

**CITY OF MONROE**  
**ORDINANCE NO. 020/2025**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE CHAPTER 3.34 MMC APPLICATION FEES, CHAPTER 22.10 MMC ADMINISTRATION AND ENFORCEMENT, CHAPTER 22.12 MMC DEFINITIONS, CHAPTER 22.50 MMC SIGNS, CHAPTER 22.58 MMC SITE PLAN REVIEW, CHAPTER 22.66 MMC VARIANCES, CHAPTER 22.68 MMC SUBDIVISIONS, CHAPTER 22.70 MMC DEVELOPMENT AGREEMENTS, CHAPTER 22.72 MMC AMENDMENTS TO UNIFIED DEVELOPMENT REGULATIONS, CHAPTER 22.74 MMC COMPREHENSIVE PLAN AMENDMENTS, AND CHAPTER 22.84 MMC PERMIT PROCESSING; UPDATING THE CITY OF MONROE PROJECT PERMITTING PROCESSES FOR COMPLIANCE WITH SECOND SUBSTITUTE SENATE BILL (SB) 5290; MAKING ADDITIONAL HOUSEKEEPING AMENDMENTS RELATED TO THE CITY'S PROCESSING OF PROJECT PERMIT APPLICATIONS; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, in 2023, the Washington State Legislature passed Second Substitute Senate Bill 5290 (SB 5290), codified variously in Chapter 36.70B RCW Local Permitting, requiring that cities amend their codes with the intent that Growth Management Act (GMA) fully planning jurisdictions strengthen and improve the project review and permitting for construction and land use project permits; and

WHEREAS, SB 5290 requires project permits submitted after January 1, 2025, to comply with the default statutory time periods even if a local government does not adopt an ordinance or resolution modifying them; and

WHEREAS, this requirement to review the City of Monroe's permit processes provided the City an opportunity to update, clarify, and internally harmonize various chapters relating to project permit processes within Title 22 Unified Development Regulations (UDR); and

WHEREAS, the City Council desires to amend Monroe Municipal Code (MMC) 3.34.045, 22.10.060, 22.10.100, 22.12, 22.50.190, 22.58.030, 22.58.040, 22.66.030, 22.68.030, 22.68.040, 22.70.040, 22.72.040, 22.74.010 and 22.84 to bring the City's project permit review process into compliance with amendments to Chapter 36.70B RCW Local Permitting, to ensure internal consistency within the MMC, and to facilitate the orderly and efficient processing of project permit applications by the City; and

WHEREAS, the City's proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on July 11, 2025; and

WHEREAS, on January 27, 2025, June 9, 2025, and July 14, 2025, the Planning Commission held workshops to review the proposed code amendments set forth in this ordinance; and

WHEREAS, pursuant to RCW 43.21C.450(5), and WAC 197-11-800(19), the code amendments contained in this ordinance are categorically exempt from review under the State Environmental Policy Act (SEPA); and

WHEREAS, the City received approval from Washington State Department of Commerce for expedited review on July 23, 2025; and

WHEREAS, the City received no written comments from state agencies or the public; and

WHEREAS, the Planning Commission held a public hearing on August 11, 2025, to consider the proposed amendments, and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard at said hearing; and

WHEREAS, the Planning Commission on August 25, 2025, adopted Findings of Fact, authorized the Chair of the Planning Commission to sign the Findings of Fact on behalf of the Commission, and recommended that the City Council approve the proposed amendments set forth herein; and

WHEREAS, the City Council held a public hearing on September 23, 2025, to consider the proposed amendments, and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard at said hearing; and

WHEREAS, the Monroe City Council, after considering all information received, has determined to adopt the amendments as provided in this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Findings. The above recitals, together with the Planning Commission Findings of Fact and Conclusions of Law dated August 25, 2025, and the content of Agenda Bill AB-25-391, are hereby adopted as legislative findings in support of this ordinance. The Monroe City Council further finds as follows:

- A. The Planning Commission held a public hearing on the substance of this ordinance on August 11, 2025, and recommended adoption by the City Council.
- B. The City is authorized by State law, including but not limited to Chapter 35A.63 RCW, Chapter 36.70A RCW, and Chapter 36.70B RCW, to adopt local regulations governing the use and development of land, including without limitation procedural regulations governing the review and processing of project permit applications.

- C. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.
- D. All relevant requirements of SEPA have been satisfied with respect to this ordinance.
- E. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy the review requirements and criteria set forth in Title 22 MMC.
- F. In adopting this ordinance, the City considered and was guided by the applicable GMA planning goals enumerated at RCW 36.70A.020.
- G. The regulations set forth in this ordinance are consistent with and will implement the City's Comprehensive Plan and will meet the requirements and intent of the MMC.
- H. The regulations set forth in this ordinance are beneficial to the public health, safety, and welfare, and are in the public interest.

Section 2. Amendment of Chapter 3.45 MMC—New Section 3.34.045 Adopted. Chapter 3.34 of the Monroe Municipal Code is hereby amended by the addition of a new Section 3.34.045 thereto to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Amendment of Chapter 22.10 MMC. Chapter 22.10 of the Monroe Municipal Code is hereby amended as provided in Exhibit B, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strikethrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.10 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively ~~struck through~~ in Exhibit B.

Section 4. Amendment of Chapter 22.12 MMC. Chapter 22.12 of the Monroe Municipal Code is hereby amended as provided in Exhibit C, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strikethrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.12 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively ~~struck through~~ in Exhibit C.

Section 5. Amendment of MMC 22.50.190. Section 22.50.190 of the Monroe Municipal Code is hereby amended as provided in Exhibit D, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strikethrough~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.50 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively ~~struck through~~ in Exhibit D.

Section 6. Amendment of Chapter 22.58 MMC. Chapter 22.58 of the Monroe Municipal Code is hereby amended as provided in Exhibit E, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strike through~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.58 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit E.

Section 7. Amendment of MMC 22.66.030. Section 22.66.030 of the Monroe Municipal Code is hereby amended as provided in Exhibit F, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strike through~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.66 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit F.

Section 8. Amendment of Chapter 22.68 MMC. Chapter 22.68 of the Monroe Municipal Code is hereby amended as provided in Exhibit G, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strike through~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.68 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit G.

Section 9. Amendment of MMC 22.70.040. Section 22.70.040 of the Monroe Municipal Code is hereby amended as provided in Exhibit H, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strike through~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.70 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit H.

Section 10. Amendment of MMC 22.72.040. Section 22.72.040 of the Monroe Municipal Code is hereby amended as provided in Exhibit I, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strike through~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.72 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit I.

Section 11. Amendment of MMC 22.74.010. Section 22.74.010 of the Monroe Municipal Code is hereby amended as provided in Exhibit J, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strike through~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.74 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit J.

Section 12. Amendment of Chapter 22.84 MMC. Chapter 22.84 of the Monroe Municipal Code is hereby amended as provided in Exhibit K, attached hereto and incorporated herein by this reference as if set forth in full. New text is indicated by underline, and deleted text is indicated by ~~strike through~~. Without limitation of the foregoing, it is the City Council's express legislative intent that no preexisting text of Chapter 22.84 MMC be deemed deleted or otherwise repealed by this ordinance unless such text is affirmatively struck through in Exhibit K.

Section 13. Copy to the Department of Commerce. Pursuant to RCW 36.70A.106, a true and correct copy of this ordinance shall be transmitted to the WA Department of Commerce, Growth Management Services Division, within ten days after adoption.

Section 14. 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 15. 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 14th day of October, 2025.

First Reading:	September 23, 2025	CITY OF MONROE, WASHINGTON:
Adoption:	October 14, 2025	
Published:	October 17, 2025	
Effective:	October 22, 2025	

  
Geoffrey Thomas (Oct 15, 2025 12:23:43 PDT)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Jodi Wycoff (Oct 15, 2025 13:20:52 PDT)

Jodi Wycoff, City Clerk

  
Zach Lell (Oct 15, 2025 10:12:10 PDT)

J. Zachary Lell, City Attorney

## **Exhibit A**

### **3.34.045 Reimbursement for Exceeding Project Permit Application Review Time Frames.**

- A. A 10 percent refund will be issued for project permit application fees when the decision exceeded the adopted review timeframes in MMC Chapter 22.84, Permit Processing, by 20 percent or less of the original time period.
- B. A 20 percent refund will be issued for project permit application fees when the decision exceeded the adopted review timeframes in MMC Chapter 22.84, Permit Processing, by more than 20 percent of the original time period.

## Exhibit B

### 22.10.060 Roles and responsibilities.

The roles and responsibilities for carrying out the provisions of the development code are shared by appointed boards and commissions, elected officials and city staff. The authorities of each of these bodies are set forth below.

A. *Zoning Administrator.* The zoning administrator or authorized representative, as the duly appointed representative of the mayor, as established by MMC 2.28.010, is charged with the responsibility of the administration of the provisions of the comprehensive plan and the unified development regulations (UDR) for Monroe. Responsibilities of the zoning administrator shall include:

1. Serving in an advisory capacity to the hearing examiner, planning commission, and city council in comprehensive planning and land use matters;
2. Making land use decisions, as set out in Chapter 22.84 MMC, Permit Processing;
3. Delegating specific tasks to other staff members while retaining overall responsibility; and
4. Making administrative interpretations of the unified development regulations, as provided in this subsection.
  - a. Upon request or as determined necessary, the zoning administrator shall interpret the meaning or application of the provisions of the UDR and issue a written administrative interpretation following a Type I Permit Review in MMC Chapter 22.84, Permit Processing within thirty days. Requests for interpretation shall be submitted in writing and shall concisely identify the issue and desired interpretation. The interpretations shall be based on:
    - i. The defined or common meaning of the words of the provisions;
    - ii. The general purpose of the provision as expressed in this title;
    - iii. The logical or likely meaning of the provision viewed in relation to the comprehensive plan;

iv. Input and recommendations from other members of the development review committee; and

v. Input and recommendations from the city attorney.

b. An interpretation of the UDR will be enforced as if it is part of the UDR. Code interpretations shall be considered superseded if amendments are made by the city council to the code section which was previously interpreted. If the interpretation of the zoning administrator is modified on appeal, the zoning administrator shall amend the interpretation to include the modification and change any reference in the codification of this title.

c. All interpretations of the UDR, filed sequentially, shall be available for public inspection and copying at City Hall during regular business hours. The zoning administrator and city attorney, when codifying revisions to this title, shall also make appropriate references in the MMC revisions to code interpretations affecting particular code sections.

d. The zoning administrator may at any time amend an administrative decision to correct ministerial errors clearly identifiable from the public record. Such a correction does not affect any time limit provided for in this title. The zoning administrator may at any time clarify a statement in a written administrative decision as long as the clarification does not alter the intent or effect of the decision.

e. Administrative interpretations, subject to this title, shall be appealable, as outlined under appeal procedures in Chapter 22.84 MMC, Permit Processing.

B. *Development Review Committee.* The development review committee (DRC) is a staff committee composed of city department heads or designees and may include representatives from affected utility districts, the fire district, and any other entities or agencies, as deemed appropriate by the zoning administrator. The purpose of the DRC is to bring multidisciplinary knowledge and judgment to situations that emerge through the application of these unified development regulations and other matters related to planning, design, and development. Responsibilities of the development review committee shall include:

1. Reviewing development and land use applications for compliance with city plans and regulations;
2. Coordinating necessary permit reviews; and

3. Identifying the proposal's potential environmental impacts.

C. *Planning Commission.* The planning commission is the designated planning agency for the city per Chapter 35A.63 RCW. Responsibilities of the planning commission shall include reviewing and making recommendations on the following actions:

1. Amendments to the comprehensive plan;
2. Amendments to the unified development regulations (this title);
3. Rezone applications; and
4. Pursuant to Chapter 35A.63 RCW, all other actions requested or remanded by the city council.

D. *Hearing Examiner.* The office of the land use hearing examiner, "examiner," is created pursuant to RCW 35A.63.170 to hear applications for projects subject to the regulations designated in this title and the Monroe Municipal Code. Chapter 22.84 MMC, Permit Processing, sets out the authority of the hearing examiner regarding specific land use actions.

E. *City Council.* The city council is responsible for establishing policy and legislation affecting land use within the city. The city council also acts on the recommendations of the planning commission and the hearing examiner in legislative and quasi-judicial matters.

### **22.10.100 Review, revocation, and modification of permits and approvals.**

A. *Review of Approved Permits.* Any approval or permit issued under the authority of the unified development regulations may be reviewed for compliance with the requirements of the development regulations, or to determine if the action is creating a nuisance or hazard, has been abandoned, or the approval or permit was obtained by fraud or deception.

1. The review of an approval of a permit may be initiated by the zoning administrator, city administrator, city council, or by petition to the zoning administrator by three property owners or three residents of separate dwelling units in the city, stating their belief as to the noncompliance, nuisance, or hazard of the permitted activity.

2. Upon receipt of information indicating the need for, or upon receiving a request for, review of permit or approval, the zoning administrator shall investigate the matter and take one or more of the following actions:

- a. Notify the property owner or permit holder of the investigation; and/or
- b. Issue a civil regulatory order and/or civil fine and/or recommend revocation or modification of the permit or approval; and/or
- c. Refer the matter to the city attorney; and/or
- d. Refer the matter to the hearing examiner with a recommendation for action.

B. *Revocation or Modification of Permits and Approvals.*

1. Upon receiving a recommendation from the zoning administrator for revocation or modification of a permit or approval, the hearing examiner shall review the matter at a public hearing, which shall be noticed and held pursuant to MMC 22.84.050 and 22.84.070. Upon a finding that the activity does not comply with the conditions of approval or the provisions of the development regulations, or creates a nuisance or hazard, the hearing examiner may delete, modify, or impose such conditions on the permit or approval they deem sufficient to remedy the deficiencies. If the hearing examiner finds no reasonable conditions that would remedy the deficiencies, the permit or approval shall be revoked and the activity allowed by the permit or approval shall cease.

2. If a permit or approval is revoked for fraud or deception, no similar application shall be accepted for a period of one year from the date of final action and appeal, if any. If a permit or approval is revoked for any other reason, another application may be submitted subject to all of the requirements of the development regulations.

### Exhibit C

Action	Current Definition in MMC	Amendment
Replace	<del><u>Closed Record Appeal</u> -- an appeal to the city council or hearing examiner, following an open record hearing on a project permit application, when the appeal is based on the existing record with no or limited new evidence or information allowed to be submitted and only appeal arguments are allowed.</del>	<u>Closed Record Appeal</u> – an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.
Replace	<del><u>Development permit</u> - Any permit issued by the city of Monroe, or other authorized agency, for construction, land use, or the alteration of land.</del>	<u>Project Permit or Project Permit Application</u> – any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approval required by critical area ordinances, and site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in RCW 36.70B.020(4). Project Permit or Project Permit Application specifically excludes building permits.
Add		<u>Local Government</u> - the City of Monroe.
Add		<u>Interior Alteration</u> – construction actives that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.
Replace	<del><u>Open Record Hearing</u> - A hearing, conducted by a single hearing body, that creates the record through testimony and submission of evidence and information, under procedures prescribed by the hearing body. An open record hearing may be held prior to a decision being issued on a project</del>	<u>Open Record Hearing</u> – a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures

	<p>permit, to be known as an open record pre-decision hearing. An open record hearing may be held on an appeal, to be known as an open record appeal hearing, if no open record pre-decision hearing has been held on the project permit.</p>	<p>prescribed by the local government by ordinance or resolution.</p>
Add		<p><u>Open Record Pre-Decision Hearing - an open record hearing held prior to before a local government's decision on a project permit.</u></p>
Add		<p><u>Open Record Appeal Hearing - an open record hearing held prior to before a local government's decision on a project permit-an appeal that includes an open record hearing following a Type I or II administrative decision.</u></p>
Add		<p><u>Public Meeting - an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to before the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.</u></p>

## Exhibit D

### **22.50.190 Administrative Departures, Variances and appeals.**

A. *Powers.* Recognizing that there are certain cases that may, or may not, be detrimental to aesthetic character, public health, safety and general welfare, and the effectiveness of visual communication in the city, depending upon the facts of each particular case, a limited power to issue variance permits and to interpret any section of the title is vested with the hearing examiner.

