

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 1130**

**AN ORDINANCE OF THE CITY OF MEDICAL LAKE, WASHINGTON, RELATING
TO AMENDMENTS OF TITLES 15 THROUGH 18 AND THE CREATION OF TITLE 19
– LAND USE AND DEVELOPMENT**

WHEREAS, the City of Medical Lake (City) is a fully planning city under the Growth Management Act (GMA); and

WHEREAS, the City must use all the permit procedures outlined within chapter 36.70B RCW, the Local Project Review Act; and

WHEREAS, SB 5290 has revised section 36.70B.080 RCW, changing process timelines, effective January 1, 2025; and

WHEREAS, the Medical Lake Municipal Code (MLMC) has permit procedure standards throughout Title 15 – Subdivisions, Title 16 – Planning, Title 17 – Zoning, and Title 18 – Manufactured Home Communities; and

WHEREAS, compliance with chapter 36.70B RCW requires amendments to the above Titles; and

WHEREAS, to better serve the City and its citizens, a new title, Title 19- Land Use and Development, is being adopted to provide all permit process information in one location. Furthermore, Title 19 will be populated as all of the regulations in Titles 15-18 are updated; and

WHEREAS, no policy changes are being implemented through these text amendments; and

WHEREAS, these text amendments were found to be exempt from State Environmental Protection Act (SEPA) review per WAC 197-11-800 Part Nine #19, Procedural Actions.; and

WHEREAS, the City of Medical Lake Planning Commission (Planning Commission) considered the proposed text amendments at a properly noticed public hearing on September 26, 2024, so as to receive public testimony; and

WHEREAS, at its September 26, 2024, meeting, the Planning Commission voted to recommend approval of the amendment; and

WHEREAS, pursuant to RCW 36.70A.106, on October 31, 2024, the City provided the Washington State Department of Commerce with a sixty (60) day notice of its intent to adopt the amendment(s) to the MLMC; and

WHEREAS, on November 5, 2024, the City of Medical Lake City Council (City Council) discussed the proposed text amendments at a properly noticed open public hearing; and

WHEREAS, the City Council considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance, including documents on file with the City; and

WHEREAS, this Ordinance is also supported by the professional judgment and experience of the City staff who have worked on this proposal; and

WHEREAS, the City Council determined that the proposed amendments are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens and property owners of the City; and

WHEREAS, the City Council determined that the proposed amendments are consistent with the goals and requirements of the GMA; and

NOW, THEREFORE, the City Council of the City of Medical Lake, Washington does ordain as follows:

Section 1. Amendment. Section 15.04.050 – Processing with other applications, is hereby removed from the MLMC.

Section 2. Amendment. Section 15.04.055 – Time limitations, is hereby removed from the MLMC.

Section 3. Amendment. MLMC Section 15.04.060 – Amendments, is hereby amended to read as follows:

Amendments to Title 15 shall be processed as a Type IV Review. The Type IV Review process is found in MLMC Section 19.270.050 – Type IV Reviews.

Section 4. Amendment. MLMC Section 15.12.020 – Classification of subdivisions, is hereby amended to read as follows:

A land division that creates four (4) or fewer lots is considered a short plat. A land division that creates more than four (4) lots is considered a long plat (preliminary plat).

Section 5. Amendment. Section 15.12.030 – Coordination of flexible zoning application with subdivision approval, is hereby removed from the MLMC.

Section 6. Amendment. MLMC Section 15.12.040 – General procedure, is hereby amended to read as follows:

Preliminary Plats are processed through a Type III Review with the Planning Commission holding a public hearing and making a recommendation to the City Council who makes the final decision. The Type III Review process is found in MLMC Section 19.270.040 – Type III Reviews.

Section 7. Amendment. Section 15.12.050 – Preparation and copies, is hereby removed from the MLMC.

Section 8. Amendment. Section 15.12.070 – Public hearing, is hereby removed from the MLMC.

Section 9. Amendment. Section 15.12.080 – Notice of hearing, is hereby removed from the MLMC.

Section 10. Amendment. Section 15.12.090 – Approval or rejection, is hereby removed from the MLMC.

Section 11. Amendment. Section 15.12.130 – Appeal of a decision, is hereby removed from the MLMC.

Section 12. Amendment. Section 15.12.140 – General requirements, is hereby removed from the MLMC.

Section 13. Amendment. MLMC Section 15.12.150 – Application, is hereby amended to read as follows:

For a Preliminary Plat application to be deemed complete, the following must be submitted:

- (1) An appropriate City application form;
- (2) A written description of the proposal;
- (3) A preliminary plat depicting, at a minimum, lot lines, easements, rights-of-way, and topographic features;
- (4) A traffic generation letter;
- (5) Any studies, reports, or documentation to support the request;
- (6) A written response to the approval criteria of MLMC Section 15.12.100 – Factors to be Considered;
- (7) A SEPA Checklist unless the proposal is exempt from SEPA; and
- (8) The applicable fee.

Section 14. Amendment. Section 15.22.020 – Submission for approval, is hereby removed from the MLMC.

Section 15. Amendment. Section 15.22.030 – Approval or rejection, is hereby removed from the MLMC.

Section 16. Amendment. Section 15.22.040 – Additional requirements, is hereby removed from the MLMC.

Section 17. Amendment. Section 15.22.050 – Effect of approval, is hereby removed from the MLMC.

Section 18. Amendment. MLMC Section 15.22.060 – General procedures, is hereby amended as follows:

Final Plats are processed through a Final Plat Review with the Planning Official making a recommendation to the City Council who makes the final decision. The Final Plat Review process is found in MLMC Section 19.270.060 – Final Plat Reviews.

Section 19. Amendment. Section 15.22.070 – Specific Requirements, is hereby removed from the MLMC.

Section 20. Amendment. Section 15.22.080 – Dedication, acknowledgment, and endorsement, is hereby removed from the MLMC.

Section 21. Amendment. Section 15.26.030 – Application procedures, is hereby removed from the MLMC.

Section 22. Amendment. MLMC Section 15.26.040 – Application, is hereby amended as follows:

For a Preliminary Short Plat application to be deemed complete, the following must be submitted:

- (1) An appropriate City application form;
- (2) A written description of the proposal;
- (3) A preliminary plat depicting, at a minimum, lot lines, easements, rights-of-way, and topographic features;
- (4) A traffic generation letter;
- (5) Any studies, reports, or documentation to support the request;
- (6) A written response to the approval criteria of MLMC Section 15.26.070 – Approval;

- (7) A SEPA Checklist unless the proposal is exempt from SEPA; and
- (8) The applicable fee.

Section 23. Amendment. Section 15.26.050 – Preparation of final short plat, is hereby removed from the MLMC.

Section 24. Amendment. MLMC Section 15.26.060 – Review procedures, is hereby amended to read as follows:

Preliminary Short Plats are processed through a Type I Review. The Type I Review process is found in MLMC Section 19.270.020 – Type I Reviews.

