



Planning Commission  
Meeting:

First Wednesday of  
every Month @ 7:00pm

Planning & Community  
Development  
Department

1812 Main Street  
Lake Stevens, WA  
98258 (425) 377-3235

[www.lakestevenswa.gov](http://www.lakestevenswa.gov)

[Municipal Code](#)

Available online:

[www.codepublishing.com/WA/LakeStevens/](http://www.codepublishing.com/WA/LakeStevens/)

## **PLANNING COMMISSION AGENDA**

**Regular Meeting Date: 02/07/2018**

- **CALL TO ORDER: 7:00pm**  
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
  1. Approval of Minutes-1/3/2018
- **DISCUSSION ITEMS**
  1. Planning Commission Training
  2. Briefing- Code amendment for Model Homes-LUA2017-0148
  3. Briefing- Code amendment for Final Plat Approval Authority-LUA2018-0007
- **COMMISSIONER REPORTS**
- **PLANNING DIRECTOR'S REPORT**
  1. 2017 Accomplishments
  2. 2018 Work Program
- **FUTURE AGENDA ITEMS**
  1. Joint Meeting with Planning Commission and Council 2/13/2018 at the School District Administration Bldg at 6:00pm.
  2. ADU Ordinance code amendment
- **ADJOURN**

### ***SPECIAL NEEDS***

*The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, City of Lake Stevens ADA Coordinator, at (425) 377-3227 at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service,*

**PLANNING COMMISSION REGULAR MEETING MINUTES**

Community Center  
1808 Main Street, Lake Stevens  
Wednesday, Jan 3, 2018

CALL TO ORDER: 7:00 pm by Chair Jennifer Davis

MEMBERS PRESENT: Jennifer Davis, Janice Huxford, Karim Ali, Vicki Oslund

MEMBERS ABSENT: Linda Hoult and Tracey Trout

STAFF PRESENT: Community Development Director Russ Wright, Senior Planner Josh Machen, Associate Planner Dillon Roth and Clerk Jennie Fenrich

OTHERS PRESENT: Sally Jo Sebring, Dave Huber and 3 other citizens

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**Excused Absence:** Commissioner Huxford made a motion to excuse Commissioner Hoult and Commissioner Trout. Commissioner Oslund seconded. Motion carried. 4-0-0-2.

**Guest business.** Sally Jo Siebring commented that it didn't seem correct to be making a recommendation to City Council without having a Public Hearing on Stormwater and Land Disturbance code, in which Planning and Community Development Director Wright responded that that will be addressed in the report.

**Action Items:**

1. Commissioner Davis made a motion Commissioner Ali seconded that Janice Huxford be elected Chairperson and Commissioner Oslund be elected Vice Chairperson motion carried 4-0-0-2.
2. Design Review Board Liaison designation was tabled until next meeting to check with the absent members on interest.
3. *Approve November 15, 2017 Meeting Minutes.* Commissioner Davis made a motion to approve the minutes, Commissioner Ali seconded. Motion carried 4-0-0-2.

**Public Hearing:**

**PC Chair Opens Meeting** - Commissioner Huxford asked for a motion to open the public hearing. Commissioner Ali made a motion to open the Public Hearing. Commissioner Oslund seconded. 4-0-0-2.

**Staff Presentation** Community Development Wright gave a report on the 2017 Comprehensive Plan docket. This is an annual update that include land use elements, some park descriptions, and capital project updates as well as facility and street updates. This year includes two land use actions; one on 99<sup>th</sup> and Chapel Hill Rd that would change zoning to Public/Semi Public to allow for the construction of a civil campus. The other change would be at Eagle Ridge Park, changing zoning to Public/Semi-Public.

**Commissioner's questions for staff-** none

**Proponent's comments-** none

**Comments from the audience-** none

**Proponent rebuttal comments –** none

**Comments from the audience-** none

**Proponent rebuttal comments –** none

**Commission Action by Motion** – Commissioner Ali made motion to approve the recommendation to Council on the 2017 Comprehensive Plan Docket. Commissioner Davis seconded. The motion carried 4-0-0-2.

**PC Chair** Huxford asked for a motion to open the second Public Hearing. Commissioner Davis made a motion to open and Commissioner Ali seconded. 4-0-0-2.

**Staff Presentation-** Community Development Director Russ Wright shared this rezone is associated item to recently approved Comprehensive Plan that we change the Chapel Hill Rezone to Public/Semi Public.

**Commissioner's questions for staff-** Commissioner Oslund asked director Wright if there had been any public comment on this proposal, which Director replied no.

**Proponent's comments-** none

**Comments from the audience-** none

**Proponent rebuttal comments –** none

**Comments from the audience-** none

**Proponent rebuttal comments –** none

**Close public comments portion of hearing by motion-** Commissioner Davis made a motion to close public portion. Commissioner Ali seconded. The motion carried 4-0-0-2

**Commission Action by Motion** – Commissioner Ali made a motion to approve the recommendation to Council. Commissioner Davis seconded. The motion carried 4-0-0-2.

**PC Chair Huxford** asked for a motion to open the third public hearing on Eagle Ridge Park Rezone. Commissioner Davis made a motion to open the public hearing and Commissioner Ali seconded. The motion carried 4-0-0-2.

**Staff Presentation-** Community Development Director Wright reported this is like the prior motion that was just made a recommendation to open the Eagle Ridge park that would rezone the zone Public/Semi Public.

**Commissioner's questions for staff-** none

**Proponent's comments-** none

**Comments from the audience-** none

**Proponent rebuttal comments –** none

**Comments from the audience-** none

**Proponent rebuttal comments –** none

**Close public comments portion of hearing by motion-** Commissioner Ali made a motion to close the public portion. Commissioner Oslund seconded. The motion carried 4-0-0-2.

**Commission Action by Motion –** Commissioner Davis made a motion to approve the recommendation to Council to change zoning to Public/Semi-Public in Eagle Ridge Park Commissioner Oslund seconded. The motion carried 4-0-0-2.

**PC Chair Huxford** asked for a motion to open the third public hearing on LUA2017-0010 Amendment to allow Storage in Local Business. Commissioner Ali made a motion to open the public hearing and Commissioner Davis seconded. The motion carried 4-0-0-2.

**Staff Presentation-** Associate Planner Roth gave a report on a code amendment that would allow storage units in the Local Business zone that abut State Routes. Starting in April this year, there have been four briefings on this application. There has been extensive discussion between the commission, staff and the applicant. The language now drafted is consistent with the Comp Plan. There were no comments received from outside agencies.

**Commissioner's questions for staff-** Commissioner Huxford inquired on the type of screening that would be required, to which Planner Roth said it would require a Type A screen that would require opaque screening that would include 6 ft shrubs and 25 ft trees that will be 10 ft minimum width. Commissioner Ali asked if these projects would require public noticing, to which Planner Roth replied, if the project is over \$100,000 it will require public notice and if it is under that threshold it will be an Administrative decision.

**Proponent's comments-** none

**Comments from the audience-** none

**Proponent rebuttal comments –** none

**Comments from the audience-** none

**Proponent rebuttal comments –** none

**Close public comments portion of hearing by motion-** Commissioner Ali made a motion to close the public portion. Commissioner Davis seconded. The motion carried 4-0-0-2.

