

**AGENDA  
PLANNING COMMISSION  
REGULAR MEETING &  
PUBLIC HEARING  
September 26, 2024, 5:30 PM**

**COMMISSION ATTENDANCE IN PERSON  
PUBLIC MAY ATTEND IN PERSON OR  
REMOTELY VIA ZOOM**

Join Zoom Meeting:

<https://us06web.zoom.us/j/88516033435?pwd=DHWkCdaGBPN1gCjQCEbdGcEztsuhf8.1>

Meeting ID: 885 1603 3435

Passcode: 446645

One tap mobile

+12532158782,,88516033435#,,,,\*446645# US (Tacoma)

+12532050468,,88516033435#,,,,\*446645# US

Find your local number: <https://us06web.zoom.us/j/88516033435?pwd=DHWkCdaGBPN1gCjQCEbdGcEztsuhf8.1>

**WRITTEN PUBLIC COMMENTS**

If you wish to provide written public comments for the Planning Commission meeting, please email your comments to [erodriguez@medical-lake.org](mailto:erodriguez@medical-lake.org) by 2:00 p.m. the day of the commission meeting and include all the following information with your comments:

1. The Meeting Date
2. Your First and Last Name
3. If you are a Medical Lake resident
4. The Agenda Item(s) which you are speaking about

\*Note – If providing written comments, the comments received will be acknowledged during the public meeting, but not read. All written comments received by 2:00 p.m. will be provided to the Planning Commission in advance of the meeting.

**Questions or Need Assistance? Please contact City Hall at 509-565-5000**

- 1) CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**
  - a) Excused Absences
- 2) ADDITIONS TO AGENDA**
- 3) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
- 4) APPROVAL OF MINUTES**
  - a) August 22, 2024, Meeting minutes
- 5) STAFF REPORTS**
- 6) SCHEDULED ITEMS**
  - a) Set meeting dates for November and December
  - b) Comprehensive Plan Overview – Housing
  - c) Education Packet
- 7) PUBLIC HEARING – LU 2024-017 TA (Text Amendment)**
- 8) COMMISSION MEMBERS' COMMENTS OR CONCERNS**
- 9) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
- 10) CONCLUSION**



City of Medical Lake  
124 S. Lefevre St.  
P.O. Box 369  
Medical Lake, WA 99022-0369

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### **PUBLIC HEARING NOTICE**

The Medical Lake Planning Commission will hold a public hearing on Thursday, September 26th at 5:30 p.m. in person at the Medical Lake City Hall and virtually via Zoom to consider application LU 2024-017 TA (Text Amendment). A web link to the Zoom Meeting will be posted on the City's website [www.medical-lake.org](http://www.medical-lake.org) with the meeting agenda. The public is encouraged to attend.

The City is initiating a text amendment to comply with Senate Bill 5290 regarding timelines for project review. The SEPA environmental checklist has been reviewed and the City expects to issue a determination of non-significance.

The public comment period (written comments) is open through 2:00 p.m. on September 26th, 2024. Direct comments to Elisa Rodriguez, Planning Department, City of Medical Lake, 124 S Lefevre St, Medical Lake, WA. Phone: 509-565-5019. E-mail: [erodriguez@medical-lake.org](mailto:erodriguez@medical-lake.org)

For more information please contact the person above.

Individuals planning to attend the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact City Hall at (509) 565-5000 as soon as possible so that arrangements may be made. Without advance notice, it may not be possible to provide the required accommodation(s).



CITY OF MEDICAL LAKE  
PLANNING COMMISSIONER EXCUSED ABSENCE  
REQUEST FORM

Commissioner: Marie Hudson

Meeting type: Planning Commission Meeting Date: 9/26/24

Reason for absence:

City Business

Military Orders

Ill or injured

Employer Business

Vacation

Other (Please describe) My Dad died August 31, 2024. We  
are holding a celebration of life and can not be there.

Date Requested: 9/12/24

By phone

By e-mail

In person

Approved by Commission motion on: \_\_\_\_\_

Denied by Commission motion on: \_\_\_\_\_

City of Medical Lake  
124 S. Lefevre Street – City Council Chambers  
**Planning Commission Meeting**  
**August 22, 2024, Minutes**

**NOTE: This is not a verbatim transcript. Minutes contain only a summary of the discussion. A recording of the meeting is on file and available from City Hall.**

- 1) **CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**
  - i) Commissioner Hudson called the meeting to order at 5:33 pm, led the Pledge of Allegiance, and conducted roll call.
  - ii) Commissioners Mark and Munson were present on Zoom, all other Commissioners were present in person. Legal counsel was also present on Zoom.
- 2) **ADDITIONS TO AGENDA**
  - a) Motion to approve agenda as written made by Commissioner Mayulianos, seconded by Commissioner Jorgenson, carried 5-0.
- 3) **INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
  - a) Tammy Roberson, Medical Lake resident – shared opinions on the Coney Island Dock topic
  - b) Art Kulibert, Medical Lake resident – commented on an article in the West Plains Stream about Sonny Weathers. Gave opinion on naming city parks. Gave information on the Kiwanis Garden of the Month program.
  - c) Commissioner Hudson acknowledged receipt of e-mail comments received by a citizen. *The submitted comments are part of the official record on file at City Hall and can be requested in person or by sending an e-mail to [records@medical-lake.org](mailto:records@medical-lake.org).*
- 4) **APPROVAL OF MINUTES** – July 25, 2024
  - a) Motion to approve made by Commissioner Mayulianos, seconded by Commissioner Jorgenson, carried 5-0.
- 5) **STAFF REPORTS**
  - a) Elisa Rodriguez, City Planner – thanked Commissioners Munson and Mayulianos for volunteering to help with the booths at Linger at the Lake and the Medical Lake Farmer’s Market. Reported that the booth had increased engagement at the last Farmer’s Market.
  - b) Sonny Weather, City Administrator – shared some information on comments from a citizen at the last meeting regarding the Silver Lake community and a project to add them to city water and sewer. There is no project application at this time, only interest. Spoke on his letter to the Planning Commission regarding the Coney Island dock topic.
- 6) **PUBLIC HEARING** – None
- 7) **SCHEDULED ITEMS**
  - a) LU 2024-010 SD (Shoreline Substantial Development Review)
    - i) Ms. Rodriguez reviewed the process up to this point and the task that Commissioners have before them. Gave a presentation. See attached. Commission discussion and Q & A. Decided to move forward with the following conditions
      1. Prior to receiving a final building inspection, the applicant shall install “no parking on trail” signage in the immediate vicinity of the park.