During the preliminary short plat review the following departments and agencies shall review the plat for conformance with the following:

- A. The Public Works Director shall notify the Planning Official of the following:
 - 1. Water supply methods and sanitary sewage disposal methods, and stormwater management contemplated for use in the proposed short plat do or do not conform with current standards; and
 - 2. Where sewer lines shall be tied to the City sewer system and whether they do or do not comply with City codes.
 - 3. The proposed roads, utilities and other improvements do or do not conform to current standards; and
 - 4. Access to the boundary of all short plats shall be provided by an open, constructed and maintained public road, except that the access to the boundary of the short subdivision by private road may be permitted where the private roads are otherwise permitted by this title; and
 - 5. That the survey does or does not conform to the standard practice and principles of land surveying.
- B. The Spokane County fire chief shall respond to the Planning Official with any concerns on fire flow, necessary hydrant improvements and ingress and egress of emergency vehicles.
- C. Other agencies shall notify the Planning Official of their concerns for consideration in the findings for approval or denial of the short plat.

Final Short Plats are processed through a Final Plat review with the Planning Official making the final decision. The Final Plat Review process is found in MLMC Section 19.270.060 – Final Plat Reviews.

Section 25. Amendment. MLMC Section 15.26.070 – Approval, is hereby amended to read as follows:

The following criteria must be met for approval of a preliminary short plat.

- (1) Its conformance with the general purposes, standards and requirements of the City's comprehensive plan, zoning code, and the City environmental policy ordinance, and to any other applicable laws and policies;
- (2) If appropriate provisions are made for home drainage-ways, utilities, access, streets, alleys, and other public ways, water supplies, and sanitary waste disposals;
- (3) The physical characteristics of the short subdivision site. Disapproval may be made because of flood inundation or swamp conditions. Construction of protective improvements may be required as a condition of approval;

- (4) All other relevant facts to determine whether the public use or interest will be served by the short plat;
- (5) All standards for improvements as required by this chapter or as conditions of approval of the short plat have been met.
- (6) The applicant has passed a concurrency test in accordance with MLMC Chapter 16.02.

Section 26. Amendment. Section 15.26.080 – Appeal, is hereby removed from the MLMC.

Section 27. Amendment. MLMC Section 15.27.030 – Procedure, is hereby amended to read as follows:

Preliminary Binding Site Plans are processed through a Type I Review with the Planning Official making the final decision. The Type I Review process is found in MLMC Section 19.270.020 – Type I Reviews.

Final Binding Site Plans are processed through a Final Plat Review with the City Council making the final decision. The Final Plat Review process is found in MLMC Section 19.270.060 - Final Plat Reviews.

Section 28. Amendment. MLMC Section 15.27.040 – Preliminary application, is hereby amended to read as follows:

For a Preliminary Binding Site Plan application to be deemed complete, the following must be submitted:

- (1) An appropriate City application form;
- (2) A written description of the proposal;
- (3) A preliminary plat depicting, at a minimum, lot lines, easements, rights-of-way, and topographic features;
- (4) A traffic generation letter;
- (5) Any studies, reports, or documentation to support the request;
- (6) A written response to the approval criteria of MLMC Section 15.27.010 – Purpose.
- (7) A SEPA Checklist unless the proposal is exempt from SEPA; and
- (8) The applicable fee.

Section 29. Amendment. Section 15.27.050 – Final site plan, is hereby removed from the MLMC.

Section 30. Amendment. Section 15.27.060 – Appeal of decision, is hereby removed from the MLMC.

Section 31. Amendment. Section 15.27.070 – Filing of final site plan, is hereby removed from the MLMC.

Section 32. Amendment. MLMC Section 15.28.010 – Procedure and authority for granting, is hereby amended as follows:

There is established a procedure for modifying or varying the regulations set forth in this title.

- (1) Any subdivider can make application to the planning commission for a variation or modification of any provision in this title due to preexisting topographic, or other

physical conditions characteristic of the land included in the preliminary plat, subdivision or dedication.

- (2) Where the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured.
- (3) The application shall include any and all details necessary to support the application provided that the variance, exception, or waiver of conditions shall not have the effect of nullifying the intent and purpose of this title; and further provided the planning commission shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case.
- (4) The application and request must be received concurrently with the preliminary plat and will be processed through a Type III Review as found in MLMC Section 19.270.040 – Type III Reviews; and must conform with the following provisions:
 - (A) The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property.
 - (B) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.
 - (C) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
 - (D) The relief sought will not in any manner vary the provisions of the zoning code, comprehensive plan, or official map, except that those documents may be amended in the manner prescribed by law.
- (5) The planning commission shall make a decision on all variance requests in conjunction with making a decision on the preliminary plat as outlined in MLMC Section 15.12.100. If, in the opinion of the planning commission, the subdivider has justifiable cause to make application for additional variations or modifications to the regulations of this title such applications shall follow the same procedure as described in this chapter.

Section 33. Amendment. Section 15.34.050 – Appeal, is hereby removed from the MLMC.

Section 34. Amendment. Section 16.02.030 – Concurrency test, is hereby amended to read as follows:

- (a) Application. All development permit applications are subject to a concurrency test except those exempted in Section 16.02.050. If a concurrency test is conducted for

the preliminary plat application, no concurrency test shall be required for the final plat application.

(b) Procedures. The concurrency test will be performed in the processing of the development permit and conducted by the planning department, public works department and other facility land service providers.

(1) The planning department shall provide the overall coordination of the concurrency test by notifying the facility and service providers of all applications requiring a concurrency test as set forth in subsection A of this section; notifying the applicant of the test results; notifying the facility and service providers of the final outcome (approval or denial) of the development permit; and notifying the facility and service providers of any expired development permits or discontinued certificates of capacity.

(2) All facility and service providers shall be responsible for maintaining and monitoring their available and planned capacity by conducting the concurrency test, for their individual facility, for all applications requiring a concurrency test as set forth in subsection A of this section; reserving the capacity needed for each application; accounting for the capacity for each exempted application which uses capacity as set forth in Section 16.02.050; notifying the planning department of the results of the tests; and reinstating any capacity for an expired development, discontinued certificate of capacity or other action resulting in an applicant no longer needing capacity which has been reserved.

(3) The facility and service providers shall be responsible for annually reporting to the city the total, available, and planned capacity of their facility or service as of the end of each calendar year. Such reporting shall be made before January 31st for inclusion in the amendment process of the capital facilities program.

(c) Test. Development applications that would result in a reduction of a level of service below the minimum level of service standard cannot be approved. For potable water, electric utilities, sanitary sewer, solid waste and stormwater management only available capacity will be used in conducting the concurrency test. For roads, transit, law enforcement, fire, emergency medical service, schools, parks, and libraries, available and planned capacity will be used in conducting the concurrency test.

(1) If the capacity of concurrency facilities is equal to or greater than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is passed. A certificate of capacity will be issued according to the provisions of Section 16.02.040.

(2) If the capacity of concurrency facilities is less than the capacity required to maintain the level of service standard for the impact from the development application, the concurrence test is not passed. The applicant may:

(A) Accept ninety-day reservation of concurrency facilities that exist and modify the application to reduce the need for concurrency facilities that do not exist;

(B) Accept ninety-day reservation of concurrency facilities that exist and demonstrate to the service providers satisfaction that the development will have a lower need for capacity than usual and, therefore, capacity is adequate;

(C) Accept ninety-day reservation of concurrency facilities that exist and arrange with the service provider for the provision of the additional capacity of concurrency facilities required; or

(D) Appeal the results of the concurrency test to the hearing examiner in accordance with the provisions of MLMC Chapter 19.290 - Appeals.