**Commission Action by Motion –** Commissioner Davis made a motion to approve the recommendation to Council to change zoning to Public/Semi-Public in Eagle Ridge Park Commissioner Oslund seconded. The motion carried 4-0-0-2.

### **Commissioner Reports**

Commissioner Huxford attended the Marijuana Public Hearing at the City Council Meeting last month and shared there were 4 pro votes and 2 con for the new ordinance that allows for one retail marijuana store in the Industrial Zone.

Commissioner Oslund reported Winterfest was thoroughly enjoyed by her family.

### **Planning Director Report:** None

### **Future Agenda Items**

February 7<sup>th</sup> Meeting Senior Planner Machen will be briefing the Commission on Model Home Ordinances.

Joint Planning meeting in February. Date will be forth coming.

**Adjourn.** Motion to adjourn by Commissioner Davis, seconded by Commissioner Ali. Motion carried 4-0-0-2. Meeting adjourned at 8:20 p.m.

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Janice Huxford, Chair

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Jennie Fenrich, Clerk, Planning & Community Development



## PLANNING COMMISSION MEMORANDUM

**Date:** February 7, 2018  
**To:** Planning Commissioners  
**From:** Russ Wright, Community Development Director  
**Subject:** **Planning Commission Responsibilities, Rules of Procedure and Summary of Robert's Rules of Order Review**

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Staff is providing information regarding the Planning Commission's Responsibilities and Rules of Procedures. Additionally, there is a simple handout that summarizes Robert's Rules of Order for meetings for the Commissioners and staff to discuss. This information is to help Commissioners and staff understand roles and responsibilities as well as help the public during the public meeting process.

The Planning Commission's primary function is advisory to the City Council on city regulations related to land use, comprehensive planning and zoning. This typically takes the form of holding monthly public meetings to review annual amendments to the city's Comprehensive Plan and Zoning Code. These meetings can include workshops or hearings. For the meetings to be effective, the Planning Commission should be familiar with staff reports provided ahead of time and be prepared to discuss the contents with staff and the other commissioners.

The Planning Commission has adopted Rules of Procedure, which can be updated periodically as needed. These rules identify meeting rules, duties of commissioners / officers, business operations, guest business and public hearings.

As a city board, the Planning Commission follows Robert's Rules of Order to conduct its meeting. Simply put, these rules outline basic parliamentary procedures for conducting effective meetings.

Attachments:

- A. Chapter 2.64 LSCM Planning Commission
- B. City of Lake Stevens Planning Commission Rules of Procedure
- C. Robert Rules of Order Summary

## ATTACHMENT A

### **Chapter 2.64 PLANNING COMMISSION**

Sections:

- [2.64.010](#) Created
- [2.64.020](#) Membership/Appointment/ Compensation
- [2.64.030](#) Term of Office
- [2.64.040](#) Removal From Office
- [2.64.050](#) Expenses
- [2.64.060](#) Powers and Duties
- [2.64.070](#) Rules of Procedures

#### **2.64.010 Created.**

The Planning Commission is hereby acknowledged and ratified. (See Section [14.16A.360](#) of the Lake Stevens Municipal Code.) (Ord. 811, Sec. 7, 2010)

#### **2.64.020 Membership/Appointment/ Compensation.**

The Planning Commission shall be composed of seven members, appointed by the Mayor with the approval by a majority vote of the City Council, without regard to political affiliation. The Mayor and Council may appoint a member who resides or owns property within the City or the City's urban growth area. At least four members shall be residents of the City. The members of the Planning Commission shall serve without compensation.

#### **2.64.030 Term of Office.**

The term of office of each member shall be for four years. The term shall terminate on the last day of the respective calendar year, even though this shortens or extends slightly the appointed term. Should a commissioner desire reappointment for another term, he/she shall submit a written request to the Mayor for approval, and the concurrence of the City Council.

#### **2.64.040 Removal From Office.**

Members may be removed by the Mayor with the approval of the Council for inefficiency, neglect of duty, three consecutive unexcused absences, or malfeasance in office. Notification of such dismissal shall be in writing stating the exact cause for dismissal; however, all dismissals shall be final on approval of the Council.

#### **2.64.050 Expenses.**

The Planning Commission as a body or individual members thereof may be reimbursed actual and reasonable expenses in the performance of their duties on behalf of the Commission from funds included in the general budget of the Planning and Community Development Department. Such expenses may include, but are not limited to, such items as: Travel and subsistence, registration fees and other costs incidental to meetings and conferences, professional and consulting services, educational fees, dues and

assessments of professional planning organizations, subscriptions to periodicals and purchase of informational and educational texts, and similar expenditures that may be deemed necessary to increase the efficiency and professional ability of the members of the Commission. Planning Commission expenses shall be authorized only by the Planning and Community Development Director.

#### **2.64.060 Powers and Duties.**

- A. The Planning Commission shall be the principal planning advisory body for all matters relating to land use, comprehensive planning and zoning. Unless otherwise assigned by ordinance to the Hearing Examiner, public hearings required by Chapter [35A.63](#) RCW to be held in the course of the adoption or amendment of the text and/or map of the Comprehensive Plan, text and/or map of the zoning code, annexations, or regulations for the subdivision of land, shall be held by the Planning Commission; however, this in no way prohibits the City Council from making the final decision.
- B. The Planning Commission shall perform such other functions (including hearings on certain land use permit applications) as shall be assigned to it by the provisions of Title [14](#) (Land Use Code), as amended, or as may be from time to time directed by resolution or motion of the City Council.
- C. In addition to these and other powers and duties set forth elsewhere in this chapter, the Planning Commission shall be given the powers and duties hereinafter set forth:
  - (1) To recommend to the Mayor and Council programs for public works and civic improvements.
  - (2) To publish and distribute copies of status reports of activities of the Planning Commission which may include plans and official recommendation made by the Commission in the regular exercise of its duties, as set forth in this section.
  - (3) To consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens in relation to its plans and recommendations prepared by it.
  - (4) To request all public officials to furnish, within a reasonable time, such available information to assist in formulating the Commissions' plans and recommendations.
  - (5) To exercise such authority as may be necessary to enable it to fulfill its functions, promote planning, and carry out the purposes of this section.
  - (6) To conduct, upon request by the Mayor or Council, an investigation and submit a report, plan, map, or recommendation in connection with any matter relating to the physical development of the City.
  - (7) To sit as Hearing Examiner in the absence of the engagement of a Hearing Examiner.

#### **2.64.070 Rules of Procedures.**

The Planning Commission is hereby directed to adopt rules of procedures for the orderly and fair conduct of matters coming before the Planning Commission. The Planning Commission shall review and revise the adopted rules of procedures as necessary, forwarding a copy to the City Administrator, Mayor, and City Council.



**CITY OF LAKE STEVENS PLANNING COMMISSION**  
**Rules of Procedures**

## **I. MEETINGS**

Location: All meetings shall be held in the Lake Stevens Community Center, unless otherwise directed by the Chairperson and appropriate notification to the media and public is provided. All meetings shall be open to the public.

