

**CITY OF MONROE
ORDINANCE NO. 008/2017(SUB)**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING SECTIONS 17.12.030,
17.30.070, 20.12.080, 21.40.020, 21.60.010, AND 21.60.020
OF THE MONROE MUNICIPAL CODE RELATED TO
PERMIT PROCESSING NOTIFICATION; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE

WHEREAS, the Washington State Growth Management Act Goal 7 [RCW 36.70A.020(7)] states:

“7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability;” and

WHEREAS, Monroe Municipal Code (MMC) Title 21 entitled “Development Review Procedures” constitute the City of Monroe’s permit processing procedures to comply with RCW 36.70B “Local Project Review;” and

WHEREAS, from time to time, it is appropriate to review the City's permit processing procedures and identify amendments that apply best practices, find efficiencies, clarify codes and improve processes consistent with Washington State Growth Management Act Goal 7 (RCW 36.70A.020 (7)); and

WHEREAS, City of Monroe Comprehensive Plan Policy P.081 states, “Make City licensing and permitting regulations and procedures coherent, fair and expedient;” and

WHEREAS, upon a review of MMC Title 21 it was found that both the City’s permit appeal timeline and public hearing notice timeline were greater than that used by many other jurisdictions, and updating and modifying said deadlines as set forth in this ordinance will enhance the efficiency and certainty of the City’s land use permitting decisional process; and

WHEREAS, WAC 197-11-800 (19) (a) and (b), categorically exempts from threshold determination and EIS requirements, procedural actions where the proposal, amendment or adoption of an ordinance relates solely to governmental procedures, and contains no substantive standards respecting use or modification of the environment and text amendments resulting in no substantive changes respecting use or modification of the environment; and

WHEREAS, the proposed text amendments relate only to timelines and is not a substantive change respecting the use or modification of the environment and has therefore been determined by the City’s SEPA Responsible Official to be categorically exempt from threshold determination and EIS requirements; and

WHEREAS, Monroe Municipal Code (MMC) subsection 21.20.040(B) requires that amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20) require Planning Commission review and recommendation; and

WHEREAS, an amendment to Title 17 is included in the text amendments; and,

WHEREAS, the Monroe Planning Commission received a briefing on the proposed permit processing code revisions on January 9, and January 23, 2017, held a duly noticed public hearing on February 13, 2017, and deliberated on February 13, 2017; and

WHEREAS, following the public hearing and deliberation, on February 27, 2017 the Planning Commission adopted findings and recommended amendments related to permit processing code revisions, and the same are hereby adopted by reference by the City Council, together with the recitals set forth in this ordinance and the content of Agenda Bill No. 17-064 and 17-067; and

WHEREAS, on April 4, and April 11, 2017, the City Council considered the recommendation of the Planning Commission.

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

Section 1. Amendment of MMC Subsection 17.12.030(D). Monroe Municipal Code (MMC) section 17.12.030(D), Subdivisions – Procedure – Specific Requirements, is hereby amended as follows:

D. Each of the departments, districts, public officials, utility companies, or public agencies to which the application has been submitted shall have twenty days from the date the preliminary plat was mailed, **emailed, or hand delivered** within which to forward to the administrator written reports of its findings and recommendations thereon.

Section 2. Amendment of MMC Section 17.30.070. Monroe Municipal Code (MMC) section 17.30.070, Subdivisions – Boundary Line Adjustments – Decision – Effective date, is hereby amended as follows:

17.030.070 Decision – Effective date.

The designated official shall make findings of fact and conclusions **and issue a decision**, to be effective ~~[FIFTEEN WORKING DAYS AFTER ISSUANCE.]~~ **at the conclusion of the appeal period referenced in MMC Section 17.30.080. Provided, that the effective date of the decision shall be tolled until the final disposition of any timely-filed appeal(s) of the decision.**

Section 3. Amendment of MMC Subsection 20.12.080(D)(4). Monroe Municipal Code (MMC) section 20.12.080(D)(4), Environment – Transportation Impact Fees - Appeals, is hereby amended as follows:

4. Within ten ~~[CALENDAR]~~**working** days after the close of the hearing, the hearing examiner shall enter written findings, conclusions, and a final decision with respect to the appeal. The hearing examiner may affirm, reverse, modify or remand, in whole or in part, the city engineer's determination; provided, that the hearing examiner shall affirm the city engineer's determination unless the applicant demonstrates that said determination is clearly erroneous; and provided further, that, pursuant to RCW 82.02.070, the hearing examiner may modify the impact fee amount based upon principles of fairness.

Section 4. Amendment of MMC Subsection 21.40.020(A). Monroe Municipal Code (MMC) section 21.40.020(A), Development Review Procedures – Public Notice Requirements – Notice of public hearing, is hereby amended as follows:

A. Time of Notices. Except as otherwise **expressly** required **by state law or this code**, public notification of meetings, hearings, and pending actions under MMC Titles 17 through 20 shall be made by:

1. Publication at least ~~[FIFTEEN]~~**ten calendar** days before the date of a public meeting, hearing, or pending action in the official newspaper, if one has been designated, or a newspaper of general circulation in the city; and
2. The city shall mail a notice of the proposed application to owners identified by Snohomish County assessor records as owning property within five hundred feet of the property. The mailing shall take place at least ~~[FIFTEEN]~~**ten calendar** days before any pending action by the city, to allow for public comment; and
3. Posting at least ~~[FIFTEEN]~~**ten calendar** days before the meeting, hearing, or pending action ~~[IN THREE PUBLIC PLACES WHERE ORDINANCES ARE POSTED AND]~~at least one notice on the subject property; and
4. Failure to provide all three types of notice will not necessarily prevent the hearing. It shall be at the discretion of the hearing examiner as to whether notice was reasonable and adequate.

Section 5. Amendment of MMC Subsection 21.60.010(A). Monroe Municipal Code (MMC) section 21.60.010(A), Development Review Procedures – Appeals – Appeal of administrative interpretations and appeals, is hereby amended as follows:

A. Applicants or parties of record may appeal administrative interpretations and administrative approvals to the hearing examiner, within ~~[FIFTEEN WORKING]~~**fourteen calendar** days of the decision, at an open record hearing. The hearing examiner shall have the authority to hear and decide appeals from any order, requirement, permit, decision or determination made by the zoning code administrator or his designee in the administration and enforcement of provisions of this code.

1. The appeal shall be filed on forms provided by the community development department and must be filed in original form.
2. The appeal shall set forth the specific reason, rationale, and/or basis for the appeal.
3. Payment of the appeal fee, as specified in the city's fee resolution, shall occur at the time the appeal is filed.

Section 6. Amendment of MMC Subsection 21.60.020(A). Monroe Municipal Code (MMC) section 21.60.020(A), Development Review Procedures – Appeals – Appeals to the city council, is hereby amended as follows:

A. Filing. Every appeal to the city council shall be filed with the director of community development within [~~FIFTEEN WORKING~~]**fourteen calendar** days after the date of the [~~RECOMMENDATION OR~~]decision of the matter being appealed.

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 8. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 11th day of April, 2017.

First Reading: April 4, 2017
Adoption: April 11, 2017
Published: April 14, 2017
Effective: April 19, 2017

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

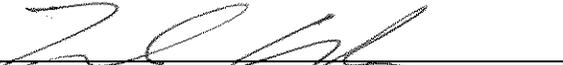
(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk



J. Zachary Lell, City Attorney