

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE NO. O-14-562

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING MAPLE VALLEY MUNICIPAL CODE TITLE 18 ESTABLISHING THE DEFINITION AND ALLOWANCES FOR SITE DEVELOPMENT PERMIT; PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE AND PROVIDING FOR CORRECTIONS.

WHEREAS, the City of Maple Valley has recognized a need establish an acceptance and permitting process for civil engineering plans; and

WHEREAS, the City of Maple Valley Planning Commission held a public hearing on the proposed amendments, considered deliberations and factors of consideration and unanimously recommended approval of the Title 18 amendments to the City Council; and

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

Section 1. Section 18.90.040, 18.100.020 and 18.100.040 of the Maple Valley Municipal Code is hereby amended to read as follows (new text shown in underline and deleted text shown in ~~strikethrough~~):

18.90.040 Methods of completing required improvements.

A. An applicant shall submit plans for required civil engineering project improvements using a Process I, Site Development Permit, for all preliminary plats, short plats and commercial projects. The Permit will be issued following the required preconstruction meeting with the City.

~~A~~ B. An applicant may choose to install all infrastructure and other required improvements in accordance with the provisions of the Maple Valley Municipal Code and the requirements of the approved preliminary plat and site development permit, subject to inspection and approval by the City. In the alternative, the applicant may provide a performance bond, or other acceptable surety, to guarantee that any required improvements not installed prior to the approval of the final plat will be installed in a satisfactory manner within one year of the approval date of the final plat. The City reserves the authority to decide whether and to what degree bonding or other performance securities may be accepted in lieu of actual installation of improvements.

~~B~~ C. If the applicant does not install all of the required improvements, a cost estimate of the amount required to install the improvements within a given time period shall be prepared. A performance bond or other surety may be accepted by the City in an amount equal to 150 percent of the estimated cost of installing the improvements. The City Attorney shall approve the form, sufficiency and manner of execution of the performance bond, or other surety, prior to the approval of the final plat. The performance bond, surety, or approved Local Improvement District (LID) shall be submitted prior to final plat approval.

~~C~~ D. As-Built Drawings. After completion of all required improvements and prior to final acceptance by the City of the improvements, the applicant shall submit as-built drawings showing the actual location of all required infrastructure and reflecting any changes from the previously approved construction plans in accordance with City requirements. (Ord. O-99-109 § 1).

18.100.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- A. "Closed record appeals" are administrative appeals which are heard by the Hearing Examiner.
- B. "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the City to conduct such hearings, that creates the City's record through testimony and submission of evidence and information, under procedures prescribed by the hearing body or officer. An open record hearing may be held prior to a City's decision on a project permit, to be known as an "open record predecision hearing."
- C. "Parties of record" means:
1. The applicant;
 2. The Community Development Department;
 3. Any person who testified at an open record public hearing on the application; and/or
 4. Any person who submitted written comments during a published comment period or at an open record public hearing.
- D. "Project permit" or "project permit application" means any land use or environmental permit or license required from the City, including but not limited to building permits, subdivisions, binding site plans, multiple-use master plans, conditional use permits, variances, shoreline substantial development permits, site plan review, site development permit, design review, permits or approvals required by critical areas regulations, and site-specific rezones.

E. “Public meeting” means an informal meeting facilitated by the City. A public meeting is not an open record hearing as defined in subsection (B) of this section. The proceedings at a public meeting will not be recorded, nor will comments by the public at a public meeting be considered testimony or become part of the record for purposes of any appeal on the decision. Rather, a public meeting is an opportunity for an informal dialogue between the project applicant and members of the public. (Ord. O-11-443 § 2; Ord. O-10-419 § 2; Ord. O-99-109 § 1).

18.100.040 Project permit application framework.

A. Process Types – Applications.

Process 1	Process 2	Process 3	Process 4	Process 5
<input type="checkbox"/> Building Permit ¹ <input type="checkbox"/> Clearing and Grading Permit ¹ <input type="checkbox"/> Mechanical, Plumbing, other Construction Permits ¹ <input type="checkbox"/> Minor site plan review ¹ <input type="checkbox"/> Boundary line adjustment <input type="checkbox"/> Sign Permit <input type="checkbox"/> Temporary Use Permit <input type="checkbox"/> Limited amendment of prior land use approval <input type="checkbox"/> Preliminary plat minor revision <input type="checkbox"/> Final plat ²	<input type="checkbox"/> Use approval with SEPA or street improvement review <input type="checkbox"/> Short plat <input type="checkbox"/> Binding site plan for four or fewer lots <input type="checkbox"/> Design review <input type="checkbox"/> Reasonable use exception <input type="checkbox"/> Variance <input type="checkbox"/> Shoreline substantial development permit <input type="checkbox"/> Shoreline variance <input type="checkbox"/> SEPA threshold determination ³ <input type="checkbox"/> Administrative amendment of prior land use approval <input type="checkbox"/> Formal code	<input type="checkbox"/> Binding site plan for five or more lots <input type="checkbox"/> Preliminary plat <input type="checkbox"/> Preliminary plat major revision <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Shoreline Conditional Use Permit <input type="checkbox"/> Multiple use master plan <input type="checkbox"/> Master planned community (MPC) project approval <input type="checkbox"/> MPC project approval major amendment	<input type="checkbox"/> Development agreement <input type="checkbox"/> Site-specific rezones <input type="checkbox"/> Preliminary or final plat vacation <input type="checkbox"/> Final plat alteration	<input type="checkbox"/> Comprehensive plan amendment <input type="checkbox"/> Subarea plan <input type="checkbox"/> Development code text amendment ⁵ <input type="checkbox"/> Area-wide rezones

Process 1	Process 2	Process 3	Process 4	Process 5
<input type="checkbox"/> MPC project approval administrative amendment <input type="checkbox"/> <u>Site Development Permit</u> ¹	interpretation <input type="checkbox"/> Plat revocation ⁴			

Notes: 1. Building Permits, Clearing and Grading Permits, Site Development Permits, minor site plan review, and any other construction-related approvals that are subject to SEPA review or have required street improvements also require a use approval in conjunction with other SEPA or street improvement review.

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. SEPA threshold determinations are governed by Chapter 14.10 MVMC.

4. A plat revocation is a civil enforcement action that may also involve criminal penalties pursuant to RCW 58.17.300.

5. Development code text amendments that only amend procedural requirements are not submitted to the Planning Commission for review.

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

Process Step	Process 1¹	Process 2¹	Process 3¹	Process 4¹	Process 5¹ Legislative Decisions
Public Meeting:	No	DCD may require ⁸	Yes	No	No
Recommendation Made By:	N/A	N/A	DCD	Planning Commission	Planning Commission ⁹
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 to Hearing 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. 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 3. 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 publication.

Section 4. 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
THIS 8th DAY OF SEPTEMBER 2014.

CITY OF MAPLE VALLEY

William T. Allison, Mayor

ATTEST/AUTHENTICATED:

Shaunna Lee-Rice, City Clerk

Approved as to form:

Patricia Taraday, City Attorney

Date of Publication: September 16, 2014
Effective Date: September 21, 2014