Date and Time: Regular meetings shall be held on the first Wednesday of each month, at 7:00 p.m., for the primary purpose of advising the City Council on all matters relating to land use, comprehensive planning and zoning and conducting formal public hearings on Type VI land use applications. If a second meeting is required in a month, it shall be held on the third Wednesday of the month at the same time and place as regular meetings.

Rescheduling Meetings for Holidays: When a regular meeting falls on a holiday or is preempted by a City Council meeting, the meeting shall be rescheduled at the discretion of the Chairperson.

Special Meetings: Special meetings may be requested by the Planning and Community Development Department or City Council and held at the discretion of the Chairperson. Action to recommend approval or denial of an application for development or amend a long-range plan or land use application may take place at a special meeting, provided that appropriate public notice requirements are met.

Meeting Notices and Agenda: Written notice of all regular and special meetings shall be emailed to the Planning Commission and posted on the city's website and bulletin boards no later than close of business on the Thursday before the meeting date (Hard copies will be provided upon request). The notice shall include an agenda of the matters to be considered by the Planning Commission at the meeting. **ATTACHMENT 1** includes procedure for noticing special meetings.

Meeting Cancellation: If no matters over which the Planning Commission has jurisdiction are pending, a meeting may be cancelled at the discretion of the Chairperson. A notice of cancellation will be placed on the city's website and bulletin boards to notify the public of the change in schedule.

## **II. ORGANIZATION OF THE PLANNING COMMISSION (Pursuant to Chapter 2.64 LSCM)**

Membership: The Planning Commission membership shall be per the Lake Stevens Municipal Code, Section 2.64.020, or as amended.

Term of Office: Each member shall serve a four year term. The term shall terminate on the last day of the respective calendar year.

Election of Officers: The officers of the Planning Commission shall consist of a Chairperson and Vice-Chairperson elected from the members of the Planning Commission by a majority vote of the members. The Chairperson and Vice-Chairperson shall be elected at the first regularly scheduled meeting in January of each year. Any officer may be removed at any time by a majority vote of the Planning Commission. The vacancy of an office caused by the resignation or removal of any officer of the Planning Commission during his or her term of office shall be filled for the remaining term by a majority vote of the members of the Planning Commission.

Duties of the Planning Commission: The duties of the Planning Commission shall be per the Lake Stevens Municipal Code, Section 2.64.060, or as amended.

Duties of the Chairperson and Vice-Chairperson: The Chairperson shall preside over the meetings of the Planning Commission and will exercise all the powers usually incident to the office. The Chairperson may create standing or temporary committees to examine, investigate and inquire into subjects of interest to the Planning Commission. No standing or temporary committee shall have the power to commit the Planning Commission to endorse any plan or program.

The Vice-Chairperson shall, in the absence of the Chairperson, perform all duties of the Chairperson at a regular or special meeting. In the absence of the Chairperson and Vice-Chairperson, the members present may elect a temporary Chairperson to preside at the meeting.

Secretary: The Planning and Community Development Department shall assign a staff member to serve as the secretary to the Planning Commission. The secretary shall be primarily responsible for all official records, the preparation of minutes of Planning Commission hearings, regular and special meetings, and shall prepare all notices of meetings, requiring notice to be given to the media and the public in according with the appropriate statutes.

### **III. OPERATIONS AND CONDUCTING BUSINESS**

Quorum: A quorum is required for the Planning Commission to conduct business. It shall consist of at least four Planning Commission members of record, including the Chairperson, at the call for a vote on a question. If members leave during the course of a meeting, reducing the attendance below three members, the quorum will have ceased. Action shall be by majority of those present and voting, when those present constitute a quorum, at any regular or special meeting of the Planning Commission.

Motions and Voting: All members of the Planning Commission may make and vote on motions to recommend approval, approval with conditions, or denial of any development proposal or amendment to a long-range plan or land use application. All motions shall be made in the affirmative. For matters requiring a public hearing, all motions shall be accompanied by an oral statement, by the person making the motion, of reasons and findings supporting the motion. This statement may include reference to any part or all of the planning staff's report and to testimony or evidence submitted at the hearing.

Motions addressing development proposals may be acted on by a majority of the Planning Commission present at the time of a vote on the question, provided there is a quorum present. Recommendations for approval on amendments to the text or maps of long-range plans and land use applications require an affirmative vote by a majority of the Planning Commission.

Planning Commission members must be present to vote on motions; proxy votes are not considered valid votes. A tie vote means the motion fails. A member may abstain from voting.

Where not otherwise specified in these rules of procedure, the meetings of the Lake Stevens Planning Commission and the manner of conducting business shall be governed by Robert's Rules of Order Newly Revised (RONR).

Conflict of Interest and Appearance of Fairness: Any member of the Planning Commission who in his or her opinion has a personal interest in any matters before the Planning Commission that would tend to prejudice his or her actions shall indicate such interest. In the event of a conflict, he or she shall remove him or herself from the proceedings and retire to another room until a vote is taken on the item. In the event there is an appearance that any member could not make a fair and impartial decision because of a real or perceived interest in a matter before the commission, the member shall state the real or perceived interest, or have interest described by other members of the commission or the audience and remove him or herself from the proceedings.

#### **IV. GUEST BUSINESS**

A time for guest business is included on the agenda of each Planning Commission meeting. **ATTACHMENT 2** includes specific procedures.

#### **V. PUBLIC HEARING PROCEDURES**

- A. The Chairperson shall open the public hearing on the subject case by identifying and briefly describing the proposal. **ATTACHMENT 2** includes general public hearing procedures. **ATTACHMENT 3** includes public hearing script for Chair for regular public hearings. **ATTACHMENT 4** includes script for Chair for quasi-judicial, open record hearings.
  
- B. The chair shall state that testimony and input will be taken in a prescribed fashion. All persons wishing to speak on the matter before the Commission must first be recognized by the Chairperson. For the record, that person shall state his or her name and address, and group or organization he or she represents, if any. All statements by the speaker shall be addressed to the Chairperson of the Planning Commission. The Chairperson may limit the amount of time allowed to any person or group in order to give all who wish the opportunity to speak. Speakers should keep their statements to the issue at hand and avoid repeating information already presented. The Chairperson may limit input to avoid duplication. Because public hearings are to gather information, there will be no cross-examination of speakers.

C. The presentation and speaking order shall be as follows:

1. Staff Planner: Presentation of staff report and other materials and correspondence into the record.
2. Proponent: Presentation and statements by one representative of the proponent/applicant.
3. Members of the Public: Presentations and statements by the public who wish to speak for or against the application.

D. The public testimony portion of the public hearing is then closed. Planning commissioners then deliberate on the application and the testimony received. Members may ask questions of both staff and any other speakers to clarify their understanding of relevant points or to gather additional information; all questions shall be coordinated through the Chairperson who shall ask the appropriate party for answers.

E. A motion for disposition can then be made. This motion may be to continue the hearing to gather additional information, to recommend approval, approval with conditions, or denial of the proposal.

F. The Planning Commission shall present its actions in unison to the City Council. Planning Commission actions shall be transmitted to the City Council in writing and shall include the recommendation, the tally of the vote, findings of fact if different from the planning staff report, the planning staff report, other correspondence, in any, and a summary of testimony presented to the Planning Commission.

