-specific rezone application must be consistent with the comprehensive plan designation. If a rezone application is not consistent with the comprehensive plan designation, an amendment to the Comprehensive Plan may be submitted for concurrent review.

To my way of thinking, there are two types of rezones: site-specific and area-wide. Site-specific involves a relatively small area and is commonly treated as a quasi-judicial action (although I think some jurisdictions treat it as a legislative action); area-wide rezones are legislative actions. That's why I added "site-specific" in the first sentence – I think that's what you're talking about in this paragraph.

The process for review by the planning commission and the city council shall be the same as provided for in SMC 17.155.030. If the city receives a concurrent application for a site-specific rezone and an amendment to the Comprehensive Plan, then the city will review the application to first determine whether the proposed Comprehensive Plan amendment satisfies the necessary criteria; if it does not, the site-specific rezone will not be considered.

Exhibit G Annexations

I have not reviewed Exhibit G: Annexation is generally outside of my wheelhouse.

Sections:

17.158.010	Purpose.
17.158.020	Scope.
17.158.030	Uniform criteria.
17.158.040	Comprehensive Plan consistency.
17.158.050	Decision to annex.
17.158.060	Pre-application conference.
17.158.070	Notice of intent.
17.158.080	Review of intent petition.
17.158.090	Meeting with the petitioner.
17.158.100	Annexation petition.
17.158.110	Review of annexation petition.
17.158.120	Zoning or Comprehensive Plan amendment.
17.158.130	Planning department review.
17.158.140	Public hearing and notice.
17.158.150	Resolution of intent to annex.
17.158.160	Boundary review board.
17.158.170	Council decision.
17.158.180	Annexation notification.
17.158.190	<u>Post-annexation processing of building and related permits and land use applications.</u>

17.158.010 Purpose.

The ordinance codified in this chapter is enacted pursuant to the provisions of Chapter 35A.14 RCW, and is intended to accomplish the following:

- (1) To identify criteria for evaluation of annexation proposals;
- (2) To outline annexation procedures; and
- (3) To ensure that an adequate level of service (LOS) is available for annexation proposals.

17.158.020 Scope.

The area within Stanwood's designated urban growth area is subject to this chapter.

17.158.030 Uniform criteria.

Uniform criteria shall be used in evaluating annexations.

(1) Annexations shall comply with all requirements with respect to the city's Comprehensive Plan. The city should evaluate all annexations on the basis of their short- and long-term community impact. Annexations shall be consistent with city plans for urban densities and uses within the urban area of the city and to assure adequate financial capability of the annexed area to meet the criteria for urban areas.

(2) The city should, at a minimum, analyze and evaluate the condition and safety of all streets, the availability and condition of public utilities and the demand for emergency services (police, fire and medical). Public services and facilities to be analyzed may include:

(a) City facilities;

(b) Transportation needs;

(c) Necessary utilities;

(d) Sidewalks, curbs and lighting;

(e) Recreational and human services (includes parks and open spaces and social services); and

(f) Support a balance of housing, commercial and public recreational needs.

(3) The city may require the development of a plan for public transportation to serve the newly annexed area. When possible, plans should be consistent with plans of community transit for public transportation in north Snohomish County.

(4) Annexation of land should be directly dependent upon the city's ability to provide, acquire, operate and maintain general services and utility services. Annexation will take place only after the city is satisfied that general services, utility resources and necessary utility plan capacity can be made available in a manner cost effective to the city.

(5) In order to accomplish the above, this code will establish uniform annexation procedures.

(a) In addition to adoption of the annexation procedures, the city shall designate staff to perform the following:

(i) Receive and process annexation requests;

(ii) Furnish the public and city official with annexation information;

(iii) Prepare technical studies and assessments on the impacts from annexation.

(b) The city may require the applicant to prepare a report assessing the probable short- and long-term financial, economic, environmental and social impacts from the annexation.