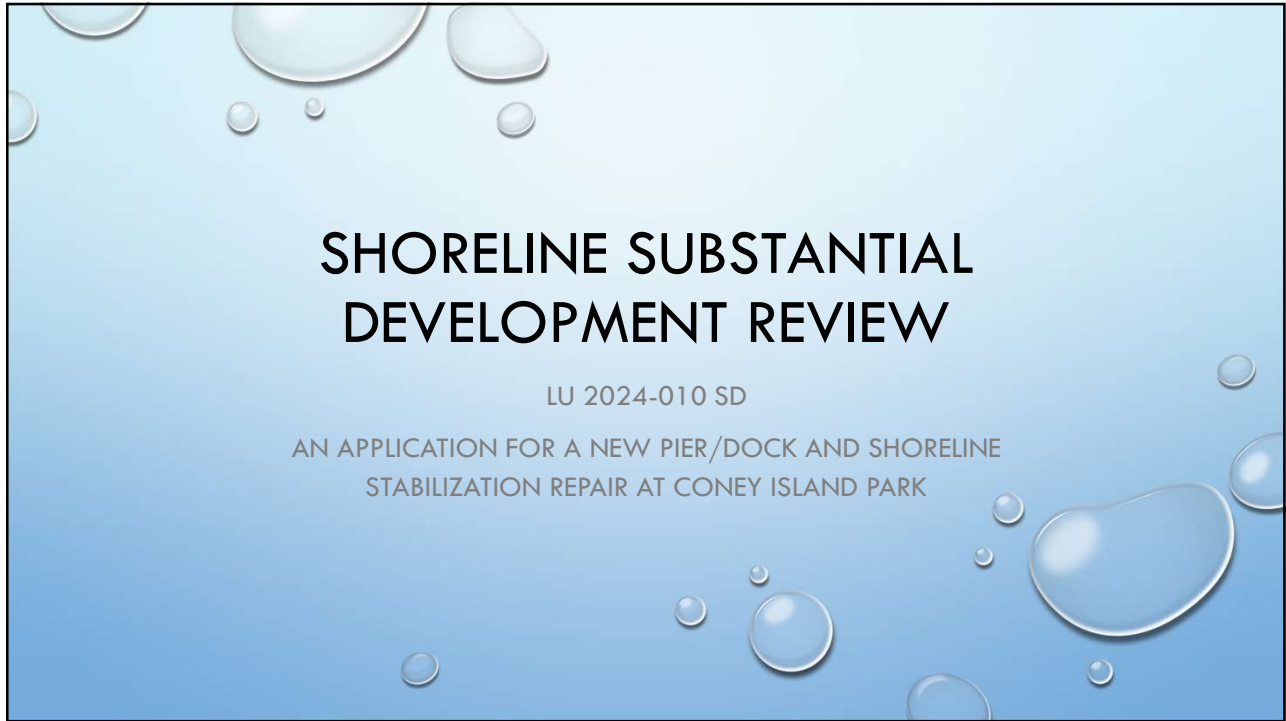
- 2. Prior to receiving a final building inspection, the applicant shall install a security camera at the park.
  - 3. The maximum width of the pier and dock shall be 5 feet.
  - ii) Motion to approve with the above conditions made by Commissioner Hudson, seconded by Commissioner Mayulianos, carried 5-0.
  - b) Comprehensive Plan Overview – Parks, Recreation, and Open Spaces
    - i) Ms. Rodriguez gave a presentation. See attached.
  - c) Education Packet
    - i) Motion to table the remainder of the Scheduled Items below made by Commissioner Mayulianos, seconded by Commissioner Munson, carried 5-0.
  - d) Sister Cities
  - e) Downtown Park Name
  - f) Monuments
- 8) COMMISSION MEMBERS' COMMENTS OR CONCERNS**
- a) Commissioner Mayulianos asked for an update on the purchase of Waterfront Park from DSHS. Mr. Weathers shared that they are in continued negotiations and have presented to RCO for a possible grant. The city's new Government Relations Consultants will be asking for funds from the legislature.
  - b) Commissioner Hudson asked for an update on the street projects. Mr. Weathers shared that they hope to be completed by the start of school.
- 9) INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
- a) Art Kulibert, Medical Lake resident – gave input on why Waterfront Park is labeled a regional park.
  - b) Tammy Roberson, Medical Lake resident – asked for clarification on the various shoreline permits. Addressed a question that Commissioner Hudson had earlier in the meeting regarding the Planning Commission's authority to decide on the Shoreline Substantial Development Review. Ms. Rodriguez answered this question when it was asked by Commissioner Hudson.
- 10) CONCLUSION**
- a) Motion to conclude at 7:30 pm made by Commissioner Mayulianos, seconded by Commissioner Jorgenson, carried 5-0.

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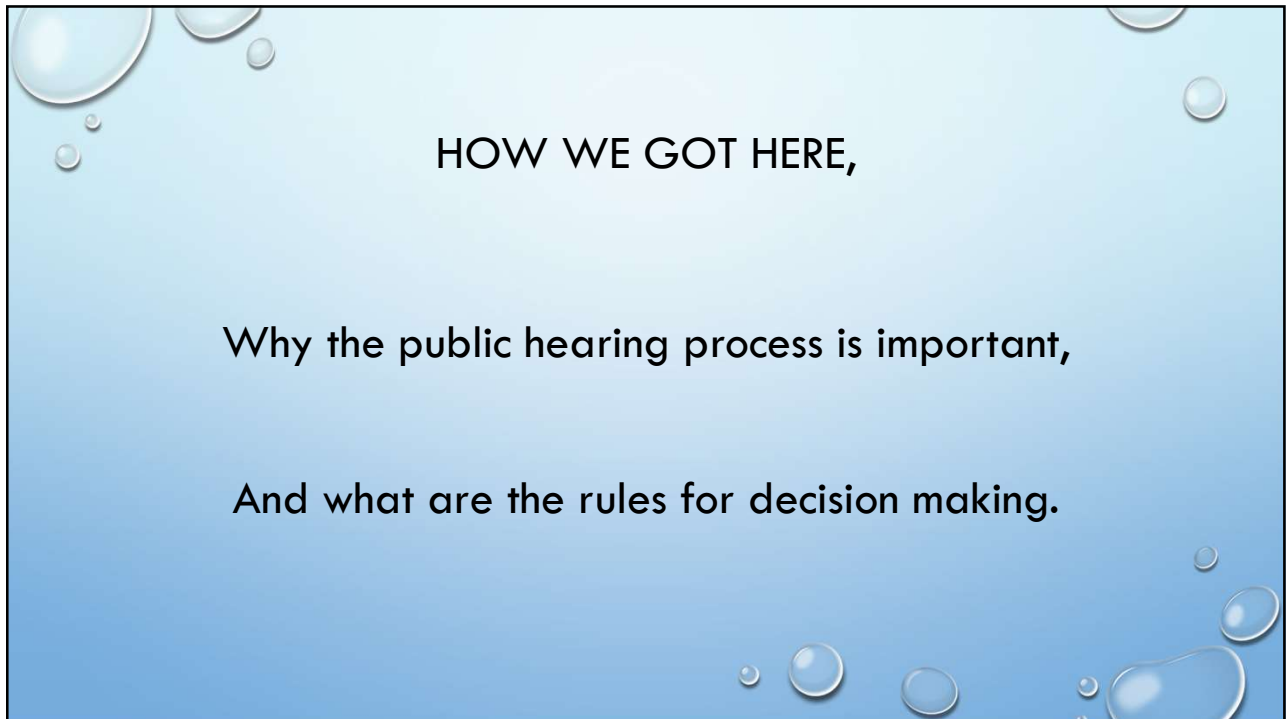
Roxanne Wright, Administrative Assistant

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Date



1



2

## SHORELINE MASTER PROGRAM

Purpose of SMP is to ensure that reasonable and adequate public use is allowed within the shoreline designations, along with natural resource protection.