G. Written minutes of all public hearings shall be prepared for the review and approval of the Planning Commission at its next regularly scheduled meeting.

## **VI. AMENDMENTS**

These Rules of Procedure of the City of Lake Stevens Planning Commission may be amended at any regular or special meeting of the Planning Commission by majority vote of the entire membership. DATED THIS 2<sup>nd</sup> day of December 2015. SIGNED:

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Chairperson

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Vice-Chairperson

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Member of the Commission

## SPECIAL MEETING NOTICES

1. A special meeting is when the board/commission changes the date, time or place of their regular meeting as well as adding any additional meetings, i.e. Planning Commission meets on the first Wednesday at 7:00 p.m. at the Community Center, if the Planning Commission decides to have a meeting on the third Wednesday this would not be considered a special meeting. **Any item you plan to take action on must be listed on the special meeting notice as an action item, cannot take action on anything not listed.**
2. For special meetings, State law requires 24 hour noticing to the board/commission members, newspaper(s) of record and posting on our outdoor bulletin board at City Hall (this is our official posting place). Special meeting packets will be emailed to Planning Commissioners in the same manner as regular meeting. .
3. The notice is attached.
4. Affidavit of posting and mailing are also attached:
  - a. Attach a copy of the notice to the affidavit of posting and a copy of the e-mail to the affidavit of mailing
  - b. I will forward the distribution lists that I used for Park Board and Planning Commission. **Remember** if you mail the notice to the "world" which includes the newspapers and the Planning Commission or Park Board at the same time, make sure the boards are sent as "blind copies" – their e-mails are not public and should never be disclosed to the general public.
  - c. Print off the e-mail that was sent and attach to affidavit of mailing
  - d. If the board/commission is receiving an agenda packet for the special meeting – note under "Information" on the agenda that the notice is attached and include in packet (this is your proof of mailing along with the affidavit)
  - e. Your affidavit of mailing for the general e-mail distribution list (which includes the two newspapers) and PC agenda packet should be done on the same day so you don't have to create two separate affidavits of mailing
  - f. Have the affidavits notarized
5. File the affidavits in a special folder for future reference or audit purposes.

**CITY OF LAKE STEVENS PLANNING COMMISSION  
PUBLIC PARTICIPATION: RULES OF PROCEDURE**

**Guest Business:**

This is an opportunity for the public to address the Planning Commission about problems or issues which are not scheduled elsewhere on the Agenda or which will be scheduled for a public hearing at a later date. Essentially, this opportunity is an oral substitute for a letter, although the latter is preferred so that the facts and observations can be reviewed in a more orderly and efficient manner. Comments may be used to summarize an issue which is discussed in greater detail in a letter and submitted to the Commission.

Those who desire to testify should go to the podium and state their full name, address, and relationship to the City (e.g., resident, property owner, business owner / employee, etc.). A five minute limit is strictly observed.

**Public Hearing:**

The purpose of a public hearing is for interested people to provide the Commission with information and opinions on the subject for which the hearing was convened. It is an official "on-the-record", direct communication which allows Commission members to obtain data they should consider in their decision-making process.

**How to Participate:**

1. After the public hearing has been opened, the Chair will ask the representative of the Department of Planning and Community Development to make a presentation. Following that, the applicant will be invited to speak, then those in support of the application, and finally those in opposition.
2. Those who desire to testify may go to the podium, state their name, address, and relationship to the City (e.g. resident, property owner, business owner / employee, etc.), sign in, and give their testimony.
3. Testimony should be limited in length. A three minute limit is usually imposed; the chair person can modify this limit at his discretion. Complex information should be put in writing, with copies provided to the Commission for insertion into the record. Although petitions will not be considered as substantive testimony, the Planning Commission will consider them as an expression of the signatories' opinion.
4. Repetition should be avoided. Unless new information is presented, a brief statement of support or disagreement with previous testimony is all that should be presented.
5. When the last person desiring to speak has testified, the Chair will allow speakers to rebut the testimony of others. Rebuttals must not be repetitive of previous testimony and should not exceed two minutes per speaker.
6. Commissioners may ask questions of speakers during or immediately after their testimony, or later in the hearing during the deliberation.
7. After all testimony and rebuttal has been given, the Commission will begin its deliberation. When sufficient information is obtained, the public hearing will be closed and a recommendation made.

**PUBLIC HEARING PROCEDURE**

1. The public hearing before the Planning Commission in consideration of \_\_\_\_\_ is now open.
2. Everyone present will be given an opportunity to be heard. This meeting is recorded; therefore, when you address the Commission, begin by stating your name and address. Public testimony will be limited to three minutes per person. (Start timer after you type in their name and address) I also ask that those giving testimony sign the register at the back of the room prior to leaving this evening so we have the correct spelling of your name and address for the record.
3. Before hearing from the audience, \_\_\_\_\_ will present the staff report:

**This is where the Chair of the Planning Commission continues with the process and uses the agenda public hearing format.**

## **PUBLIC HEARING PROCEDURE (QUASI-JUDICIAL; OPEN RECORD HEARING)\***

1. The public hearing before the Planning Commission, in consideration of \_\_\_\_\_ is now open.
2. Everyone present will be given an opportunity to be heard. This meeting is recorded; therefore, when you address the Commission, begin by stating your name and address. I also ask those giving testimony to sign the register at the back of the room prior to leaving this evening so that I have the correct spelling of your name and address. Because the applicant has the burden of proof, the applicant will not be limited in time to make a presentation. The initial testimony of other interested persons will be limited to three minutes. After all interested parties have had an opportunity to present testimony, if any interested party wishes to make additional comments, an opportunity will be allowed. The applicant will be allowed an opportunity to present rebuttal comments also.
3. Before hearing testimony, it is necessary to insure that this hearing is fair both in fact and appearance. Does anyone have any objection to me serving as chair of this meeting? [If objections stated, make determination on record] Does anyone have any objection to any member of this commission hearing and deciding this matter? [If objection stated, make determination on the record]
  - a. Does anyone have a conflict of interest to disclose?
  - b. Does anyone have private information about the subject of this application?
  - c. Has anyone received any ex parte communications about this application or matter?
  - d. Can all decide this matter in a fair and impartial manner based upon the record of this proceeding?

**Do not read this: *Make determination on the record if all can serve.***

4. Before hearing from the audience, Planning Department, will present the staff report.

**After staff report is where the Chair of the Planning Commission continues with the process and uses the agenda public hearing format.**

\* There are currently no quasi-judicial authorities assigned to the Planning Commission in the Lake Stevens Municipal Code.

**Appendix 10**

# Parliamentary Procedure

Parliamentary procedure provides the process for proposing, amending, approving and defeating legislative motions. Although following parliamentary procedure is not required, it can make council meetings more efficient and reduces the chances of council actions being declared illegal or challenged for procedural deficiencies.

A city may adopt, by ordinance or resolution, its own set of rules governing the conduct of council meetings, or it may adopt by reference formalized rules such as Robert's Rules of Order. Many Washington cities have adopted Robert's Rules, supplementing those rules with additional rules on issues such as voting abstentions and motions for reconsideration. (See Appendix 5, Sample Council Rules of Procedure.)