(d) Concurrency Inquiry Application. An applicant may inquire whether or not concurrency facilities exist without an accompanying request for a development permit. A fee may be charged for such a concurrency test but capacity cannot be reserved. A certificate of capacity will only be issued in conjunction with a development permit approval as outlined in Section 16.02.040.

Section 35. Amendment. MLMC 16.02.070 – Appeals, is hereby amended to read as follows:

The concurrency test is considered a Type I Review decision and may be appealed per the process in MLMC Chapter 19.290 – Appeals.

Section 36. Amendment. Chapter 16.04 – Permit Process, is hereby removed from the MLMC.

Section 37. Amendment. MLMC Section 16.05.140 – Appeals, is hereby amended to read as follows:

An impact fee is considered a Type I Review decision and may be appealed per the process in MLMC Chapter 19.290 – Appeals.

Section 38. Amendment. Section 17.10.040 – Approval process, is hereby amended to read as follows:

A. Critical Areas Permit Process.

1. Critical Area Reviews are processed as a Type III review with the Planning Commission holding a public hearing and the City Council making the final decision. The Type III review process is found in MLMC Section 19.270.040 – Type III Reviews.
2. For a Critical Area Permit application to be deemed complete, the following information must be submitted:
 - a. An appropriate City application form;
 - b. A written description of the proposal;
 - c. A site plan;
 - d. All required reports and mitigation plans;
 - e. A written response to all applicable approval criteria;
 - f. A SEPA Checklist unless the proposal is exempt from SEPA; and
 - g. The applicable fee.

B. Notice on Title—Covenant and Tracts.

1. Covenants. This section applies to all nonexempt projects that involve critical areas and buffers.
 - a. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and

elections division according to the direction of the City. The covenant shall state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The covenant shall "run with the land."

- b. The applicant shall submit proof that the covenant has been filed for public record before the City approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, binding site plans, and other developments that involve platting, at or before recording of the plat.
2. Tracts. This section applies in addition to subsection (B)(1) of this section to projects that involve platting on properties containing fish and wildlife habitat conservation areas, wetlands, and their buffers. The location of the tract, critical area(s), and buffer(s) shall be shown on the face of the plat. See subsection (B)(2)(b) of this section for exceptions.
 - a. The property owner shall place the subject critical areas and buffers in one or more nondevelopable tracts except when:
 - i. Creation of a nonbuildable tract would result in violation of minimum lot depth standards; or
 - ii. The responsible official determines a tract is impractical.
 - b. When an exception in subsection (B)(2)(a) of this section applies, residential lots may extend into the critical area(s) or buffer(s) provided:
 - i. The location of the outer perimeter of the critical area(s) and buffer(s) is marked in the field and approved by the Planning Official prior to the commencement of permitted activities and maintained throughout the duration of the permit.
 - ii. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) is installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the Planning Official.
 - iii. Permanent signs are posted at an interval of one per lot for single-family residential uses or at a maximum interval of two hundred feet, or as otherwise determined by the Planning Official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Planning Official: "Protected Natural Resource. Call 509-565-5000 for more information."

C. Financial Assurances.

1. When mitigation required pursuant to a development proposal is not completed prior to the City final permit approval, such as final plat approval or final building inspection, the City shall require the applicant to provide security in a form and amount deemed acceptable by the City. If the development proposal is subject to mitigation, the applicant shall provide security in a form and amount deemed acceptable by the City to ensure mitigation is fully functional (including, but not limited to, construction, maintenance, and monitoring). The security shall be in the amount of one hundred twenty-five percent of the estimated cost of restoring the functions of the critical area that are at risk.
2. The security shall remain in effect for a minimum of five (5) years or until the City determines, in writing, that the standards have been met.

3. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
 4. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed in the project budget or capital improvement budget for mitigation, maintenance, monitoring, or restoration.
 5. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty (30) days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the City may demand payment of any financial guarantees or require other action authorized by the City code or any other law.
 6. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.
- D. Critical Area Inspections. Reasonable access to the site shall be provided to the City, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.
- E. Appeals. Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to MLMC Chapter 19.135 – Interpretations and Chapter 19.290 – Appeals.

Section 39. Amendment. MLMC Section 17.16.050 – Conditional property uses, is hereby amended to read as follows:

The following conditional uses may be permitted in the R-1, single-family residential zoning district through a Conditional Use Permit as described in MLMC Chapter 17.48, Variances, Conditional Use Permits and Appeals.

- (1) Churches, schools, hospitals and government;
- (2) Dependent care housing;
- (3) Essential public facilities other than secure community transition facilities.

Section 40. Amendment. MLMC Section 17.18.050 – Conditional property uses, is hereby amended to read as follows:

The following conditional uses may be permitted in the R-1P, single-family planned residential zoning district through a Conditional Use Permit as described in MLMC Chapter 17.48, Variances, Conditional Use Permits and Appeals.

- (1) Churches, schools, hospitals and government;
- (2) Dependent care housing;
- (3) Essential public facilities other than secure community transition facilities.

Section 41. Amendment. MLMC Section 17.20.050 – Conditional property uses, is hereby amended to read as follows:

The following conditional uses may be permitted in the R-2 two-family residential zoning district through a Conditional Use Permit as described in MLMC Chapter 17.48, Variances, Conditional Use Permits and Appeals.

- (1) Churches, schools, hospitals, and government;

- (2) Dependent care housing;
- (3) Essential public facilities other than secure community transition facilities.

Section 42. Amendment. MLMC Section 17.24.050 – Conditional property uses, is hereby amended to read as follows:

The following conditional uses may be permitted in the R-3 zoning district through a Conditional Use Permit as described in MLMC Chapter 17.48, Variances, Conditional Use Permits and Appeals.

- (1) Churches, schools, hospitals, and government;
- (2) Dependent care and special need housing;
- (3) Essential public facilities other than secure community transition facilities;
- (4) Community center.

Section 43. Amendment. MLMC Section 17.27.050 – Modification of development standards, is hereby amended to read as follows:

(a) The following development standards may be modified by the Medical Lake hearing examiner pursuant to the provisions of MLMC Chapter 2.80.

- (1) Building setbacks;
- (2) Height of building or structure;
- (3) Lot size;
- (4) Lot width.

(b) Standards which may not be modified or altered by this process are:

- (1) Shoreline regulations when the property is located in an area under the jurisdiction of the City shoreline management program;
- (2) Standards pertaining to development in environmentally sensitive areas;
- (3) Regulations pertaining to nonconforming uses.