B. *Administrative Departures.* In no case shall a departure be granted for a minimum requirement established in this section. Where specified in this section, the zoning administrator, may require or allow departures from certain required standards of this chapter in the following circumstances:

1. Where unique natural features or unique lot configuration makes it unable to conform to the standards;

2. Where the proposed sign application exceeds the applicable minimum standards of this chapter in one or more ways, serves the applicable purposes of this chapter as forth in MMC 22.50.010, and/or reinforces the applicable design standards adopted in Chapter 22.42 Design Standards to that allowed under the general application of these standards and is consistent with the sign standards, as well as all other city standards;

3. When a new sign permit application for an existing site brings the total number of signs or sign area into greater conformance with the current sign code.

C. *Appeals and Variances.* When an applicant requests a departure from the sign code that does not qualify for administrative approval pursuant to subsection (B) of this section, the applicant shall apply for a variance, as set forth in Chapter 22.66 MMC. An application for a variance may be made to the city of Monroe community development department on forms prescribed by the city. Application for special permits and variances from the ruling of the city concerning the provisions herein contained may be made to the hearing examiner. The hearing examiner shall receive all applications requesting review of sign permit decisions, conditions, or determinations relating thereto, for a variance and special permit; and shall maintain and be custodian of all records of the minutes of the meetings and findings. All records shall be open to the public. Copies of the appellant's notice for all special exceptions shall be filed with the city of Monroe,

~~hearing examiner, and planning commission, containing the decision of the city of Monroe and the reasons why the appellant is aggrieved, specifying the grounds therefor. Each application or request for a special exception filed shall be accompanied by a fee to cover the city's cost of handling the request for a special exception. Upon the filing of such fee and application, the city of Monroe shall forthwith transmit to the hearing examiner all papers constituting the record and decision of the city of Monroe relating to the request for a special exception. The hearing examiner shall fix a reasonable time for the public hearing and give due notice thereof to the parties and general public. The hearing examiner shall make a decision within a reasonable time after the hearing.~~

DC. Appeals. The action of the decision-making body in granting or denying a sign permit is a final decision appealable to the appeal authority specified in Table 22.84.060(B)(2): Decision-Making and Appeal Authorities.

~~Stay. A request for any special exception to the hearing examiner stays all proceedings, in furtherance of the action from which the request for a special exception was taken, unless the city of Monroe, from whom the request for a special exception is taken, certifies to the hearing examiner, after the notice of a request for a special exception shall have been filed with the city of Monroe, that by reason of facts stated in the certification, a stay would in the city of Monroe's opinion cause imminent peril to life or property, in which case such action shall not be stayed otherwise than by a restraining order, which may be issued by the superior court. The decision of the hearing examiner on the request for a stay shall be transmitted to the city of Monroe.~~

ED. Collection of Expenses Incurred. Whenever there incurs any expense in connection with the removal or alteration of any sign, the cost thereof shall be paid by the owner of the real property upon which the sign is erected or maintained. In the event any other person is in possession of such property with the consent of the owner, the owner and such other person shall be jointly responsible for the payment of such cost.

1. The city shall submit to the owner and/or other person in possession of the premises a statement of costs incurred by the city for removing or altering the sign.
2. Upon the failure to receive full payment within thirty days from the date the statement is submitted, or within thirty days after conclusion of any appeal proceedings, whichever is later, the city is authorized to provide for the collection of the amounts due in any lawful manner.

## Exhibit E

### 22.58.030 General provisions.

A. *Application and Contents.* An application for site plan review shall be made according to the submittal requirements in Chapter 22.84 MMC, Permit Processing, on forms prescribed by the city, and shall include the fee established by the current fee resolution. All site plan review applications submitted in accordance with this title shall include the information set forth in MMC 22.84.040(D), Project Permit Applications, and in the following section. No application shall be deemed complete, nor accepted by the city, until all information set forth below has been submitted:

1. Title and location of the proposed development;
2. Names, addresses, and telephone numbers of the owner(s) of record of the land, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. Existing zoning district(s) of the proposed development site;
4. Existing zoning district(s) within three hundred feet of the site;
5. Existing and proposed use(s) of the project site;
6. Existing and proposed use(s) of existing and proposed buildings;
7. A description of each proposed nonresidential use;
8. The proposed sizes, in square feet, for each nonresidential use;
9. Proposed number of dwelling units in the development;
10. Proposed number of bedrooms in each dwelling unit in the development;
11. A site plan drawing at an engineering scale that allows the full development to be shown on a single page, either ANSI D (22" X 34") or ARCH D (24" X 36"). Additional drawings may be needed at a scale of not less than one inch for each fifty feet (1:50), which shall include or show:

- a. Locations of all existing and proposed structures, including, but not limited to, buildings, fences, culverts, bridges, roads, and streets;
- b. The boundaries of the property proposed to be developed;
- c. Existing and proposed topographic contours, at intervals of no more than two feet;
- d. All proposed and existing buildings;
- e. All setback lines;
- f. All critical areas and their associated buffers;
- g. All areas to be dedicated to a public, private, or community use;
- h. All areas for open space;
- i. Existing and proposed lot area, in square feet, to be covered by impervious surfaces;
- j. Types and locations of proposed landscaping;
- k. All existing and proposed easements;
- l. The locations and size of all existing and proposed utility structures and lines;
- m. The storm water drainage systems for existing and proposed structures;
- n. Locations and extent of curbs and gutters;
- o. All means of vehicular and pedestrian ingress and egress to and from the site;
- p. Sizes and locations of driveways, streets, and roads;
- q. Sizes and locations of off-street parking areas, including internal circulation and parking spaces;
- r. Traffic volumes and flows estimated to be generated on adjacent roads by the proposed development;
- s. Location and extent of street dedications;
- t. Location and extent of street widening or other road improvements;
- u. Location and extent of acceleration and deceleration lanes, if needed;

- v. Location of traffic-control devices on and off the site;
- w. The location of all loading spaces, including, but not limited to, loading platforms and loading docks where trucks will load or unload; ~~and~~
- x. Locations and sizes, in square feet, of all signs;

12. Preliminary building elevations, if applicable; and

13. Preliminary Exterior Lighting Plan for compliance with MMC 15.15, Lighting Standards, if applicable.

~~14.~~ The written approvals of the Snohomish Health District, if required; and

~~15.~~ Any other items deemed necessary by the zoning administrator.

## **22.58.040 Review process.**

A. *Permit Type.* Applications for site plan review shall follow the procedures ~~for a Type I permit review~~, pursuant to MMC 22.84.030, Types of project permits:-

1. Type I permit review when the site project permit application is exempt from SEPA Review pursuant to MMC Chapter 22.78, State Environmental Policy Act.

2. Type II permit review when the site plan project permit application is subject to SEPA Review pursuant to MMC Chapter 22.78, State Environmental Policy Act.

B. *Public Notice.* Site plan review shall be subject to all applicable noticing requirements in MMC 22.84.050, Public notice requirements.

C. *Public Hearing.* Pursuant to Table 22.84.060(B)(2): Decision-Making and Appeal Authorities, Type I and Type II permits do not require a public hearing ~~is not required~~ for site plan review.

D. *Decision.* The final decision authority, as determined by Table 22.84.060(B)(2): Decision-Making and Appeal Authorities, shall approve, approve with conditions, or deny a site plan review.

E. *Decision Criteria.* Site plans are reviewed by the city to determine consistency between the proposed project and the applicable development regulations and comprehensive plan provisions. A proposed project's consistency with the city's development regulations and

comprehensive plan shall be determined by consideration of land use, intensity of development, availability of public infrastructure, facilities, and services, and the design of the development. The zoning administrator may approve, deny, or approve with conditions an application for a site plan review permit. The decision shall be based on the following approval criteria:

1. Adequate streets, sidewalks, transit stops, open spaces, parks, schools, water, sewer, and storm water facilities shall be available to the proposed development.
2. The design and appearance of the structure shall be compatible with applicable design standards and guidelines.
3. The development shall be consistent with the comprehensive plan.
4. The site plan is in conformance with applicable code provisions and development standards of the applicable zoning district;
5. The development shall mitigate any significant adverse environmental impacts identified.
6. The development shall be consistent with the health, safety, and general welfare.

F. *Conditions of Approval.* In approving a site plan, the decision authority may attach thereto such conditions that they deem to be necessary or desirable in order to carry out the intent and purposes of this title. To protect the health, safety, and general welfare, the city may require:

1. The dedication of land to any public body, provisions of public improvements to serve the site, and/or impact fees imposed under state law, may be required as a condition of site plan approval; provided, however, that no dedication, provision of public improvements, or impact fees imposed under state law shall be allowed that constitutes an unconstitutional taking of private property. Dedications shall be clearly shown on the site plan and shall be recorded ~~prior to~~ before final site plan permit issuance.
2. The construction of protective improvements may be required as a condition of site plan approval and such improvements shall be noted on the site plan.
3. Other conditions, as consistent with the purpose of this title.

G. *Appeals.* The action of the decision-making body in granting or denying a site plan is a final decision appealable to the appeal authority specified in Table 22.84.060(B)(2): Decision-Making and Appeal Authorities.

H. *Expiration.* The length of time during which an approved site plan is valid shall be determined by Table 22.84.060(E): Project Permit Approval Expiration. A site plan shall not be approved for a period of time greater than that which is specified in Table 22.84.060(E), exclusive of any extensions allowed. The date that the site plan approval expires shall be specified in the conditions of approval.

I. *Extensions.* The zoning administrator may grant an extension of the period of site plan authorization when requested by the applicant at least sixty days ~~prior to~~ before the expiration of the site plan approval. Extension requests are subject to the requirements of MMC 22.84.060(F), Extensions. Only one extension may be granted for the approved site plan for a period not to exceed the extension period specified in Table 22.84.060(E): Project Permit Approval Expiration. Such an extension shall only be granted by the decision authority upon issuance of findings that the criteria for extensions in MMC 22.84.060(F), Extensions, have been met.

J. *Modifications.* Requested modifications to an approved site plan shall be reviewed pursuant to the requirements of MMC 22.84.060(G), Substantial Revisions or Modifications to Proposal. In addition to the requirements of MMC 22.84.060(G), the zoning administrator may approve a modification to an approved site plan; provided, that the modification will not result in:

1. Additional buildings on the project site;
2. An expansion of an existing building's floor area by ten percent or more;
3. An increase in the number of lots;
4. An increase in the number of dwelling units;
5. A decrease in the number of parking stalls to be provided;
6. Relocation of or a change in the number of ingress and/or egress points from the site;
7. A reduction of the amount of landscaping and/or open space;
8. A significant increase in the traffic impacts of peak-hour trips to and from the site;
9. A significant increase in the quantity of imported or exported materials;
10. A significant increase in the area of site disturbance;
11. Placement of structures closer to critical areas, buffers, and/or shorelines;

12. Significant new environmental impacts or will not significantly increase any adverse impacts disclosed in the original SEPA documents; or

13. A new review under the 2019 Department of Ecology Stormwater Management Manual for Western Washington.

K. Modifications that exceed one or more of the limitations stated in subsection (J) of this section shall require a new site plan review, as determined by the zoning administrator, and shall only be accomplished by applying for a new site plan review permit for the entire site.

1. The new site plan review application shall be reviewed according to the laws and rules in effect at the time of application.

2. Conditions may be imposed on the modified site plan to enable the proposal to comply with development regulations.

L. *Associated Land Use Actions.* Site plan review is separate from and does not replace other required land use permits. Applications for land use actions associated with the site plan review shall comply with the following requirements:

1. Associated land use applications shall meet all submittal requirements applicable to the specific land use action, as identified in Chapter 22.84 MMC, Permit Processing.

2. Applications for associated land use actions shall be made on forms prescribed by the city.

3. Each land use application shall be subject to all applicable fees as established by the current fee resolution.

4. Other land use applications associated with the site plan review shall be submitted and processed under consolidated review per MMC 22.84.040(B) unless the applicant requests that the applications be processed and reviewed separately.

5. Site plan review and approval shall be required ~~prior to~~ before the issuance of building, mechanical, plumbing, land clearing, forest practices, grading, civil, and/or other similar administrative permits, provided nothing shall be construed as preventing an applicant from submitting a complete building permit application.

6. Subsequent permits for the subject site shall be issued only in compliance with the approved site plan review.

M. *Vested Rights*. Approval of a site plan for development shall not provide the applicant with vested rights. Subsequent permits shall be subject to the applicable codes and regulations in effect at the time of determination of completeness of the associated permit application.

## Exhibit F

### 22.66.030 General provisions.

A. *Application and Contents.* An application for a variance shall be made according to the submittal requirements in Chapter 22.84 MMC, Permit Processing, on forms prescribed by the city, and shall include the fee established by the current fee resolution. All variance applications submitted in accordance with this title shall include the information set forth in MMC 22.84.040(D), Project Permit Applications, and in the following section. No application shall be deemed complete, nor accepted by the city, until all information set forth below has been submitted:

1. Completed application form;
2. Names, addresses, and telephone numbers of the owner(s) of record of the land, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. Existing zoning district(s) of the subject site;
4. Existing zoning district(s) within three hundred feet of the site;
5. Existing and proposed use(s) of the project site;
6. A site plan drawing at an engineering scale that allows the full development to be shown on a single page, either ANSI D (22" X 34") or ARCH D (24" X 36"). Additional drawings may be needed at a scale of not less than one inch for each fifty feet (1:50), which shall include or show:
  - a. Locations of all existing and proposed buildings and structures;
  - b. The boundaries of the subject site;
  - c. All setback lines;
  - d. All critical areas and their associated buffers;
  - e. Existing lot area;

- f. All existing and proposed easements;
  - g. The locations and size of all existing and proposed utility structures and lines;
  - h. The storm water drainage systems for existing and proposed structures;
  - i. Sizes and locations of driveways, streets, and roads;
7. Other information and materials may be required by the city to review the application.

## Exhibit G

### **22.68.030 Applicability.**

This chapter shall regulate all divisions and redivisions of all real property within the city of Monroe, except as provided in subsection (C) of this section and RCW 58.17.040.

A. *Compliance.* All divisions or redivisions of land into lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership shall comply with the provisions of state law and the Monroe Municipal Code. All property under common ownership must be subdivided in accordance with the requirements of this chapter ~~prior to~~ before sale, lease, or transfer of ownership; provided, however, that divisions of property pursuant to subsection (C) of this section, exceptions, and "lots of record," as defined under Chapter 22.12 MMC, may be sold, leased or transferred without further compliance with this title.