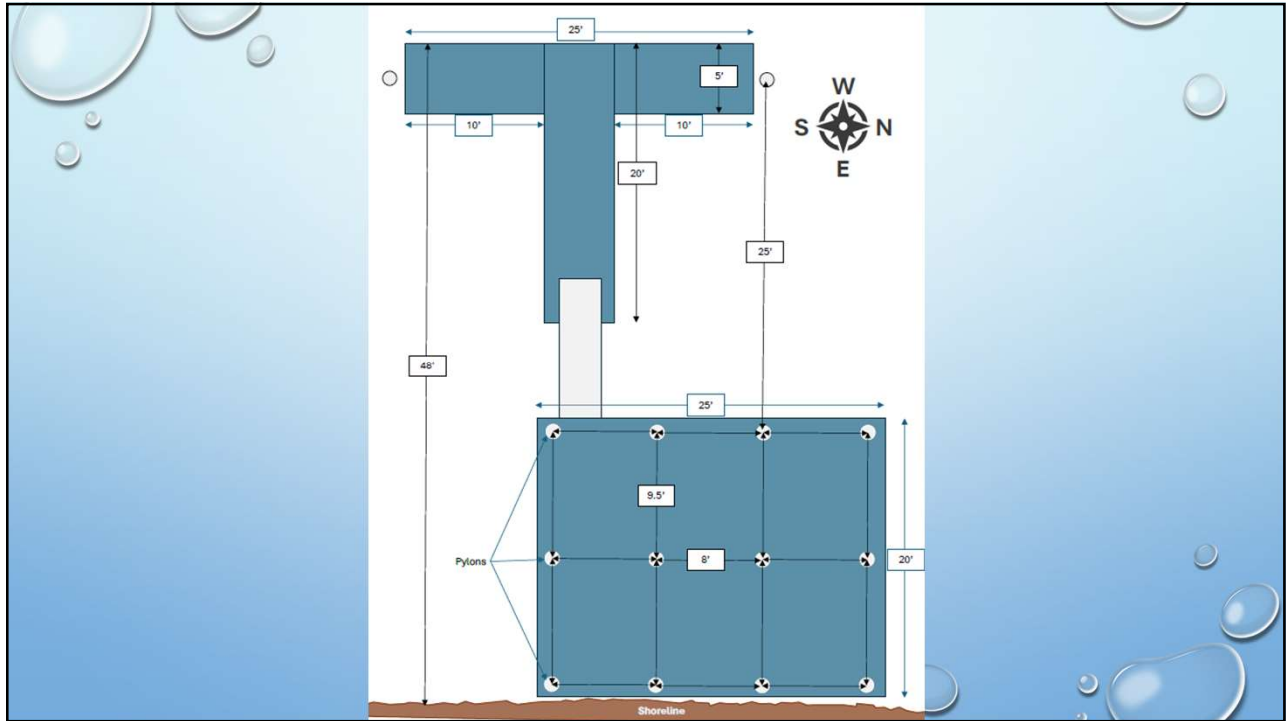
3

## SITE PLAN

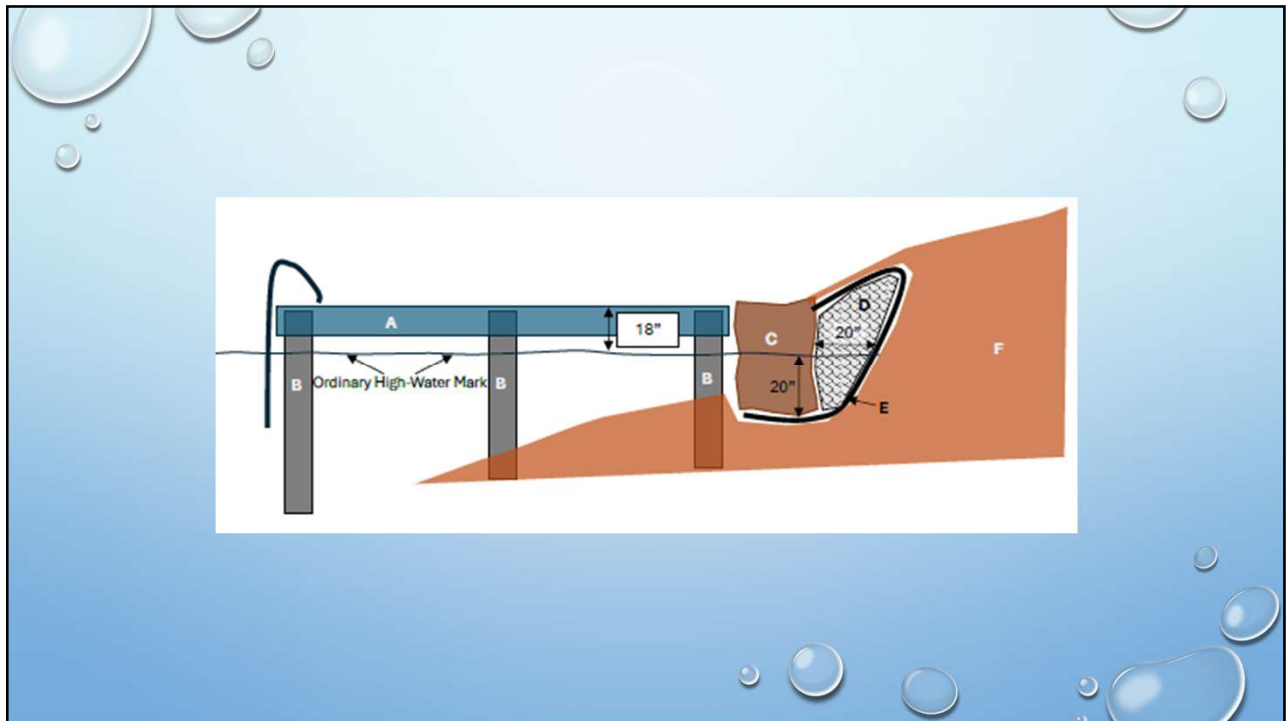


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6

## CRITERIA

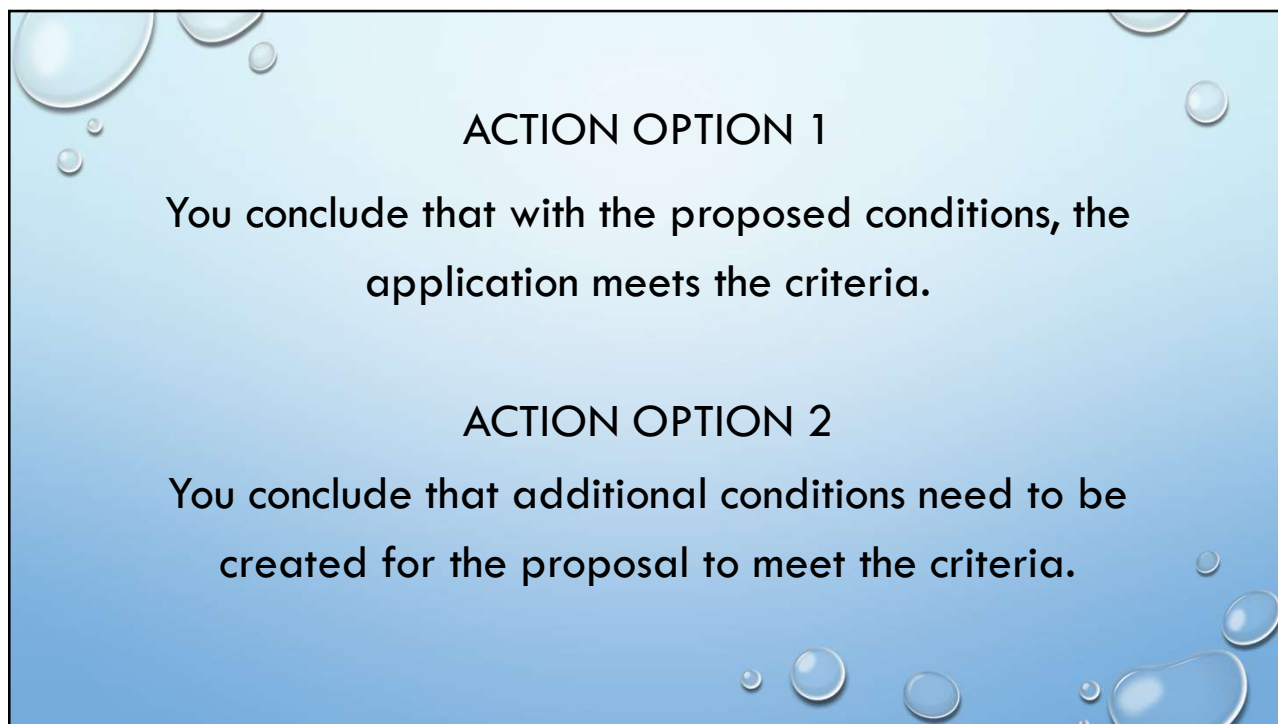
The decision on this application must be based on the 8 criteria that are addressed in the staff report and summarized in the handout in front of you.

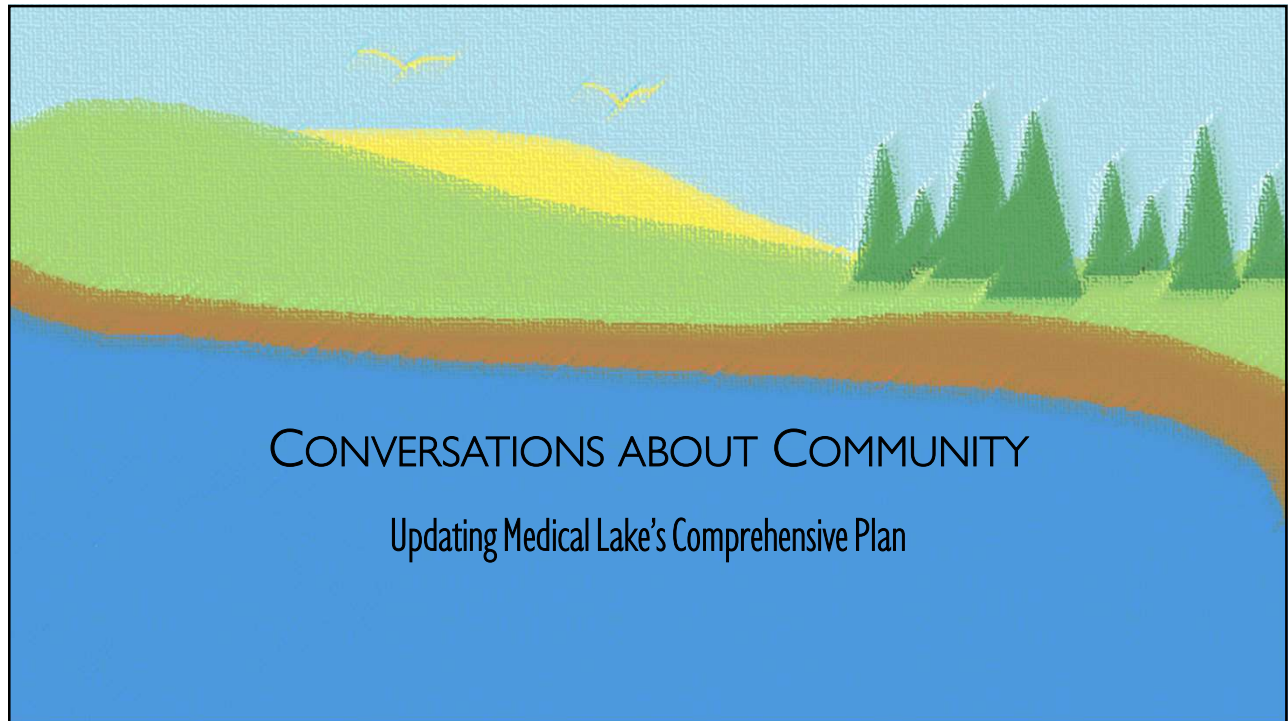
7

## CONDITIONS

- A.** Prior to receiving a final building inspection, the applicant shall install signage on or near the fences shared with the neighboring properties to discourage trespassing.
- B.** The current sign that indicates the rules of the park shall be replaced and a statement that the pier and dock are for public access shall be added.
- C.** Prior to any construction activity, all permits and authorizations from state and federal agencies must be in place.

8





1



2

PARKS, RECREATION, AND OPEN SPACE ELEMENT

**Recreation and Conservation Office**

Major Source of Funding  
Waterfront Developed with these Funds  
Requires a Parks Master Plan

3

PARKS, RECREATION, AND OPEN SPACE ELEMENT

**Park Categories in the Comp Plan**

Neighborhood Park  
Community Park  
Regional Park

4

## PARKS, RECREATION, AND OPEN SPACE ELEMENT

### Level of Service

Park Category	Size Standard	Proximity Standard
Neighborhood Park	1ac/1,000 people	½ mile or 5 minutes walking distance, not crossing a major arterial
Community Park	3ac/1,000 people	1 mile or 15 minutes walking distance
Regional Park	None	None
<b>Natural Areas/Open Space</b>	<b>5ac/1,000 population</b>	<b>2 miles</b>

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## PARKS, RECREATION, AND OPEN SPACE ELEMENT

### Park Categories in the Comp Plan

Activity/Facility	Adopted Standard	Available Acres	2018 Demand	2037 Demand	Future Needs
Population	-	-	4,990	6,042	-
Neighborhood Parks	1ac/1,000	6 acres	5 acres	6 acres	0 acres
Community Parks	3ac/1,000	28 acres	15 acres	18 acres	-10 acres
Regional Parks	None	45 acres	n/a	n/a	-45 acres
Trails	5mi/1,000	19.5 miles	25 miles	30 miles	10.5 miles
Natural Areas/Open Space	5ac/1,000	4 acres	25 acres	30 acres	26 acres
<b>Overall</b>	<b>10ac/1,000</b>	<b>55 acres</b>	<b>50 acres</b>	<b>60 acres</b>	<b>5 acres</b>

6

PARKS, RECREATION, AND OPEN SPACE ELEMENT

**The parks and recreation system will have a multitude of recreational opportunities for all community members.**

7

PARKS, RECREATION, AND OPEN SPACE ELEMENT

**There will be an extensive trail system to promote recreation and alternative transportation.**

8

PARKS, RECREATION, AND OPEN SPACE ELEMENT

**The parks and recreation system will be well advertised with cohesive signage and logos.**

9

PARKS, RECREATION, AND OPEN SPACE ELEMENT

**There will be a well maintained, multi-use park within walking distance of every household.**

10



PARKS, RECREATION, AND OPEN SPACE ELEMENT

**Pursue grant funding for capital facilities projects.**

This slide features a white background with a blue border. The text is centered and includes a title and a main bullet point.

11

PARKS, RECREATION, AND OPEN SPACE ELEMENT

**The parks and trails system will be a regional draw, supporting tourism for additional economic opportunities.**

This slide features a white background with a blue border. The text is centered and includes a title and a main bullet point.

12

PARKS, RECREATION, AND OPEN SPACE ELEMENT

**There will continue to be ample recreational opportunities and access to Medical Lake and West Medical Lake.**



City of Medical Lake Planning Department  
124 S. Lefevre St.  
Medical Lake, WA 99022  
509-565-5000  
[www.medical-lake.org](http://www.medical-lake.org)

## **STAFF REPORT TO THE PLANNING COMMISSION**

**File:** LU 2024-017 TA (Text Amendment)

**Date of Staff Report:** September 19, 2024

**Date of Hearing:** September 26, 2024

**Staff Planner:** Elisa Rodriguez 509-565-5019 or [erodriguez@medical-lake.org](mailto:erodriguez@medical-lake.org)

**SEPA:** This text amendment is exempt per WAC 197-11-800 Part Nine #19, Procedural Actions.

**Procedure:** This request requires a legislative review, therefore, the Planning Commission will hold a public hearing, then make a recommendation to the City Council. The City Council will make the final decision.

**Applicant:** Planning Official, City of Medical Lake

**Proposal Summary:** To amend the Municipal Code to comply with the new land use review process timelines required by Senate Bill 5290. The new timelines found in RCW 36.70B.080, go into effect on January 1, 2025. Medical Lake must amend the municipal code by that date to be compliant.

## **PROPOSAL**

The City proposes to amend the Municipal Code to comply with the new land use review process timelines required by Senate Bill 5290. The State regulates land use review timelines through RCW 36.70A.040. Currently, most reviews require a final decision within 120 days of the application being deemed complete. The new legislation makes a distinction among different types of reviews and assigns timelines accordingly. In summary:

- For projects that do not require public notice, a final decision must be issued in 65 days.
- For projects that require public notice, a final decision must be issued in 100 days.
- For projects that require public notice and a public hearing, a final decision must be issued in 170 days

In the Medical Lake Municipal Code, timelines for land use reviews (aka project reviews or project permits) can be found in Titles 15-18. Due to the haphazard organization of these titles, process information is found in more than two dozen locations. This makes updating the code to meet these new requirements difficult. For this reason, the City is taking this opportunity to start a user-friendly system of organization for these titles. The proposal is to create Title 19 – Land Use and Development, in which we slowly move pieces of the other four titles as needed. The end result will be the elimination of Titles 15-18. There is no timeline for this change and it will be dependent on the City’s needs and budget.

For this text amendment, the proposal is to create land use review categories wherein the process is clearly spelled out. In this manner, individual reviews can be assigned to a category, rather than having a unique process. Instead of changing the numerous processes in the existing code, the text will be amended to direct the user to the new categories in the new code language.

The proposed amendments are for process only. They do not contain any changes to approval criteria, allowed uses, or development regulations.

## **RELEVANT APPROVAL CRITERIA**

In order to be approved, this proposal must comply with the criteria of Chapter 17 of the Medical Lake Municipal Code (MLMC). Amendments to development regulations can be approved if the review body finds that the criteria of MLMC Chapter 17.56.100 have been met.

## **PROCEDURAL HISTORY**

September 11, 2024 – Notice of Application Distributed

September 12, 2024 – Notice of Public Hearing Published in Cheney Free Press

## ANALYSIS

In 2023, the Washington State Legislature amended the required timelines (as part of SB 5290) for affected cities and counties to issue a final decision on an application for land use review within the following time frames:

65 Days: For project permits that do not require public notice under RCW 36.70B.110, a local government must issue a final decision within 65 days of the determination of completeness under RCW 36.70B.070.

100 Days: For project permits that require public notice under RCW 36.70B.110, a local government must issue a final decision within 100 days of the determination of completeness under RCW 36.70B.070.

170 Days: For project permits that require public notice under RCW 36.70B.110 and a public hearing, a local government must issue a final decision within 170 days of the determination of completeness under RCW 36.70B.070.

The Medical Lake Municipal Code (MLMC) requires land use reviews to receive a final decision within 120 days of a complete application, meeting current law. To meet the new requirements, which go into effect January 1, 2025, text amendments to the municipal code are needed.

## ZONING CODE APPROVAL CRITERIA

17.56.020 - Purpose.

This section shall apply to initial adoption of the comprehensive plan and subsequent adoption of amendments or additional elements to the comprehensive plan. The purpose of this chapter is to establish a procedure pursuant to the requirements of RCW 36.70A of the Growth Management Act for the amendment or revision of the city comprehensive plan and development regulations.