(c) Basis for Approval of Alternative Development Standards. Approval of alternative development standards in school and public lands zone differs from the variance procedure described in Chapter 17.48 of the Medical Lake Municipal Code in that rather than being based upon a hardship or unusual circumstance related to a specific property, the approval of alternative development standards proposed shall be based upon the criteria listed in this paragraph. In evaluating a request which proposes to modify the development standards of the proposal, the hearing examiner shall consider and base the decision upon the ability of the proposal to satisfy the following criteria:

- (1) The proposals compatibility with surrounding properties, especially related to:
 - (A) Landscaping and buffering of buildings, parking, loading and storage areas,
 - (B) Public safety,
 - (C) Site access, on-site circulation and off-street parking,
 - (D) Light and shadow impacts,
 - (E) Generation of nuisance irritants such as noise, smoke, dust, odor, glare, vibration or other undesirable impacts,
 - (F) Architectural design of buildings and harmonious use of materials;

- (2) The unique characteristics of the subject property;
 - (3) The unique characteristics of the proposed use(s);
 - (4) The arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development;
 - (5) Visual impact of the development upon the surrounding area;
 - (6) Public improvements proposed in connection with the proposal;
 - (7) Preservation of unique natural features of the property;
 - (8) The public benefit derived by allowing the proposed alteration of development standards.
- (d) This request for Alternative Development Standards is processed as a Type III Review with the Hearing Examiner holding the hearing and making the final decision. The Type III Review process is found in MLMC Section 19.270.040 – Type III Reviews.
- (e) For an Alternative Development Standards application to be deemed complete, the following must be submitted:
- (1) An appropriate City application form;
 - (2) A written description of the proposal;
 - (3) A site plan;
 - (4) Any studies, reports, or documentation to support the request;
 - (5) A written response to the approval criteria of MLMC Section 17.27.050(c) above;
 - (6) A SEPA Checklist unless the proposal is exempt from SEPA; and
 - (7) The applicable fee.

Section 44. Amendment. Section 17.27.070 – Appeal process, is hereby removed from the MLMC.

Section 45. Amendment. MLMC Section 17.28.040 – Conditional property uses, is hereby amended to read as follows:

The following conditional uses may be permitted in the C-1 zone through a Conditional Use Permit as described in MLMC, Chapter 17.48, Variances, Conditional Use Permit and Appeals.

- (1) Home businesses operated by residential property owners.

Section 46. Amendment. MLMC Section 17.30.090 – Relief from location requirements, is hereby amended to read as follows:

- (a) Whenever the proponents of an adult entertainment facility subject to the location requirements set forth in this chapter feel that the strict application of such requirements is not necessary to achieve an effective degree of physical separation between the adult entertainment facility and the land uses listed in this chapter, the proponents may apply to the hearing examiner for relief from such requirements. In determining when relief should be granted, and to what extent, the hearing examiner shall consider the following criteria in addition to those variance criteria listed elsewhere in the Municipal Code:
- (1) Topographical and other features of the land providing actual separation between the proposed business and those protected land uses listed in this chapter;
 - (2) Pedestrians and vehicular circulation patterns in the vicinity of the proposed activity;

- (3) Any other fact or circumstances having a significant effect upon the need for the full separation distance required by this chapter.
- (b) If after considering these criteria the hearing examiner finds that an effective separation between the proposed adult concession and the protected land uses listed in this chapter can be achieved without requiring the full distance of separation provided by this chapter, the hearing examiner shall determine the degree of relief to be allowed and shall grant such relief, otherwise, the application for the relief shall be denied.
- (c) This request is processed through a Type III Review where the Hearing Examiner holds the hearing and makes the final decision. The Type III Review process is found in MLMC Section 19.270.040 – Type III Reviews.

Section 47. Amendment. MLMC Section 17.32.040 – Permitted uses, is hereby amended to read as follows:

The land uses permitted in the L-1 zone are as follows:

- (1) Warehouse, wholesale and storage establishments;
- (2) Metal working;
- (3) Preserving;
- (4) Packaging;
- (5) Canning;
- (6) Freezing;
- (7) Dyeing or finishing of textiles;
- (8) Manufacture and finishing of furniture and cabinets;
- (9) Assembling of electrical and electronic equipment;
- (10) Printing and publishing and sign painting;
- (11) Storage yards for new materials and new equipment;
- (12) Agricultural uses, excluding the keeping of livestock and cultivation;
- (13) Service stations;
- (14) Convenience stores;
- (15) Cafes and restaurants (not serving alcoholic beverages);
- (16) Large machinery rentals;
- (17) Farm equipment sales and service;
- (18) Trucking terminals, truck repair and service, tire repair shops;
- (19) Truck and trailer sales;
- (20) Feed and seed stores;
- (21) Any light manufacturing meeting all standards set forth in this chapter;
- (22) On-site and off-site hazardous waste treatment and storage facilities, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210;
- (23) Migratory amusements, such as circuses and carnivals, etc.;
- (24) Signs in accordance with MLMC Chapter 17.39, Signs;
- (25) Fences and hedges in accordance with MLMC Chapter 17.37, Fences and Hedges;

- (26) Wireless telecommunication towers, antennas and other facilities in accordance with MLMC Chapter 17.52;
- (27) All accessory and secondary uses, buildings or structures ordinarily supportive, related to and/or appurtenant to any of the essential uses allowed in this zone including shipping containers used for storage;
- (28) Any uses not listed may be permitted by the hearing examiner if it is found that the proposed use conforms to the spirit and intent of all sections of the L-1 zone. This request is processed through a Type III Review with the Hearing Examiner holding the hearing and making the final decision. The Type III Review process is found in MLMC Section 19.270.040 – Type III Reviews.

Section 48. Amendment. Section 17.34.090 – Application conference, is hereby removed from the MLMC.

Section 49. Amendment. MLMC Section 17.34.100 – PUD plan, is hereby amended to read as follows:

For a Planned Unit Development application to be deemed complete, the following must be submitted:

1. An appropriate City application form;
2. A written description of the proposal;
3. A site plan;
4. Any studies, reports, or documentation to support the request;
5. A written response to the approval criteria of MLMC 17.34.040 – Conditions and Standards;
6. A SEPA Checklist unless the proposal is exempt from SEPA; and
7. The applicable fee.

Section 50. Amendment. MLMC Section 17.34.110 – Public hearing, is hereby amended to read as follows:

Planned Unit Developments are processed through a Type III Review with the Planning Commission holding a public hearing and making a recommendation to the City Council who makes the final decision. The Type III Review process is found in MLMC Section 19.270.040 – Type III Reviews.

Section 51. Amendment. Section 17.34.112 – Notice of hearing, is hereby removed from the MLMC.

Section 52. Amendment. Section 17.34.113 – Approval or rejection, is hereby removed from the MLMC.

Section 53. Amendment. Section 17.34.120 – Failure to commence construction, is hereby removed from the MLMC.

Section 54. Amendment. Section 17.34.130 – Appeal of decision, is hereby removed from the MLMC.

Section 55. Amendment. MLMC Section 17.35.15 – Conditional property uses, is hereby amended to read as follows:

The following conditional property uses may be permitted in the institutional zoning district through a Conditional Use Permit as described in MLMC by the hearing examiner in accordance with Chapter 2.80, Hearing Examiner, Chapter 17.48, Variances, Conditional Use

Permits and Appeals. and Chapter 16.04, Permit Process. Development and performance standards shall be consistent with those outlined in this chapter unless otherwise approved by the hearing examiner. A final decision shall be made within one hundred twenty days from receiving a completed application:

- (1) Secure community transition facilities.

