



# Department of Commerce

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## Notice of Adopted Amendment

Indicate one (or both, if applicable):

- Comprehensive Plan Amendment
- Development Regulation Amendment

Pursuant to RCW 36.70A.106, the following jurisdiction provides notice of an adopted comprehensive plan amendment and/or development regulation amendment.

*(If needed, you may expand this form and the fields below, but please try to keep the entire form under two pages in length.)*

<b>Jurisdiction:</b>	City of Marysville
<b>Mailing Address:</b>	80 Columbia Avenue Marysville, WA 98270
<b>Date:</b>	December 13, 2017

<b>Contact Name:</b>	Chris Holland
<b>Title/Position:</b>	Planning Manager
<b>Phone Number:</b>	360.363.3207
<b>E-mail Address:</b>	cholland@marysvillewa.gov

<b>Brief Description of the Adopted Amendment:</b> <i>(40 words or less)</i>	<b>PA 17013:</b> Amendments to MMC Chapter 22G.090 <i>Subdivisions and Short Subdivisions</i> delegating final plat approval authority to the Community Development Director and City Engineer in compliance with Senate Bill 5674, which amended RCW 58.17.100, 58.17.170 and 58.17.190.
<b>Was this action submitted to Commerce for 60-day notice of intent to adopt (or to request expedited review)?</b>	<b>Yes</b> , Material ID #: <b>24303</b>
<b>Is this action part of the periodic review and update?</b> <i>GMA requires review every 8 years under <a href="#">RCW 36.70A.130(4)-(6)</a>.</i>	<b>No</b>
<b>Public Hearing Date:</b>	Planning Commission: <b>November 14, 2017</b>
<b>Date Adopted:</b>	City Council: <b>December 11, 2017</b>

**REQUIRED:** Attach or include a copy the adopted ordinance (signed and dated) and the final amendment text.

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. 3075**

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO ADMINISTRATIVE REVIEW OF FINAL SUBDIVISIONS AND SHORT SUBDIVISIONS, AMENDING SECTIONS 22G.090.160, 22G.090.260, 22G.090.270, 22G.090.290, 22G.090.400 AND 22G.090.480 OF THE MARYSVILLE MUNICIPAL CODE.**

**WHEREAS**, the Legislature amended RCW 58.17.100 to authorize local legislative authorities to delegate final plat approval to administrative personnel; and

**WHEREAS**, final plat approval is in the nature of a ministerial, non-discretionary process; that is, if the applicant meets the terms of preliminary approval and the plan conforms with state law and local ordinances, final approval must be granted; and

**WHEREAS**, under the current municipal code, the director of the community development department and the city engineer must review the final plat and certify whether it meets legal requirements; and

**WHEREAS**, after the plat is certified by the community development director and city engineer, the City Council must approve the final plat; and

**WHEREAS**, delegating final plat approval to the director of the community development and the city engineer will make the process more efficient and expedite the approval of final plats meeting all legal requirements.

**WHEREAS**, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

**WHEREAS**, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

**WHEREAS**, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

**WHEREAS**, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

**WHEREAS**, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

**WHEREAS**, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;

- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

**WHEREAS**, on November 14, 2017, the Marysville Planning Commission held a duly-advertised public hearing; and

**WHEREAS**, on November 14, 2017, the Marysville Planning Commission recommended City Council adopt the proposed amendments to the City's development regulations; and

**WHEREAS**, at a public meeting on December 11, 2017, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

**WHEREAS**, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on October 31, 2017, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

**WHEREAS**, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment of Municipal Code.** MMC Section 22G.090.160, entitled "Approval of preliminary subdivisions - Effect," is hereby amended as follows:

**22G.090.160 Approval of preliminary subdivision – Effect.**

Approval of the preliminary subdivision shall constitute authorization for the applicant to develop the subdivision facilities and improvements as required in the approved preliminary subdivision. Development shall be in strict accordance with the plans and specifications as approved by the public works department and shall be subject to any conditions imposed by the hearing examiner ~~and city council.~~

**Section 2. Amendment of Municipal Code.** MMC Section 22G.090.260, entitled "Review process – Action by city staff," is hereby amended as follows:

**22G.090.260 Review process – Action by city staff.**

(1) Applicants for final subdivision approval shall file their final plats meeting all the requirements of Chapter 58.17 RCW and this title with the city's community development department. The community development department shall review the final plat and circulate it to other city departments to determine whether the requirements of this title have been met.