## Motions

Business is brought before the council by motions, a formal procedure for taking actions. To make a motion, a councilmember must first be recognized by the mayor. After the councilmember has made a motion (and after the motion is seconded if required), the chair must then restate it or rule it out of order, then call for discussion. Most motions require a second, although there are a few exceptions.

Exact wording of motions and amendments is important for clarity and recording in the minutes. If it's a complex motion, the motion should be written down for the chair to read.

## Use parliamentary procedure

**as a tool, not a bludgeon. It is  
bad practice to use the power  
of the chair to thwart the will  
of the majority.**

## Robert's Rules

The following summarizes important points from Robert's Rules of Order. Other parliamentary rules or your own council rules of procedure may contain different provisions.

- Only one subject may be before a group at one time. Each item to be considered is proposed as a motion which usually requires a "second" before being put to a vote. Once a motion is made and seconded, the chair places the question before the council by restating the motion.
- "Negative" motions are generally not permitted. To dispose of a business item, the motion should be phrased as a positive action to take, and then, if the group desires not to take this action, the motion should be voted down. The exception to this rule is when a governing body is asked to take action on a request and wishes to create a record as to why the denial is justified.
- Only one person may speak at any given time. When a motion is on the floor, an order of speaking is prescribed by Robert's Rules, allowing the mover of a motion to speak first, so that the group understands the basic premise of the motion. The mover is also the last to speak, so that the group has an opportunity to consider rebuttals to any arguments opposing the motion.
- All members have equal rights. Each speaker must be recognized by the moderator prior to speaking. Each speaker should make clear his or her intent by stating, "I wish to speak for/against the motion" prior to stating arguments.
- Each item presented for consideration is entitled to a full and free debate. Each person speaks once, until everyone else has had an opportunity to speak.
- The rights of the minority must be protected, but the will of the majority must prevail. Persons who don't share the point of view of the majority have a right to have their ideas presented for consideration, but ultimately the majority will determine what the council will or will not do.

### Types of motions

*Robert's Rules of Order* provides for four general types of motions.

#### Main motions

The most important are main motions, which bring before the board, for its action, any particular subject. Main motions cannot be made when any other motions are before the group.

#### Subsidiary motions

Subsidiary motions are motions which direct or change how a main motion is handled. These motions include:

**Tabling.** Used to postpone discussion until the group decides by majority vote to resume discussion. By adopting the motion to "lay on the table", a majority has the power to halt consideration of the question immediately without debate. Requires a second, non-debatable, not amendable.

**Previous question or close debate.** Used to bring the body to an immediate vote. It closes debate and stops further amendment. Contrary to some misconceptions, the majority decides when enough discussion has occurred, not the moderator. The formal motion is to "call for the question" or "call for the previous question," or simply, "I move to close debate." The motion requires a second, is not debatable and requires a two-thirds majority.

**Limit/extend debate.** May be desired if the group has adopted a rule limiting the amount of time that will be spent on a topic, or if the group desires to impose a time limitation.

**Postpone to a definite time.** Similar to tabling, except that the motion directs that the matter will be taken up again at some specific date and time.

**Refer to committee.** Directs that some other body will study the matter and report back.

**Amendment.** Used to "fine tune" a motion to make it more acceptable to the group. The amendment must be related to the main motion's intent and cannot be phrased in a way that would defeat the main motion. Two amendments may be on the floor at one time: the first amendment modifies the main motion, and the second amendment must relate to the first amendment. When an amendment is on the floor, only

the amendment may be debated. The amendments are voted on in the reverse order in which they were made, as each amendment changes to some degree the intent of the main motion. As each amendment is voted on, an additional primary or secondary amendment may be introduced. Requires a second, debatable, majority vote.

**Postpone indefinitely.** This motion effectively kills a motion, because, if adopted, a two-thirds vote is subsequently required to take the matter up again.

#### Incidental motions

Incidental motions are housekeeping motions which are in order at any time, taking precedence over main motions and subsidiary motions. These motions include:

**Point of order.** To bring to the group's attention that the rules are being violated. You don't need not to be recognized prior to making a point of order. This is not really a motion, but requires the moderator to make a ruling as to whether or not immediate consideration is proper.

**Appeal from the decision of the chair.** The group can overrule the chair on any decision. While the motion must be seconded, it cannot be amended. When this motion is moved and seconded, the moderator immediately states the question, "Shall the decision of the chair stand as the judgment of the council?" If there is a tie vote, the chair's decision is upheld. The motion is not debatable when it applies to a matter of improper use of authority or when it is made while there is a pending motion to close debate. However, the motion can be debated at other times. Each person may speak once, and the moderator may also state the basis for the decision.

**Parliamentary inquiry.** Not a motion, but a question as to whether an action would be in order.

**Point of information.** A person may rise to offer information that is considered necessary for the group. This provision is not used to offer debate.

**Division of assembly.** To require a more precise method of counting votes than by a voice vote, such as having persons raise hands, or stand. No second, not debatable, no vote required.

**Request to withdraw a motion.** Contrary to popular misconception, a motion cannot be withdrawn by its mover. This request requires majority approval.

**Suspension of the rules.** When matters are to be taken out of order, or a particular task can be better handled without formal rules in place, this motion can be approved by a two-thirds vote of the group. However, until the rules are restored, only discussion can occur; no decisions can be made. Second required, not debatable, not amendable.

**Object to consideration of a question.** When a motion is so outrageous, intended to distract the group from resolving legitimate business. The motion can be objected to and ruled out of order without debate. However, if the chair does not rule the motion out of order, a two-thirds vote of the group can block further consideration.

### Renewal motions

Once the group has taken action, renewal motions require the group to further discuss or dispose of a motion. The motions include:

**Reconsider.** When the group needs to discuss further a motion that has already been defeated at the same meeting. A majority of the council must approve taking additional time to debate the motion again. The motion can be made only by a person who voted on the prevailing side earlier on the question. Contrary to another popular misconception, the motion may be brought up again at a subsequent meeting. If the moderator believes that there is no indication that the group's wishes have changed, however, the motion can be ruled out of order, subject to an appeal from the decision of the chair.

**Take from the table.** Unless the original motion to table directed that the motion be brought back at a specific date and time, a majority of the group must pass a motion to take from the table. Such a motion is non-debatable.

**Rescind.** When the group wishes to annul some action, a motion to rescind is in order at any time. If prior notice has been given to the group that this action will be considered, the motion to rescind can pass with a simple majority vote; however, if no prior notice has been given, the vote requires a two-thirds majority.

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### Questions of privilege

Finally, there are a few questions of privilege that are in order at any time and must be disposed of prior to resuming discussion on the matter at hand:

**Fix the time for next meeting.** This is in order at any time, including when a motion to adjourn is pending. Second required, not debatable, amendable.

**Adjourn.** To bring the meeting to a halt. Second required, not debatable, not amendable.

Alternatively, instead of a motion, the chair can ask if there is any further business. If no response, the chair can say, "since there is no further business, the meeting is adjourned."

**Recess.** A temporary break in the meeting; should state a time at which the meeting will resume. Second required, not debatable, not amendable.

**Point of privilege.** A matter that concerns the welfare of the group. Can be raised even when another person is speaking. No second, not debatable, no vote required.