B. *Contiguous Land.* All contiguous land shall be included in a short subdivision application. Multiple applications or applications and/or exemptions shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this section.

C. *Exceptions.* Land conveyed or leased through an exception has not necessarily been reviewed by the city of Monroe for development potential. The provisions of this chapter shall not apply to:

1. *Cemeteries.* Cemeteries and other burial plots, while used for that purpose;
2. *Testamentary Divisions.* Divisions made by testamentary provisions, or the laws of descent; provided, that there can be only one lot per heir or devisee. A map of the division must be recorded with the recording division of the Snohomish County auditor's office when each parcel is transferred. All beneficiaries to the property must sign the map. Lots created through such divisions are deemed legal notwithstanding minimum lot size or density requirements imposed through the Monroe Municipal Code. However, such lots and all land uses carried out on such lots are subject to all other standards and requirements of law;
3. *Industrial and Commercial Site Plans.* Division for sale or lease of commercial or industrially zoned property provided a binding site plan has been approved and recorded; such divisions shall comply with MMC 22.68.070, Binding site plans;

4. *Mobile Home Parks.* Divisions for purposes of lease when no residential structure other than mobile homes or travel trailers are permitted, provided a binding site plan has been approved and recorded; such divisions shall comply with MMC 22.68.070, Binding site plans;

5. *Boundary Line Revisions.* A revision made for the purpose of adjusting boundary lines between legal lots of record shall comply with MMC 22.68.060, Boundary line revisions;

6. *Condominiums.* A division made under the provisions of the Horizontal Properties Regimes Act, Condominiums (Chapter 64.32 RCW), provided a binding site plan has been approved; or

7. *Right-of-Way Acquisition and Condemnation.*

a. A division of land relating to the acquisition or exchange of land by public agencies, for public use except human occupancy, including, but not limited to, subdivisions made for road construction purposes;

b. A division of land for the sole use of the installation of linear utility facilities, such as electric power lines, telephone lines, water supply lines, sewer service lines, cable lines, or other utility facilities of a similar or related nature; or

c. Division of land due to condemnation or sale under threat thereof by an agency or division of government vested with the power of condemnation; if sale is made under threat of condemnation, such threat must be evidenced by the government agency filing an affidavit so stating with the recording division of the Snohomish County auditor's office.

8. *Personal Wireless Services.*

A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

D. *Legal Lot of Record.* A lot is considered a lot of record if it complies with MMC 22.40.040, Preexisting legal lots of record. Even though a lot may be deemed legal, development on said lot shall be subject to all applicable regulations of the Monroe Municipal Code.

## **22.68.040 Subdivisions and short subdivisions.**

A. Review of Subdivisions. No person may subdivide property except in accordance with the provisions of this chapter, consistent with RCW Chapter 58.17 (Include live link). Subdivisions and short subdivisions are subject to a three-step approval process:

1. Review and decision upon the preliminary subdivision or short subdivision, MMC 22.68.040(B) and (C); and
2. Infrastructure
  - i. Review and decision upon the construction drawings, if required, MMC 22.68.040(D); and
  - ii. Construction and acceptance of the infrastructure necessary to serve the subdivision; and
3. Review and decision upon the final plat or short plat, MMC 22.68.040(E).

BA. Preliminary Subdivisions and Short Subdivisions.

1. *Application.* A preliminary subdivision or short subdivision application submittal shall contain the following:
  - a. A vicinity sketch showing adjacent subdivisions' streets, bordering lines of adjacent properties, and how streets in the proposed subdivision may connect with existing and proposed streets in neighboring subdivisions or unplatted property to produce a harmonious and compatible development;
  - b. A certificate of title, not more than thirty days old, from a recognized title company naming all persons with legal interest in the subdivision property shall accompany the final plat. Such certificate shall also note any assessment or lien, encumbrances, contract interest, easements or other rights affecting the property;
  - c. A preliminary plat map, prepared by a professional land surveyor, that allows the full development to be shown on a single page, either ANSI D (22" X 34") or ARCH D (24" X 36"). Additional drawings may be needed at a scale of one inch equals one hundred feet (unless property size makes this impractical), and containing the following:
    - i. Name of the proposed subdivision (or dedication);

- ii. The date, scale of plat, size (in acres) of the property, designation of north, vertical control datum, and certification of the professional land surveyor;
  - iii. The name and address of the subdivider;
  - iv. Legal description of the proposed subdivision (or dedication);
  - v. Boundary lines, approximate and to scale, of the property to be subdivided or dedicated;
  - vi. Within the proposed subdivision or dedication and within a distance of fifty feet from its boundaries, the location, width, and designation of existing or platted public highways, and the location and designation of existing buildings, utilities, watercourses, power lines, culverts, section lines, and similar features;
  - vii. The zoning of the property and contiguous parcels;
  - viii. Topographic contours at intervals of two feet subject to prior approval by the city engineer;
  - ix. Approximate dimensions of lots and blocks with lot numbers and block designations;
  - x. Parcels and tracts to be reserved or dedicated for parks, playgrounds, streets, alleys, schools or other public uses; and
  - xi. Location and direction of flow of watercourses and approximate location of areas subject to inundation or storm water overflow within or adjacent to the proposed subdivision or dedication.
- d. A storm water site assessment in substantial conformance with the Washington State Department of Ecology Stormwater Manual (latest edition) and the Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound dated December 2012;
- e. A plan showing the location, grade, and sizes of sewer lines, manholes, and other sewerage structures;
- f. A plan showing the location and size of water mains, hydrants, reservoirs, pump stations, and other elements of the proposed water system;

- g. A plan showing the location and size of storm water management facilities;
- h. A plan showing the location and grade of roads, pedestrian facilities, parking areas, and ADA provisions; and
- i. Other information—~~as~~ may be required by the public works director or zoning administrator.

2. *Review Criteria.* Each proposed subdivision or short subdivision shall be reviewed to ensure that:

- a. The proposal conforms to the goals, policies, and plans set forth in the Monroe comprehensive plan;
- b. The proposal conforms to the site and design requirements set forth in this title. No final subdivision or short subdivision shall be approved unless the requirements are met;
- c. The proposed street system and pedestrian system conform to the Monroe comprehensive plan, Chapter 22.42 MMC, Design Standards, and applicable public works design standards, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of vehicular and pedestrian traffic;
- d. The proposed subdivision or short subdivision will be adequately served with city-approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
- e. The layout of lots, and their size and dimensions, takes into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography and vegetation will result from development of the lots;
- f. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil, considering the stress and loads to which the soil may be subjected; and
- g. Lack of compliance with the criteria set forth in this section and in subsection (B) of this section, Subdivision Standards, shall be grounds for denial of a proposed

subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.

3. *Decision Criteria.* As a basis for approval, approval with conditions, or denial of a preliminary subdivision or short subdivision, the decision-maker shall determine if appropriate provisions have been made for implementing the purpose, criteria, and standards set forth in this chapter, and all other applicable code provisions.

4. *Effect of Preliminary Approval.* Approval of a preliminary subdivision or short subdivision shall constitute authorization for the applicant to prepare and implement construction drawings for subdivision improvements, and, upon approval of those drawings, develop the subdivision facilities and improvements in strict accordance with the plans and specifications as approved by the city subject to any conditions imposed by the decision-maker.

5. *Time Limits.* The following time limits apply for preliminary subdivisions and short subdivisions:

a. *Review of Preliminary Subdivisions.* A preliminary subdivision shall be approved, approved with conditions, denied, or returned to the applicant for modification or correction within ninety days from the date of filing of a complete application, unless the applicant agrees to an extension of the time period in writing. Provided, should an environmental impact statement (EIS) be required per RCW 43.21C.030, the ninety-day period shall not include the time spent in preparing and circulating the EIS by the city.

b. *Review of Preliminary Short Subdivisions.* Preliminary short subdivisions shall be approved, disapproved, or returned to the applicant within ninety days from the date of filing a complete application thereof, unless the applicant consents to an extension of such time period.

c. *Preliminary Subdivision Approval.* Final subdivision approval must be acquired within five years of preliminary approval, after which time the preliminary subdivision approval is void. The decision-maker may grant an extension for one year if the applicant has attempted in good faith to submit the final subdivision within the five-year time period; provided, however, the applicant must file a written request with the original decision-maker requesting the extension at least thirty days before expiration of the five-year period.

d. *Preliminary Short Subdivision Approval.* Final short subdivision approval must be acquired within three years of preliminary approval, after which time the preliminary short subdivision approval is void. The decision-maker may grant an extension for one year if the applicant has attempted in good faith to submit the final subdivision within the three-year time period; provided, however, the applicant must file a written request with the original decision-maker requesting the extension at least thirty days before expiration of the three-year period.

CB. *Subdivision Standards.*

1. *Subdivision Names.* No subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Snohomish County, except for the words "town," "city," "place," "court," "addition," "acres," "heights," "villa," or similar words, unless the land so divided is contiguous to the subdivision bearing the same name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.

2. *Block Standards.* Blocks shall have sufficient width to provide for a maximum of two tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to major streets, railroads, waterways, or involving unique site conditions that make this requirement impractical.

3. *Lot Standards.*

a. Lot lines shall be at right angles to street lines or radial to curvilinear streets unless a variation will result in a better street or lot plan.

b. No lot shall be established which is in violation of the Monroe Municipal Code.

c. Lot shapes shall be designed to avoid awkward configuration or appendages.

d. Each lot shall have sufficient width, area and frontage to comply with the minimum site requirements as set forth in each zoning district.

e. The building envelope shall be shown on all lots.

f. *Exceptions to Lot Standards.*

i. *Eminent Domain.* Parcels smaller than otherwise permitted by Monroe Municipal Code may be created through the action of governmental agencies, including the

city of Monroe by such actions as eminent domain and the splitting of a parcel by dedicated right-of-way. Wherever possible, such parcels shall be merged in title with adjacent lots to create lots in compliance with the Monroe Municipal Code.

ii. Legal lots of record, see MMC 22.40.040, Preexisting legal lots of record.

#### 4. *Easements.*

a. Public easements for the construction and maintenance of utilities and public facilities shall be granted to provide and maintain adequate utility service to each lot and adjacent lands. The width of the public easements shall be the minimum necessary as determined by the utility, unless the public works director determines a smaller or larger width is appropriate based on site conditions. Whenever possible, public easements shall be combined with driveways, pedestrian accessways and other utility easements.

b. Private easements for the construction and maintenance of utilities within the subdivision or short subdivision shall be granted so that individual lots gain access to public facilities. The widths of the private easements shall be the minimum necessary as determined by the utility, unless the public works director determines a larger width is appropriate based on the site conditions.

c. Native growth protection easements, tracts, or areas (NGPE/NGPT/NGPA) shall be granted as deemed appropriate by the city where the preservation of native vegetation benefits the public health, safety and welfare, including control of surface water and erosion, maintenance or slope stability, visual buffering, and protection of plant and animal habitat, and in accordance with Chapter 22.80 MMC, Critical Areas.

d. The placement of any building on or over an easement for utility mains or lines shall be prohibited. An easement may be used for more than one utility, vehicle, or pedestrian access, provided the city finds the multi-use appropriate. Restoration of the site shall be required following any excavation or other disturbance permitted by the terms of the easement. Appropriate landscaping as determined by the city is permitted, and may be required, in an easement.

e. Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final subdivision or short subdivision or by separate instrument.

5. *Water Supply.* All lots shall be served by a water system approved by the city of Monroe. Any common water system serving more than one lot shall be provided by the applicant and dedicated to the appropriate water purveyor. Such water supply systems shall be designed and constructed according to all applicable provisions of the Monroe Municipal Code and the development design standards, the standards and specifications of the water purveyor, and the applicable rules and regulations of the state.

6. *Sewage Disposal.* All lots shall be served by the sanitary sewer system of the city of Monroe. Except for private side sewers, any common sanitary sewer system serving more than one lot shall be provided by the applicant and dedicated to the city. Such sewer systems shall be designed and constructed according to all applicable provisions of the development design standards and the standards and specifications on file in the office of the director of public works.

7. *Storm Drainage.*

a. All lots shall be provided with adequate storm drainage connected to the storm drainage system of the city or other system approved by the public works director.

b. Where a public street is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system in the right-of-way.

c. When appropriate, storm drainage facilities shall include suitable on-site detention and/or retention facilities.

d. Storm drainage shall be provided in accordance with development design standards as amended and standards and specifications as approved by the public works director.

8. *Watercourses.* When required by the city, the developer of a subdivision shall enhance a stream which traverses or abuts the subdivision in accordance with the specifications and standards approved by the city.

9. *Underground Utilities.* All permanent utility service to lots shall be provided from underground facilities as set forth in the development design standards regulating underground wiring. The applicant shall be responsible for complying with the requirements of this section, and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities in

accordance with the rules and regulations of the public utility commissioner of the state of Washington.

10. *Water and Sewer Standards.*

a. *Design Standards.* All city water and sewer facilities shall be designed in compliance with the development design standards.

b. *Construction Standards.* All city water and sewer facilities shall be constructed in compliance with the development design standards.

11. *Street Standards.* The location, design and construction of all streets shall comply with the following requirements:

a. Subdivisions shall provide direct access to at least one existing improved and publicly dedicated street. The internal vehicular network of the subdivision can include alleys and private tracts consistent with the Monroe development design standards.

b. When a subdivision is abutting an existing street(s) with a right-of-way of lesser width than specified by city ordinances or abuts a roadway(s) that is not built to city street standards, or abuts a roadway(s) that is in substandard condition, the applicant may be required as a condition of approval to deed additional right-of-way width, and/or to improve the existing and additional right-of-way to the design specifications of the public works director. The city may require dedication of right-of-way in excess of standards in the following cases:

i. Where additional width is necessary to maintain continuity with the adjoining rights-of way;

ii. Where additional width is necessary to maintain alignment with adjoining streets and sidewalks improvements; and

iii. Where additional width is necessary to insure that all streets intersect at right angles.

c. Dead-end streets shall be used on local streets only and shall terminate in a cul-de-sac. Streets that dead-end, and which would normally be continued if the adjacent property were developed, shall be shown as temporary turnarounds. The land beyond

the normal right-of-way for such streets shall revert back to the abutting property owners when the street is continued.

d. The street within and adjacent to a site plan or subdivision shall be classified and designed to comply with the Monroe comprehensive plan and the Monroe development design standards.

e. Proposed streets should extend to the boundary lines of the proposed site plan or subdivision in order to provide for the future development of adjacent tracts unless prevented by natural or manmade conditions or unless such extension is determined to be unnecessary by the public works director.

f. The street pattern for subdivisions should be designed to expedite traffic movement, reduce conflicts between various types of land uses, including pedestrians, and coordinate the location of proposed buildings with loading and parking facilities.

g. A subdivision plan containing thirty or more dwelling units shall have two vehicular access points in accordance with the city of Monroe public works design and construction standards, located at least one hundred feet apart; provided, this requirement shall not apply where approved automatic sprinkler systems will be installed in each dwelling unit.

h. Streets shall be designed in accordance with the development design standards and Chapter 22.42 MMC, Design Standards.

12. *Street Right-of-Way and Pavement Widths.*

a. The street right-of-way in or along the boundary of a subdivision shall conform to the provisions set forth in the development design standards.

b. When a subdivision or an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, greater widths than those provided in the development design standards may be required.

c. Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way widths or slope easements may be required.