Section 56. Amendment. MLMC Section 17.37.030 – Authorization for exception to height limitation, is hereby amended to read as follows:

A front yard fence height exception may be granted through a Type I Review with the Planning Official making the final decision. The exception is limited to a maximum of six (6) feet. The Type I Review process is found in MLMC Section 19.270.020 – Type I Reviews.

To be granted approval, the following criteria must be met:

- (1) The exception is necessary due to special circumstances relating to size, shape, topography, location or surrounding of the subject property;
- (2) Construction of the fence pursuant to the exception will not create a traffic vision hazard;
- (3) Construction of the fence pursuant to the exception will not be detrimental to the public welfare, nor injurious to property or improvements located in the vicinity of the subject property.

Section 57. Amendment. MLMC Section 17.43.040 – Change, alteration, expansion or replacement, is hereby amended to read as follows:

- (a) A legally nonconforming building/structure which contains a conforming use may be expanded, only if it can be done in a manner that shall not increase the nonconformity; or
- (b) The following procedures shall be followed to change a nonconforming use to a different nonconforming use, expand a nonconforming use throughout a structure, expand a nonconforming structure or use in a manner that shall increase the nonconformity, or replace a nonconforming use and/or building/structure that is fifty percent damaged or decayed or deteriorated in value (Dangerous Buildings, MLMC Chapter 14.24). Value as used herein shall be the valuation placed upon the building/structure for purposes of general taxation:
 - (1) For an application to be deemed complete, the following information must be included:
 - (A) An appropriate City application form;
 - (B) A written description of the proposal;
 - (C) A site plan;
 - (D) Any studies, reports, or documentation to support the request;
 - (E) A written response to the approval criteria of MLMC 17.43.040(b)(2) below;
 - (F) A SEPA Checklist unless the proposal is exempt from SEPA; and
 - (G) The applicable fee.
 - (2) The hearing examiner may grant the relief requested as authorized by MLMC Chapter 2.80 if the hearing examiner finds all of the following:
 - (A) That the expansion, change, reconstruction or replacement requested would not be detrimental to the public health, safety or welfare, and
 - (B) That the proposed expansion, change, reconstruction or replacement is compatible with the character of the neighborhood; and, in the case of an expansion or change, does not significantly jeopardize future development of the area in compliance with the provisions and the intent of the zoning district, and

- (C) That the significance of the hardship asserted by the applicant is more compelling than, and reasonably overbalances, the public interest which would result from the denial of the relief requested, and
 - (D) That the use or building/structure was lawful at the time of its inception, and
 - (E) That the value of nearby properties will not be significantly depressed by approving the requested expansion, change, reconstruction or replacement.
- (3) The hearing examiner shall deny the proposed expansion, change, reconstruction or replacement if he/she finds that one or more of the provisions in Section 17.43.040(b)(2) are not met.
 - (4) When approving a change in, or the expansion, reconstruction or replacement of a nonconforming use or building/structure, the hearing examiner may attach conditions to the proposed change, expansion, reconstruction or replacement or any other portion of the development in order to assure that the development is improved, arranged, designed and operated to be compatible with the objectives of the comprehensive plan, applicable development regulations and neighboring land uses and transportation systems.
 - (5) A request for a change to a nonconforming use is processed through a Type III Review with the Hearing Examiner holding the hearing and making the final decision. The Type III Review process is found in MLMC Section 19.270.040 – Type III Reviews.

Section 58. Amendment. MLMC Section 17.45.030 – Home occupation minimum standards, is hereby amended to read as follows:

A home occupation must meet the following minimum conditions:

- (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use as a residence.
- (2) The applicant must register with the Washington State Department of Revenue, or furnish proof that they are exempt from registering with said Department of Revenue.
- (3) No structure in which a home occupation is conducted or is proposed to be conducted will be altered or remodeled in any manner that would detract from the residential character of a home or accessory building.
- (4) No person, other than immediate residents of the structure plus a maximum of one outside employee working at the residence at any one time, may be employed in the home occupation.
- (5) There shall be no exterior or window displays, signs, storage of materials, or sample commodities displayed outside of the premises, with the exception of one nonilluminated business sign not to exceed one square foot in area.
- (6) No materials or equipment shall be permitted which would be detrimental to the residential use of nearby residences by causing vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
- (7) Materials or commodities may be delivered to or from the home occupation between the hours of seven a.m. and six p.m. Monday through Saturday.
- (8) No parking shall be allowed beyond that normal in a residential area and no excessive vehicular or pedestrian traffic shall be present as a result of the home occupation. Designated or additional off-street parking may be required depending on the business.
- (9) The hours of operation for a home occupation shall be limited to seven a.m. to ten p.m., Monday through Saturday, unless otherwise stipulated by the Planning Official or the hearing examiner, as appropriate.

- (10) Buffers or screens will be provided when deemed necessary by the Planning Official and/or the hearing examiner to reduce potential impacts to adjacent properties.
- (11) Such use shall conform to all other requirements specified in this chapter, as well as any special conditions imposed on the home business by the Planning Official or the hearing examiner, as appropriate.
- (12) Bed and breakfast facilities shall require a minimum of one additional off-street parking space per unit with adequate ingress and egress to every space. Each parking space shall be improved with an impervious surface subject to the approval of the City Public Works Director and shall comply with minimum dimensional and square footage requirements as stipulated in Chapter 17.36 of this code.
- (13) Bed and breakfast facility applicants shall furnish proof of compliance with all standards and specifications of the Spokane County health district prior to operation, or furnish proof that they are exempt from an standards or specifications by the Spokane County health district.

Section 59. Amendment. MLMC Section 17.45.070 – Administration, is hereby amended to read as follows:

Wherein a home occupation occupies less than twenty-five percent (25%) of the gross floor area of the primary residence and the accessory buildings, the Home Occupation Permit will be processed through a Type II Review with the Planning Official making the final decision. The Type II Review process is found in MLMC Section 19.27.030 – Type II Reviews.

Wherein a home occupation occupies more than twenty-five percent (25%), but less than fifty percent (50%) of the gross floor area of the primary residence and the accessory buildings, the Home Occupation Permit will be processed through a Type III Review with the Hearing Examiner making the final decision. The Type III Review process is found in MLMC Section 19.270.040 – Type III Reviews.

Section 60. Amendment. Section 17.45.100 – Public hearing notification, is hereby removed from the MLMC.

Section 61. Amendment. MLMC Section 17.48.020 – Petitions, is hereby amended to read as follows:

Any person desiring to appeal an interpretation of this Title by the Planning Official shall follow the direction of MLMC 19.135 – Interpretation.

Section 62. Amendment. MLMC Section 17.48.030 – Authority, is hereby amended to read as follows:

The hearing examiner shall have the authority to review, affirm, overrule, modify or amend any interpretation of the provisions of this title made by the Planning Official thereof, and shall have the authority to grant variances and permits for conditional property uses, subject to the limitations contained herein.