17.56.100 – Criteria for Regulation of Plan Amendments.

Recognizing that the comprehensive plan was developed and adopted after significant study and public participation, the principles, goals, objectives and policies contained therein shall be granted substantial weight when considering any proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant. The approval, modification or denial of an amendment application by the planning commission shall be evaluated on the following criteria:

1. The amendment is necessary to resolve inconsistencies between the comprehensive plan and implementing ordinances, or inconsistencies between the plan or ordinances and local, state or federal mandates.

**Findings:** The proposed text amendments are to be compliant with the new requirements of Senate Bill 5290. These requirements can be found in RCW 36.70A.080 and become effective January 1, 2025. The MLMC currently requires land use reviews to have a final decision issued within 120 days of a complete application, which meets current State law. The proposal is to implement the three new timelines (65, 100, and 170 days) based on

the review type per RCW 36.70A.080. Therefore, this amendment is necessary to resolve inconsistencies between the municipal code and state mandates. For this reason, **this criterion is met.**

2. The amendment of the plan and/or the development regulations will further the implementation of the comprehensive plan and resolve inconsistency between the two in a manner that will not adversely impact the general public health, safety, and/or welfare.

**Findings:** The proposed text amendments are not intended to resolve inconsistencies between the comprehensive plan and development regulations, therefore, **the criterion is not applicable.**

3. Conditions have changed so much since the adoption of the comprehensive plan on factors such as, but not limited to population, employment, housing, transportation, capital facilities, or economic conditions that the existing goals, policies, objectives and/or map classifications of the comprehensive plan or development regulations are inappropriate.

**Findings:** The proposed text amendments are not intended to address changed conditions, therefore, **the criterion is not applicable.**

4. Substantial conditions exist where the available supply of forecasted lands for residential, commercial, industrial, recreation or agriculture have been absorbed and there is insufficient land available for a twenty-year supply.

**Findings:** The proposed text amendments are not intended to address available land supply, therefore, **the criterion is not applicable.**

5. If the comprehensive plan amendment proposal involves extension of water and/or sewer services outside of the urban growth boundary. the following additional criteria must be met:
  - a. The proposal must be in response to an immediate threat to public health or safety;
  - b. The proposal is necessary for the protection of the aquifer(s) designated pursuant to RCW 36.70.A170; and
  - c. The proposal is necessary to maintain existing levels of service in existing urban or suburban developments.

**Findings:** The proposed text amendment does not involve the extension of water and/or sewer services outside of the urban growth boundary, therefore, **this criterion is not applicable.**

6. The proposed amendment is consistent with the overall intent of the goals of the comprehensive plan.

**Findings:** The Comprehensive Plan does not have a goal that specifically pertains to land use reviews or any statement regarding City processes. Due to the silence on the subject matter, the proposed text amendments are not inconsistent with the Comprehensive Plan. For this reason, **the criterion is met.**

7. The proposed amendment is consistent with RCW 36.70A, the Growth Management Act, the county-wide planning policies and applicable multicounty planning policies.

**Findings:** The proposed text amendments are to keep the municipal code consistent with the Growth Management Act. The new regulations adopted by Senate Bill 5290 are found in RCW 36.70A.080, a section of the Growth Management Act and have an effective date of January 1, 2025. The proposed text amendments address the new land use review timelines required by the State. For this reason, **this criterion is met.**

8. Where an amendment to the comprehensive plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation.

**Findings:** The proposal does not include amendments to the comprehensive plan map, therefore, **this criterion is not applicable.**

9. Public facilities, infrastructure and transportation systems are present to serve the intended amendment or provisions have been made in accordance with the comprehensive plan to provide the necessary facilities.

**Findings:** The proposed text amendments are regarding the land use review process and will not affect public facilities, infrastructure, and transportation systems, therefore, **the criterion is met.**

10. The proposed amendment is complimentary and compatible with adjacent land uses and the surrounding environment.

**Findings:** The proposed text amendment affects only the land use review process. It does not change any allowed use or development regulation. For this reason, **the criterion is met.**

11. The proposed amendment does not adversely affect lands designated as agricultural and/or resource lands of long term commercial significance or critical areas.

**Findings:** The proposed text amendment affects only the land use review process. It does not change any approval criteria, allowed use, development regulation, agricultural land, resource land, or critical area. For this reason, **the criterion is met.**

## **CONCLUSION**

The proposed text amendment is to change the required timeline for the final decision on a land use review from 120 days from a complete application to 65, 100, and 170 calendar days. This amendment is being proposed to be compliant with a state law, Senate Bill 5290, that goes into effect on January 1, 2025. The proposal is not inconsistent with the Comprehensive Plan. For these reasons, this application may be approved.

## **RECOMMENDATION**

The approval criteria set out in MLMC 17.56.100 have been reviewed and completed. Therefore, the planning official recommends that the Planning Commission approve the proposed text amendment to the land use review processes in the Medical Lake Municipal Code.

## **ACTION**

The Planning Commission may choose to do one of the following:

1. Recommend approval of the proposed text amendments, as written, to the City Council.
2. Recommend approval of the proposed text amendments, with changes, to the City Council.
3. Request staff to address concerns and return with a revised proposal.

## **EXHIBITS**

- A. Application Materials
  1. Draft of Title 19 – Land Use and Development
- B. Public Notifications
  1. Notice of Application, September 11, 2024
  2. Legal Notice, Published in Cheney Free Press on September 12, 2024 (not attached)





LU 2024-017 TA

## NOTICE OF APPLICATION

The City of Medical Lake invites you to comment on this application!

**Date of Application:**

September 5, 2024

**Date Application was**

**Determined Complete:**

September 5, 2024

**Date of this Notice:**

September 11, 2024

**Comment Due Date:**

Sept 26, 2024, 2:00pm

**Public Hearing:**

Sept 26, 2024, 5:30pm

**Environmental Review:**

Per WAC 197-11-800 Part Nine #19, Procedural Actions, is exempt from a SEPA review. This exemption is for amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program that relates solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.

**Direct Comments to:**

Elisa Rodriguez

City Planner

[erodriguez@medical-lake.org](mailto:erodriguez@medical-lake.org)

Planning Department

124 S Lefevre Street

Medical Lake, WA 99022

509-565-5019

**PROPOSAL DESCRIPTION:** The City of Medical Lake proposes to amend the Municipal Code to comply with the new land use review process timelines required by Senate Bill 5290.

The complete file may be reviewed in the Planning Department during the hours of 8 a.m. to 4 p.m. Monday through Friday.

**PROPOSAL APPLICANT:** City of Medical Lake

**REQUIRED REVIEWS/PERMITS:** This request requires a legislative review, therefore, the Planning Commission will hold a public hearing, then make a recommendation to the City Council. The City Council will make the final decision.

Environmental Review (SEPA).

**PUBLIC HEARING:** The Medical Lake Planning Commission will hold a public hearing on Thursday, September 26, 2024 at 5:30 p.m. in person at the Medical Lake City Hall and virtually via Zoom to consider application LU 2024-017 TA (Text Amendment). A web link to the Zoom Meeting will be posted on the City’s website [www.medical-lake.org](http://www.medical-lake.org) with the meeting agenda. The public is encouraged to attend.

**PUBLIC COMMENT:** The public may submit comments in writing to the City Planner from the time of this notice until 2:00 p.m. on September 26, 2024. In addition, the public may speak and/or submit written comments at the Public Hearing.

Individuals planning to attend the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact City Hall at (509) 565-5000 as soon as possible so that arrangements may be made. Without advance notice, it may not be possible to provide the required accommodation(s).

**The proposed text must conform with the following timelines adopted by SB 5290 and found in RCW 36.70B.080:**

- **65 Days:** For project permits that do not require public notice under RCW 36.70B.110, a local government must issue a final decision within 65 days of the determination of completeness under RCW 36.70B.070.
- **100 Days:** For project permits that require public notice under RCW 36.70B.110, a local government must issue a final decision within 100 days of the determination of completeness under RCW 36.70B.070.
- **170 Days:** For project permits that require public notice under RCW 36.70B.110 and a public hearing, a local government must issue a final decision within 170 days of the determination of completeness under RCW 36.70B.070.

**Current state law requires local governments to issue a final decision on project permits (land use reviews) within 120 days of the application being deemed complete.**

**PROPOSED**

**September 19, 2024 Draft**

**Title 19 – Land Use and Development**

**19.100 Administration**

**Chapter 19.110 – Purpose**

The purpose of this Title is to provide a vehicle to implement the City’s Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA).

