

CHAPTER 22.84 PERMIT PROCESSING

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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 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 RCW 35.79 and MMC Chapter 12.24, Vacation of Rights-of-Way;
 2. Right-of-way permits shall be processed in accordance with MMC Chapter 12.36, Public Right-of-Way Disturbance and Restoration;
 3. Special event permits shall be processed in accordance with MMC Chapter 5.28, Special Events; and
 4. Other permits as determined appropriate by the zoning administrator.

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.

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. Administrative interpretations shall meet the requirements set out in MMC Chapter 22.10, Administration and Enforcement
2. Boundary line revisions that are exempt from review under SEPA shall meet the requirements set out in MMC 22.68.060, Boundary Line Revisions
3. Development permits that are exempt from review under SEPA
4. Land clearing/forest practices permits that are exempt from review under SEPA shall meet the requirements set out in Chapter 22.86, Land Clearing and Forest Practices
5. Final short subdivisions shall meet the requirements set out in MMC 22.68.040(D), Final Subdivision Process for Preliminary Subdivision and Short Subdivision
6. Site plan reviews shall meet the requirements set out in MMC Chapter 22.58, Site Plan Review
7. Final subdivisions shall meet the requirements set out in MMC 22.68.040(D), Final Subdivision Process for Preliminary Subdivision and Short Subdivision

8. Temporary use permits shall meet the requirements set out in MMC Chapter 22.60, 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. Accessory dwelling units shall meet the requirements set out in MMC 22.16.060, Accessory Dwelling Units.
 2. Final binding site plans shall meet the requirements set out in MMC 22.68.070, Binding Site Plans
 3. Preliminary binding site plans for less than ten lots shall meet the requirements set out in MMC 22.68.070, Binding Site Plans
 4. 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
 5. Development permits that are not exempt from review under SEPA
 6. Land clearing/forest practices permits that are not exempt from review under SEPA shall meet the requirements set out in MMC Chapter 22.86, Land Clearing and Forest Practices
 7. SEPA threshold determinations shall meet the requirements set out in MMC 22.78.080, Threshold Determinations
 8. Shoreline substantial development permits shall meet the requirements set out in MMC Chapter 22.82.110, Review Process and Criteria for Substantial Development Permits
 9. Preliminary short subdivisions shall meet the requirements set out in MMC 22.68.040(A), Preliminary Subdivisions and Short Subdivisions
 10. Single-family dwelling exception to development moratoria shall meet the requirements set out in Chapter 22.86, Land Clearing and Forest Practices
- 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 MMC Chapter 22.64, Conditional Use Permits
 4. Reasonable use exceptions shall meet the requirements set out in MMC Chapter 22.80.050, Reasonable Use Exception
 5. Removals of a six-year development moratorium shall meet the requirements set out in Chapter 22.86, 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. Preliminary subdivisions shall meet the requirements set out in MMC 22.68.040(A), Preliminary Subdivisions and Short Subdivisions
 9. Variances shall meet the requirements set out in MMC Chapter 22.66, Variances
 10. Variances from flood hazard regulations shall meet the requirements set out in MMC Chapter 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 legislative actions and are not subject to the procedures in this chapter unless otherwise specified. Type IV 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 IV 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 shall meet the requirements set out in MMC Chapter 22.74, Comprehensive Plan Amendments
 - b. Unified Development Regulation amendments and rezones shall meet the requirements set out in MMC Chapter 22.72, Amendments to Unified Development Regulations
 - c. Annexations shall meet the requirements set out in MMC Chapter 22.76, Annexations
 - d. Pre-annexation zoning shall meet the requirements set out in RCW 35A.14

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 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 MMC Chapter 22.78.
 3. Applications processed in accordance with subsection MMC 22.84.040(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. Project permit applications are allowed a maximum of one (1) open record public hearing.
- C. Pre-application Meetings.
 1. A pre-application meeting is optional, but encouraged, for applications for Type I and Type II permits.
 2. Applications for Type III and IV permits will not be accepted until the applicant has attended a pre-application meeting. This requirement may be waived by the zoning administrator.
 3. The purpose of the pre-application 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 pre-application meetings.
5. The applicant shall be responsible for all staff costs related to the pre-application meeting.
6. Pre-application 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 MMC Title 22 shall include all the materials and information described in MMC 22.84.040(D)(1)(a – j). Development applications shall not be deemed complete until all of the materials and information specified in MMC 22.84.040(D)(1)(a) through (j) 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 MMC 22.84.040(D)(3).

- 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 a scale of not less than one inch for each fifty feet 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;
- 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.
 - 2. The applicant shall apply for all permits identified in the pre-application 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, the city shall route the application to the development review committee (DRC), described below, for review; within twenty-eight days, the city shall provide the applicant with a written determination that the application is complete or incomplete.
 - 1. Determination of Completeness.
 - a. A project application shall be declared complete only when it contains all of the following materials:
 - 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 MMC 22.84.040(D)(1).
 - 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 days of determining the application is incomplete, the application file shall be closed.
 - c. Upon submittal of the additional information, the city shall, within fourteen 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 days, the application shall be deemed complete 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. 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 fire 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.
- G. Time Limits/Review Clock.
 - 1. The City shall issue a notice of final decision on a project permit application for a preliminary long or short subdivision within 90 days after the applicant is notified that the application is complete.