13. *Street Names.* Street name determination and addressing shall also be consistent with Chapter 12.28 MMC.

14. *Street Lights.*

a. All subdivisions shall include underground electric service, light standards, wiring and lamps for streetlights according to development design standards for underground wiring and the specifications and standard set forth in Chapter 15.15 MMC, Lighting Standards.

b. The applicant shall submit for approval by the city the design of the light standards.

c. The subdivider shall install such facilities and make the necessary arrangements with the serving electric utility.

15. *Survey Required.* The survey of every proposed subdivision or short subdivision shall be made by or under the supervision of a registered land surveyor. All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the state of Washington. Subdivision control and staking traverses shall close within an error of one foot in five thousand feet. Primary survey control points shall be referenced to section corners and monuments.

16. *Monuments.*

a. Permanent survey control monuments shall be provided for all final subdivisions and short subdivisions at:

i. All controlling corners on the boundaries of the subdivision or short subdivision;

ii. The intersection of centerlines of roads within the subdivision or short subdivision; and

iii. The beginning and ends of curves on centerlines or points of intersections on tangents.

b. Permanent survey control monuments shall be set in two-inch pipe, twenty-four inches long, filled with concrete or shall be constructed of an approved equivalent. Permanent survey control monuments within a street shall be set after the street is paved. Every lot corner shall be marked by a three-fourths-inch galvanized iron pipe or approved equivalent, driven into the ground. If any land in a subdivision or short

subdivision is contiguous to a meandered body of water, the meander line shall be re-established and shown on the final subdivision or short subdivision.

17. *Public Accessways.*

a. When necessary for public convenience or safety, the developer shall improve and dedicate to the public accessways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks and to provide for networks of public paths creating access to schools, parks, shopping centers, transit stops or other community services.

b. The accessway shall be of such design, width and location as reasonably may be required to facilitate public use. Where possible, said dedications may also accommodate utility easements and facilities.

18. *Clearing and Grading.* All clearing and grading shall be conducted in compliance with the provisions set forth in Chapter 22.86 MMC, Land Clearing and Forest Practices, and Chapter 22.42 MMC, Design Standards.

19. *Other Standards.* The proposal conforms to all other standards set forth in this title, other applicable provisions of the Monroe Municipal Code, and the development design standards.

20. *Fire Department.* The proposal conforms to all standards of Snohomish County Fire District 7.

DC. *Site Improvements.*

1. *Construction Drawings Submittal.*

a. Construction drawings shall not be formally accepted by the city until such time as the application has received preliminary subdivision or short subdivision approval; however, the city will review preliminary construction drawings in conjunction with the preliminary plat in order to provide timely feedback during the review process. Under no circumstances will construction drawings be approved ~~prior to~~ before preliminary or short subdivision approval.

b. Construction drawings shall be prepared and submitted in accordance with the requirements of the conditions of approval and consistent with the Monroe Municipal Code and the development design standards.

2. *City Review/Approval of Construction Drawings.*

a. Upon receipt of the construction drawings, the public works director shall review the drawings to determine that the plans are in accordance with the development design standards and conditions of approval. The construction drawings shall contain the requirements set forth in this section and such additional requirements or information as the city shall deem necessary to adequately review the proposed subdivision and subdivision improvements.

b. Construction drawings shall also be routed for approval by the fire department and other departments as appropriate.

c. Construction drawings as required under this chapter shall be prepared for the city by or under the supervision of a registered civil engineer for the state of Washington, using a horizontal scale of not less than one inch equals fifty feet and a vertical scale of not less than one inch equals ten feet, based upon NGVD 88. Each drawing shall include the following information: name of the subdivision; scale; date; north arrow; drawing sheet number; name, address, signature and seal of the engineer; and a certification block stating that the plans have been reviewed and approved by the public works director and zoning administrator on a given date. The following information shall be included on the engineering drawings to be submitted:

i. A plan of the layout of the streets showing any proposed roadways, curbs and gutters, sidewalks, catch basins and drainage, including underground retention/detention facilities and computations;

ii. A profile of each street showing the existing and proposed elevation along the centerline, including one-hundred-foot minimum extensions beyond the limits of the subdivision;

iii. A typical cross-section of each street showing widths of roadways, type and thickness of surface and base and surface materials, curb locations, width and material of sidewalks and underground utilities;

iv. A plan of the proposed water system, and a plan and profile of the proposed sanitary sewer and storm drainage systems showing existing and proposed pipe sizes and types; grades, manholes, valves, fire hydrants, individual and utility stubs to each lot, and method of storm drainage collection and disposal for each lot and the subdivision as a whole;

- v. A plan of the proposed landscaping, tree protection, and mitigation in accordance with conditions of approval.
  - d. If the city finds that the proposed improvements are not in accordance with the preliminary subdivision approval, the approved construction drawings, and/or development requirements and standards of this code, the city shall return the drawings to the applicant along with a letter or plan detailing the corrections that need to be made.
  - e. If the drawings meet city standards, the public works director shall sign the drawings as approved. Upon approval of the construction drawings, the public works director shall notify the applicant to arrange for a preconstruction meeting and to make application for such permits as are necessary to proceed with the installation of any or all of the required improvements.
3. The city and other appropriate agencies will review the final approved preliminary subdivision, construction drawings, construction methods, and any other particulars with the applicant ~~prior to~~ before the applicant's being given necessary construction permits or being authorized to proceed with site improvements. The parties will review and resolve any issues of concern ~~prior to~~ before the commencement of construction.

ED. *Final Subdivision Process for Preliminary Subdivision and Short Subdivision.*

1. *Submit Method of Installing Site Improvements.*

- a. The applicant shall notify the city, in writing, of which of the following methods the applicant proposes to ensure that all required improvements are constructed, or will be constructed, ~~prior to~~ before the approval of the final subdivision:
  - i. By actual installation of all the improvements in accordance with the provisions of this code, the preliminary subdivision conditions, and the approved construction drawings. Improvements shall be subject to inspection and approval by the public works director and zoning administrator ~~prior to~~ before the recording of the final subdivision. The applicant shall indicate the method to be used to install required improvements;
  - ii. The deposit of a performance bond with the city in an amount not less than one hundred fifty percent of the public works director's cost estimate for the project for the remaining items. The project shall be substantially complete, meaning a

minimum of ninety percent of the improvements are complete and items deemed crucial by the public works director are also complete. Such bond shall be conditioned on the completion of the project within a period ~~agreed upon with the city council~~ not to exceed two years from the date of final subdivision approval by the Zoning Administrator ~~city council as noted in the city council minutes~~;

iii. The creation of a set-aside fund for the benefit of the city in a form approved by the city attorney in an amount equal to one hundred fifty percent of the public works director's cost estimate for the project's remaining items in accordance with subsection (D)(1)(a)(ii) of this section.

2. *Method of Installing Improvements.* The public works director shall approve the method whereby the applicant is to provide and guarantee that all required improvements are constructed, or will be constructed, ~~prior to~~ before the approval of the final subdivision. The city attorney shall review and approve the form by which any performance bond and/or set-aside fund is to be established by the applicant for the remaining items not completed.

3. *Review Construction Compliance.*

a. If the public works director finds that all the required improvements have not yet been installed within the required period (not greater than two years) from the date of approval of the final subdivision, the public works director shall notify the Zoning Administrator ~~city council in writing of the improvements not installed and provide a cost estimate for completion~~. The Zoning Administrator ~~city council~~ shall then determine the action that shall be taken with respect to the applicant and/or surety to assure completion of the subdivision.

b. If the public works director finds that all required improvements have been completed in accordance with the approved preliminary subdivision, the approved construction drawings and the standards and requirements of this code, the public works director shall notify the applicant to prepare as-built drawings and submit such drawings to the public works director.

4. *Submit As-Built Drawings.* The applicant shall prepare as-built drawings and submit such drawings to the public works director.

5. *Public Works Director Review/Approval of As-Built Drawings.* Upon receipt of the as-built drawings, the public works director shall review such drawings for completeness.

a. If the public works director finds that the as-built drawings are not in accordance with the preliminary subdivision, the approved construction drawings, and/or development requirements and standards of this code and the development design standards, the public works director shall return the drawings to the applicant along with a letter identifying the deficiencies.

b. If the public works director finds that the drawings meet city requirements, the public works director and public works superintendent shall sign a reproducible paper copy furnished by the applicant. The public works director shall notify the applicant to submit a maintenance bond and final subdivision application.

6. *Deposit a Maintenance Bond.* In addition to the performance and maintenance bonds required in Chapters 22.10, Administration and Enforcement, 22.46, Landscaping, and 22.80 MMC, Critical Areas, the applicant shall deposit with the city a maintenance bond or other acceptable surety that shall:

a. Warrant the successful operation of all required subdivision improvements and warrants against defects in labor and material, and against any damage or defects caused by construction activity on the site, for a period of two years from final subdivision approval;

b. The applicant shall be responsible for site maintenance during home construction. After home construction is complete, the applicant is responsible for cleanup of the site ~~prior to~~ before final acceptance of all improvements and bond release. Cleanup includes, but is not limited to: storm drain lines, CB vactoring, detention facility cleaning, and street sweeping;

c. Provided further, that with regard to improvements accepted after final subdivision approval, the period shall be extended, as required, to include a period not less than one year from the date of acceptance by the city of the improvement;

d. The bond or other approved surety shall be submitted with the final subdivision application and shall be for fifteen percent of the estimated value of all the required subdivision improvements as determined by the public works director;

e. The maintenance bond or other approved surety shall be in addition to any warranty provided to guarantee the installation of required improvements;

f. The city attorney shall approve the form, sufficiency and manner of execution of the maintenance bond or surety;

g. Upon the termination of the warranty period, and upon restoration of the improvements to successful operation and the repair of any defects or damage in the improvements;

h. The public works director may withhold release of the bond or surety up to one year from the date of any restoration or repairs to ensure that the restoration or repairs were adequate.

7. *Submit Final Subdivision Application.* The applicant will file a final subdivision application that will include the information listed in the development design standards, and the following additional items:

a. A current certificate of title from a title company containing a legal description of the property to be subdivided and confirmation that the title of such property belongs to the stated owners. The certificate shall further demonstrate that any dedications or deeds to the city associated with the subdivision, including easements, will be free and clear of all encumbrances;

b. A certificate giving a full and correct description of the lands divided as they appear on the subdivision, including a statement that a subdivision has been made with the free consent and in accordance with the desire of the owner or owners;

If the subdivision is subject to a dedication, a certificate or a separate written instrument containing the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the subdivision, and a waiver of all claims for damage against any government authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of such road. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as a part of the final subdivision;

c. A performance bond, maintenance bond, or other acceptable surety in the forms previously approved by city council;

d. The fee, established in the city's fees resolution, for processing the final application.

8. *Review Final Subdivision Application Submission.* The city's DRC and any other appropriate parties will:

- a. Review the final subdivision application to determine whether the application filing is complete and/or if the required application bond and fees have been posted;
- b. If not complete and/or if the application fees have not been posted, the public works director will return the application to the applicant along with a checklist of the materials or information that has to be provided to properly process the request;
- c. No application shall be deemed filed nor given a file name or number until all required information, attachments and fees are submitted;
- d. The filing date shall be the date on which the city receives the last item needed to have a complete application, including all required information, attachments and fees;
- e. If the information is complete, the application will be distributed to the appropriate departments for review.

9. *Review/Approval of Final Subdivision Application.* The city shall check the subdivision for accuracy and conformance with the approved preliminary subdivision and the requirement of city ordinances and state law.

a. The final subdivision shall consist of a subdivision map and survey information attachments. The approved preliminary subdivision may be used as the final subdivision provided all specification requirements of this section are included. The final subdivision map shall be prepared by or under the supervision of a land surveyor registered in the state of Washington and prepared in black ink on any standard material consistent with and conforming to Chapter 58.09 RCW and WAC 332-130-150 and acceptable to the city measuring eighteen inches by twenty-four inches in size. Each sheet, including the index sheet, shall conform to, and be compatible with, the Snohomish County recorder's recording standards and guidelines. The subdivision shall include the following information:

- i. Information required by the preliminary subdivision approval, including the building envelopes, significant trees to be retained, and sensitive areas and buffers;
- ii. The name of adjacent subdivisions and unplatted property shall be identified using dotted lines;

- iii. The name of the subdivision, name(s) of the subdivider(s) and the name of the registered surveyor that prepared the subdivision shall be on all maps and surveyor notes;
  - iv. All lots shall be dimensioned and numbered consecutively starting with number (1) and show the lot area in accordance with this title;
  - v. The length and bearing of all straight lines, central angles, radii, and curve lengths of all curves;
  - vi. All dimensions along lot lines with accurate dimensions in feet and hundredths of feet with true bearings and angles to streets and alley lines;
  - vii. Suitable primary control points, approved by the public works director, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data given on the subdivision shall be referred;
  - viii. Accurate distances, bearings, locations and dimensions of the subdivision boundary lines, street lines, monuments and corporate limit, township or section lines which are referenced to a survey datum as prescribed by the public works director;
  - ix. Show on the face of the subdivision map, all land which is offered for dedication to the city related to streets, alley ways, easements, sensitive areas and associated buffers, parks, open space and other public use and/or dedication to other person and persons or entities for other purposes as shown on the approved preliminary subdivision. Any dedication, donation or grant shown on the face of the subdivision shall be considered for all intent and purposes as a quit claim deed;
  - x. The final subdivision shall contain a legal description of the subdivision property;
  - xi. The final subdivision shall show the easement provisions, restrictions section, dedication and certification statements with appropriate signatures and seals, as set forth in greater detail in a checklist prepared by the public works director, before the subdivision is approved and recorded.
- b. If the city finds that the subdivision is not in accordance with the preliminary subdivision and the conditions of approval, the approved construction drawings, and/or development requirements and standards of this code, the city shall return the

subdivision application to the applicant along with a notice of the issues or decisions that were not complied with.

c. If the city finds that the subdivision meets city requirements, the subdivision will be routed to the zoning administrator for approval.

d. Upon approval, it shall be the applicant's responsibility to record the document at Snohomish County and provide the city with a conforming copy within ten days of recording.

10. *Approval of Final Subdivision.* When the zoning administrator finds that a subdivision proposed for final subdivision approval conforms to all terms of the preliminary subdivision approval and meets the requirements of this title and other applicable state laws and municipal ordinances, the city shall execute written approval on the face of the subdivision.

11. *Record Final Subdivision.*

a. The final subdivision shall consist of a subdivision map and survey information attachments. The final subdivision map shall be prepared by or under the supervision of a land surveyor registered in the state.

b. The final subdivision shall show the certification statements with appropriate signatures and seals as set out in the development design standards, before the subdivision is approved and recorded.

c. If the subdivision includes common property and/or easements or tracts that are not dedicated to the city, a homeowners' association is required. The planning department shall review the conditions, covenants, and restrictions (CC&Rs), and then such CC&Rs and other enabling document(s) shall be filed with the Snohomish County auditor's office ~~prior to~~ before recording of the final subdivision.

d. The original of the final subdivision shall be filed for record with Snohomish County auditor's office; one reproducible copy shall be furnished to the zoning administrator and one paper copy shall be filed with the county assessor.

e. The applicant shall be responsible for providing the final subdivision to Snohomish County for recording within a timely manner.