(2) The community development director and city engineer shall determine whether requirements of this title have been met. If the requirements have been met, they shall certify that the proposed final plat meets the requirements of Chapter 58.17 RCW and this title, ~~and forward a complete copy of the proposed plat to the city council.~~

(3) If either the community development director or the city engineer determines that the requirements of this title have not been met, the final plat shall be returned to

the applicant for modification, correction or other action as may be required for approval; ~~provided, that the final plat shall be forwarded to the city council together with the determinations of the community development director and the city engineer, upon written request of the applicant.~~

(4) Pursuant to the requirements of RCW 58.17.150, neither the community development director nor the city engineer shall modify the requirements made in the hearing examiner approval of the preliminary plat when approving ~~making~~ recommendations on the final plat without the consent of the applicant, except as provided in Chapter 58.17 RCW.

**Section 3. Amendment of Municipal Code.** MMC Section 22G.090.270, entitled "Review process – Action by city council," is hereby amended as follows:

**22G.090.270 Review process – ~~Action by city council~~ Final approval.**

(1) ~~For the purpose of~~To ensure all conditions have been met, the community development director and city engineer ~~city council shall will~~ determine, ~~at a public meeting,~~ whether the subdivision proposed for final subdivision approval conforms to all terms of preliminary approval, and whether the subdivision meets the requirements of this title, applicable state laws and all other local ordinances adopted by the city which were in effect at the time of preliminary approval.

(2) If the conditions have been met, the ~~city council shall~~ authorize the mayor to will inscribe and execute ~~their~~ the city's written approval on the face of the plat map. If the community development director and city engineer ~~city council~~ disapproves the plat, it will be returned to the applicant with reasons for denial and conditions for compliance.

**Section 4. Amendment of Municipal Code.** MMC Section 22G.090.290, entitled "Filing original plat and copies," is hereby amended as follows:

**22G.090.290 Filing original plat and copies.**

When the community development director and city engineer ~~city council~~ finds that the subdivision proposed for final approval has met all the conditions of final approval, then the applicant shall give the original plat of said final subdivision for recording to the Snohomish County auditor. The applicant will also furnish the city with one reproducible Mylar copy of the recorded plat and one paper copy will be filed with the Snohomish County auditor.

**Section 5. Amendment of Municipal Code.** MMC Section 22G.090.400, entitled "Final submittal – Short plat," is hereby amended as follows:

**22G.090.400 Final submittal – Short plat.**

The final short plat drawings shall be on Mylar drafting film having the dimensions of 18 inches by 24 inches. Information required shall include:

- (1) The date, north arrow, and appropriate engineering scale as approved by the community development department (e.g., one inch equals 20 feet; one inch equals 30 feet; one inch equals 40 feet; one inch equals 50 feet; one inch equals 60 feet);
- (2) Boundary lines, right-of-way for streets, easements, and property lines of lots and other sites with accurate bearings, dimensions or angles and arcs, and of all curve data;
- (3) Names and right-of-way widths of all streets within the short subdivision and immediately adjacent to the subdivision. Street names will be consistent with the names of existing adjacent streets;
- (4) Number of each lot consecutively;
- (5) Reference to private covenants or special plat restrictions, either to be filed separately or on the face of the plat;

- (6) Zoning setback lines, building sites when required by the city;
- (7) Existing structures, all setbacks, and all encroachments;
- (8) Location, dimensions and purpose of any easements;
- (9) Location and description of monuments and lot corners set and found;
- (10) Primary control points, and datum elevations if applicable, approved by the public works department. Descriptions and ties to all control points will be shown with dimensions, angles and bearings;
- (11) The final short plat will also contain the following:
  - (a) Dedications. The intention of the owner shall be evidenced by his presentation for filing of a final short plat clearly showing the dedication thereof and bearing the following certificate signed by all real parties of interest:

Know all men by these presents that \_\_\_\_\_ the undersigned owner(s), in fee simple of the land hereby platted, and \_\_\_\_\_, the mortgagee thereof, hereby declare this short plat and dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the short plat and the use for any and all public purposes not inconsistent with the use thereof for public highway purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc. shown on this short plat in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also, the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said roads.

Following original reasonable grading of the roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way to hamper proper road drainage. The owner of any lot or lots, prior to making any alteration in the drainage system after the recording of the short plat, must make application to and receive approval from the director of the department of public works for said alteration. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot shall be done by and at the expense of such owner.

IN WITNESS WHEREOF we set our hands and seals this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

In the event that a waiver of right of direct access is included, then the certificate shall contain substantially the following additional language:

That said dedication to the public shall in no way be construed to permit a right of direct access to \_\_\_\_\_ street from lots numbered \_\_\_\_ nor shall the city of Marysville or any other local governmental agency ever be required to grant a permit to build or construct an access of approach to said street from said lots.

(b) Acknowledgment.

STATE OF WASHINGTON)  
: ss.  
COUNTY OF SNOHOMISH)

This is to certify that on this \_\_\_\_ day of \_\_\_\_, 20\_\_, before me, the undersigned, a notary public, personally appeared \_\_\_\_, to me known to be the person(s) who executed the foregoing dedication and acknowledgment to me that \_\_\_\_ signed the same as \_\_\_\_ free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above-written.

NOTARY PUBLIC in and for the State of Washington, residing at

\_\_\_\_\_  
(Seal)

(c) Restrictions. The following restrictions shall show on the face of the final short plat:

(i) No further subdivision of any lot without resubmitting for formal plat or revised short plat consistent with Title 22 of the Marysville Municipal Code.

(ii) The sale or lease of less than a whole lot in any subdivision platted and filed under Title 22 of the Marysville Municipal Code is expressly prohibited except in compliance with Title 22 of the Marysville Municipal Code.

(iii) The following shall be required when the short plat contains a private road:

The cost of construction and maintaining all roads not herein dedicated as public roads shall be the obligation of all of the owners and the obligation to maintain shall be concurrently the obligation of any corporation in which title of the roads and streets may be held. In the event that the owners of any lots served by the roads or streets of this short plat shall petition the council to include these roads or streets in the public road system, the petitioners shall be obligated to bring the same to city road standards applicable at the time of petition in all respects, including dedication of rights-of-way, prior to acceptance by the city.

(iv) All landscaped areas in public rights-of-way shall be maintained by the developer and his successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to city road purposes.

(v) The location and height of all fences and other obstructions within an easement as dedicated on this plat shall be subject to the approval of the Director of Public Works or his designee.

(d) Approvals.

(i) Examined and approved this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Engineer, City of Marysville

(ii) Examined and approved this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
Community Development Director, City of Marysville

(iii) Examined, found to be in conformity with applicable zoning and other land use controls, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor Attest: City Clerk

(e) Certificates.

(i) I hereby certify that the short plat of \_\_\_\_\_ is based upon an actual survey and subdivision of Section \_\_\_\_, Township \_\_\_\_ North, Range \_\_\_\_ EWM as required by the state statutes; that the distances, courses and angles are shown thereon correctly; that the monuments shall be set and lot and block corners shall be staked correctly on the ground, that I fully complied with the provisions of the state and local statutes and regulations governing platting.

\_\_\_\_\_  
Licensed Land Surveyor  
(Seal)

(ii) I hereby certify that all state and county taxes heretofore levied against the property described herein, according to the books and records of my office, have been fully paid and discharged, including \_\_\_\_ taxes.

\_\_\_\_\_  
Treasurer, Snohomish County

(iii) Filed for record at the request of \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_, 20\_\_, at \_\_\_\_ minutes past \_\_m, and recorded in Vol. \_\_ of Plats, page \_\_, records of Snohomish County, Washington.

\_\_\_\_\_  
Auditor, Snohomish County

**Section 6. Amendment of Municipal Code.** MMC Section 22G.090.480, entitled "Final approval - Procedure," is hereby amended as follows:

**22G.090.480 Final approval – Procedure.**

(1) To ensure all conditions have been met, The the community development director and city engineer/public works director shall will determine that whether the short subdivision proposed for final approval conforms to all the terms of preliminary approval, and that whether the short subdivision meets the requirements of this title, applicable state laws and all other local ordinances adopted by the city which were in effect at the time of preliminary approval.

(2) If the conditions have been met, the community development director and public works director/mayor shall will inscribe and execute theirthe city's written approval on the face of the short plat map. If the community development director and city engineer disapprove the short plat, it will be returned to the applicant with reasons for denial and conditions for compliance.

**Section 7. Amendment of Municipal Code.** MMC Section 22A.010.160, entitled "Amendments," is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

**"22A.010.160 Amendments.**

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
<u>3075</u>	Final Subdivision – Administrative Approval	<u>December 21, 2017</u>

**Section 5. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

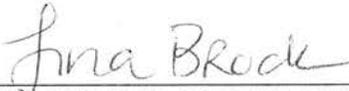
**Section 6. Effective Date.** This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this 11 day of December, 2017.

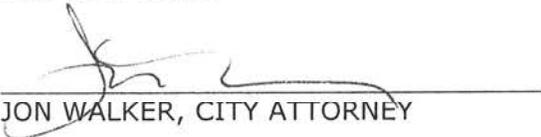
CITY OF MARYSVILLE

By:   
JON NEHRING, MAYOR

Attest:

By:   
APRIL O'BRIEN, DEPUTY CITY CLERK

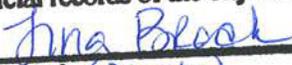
Tina Brock  
Approved as to form:

By:   
JON WALKER, CITY ATTORNEY

Date of Publication: 12/16/2017

Effective Date: 12/21/2017  
(5 days after publication)

I hereby certify this to be a true and correct copy  
of the original on file in my office as part of the  
official records of the city of Marysville

  
City Clerk (Deputy)

Date 12/12/2017