2. The City shall issue a notice of final decision on a project permit application for a final subdivision within 30 days after the applicant is notified that the application is complete.
3. The City shall issue a notice of final decision on all other project permit applications within 120 days after the applicant is notified that the application is complete or within 14 days of approval.
4. The City shall exclude the following period from the time limits of MMC 22.84.040(G):
 - a. Any time required to process necessary amendments to the comprehensive plan (including the initial adoption of subarea plans), or development regulations.
 - b. Any time required to correct plans, perform studies, or provide additional information; provided, that within fourteen calendar days of receiving the requested additional information, the zoning administrator shall determine whether the information is adequate to resume the project review.
 - c. 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 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. 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.

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 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 days prior to 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 14 days and a maximum of 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 5:00 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 MMC 22.84.050(E).
4. Except for a determination of significance (DS) or when issuing a determination of nonsignificance (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 the Notice of Application.
- B. SEPA Notification. Notification of a SEPA determination shall be in accordance with MMC Chapter 22.78, State Environmental Policy Act, and the following:
 1. Determinations of nonsignificance and mitigated determinations of nonsignificance shall be published in the City's newspaper of record a minimum of 14 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 nonsignificance and mitigated determinations of nonsignificance shall be provided to the City's agency mailing list, the Planning Commission, the City Council, DRC, 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 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;
 - 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 7 days prior to 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 10 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 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 10 days prior to the date of hearing, or at least 14 days prior to the end of any required comment period, as follows:
 - a. A single notice board 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 MMC 22.84.050(C).
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 500 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 500 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 500 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 SR-2 and SR-522 shall be given to the Washington State Department of Transportation (WSDOT), who must respond within 15 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 14 days prior to the close of a comment period on a Notice of Application and not less than 10 days prior to 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 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).

B. Project Permit Applications. The following tables (Table 22.84.060(B)(1): Project Permit Types, Table 22.84.060(B)(3): Permit Decision-Making and Appeal Authorities, and Table 22.84.060(B)(2): 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

Type I	Type II	Type III	Type IV
Administrative Interpretation	Accessory Dwelling Unit	Administrative Approval (when a Conflict of Interest Exists)	Comprehensive Plan Amendment
Boundary Line Revision (SEPA exempt)	Binding Site Plan - Final	Conditional Use	Unified Development Regulations Amendment
Development Permit (SEPA exempt)	Binding Site Plan - Preliminary	Reasonable Use Exception	Area-Wide Zoning Map Amendment (Area-Wide Rezone)
Land Clearing/ Forest Practices (SEPA exempt)	Boundary Line Revision (not SEPA exempt)	Removal of a Six-Year Development Moratorium	Pre-Annexation Zoning ³
Short Subdivision - Final	Development Permit (not SEPA exempt)	Shoreline Conditional Use Permit ²	
Site Plan Review	Land Clearing/ Forest Practices (not SEPA exempt)	Shoreline Variance ²	
Subdivision - Final	SEPA Threshold Determination/EIS Adequacy ¹	Site-Specific Zoning Map Amendment (Site-Specific Rezone)	
Temporary Use	Shoreline Substantial Development	Subdivision - Preliminary	
	Short Subdivision - Preliminary	Variance	
	Single-Family Dwelling Exception to Development Moratoria	Variance from Flood Hazard Regulation	

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 MMC Chapter 22.82, Shoreline Management.

3. City council shall hold two public hearings for a prezone application, as consistent with RCW 35A.14.340.

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

	Type I	Type II	Type III	Type IV
Final Decision Authority	Zoning Administrator	Zoning Administrator	Hearing Examiner	City Council
Recommending Authority	N/A	N/A	Zoning Administrator	Planning Commission
Appeal Authority	Hearing Examiner	Hearing Examiner	Snohomish County Superior Court, Shoreline Hearings Board	Snohomish County Superior Court, Growth Management Hearings Board

Table 22.84.060(B)(3): Required Procedures for Project Permit Applications

Procedure	Type I	Type II	Type III	Type IV
Pre-Application Meeting	No	No	Yes	Yes ²
Notice of Completeness	Yes	Yes	Yes	Yes ²
Notice of Application	No	Yes	Yes	Yes ²
SEPA Determination ¹	No	Yes	Yes	Yes
Notice of Hearing	No	No	Yes	Yes
Notice of Decision	No	Yes	Yes	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 22.12.050.

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 the end of the approval period.

Table 22.84.060(E): Project Permit Approval Expiration

Permit Type	Approval Period	One Extension Allowed
Conditional Use Permits	5 years	1 year
Shoreline Permits	2 years	1 year
Preliminary Short Subdivisions	3 years	1 year
Preliminary Subdivisions	5 years	1 year
All Land Use Project Permits	2 years	1 year

Table 22.84.060(E): Project Permit Approval Expiration

Permit Type	Approval Period	One Extension Allowed
Not Otherwise Listed		
Building Permit	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 30 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.

22.84.070 Open Record Public Hearings.

Public hearings on all Type III and IV project permit applications, as defined in MMC 22.84.030(C) and (D), 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 shall be appealable, as provided in this section.
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 predecision hearing, the appeal hearing and predecision hearing shall be combined.
 3. Time to File.
 - a. Administrative Appeal. An appeal of the decision, together with the appeal fee, must be received at City Hall before 5:00 p.m. on the last business day of the appeal period.
 - b. Judicial Appeal. Judicial appeals shall be filed in Snohomish County Superior Court by filing a land use petition within 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. 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 5:00 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; Appellant's statement describing his or her standing to appeal;
 - 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 Appeals. Applicants or parties of record may appeal administrative approvals 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 Closed Record Hearing. Appeals of administrative approvals that were subject to an open record predecision 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.

3. 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 Appeals. 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 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 prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.