EE. *Effect of Final Approval.* As required by RCW 58.17.170, a subdivision shall be governed by the terms of the approval of the final plat, and any lots created thereunder shall be a valid land use notwithstanding any change in zoning laws for a period of no less than five years from date of filing, unless the city council finds that a change in conditions in subdivision creates a serious threat to the public health or safety.

GF. *Subdivision Vacation.*

1. Any person interested in the vacation of any recorded subdivision or part of a recorded subdivision, or area dedicated for public use, shall file an application for vacation with the planning department. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion to be vacated. If the subdivision is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation.

2. Applications for subdivision vacation shall be processed as a Type III permit. The decision-maker shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the approval authority adopts written findings that the public use would not be served in retaining title to those lands. Title to vacated property shall be governed by Chapter 58.17 RCW, Plats – Subdivision – Dedications.

HG. *Subdivision Alterations.*

1. Any person interested in the alteration of any approved subdivision shall submit an application for the alteration to the community development department. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered and other application submittal materials as required. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the alteration would result in the violation of a covenant, the application shall contain an agreement signed

by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration.

2. Alterations shall be reviewed in accordance with the process set out in Chapter 22.84 MMC, Permit Processing, for Type III permit applications.

3. If an alteration is approved, the applicant shall submit to the city a revised drawing of the approved alteration of the subdivision, which after signature of the decision-maker shall be filed by the applicant with the Snohomish County auditor's office to become the lawful subdivision of the property. The revised drawing shall be surveyed and prepared by a Washington State licensed land surveyor.

14. *Preliminary Subdivision Modifications.*

1. Applications to modify preliminary subdivisions that have received preliminary approval that result in any substantial changes as determined by the city shall be considered major modifications and treated as a new application for purposes of vesting and processing. For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space, change to the overall layout that would change the quality of the design or product, or changes to conditions of approval on an approved preliminary subdivision.

2. Minor modifications shall be reviewed in accordance with the process set out in Chapter 22.84 MMC, Permit Processing, for Type II permit applications. The following modifications of preliminary plat approval may be reviewed administratively:

- a. Engineering detail unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary plat approval;
- b. Minor changes in lot lines or lot dimensions;
- c. A decrease in the number of lots to be created.

3. Minor modifications shall be reviewed for consistency with this chapter and the regulations of this title, as well as the following criteria:

- a. The amendment maintains the design intent or purpose of the original approval;
- b. The amendment does not cause a significant environmental or land use impact on or beyond the site;

- c. The amendment is not precluded by the terms of this title or by state law from being decided administratively; and
- d. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat approval.

## Exhibit H

### 22.70.040 Review process.

A. *Review Type.* Pursuant to RCW 36.70B.020(4), development agreements are not “project permit applications.” The decision of the city council to approve or reject a request for a development agreement shall be processed subject to the requirements in this chapter and shall include a fee, as established by the current fee resolution.

B. *Development Agreement Contents.* The proposed development agreement shall set forth the development standards and other provisions that apply to, govern, and vest the development, use, and mitigation of the real property for the duration of the agreement. The development agreement shall include all of the following provisions, when relevant, in accordance with any applicable laws or rules in effect at the time:

1. *Development Regulations and Design Standards.*
  - a. Affordable housing units to be provided.
  - b. Any land use actions and/or permits required to be completed ~~prior to~~ before commencing development.
  - c. Bulk requirements, including, but not limited to:
    - i. Maximum building height.
    - ii. Maximum lot coverage.
    - iii. Minimum and maximum residential densities.
    - iv. Size range in square feet for each building.
    - v. Yard setbacks.
  - d. Critical areas and associated buffers.
  - e. Dedications.
  - f. Design standards.
  - g. Exterior lighting requirements.

- h. Landscaping requirements and standards.
- i. Legal description(s) of the site(s) encumbered by the development agreement.
- j. Location(s) of nonresidential development.
- k. Location(s) of residential development.
- l. Parking stalls to be provided and applicable standards.
- m. Parks and open space requirements.
- n. Permitted uses for the site subject to the development agreement.
- o. Proposed uses for the site subject to the development agreement.

2. *Environmental Impacts and Mitigation.*

- a. Financing details for the implementation of required mitigation measures.
- b. Measures to mitigate potential environmental impacts of the development agreement proposal per Chapter 43.21C RCW, including impacts to:
  - i. Aesthetics.
  - ii. Air.
  - iii. Animals.
  - iv. Earth.
  - v. Energy and natural resources.
  - vi. Environmental health.
  - vii. Historic and cultural preservation.
  - viii. Housing.
  - ix. Land use.
  - x. Light and glare.
  - xi. Noise.

- xii. Plants.
  - xiii. Public facilities and services.
  - xiv. Recreation.
  - xv. Shoreline use.
  - xvi. Transportation.
  - xvii. Utilities.
  - xviii. Water.
- c. Timing of implementation of required mitigation measures.

3. *Fees and Financial Obligations.*

- a. Amount of fees agreed to or imposed.
- b. Financial securities required.
- c. Method and schedule of payment of fees agreed to or imposed.
- d. Reimbursement provisions for the financing of services, infrastructure, and/or other facilities.

4. *Process Timing.*

- a. Phasing schedule.
- b. Review process and timing.
- c. Vesting period for the development agreement.

5. Any other items deemed necessary by the city.

C. *Associated Land Use Actions.* Applications for land use actions associated with the development agreement shall comply with the following requirements:

- 1. Associated land use applications shall meet all submittal requirements applicable to the specific land use action, as identified in Chapter 22.84 MMC, Permit Processing.

2. Applications for associated land use actions shall be made on forms prescribed by the city.
3. Each land use application shall be subject to all applicable fees as established by the current fee resolution.
4. The review of other land use applications associated with the development agreement shall be consolidated under Chapter 22.84 MMC, Permit Processing, unless the applicant requests that the applications be submitted and processed separately.

D. *Public Notice.* Development agreements shall be subject to all noticing requirements applicable to Type ~~VIII~~ project permits, as specified in Chapter 22.84 MMC, Permit Processing.

E. *Public Hearing.* The city council shall only approve a development agreement after a public hearing has been conducted by the city council. If the development agreement relates to a project permit application, the provisions of Chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement.

F. *Approval.* The city council is the final decision authority on development agreements. Approval by the city council of a development agreement shall be made by ~~resolution~~ordinance.

G. *Decision Criteria.* The city council may enter into a proposed development agreement if the council finds, in its sole discretion, that the development agreement meets the following criteria:

1. The development agreement is consistent with applicable development regulations;
2. The development agreement is consistent with RCW 36.70B.170 through 36.70B.210;
3. The development agreement does not provide means of waiving or amending development regulations that would otherwise apply to the project;
4. The development agreement does not bypass any procedural requirements that would otherwise apply to the project;
5. The development agreement demonstrates reasonable certainty for completion of a project;
6. The development agreement shall promote the general welfare by balancing public and private interests; and

7. The project proposed by the development agreement must provide a significant public benefit.

H. *Recording.* According to RCW 36.70B.190, a development agreement shall be recorded with the real property records of the Snohomish County recording division. The development agreement shall be recorded within thirty days of the date of approval by the city council of the development agreement.

I. *Modifications.* Unless stated otherwise in the development agreement, modifications to an approved development agreement require city council approval. Requests for modifications shall follow the requirements of this chapter for an initial development agreement approval.

J. *Validity.* Once recorded, development agreements are binding between the parties and their successors throughout the duration of the development agreement specified within the agreement.

K. *Annual Review.* The city shall, at least every twelve months during the term of an executed development agreement, review the extent of good faith substantial compliance with the contractual obligations of the development agreement by the parties specified within the agreement.

## Exhibit I

### 22.72.040 Review process.

#### A. Procedure.

1. Applications for amendments to the unified development regulations shall follow the procedures for a Type IV project review, pursuant to MMC 22.84.030, Types of project permits.

2. Applications for amendments to the official zoning map by a property owner for a specific property ("site-specific rezone"), which ~~is~~ are consistent with the Monroe comprehensive plan, shall follow the procedures for a Type IV land use action, as set out in Chapter 22.84 MMC, Permit Processing. Such site-specific rezones are a quasi-judicial land use proceeding, for which the hearing examiner will hold the open record public hearing and forward a recommendation to the city council. The city council is the final decision-making body.

3. Applications for an area-wide amendment to the official zoning map ("area-wide rezone"), which is consistent with the Monroe comprehensive plan, shall follow the procedures for a Type IV land use action, as set out in Chapter 22.84 MMC, Permit Processing.

4. An application for any amendment to the official zoning map that requires an amendment to the Monroe comprehensive plan shall be in accordance with Type IV actions, as set out in Chapter 22.84 MMC, Permit Processing. In such cases, an application for an amendment to the official zoning map shall be submitted together with, or subsequent to, an application for a comprehensive plan amendment.

B. *Public Notice.* Amendments to the unified development regulations shall be subject to all applicable noticing requirements in MMC 22.84.050, Public notice requirements.

C. *Public Hearing.* Pursuant to Table 22.84.060(B)(2): Decision-Making and Appeal Authorities, a public hearing is required for all amendments to the unified development regulations.

D. *Decision.* The final decision authority, as determined by Table 22.84.060(B)(2): Decision-Making and Appeal Authorities, shall approve, approve with conditions, remand to the recommending authority for further proceedings, or deny the amendment.

E. *Decision Criteria.* An amendment to the unified development regulations shall not be granted by the decision authority unless the applicant demonstrates that the proposal meets all of the following criteria:

1. The proposed amendment to the development regulations is consistent with the policies and provisions of the Monroe comprehensive plan;
2. The amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this title;
3. The subject property is suitable for development in conformance with the development regulations applicable under the proposed zoning district;
4. The proposed amendment advances the public interest of the community;
5. The amendment does not adversely affect public health, safety, or welfare; and
6. The amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.
7. In addition to those criteria in subsections (E)(1) through (E)(6) of this section, amendments to the official zoning map (rezones) shall also meet all of the following criteria:
  - a. The amendment is consistent with the future land use map set out in the Monroe comprehensive plan;
  - b. The amendment is compatible with the uses and zoning of the adjacent properties;
  - c. The proposed reclassification does not constitute a "spot" zone;
  - d. Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
  - e. The potential adverse environmental impacts of the types of development allowed by the proposed zone have been identified and can be mitigated taking into account all applicable regulations, or the unmitigated impacts are acceptable; and
  - f. The proposed reclassification is an extension of an existing zone, or a logical transition between zones.

F. *Conditions of Approval.* In approving a variance, the decision authority may attach thereto such conditions that they deem to be necessary or desirable in order to carry out the intent and purposes of this title. Additionally, the following conditions shall apply specifically to amendments to the official zoning map:

1. The city may require the applicant to submit a conceptual site plan ~~prior to~~ before final approval being granted on an amendment to the zoning map.
2. The city may require the applicant to enter into a concomitant agreement with the city as a condition of the zoning map amendment and may, through that agreement, impose more restrictive development conditions than set out in this title that would be designed to mitigate potential impacts of the amendment and development pursuant thereto.

G. *Ordinance Required.* Action under this chapter, which amends the city's development regulations and/or official zoning map, shall require the adoption of an ordinance by the city council, pursuant to the Monroe Municipal Code and state law.

H. *Revisions to the Official Zoning Map.* Following approval of an amendment to the City of Monroe Official Zoning Map, the city shall modify the official zoning map to reflect the change in zoning districts.

I. *Appeals.* The action of the decision-making body in granting or denying an application for an amendment to the unified development regulations is a final decision appealable to the authority for the specific project type, as identified in Table 22.84.060(B)(2): Decision-Making and Appeal Authorities.

## Exhibit J

### 22.74.010 Amendment process.

A. *Amendment Schedule.* The public can submit requests for amendments to the comprehensive plan at any time; however, they will only be processed in accordance with these procedures once a year and conform to the following generalized schedule in Table 22.74.010: Schedule for Comprehensive Plan Amendment Review:

**Table 22.74.010. Schedule for Comprehensive Plan Amendment Review**

Month	Action
May and June	City issues press releases, advertisements or other “effective” means of public notice soliciting public requests for comprehensive plan amendment applications.
Last Working Day in July	The annual deadline for public submittals (including fees) of proposed plan amendments closes. <del>Citizen</del> <u>Public</u> -initiated plan amendment requests submitted after the last working day in July of each year will be processed during the following review and amendment cycle.
<u>September</u>  August	City staff forwards all amendment requests to the city council. The city council will hold a public hearing, including a presentation by the applicants, on the proposed items for the docket and select which amendment applications, with or without modifications, should be considered, along with a review schedule.
<del>September/</del> October/ <u>November</u>	City staff will begin review, analysis, and evaluation of docketed plan amendment proposals, including the SEPA threshold determination.
November	<del>Staff presents the various amendment applications and analysis to the planning commission at a public hearing.</del>

Month	Action
December through March	Planning commission reviews amendment applications and develops necessary plan amendments. Planning commission solicits public input through meetings and public hearings.
April	The planning commission holds a public hearing on the final proposal and forwards their recommendation to the city council.
May	City council considers recommendations and holds first reading of ordinance. Staff also forwards recommended plan amendments to Department of Commerce.
May through July	Department of Commerce mandatory 60-day review period.
July	City council takes final action on the plan amendments. Staff will transmit the approved amendments to Department of Commerce within 10 days of council adoption.

B. *Cumulative Impacts.* All plan amendment proposals shall be considered concurrently so that their cumulative impacts can be ascertained. The above schedule can be modified based on the number and complexity of the requested amendments.

C. *Exemptions and Emergencies.* The comprehensive plan may be amended no more than once a year, except for certain exemptions and emergencies. The following amendments may be considered more frequently than once a year:

1. Initial adoption of a sub-area or neighborhood plan(s) that does not modify the comprehensive plan policies and designations applicable to the subarea;
2. Adoption or amendment to a shoreline management program;
3. An emergency exists and findings are adopted by the city council (in resolution form) showing the amendment is necessary, due to an emergency situation of a neighborhood or citywide significance;

4. Resolution of an appeal of a comprehensive plan filed with a growth management hearings board or with a county, state or federal court; and
5. An amendment of the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget.
6. Plan amendments related to annexation may be considered during the normal annexation process and need not necessarily be coordinated with the annual plan amendment schedule.

## Exhibit K

### PERMIT PROCESSING

Sections:

- 22.84.010 Purpose.**
- 22.84.020 Applicability.**
- 22.84.030 Types of project permits.**
- 22.84.040 Application and review process.**
- 22.84.050 Public notice requirements.**
- 22.84.060 Project permit review.**
- 22.84.070 Open record public hearings.**
- 22.84.080 Appeals.**

#### **22.84.010 Purpose.**

The purpose of this chapter is to combine and consolidate the application, review, and decision processes for projects in the city of Monroe in a manner that is clear, concise, and consistent. It is further intended to comply with state ~~guidelines~~ regulations for combining and expediting project review and integrating environmental review and land use development plans. ~~Final decisions on development proposals shall be made in a reasonable and timely manner.~~

#### **22.84.020 Applicability.**

A. All project permit proposals and approvals are subject to the provisions of this chapter unless specifically exempted by the following subsection.

B. *Exemptions.* The following permits and approvals are excluded from the procedures set forth in this title:

1. Street vacations shall be processed in accordance with Chapter 35.79 RCW and Chapter 12.24 MMC, Vacation of Rights-of-Way;
2. Right-of-way permits shall be processed in accordance with Chapter 12.36 MMC, Public Right-of-Way Disturbance and Restoration;
3. Special event permits shall be processed in accordance with Chapter 5.28 MMC, Special Events; and

4. ~~Other permits as determined appropriate by the zoning administrator. (Ord. 005/2019 § 10 (Exh. B))~~ Building Permits that are exempt from environmental review under chapter 43.21RCW and Chapter 22.78 MMC, State Environmental Policy Act, or where environmental review has been completed in connection with other project permits.
5. Construction, civil, and engineering plans.
6. Permits or approvals relating to the use of public areas or facilities.
7. Wireless communication facilities that meet the regulatory requirements of Chapter 22.62 MMC, Wireless communication facilities, and consistent with federal laws.

### **22.84.030 Types of project permits.**

For the purpose of project permit processing, all project permit applications shall be classified as one of the following: Type I, Type II, Type III, ~~or Type IV, Type V, or Type VI.~~

A. *Type I Permits.* Type I permits set forth in Table 22.84.060(B)(1): Project Permit Types are minor administrative actions, and are not subject to public notice or a public hearing. Decisions on Type I actions are made by the zoning administrator. Type I project permits include the following actions:

1. Accessory dwelling units shall meet the requirements set out in MMC 22.16.050, Accessory dwelling units.
2. Administrative interpretations shall meet the requirements set out in MMC 22.10.060(A)(4).
3. Final binding site plan reviews shall meet the requirements set out in MMC 22.68.070, Binding site plans.
4. Boundary line revisions ~~that are exempt from review under SEPA~~ shall meet the requirements set out in MMC 22.68.060, Boundary line revisions.
5. ~~Development permits that are exempt from review under SEPA.~~
6. 5. Land clearing/forest practices permits that are exempt from review under SEPA shall meet the requirements set out in Chapter 22.86 MMC, Land Clearing and Forest Practices.
7. ~~6.~~ Final short subdivisions shall meet the requirements set out in MMC 22.68.040(D), Final Subdivision Process for Preliminary Subdivision and Short Subdivision.
8. ~~7.~~ Final subdivisions shall meet the requirements set out in MMC 22.68.040(D), Final Subdivision Process for Preliminary Subdivision and Short Subdivision.

~~9.~~ 8. Site plan reviews that are exempt from SEPA shall meet the requirements set out in Chapter 22.58 MMC, Site Plan Review.

~~10.~~ 9. Temporary use permits shall meet the requirements set out in Chapter 22.60 MMC, Temporary Uses.

B. *Type II Permits.* Type II permits set forth in Table 22.84.060(B)(1): Project Permit Types are major administrative actions subject to public notice. A public hearing is not required. Decisions on Type II actions are made by the zoning administrator. Type II permits include the following actions:

1. Design Review Administrative departures shall meet the requirements set out in MMC 22.42.100(A).

2. Preliminary binding site plans for less than ten lots shall meet the requirements set out in MMC 22.68.070, Binding site plans.

~~3.~~ ~~Boundary line revisions that are not exempt from review under SEPA shall meet the requirements set out in MMC 22.68.060, Boundary line revisions.~~

~~4.~~ ~~Development permits that are not exempt from review under SEPA.~~

~~5.~~ 3. Land clearing/forest practices permits that are not exempt from review under SEPA shall meet the requirements set out in Chapter 22.86 MMC, Land Clearing and Forest Practices.

~~6.~~ 4. SEPA threshold determinations shall meet the requirements set out in MMC 22.78.080, Threshold determinations.

~~7.~~ 5. Shoreline substantial development permits shall meet the requirements set out in MMC 22.82.110, Review process and criteria for substantial development permits.

~~8.~~ 6. Preliminary short subdivisions shall meet the requirements set out in MMC 22.68.040(A), Preliminary Subdivisions and Short Subdivisions.

~~9.~~ 7. Single-family dwelling exception to development moratoria shall meet the requirements set out in Chapter 22.86 MMC, Land Clearing and Forest Practices.

8.–Site plan reviews that are not exempt from SEPA shall meet the requirements set out in Chapter 22.58 MMC, Site Plan Review.

9. Temporary encampments shall meet the requirements of Chapter 22.90 MMC, Temporary Encampments.

C. *Type III Permits.* Type III permits set forth in Table 22.84.060(B)(1): Project Permit Types are quasi-judicial actions subject to public notice and a public hearing. Decisions on Type III actions are made by the hearing examiner after consideration of a recommendation from the zoning administrator, unless otherwise specified in Table 22.84.060(B)(2): Decision-Making and Appeal Authorities. Type III permits include the following actions:

1. Administrative approval when a conflict of interest exists.
2. Preliminary binding site plans for ten or more lots shall meet the requirements set out in MMC 22.68.070, Binding site plans.
3. Conditional use permits shall meet the requirements set out in Chapter 22.64 MMC, Conditional Use Permits.
4. Reasonable use exceptions shall meet the requirements set out in MMC 22.80.050(C)(2), Reasonable Use Exception.
5. Removals of a six-year development moratorium shall meet the requirements set out in Chapter 22.86 MMC, Land Clearing and Forest Practices.
6. Shoreline conditional use permits shall meet the requirements set out in MMC 22.82.120(A), Shoreline Conditional Use Permits.
7. Shoreline variances shall meet the requirements set out in MMC 22.82.120(B), Shoreline Variances.
8. Site-specific zoning map amendment (site-specific rezone) shall meet the requirements set out in MMC 22.72.040.
9. Preliminary subdivisions shall meet the requirements set out in MMC 22.68.040(A), Preliminary Subdivisions and Short Subdivisions.
10. Project permit revocations and/or modifications set forth in MMC 84.10.100.

1140. Variances shall meet the requirements set out in Chapter 22.66 MMC, Variances.

1211. Variances from flood hazard regulations shall meet the requirements set out in MMC 14.01.160, Variances.

D. *Type IV Permits*. All Type IV actions set forth in Table 22.84.060(B)(1): Project Permit Types are quasi-judicial actions subject to public notice and a public hearing. Decisions on Type IV actions are made by the City Council with Hearing Examiner Recommendation legislative actions and are not subject to the procedures in this chapter unless otherwise specified. Type IV permits include the following actions:

1. Site-specific rezones shall meet the requirements set out in Chapter 22.72 MMC, Amendments to Unified Development Regulations. The Hearing Examiner will hold the Open Record pre-decision hearing and forward a recommendation to the City Council for final action.

E. *Type V Permits*. All Type V actions set forth in Table 22.84.060(B)(1): Project Permit Types are quasi-judicial and/or legislative, as applicable, where the review and decision is made by the City Council. Type V permits include the following actions:

1. Development Agreements.
2. Annexations.

~~D~~E. *Type IVI Permits*. All Type IVI actions set forth in Table 22.84.060(B)(1): Project Permit Types are legislative actions and are not subject to the procedures in this chapter unless otherwise specified. Type IVI permit applications are subject to the following procedural requirements:

1. The planning commission shall hold a minimum of one public hearing on the application, unless otherwise specified in this chapter.
2. The planning commission shall make a written recommendation to the city council regarding Type IVI actions at the close of their final public hearing or at their next scheduled meeting. The written recommendation to the city council shall be one of the following:
  - a. Recommendation for additional time and/or resources on the application;
  - b. Recommendation of approval of the legislative action;
  - c. Recommendation of approval of the legislative action with modifications;

- d. Recommendation of denial of the legislative action.
3. Type IV applications require a minimum of one public hearing before the city council, held in accordance with established rules. The city council shall consider the recommendation of the planning commission and the public testimony in making its legislative decision.
  4. The legislative action shall meet the process and criteria for the specific decision as set out in this title.
  5. Type IV permits include the following actions:
    - a. Comprehensive plan amendments, including amendments to the future land use map, shall meet the requirements set out in Chapter 22.74 MMC, Comprehensive Plan Amendments.
    - b. Unified development regulation amendments and citywide rezones shall meet the requirements set out in Chapter 22.72 MMC, Amendments to Unified Development Regulations.
    - ~~c. Annexations shall meet the requirements set out in Chapter 22.76 MMC, Annexations.~~
    - d. Pre-annexation zoning shall meet the requirements set out in Chapter 35A.14 RCW.

## **22.84.040 Application and review process.**

A. *Application Forms.* All applications for permits and other city approvals under the development regulations shall be submitted on forms provided by the department of community development. All applications shall be acknowledged by the property owner(s) and any interested parties, if applicable.

B. *Consolidated Permit Processing.* The city shall consolidate all project permit applications for a development proposal to integrate the development permit and environmental review processes, while avoiding duplication of the review processes. An applicant may request in writing that their permit reviews remain unconsolidated. Upon receiving a written request, the zoning administrator may allow for the permit applications to remain unconsolidated and be reviewed separately.

1. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by code. If the application is processed under the individual procedure option, the highest numbered type procedure

must be processed ~~prior to~~ before the subsequent lower numbered procedure. If multiple applications are submitted concurrently, the city shall process as a consolidated application unless notified otherwise by the applicant.

2. SEPA review shall be conducted concurrently with project review except where exempted by Chapter 22.78 MMC or a determination of significance is issued requiring the preparation of an environmental impact statement, Section 22.78.130 MMC, Environmental impact statements (EIS) and other environmental documents, and Chapter 43.21C RCW, State Environmental Policy.
3. Applications processed in accordance with this subsection (B), Consolidated Permit Processing, which have the same numbered procedure but are assigned to different hearing bodies, shall be consolidated and heard by the highest decision-making authority. The city council is the highest decision-making authority, followed by the hearing examiner, and then the zoning administrator.
4. Consolidated ~~P~~project permit applications are allowed a maximum of one open record public hearing.

C. *Preapplication Meetings.*

1. A preapplication meeting is optional, but encouraged, for applications for Type I and Type II permits.
2. Applications for Type III ~~and~~ through IV permits will not be accepted until the applicant has attended a preapplication meeting. This requirement may be waived by the zoning administrator.
3. The purpose of the preapplication meeting is to discuss the proposal, permit requirements, fees, review process, applicable plans, policies, and regulations.
4. The zoning administrator shall establish procedures, reasonable schedules, and staff participation for preapplication meetings.
5. The applicant shall be responsible for all staff costs related to the preapplication meeting.

6. Preapplication meetings are nonbinding, and shall not prevent the city from enforcing all applicable codes, ordinances, and regulations in effect at the time of application.

D. *Project Permit Applications.*

1. All applications submitted for review under this title shall include all the materials and information described in subsections (D)(1)(a) through (j) of this section. ~~Development applications shall not be deemed complete until all of the materials and information specified in subsections (D)(1)(a) through (j) of this section are received.~~ The zoning administrator may also require such additional information as reasonably necessary to fully and properly evaluate the proposal. The following materials shall be submitted with a project permit application unless waived by the zoning administrator pursuant to subsection (D)(3) of this section:
  - a. The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner or owners of the land, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
  - b. The proposed use or uses of the land and buildings;
  - c. A site plan drawing or drawings at an engineering scale that allows the full development to be shown on a single page, either ANSI D (22" X 34") or ARCH D (24" X 36"). Additional drawings may be needed at a scale of not less than one inch for each fifty feet (1:50) which shall include or show:
    - i. The location of all existing and proposed structures, including, but not limited to, buildings, fences, culverts, bridges, roads and streets on the subject property;
    - ii. The boundaries of the property proposed to be developed;
    - iii. All proposed and existing buildings and setback lines;
    - iv. All areas, if any, to be preserved as buffers or to be dedicated to a public, private, or community use or for open space under the provisions of this or any other city

ordinance, information regarding percentage of area covered, locations, and general types of landscaping;

- v. All existing and proposed easements;
  - vi. The locations and size of all existing and proposed utility structures and lines;
  - vii. The storm water drainage systems for existing and proposed structures, including the location and extent of curbs and gutters;
  - viii. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads;
  - ix. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces;
  - x. Traffic volumes and flows estimated to be generated by the proposed development on adjacent roads;
  - xi. Location and extent of street dedication, widening or other road improvements;
  - xii. Location and extent of acceleration and deceleration lanes, if needed;
  - xiii. Location of traffic-control devices on and off the site;
  - xiv. The location of all loading spaces, including, but not limited to, loading platforms and loading docks where trucks will load or unload; and
  - xv. Location and area, in square feet, of all signs.
- d. Topographic map or maps which delineate contours, both existing and proposed, at intervals of two feet and which locate existing lakes, streams and forested areas on the subject site and extending 10 feet onto adjacent parcels;

- e. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the site;
  - f. The proposed number of square feet in paved or covered surfaces, whether covered by buildings, driveways, parking lots or any other structure covering land, and the total amount of square feet in the entire proposed development site;
  - g. The proposed number of dwelling units and number of bedrooms in the development;
  - h. The proposed number of square feet in gross floor area for each commercial and industrial use;
  - i. A description of each commercial and industrial use; and
  - j. The written approvals of the Snohomish health district, if required.
  - k. Lighting plan consistent with the requirements of MMC Chapter 15.15, Lighting Standards, if required; and
  - l. Critical Areas Report, if required.
2. The applicant shall apply for all permits identified in the preapplication meeting, or as otherwise specified by the zoning administrator.
  3. The zoning administrator shall have the authority to prepare and revise submittal requirements.

E. *Project Permit Application Completeness.* Upon receiving a date-stamped application, and payment of required fees, including but not limited to Hearing Examiner and third-party Critical Areas consultant deposits when applicable, the city shall route the application to the development review committee (DRC), described below, for review; within twenty-eight (28) days, the city shall provide the applicant with a written determination that the application is complete or incomplete and that the procedural submission requirements of the local government have not been met. If the city has not issued a letter of completeness or incompleteness within 28 days, the application is deemed procedurally complete on the 29<sup>th</sup> day. This does not preclude

the city from requesting additional information or studies to make a written decision on the permit application.

1. *Determination of Completeness.*

- a. A project permit application shall be declared complete only when it ~~contains all of the following materials~~ meets the procedural submission requirements outlined in the project permit application for the requested land use action that includes, but is not limited to:
  - i. A fully completed, signed, and acknowledged development application and all applicable review fees.
  - ii. A fully completed, signed, and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act.
  - iii. The information specified for the desired project in the appropriate chapters of this code and as identified in subsection (D)(1) of this section.
- b. Following a determination of completeness, the city shall provide the applicant written comments that identify specific issues not in compliance with city regulations and standards. If the applicant does not respond to the requested corrections within thirty days of notice, the city may close the application due to inactivity.

2. *Determination of Incompleteness.*

- a. For applications determined to be incomplete, the city shall identify, in writing, the specific requirements or information necessary to constitute a complete application.
- b. If the requested additional information is not submitted within thirty (30) days of determining whether the application is incomplete, the application file shall be closed.
- c. Upon submittal of the additional information, the city shall, within fourteen (14) days, issue a letter of completeness or identify what additional information is required to complete the application.
- d. If the city does not provide the determination required by this section within ~~twenty-eight~~ fourteen (14) days, the application shall be deemed complete on the fifteenth (15) day for purposes of further processing, ~~but that shall not preclude the city from requesting any~~

additional information required for the application to be actually complete under the city's codes, nor shall it preclude the city from requesting additional information or studies as authorized by RCW 36.70B.070.

F. Review by affected urban service providers. Upon receipt of project permit applications, all applications will be sent to affected urban service providers and other governmental agencies for review and comment. This includes, but is not limited to:

1. Public and Private Utility and Service Providers. This includes, but is not limited to, the Snohomish Public Utility District, Puget Sound Energy, Williams Northwest Pipeline, Roosevelt Water District, etc.
2. Washington State Department of Transportation for all project permit applications that include and/or are adjacent to US-2, State Route 522, State Route 203, and/or the US-2 Bypass.
3. Burlington Northern Santa Fe Railroads for all project permit application that include and/or are adjacent to the BNSF railroad tracks, railroad crossing, or right-of-way.
4. Snohomish County for all project permit applications that include and/or are adjacent to land within Snohomish County or within an identified traffic concurrency zone or corridor.

GF. Development Review Committee.

1. The development review committee (DRC) is composed of city department heads or designees and ~~may include representatives from affected utility districts,~~ the Snohomish Regional Fire and Rescue district, and any other entities or agencies as deemed appropriate by the zoning administrator.
2. The DRC shall review the development application for compliance with city plans and regulations, coordinate necessary permit reviews, and identify the development's environmental impacts.
3. The zoning administrator or their designee shall route project permit applications to all affected city departments for review and comment. Timing of such routing shall be determined in consultation with the DRC. Project permit applications shall be reviewed in accordance with applicable city policies and regulations. The zoning administrator shall

set out time periods for review by affected departments and distribute information at DRC meetings.

HG. Time Limits/Review Clock. All review clocks are based on calendar days.

1. The city shall issue a notice of final decision on a project permit application for a preliminary long or short subdivision within ninety (90) days from the date of filing, pursuant to RCW 59.17.140(2).
2. The city shall issue a notice of final decision on a project permit application for a final subdivision or short subdivision within thirty (30) days from the date of filing, pursuant to RCW 59.17.140(2).
3. The city shall issue a notice of final decision on all other project permit applications as follows, ~~within one hundred twenty days~~ after the applicant is notified that the application is complete ~~or within fourteen days of approval~~:
  - a. Sixty-five (65) calendar days for applications that do not require public notice;
  - b. One hundred (100) calendar days for applications that require notice of application, but do not require a public hearing; and
  - c. One hundred seventy (170) calendar days for applications that require public notice and a public hearing.
4. The city shall exclude the following periods from the time limits of this subsection (G):
  - a. ~~Any time required to process necessary amendments to the comprehensive plan (including the initial adoption of subarea plans), or development regulations.~~
  - b. a. Any time between the day that the city has notified the application, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant. Any time required to correct plans, perform studies, or provide additional information; provided, that within fourteen (14) calendar days of receiving the requested additional information, the zoning administrator shall determine whether the information is adequate to resume the project review.

- ~~ε.~~ b. The time periods for a local government to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use, as required by the local government under RCW 36.70B.070. Any time during which substantial project revisions are made or requested by an applicant, in which case the one hundred twenty days will be calculated from the time that the city determines the revised application to be complete.
- d. Any time required for the preparation and review of an environmental impact statement.
- e. Any time required to complete the process for the siting of an essential public facility.
- f. Any extension of time mutually agreed to, in writing. ~~upon~~ by the city and the applicant.
- ~~g. Any time required to obtain any necessary variance.~~
- ~~h. Any time required for any remand to the hearing body.~~
- ~~i.~~ g. Any time period after an applicant informs the local government, in writing, that they would like to temporarily suspend review of the review project permit application until the time that the applicant notifies the local government, in writing, that they would like to resume the application.
- ~~h.~~ i. Any time required for any administrative appeal of project permits, if applicable.
- ~~j. Any specific amount of additional time that the city determines is necessary for the processing of a specific complete project permit application.~~

~~5. The city shall make every effort to process applications in a timely manner. When time limitations are not met, the city shall provide a written explanation to the applicant. The explanation shall state the reasons why the decision has not been issued and the estimated date of the decision. Alternatively, an applicant and the city can mutually agree to extend the time period for a decision.~~

5. Types V and VI permits types are exempt from the time limits/review clock of this chapter.

## **22.84.050 Public notice requirements.**

A. *Notice of Application.* A notice of application shall be issued in accordance with the provisions of this subsection.

1. The notice of application shall include, but is not limited to:

- a. The file number;
- b. The name, address, and phone number of applicant or applicant's representative;
- c. The date of application, the date of the notice of completeness, and the date of the notice of application;
- d. 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;
- e. The identification of other required permits not included in the application, to the extent known by the city;
- f. A vicinity map;
- g. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document, the location where the application and any studies can be reviewed;
- h. A statement of the duration of the public comment period;
- i. A statement of the right of any person to comment on the application, receive notice of hearings, request a copy of the decision once made, and any appeal rights;
- j. The date, time, place, and type of hearing, if applicable;

k. Any other information determined appropriate by the city; and

l. Identification of the responsible city official.

2. *Time Frame for Issuance of Notice of Application.*

a. The city shall issue a notice of application within fourteen (14) days after the city has made a determination of completeness of a project permit application.

b. If an open record public hearing is required for the requested project permit(s), the notice of application shall be provided at least (15) fifteen days ~~prior to~~ before the hearing.

3. *Public Comment on the Notice of Application.*

a. The public comment period for a notice of application shall be a minimum of fourteen (14) days and a maximum of twenty-eight (28) days after notice issuance as determined appropriate by the zoning administrator.

b. All public comments received on the notice of application must be received by City Hall by five p.m. on the last day of the comment period. Comments may be mailed, emailed, or personally delivered. Comments should be as specific as possible and shall include the name and address of the commenting party.

c. The notice of application shall be distributed in accordance with subsection (E) of this section.

4. Except for a determination of significance (DS) or when issuing a determination of non-significance (DNS) under the optional DNS provisions, the city shall not issue its threshold determination or issue a decision or recommendation on a project permit until the expiration of the public comment period on the notice of application.

5. If the city issues a DS concurrently with the notice of application, the notice of application shall be combined with the DS and scoping notice. The DS and scoping notice may be issued ~~prior to~~ before the notice of application.

B. *SEPA Notification.* Notification of a SEPA determination shall be in accordance with Chapter 22.78 MMC, State Environmental Policy Act, and the following:

1. Determinations of non-significance and mitigated determinations of non-significance shall be published in the city's newspaper of record a minimum of fourteen days before the comment period ends, if there is a comment period, or on the day of issuance, if there is no comment period.

2. Determinations of non-significance and mitigated determinations of non-significance shall be provided to the city's agency mailing list, the applicant, and parties of record in accordance with the timelines set out in MMC 22.84.040(G).

*C. Notice of Public Hearing/Public Meeting.*

1. The notice given of a public hearing/meeting required by this ~~title~~ chapter shall contain:

a. The name, address, and phone number of the applicant or the applicant's representative;

b. The date, time, and place of the hearing;

c. A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to the use of a map or address and an assessor's parcel number;

d. The nature of the proposed use of development;

e. A statement that all interested persons may appear and provide testimony or comments, including the last date and time written comments may be submitted;

f. When information may be examined, and when and how written comments may be submitted;

g. The name and the telephone number of the city staff to contact where additional information may be obtained;

h. A statement that a copy of the application, all documents, and evidence relied upon by the applicant and applicable criteria are available for inspection;

i. A statement that a copy of the staff report will be available for inspection at City Hall at least seven days ~~prior to~~ before the hearing and that copies will be provided at cost.

2. Notice of a public hearing/meeting shall be published one time in the city's newspaper of record a minimum of ten days before the public hearing/meeting date.

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

D. *Notice of Decision.* The city shall provide a written notice of decision that also includes a statement of any SEPA threshold determination made and the procedures for administrative appeal. The notice shall be provided to the applicant and any person who, ~~prior to~~ before the rendering of the decision, requested notice of decision or submitted substantive comments on the application. The staff report can be the notice of decision.

E. *Methods of Public Noticing.*

1. Posting of the property for Type II, III, and IV project permit applications shall consist of one or more notice boards posted at least ten (10) days ~~prior to~~ before the date of hearing, or at least fourteen (14) days ~~prior to~~ before the end of any required comment period, as follows:

a. A single noticeboard shall be placed by the city at the midpoint of the site street frontage or otherwise for maximum visibility and where it is visible to pedestrians.

b. Additional notice boards may be required when the site does not abut a public road or if large site abuts more than one public road; or if the zoning administrator determines that additional notice boards are necessary to provide adequate public notice.

2. Published notice is required for all public hearings and shall include the information listed in subsection (C) of this section.

3. All actions requiring posting shall be posted in two places in the city. The Monroe Library and City Hall are the preferred locations.

4. *Mailed Notice.*

a. The notice of application and/or public hearing notices shall be mailed to:

i. The applicant;

ii. All owners of property within five hundred feet of the subject property. The records of the Snohomish County assessor's office shall be used for determining the property owners of record within five hundred feet of the subject property. If the owner of the property that is the subject of the application owns an adjacent

parcel(s), notice shall be given to any property owners within five hundred feet of that adjacent parcel.

iii. Any person who submitted written comments or who provided testimony at a public hearing on the application or who requested to be a party of record.

b. *Preliminary Plat Actions.* Preliminary plats require the following additional notice:

i. Notice of the filing of a preliminary plat and notice of public hearing shall be given to Snohomish County.

ii. Notice of the filing of a preliminary plat located adjacent to ~~SRUS-2~~ and SR-522 shall be given to the Washington State Department of Transportation (WSDOT), who must respond within fifteen days of such notice. A notice of public hearing shall also be provided to the WSDOT.

c. All public notices shall be:

i. Deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

ii. Considered supplementary to posted or published notice.

iii. Deemed satisfactory despite the failure of one or more owners, tenants, or residents to receive mailed notice.

5. Notices shall be mailed, posted, and published not less than fourteen (14) days ~~prior to~~ before the close of a comment period on a notice of application and not less than ten (10) days ~~prior to~~ before the public hearing date.

## **22.84.060 Project permit review.**

A. *Consistency with Applicable Regulations and Plans.*

1. When the city receives a project permit application, consistency between the proposed project and the applicable regulations in this ~~title~~ chapter and the policies set out in the Monroe comprehensive plan shall be determined through staff review of the project and the issuance of a permit or the preparation of a staff report to the decision body.

2. During project permit application review, the city shall determine whether the items listed in this section, as defined in the development regulations, are applicable to the proposed project and if the proposed project meets the development regulations. In the absence of applicable development regulations, the city shall determine whether the items listed in this section are defined in the city's adopted comprehensive plan and if the proposed project meets the comprehensive plan policies. This determination of consistency shall include, but is not limited to, the following:

- a. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;
- b. The density and applicable bulk requirements of the development; and
- c. Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities, as required by Chapter 36.70A RCW; and
- d. Character of the development, such as development standards.

3. The project permit application shall be reviewed for consistency with all criteria set out in this title for the project permit application type(s). alphabetical

B. *Project Permit Applications.* The following tables (Table 22.84.060(B)(1): Project Permit Types, Table 22.84.060(B)(2): Decision-Making and Appeal Authorities, and Table 22.84.060(B)(3): Required Procedures for Project Permit Applications) set out the required project permit decision-making and appeal processes.

**Table 22.84.060(B)(1). Project Permit Types**

<b>Type I</b>	<b>Type II</b>	<b>Type III</b>	<b><u>Type IV</u></b>	<b><u>Type V</u></b>	<b><u>Type VI</u></b>
Accessory Dwelling Unit		Administrative Approval	<u>Site-Specific Zoning Map Amendment</u> <sup>4</sup>	<u>Annexation</u>	Area-Wide Zoning Map Amendment

<b>Type I</b>	<b>Type II</b>	<b>Type III</b>	<b><u>Type IV</u></b>	<b><u>Type V</u></b>	<b><u>Type VI</u></b>
		(when a Conflict of Interest Exists)	<u>(Site-Specific Rezone)</u>		(Area-Wide Rezone)
Administrative Departure (Chapter 22.42-MMC)		Binding Site Plan (10+ Lots) - Preliminary		<u>Development Agreement</u>	Comprehensive Plan Amendment
Administrative Interpretation, <u>MMC 22.10.060(A)(4)</u>		Conditional Use			Pre-annexation Zoning <sup>3</sup>
Binding Site Plan - Final		<u>Critical Areas</u> Reasonable Use Exception			Unified Development Regulations Amendment
Boundary Line Revision (SEPA exempt)	Binding Site Plan (<10 lots) - Preliminary	Removal of a Six-Year Development Moratorium			
Development Permit (SEPA exempt)	Boundary Line Revision (not SEPA exempt)				
Land Clearing / Forest Practices (SEPA exempt)	Development Permit (not SEPA exempt)	Shoreline Conditional Use Permit <sup>2</sup>			

<b>Type I</b>	<b>Type II</b>	<b>Type III</b>	<b><u>Type IV</u></b>	<b><u>Type V</u></b>	<b><u>Type VI</u></b>
	<u>Design Review</u> <u>Administrative</u> <u>Departures</u> <u>MMC</u> <u>22.42.100(A)</u>				
Short Subdivision – Final	Land Clearing/Forest Practices  (not SEPA exempt)	Shoreline Variance <sup>2</sup>			
Site Plan Review  <u>(SEPA Exempt)</u>	SEPA Threshold Determination/ EIS Adequacy <sup>1</sup>	Subdivision – Preliminary			
Subdivision – Final	Shoreline Substantial Development	Variance			
Temporary Use	Short Subdivision – Preliminary	Variance from Flood Hazard Regulation			
	Single-Family Dwelling Exception to Development Moratoria	<u>Project Permit</u> <u>Revocation or</u> <u>Modification</u>			
	<u>Site Plan</u> <u>Review</u>	<u>Site-Specific</u> <u>Zoning Map</u> <u>Amendment</u>			

Type I	Type II	Type III	<u>Type IV</u>	<u>Type V</u>	<u>Type VI</u>
	(Requires SEPA)	(Site-Specific Rezone) <sup>4</sup>			
	<u>Temporary Encampments</u> <sup>4</sup>				

**Table Notes:**

**1** Appeals based on the substantive authority of SEPA for conditions imposed outside the threshold determination process are appealable to the city council, as required by RCW 43.21C.060. Otherwise, appeals of SEPA threshold determinations and EIS adequacy are considered procedural determinations and therefore appealable to the hearing examiner per WAC 197-11-680(3)(iv).

**2** Shoreline conditional use permits and variances require final approval by the Department of Ecology per Chapter 22.82 MMC, Shoreline Management.

**3** City council shall hold two public hearings for a pre-annexation zoning application, as consistent with RCW 35A.14.340.