**Call for the orders of the day.** A demand that the group return to the agenda. Can be taken when another person is speaking, no second required, not debatable, no vote required.

Source: *Survival Guide for Elected Leaders*, National Association of Towns and Townships.



Staff Report  
City of Lake Stevens Planning  
Commission

Briefing  
Date: **February 7, 2018**

Subject: **LUA2017-0148:** Applicant initiated code amendment establishing a Model Home Ordinance.

Contact Person/Department: Joshua Machen, *Senior Planner* / Russ Wright, *Community Development Director*

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**SUMMARY:** In accordance with LSMC 14.16C.075 a private petitioner has requested that the City consider amending the municipal code to develop a model home ordinance.

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**ACTION REQUESTED OF PLANNING COMMISSION:**

Review proposed code amendments and set date for public hearing.

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**BACKGROUND / HISTORY:**

As proposed by the petitioner a model home ordinance would allow the construction of model homes within a proposed subdivision after preliminary plat approval was granted, but prior to the final recording of the plat. It could also be used to permit temporary sales offices within one of the model homes.

While model home ordinances are not prevalent throughout Western Washington, several cities do have model home ordinances, including Monroe, Marysville and Mill Creek. Attached is a comparison of other western Washington jurisdictions that have model home ordinances and list the percentage of homes allowed to be constructed and the maximum number allowed (Attachment B). The drafted ordinance also contains provisions to protect the public interest, including required indemnification agreements and financial assurance prior to the construction of any model home (Attachment A).

On December 12, 2017, the City Council was briefed on the petitioners request to develop a model home ordinance and directed staff to develop a model home ordinance to be reviewed by the Planning Commission with a recommendation to the City Council.

**Attachments**

- A      Draft Model Home Regulation (New Section of LSMC 14.44.025 Model Homes).
- B      Model Home Comparison Chart

## Attachment A

### **New Code Section - 14.44.025 Model Homes.**

(a) Model Home Building permit applications for a limited number of model homes, in an approved preliminary subdivision, shall be granted by the Community Development Director or designee prior to final subdivision approval and recording in accordance with Chapter 14.18 LSMC.

(1) For short plats consisting of a subdivision of nine or fewer lots the maximum number of model home building permits allowed shall be two or 20% of the total number of single-family residences proposed, whichever is less. For all other subdivisions, the maximum number of model home permits allowed shall be six or 20% of the total number of single-family residences planned for the development, whichever is less. In cases where the application of the 20% restriction creates a fraction, the number of model homes permitted shall be rounded up to the nearest whole number.

(2) An applicant who has received preliminary subdivision approval is eligible to apply for one or more building permits for model homes upon demonstrating the following:

(i) The applicant for the model home, if different than the owner and applicant for the approved preliminary plat, shall provide a document signed by the owner demonstrating that the applicant has a real or possessory interest in the property on which the model home will be constructed.

(ii) The applicant shall have submitted and received approval of the construction plans, including water, sewer and storm sewer extensions to serve the model homes to be constructed.

(iii) Permanent or temporary retention/detention facilities that serve the lots where the model homes are to be constructed shall be in place or approved for construction.

(iv) Any street improvement required as a condition of preliminary subdivision approval, which is designed to provide access to the model home lots from an existing public street, shall be constructed to the final alignment and subgrade from such public street to the model lots (but not including the required curb, gutter, sidewalk or paving). The access street shall meet the requirements of Chapter 14.56 and be constructed in accordance with the current EDDS.

(v) All mitigation fees shall be due and payable at the time of issuance of a residential building permit for model homes, unless deferred pursuant to Chapter 14.124.

(vi) Fire protection must be available to any lot proposed for construction of a model home.

(vii) No two model homes in a subdivision shall have identical or nearly identical floor plans. Two model homes shall be considered to have nearly identical floor plans if they are only reversed.

(viii) The application for the model home must be submitted at least 60 days prior to the date of preliminary subdivision expiration.

(ix) Any amendment proposed to an approved preliminary subdivision due to the subsequent placement of a model home shall be processed as the original preliminary plat approval, with no variances allowed.

(b) The following information is required in addition to a residential building permit application:

(1) Title certificate demonstrating ownership interest in the property on which the model home will be constructed.

(2) Building site plan(s) showing the location(s) of the proposed model home(s); distances from the proposed final subdivision lot lines; all existing, required or proposed easements; and the separations required therein.

(3) One dark line print of the proposed final subdivision.

(4) A statement signed by the applicant in which the applicant agrees to indemnify and hold harmless the City from any damages, direct or indirect, as a result of its approval of the construction of model homes; and agreeing to restore the site to its condition prior to construction of the model home(s) and their associated structures and improvements should the plat not be recorded.

(5) The owners shall post a bond in a form acceptable to the city attorney in an amount sufficient to remove said buildings or any portion thereof to the extent which the buildings are inconsistent with any final subdivision approval, or if such subdivision is disapproved, or to bring about compliance with the applicable underlying zoning.

(6) Payment of a model home review fee as set forth in the City's adopted fee resolution in place at the time of application for a model home permit.

(c) Occupancy of model homes is limited as follows:

(1) No model home shall be occupied for residential use prior to the recording of the final plat.

(2) Model homes used as temporary real estate offices shall obtain a temporary use permit in accordance with Chapter 14.16C.110 subject to the conditions of Chapter 14.16C.110(c)(3).

(3) One additional preliminarily approved lot may be used to furnish off street parking provided a hard surface approved by the Public Works Director or designee is installed. This provision is not intended to increase the total number of model homes permitted under Chapter 14.44.025(a)(1).

## Attachment B

# Model Home Ordinance Comparison

<u>Jurisdiction</u>	<u>Percentage Allowed</u>	<u>Max Number of Units Allowed</u>	
Snohomish County		9	
Monroe	20%	7	
Marysville		9	
Mill Creek		4	
Renton	20%	5	
Auburn		4	(2 for less than 20 lots)
Mt. Vernon	20%	9	
North Bend		5	(At director discretion)
Poulsbo		4	(Per phase, if previous phase is completed)
Tumwater		4	
<b>Average:</b>	<b>20%</b>	<b>6</b>	
<b>Applicant request</b>	<b>30%</b>	<b>7 - formal subdivisions</b> <b>3 - short subdivisions</b>	(Any subdivision containing 21 lots or more would be allowed 7-model homes, and any short plat containing 7 lots or more would be allowed 3-model homes, based on rounding rule)
<b>Lake Stevens Staff Recommendation</b>	<b>20%</b>	<b>6 - formal subdivisions</b> <b>2 - short subdivisions</b>	(Any subdivision containing 25 lots or more would be allowed 6-model homes, and any short plat containing 5 lots or more would be allowed 2-model homes, based on rounding rule)



Staff Report  
City of Lake Stevens Planning  
Commission

Briefing  
Date: **February 7, 2018**

Subject: **LUA2018-0007:** City initiated code amendment changing the approval authority for final plats from the City Council to the Planning and Public Works Directors.

Contact Person/Department: Joshua Machen, *Senior Planner* / Russ Wright, *Community Development Director*

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**SUMMARY:** In accordance with Senate Bill 5674, approval authority for final plats for short and long subdivisions may be delegated to administrative personal through legislative action. The proposed changes to the municipal code would shift the approval authority and responsibility from the City Council to the Directors of Planning and Community Development and Public Works.

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**ACTION REQUESTED OF PLANNING COMMISSION:**

Review proposed code amendments and set date for public hearing.

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**BACKGROUND / HISTORY:**

Until Senate Bill 5674 was signed into law, the granting of final subdivision approval had to be done by the local legislative body. This was somewhat problematic because all building, site, and environmental issues are dealt with at the preliminary approval stage, which is reviewed by staff and granted by the Hearing Examiner.

By the time a preliminary plat is approved, all building and environmental issues are resolved. At the final plat approval stage, the process is essentially administrative. Therefore, staff is recommending changes to the code to allow the administrative approval of final plats for short and long subdivisions to be by the Directors of Planning and Community Development and Public Works.

These code amendments are exempt from SEPA review under categorical exemption WAC197-11-800 (19).

(19). **Procedural actions.** The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

(a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.

**Attachments**

- A. Senate Bill 5674
- B. Draft Code Changes Related to Final Plat Approvals
- C. Draft Code Change to acceptance of Sewer extensions related to final plats.

Attachment A

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5674**

65th Legislature  
2017 Regular Session

Passed by the Senate March 3, 2017  
Yea 44 Nays 0

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5674** as passed by Senate and the House of Representatives on the dates hereon set forth.

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**President of the Senate**

Passed by the House April 12, 2017  
Yea 55 Nays 43

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**Secretary**

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**Speaker of the House of Representatives**

Approved

FILED

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SENATE BILL 5674**

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Passed Legislature - 2017 Regular Session

**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senators Palumbo and Fain

Read first time 02/02/17. Referred to Committee on Local Government.

1       AN ACT Relating to the final approval of subdivisions of land;  
2 and amending RCW 58.17.100, 58.17.170, and 58.17.190.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       **Sec. 1.** RCW 58.17.100 and 1995 c 347 s 428 are each amended to  
5 read as follows:

6       If a city, town or county has established a planning commission  
7 or planning agency in accordance with state law or local charter,  
8 such commission or agency shall review all preliminary plats and make  
9 recommendations thereon to the city, town or county legislative body  
10 to assure conformance of the proposed subdivision to the general  
11 purposes of the comprehensive plan and to planning standards and  
12 specifications as adopted by the city, town or county. Reports of the  
13 planning commission or agency shall be advisory only: PROVIDED, That  
14 the legislative body of the city, town or county may, by ordinance,  
15 assign to such commission or agency, or any department official or  
16 group of officials, such administrative functions, powers and duties  
17 as may be appropriate, including the holding of hearings, and  
18 recommendations for approval or disapproval of preliminary plats of  
19 proposed subdivisions.

20       Such recommendation shall be submitted to the legislative body  
21 not later than fourteen days following action by the hearing body.

1 Upon receipt of the recommendation on any preliminary plat the  
2 legislative body shall at its next public meeting set the date for  
3 the public meeting where it shall consider the recommendations of the  
4 hearing body and may adopt or reject the recommendations of such  
5 hearing body based on the record established at the public hearing.  
6 If, after considering the matter at a public meeting, the legislative  
7 body deems a change in the planning commission's or planning agency's  
8 recommendation approving or disapproving any preliminary plat is  
9 necessary, the legislative body shall adopt its own recommendations  
10 and approve or disapprove the preliminary plat.

11 Every decision or recommendation made under this section shall be  
12 in writing and shall include findings of fact and conclusions to  
13 support the decision or recommendation.

14 A record of all public meetings and public hearings shall be kept  
15 by the appropriate city, town or county authority and shall be open  
16 to public inspection.

17 Sole authority to ((~~approve final plats, and to~~)) adopt or amend  
18 platting ordinances shall reside in the legislative bodies. The  
legislative authorities of cities, towns, and counties may by  
ordinance delegate final plat approval to an established planning  
commission or agency, or to such other administrative personnel in  
accordance with state law or local charter.

23 **Sec. 2.** RCW 58.17.170 and 2013 c 16 s 2 are each amended to read  
24 as follows:

25 (1) When the legislative body of the city, town, or county, or  
26 such other agency as authorized by RCW 58.17.100, finds that the  
27 subdivision proposed for final plat approval conforms to all terms of  
28 the preliminary plat approval, and that said subdivision meets the  
29 requirements of this chapter, other applicable state laws, and any  
30 local ordinances adopted under this chapter which were in effect at  
31 the time of preliminary plat approval, it shall suitably inscribe and  
32 execute its written approval on the face of the plat. The original of  
33 said final plat shall be filed for record with the county auditor.  
34 One reproducible copy shall be furnished to the city, town, or county  
35 engineer. One paper copy shall be filed with the county assessor.  
36 Paper copies shall be provided to such other agencies as may be  
37 required by ordinance.

38 (2)(a) Except as provided by (b) of this subsection, any lots in  
39 a final plat filed for record shall be a valid land use

1 notwithstanding any change in zoning laws for a period of seven years  
2 from the date of filing if the date of filing is on or before  
3 December 31, 2014, and for a period of five years from the date of  
4 filing if the date of filing is on or after January 1, 2015.

5 (b) Any lots in a final plat filed for record shall be a valid  
6 land use notwithstanding any change in zoning laws for a period of  
7 ten years from the date of filing if the project is not subject to  
8 requirements adopted under chapter 90.58 RCW and the date of filing  
9 is on or before December 31, 2007.

10 (3)(a) Except as provided by (b) of this subsection, a  
11 subdivision shall be governed by the terms of approval of the final  
12 plat, and the statutes, ordinances, and regulations in effect at the  
13 time of approval under RCW 58.17.150 (1) and (3) for a period of  
14 seven years after final plat approval if the date of final plat  
15 approval is on or before December 31, 2014, and for a period of five  
16 years after final plat approval if the date of final plat approval is  
17 on or after January 1, 2015, unless the legislative body finds that a  
18 change in conditions creates a serious threat to the public health or  
19 safety in the subdivision.

20 (b) A subdivision shall be governed by the terms of approval of  
21 the final plat, and the statutes, ordinances, and regulations in  
22 effect at the time of approval under RCW 58.17.150 (1) and (3) for a  
23 period of ten years after final plat approval if the project is not  
24 subject to requirements adopted under chapter 90.58 RCW and the date  
25 of final plat approval is on or before December 31, 2007, unless the  
26 legislative body finds that a change in conditions creates a serious  
27 threat to the public health or safety in the subdivision.

28 **Sec. 3.** RCW 58.17.190 and 1969 ex.s. c 271 s 19 are each amended  
29 to read as follows:

30 The county auditor shall refuse to accept any plat for filing  
31 until approval of the plat has been given by the appropriate  
32 legislative body, or such other agency as authorized by RCW  
33 58.17.100. Should a plat or dedication be filed without such  
34 approval, the prosecuting attorney of the county in which the plat is  
35 filed shall apply for a writ of mandate in the name of and on behalf  
36 of the legislative body required to approve same, directing the

1 auditor and assessor to remove from their files or records the  
2 unapproved plat, or dedication of record.