Section 63. Amendment. MLMC Section 17.48.040 – Application, is hereby amended to read as follows:

For an application for a Conditional Use Permit or a Variance to be deemed complete, the following information must be submitted:

- (1) An appropriate City application form;
- (2) A written description of the proposal;
- (3) A site plan;

- (4) Any studies, reports, or documentation to support the request;
- (5) A written response to the approval criteria. The approval criteria for Conditional Use Permits is found in MLMC Section 17.48.080 – Conditional Use Permits and Section 17.48.090 – Conditional Use Permits – Conditions and Requirements. The approval criteria for Variances are found in MLMC Section 17.48.070 - Variances;
- (6) A SEPA Checklist unless the proposal is exempt from SEPA; and
- (7) The applicable fee.

Section 64. Amendment. MLMC Section 17.48.050 - Variance and conditional use permits-Procedures, is hereby amended to read as follows:

Conditional Use Permits and Variances are processed through a Type III Review process with the Hearing Examiner holding the public hearing and making the final decision. The Type III Review process is found in MLMC Section 19.270.040 – Type III Reviews.

Section 65. Amendment. Section 17.48.060 – Public hearing notification, is hereby removed from the MLMC.

Section 66. Amendment. Section 17.48.100 – Report by hearing examiner, is hereby removed from the MLMC.

Section 67. Amendment. Section 17.48.110 – Records, is hereby removed from the MLMC.

Section 68. Amendment. Section 17.48.120 – Appeals to council, is hereby removed from the MLMC.

Section 69. Amendment. MLMC Section 17.52.040 – Additional conditional use permit criteria for monopole I, monopole II, and lattice tower, is hereby amended to read as follows:

In addition to the conditional use permit criteria specified in MLMC Section 17.48.080 – Conditional Use Permits and Section 17.48.090 – Conditional Use Permits – Conditions and Requirements, the following specific criteria shall be met before a conditional use permit can be granted:

- (1) Visual Impact.
 - (A) Antennas may not extend more than fifteen (15) feet above their supporting structure, monopole lattice tower, building, or other structure.
 - (B) Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses and the zone district to the extent consistent with the function of the communications equipment. Wireless communication towers shall be integrated through location and designed to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
 - (C) Accessory equipment facilities used to house wireless communications equipment should be located within buildings. When they cannot be located in buildings, equipment shelters or cabinets shall be screened and landscaped.
 - (D) Landscaping. Landscaping, as described herein, shall be required to screen personal wireless service facilities as much as possible, to soften the appearance of the cell site. The City may permit any combination of existing vegetation, topography,

walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping.

- (E) Screening. The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering shall be required around the perimeter of the monopole I, monopole II, and lattice tower and accessory structures except that the City may waive the standards for those sides of the facility that are not in public view. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping requirements:
- (i) A row of evergreen trees a minimum of six (6) feet tall at planting a maximum of six (6) feet apart shall be planted around the perimeter of the fence, and
 - (ii) A continuous hedge at least thirty-six (36) inches high at planting capable of growing to at least forty-eight (48) inches within eighteen (18) months shall be planted in front of the tree line referenced above.
 - (iii) In the event that landscaping is not maintained at the required level, the City after giving thirty days' advanced written notice may maintain or establish the landscaping and bill both the owner and lessee for such costs until such costs are paid in full.
- (2) Noise. As a condition the service provider of the wireless communication facilities (WCF) will need to provide information regarding the dB reading associated with the structure as measured from the nearest property line.
- (3) Other Application and Conditional Use Criteria-FCC Preemption. In any proceeding regarding the issuance of a conditional use permit under the terms of this chapter, federal law prohibits consideration of environmental effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emission.

Section 70. Amendment. There is hereby added to the MLMC, Section 17.56.045 – Amendments to Development Regulations, as follows:

The regulations found in Title 15 – Subdivisions, Title 16 – Planning, Title 17 – Zoning, Title 18 – Manufactured Home Communities, and Title 19 – Land Use and Development of this municipal code, are subject to the Growth Management Act, RCW 36.70. These regulations may be amended outside of the annual comprehensive plan amendment cycle. Amendments to development regulations are processed through a Type IV Review and the approval criteria are found in MLMC Section 17.56.100 – Criteria for Evaluation of Plan Amendments. The Type IV Review process is found in MLMC Section 19.270.050 – Type IV Reviews.

Section 71. Amendment. MLMC Section 17.56.050 – Annual amendment process, is hereby amended to read as follows:

- (1) Proposals for amendments of the comprehensive plan shall be considered by the City Council no more frequently than once every year;
- (2) Proposals for plan amendment shall be considered concurrently so that the cumulative effect of various proposals can be ascertained; and
- (3) Proposals may be considered at separate meetings or hearings, so long as the final action taken considers the cumulative effect of all proposed amendments to the plan.

Additions of new elements as the result of a City-initiated planning program may occur at any time during the calendar year, provided the element is consistent with the general framework of the comprehensive plan.

Section 72. Amendment. MLMC Section 17.56.070 – Who may propose an amendment, is hereby amended to read as follows:

A proposed amendment to the comprehensive plan, zoning map, or development regulations may be submitted by any individual, organization, corporation or partnership, general or special purpose government, or entity of any kind.

Section 73. Amendment. MLMC Section 17.56.080 – When to propose and amendment, is hereby amended to read as follows:

Comprehensive Plan Amendments shall be considered once a year unless it is considered an emergency amendment. Although amendment proposals will be accepted at any time during the year, August 1st through September 15th of each year shall be the designated time frame to officially accept proposed comprehensive plan amendments. Proposed amendments received after September 15th will not be considered in that year's amendment process.

Section 74. Amendment. MLMC Section 17.56.090 – Proposals for amendments, is hereby amended to read as follows:

When an individual, organization, or other entity proposes an amendment to the comprehensive plan, the zoning map, or development regulations, the following must be submitted for an application to be deemed complete:

- (1) An appropriate City application form;
- (2) A written description of the amendment being requested;
- (3) Any studies, reports, or documentation to support the request;
- (4) A written response to the approval criteria in MLMC 17.56.100 – Criteria for Evaluation of Plan Amendments;
- (5) A SEPA Checklist; and
- (6) The applicable fee.

Section 75. Amendment. MLMC Section 17.56.110 – Procedure for comprehensive plan amendments, is hereby amended to read as follows:

Comprehensive Plan Amendments are processed through a Type IV Review. The Type IV Review process is found in MLMC 19.270.050 – Type IV Reviews.

Section 76. Amendment. Section 17.56.120 – Amendment transmittal and reporting to state, is hereby removed from the MLMC.

Section 77. Amendment. Section 17.56.130 – Appeals to an amendment of the comprehensive plan, is hereby removed from the MLMC.

Section 78. Amendment. MLMC Section 18.05.030 - Manufactured home community-Site development plan, is hereby amended to read as follows:

For a Preliminary Manufactured Home Community application to be deemed complete, the following must be submitted:

- (1) An appropriate City application form;
- (2) A written description of the proposal;
- (3) A preliminary plat depicting, at a minimum, lot lines, easements, rights-of-way, and topographic features;
- (4) A traffic generation letter;
- (5) Any studies, reports, or documentation to support the request;
- (6) A written response to the approval criteria of MLMC Chapter 18.15 – Design and Location Standards and Chapter 18.20 – Construction Standards;
- (7) A SEPA Checklist unless the proposal is exempt from SEPA; and
- (8) The applicable fee.