**Chapter 19.120 – Authority**

This Title is established pursuant to Section 11, Article XI of the Constitution of the State of Washington, RCW Chapters 35.63, 35A.63, 36.70A, 36.70B, and 36.70C.

**Chapter 19.130 – Severability**

If any section, subsection, sentence, clause, or phrase of this Title is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Title. The City Council of the City of Medical Lake hereby declares that should any section, paragraph, sentence, or word of this Title be declared for any reason to be void or unconstitutional, on its face or as applied, it is hereby provided that all other parts of the same which are not expressly held to be void or unconstitutional shall continue in full force and effect.

**Chapter 19.140 – Zoning Map Administration**

Chapter Reserved

**Chapter 19.150 – Enforcement**

Chapter Reserved

**Chapter 19.160 – Use Classifications**

Chapter Reserved

**Chapter 19.170 – Measurements**

Chapter Reserved

**Chapter 19.180 – Fees**

Chapter Reserved

## **19.200 – Land Use Reviews**

### **Chapter 19.210 – Purpose**

The purpose of this chapter is to establish standardized decision-making procedures for reviewing development applications within the City of Medical Lake enabling the City, the applicant, and all interested parties to reasonably review applications, and participate in the local decision-making process in a timely and effective way. More specifically, this chapter is intended to:

- A. Assure prompt review of development applications through the application of clear and specific standards;
- B. Provide for public review and comment on development applications that may have an impact on the community; and
- C. Establish procedures to ensure that the development application, if approved, is consistent with applicable standards.

### **Chapter 19.220 – Vesting**

Land use review applications shall be considered under this chapter and the zoning, development and other land use control ordinances contained in the MLMC, and any uncodified ordinances modifying the same, in effect on the date a fully complete application is filed with the city. For the purposes of this section, a vested application shall mean that the applicant is entitled to implement the development proposal described in the application, under the zoning, development and land use ordinances applied by the city in its review of the application without being subject to changes in development regulations subsequent to the submittal date except to the extent allowed by the city's police power to protect the public health, safety, and welfare.

Once an application is approved and if the approval contains a detailed description of the uses, including a detailed site plan drawn to scale, specifying the location of all buildings and improvements to be constructed in conjunction with the use(s), and such site plan is consistent with all laws and regulations in effect at the time the original application vested, then all land use applications in connection with the approved use(s) and/or site plan are vested to the laws and regulations in effect at the time of the vesting of the original permit application, until the land use approval expires.

Unless expressly authorized elsewhere in this title, vested rights shall apply only to development regulations and shall not be applied to development review fees or impact fees.

### **Chapter 19.230 – Pre-Application Conference**

An applicant may request a pre-application conference. The purpose of such conference is:

- A. To acquaint City and other agency staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant of applicable approvals and requirements; and

- B. To acquaint the applicant with the applicable requirements of the Medical Lake Municipal Code and other laws and to identify issues and concerns in advance of a formal application to save the applicant time and expense through the process. However, the conference is not intended to provide an exhaustive review of all the potential issues. The pre-application conference does not prevent the city from applying all relevant laws to the application.

### **Chapter 19.240 – State Environmental Protection Act (SEPA)**

All land use reviews are subject to the State Environmental Protection Act (SEPA) as presented in MLMC Chapter 16.10 – SEPA Environmental Policies and Procedures.

### **Chapter 19.250 – Infrastructure Concurrency**

All land use reviews are subject to the concurrency requirements found in MLMC Chapter 16.02 – Concurrency Management.

### **Chapter 19.260 – Consolidated Applications**

When the city must review more than one application for a given development, all applications required for the development pursuant to this chapter may be submitted for review at one time. When more than one application is submitted for a given development, and those applications are subject to different types of procedure, then all of the applications are subject to the highest type of procedure that applies to any of the applications; provided, however that each development application shall only be subject to the relevant criteria applicable to that particular development application. For example, a development proposal that includes a Type II application and a Type III application shall be wholly subject to the procedures applicable to a Type III application, but the Type II portion of the development proposal shall be decided according to the relevant approval criteria applicable to the Type II application.

### **Chapter 19.270 – Review Types**

#### **Section 19.270.010 – General**

All land use review applications shall be decided by using one of the following procedure types. The procedure type assigned to each action governs the decision-making procedure for that application, except to the extent otherwise required by applicable state or federal law.

#### **Section 19.270.020 – Type I Reviews**

Type I procedures apply to administrative reviews that have non-discretionary criteria. Type I applications are decided by the Planning Official without public notice prior to the decision and without a public hearing. If any party with standing appeals a Planning Official's Type I decision, the appeal of such decision will be heard by the hearings examiner, with further appeal to the superior court pursuant to applicable law.

Process:

- A. *Timeline.* A final decision should be made within 65 days from the date the application was deemed complete or a written notice given to the applicant specifying the reasons why the time limits will not be met and an estimated date of issuance.
- B. *Application.* The applicant must submit an application on a city form, a site plan or plat, the specific information required for the review requested, and the correct fee.
- C. *Environmental checklist.* A completed environmental checklist as specified in MLMC Chapter 16.10 – SEPA Environmental Policies and Procedures, may be required with a land use application.
- D. *Completeness check.* Upon receipt of an application, it shall be routed to other departments as for a determination of completeness under RCW 36.70B.070. Within 28 calendar days the city shall provide written notice that: (a) the application is complete or (b) additional information is required. Once the applicant supplies the additional information, the Planning Official has 14 calendar days to determine if the application is complete or request further information. If the requested information is not received within 60 calendar days of notice of an incomplete application, the application will be considered abandoned and the city will not refund the application fee. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
- E. *Additional governmental authority.* The Planning Official must notify the applicant of any other governmental authority that may have jurisdiction over some aspect of the proposed project within 28 days of submittal.
- F. *SEPA threshold determination.* The Planning Official will issue a SEPA threshold determination prior to notice of application. If the city issues a determination of significance, the process in MLMC 16.10 applies.
- G. *Review.* The Planning Official must provide a single report stating the approval criteria, findings, and decision.
- H. *Decision.* The Planning Official will mail the decision (pending appeal) to the applicant.
- I. *Ability to appeal.* The appeal process is set forth in MLMC Section 19.270.080 – Appeals.
- J. *Recording.* All decisions of approval, including conditions, shall be recorded with Spokane County. The applicant is responsible for the recording the decision against the property and must provide a copy of the recorded decision to the Planning Official. The decision must be recorded before the approved use is permitted or permits are issued, but no later than 30 days from the final decision.
- K. *Effective date.* For all reviews the effective date is the day the notice of decision.

**Section 19.270.030 – Type II Reviews**

Type II procedures apply to quasi-judicial reviews that contain some discretionary criteria. Type II applications are decided by the Planning Official with public notice and an opportunity for comment. If any party with standing appeals a Planning Official’s Type II decision, the appeal of

such decision will be heard by the hearings examiner, with further appeal to the superior court pursuant to applicable law.

Process:

- A. *Timeline.* A final decision should be made within 100 days from the date the application was deemed complete or a written notice given to the applicant specifying the reasons why the time limits will not be met and an estimated date of issuance.
- B. *Application.* The applicant must submit an application on a city form, a written response to the approval criteria, a site plan or plat, a trip generation letter or traffic analysis if required by the Public Works Director, the specific information required for the review requested, and the correct fee.
- C. *Environmental checklist.* A completed environmental checklist as specified in MLMC Chapter 16.10 – SEPA Environmental Policies and Procedures, may be required with a land use application.
- D. *Completeness check.* Upon receipt of an application, it shall be routed to other departments as for a determination of completeness under RCW 36.70B.070. Within 28 calendar days the city shall provide written notice that: (a) the application is complete or (b) additional information is required. Once the applicant supplies the additional information, the Planning Official has 14 calendar days to determine if the application is complete or request further information. If the requested information is not received within 60 calendar days of notice of an incomplete application, the application will be considered abandoned and the city will not refund the application fee. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
- E. *Additional governmental authority.* The Planning Official must notify the applicant of any other governmental authority that may have jurisdiction over some aspect of the proposed project within 28 days of submittal.
- F. *Notice of application.* Following the determination of completeness, the city shall within 14 days provide the applicant, city departments, and other agencies the notice of application. Once the applicant receives the notice of application, the applicant shall within 14 days of receipt notify the public of the proposal the via U.S. Mail as specified in MLMC Section 19.270.070 – Notice of Application.
- G. *Public comment period.* The public may provide written comment for a period of no fewer than 14 days and no greater than 30 days as specified in the notice of application.
- H. *Department responses.* City department directors notified of the application must provide a written response to the Planning Official within 14 days of the notice.
- I. *Concurrency determination.* The public works director will issue a transportation facility concurrency determination no more than 14 days after receiving the notice of application.
- J. *SEPA threshold determination.* The Planning Official will issue a SEPA threshold determination prior to notice of application. If the city issues a determination of significance, the process in MLMC 16.10 applies.

- K. *Review.* The Planning Official must provide a single report stating the approval criteria, findings, and decision.
- L. *Notice of decision.* The Planning Official will mail the notice of decision (pending appeal) to the applicant, the owner and all recognized organizations or persons who responded in writing to the public notice or requested a notice of decision.
- M. *Ability to appeal.* The appeal process is set forth in MLMC Section 19.270.080 – Appeals.
- N. *Recording.* All decisions of approval, including conditions, shall be recorded with Spokane County. The applicant is responsible for the recording the decision against the property and must provide a copy of the recorded decision to the Planning Official. The decision must be recorded before the approved use is permitted or permits are issued, but no later than 30 days from the final decision.
- O. *Effective date.* For all reviews the effective date is the day the notice of decision.
- P. *Expiration.* Land use decisions expire 5 years after the decision date.

### **Section 19.270.040 – Type III Reviews**

Type III procedures apply to quasi-judicial permits and actions that predominantly contain discretionary approval criteria. Type III applications are decided by the Hearings Examiner, Planning Commission, or the City Council depending on the subject. If any party with standing appeals a hearings examiner’s or Planning Commission’s Type III decision, the appeal of such decision will be heard by City Council, with further appeal to superior court. If any party with standing appeals the City Council’s Type III decision, the appeal of such will be heard by superior court. Decisions relating to the Shoreline Master Program may be subsequently appealed to the State Shoreline Hearings Board pursuant to applicable law.

Process:

- A. *Timeline.* A final decision should be made within 170 days from the date the application was deemed complete or a written notice given to the applicant specifying the reasons why the time limits will not be met and an estimated date of issuance.
- B. *Application.* The applicant must submit an application on a city form, a written response to the approval criteria, a site plan or plat, a trip generation letter or traffic analysis if required by the Public Works Director, the specific information required for the review requested, and the correct fee.
- C. *Environmental checklist.* A completed environmental checklist as specified in MLMC Chapter 16.10 – SEPA Environmental Policies and Procedures, may be required with a land use application.
- D. *Completeness check.* Upon receipt of an application, it shall be routed to other departments as for a determination of completeness under RCW 36.70B.070. Within 28 calendar days the city shall provide written notice that: (a) the application is complete or (b) additional information is required. Once the applicant supplies the additional information, the Planning Official has 14 calendar days to determine if the application is complete or request further information. If the requested information is not received within 60 calendar days of notice of an incomplete application, the application will be

considered abandoned and the city will not refund the application fee. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

- E. *Additional governmental authority.* The Planning Official must notify the applicant of any other governmental authority that may have jurisdiction over some aspect of the proposed project within 28 days of submittal.
- F. *Notice of application.* Following the determination of completeness, the city shall within 14 days provide the applicant, city departments, and other agencies the notice of application. Once the applicant receives the notice of application, the applicant shall within 14 days of receipt notify the public of the proposal the methods of MLMC Section 19.270.070 – Notice of Application.
- G. *Public comment period.* The public may provide written comment for a period of no fewer than 14 days and no greater than 30 days as specified in the public notice, provided public comment may be accepted prior to closing the record where there is an open record hearing or the decision.
- H. *Department responses.* City department directors notified of the application must provide a written response to the Planning Official within 14 days of the notice.
- I. *Concurrency determination.* The public works director will issue a transportation facility concurrency determination no more than 14 days after receiving the notice of application.
- J. *SEPA threshold determination.* The Planning Official will issue a SEPA threshold determination no fewer than 15 days prior to a hearing in accordance with MLMC 16.10 - SEPA Environmental Policies and Procedures. If the city issues a determination of significance, the process in MLMC 16.10 applies.
- K. *Review.* The Planning Official must provide a single report stating the approval criteria, findings and a recommendation to the review body prior to the hearing.
- L. *Hearing.* An open record hearing will be conducted by the assigned review body. The review body may adopt the Planning Official's report and recommendation, modify or reject it based on information presented at the hearing and in the record.
- M. *Hearing examiner decision.* For those matters where the hearing examiner is the final decision authority, the hearing examiner will issue a written decision to be distributed to the parties of record.
- N. *Planning commission recommendation.* For those matters where the Planning Commission is the initial review body, the Planning Commission will provide a written recommendation to the City Council following the action.
- O. *City council.* For those reviews where the hearing examiner or Planning Commission has made a recommendation to the City Council, the Planning Official shall present the recommendation to the council and request action be taken. This request shall be done as soon as reasonably possible.
- P. *Notice of decision.* Within seven days of the decision the Planning Official will mail notice of the review body's decision (pending appeal) to the applicant, the owner and all recognized organizations or persons who responded in writing to the public notice, testified at the hearing, or requested a notice of decision.



- Q. *Ability to appeal.* The appeal process is set forth in MLMC Section 19.270.080 – Appeals.
- R. *Recording.* All decisions of approval, including conditions, shall be recorded with Spokane County. The applicant is responsible for the recording the decision against the property and must provide a copy of the recorded decision to the Planning Official. The decision must be recorded before the approved use is permitted or permits are issued, but no later than 30 days from the final decision.
- S. *Effective date.* For all reviews the effective date is the day the decision is made.
- T. *Expiration.* Land use decisions expire 5 years after the decision date.

### **Section 19.270.050 – Type IV Reviews**

Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision or large-scale implementation of public policy. Type IV applications are considered initially by the Planning Commission with final decisions made by the City Council. If any party with standing appeals the City Council’s Type IV decision, the appeal of such will be heard by the Growth Management Hearings Board.

Process:

- A. *Initiation.* Proposed amendments may be initiated by the following parties:
  1. City council.
  2. Planning commission.
  3. Planning official.
  4. Any individual, organization, corporation or partnership, general or special purpose government, or entity of any kind.
- B. *Application.* The applicant must submit an application on a city form, the amendment being requested, a written response to the approval criteria, a site plan or plat, and the correct fee
- C. *Environmental checklist.* A completed environmental checklist as specified in MLMC Chapter 16.10 – SEPA Environmental Policies and Procedures, may be required with a land use application.
- D. *Concurrency determination.* The public works director will issue a transportation facility concurrency determination no more than 14 days after receiving the notice of application
- E. *SEPA threshold determination.* The Planning Official will issue a SEPA threshold determination no fewer than 15 days prior to a hearing in accordance with MLMC 16.10 - SEPA Environmental Policies and Procedures. If the city issues a determination of significance, the process in MLMC 16.10 applies.
- F. *Intent to adopt.* The City shall give notice of the intent to adopt amendments to the comprehensive plan, zoning map, or development regulations to the Washington State Department of Commerce sixty (60) days prior to the anticipated City Council action on the recommendations of Planning Commission.
- G. *Public notice.* A notice must be published in a newspaper of general circulation delivered in the City of Medical Lake at least 14 days prior to a public hearing.

- H. *Public comment period.* The public may provide written comment for a period of no fewer than 14 days and no greater than 30 days as specified in the public notice.
- I. *Review.* The Planning Official must provide a single report stating the approval criteria, findings and a recommendation to the Planning Commission prior to the hearing.
- J. *Hearing.* An open record hearing will be conducted by the Planning Commission. The Planning Commission may adopt the Planning Official's report and recommendation, modify, or reject it based on information presented at the hearing and in the record.
- K. *Final decision authority.* The Planning Official shall present the recommendation to the council and request action be taken.
- L. *Ability to appeal.* The decision of the City Council may be appealed to the Growth Management Hearings Board pursuant to applicable law.

### **Section 19.270.060 – Final Plat Reviews**

The final plat process provides the city an opportunity to confirm that the final plat conforms to the conditions of the preliminary approval. Final plat reviews include final binding site plans, final subdivision plats, and short plats.

Process:

- A. *Timeline.* The final plat must be approved, disapproved or returned to the applicant within 30 days from the date of application.
- B. *Application.* The applicant must submit an application on the appropriate form, with the final plat, the certification of completed improvements or performance bond, and the correct fee.
- C. *Review.* The application is reviewed by the Planning Official, the city engineer, and any other appropriate official for conformance with the terms of preliminary approval. If the applicant has not shown conformance with the preliminary approval, the original copy of the plat, together with a list of required modifications shall be returned to the applicant. A duplicate copy shall be retained for the file.
- D. *Approval.* When all reviewers have confirmed that the plat is ready to be approved, the Planning Official shall inform the applicant. The applicant shall submit a vellum 24 inch by 36 inch copy of the plat for recording purposes. In addition, the applicant shall submit:
  1. A certificate from the county treasurer indicating that all taxes and assessments on said property included in the final plat, subdivision, or dedication have been paid according to the provisions of RCW 58.17.160, RCW Chapter 58.08.030 and 58.08.040 , as thereafter amended.
  2. A check payable to the county auditor for the full amount of filing fees according to the provisions of RCW Chapter 36.18.010, as thereafter amended.
  3. A title report no older than 30 days, confirming that the title of the land as described and shown on the plat is in the name of the owners signing the certificate or instrument of dedication.
  4. The certificate in RCW 58.17.165, dedication of streets and other areas and protective covenants, if any.

- E. *Signatures.* Upon receipt of the vellum copy of the plat, the plat shall be routed to all appropriate directors, officials, and the city engineer for signatures.
- F. *City council meeting.* Upon receipt of the vellum copy of the plat, a public meeting date shall be set for the next regular City Council meeting, not less than seven days from the submittal date. Short plats (four lots or less) are approved by the Planning Official and do not require City Council approval.
- G. *City council approval.* When the City Council finds that the land division proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said land division meets the requirements of the applicable state laws, city ordinances and other standards, which were in effect at the time of application for preliminary plat approval, it shall approve the final plat, upon adoption of findings of fact.
- H. *Recording.* After approval, the final plat shall be filed for record by the applicant with the county auditor within 30 days of City Council approval the city may refuse to issue permits for development on a final plat which has not been reviewed by the county auditor.
- I. *Ability to appeal.* The appeal process is set forth in MLMC Section 19.270.080 – Appeals.

#### **Section 19.270.070 – Notice of Application**

A notice of application provides the applicant, public, city departments, and agencies with jurisdiction information about the proposal or project. The notice of application may be combined with the (SEPA) threshold determination.

At least 15 days prior to a required public hearing, the applicant must notify the public of the proposal. The following three methods of notification are prerequisites for a public hearing. The notifications are the responsibility of the applicant, however, the Planning Official shall provide guidance for completing the notifications.

Methods of Notification:

- A. *U.S. Mail.* The applicant must mail a notice to all owners and taxpayers of record, as shown by the most recent Spokane County assessor's record, and occupants of addresses of property located within 300 lineal feet of the subject lot(s) and those agencies that may have jurisdiction. The following information is required on the notice:
  1. Statement that the City of Medical Lake is processing the application.
  2. File number.
  3. Applicant name and phone number.
  4. Date of application.
  5. Date of notice of completeness.
  6. Date of the notice of application.
  7. Description of the proposed project.
  8. Location of the proposed project.
  9. Identification of other permits required.
  10. Identification of existing environmental documents.

11. Statement of the public comment period. The public comment period may be no fewer than 14 days and no greater than 30 days.
  12. The date, time, place, and type of hearing.
  13. Name, address, and office telephone number of the city official from which information and the staff report on the proposal can be obtained.
  14. A statement of the preliminary determination if one has been made or the optional DNS language of WAC 197-11-355.
- B. *Newspaper*. The applicant must publish a notice in a newspaper of general circulation in the general area where the proposal is located. The information listed in (a) above shall be included in the notice.
- C. *On site*. The applicant must post one notice on the site for every 300 feet of street frontage. The posted notice sign must meet the following specifications:
1. Measure a minimum of four feet by four feet, the sign size may be increased in order to contain all of the required information.
  2. Be constructed of material of sufficient weight and strength to withstand normal weather conditions.
  3. Have a white background with black or red lettering.
  4. Posted notices must contain the following information:
    - a. The first line of text on the sign in four-inch letters reads: "NOTICE OF APPLICATION."
    - b. The second line of text on the sign in three-inch letters reads: "PROPOSED (review type), File #LU- \_\_\_\_\_ - \_\_\_\_\_".
    - c. The third line of text on the sign in three-inch letters reads: "PUBLIC HEARING ON/COMMENTS DUE BY (date, time and location)."
    - d. The remaining lines of text, in three-inch letters, shall include the following: Brief description of the proposal and applicant (or agent) name and phone number.
    - e. The last line of text on the sign in three-inch letters reads: "FOR INFORMATION: (City contact telephone number)."

### **Section 19.270.080 – Appeals**

- A. *Appeal submittal*. Any party with standing under MLMC Section 19.270.080(B) may submit a written appeal of any Type I, II, III or IV (rezone only) decision to the Planning Official containing the following items listed below. The appeal must be received no later than 14 calendar days after written notice of the decision is mailed. Receipt of a complete appeal submittal shall stay the original decision until a final decision on the appeal is reached.
1. The case number designated by the city and the name of the applicant;
  2. The name and signature of each petitioner or their authorized representative and a statement showing that each petitioner has standing to file the appeal under this chapter. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative for all contact with the Planning

Official. All contact with the Planning Official regarding the appeal, including notice, shall be with the contact representative;

3. The specific aspect(s) of the decision or determination being appealed, and the specific reasons why each aspect is in error as a matter of fact or law;
4. A statement demonstrating that the specific issues raised on appeal were raised during the period in which the record was open;
5. The appeal fee as adopted by the City Council.

*B. Standing to appeal.*

1. *Type I decision.* Only the applicant and property owner have standing to appeal a Type I decision, unless otherwise specified in this title.
2. *Type II decision.* The following parties have standing to appeal a Type II decision:
  - a. The applicant or owner of the subject property;
  - b. Any party eligible for written notice of a pending Type II administrative decision.
  - c. Any other party who demonstrates that they participated in the decision process through the submission of written testimony.
3. *Type III decision.* The following parties have standing to appeal a Type III decision:
  - a. The applicant or owner of the subject property;
  - b. Any party who testified verbally or in writing at the public hearing;
  - c. Any other party, who demonstrates that they participated in the decision process through the submission of written testimony;
  - d. Any party who provides a written request for a copy of the notice of decision; and
  - e. City staff.
4. *Type IV Map Amendment Decision.* The following parties have standing to appeal a Type IV Map Amendment decision:
  - a. The applicant or owner of the subject property;
  - b. Any party who testified verbally or in writing at the public hearing;
  - c. Any other party, who demonstrates that they participated in the decision process through the submission of written testimony;
  - d. Any party that provides a written request for a copy of the notice of decision; and
  - e. City staff.

*C. Appeal review process.*

1. All complete appeals submitted which are eligible as specified in this chapter shall be scheduled for review at a public hearing such that a final decision can be rendered within 60 calendar days for closed-record appeals, and within 90 calendar days for open-record appeals. Further extensions are permitted upon mutual agreement of the appellant, the applicant, and the Planning Official. If a final decision is not reached within this time, the Planning Official shall so notify the appellant and shall provide a reason for the delay and an estimated date of final decision issuance.

2. Notice of the appeal hearing shall be mailed to the applicant and all parties who received a notice of application
3. Appeal hearings shall be closed if there was open public hearing during the decision process. Otherwise, appeal hearings shall be open.
  - a. An open-record appeal hearing before the Hearings Examiner shall be conducted according to the procedures set forth in MLMC Chapter 2.80 – Hearing Examiner.
  - b. A closed-record appeal hearing before the City Council shall be limited to argument from the appellant, the applicant and city staff, and deliberation by the City Council. Argument and deliberation shall be limited to the record established at the original open-record hearing. The record shall consist of testimony and deliberation at the original hearing as recorded by an audio/visual tape or transcript certified as accurate and complete, any other materials submitted into the record, and the final order being appealed.
  - c. Hearing rules shall otherwise be as specified by the review body.
  - d. Notice of appeal decisions shall be mailed to the applicant and all parties who received a notice of application.

D. *Subsequent appeals.*

1. Appeal decisions by any review body may be subsequently appealed to Superior Court within 21 calendar days after the date of decision, subject to compliance with appeal eligibility and notice provisions as specified by Chapter 36.70C RCW.
2. Appeal decisions by the Hearings Examiner or City Council on shoreline substantial development permits, shoreline variance permits, and shoreline conditional use permits may be subsequently appealed to the State Shoreline Hearings Board pursuant to applicable law.