--- END ---

## Final Plat Approval Authority Code Amendment

### 14.18.035 Approval of Final Plats.

(a) ~~Short Final~~ plats ~~for long and short subdivisions~~ are approved by the Planning and Public Works Directors. ~~Final plats for long subdivisions are to be approved by City Council following a public meeting.~~ Final plats shall be approved if it is found that the requirements of preliminary plat, including applicable conditions of approval, have been met, and the requirements of Chapter [58.17](#) RCW have been met.

(b) The final plat submitted for recording shall be drawn in waterproof ink on a sheet made of material that will be acceptable to the Snohomish County Auditor's Office for recording purposes, and having dimensions of 18 inches by 24 inches.

(c) When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 50 feet.

(d) The applicant shall also provide all final plat maps and engineered as-builts in digital form. Files shall be submitted in “\*.dwg” or other AutoCad-compatible format approved by Public Works. (Ord. 811, Sec. 5 (Exh. 4), 2010)

### Part V. Type V Review - Quasi-Judicial, City Council Decisions

#### 14.16B.505 Purpose.

A Type V process is a quasi-judicial review and decision made by the City Council. Staff makes a recommendation to the City Council. Depending on the application, staff may conduct a public meeting to obtain public input. The City Council shall hold a public hearing on the application prior to making a decision; ~~except for final plats, only a public meeting is held by the Council.~~ Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to Snohomish County superior court. The purpose of this part is to provide the necessary steps for permit approvals requiring Type V review. (Ord. 903, Sec. 14, 2013; Ord. 811, Sec. 3 (Exh. 2), 2010)

#### 14.16B.525 Public Meetings.

A public meeting is required for all Type V applications pursuant to Section [14.16A.260](#). Staff may require the applicant to participate in the meeting to inform citizens about the proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type V applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible. ~~Council action for a final plat is a public meeting rather than a public hearing.~~ (Ord. 903, Sec. 15, 2013; Ord. 811, Sec. 3 (Exh. 2), 2010)

**14.16B.540 Notice of City Council Public Hearing.**

(a) Public notice of the date of the City Council public hearing, ~~or for final plats a public meeting~~, at which the City Council will consider the application shall be published in a newspaper of general circulation. The public hearing shall be scheduled no sooner than 10 days following the date of publication of the notice. If a determination of significance was issued by the SEPA responsible official, the notice of staff recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The notice of the City Council meeting shall also include the notice of the availability of the staff recommendation.

**14.16B.545 City Council Decision.**

(a) Within five days of a decision, the Planning Director shall transmit to the City Council a copy of the department file on the application including all written comments received prior to the City Council meeting and information reviewed by or relied upon by staff. The file shall also include information to verify that the requirements for notice to the public (notice of application, notice of public hearing, and notice of SEPA determination) have been met.

(b) Any person may participate in the City Council public hearing, ~~or public meeting for final plats~~, on staff recommendation by submitting written comments to the Department of Planning and Community Development prior to the hearing or by submitting written comments or making oral comments at the hearing.

**Table 14.16A-I: Classification of Permits and Decisions**

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body & Hearing
TYPE I Administrative without Public Notice	<ul style="list-style-type: none"><li>• Administrative Design Review</li><li>• Administrative Deviation</li><li>• Administrative Modifications</li><li>• Boundary Line Adjustments</li><li>• Change of Use</li></ul>	None	None	Department director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, & Open Record

	<ul style="list-style-type: none"> <li>• Code Interpretations</li> <li>• Events</li> <li>• <u>Final Plats (short and long subdivisions)</u></li> <li>• Floodplain Development Permits</li> <li>• Grading Permit</li> <li>• Home Occupations</li> <li>• Master Sign Program</li> <li>• Reasonable Use Exceptions</li> <li>• Shoreline Exemptions</li> <li>• Signs</li> <li>• Temporary Uses</li> </ul>				
TYPE II Administrative with Public Notice	<ul style="list-style-type: none"> <li>• Administrative Conditional Use (formerly Special Use)</li> <li>• Administrative Variance</li> <li>• Binding Site Plans</li> <li>• Planned Action Certification</li> <li>• SEPA Review (early or when not combined with another permit or</li> </ul>	None	None	Planning Director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, & Open Record

	<p>required for a Type I permit)</p> <ul style="list-style-type: none"> <li>• Shoreline Substantial Developments</li> <li>• Short Plats - Preliminary <del>or Final</del></li> <li>• Short Plat Alterations</li> <li>• Short Plat Vacations</li> <li>• Site Plan Reviews</li> </ul>				
TYPE III Quasi-Judicial, Hearing Examiner	<ul style="list-style-type: none"> <li>• Conditional Uses</li> <li>• Preliminary Plats</li> <li>• Shoreline Conditional Uses</li> <li>• Shoreline Variances</li> <li>• Variances</li> </ul>	Design Review Board (if required)	Open Record	Hearing Examiner	Superior Court, except shoreline permits to State Shoreline Hearings Board, & Closed Record
TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation	<ul style="list-style-type: none"> <li>• Essential Public Facilities</li> <li>• Planned Neighborhood Developments</li> <li>• Rezone - Site-Specific Zoning Map Amendments</li> <li>• Secure Community Transition Facilities</li> </ul>	Hearing Examiner with Open Record Hearing	Closed Record	City Council	None, appeal to Superior Court
TYPE V Quasi-Judicial, City Council	<p><del>• Final Plats</del></p> <ul style="list-style-type: none"> <li>• Plat Alterations</li> <li>• Plat Vacations</li> </ul>	Design Review Board (if required)	Open Record <del>*Public</del>	City Council	None, appeal to Superior Court

	<ul style="list-style-type: none"> <li>• Right-of-Way Vacations</li> </ul>		<span style="color: red;">meeting only for Final Plats</span>		
TYPE VI Legislative, City Council with Planning Commission Recommendation	<ul style="list-style-type: none"> <li>• Comprehensive Plan Amendments, Map &amp; Text</li> <li>• Development Agreements</li> <li>• Land Use Code Amendments</li> <li>• Rezones - Area-Wide Zoning Map Amendments</li> </ul>	Planning Commission with Open Record Hearing	Open Record	City Council	Growth Management Hearings Board & Closed Record

(e) Associated Land Use Determinations. Associated land use determinations are decisions that need to be made as part of another land use action or permit review, as set forth in Table 14.16A-II. Each type of determination has a separate review process determined by the Planning Director or Public Works Director, except design review, which is reviewed pursuant to Section [14.16C.050](#).

**Chapter 6.08  
SEWER ADMINISTRATION**

**6.08.020 Developer's Contracts.**

**15. FINAL ACCEPTANCE**

The City agrees to accept title to the Project extension, subject to the terms herein, when all work has been completed and when the City has made final inspection and given approval of the system as having been completed in accordance with the plans and specifications. Final acceptance of said Project extension shall be by action of the City Council, except when such extension is part of a final plat, which shall be accepted by the Public Works Director, and shall only occur after City receipt of a completed and executed bill of sale, maintenance bond, easements and all other documents required pursuant to this Agreement, payment in full of all fees and charges, and execution of any applicable Utility Reimbursement Agreement.