CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE NO. O-12-514

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING CHAPTER 18.100, ADMINISTRATION OF DEVELOPMENT REGULATIONS, OF THE MAPLE VALLEY MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE, AND PROVIDING FOR CORRECTIONS

WHEREAS, upon City staff recommendations, the City Council desires to clarify certain sections of chapter 18.100 Maple Valley Municipal Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Section 18.100.040.B Process Steps, of Chapter 18.100, Administration of Development Regulations, is hereby amended.

(See table, following page)

18.100.040.B. Process Steps.

Process Step	**Process 1**[1]	**Process 2**[1]	**Process 3**[1]	**Process 4**[1]	**Process 5**[1] **Legislative Decisions**
Preapplication Conference:	No	Yes	Yes	No	No
Notice of Application:	No	Yes	Yes	Development agreement: No Rezone: Yes	Yes, in conjunction with SEPA review
Public Meeting:	No	DCD may require[8]	Yes	No	No
Recommendation Made By:	N/A	N/A	DCD	Planning Commission	Planning Commission
Open Record Predecision Hearing:	No	No	Yes	Site specific rezone: Yes, by Planning Commission. Development Agreement: No	No
Public Hearing:[12]	No	No	No	Development Agreement: Yes, by City Council	Yes
Final Decision Made By:	DCD (excluding final plats[2])	DCD	Hearing Examiner	City Council	City Council
Open Record Appeal Hearing to Examiner:[10]	No, except for building permits[3]	Yes[4]	No, except for associated SEPA DNS	No	No
Closed Record Appeal to Council:[11]	No	Maybe[5]	No	No	No
Judicial Appeal:	Yes	Yes[6]	Yes[6]	Yes	Yes[7]

Notes:

1. These process steps may be modified for projects with multiple land use approvals. See MVMC 18.100.030 and text describing each process.

2. Final plats are subject to the requirements of RCW 58.17.140 and MVMC 18.90.050. The final plat decision is made by the City Council.

3. Appeals of decisions and determinations based upon the adopted state building codes are appealed pursuant to MVMC 15.05.035.

4. SEPA appeals are governed by Chapter 14.10 MVMC.

5. If the appeal is of a DNS that is merged with a Process 3 application, the appeal is to the Hearing Examiner. If the appeal is of a DNS that is merged with a Process 4 application, the appeal is to the City Council.

6. If applicable, the appeal may be to the Shorelines Hearings Board.

7. If applicable, the appeal may be to the Growth Management Hearings Board.

8. Public meetings may be required by DCD when requested by citizens interested in the proposed project or when a project is expected to generate substantial community interest or controversy.

9. See MVMC 18.100.040(A). Development code text amendments that only amend procedural requirements may not be submitted to the Planning Commission for review.

10. The authority of the Hearing Examiner is set forth in Chapter 2.65 MVMC.

11. The conduct of an appeal is set forth in MVMC 2.65.150.

12. A public hearing is distinguished from an open record predecision hearing. See MVMC 18.100.020 definition of "open record hearing."

Section 2: Section 18.100.160, Process 4, of Chapter 18.100, Administration of Development Regulations, is hereby amended

18.100.160 Process 4.

A. General. Process 4 applications for a development agreement are governed by MVMC 18.100.040(B) and State law as set forth in RCW 36.70B.170, 36.70B.180, 36.70B.190, 36.70B.200, and 36.70B.210, as written or hereafter amended.

B. City Council Decision. Following receipt of a recommendation from the Planning Commission for a site-specific rezone, the City Council shall approve, approve with conditions, or deny a Process 4 application by motion. An ordinance shall be prepared by the City Attorney to reflect the City Council decision and shall be presented for City Council approval as soon as practicable following the approved motion. The date of the Council decision for purposes of commencement of any relevant appeal periods shall be the date of Council approval of the ordinance.

C. Judicial Appeal. A Process 4 decision may be appealed to the King County Superior Court pursuant to MVMC 18.100.230.

Section 3. Severability. If any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. A summary of this ordinance shall be published in the official newspaper of the City, and this ordinance shall take effect and be in full force five days after adoption and publication pursuant to RCW 35A.13.190.

Section 5. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 8TH DAY OF OCTOBER, 2012.

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William T. Allison, Mayor

ATTEST:

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Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

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Christy A. Todd, City Attorney

Date of Publication: October 16, 2012

Effective Date: October 21, 2012