Section 79. Amendment. MLMC Section 18.05.040 – Development permits, is hereby amended to read as follows:

Preliminary Manufactured Home Communities are processed through a Type I Review with the Planning Official making the final decision. The Type I Review process is found in MLMC Section 19.270.020 – Type I Reviews.

Final Manufactured Home Communities are processed through a Final Plat Review with the Planning Official making the final decision. The Final Plat Review process is found in MLMC Section 19.270.060 – Final Plat Reviews.

Section 80. Amendment. Section 18.05.090 – Time limitations, is hereby removed from the MLMC.

Section 81. Amendment. Section 18.05.100 – Appeal, is hereby removed from the MLMC.

Section 82. Amendment. There is hereby added to the MLMC, Title 19 – Land Use and Development, as follows:

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 19.135 – Interpretation

It is the duty of the Planning Official to interpret Titles 15 through 19. Any person or entity may appeal an interpretation of the Planning Official by submitting a petition to the City of Medical Lake (City) and paying the appropriate fee. Appeals are heard by the Hearing Examiner and the process is found in Medical Lake Municipal Code (MLMC) 19.270.080 – Appeals.

Chapter 19.140 – Zoning Map Administration

Chapter Reserved

Chapter 19.150 – Violations and Enforcement

- A. Violations. It is unlawful to violate any provisions of this Title, a land use decision, or conditions of a land use approval. This applies to any person or entity undertaking a development or land division, to the proprietor of a use or development, or to the owner of the land underlying the development or land division. For the ease of reference in this Title, all of these persons or entities are referred to by the term "operator."
- B. Notice of violations. The City must give written notice of any violation of this Title, land use decision, or conditions of land use approval to the operator, provided failure of the operator to receive the notice of violation does not invalidate any enforcement action(s) that may be taken by the City.

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 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 manner. 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 potential issues with a proposed development and does not prevent the City from applying all relevant laws to an application. A pre-application conference does not alter or change the requirements of the MLMC or any applicable law(s) to a proposed development.

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, and as required by law.

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 review, then all of the applications are subject to the highest type of review that applies to any of the applications; provided 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 review 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 review types. The review type assigned to each action governs the decision-making process 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 City Planning Official without public notice prior to a 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 City's Hearing Examiner. Any further appeal shall be to the superior court pursuant to applicable law.

Process:

- A. *Timeline.* A final decision should be made within sixty-five (65) days from the date the application was deemed complete, or if unable to satisfy such time period, a written notice should be provided to the applicant specifying the reasons for the additional time to render a decision and an estimated date of issuance.
- B. *Application.* The applicant must submit: 1) an application on a City form, 2) a site plan or plat, 3) the specific information required for the review requested, and 4) the applicable 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 City departments for a determination of completeness under RCW 36.70B.070. Within twenty-eight (28) calendar days the City shall provide written notice that: (1) the application is complete, or (2) additional information is required. Once the applicant supplies the additional information, the Planning Official has fourteen (14) calendar days to determine if the application is complete or request further information. If the requested information is not received within sixty (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 City 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 twenty-eight (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 Chapter 16.10 shall apply.
- G. *Department responses.* City department directors notified of the application must provide a written response to the Planning Official within fourteen (14) days of the notice of application.
- H. *Concurrency determination.* The City Public Works Director will issue a transportation facility concurrency determination within fourteen (14) days of the notice of application.
- I. *Review.* The Planning Official must provide a single report stating the approval criteria, findings, and decision to the applicant.
- J. *Notice of Decision.* The Planning Official will mail the decision (pending appeal) to the applicant.
- K. *Ability to appeal.* The appeal process is set forth in MLMC Chapter 19.290 – Appeals.

- L. *Recording.* All decisions of approval, including conditions, shall be recorded with Spokane County. The applicant is responsible for 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 any permits are issued, but no later than thirty (30) days from the date of the final decision.
- M. *Effective date.* The effective date for all reviews is the date the notice of decision was issued.

Section 19.270.030 – Type II Reviews

Type II reviews 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 City Hearing's Examiner. Any further appeal shall be to the superior court pursuant to applicable law.

Process:

- A. *Timeline.* A final decision should be made within one hundred (100) days from the date the application was deemed complete, or if unable to satisfy such time period, a written notice should be provided to the applicant specifying the reasons for the additional time to render a decision and an estimated date of issuance.
- B. *Application.* The applicant must submit: 1) an application on a City form, 2) a written response to the approval criteria, 3) a site plan or plat, 4) a trip generation letter or traffic analysis, if required by the Public Works Director, 5) the specific information required for the review requested, and 6) the applicable 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 City departments as for a determination of completeness under RCW 36.70B.070. Within twenty-eight (28) calendar days the City shall provide written notice that: (1) the application is complete, or (2) additional information is required. Once the applicant supplies the additional information, the Planning Official has fourteen (14) calendar days to determine if the application is complete or request further information. If the requested information is not received within sixty (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 City 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 twenty-eight (28) days of submittal.
- F. *Notice of application.* Following the determination of completeness, the City shall, within fourteen (14) days provide the applicant, City departments, and other agencies with the notice of application. Once the applicant receives the notice of application, the applicant shall within fourteen (14) days of receipt notify the public of the proposal the via U.S. Mail as specified in MLMC Chapter 19.280 – Notice of Application.
- G. *Public comment period.* The public may provide written comments on the notice of application for a period of no fewer than fourteen (14) days but no greater than thirty (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 fourteen (14) days of the notice of application.

- I. *Concurrency determination.* The Public Works Director will issue a transportation facility concurrency determination no more than fourteen (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 Chapter 16.10 shall apply.
- K. *Review.* The Planning Official must provide a single report stating the approval criteria, findings, and decision to the applicant.
- L. *Notice of decision.* The Planning Official will mail the notice of decision (pending appeal) to the applicant, the property 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 Chapter 19.290 – Appeals.
- N. *Recording.* All decisions of approval, including conditions, shall be recorded with Spokane County. The applicant is responsible for 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 any permits are issued, but no later than thirty (30) days from the date of the final decision.
- O. *Effective date.* The effective date for all reviews is the date the notice of decision was issued.
- P. *Expiration.* Land use decisions expire five (5) years after the decision date.