(c) If the annexation is acceptable to the city, the city shall forward reports, plans, studies and agreement of areas requesting annexation to Snohomish County and the boundary review board (BRB) to facilitate processing. (Ord. 1071, 1999).

17.158.040 Comprehensive Plan consistency.

The city should consider annexations that best meet the growth goals and policies set forth in the Stanwood Comprehensive Plan.

(1) The city may, by council approval, condition the extension of utilities and services to encourage and guide needed and desirable urban growth.

(a) The area served by water and/or sewer may be subject to a contractual arrangement wherein it is agreed that all utility improvements meet city standards.

(2) The owners of lands to be served by such water and/or sewer service agree to participate, financially, to the extent and in the manner agreeable to the city, in capital improvements taking place, or projected to take place. (Ord. 1071, 1999).

17.158.050 Decision to annex.

(1) The decision to annex a property is vested in the discretion of the Stanwood city council. The acceptance of a notice of intent by the city represents a commitment by the city to process an annexation consistent with the requirements of this code and the Comprehensive Plan annexation goals and policies.

(2) Final acceptance of the annexation is within the sole discretion of the city council upon a finding that the annexation, as proposed, is both beneficial to the residents of the city and is consistent with the city's plans and policies at the time the annexation request was considered for approval. The decision to approve an annexation is conditioned on the council finding, through a public hearing process, that the applicant has adequately satisfied the requirements of the final annexation ordinance and these annexation guidelines. (Ord. 1110 § 3, 2002; Ord. 1071, 1999).

17.158.060 Pre-application conference.

Prior to submitting a notice of intent to annex petition and related documents, the applicant will meet with the community development director and other departmental staff at an informal meeting to discuss the annexation process and any issues that may affect the proposed annexation request. (Ord. 1316 § 14, 2012; Ord. 1110 § 3, 2002; Ord. 1071, 1999).

17.158.070 Notice of intent.

The notice of intent petition shall be filed utilizing a form supplied by the city. In addition, the applicant shall file ownership documentation as required by the city attorney. A fee

deposit shall also be paid to cover the costs of reviewing of the intent petition (SMC 3.30.060). (Ord. 1071, 1999).

17.158.080 Review of intent petition.

The planning department will review the material supplied by the petitioner and determine:

(1) Whether sufficient information has been filed to meet city requirements and to certify the intent petition;

(2) Whether all costs have been paid; and

(3) Whether or not the intent petition can be certified to have sufficient signatures of property owners to meet the requirements of state law.

If there are any defects in the petition, information, or cost payments, the planning department shall return the application and notify the petitioner of the defects. Once the petition, other information, and cost payments are complete, the planning department will assign a file number to the intent petition and give the petition a filing date. Copies of the relevant information will be distributed to the city council and Snohomish County staff.

17.158.090 Meeting with the petitioner.

The city council shall set a public meeting with the intent petitioners within 60 days of the petition filing date. The meeting shall be open to the public and occur at a regular or special council meeting. At the meeting, the city council shall determine whether the city will accept, reject, or geographically modify the proposed annexation; whether it shall require the simultaneous adoption of a proposed zoning regulation; and whether it will require the assumption of all or a fair portion of existing city indebtedness by the area to be annexed. A resolution may be adopted incorporating the council's decision. Approval by the council shall be a condition precedent to circulation of the annexation petition. The city council reserves the right to reject the annexation at any time until final adoption of an annexation ordinance.

17.158.100 Annexation petition.

If the city council accepted the notice of intent petition, the petitioners shall circulate an annexation petition on a form provided by the city and approved by the city attorney. A fee deposit shall also be paid to cover the costs of reviewing the annexation petition.

17.158.110 Review of annexation petition.

The planning department will review the material supplied by the petitioner and determine:

(1) Whether sufficient information has been filed to meet city requirements and to certify the annexation petition;

(2) Whether all costs have been paid; and

(3) Whether or not the annexation petition can be certified to have sufficient signatures of property owners to meet the requirements of state law.

If additional information is needed in the petition, information, or cost payments, the planning department shall return the application and notify the petitioner of the defects. Once the petition, other information, and cost payments are complete, copies of the relevant information will be distributed to the city council.

17.158.120 Zoning or Comprehensive Plan amendment.

If the city council elects to simultaneously adopt a new zoning regulation for the area to be annexed, the rezone and any related Comprehensive Plan amendment shall be referred to the planning commission and the procedure for rezones and plan amendments set forth in these regulations shall be utilized. The referral shall be made at such a time as an annexation petition is certified by the planning department.

17.158.130 Planning department review.

Upon filing of an annexation petition, the planning director shall evaluate the property in relation to the Comprehensive Plan, infrastructure capacity, existing level of service (LOS), capital improvements program, expected revenue/expenditures impact, and other element particulars important to the annexation request. The planning director may refer the petition to other parties for review and comment including but not limited to:

(1) A third party consultant may be required to provide level of service, fiscal, land use analysis or similar information if the director determines that additional data is needed to evaluate the impact of the proposed annexation on city services. The cost of any additional consultant services shall be the responsibility of the applicant and shall be based on a scope of work determined by the city and Chapter 3.30 SMC, Fee Schedule.

(2) Snohomish County, the Stanwood School District, the State Departments of Transportation and Ecology, and other appropriate agencies and jurisdictions.

Upon completion of the review, the planning department shall transmit a report on the annexation to the city council.

17.158.140 Public hearing and notice.

The planning department shall issue a notice for a public hearing on the annexation before the city council. The notice shall be prepared in accordance with the requirements of RCW 35A.14.130 and 35A.14.340. After notice, the city council shall conduct a public hearing on the proposed annexation considering the report of the planning department, any input from the petitioners, and other public comment at the hearing.

17.158.150 Resolution of intent to annex.

After the public hearing, if the city council determines that it is willing to annex, the council shall pass a resolution of intent to annex to be forwarded to the county boundary review board (BRB).

17.158.160 Boundary review board.

After the public hearing, the planning director will forward an annexation packet to the boundary review board unless the annexation is exempt from BRB review by law (Chapter 36.93 RCW). The packet shall contain all information required by the BRB to review the proposed annexation. If the annexation is exempt from BRB review, the city council shall proceed to make a decision on the annexation. On annexations subject to BRB review, the city shall take no further action until the annexation is returned to the city by the BRB for further consideration.

17.158.170 Council decision.

After the city council passes a resolution of intent to annex and BRB consideration, the city council shall make a final decision on the annexation. The timing for the decision is within the sole discretion of the city council. The city council reserves the right to reject any annexation until an ordinance is adopted and becomes effective annexing the property into the city. The city shall have the right to modify the annexation in accordance with state law. The city shall also have the right to condition the annexation, as it deems necessary, to protect public health, safety, and welfare, and to serve the best interests of the citizens of Stanwood. The annexation may be conditioned upon a preannexation agreement. The preannexation agreement must be signed by the mayor and approved by the city council.

17.158.180 Annexation notification.

Upon the adoption by the city council of an ordinance approving an annexation, the planning department shall file a certified copy of the ordinance with Snohomish County. The planning department shall also prepare annexation certificates to be filed with the state of Washington and with other agencies.

17.158.190 Post-annexation processing of building and related permits and land use applications.

(1) 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.

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

(3) 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.

(4) 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.

(5) 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.

(6) 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 SMC 17.80, Permit Review Procedures.

(7) 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 (3) and (4) 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.

(8) 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 SMC 17.80, Permit Review Procedures, shall govern expiration of vested status.

Schroeder, Tansy

From: Meagen Watne <meagen.watne@gmail.com>
Sent: Friday, September 17, 2021 8:17 AM
To: Love, Patricia
Subject: Re: Upcoming Code Matrix Amendments

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Good Morning Patricia,

There is one immediate comment I'd like to make. Please let me know if I need to send this to another email by the way. But my question and associated comment on the proposed changes would be,

One of the great things about Stanwood is its roots and continued culture in the local farming community. One of the proposed amendments " o. Sale of livestock, poultry or similar animals" does not seem in alignment with what occurs in our city and its vagueness sets up for issues in enforcement. What is this amendment seeking to prohibit exactly? Will the country store be forced to stop the sale of chicks? Will those in stanwood with livestock now be prohibited from selling to neighbors or others within the city limits? Will the fair and local 4-h programs be exempt? It would seem that unless there is a specific complaint this is addressing, this amendment should be struck from the proposal as it does not align with the habits and lifestyle of Stanwood citizens.

Thanks!

On Wed, Sep 15, 2021 at 7:16 AM Love, Patricia <Patricia.Love@ci.stanwood.wa.us> wrote:

Hello Meagen,

Attached is the Planning Commission packet that contains the summary and proposed codes. Please feel free to call or email me with any questions. You can reach me at 360-454-5206.

Thanks,

Patricia

From: Meagen Watne <meagen.watne@gmail.com>
Sent: Tuesday, September 14, 2021 5:36 PM
To: Love, Patricia <Patricia.Love@ci.stanwood.wa.us>
Subject: Upcoming Code Matrix Amendments

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Good Evening,

Would you be able to send the notes or info along about what changes are being made to the permitting process and the proposed changes to the permitted use matrix? I'd like to send in comments on the process for the upcoming meeting but want to make sure I understand the issue at hand.

Thanks!

Cathy Wooten, 27828 84th Ave. NW, Stanwood WA 98292

April 1, 2018

Dear City Council Members,

Being unfamiliar with standard Conditional Use Permits and Administrative Conditional Use Permits, I did some research on our municipal code and spoke with the city's planner, Amy Rusko. The purpose of conditional and administrative conditional use permits, as you know, is to allow certain uses in districts where they are normally prohibited, when the proposed uses are deemed consistent.

Both Type III Conditional Use Permits and Type II Administrative Conditional Use Permits require public notice sent out in advance and a public comment period and both types require Compatibility with the Comprehensive Plan as the number one decision making criteria. This is my understanding of the major differences between the two.

Type III Conditional Use Permit: there may be a public meeting with the planning commission and then a hearing examiner will hold a hearing, receive staff recommendations, consider public testimony and make a decision. Hearing costs are paid for by the Permit Applicant, appeals are made to the State Supreme Court at the cost of the person appealing.

Type II Administrative Conditional Use Permit: no requirements for a public meeting, decision is made by the community development director. If I, a Citizen of Stanwood disagree with the City's decision, it would cost me \$500.00 to appeal to the Hearing Examiner, plus \$1-\$3000 depending on the number of hours it takes to complete the hearing process, plus additional costs for Professional testimony to support my position or prove the legality of my claim.

I understand the desire to simplify and streamline the permitting process, BUT ensuring compliance with our Comprehensive Plan and other regulatory documents is complex. Land Use decisions will affect our community for years to come. Any expenses required to assess and confirm a thorough review should be the financial responsibility of the Permit Applicant NOT passed on to the concerned Citizens of Stanwood.

Changing to an Administrative Conditional Use Permit diminishes Citizen Involvement. Open meetings where we can ask questions and discuss projects are an important step in our City process. Participants in City government come and go every 5-8 years or so and while working for the City they make decisions that we Citizens will live with for years. The Hearing Examiner serves to review the steps and thus provides a check and balance process that protects our City. Yes, a Conditional Use Permit takes a bit longer and there are additional costs but quality Business applicants will be willing to follow the proper steps to ensure a win-win future. If they're not willing to follow thorough procedures, let them set up shop elsewhere.

Please prioritize transparency and keep the procedures that safeguard our City intact.

Thank you for your consideration of this important topic. Sincerely, Cathy Wooten