**4** ~~The hearing examiner will hold the open record public hearing and forward a recommendation to the city council. The city council is the final decision-making body, appealable to superior court. Appeal to Superior Court.~~

**Table 22.84.060(B)(2). Decision-Making and Appeal Authorities**

	Type I Permits and Building Permits	Type II	Type III	Type IV	<u>Type V</u>	<u>Type VI</u>
<b>Final Decision Authority</b>	Zoning Administrator Or	Zoning Administrator	Hearing Examiner	<u>City Council</u>	<u>City Council</u>	City Council

	<b>Type I Permits  and Building Permits</b>	<b>Type II</b>	<b>Type III</b>	<b>Type IV</b>	<b><u>Type V</u></b>	<b><u>Type VI</u></b>
	Building Official					
<b>Recommending Authority</b>	N/A	N/A	Zoning Administrator	<u>Hearing Examiner</u>	<u>N/A</u>	Planning Commission
<b>Appeal Authority</b>	Hearing Examiner	Hearing Examiner, <u>except</u> <u>shoreline</u> <u>permits to</u> <u>WA</u> <u>Shoreline</u> <u>Hearings</u> <u>Board</u>	Snohomish County Superior Court, <u>except</u> <u>shoreline</u> <u>permits to</u> <u>WA</u> Shoreline Hearings Board	<u>Snohomish</u> <u>County</u> <u>Superior</u> <u>Court</u>		<u>Snohomish</u> <u>County</u> <u>Superior</u> <u>Court</u> , Growth Management Hearings Board (RCW 36.70A.280 et seq.) or Snohomish County Superior Court (Chapter 7.16 RCW), as applicable

**Table 22.84.060(B)(3). Hearings**

	<b><u>Type I and Building Permits</u></b>	<b><u>Type II</u></b>	<b><u>Type III</u></b>	<b><u>Type IV</u></b>	<b><u>Type V</u></b>	<b><u>Type VI</u></b>
<u>Public Hearing Prior to Before Decision</u>	N/A	N/A	<u>Open Record</u>	<u>Open Record at Hearing Examiner</u> <u>Closed Record before City Council</u>	<u>Open Record</u>	<u>Open Record</u>
<u>Appeals: Public Hearing Type</u>	<u>Open Record</u>	<u>Open Record</u>	<u>Closed Record</u>	<u>None, appeal to Superior Court</u>	<u>None, appeal to Superior Court</u>	<u>None, appeal to Growth Management Hearings Board</u>

**Table 22.84.060(B)(34). Required Procedures for Project Permit Applications**

<b>Procedure</b>	<b><u>Type I</u></b>	<b><u>Type II</u></b>	<b><u>Type III</u></b>	<b><u>Type IV</u></b>	<b><u>Type V</u></b>	<b><u>Type VI</u></b>
<b>Preapplication Meeting</b>	No	No	Yes	<u>Yes</u>	<u>Yes</u>	Yes <sup>2</sup>
<b>Notice of Completeness</b>	Yes	Yes	Yes	<u>Yes</u>	<u>Yes</u>	Yes <sup>2</sup>
<b>Notice of Application</b>	No	Yes	Yes	<u>Yes</u>	<u>Yes</u>	Yes <sup>2</sup>
<b>SEPA Determination<sup>1</sup></b>	No	Yes	Yes	<u>Yes</u>	<u>Yes</u>	Yes

<b>Procedure</b>	<b>Type I</b>	<b>Type II</b>	<b>Type III</b>	<b>Type IV</b>	<b><u>Type V</u></b>	<b><u>Type VI</u></b>
<b>Notice of Hearing</b>	No	No	Yes	<u>Yes</u>	<u>Yes</u>	Yes
<b>Notice of Decision</b>	No	Yes	Yes	<u>Yes</u>	<u>Yes</u>	Yes

**Notes:**

**1** In accordance with MMC 22.78.100, Use of exemptions, SEPA review is not required for projects that are deemed categorically exempt pursuant to WAC 197-11-800.

**2** This requirement only applies to project-specific proposals.

C. *Third Party Review.* The zoning administrator or their designee shall route project permit applications to consultants as the zoning administrator determines necessary. All costs of consultant review shall be billed to the project applicant.

D. *Final Decision.* The final decision of the council or other decision body shall be effective on the date stated in the decision, motion, resolution, or ordinance. The date from which appeal periods shall be calculated is the date of issuance of the decision, as defined in MMC 22.12.040.

E. *Project Permit Approval Expiration.* The project permit shall be valid as outlined below in Table 22.84.060(E): Project Permit Approval Expiration from the date of issuance of the decision. The project is required to have development permits issued, or have final approval for preliminary and short subdivisions, ~~prior to~~ before the end of the approval period.

**Table 22.84.060(E). Project Permit Approval Expiration**

<b>Permit Type</b>	<b>Approval Period</b>	<b>One Extension Allowed</b>
<b>Conditional Use Permits</b>	5 years	1 year
<b>Shoreline Permits</b>	2 years	1 year
<b>Preliminary Short Subdivisions</b>	3 years	1 year
<b>Preliminary Subdivisions</b>	5 years	1 year

<b>Permit Type</b>	<b>Approval Period</b>	<b>One Extension Allowed</b>
<b>All Land Use Project Permits Not Otherwise Listed</b>	2 years	1 year
<b>Building Permit</b>	Per Chapter 15.04 MMC	Per Chapter 15.04 MMC

F. *Extensions.* Extensions to the approval expiration may be granted by the zoning administrator, provided one or more of the following criteria are met:

1. The construction permits can or will be issued within thirty days of the approval expiration; or
2. The city and/or other public agency's capital project needs to be completed ahead of the required improvements to allow for logical sequence of construction to prevent damage or disruption to the improvements being made; or
3. Expiration of the approval will create an unnecessary and unusual hardship to the applicant that is not self-created.
4. An extension to the approval expiration shall not be granted by the zoning administrator unless all of the following criteria are met:
  - a. The need for the extension is not the result of deliberate actions of the applicant; and
  - b. The public health, safety, and welfare are not endangered by allowing the extension.

G. *Substantial Revisions or Modifications to Proposal.*

1. A revision or modification to the contents of an application before or after issuance of the permit, either voluntarily or to conform with applicable standards and requirements, shall be deemed a new application for the purpose of vesting when the revision or modification would result in a significant increase in a project's impacts, as determined by the zoning administrator. In reaching a decision on whether a revision is significant, the zoning administrator's consideration shall include, but not be limited to, the magnitude of the revision and the effect on the environment; the environmental sensitivity of the site; any changes in location of significant elements of the project and

their relationships to public facilities; the impact of the revision on the review clock; and impacts to surrounding lands and land uses.

2. Written notice of such determination of substantial revision or modification shall be provided to the applicant and to all parties of record.

3. Any revision or modification deemed by the zoning administrator to be substantial shall conform to the time periods set forth in MMC 22.84.040(G)(4). The review cycle for the revised project application shall begin with the date the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations, and standards in effect on the date of receipt of a complete, revised project application.

H. Effect of irreconcilable applications on the same property.

1. If an applicant submits an application that cannot be reconciled with a previously submitted application, preliminary or approved, on the same property, the previously submitted or approved application shall be deemed withdrawn by the applicant and it shall be rendered null and void. The zoning administrator shall notify the applicant that the previously submitted application has been deemed voided and will not be processed any further: original permit fees paid will not be returned. Withdrawal shall be deemed to occur even when the city has finished processing the previously submitted application.

2. Many inconsistencies between applications can be reconciled through corrections that are made during the development review process. This section is not intended to treat all inconsistencies as effecting a withdrawal of the earlier application.

3. Without limiting the generality of subsection (A) of this section, the following examples are intended to illustrate whether a subsequent application shall be deemed irreconcilable with an earlier application:

a. Examples of Irreconcilable Applications That Result in Withdrawal:

i. Applicant submits an application for a four-lot short plat on a particular property. Subsequently, another application is submitted for a three-lot short on the same property. Assuming there is not enough land area for seven lots, the two applications are irreconcilable because one could not construct both short plats. Hence, the prior application for a four-lot short plat is deemed withdrawn.

ii. Applicant submits a design review application for a 20-unit multifamily housing development. Subsequently, another design review application is submitted for a 30-unit multifamily housing development whose footprint would substantially overlap with the footprint of the structure shown for the 20-unit application. Because both structures would occupy substantially the same space they are irreconcilable and the 20-unit application would be deemed withdrawn.

b. Examples of Applications That May Be Inconsistent but Are Not Irreconcilable Resulting in Withdrawal.

i. Applicant submits an application for a four-lot short plat on a particular property. Subsequently, a building permit application is submitted for a single-family home the footprint of which would encroach into the setbacks as measured from the proposed short plat lot lines. Because the building permit application could be corrected to properly locate the footprint, the applications are reconcilable and do not cause a withdrawal of the short plat application.

ii. Applicant submits a landscaping plan that is insubstantially inconsistent with civil site-improvement plans that are submitted for the same property. If the two sets of plans can be reconciled by submitting a corrected version of at least one of the two plans, then staff would seek corrections and withdrawal would not be deemed to occur.

4. This Administrative determination is appealable to the Hearing Examiner following the Type I and II review process and appeals.

## **22.84.070 Open record public hearings.**

Public hearings on all Type III ~~and through IV~~ project permit applications, as defined in MMC 22.84.030(C) and (D), or on applications as otherwise required by code, shall be conducted in accordance with this chapter.

A. *Responsibilities of Zoning Administrator.* The zoning administrator shall:

1. Schedule an application for public review and/or public hearing.
2. Provide public notice, as required by MMC 22.84.050(C).

3. Prepare a staff report on the application, providing all pertinent information, including recommendations on project permits in the consolidated permit process that do not require an open record public hearing. The report shall state any mitigation required or proposed under the development regulations or the city's authority under SEPA. The staff report may constitute the permit and the notice of decision.

*B. Joint Public Hearings.*

1. The zoning administrator may combine a public hearing on a project permit application with a hearing held by another local, state, regional, federal, or other agency on the proposed action.

2. The applicant may request that the public hearing on a permit application be combined with a hearing held by another government agency if the joint hearing can be held within the time periods set forth in this title.

3. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:

a. The other agency is not expressly prohibited by statute from doing so;

b. Sufficient notice of the hearing is given to 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 hearing at the same time as the city's hearing; and

d. The hearing is held within the incorporated city limits.

*C. Ethics.* The hearing body shall be subject to the code of ethics (RCW 35A.42.020), prohibitions on conflict of interest (RCW 35A.42.020 and Chapter 42.23 RCW), open public meetings act (Chapter 42.30 RCW), and appearance of fairness (Chapter 42.36 RCW) as the same now exist or may hereafter be amended.

## **22.84.080 Appeals.**

*A. General Provisions.* Decisions on project permit applications and building permits shall be appealable, as provided in this section and consistent with MMC Table 22. 84.060(B)(2). Those project permit, building permit, and development decisions that are subject to an appeal shall become final unless an appeal is filled within the designated time to file an appeal.

1. *Standing to Initiate Appeal.* Only parties of record have standing to appeal the decision-maker's decision.

2. *Consolidation of Appeals.* All appeals of project permit application decisions, other than an appeal of determination of significance (DS), shall be considered together in a consolidated appeal. If an appeal of a SEPA threshold determination is filed and action on the project permit involves a pre-decision hearing, the appeal hearing and pre-decision hearing shall be combined.

3. *Time to File.*

a. ~~*Administrative Appeal of Type I and II Project Permits and Building Permits.*~~ Appeal of Type I or Type II project permit final decisions or Building Permit decision shall be to the Hearing Examiner. Appeals shall be filed within fourteen (14) days following the issuance of the notice of decision. A decision involving a SEPA determination of non-significance which required public comments shall have the appeal period extended an additional seven (7) days. An appeal of the decision, together with the appeal fee, must be received at City Hall before five p.m. on the last business day of the appeal period.

b. ~~*Judicial Appeal of Type III, IV, and V Project Permits.*~~ Judicial appeals Appeal of Type III, Type IV, and Type V project permit final decisions shall be filed in Snohomish County superior court by filing a land use petition within twenty-one (21) days pursuant to Chapter 36.70C RCW, or in the case of a shoreline permit, to the Shoreline Hearings Board pursuant to RCW 90.58.140.

c. *Appeal of Type VI Project Permits.* Type VI project permit final decisions shall be filed with the WA Growth Management Hearings Board by filing petition within sixty (60) days of the after publication of the adopting ordinance or summary of the ordinance pursuant to RCW 36.70A.290 (GMHB – Petitions – Evidence)

d. *Computation of Time.* For the purposes of computing the time for filing an appeal, the day the decision-maker's decision is rendered shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, or a day designated by RCW 1.16.050 or by the city's ordinances as a legal holiday, then that day also is excluded and the filing must be completed by five p.m. on the next business day.

4. *Content of Appeal.* Appeals shall be in writing, be accompanied by the appeal fee, and contain the following information:

- a. Appellant's name, address and phone number;
- b. Identification of the application which is the subject of the appeal;
- c. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;
- d. The relief sought;
- e. A statement that the appellant has read the appeal and believes the contents to be true, signed by the appellant.

5. *Effect.* The timely filing of an appeal shall stay the effective date of the decision-maker's decision until such time as the appeal is adjudicated or withdrawn.

6. *Burden of Proof.* The appellant shall have the burden of proof by a preponderance of evidence that the decision was not supported by substantial evidence, except SEPA threshold determinations, as to which the appellant shall have the burden of proof by a clearly erroneous standard.

B. ~~*Administrative Appeal of Type I and II Administrative Project Permits and Building.*~~ Applicants or parties of record may appeal Type I and II administrative approvals and Building Permits in writing to the appeal authority specified in Table 22.84.060(B)(2): Decision-Making and Appeal Authorities ~~within fourteen calendar days of the decision at an open record hearing.~~

1. *Notice of Appeal.* The zoning administrator shall provide public notice of the appeal, as provided in MMC 22.84.050.

2. *Procedures for Open Record Hearing.* Appeals of administrative approvals that did not include a pre-decision hearing shall be considered an open record hearing. The provisions of MMC 22.84.070 shall apply.

3. *Procedures for Closed Record Hearing.* Appeals of administrative approvals that were subject to an open record pre-decision hearing shall be considered in a closed record hearing. The provisions of MMC 22.84.070 shall apply to a closed record hearing, provided the closed record decision shall be on the record before the hearing body, and no new evidence shall be presented.

4. *Decision.* The hearing body may affirm, reverse in whole or in part, or may modify the permit or decision being appealed, or may remand the matter back to city staff with directions for further processing. If the application is remanded back to city staff for further processing, the hearing

body's decision shall not be considered a final decision, except for purposes of application time limitations. If a new decision is issued by the city, a new appeal period shall commence consistent with the provisions of this chapter.

C. *SEPA Appeals.* Appeals of environmental determinations under SEPA shall be processed subject to the applicable provisions of MMC 22.78.180, SEPA administrative appeals, RCW 43.21C.075, Appeals, and WAC 197-11-680, Appeals.

D. *Judicial Appeal of Type III, IV, and V Quasi-Judicial Project Permits.* The city's final decision on an application may be appealed by a party of record, with standing, to file a land use petition in Snohomish County court. Such petition must be filed within twenty-one (21) days of issuance of the decision, as provided in Chapter 36.70C RCW.

1. Notice of the appeal and any other pleadings to be filed with the court shall be served on the city as required by law.

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

E. *Appeal of Type VI Legislative Project Permits.* The city's final decision on legislative actions relating to the comprehensive plan, development regulations, or amendments thereto, application may be appealed by a party of record, with standing, to file an appeal with the WA Growth Management Hearings Board, consistent with Chapter 36.70A.290 RCW. Such petition must be filed within sixty-days (60) days after publication.

1. Notice of the appeal and any other pleadings to be filed with the court shall be served on the city as required by law.

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

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Final Audit Report

2025-10-15

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