Section 19.270.040 – Type III Reviews

Type III reviews apply to quasi-judicial permits and actions that predominantly contain discretionary approval criteria. Type III applications are decided by the City Hearing’s Examiner, Planning Commission, or the City Council depending on the application. If any party with standing appeals a Hearing Examiner or Planning Commission Type III decision, the appeal of such decision will be heard by City Council. If any party with standing appeals the City Council’s Type III decision, such appeal shall be to the superior court, pursuant to applicable law. 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 one hundred seventy (170) days from the date the application was deemed complete, or if unable to satisfy such time period, a written notice should be provided to the applicant specifying the reasons for the additional time to render a decision and an estimated date of issuance.
- B. *Application.* The applicant must submit: 1) an application on a City form, 2) a written response to the approval criteria, 3) a site plan or plat, 4) a trip generation letter or traffic analysis, if required by the Public Works Director, 5) the specific information required for the review requested, and 6) the applicable 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 City departments for a determination of completeness under RCW 36.70B.070. Within twenty-eight (28) calendar days the City shall provide written notice that: (1) the application is complete, or (2) additional information is required. Once the applicant supplies the additional information, the Planning Official has fourteen (14) calendar days to determine if the application is complete or request further information. If the requested information is not received within sixty (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 City 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 twenty-eight (28) days of submittal.
- F. *Notice of application.* Following the determination of completeness, the City shall within fourteen (14) days, provide the applicant, City departments, and other agencies with the notice of application. Once the applicant receives the notice of application, the applicant shall within fourteen (14) days of receipt and fifteen (15) days prior to the public hearing, notify the public of the proposal in accordance with the methods contained in MLMC Chapter 19.280 – Notice of Application.
- G. *Public comment period.* The public may provide written comment for a period of no fewer than fourteen (14) days but no greater than thirty (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 is issued.
- H. *Department responses.* City department directors notified of the application must provide a written response to the Planning Official within fourteen (14) days of the notice of application.
- I. *Concurrency determination.* The City’s Public Works Director will issue a concurrency determination no more than fourteen (14) days after receiving the notice of application.
- J. *SEPA threshold determination.* The Planning Official will issue a SEPA threshold determination no fewer than fifteen (15) days prior to a hearing in accordance with MLMC Chapter 16.10 -SEPA Environmental Policies and Procedures. If the City issues a determination of significance, the process in MLMC Chapter 16.10 shall apply.
- K. *Review.* The Planning Official must provide a single report stating the approval criteria, findings, and a recommendation to the reviewing body prior to the hearing.
- L. *Hearing.* An open record hearing will be conducted by the assigned reviewing body. The reviewing body may adopt the Planning Official's report and recommendation, or modify or reject it, based on information presented at the hearing and in the record.
- M. *Hearing Examiner decision.* For those matters where the City’s Hearing Examiner is the final decision-making authority, the Hearing Examiner shall 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 reviewing body, the Planning Commission shall provide a written recommendation to the City Council.
- O. *City Council.* For those reviews where the City’s 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 on such recommendation, which shall be done as soon as reasonably possible.
- P. *Notice of decision.* Within seven (7) days of the issued decision the Planning Official will mail the notice of the reviewing body's decision (pending appeal) to the applicant, the property 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 Chapter 19.290 – Appeals.
- R. *Recording.* All decisions of approval, including conditions, shall be recorded with Spokane County. The applicant is responsible for 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 any permits are issued, but no later than thirty (30) days from the date of the final decision.
- S. *Effective date.* The effective date for all reviews is the date the notice of decision was issued.
- T. *Expiration.* Land use decisions expire five (5) years after the decision date. One-year extensions for preliminary plats may be granted by the Planning Commission upon showing that the applicant has attempted in good faith to submit the final plat within five (5) years.

Section 19.270.050 – Type IV Reviews

Type IV reviews 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, such appeal shall be to the Growth Management Hearings Board, pursuant to applicable law and regulations.

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: 1) an application on a City form, 2) the amendment being requested, 3) a written response to the approval criteria, 4) a site plan or plat, and 5) the applicable 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 City's Public Works Director will issue a transportation facility concurrency determination no more than fourteen (14) days after receiving the notice of application.
- E. *SEPA threshold determination.* The Planning Official will issue a SEPA threshold determination no fewer than fifteen (15) days prior to a hearing in accordance with MLMC Chapter 16.10 -SEPA Environmental Policies and Procedures. If the City issues a determination of significance, the process in MLMC Chapter 16.10 shall apply.
- 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 fourteen (14) days prior to a public hearing.
- H. *Public comment period.* The public may provide written comment for a period of no fewer than fourteen (14) days but no greater than thirty (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, or 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 City Council and request action be taken on the recommendation.
- 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 long plats, and final short plats.

Process:

- A. *Timeline.* The final plat must be approved, disapproved or returned to the applicant within thirty (30) days from the date of application.

- B. *Application.* The applicant must submit: 1) an application on the appropriate City form, 2) the final plat, 3) the certification of completed improvements or performance bond, and 4) the applicable fee.
- C. *Review.* The application will be 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 by the City.
- D. *Approval.* When all reviewers have confirmed that the final plat is ready to be approved, the Planning Official shall inform the applicant. The applicant shall submit a vellum 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 thirty (30) days, confirming that the title of the land as described and shown on the plat is in the name of the owner(s) signing the certificate or instrument of dedication.
 - 4. The certificate required by RCW 58.17.165, or thereafter amended, the 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 City directors, officials, and 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 (7) days from the submittal date. However, short plats (four lots or less) are approved by the Planning Official and do not require City Council approval.
- G. *Final approval.* When the City Council or Planning Official 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 applicable state law, 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 thirty (30) days of approval. The City may refuse to issue permits for development on a final plat which has not been reviewed and recorded by the county auditor.
- I. *Ability to appeal.* The appeal process is set forth in MLMC Chapter 19.290 – Appeals.
- J. *Vesting.* Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five (5) years from the date of recording. A subdivision shall be governed by the terms of approval of the final plat, and statutes, codes, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for a period of five (5) years after final plat approval unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

Chapter 19.280 – 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 fifteen (15) days prior to a required public hearing, the applicant must notify the public of the proposal. The following three (3) 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.
- B. *Newspaper.* The applicant must publish a notice in a newspaper of general circulation in the general area where the proposal is located.
- C. *On site.* The applicant must post one (1) notice on the site for every 300 feet of street frontage.

Chapter 19.290 – Appeals

- A. *Appeal submittal.* Any party with standing under MLMC Chapter 19.290(B) -Standing to appeal, may submit a written appeal of any Type I, II, or III decision to the Planning Official containing the following items listed below. The appeal must be received no later than fourteen (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 (1) 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; and
 5. The appeal fee as adopted by the City Council.
- B. *Standing to appeal.* Any person aggrieved by a decision may appeal the decision.
- C. *Appeal review bodies.*
 1. Appeals of decisions made by City staff are reviewed by the Hearing Examiner.
 2. Appeals of decisions made by the Planning Commission or Hearing Examiner are reviewed by the City Council.
 3. Appeals of decisions made by City Council are reviewed by the Superior Court having jurisdiction over such appeal unless it was a Type IV decision, which is reviewed by the Growth Management Hearings Board.
- D. *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 sixty (60) calendar days for closed-record appeals, and within ninety (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 the applicable time, the Planning Official shall 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 an open public hearing during the decision process. Otherwise, appeal hearings shall be open.
 - a. An open-record appeal hearing before the City Hearing 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 arguments 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 reviewing body.
- d. Notice of appeal decisions shall be mailed to the applicant and all parties who received a notice of application.

E. *Subsequent appeals.*

- 1. Appeal decisions by any reviewing body may be subsequently appealed to the Superior Court within twenty-one (21) calendar days after the date of decision, pursuant to applicable law and as specified by Chapter 36.70C RCW.
- 2. Appeal decisions by the City Hearing 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.

PASSED by the City Council this 19th day of November 2024.




Mayor, Terri Cooper

ATTEST:



Finance Director/City Clerk Koss Ronholt

APPROVED AS TO FORM:



City Attorney, Sean P. Boutz

Date of Publication:

Effective Date: