GRANITE FALLS WASHINGTON
GATEWAY TO THE MOUNTAIN LOOP

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DIAL-IN CONTACT PHONE NUMBER: (US) +1(253) 215-8782 / MEETING ID: 847 9764 4540
PASSCODE: 746926

The City of Granite Falls will hold an in-person July 13, 2021 Planning Commission Meeting in the Civic Center at 7PM. Per CDC guidelines, the City requires any non-vaccinated attendees to wear a mask and maintain at least three-foot social distance

CITY OF GRANITE FALLS
PLANNING COMMISSION
JULY 13, 2021
7:00 PM
MEETING AGENDA

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES:**
   A. **Approval of May 11, 2021 Minutes**
5. **PUBLIC COMMENTS/RECOGNITION OF VISITORS-NON ACTION ITEMS**
   (Speakers must sign up prior to the meeting. Individual comments will be limited to three minutes. Group comments shall be limited to five minutes.)
6. **NEW BUSINESS:**
   A. **Review & Discussion - SEPA Categorical Exemption Increase**
   B. **Review & Discussion - Development Regulations Code Edits**
7. **CURRENT BUSINESS:**
8. **REPORTS:**
   A. **City Clerk Reports**
   B. **Homework**
9. **CORRESPONDENCE:**
10. **ADJOURN:**

Notice-All Proceedings of this meeting are sound recorded.

Approval of May 11, 2021 Minutes

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PLANNING COMMISSION MEETING MAY 11, 2021 7:00 PM MINUTES

1. CALL TO ORDER (Via Go-To-Meeting)

Commissioner Cruger called the Planning Commission meeting to order at 7:00 p.m.

2. FLAG SALUTE:

Commissioner Cruger led the Planning Commission, Staff and Audience in the Pledge of Allegiance to the Flag.

3. ROLL CALL:

Planning Commission	City Staff
Commissioner Frederick Cruger – Present	Darla Reese, City Clerk
Commissioner Ron Stephenson– Present	Brent Kirk, City Manager
Commissioner Scott Morrison – Present	
Commissioner Julie Cory-Wyman – Present	Consultants
Commissioner Monica Hoersting – Present	Ryan C. Larsen, Consultant Planner

4. APPROVAL OF MINUTES

A. Approval of April 13, 2021 Minutes

Commissioner Stephenson moved to approve the Minutes of April 13, 2021. Commissioner Cory-Wyman seconded. Motion carried.

5. PUBLIC COMMENTS/RECOGNITION OF VISITORS – NON-ACTION ITEMS

No one was present online to speak during this portion of the meeting, and no written correspondence had been received.

6. NEW BUSINESS

A. 2024 Comprehensive Plan Update
David Toyer – Toyer Strategic Advisors, Inc.

Consultant Planner Larsen introduced Mr. Toyer.

Mr. Toyer gave a PowerPoint presentation regarding the 2024 Comprehensive Plan Update. Slides included:

- David Toyer – Toyer Strategic Consulting (background/bio information)
- Growth Management Act (Key Milestones)
- Growing Pains Under Growth Management
- GMA Planning Infrastructure & Hierarchy
- Puget Sound Regional Council (PSRC)
- Policy Highlights – Draft Vision 2050
- The Draft Regional Growth Strategy (RGS)
- RGS Growth Allocations
- Capacity, Density and/or Expansion?
- Vision 2050 The After Effects

7. CURRENT BUSINESS

There were no Current Business items for the Agenda.

8. REPORTS:

Consultant Planner Larsen gave an overview of the 2024 Comprehensive Plan Update. He will also put together a list on acronyms so the Planning Commission can better understand what is being discussed.

City Manager Kirk gave an update on the Accessory Dwelling Units (ADU) and new state legislation and how it will impact changes forthcoming for the code.

A. City Clerk Reports

Commissioner Cruger mentioned that the Museum is pressing forward with their renovation.

B. Homework

There were no homework items to discuss.

9. CORRESPONDENCE:

There were no correspondence items to discuss.

10. ADJOURNMENT:

Commissioner Cruger adjourned the meeting.

Review & Discussion - SEPA Categorical Exemption Increase

DRAFT

GRANITE FALLS

CITY OF GRANITE FALLS
PLANNING COMMISSION STAFF REPORT

DATE: July 13, 2021

SUBJECT: SEPA Categorical Exemption Increase

CONTACT PERSON: Ryan C. Larsen, Planning Consultant

ATTACHMENTS: A. SEPA Edits

ISSUE

The issue is whether or not the Planning Commission should consider amending Section 19.07.010(H) for SEPA Categorical Exemption increase.

RECOMMENDATION

1. Review and discuss the proposed language and exemption levels.

SUMMARY STATEMENT

The purpose of this staff report is to provide information regarding proposed amendments to Chapter 19.04 Administration and Section 19.07.010 Environmental Review (SEPA) in response to recent changes made to the State Environmental Policy Act (SEPA) Rules in Washington Administrative Code (WAC) 197-11-800. The proposed code amendments to GFMC 19.07.010(H) would increase existing threshold levels exempting minor new construction from SEPA review.

Staff is providing the City Council with proposed changes to Title 19 Unified Development Code to increase the levels of categorical exemptions under SEPA. Staff has reviewed these changes with the Planning Commission at their February 9, 2021 meeting.

Staff issued a SEPA threshold determination of non-significance on July 1, 2021 and sent the changes to the Department of Commerce for the required review period. No comments or appeals were received regarding the SEPA threshold determination. WAC 197-11-800(1)(c)(iii) states "Before adopting the ordinance or resolution containing the proposed new exemption levels, the agency shall provide a minimum of sixty days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment."

The proposed SEPA categorical exemptions were sent to the Department of Commerce on June 30, 2021 for the required 60-day review period. The City received a letter of acknowledgement from Commerce on July XX, 2021 (Attachment XX). They were also sent to affected tribes, agencies with expertise, affected jurisdictions, the Department of Ecology and the public. The 60-day comment period ends on August 30, 2021.

DISCUSSION

Located in Revised Code of Washington (RCW) Chapter 43.21C, SEPA was enacted in 1971, when the nation's awareness of environmental problems was just beginning to emerge. Intended to ensure that environmental values are considered during decision-making, SEPA applies to all state and local government decisions, unless they are considered categorically exempt. These decisions may be related to issuing permits for private projects such as office buildings or apartment complexes, constructing public facilities like new schools or highways, as well as decisions associated with the adoption of development regulations, policies or comprehensive plans.

The SEPA Rules, found in WAC 197-11, were enacted in 1984. The SEPA Rules provide comprehensive guidance on how local governments implement the requirements of SEPA and make SEPA determinations. Categorical exemptions from SEPA are outlined in WAC 197-11-800. Categorical exemptions are generally actions that would commonly not have adverse consequences on the environment or are of such minor consequence that environmental review is not necessary. The city has codified the requirements of SEPA within Chapter 17.149 – State Environmental Policy Act.

Most project proponents interested in land development within the City must go through the formal building permit review process or land development. Part of this process specifically requires City staff to determine compliance with Granite Falls Municipal Code (GFMC) Title 19 Unified Development Code and Title 20 Subdivision Code.

The GFMC implements the city's Growth Management Act (GMA) Comprehensive Plan by providing a unified set of standards and procedures to regulate building and land development within the City. These development regulations are consistent with established goals and policies in the City's comprehensive plan and designed to protect natural resources and prevent or mitigate adverse environmental impacts.

In 2012, the Washington State Legislature passed Senate Bill 6406, directing the Washington State Department of Ecology (Ecology) to modernize the rules that guide state and local agencies in conducting SEPA reviews. Recognizing the overlap between SEPA and many local, state and federal regulations, one intended outcome of the SEPA rule updates was to improve coordination with current land-use planning and development regulations. Also, in light of the increased environmental protections associated with the GMA (RCW 36.70A), updates to the Shoreline Management Act (RCW 90.58) and other laws, this effort was intended to streamline regulatory processes while also maintaining existing levels of environmental protection.

In response to the legislative directive, Ecology undertook a two-phase rule adoption process. The first phase, completed in December 2012, included increases to exemption levels for minor new

construction projects and efficiency improvements to the environmental checklist. The second round of rule changes added many more exemptions and updates.

SEPA and GFMC Chapter 19.07

The City of Granite Falls SEPA procedures are located in GFMC Chapter 19.07. The City's current SEPA ordinance was adopted in 2007. The City also adopted Critical Areas Ordinance in 2007 under Ordinance 740 and most recently updated in 2018. In order to comply with SEPA rules in WAC 197-11 and the model SEPA ordinance in WAC 173-806 the City adopted Ordinance No. 740. The SEPA ordinance in use today is essentially the same ordinance that was adopted 14 years ago, having under gone only a few minor amendments. As the City has amended its development regulations to incorporate environmental protections and integrate the planning policies mandated by GMA, it has not reflected these changes by amending the requirements of the original SEPA.

The rule-based categorical exemptions for SEPA review in WAC 197-11-800 should be employed in the City in light of the increased environmental protections in chapters RCW 36.70A (GMA) and 90.58 (Shoreline Management Act). This is supported by the level of environmental protections and mitigations incorporated into the City's development regulations.

Existing Exemption Levels

Provisions in 19.07.010(H) govern the exemption levels for minor new construction as allowed by WAC 197-11-800(1). To be exempt from SEPA, projects must be equal to or smaller than the exempt level. Exempt levels are identified by dwelling unit (du) for residential structures, square footage (sf) for agricultural and commercial structures, parking spaces (ps) for parking facilities and cubic yards (cy) for grading activities. Under existing city code, the following project types are currently exempt from SEPA:

"(H) Categorical Exemptions and Threshold Determinations.

(1) Purpose. This section contains the rules for deciding whether a proposal has a probable significant, adverse environmental impact requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS.

(2) Categorical Exceptions – Adoption by Reference. The city adopts the rules of WAC 197-11-800, as now existing and hereafter amended, by reference as supplemented by this chapter.

(3) Flexible Thresholds for Categorical Exemptions. The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1) based on local conditions:

(a) For residential dwelling units in WAC 197-11-800 (1)(b)(i): Up to four detached single-family dwelling units, cumulative.

(b) For multifamily residential unit in WAC 197-11-800 (b)(ii): Up to four multifamily residential units.

(c) For agricultural structures in WAC 197-11-800 (1)(b)(iii): Up to 10,000 square feet, cumulative.

(d) For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800 (1)(b)(iv): Up to 4,000 square feet and up to 20 parking spaces, cumulative. This exemption includes stand-alone parking lots.

(e) For landfills and excavations in WAC 197-11-800(1)(c)(v): Up to 500 cumulative cubic yards not associated with exempt projects in subsections (H)(3)(a), (b), (c), and (d) of this section.

(f) The exemptions in this subsection apply except when the project:

(i) Is undertaken wholly or partly on lands covered by water;

(ii) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

(iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381or WAC 197-11-800 (7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800 (6)."

Proposed Exemption Levels

Many jurisdictions fully planning under GMA are choosing to raise the exempt levels up to the maximum specified in WAC 197-11-800(1)(d) which are listed in the table below. One significant change that occurred during the rule adoption process was to allow higher exemption levels for those projects located within the Urban Growth Area (UGA). Action by the City to adopt these higher exemption levels would support existing city policies encouraging development in city and our UGA and encouraging streamlined permit processes. It is important to note, cities and counties are not required to raise SEPA exemption levels consistent with updates to the rules in WAC 197-11-800.

Maximum SEPA Exemption Thresholds for Minor New Construction - WAC 197-11-800(1)(d)

Project Types		UGA	Other
Residential Structures	Single Family	30 du	20 du
	Multi Family	60 du	25 du
Agriculture Structures		40,000 sf	40,000 sf
Commercial Development		30,000 sf 90 ps	12,000 sf 40 ps
Landfill or Excavation		1,000 cy	1,000 cy

The proposed code amendments to GFMC 19.07.010(H)(3) would increase exemption levels for residential dwelling units, agricultural structures, commercial development and standalone grading to the maximum allowed as detailed below:

a) **Residential Structures** – SEPA exemptions are currently allowed for projects with four (4) du or less. SEPA updates now distinguish single-family, such as detached condominiums from multi-family structures, such as apartment complexes. Consistent with WAC 197-11-800, the proposed code amendments to exemption levels would allow for an increase from four (4)

residential du up to 30 single-family and 60 multi-family du. *Please note that this exemption only applies to the construction of residential projects and not to land use decisions, such as subdivisions which are addressed in WAC 197-11-800(6).*

b) **Agricultural Structures** – SEPA exemptions are currently allowed for projects 10,000 sf or less. The proposed amendments would increase the exempt level to 40,000 sf.

c) **Commercial Development** – SEPA exemptions are currently allowed for commercial development of 4,000 sf or less and associated parking facilities designed for 20 or fewer ps. The proposed amendments would allow for an increase from 4,000 up to 30,000 sf for commercial development. The parking facilities associated with these commercial projects would also allow for an increase from 20 up to 90 ps.

d) **Standalone Grading** – SEPA exemptions for standalone grading permits are currently allowed for landfill and excavation up to 500 cy. Under the recent rule changes, SEPA exemptions for standalone grading projects would allow for an increase from 500 to 1000 cy. *Please note that this exemption applies to standalone grading projects only; this does not include land disturbing activity that occurs as part of any other project type.*

Requirements for Adoption of Exemptions for Minor New Construction.
Cities and counties that wish to raise exemption levels for minor new construction up to the maximum specified in WAC 197-11-800(1)(d) must meet certain procedural requirements.

First, jurisdictions must document how existing city, state and federal regulations are adequate to mitigate environmental impacts. To meet this requirement the City is providing Attachment X.

Second, jurisdictions must document the public comment opportunities available for projects that were not previously exempt, but will now be exempt under the new exemption levels. Public notice is address later in this staff report.

Third, jurisdictions must provide a minimum of sixty days notice to affected tribes, agencies with expertise, affected jurisdictions, Ecology and the public prior to adoption of the ordinance and provide an opportunity for comment. Adoption of the proposed code amendments would be considered a Type IV legislative process. Pursuant to SCC 19.04B.430(A), notice for Type IV actions requires at least ten days prior to the Planning Commission public hearing on this matter. To meet this requirement, Planning Commission will hold a public hearing on August 10, 2021 and will hold another hearing September 14, 2021 to allow for any additional comment. The city notified affected tribes, agencies with expertise, affected jurisdictions, and Ecology on July 1, 2021 when sending the Determination of Non-significance to Commerce as required by law for the 60-day comment period. The City will allow for an extended comment period by allowing for another public hearing with the City Council on October 6, 2021.

Finally, in order to raise exemption levels, jurisdictions must also document the existing development regulations and applicable state and federal laws which will provide adequate protections for cultural and historic resources when exemption levels are raised, including:

1. Use of available data and other project review tools regarding known and likely cultural and historic resources;

2. Planning and permitting processes that ensure compliance with applicable laws including chapters 27.44 (Indian Graves and Records), 27.53 (Archaeological Sites and Resources), 68.50 (Human Remains), and 68.60 (Abandoned and Historic Cemeteries and Historic Graves) RCW; and

3. Local development regulations that include at minimum pre-project cultural resource review where warranted and standard inadvertent discovery language (SIDL) for all projects.

To meet these requirements, the city provides the following:

1. Available Data and Project Review Tools:
Washington State Department of Archaeology and Historic Preservation (DAHP) DAHP shares in the city's role of historic preservation. It administers the National Register of Historic Places, the Washington Heritage Register, and the Heritage Barn Register, as well as maintains a database of the sites listed on those registers, including an online Geographic Information System (GIS) map tool called the Washington Information System for Architectural and Archaeological Records Data (WISAARD).

2. Planning and Permitting Processes:
The Comprehensive Plan is the principal document for the City of Granite Falls and contains policy elements addressing cultural resources, among others. All projects are sent to the Washington State Department of Archaeology and Historic Preservation for comments. Also, all projects are sent to the local tribes for comment and consideration at the earliest point in the project.

3. Local Development Regulations:
DAHP's role in administering the protection of historic structures on the natural and state registers, in 2010 DAHP developed a non-regulatory planning tool. Known as the Predictive Model, this tool is intended to help determine areas in Washington State which may have a high probability of containing previously unknown archaeological materials. Also, see Attachment A below

Analysis
Ecology's amendments allowing jurisdictions to increase exemption thresholds for minor new construction require each jurisdiction to demonstrate that existing development regulations already provide adequate environmental protection. This staff report shows how the large majority of environmental issues that SEPA was intended to address are already mitigated by requirements to comply with existing city code, state and federal regulations.

During review of private projects, City Planning consultant and staff must determine whether the proposed development activity is in compliance with the following code sections:

- Chapter 19.07.010 – Environmental Review (SEPA)
- Chapter 19.07.020 – Critical Areas Regulations
    - Critical Areas (Wetlands)

  - Critical Areas (Streams - Fish and Wildlife Habitat Conservation Areas)
  - Critical Areas (Landslide Hazards)
  - Critical Areas (Erosion Hazards)
  - Critical Areas (Seismic Hazards)
  - Critical Areas (Aquifer Recharge)
- Chapter 19.07.030 – Shoreline Management
- Chapter 19.07.035 – Flood Damage Prevention
- Chapter 13.20 – Storm Drainage System

Once compliance with city code requirements has been determined, City Planning consultant and staff can ensure that the proposed development activity will not result in any probable significant adverse environmental impacts. Therefore, compliance with city code requirements constitutes adequate analysis and mitigation of the specific significant probable adverse environmental impacts of the development activity.

Regarding cultural resource protection, state laws prohibit disturbance of Indian Graves and Records, Human Remains and Abandoned and Historic Graves and Cemeteries. RCW 27.53.060 specifically requires a permit prior to disturbance of any archaeological resource or site. Noncompliance with this statute can result in severe civil penalties. In addition to state and federal laws, GFMC Chapter 19.07.030 requires in areas of known or probable cultural resources a site assessment by a qualified professional archaeologist or historic preservation professional.

Tribes, Stakeholders, and other Parties

The City provided opportunities for local tribes, stakeholders and other affected parties the opportunity to comment. The City provided a 60 day comment periods. The comment period being with the issuance of the SEPA threshold determination. In addition, additional opportunities will be allowed for comment period with the public notice for the two Planning Commissions public hearings and the City Council public hearing notice. These notice will be in addition to the required 60 day comment period.

Consistency with the Comprehensive Plan

The proposed amendments will maintain consistency with the following goals, objective, and policies of the Growth Management Act Comprehensive Plan:

Historic Preservation

Goal

LU-11 To preserve and enhance local archaeological, historic, and cultural resources.

Policies

LU-11.1 Maintain the inventory and documentation of historical and cultural sites provided in Figure LU-3.

LU-11.2 Include the use of historic and cultural sites in planning for tourist attractions and economic opportunities.

LU-11.3 Require cultural resource studies on sites where proposed development may impact local archaeological, historic, and cultural resources.

LU-11.4 Require that the Granite Falls Historic Society be asked for comment on any required cultural resource study.

ECONOMIC DEVELOPMENT

Goal

ED-2 To encourage economic development that is compatible with the natural setting and small town character of Granite Falls.

Policies

ED-2.4 Support economic development by:

- Providing basic public services and facilities
- Planning land uses in anticipation of need
- Preserving quality of life and community character
- Forming partnerships with economic development agencies and the local Chamber of Commerce
- Making information available to prospective business developers

ED-2.5 Protect the beauty of the natural environment to maintain a community where residents want to live and work.

NATURAL FEATURES

Goal

NF-1 - To achieve a harmonious relationship between the built and natural environments.

Policies

NF-1.1 - Concentrate urban land uses in areas with no environmental constraints to reduce intrusion into natural areas.

NF-1.2 - Choose land use alternatives (where they exist) to maintain sensitive and critical areas in a natural state.

NF-1.4 - Promote improved air quality through land use decisions and public facility sightings which create a compact and efficient community design, insofar as such design reduces the quantity and length of single occupancy vehicle trips.

Goal

NF-2 - To promote community-wide stewardship of the natural environment for future generations.

Policies

NF-2.1 - Retain and protect critical areas, unique, or fragile natural features to maintain scenic, educational, and natural resource values.

Goal

NF-3 - To protect, preserve and enhance natural features most sensitive to human activities and most critical to fish and wildlife survival and propagation.

Policies

NF-3.1 - Seek to protect and enhance a diverse fish and wildlife habitat, preferably in corridors as designated by the land use element.
NF-3.2 - Preserve and enhance the Pilchuck and South Stillaguamish Rivers as wildlife and vegetation habitats.
NF-3.3 - Work with other jurisdictions on regional environmental issues such as surface and ground water quality and the maintenance/enhancement of the Stillaguamish and Pilchuck Rivers.
NF-3.4 - Preserve and maintain sensitive and critical areas in as natural a state as possible, discouraging alterations when alternatives exist.
NFP-3.5 - Apply sensitive site design and construction methods to protected environmental areas.
NF-3.7 - Encourage new development to be compatible with sensitive links in ecological systems such as streams and rivers, aquifers, wetlands, hillsides and woodlands.
NF-3.8 - Refer to the City of Granite Falls Shoreline Management Master Program for policies regarding development near the Pilchuck River and South Fork Stillaguamish River (Ord. No. 844-2013).
NF-3.11 - Maintain a critical areas ordinance that is consistent with Snohomish County's to provide predictability with regard to the protection for critical areas when considering development.

Goal
NF-4 -To integrate Best Available Science rules into the City's Critical Area Regulations.

Policies
NF-4.2 - Maintain and update as necessary critical area regulations that include best available sciences and that emphasize the protection of anadromous fish.

Goal
NF-5 – To respond to the challenge of climate change and maintaining air quality that reflects the unique situation of the Granite Falls community.

PARKS, RECREATION & OPEN SPACE
Goal
PRO-6: To protect, conserve and enhance the historic and cultural heritage of Granite Falls.

Policies
PRO-6.1 – Coordinate and cooperate with local, state and national historical and cultural preservation organizations in order to promote historic and cultural preservation within the City.
PRO-6.2 - Work with the Stillaguamish, Sauk Suiattle, and Tulalip Tribes to preserve significant cultural and historic sites.
PRO-6.3 - Promote a mutually supportive relationship between historic and cultural preservation and economic development.
PRO-6.4 - Incorporate the preservation of sites and structures of historic, cultural, and archeological significance as a part of the aesthetic and environmental consideration in site design and subdivision plan review.

SHORELINES
Goal

The following provisions apply to archaeological and historic resources that are either recorded at the State Historic Preservation Office and/or by local jurisdictions or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Records) and shall comply with Chapter 25-48 WAC as well as the provisions of this chapter.

Policies

Due to the limited and irreplaceable nature of the resource, public or private uses, activities, and development should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities and deemed worthy of protection and preservation.

Implementation

1. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City, the state office of archaeology and historic preservation, and affected Indian tribes if any phenomena of possible archaeological value are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged or mapped.
2. Permits issued in areas known to contain archaeological artifacts and data shall include a requirement that the developer provide for a site inspection and evaluation by a professional archaeologist in coordination with affected Indian tribes. The permit shall require approval by the City before work can begin on a project following inspection. Significant archaeological data or artifacts shall be recovered before work begins or resumes on a project.
3. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archaeological, natural, scientific or historical value, a Substantial Development Permit shall not be issued which would pose a threat to the site. The City may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
4. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.
5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 2744 (Indian Graves and Records) and RCW 2753 (Archaeological Sites and Records) and shall comply with WAC 25-48 as well as the provisions of this SMP.
6. Archaeological excavations may be permitted subject to the provisions of this program.
7. Identified historical or archaeological resources shall be included in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.
8. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

9. The City will work with affected tribes and other agencies to protect Native American artifacts and sites of significance and other archaeological and cultural resources as mandated by Chapter 27.53RCW.

Implementation

Internal. City Planning consultant and staff meet with key city departments to discuss the proposed changes and allowed for input.

External. Pursuant to RCW 36.70A.106, a request for review of 60-days was sent to the Department of Commerce on July 1, 2021 as well as affected tribes, agencies with expertise, affected jurisdictions. The City received confirmation that the 60-day review period will be completed on August XX, 2021. An initial public hearing is schedule with the Planning Commission for August 10, 2021 and another hearing on September 14, 2021. The City Council will hold a public hearing on the proposed edits at its October 6, 2021 meeting. Notification of these hearings will be published, and an e-mail and mail notification will be sent to affected tribes, agencies with expertise, affected jurisdictions, and Ecology notifying of the public hearing. These hearings and notices will project additional opportunity outside of the required 60-day comment for affect agencies. All notices will be posted at City Hall, Library, and the Post Office as well as published in the local paper (Everett Herald). Once the final ordinance is adopted notification of intent to adopt development regulations or amendments will be sent to the Washington State Department of Commerce (Commerce) within 10-days.

Environmental Review, Notification of State Agencies and Public Comment

SEPA. City issued a SEPA threshold determination of non-significant on July 1, 2021 and published in the paper on July 1, 2021.

Commerce. In addition, each county and city planning under the GMA is required to notify the Growth Management Services office at Commerce, when adopting or permanently amending its comprehensive plans and/or development regulations (RCW 36.70A.106(1) and (3)(a). The City sent the proposed ordinance to Commerce on July 1, 2021 and received confirmation on July XX, 2021. Commerce comment that the end of the 60-day comment period was August XX, 2021.

Notice. Typically, the City provides at least ten days notice prior to the city council public hearing on Type IV actions. However, pursuant to WAC 197-11-800(1)(c)(iii), before adopting the ordinance containing the proposed new exemption levels, the City must provide a minimum of sixty days notice to affected tribes, agencies with expertise, affected jurisdictions, Ecology and the public and provide an opportunity for comment. The City provide for a 60-day comment period with the issuance of the threshold determination and public hearing notice with the Planning Commission. The Planning Commission is set to hold two public hearing on this issue. Also, the City Council will hold a separate hearing on October 6, 2021. Public notice of this hearing will be provide at least 10-days prior to the Council hearing and is allowing for additional comment period.

ALTERNATIVES

None at this time.

RECOMMENDED ACTION

NONE AT THIS TIME.

19.07.010 Environmental review (SEPA)

(H) Categorical Exemptions and Threshold Determinations.

(1) Purpose. This section contains the rules for deciding whether a proposal has a probable significant, adverse environmental impact requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS.

(2) Categorical Exceptions – Adoption by Reference. The city adopts the rules of WAC 197-11-800, as now existing and hereafter amended, by reference as supplemented by this chapter.

(3) Flexible Thresholds for Categorical Exemptions. The city establishes the following exempt levels for minor new construction under WAC 197-11-800 (1) based on local conditions:

(a) ~~For residential dwelling units in WAC 197-11-800(1)(b)(i): Up to four detached single-family dwelling units, cumulative.~~ The construction or location of any single-family residential structures of 30 dwelling units or fewer.

(b) ~~For multifamily residential unit in WAC 197-11-800(b)(ii): Up to four multifamily residential units~~ The construction or location of any multifamily residential structures of less than or equal to 60 dwelling units.

(c) ~~For agricultural structures in WAC 197-11-800(1)(b)(iii): Up to 10,000 square feet, cumulative.~~ The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 40,000 square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(d) ~~For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iv): Up to 4,000 square feet and up to 20 parking spaces, cumulative. This exemption includes stand-alone parking lots.~~ The construction of an office, school, commercial, recreational, service or storage building with 30,000 square feet or less of gross floor area, and with associated parking facilities and/or independent parking facility designed for 90 parking spaces or fewer.

(e) ~~For landfills and excavations in WAC 197-11-800(1)(c)(v): Up to 500 cumulative cubic yards not associated with exempt projects in subsections (H)(3)(a), (b), (c), and (d) of this section.~~ Any landfill or excavation of 1,000 or fewer cubic yards, not associated with exempt projects in subsections (H)(3)(a), (b), (c), and (d) of this section, throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(f) The exemptions in this subsection apply except when the project:

(i) Is undertaken wholly or partly on lands covered by water;

(ii) Requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

(iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800(7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

Review & Discussion - Development Regulations

Code Edits

DRAFT

Consultant Report

To: Planning Commission

From: Ryan C. Larsen, Consultant

Subject: Development Regulations – Code Edits

For Meeting of: July 13, 2021

ISSUES:

1. The issue before the Planning Commission is to review the 2021 Development Regulation – Code Edits as described below.
2. Provide feedback and comments to Planning Consultant and City Staff.

POLICY: Granite Fall Municipal Code (GFMC) section 19.04.130(D)(1) states, "An amendment to the zoning code or other official controls may be initiated by: (a) the City Council; (b) the Planning Commission; (c) the City-Designated Official; (d) One or more property owners directly affected by a proposal through the submittal to the city of an application and fee as set forth in subsections (D)(2) and (3) of this section; or (e) Citizen advisory committees or organizations through the submittal to the city of an application and fee as set forth in subsections (D)(2) and (3) of this section." City Designated Official along with the city Planning Consultant are suggesting several development regulation amendments to Title 19, 20 and 21 to better streamline the document. The Planning Commission is required to make a recommendation on the proposed edits to the City Council following a public hearing. City Council is to receive the recommendation and take final action on the amendments through the adoption of an ordinance.

BACKGROUND: Pursuant to GFMC 19.04.130(F), City staff advertised and initiated the 2021 Annual Docket process on August 31, 2020, inviting all interested parties to submit proposed amendments to the Comprehensive Plan and development regulations by October 31, 2020. The city did not receive or initiate any Comprehensive plan amendments. However, the city is proposing several edits to Title 19, 20, and 21 of the Granite Falls Municipal Code. As the result of this, the city is only processing amendments to the GFMC pursuant to 19.04.130(D).

Planning Commission reviewed proposed changes at their January 12, 2021, February 9, 2021, March 9, 2021, and April 13, 2021 meeting and suggested few minor corrections to the proposed changes. The proposed edits have had environmental review and a SEPA threshold determination of non-significance was issued on July 1, 2021. Also, the proposed changes/edits were sent to the Department of Commerce and Department of Ecology of the proposed changes on June 30, 2021.

The city Consultant prepared the following Zoning Code amendments (ZCA).

- ZCA2021-001 *Land Use Updates* – Proposed Zoning Code Amendments to Title 19, Title 20 and Title 21 (Attachment A) – Outlined below.
    1. Chapter 19.02 – Definitions were updated to include definitions form Title 20, definitions addressing mobile food truck, changed short plats from 4 lots to 9 lots and plats for 10 or more lots, and added definitions addressing unit lot subdivisions.

2. Chapter 19.04 – Deleted chapter 19.04 and incorporated into either new Chapter 19.04C or created a new chapter for an individual item.
3. Chapter 19.04A – Edits to table in 19.04. Added a few permit types to the table. Biggest change was to move Final Plats as an administrative permit (Type II) rather than a Type IV permit which are reviewed by City Council.
4. Chapter 19.04B – Edits to the modification section to reference the newly created Administrative Modifications section in Chapter 19.04C.
5. Chapter 19.04C – Newly created chapter to deal with land use permit action. Some chapters from the old 19.04 and 19.05 were moved to this section. In addition, added sections to address administrative conditional uses, administrative modifications, code interpretations, and site plan review which previously did not exist.
6. Chapter 19.04D – This chapter is the old Title 20.06.
7. Chapter 19.05 – Deleted old 19.05 and moved sections to new 19.04C and the PRD section to Newly updated 19.05.
8. Chapter 19.05 – Chapter has been converted to address moving Chapter 20.08 into Title 19. Rewrote the subdivision chapter to make it more simplified and added a new section to address Unit Lot Subdivisions allowance by state law.
9. Chapter 19.06 – Proposing to add Food Vendor section. Main is how long if allowed can a food vendor operate.
10. Chapter 19.06 – Deleted home occupation from this chapter and move to new Chapter 19.04C.
11. Chapter 19.12 – Created own chapter for Concurrency which was moved from deleted Chapter 19.04.
12. Chapter 19.13 – Created own chapter for Community facilities district which was moved from deleted Chapter 19.04.
13. Chapter 19.15 - Created own chapter for Land Use fees which was moved from deleted Chapter 20.10 – since Title 20 has been deleted.
14. Chapters 19.20, 19.21, 19.22, and 19.23 – Four new chapters to address Wireless communications facilities. Granite Fall did not have rules in place previously to address these facilities.
15. Title 20 – Chapter 20.02, Chapter 20.04, Chapter 20.06, Chapter 20.08, and Chapter 20.10 have been deleted and moved into Title 19 within various chapters as discussed above.
16. Chapter 21.10 – Created new chapter to address deferred impacts fees as required by state law (RCW 82.02.050). Cities in the state are required to have rules in place that allow for impact fees to be deferred.

FINDINGS:

1. Revised Codes of Washington (RCW) 36.70A.470(2) stipulates that all cities planning under the Growth Management Act (RCW 36.70A.040) shall provide procedures for any interested citizen or agency to suggest comprehensive plan and development regulation amendments.

2. The suggested amendments pursuant to RCW 36.70A.470(2) are to be docketed and considered on at least an annual basis.
3. The City of Granite Falls docket procedures are provided under UDC 19.04.130(F).
4. Pursuant to UDC 19.04.130(F)(1), a notice advertising the Docket opening was published in the City's newspaper of record, the Everett Herald, on August 31, 2020 and October 1, 2020 and posted at the Granite Falls City Hall, Library, and U.S. Post Office.
5. The city did not receive or initiate any Comprehensive plan amendments.
6. However, the city is proposing several development regulation edits to Title 19, 20, and 21 of the Granite Falls Municipal Code. As the result of this, the city is only processing amendments to the GFMC pursuant to 19.04.130(D)
7. The City Staff/Consultant Team has prepared proposed edits as outlined below:
    a. Chapter 19.02 – Definitions were updated to include definitions form Title 20, definitions addressing mobile food truck, changed short plats from 4 lots to 9 lots and plats for 10 or more lots, and added definitions addressing unit lot subdivisions.
    b. Chapter 19.04 – Deleted chapter 19.04 and incorporated into either new Chapter 19.04C or created a new chapter for an individual item.
    c. Chapter 19.04A – Edits to table in 19.04. Added a few permit types to the table. Biggest change was to move Final Plats as an administrative permit (Type II) rather than a Type IV permit which are reviewed by City Council.
    d. Chapter 19.04B – Edits to the modification section to reference the newly created Administrative Modifications section in Chapter 19.04C.
    e. Chapter 19.04C – Newly created chapter to deal with land use permit action. Some chapters from the old 19.04 and 19.05 were moved to this section. In addition, added sections to address administrative conditional uses, administrative modifications, code interpretations, and site plan review which previously did not exist.
    f. Chapter 19.04D – This chapter is the old Title 20.06.
    g. Chapter 19.05 – Deleted old 19.05 and moved sections to new 19.04C and the PRD section to Newly updated 19.05.
    h. Chapter 19.05 – Chapter has been converted to address moving Chapter 20.08 into Title 19. Rewrote the subdivision chapter to make it more simplified and added a new section to address Unit Lot Subdivisions allowance by state law.
    i. Chapter 19.06 – Proposing to add Food Vendor section. Main is how long if allowed can a food vendor operate.
    j. Chapter 19.06 – Deleted home occupation from this chapter and move to new Chapter 19.04C.
    k. Chapter 19.12 – Created own chapter for Concurrency which was moved from deleted Chapter 19.04.
    l. Chapter 19.13 – Created own chapter for Community facilities district which was moved from deleted Chapter 19.04.

m. Chapter 19.15 - Created own chapter for Land Use fees which was moved from deleted Chapter 20.10 – since Title 20 has been deleted.

n. Chapters 19.20, 19.21, 19.22, and 19.23 – Four new chapters to address Wireless communications facilities. Granite Fall did not have rules in place previously to address these facilities.

o. Title 20 – Chapter 20.02, Chapter 20.04, Chapter 20.06, Chapter 20.08, and Chapter 20.10 have been deleted and moved into Title 19 within various chapters as discussed above.

p. Chapter 21.10 – Created new chapter to address deferred impacts fees as required by state law (RCW 82.02.050). Cities in the state are required to have rules in place that allow for impact fees to be deferred.

8. Environmental review/Determination of Non-significance and noticing the Department of Commerce and Department of Ecology of the proposed changes occurred on Wednesday June 30, 2021.
9. The Department of Commerce provide notice to the City on July XX, 2021 confirming the 60-day notice period ends on August XX, 2021 and the City has met the procedural requirements for notification.
10. Planning Commission reviewed proposed changes at their January 12, 2021, February 9, 2021; March 9, 2021, April 13, 2021, and July 13, 2021 meeting and suggested few minor corrections to the proposed changes.
11. City Council reviewed in a study session at their July 14, 2021 meeting reviewed the suggested edits as outline in Attachment A.

ALTERNATIVES:

1. None at this time.

RECOMMENDED ACTIONS:

1. No recommendation at this time.

ATTACHMENTS:

A. ZCA2021-001 *Land Use Updates* – Proposed Zoning Code Amendments to Title 19, Title 20 and Title 21

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ATTACHMENT A

Chapter 19.02
BASIC DEFINITIONS

Sections:

19.02.010 A.

"Access" means ingress and egress to and from premises. This also means access to public way and general road system.

"Access corridor" means a vehicle circulation area in private ownership, including easements, tracts and driveways in common ownership, over which access is afforded to more than one lot, or which serves more than 30 dwelling units in a multifamily development. Driveways serving a group of less than 30 dwelling units in multifamily developments shall not be considered access corridors.

"Access (primary)" means a principal entrance to a structure through which pedestrians enter during normal operating hours of the facility.

"Appropriate provisions" means the adequate and timely provision of public services and facilities to be utilized by the lots of a plat, including roads, access, potable water, sanitary waste, parks and open space, and playgrounds, consistent with level of service standards established by the city of Granite Falls comprehensive plan.

19.02.020 B.

"Binding site plan" means a drawing to a scale of no smaller than one inch to 100 feet which:

(1) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations;

(2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city of Granite Falls; and

(3) Contains provisions making any development be in conformity with the site plan.

19.02.040 D.

"Driveway" means a vehicle entrance which serves a lot, structure or parking area.

19.02.060 F.

"Final plat" means the final drawing of the subdivision and dedication prepared for filing for record with the Snohomish County auditor office, and containing all elements and requirements set forth in this title.

19.02.120 L.

"Line, property" means the line defining the extent of a lot in a given direction.
"Line, setback" means a line beyond which, toward a property line, no structure may extend or be placed except as permitted by the regulations of this title.
"Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. A lot may be a lot of record, more than one lot of record or portion of a lot of record. The term shall not include tracts.
"Lot, parent" mean the initial lot from which unit lots are subdivided.
"Lot, through" means a lot fronting on two streets that is not a corner lot.
"Lot, unit" means one of the individual lots created by the subdivision of a parent lot pursuant to Section 19.05.310.

19.02.130 M.

"Mobile food truck" means a licensed and operable motor vehicle used to serve, vend, or provide ready to eat food or nonalcoholic beverages for human consumption from an approved and assigned fixed location.
"Mobile food vendor" means any business operator or vendor who conducts business from a motor vehicle upon public streets or private property, referred to in this chapter as "vendor."

19.02.160 P.

"Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.
"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of the GFMC. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

19.02.0180 R.

"Right-of-way" means the land owned by a public agency and used or planned to be used as a public thoroughfare.

19.02.190 S.

"Short plat" means the map or representation of a short subdivision.
"Street" means a public or private thoroughfare which provides the principal means of pedestrian and vehicle access through neighborhoods and communities and to abutting properties, which has been dedicated or deeded to the public for public use.
"Street frontage" means the length along a street upon which a structure, business, or lot is abutting or fronts.

Chapter 19.04
CODE ADMINISTRATION

Sections:

19.04.010 Introduction and purpose.

The purpose of this chapter is to provide for procedural requirements for general legislative processes, such as amendments to the development regulations and comprehensive plan. [Ord. 994 § 1, 2020; Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

19.04.020 Rules of interpretation.

(A) For the purposes of the development code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.
(B) Words used in the present tense include the future.
(C) The plural includes the singular and vice versa.
(D) The words "will" and "shall" are mandatory.
(E) The word "may" indicates that discretion is allowed.
(F) The word "used" includes designed, intended, or arranged to be used.
(G) The masculine gender includes the feminine and vice versa.
(H) Distances shall be measured horizontally unless otherwise specified.
(I) The word "building" includes a portion of a building or a portion of the lot on which it stands. [Ord. 994 § 1, 2020; Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

19.04.030 Administration.

Repealed by Ord. 994. [Ord. 905 § 1 (Att. A), 2016; Ord. 904 § 25, 2015; Ord. 740 § 1 (Exh. A), 2007.]

19.04.040 Types of permit actions.

Repealed by Ord. 994. [Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

19.04.050 Determination of procedure types.
Repealed by Ord. 994. [Ord. 974 § 7, 2019; Ord. 960 § 10 (Exh. I), 2018; Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

19.04.060 Application process.
Repealed by Ord. 994. [Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

19.04.070 Reserved.
Repealed by Ord. 994. [Ord. 905 § 1 (Att. A), 2016; Ord. 883 § 8, 2014; Ord. 867 § 1, 2014; Ord. 827 § 3, 2012; Ord. 740 § 1 (Exh. A), 2007.]

19.04.080 Public notice requirements.
Repealed by Ord. 994. [Ord. 960 § 11 (Exh. J), 2018; Ord. 937 § 21 (Exh. T), 2017; Ord. 905 § 1 (Att. A), 2016; Ord. 827 § 4, 2012; Ord. 740 § 1 (Exh. A), 2007.]

19.04.090 Concurrency and adequacy.
The re-adoption of this section does not repeal current interim regulations and amendments of this section to address capacity and sewer availability. Notwithstanding the provisions of this chapter, the interim regulations shall remain in full force and effect pending the expiration, repeal or revision of the interim provisions in this section.
(A) Intent. The purpose of this section is to ensure that public facilities and services owned, operated, or provided by the city and public facilities and services owned, operated or provided by other governments, special districts and applicable organizations within the city are provided simultaneous to or within six years after development occurs consistent with the capital facilities element of the comprehensive plan and RCW 36.70A.070(6)(e). This chapter shall apply to all applications for development or redevelopment permit approvals that will result in:

(1) More than 10 new p.m. peak hour vehicle trips; and

(2) Five or more connections or five SFR equivalent connections to city water and/or sanitary sewer systems.

(B) Authority. The designated official shall be responsible for enforcing the provisions of this chapter.
(C) Exemptions. The test for concurrency shall not be required for exempted developments as specified below:

(1) Highways of statewide significance (HSS) are exempt from this concurrency section.

(2) No Impact. Development which creates little or no additional impact on public water, sanitary sewer, surface water management, streets, schools and parks is exempt from the test for concurrency. Such development includes but is not limited to:

(a) Uses falling under thresholds described in GFMC 19.07.010 (H);

(b) Additions, accessory structures, or interior renovations to or replacement of a residence which do not result in a change in use or increase in the number of dwelling units or residential equivalents;

(c) Additions to or replacement of a nonresidential structure which do not result in a change in use, expansion in use, or otherwise increase demand in public facilities as defined above;
(d) Temporary uses as described in GFMC 19.05.060; and
(e) Demolitions.
(3) Permits and Actions. The following are exempt from the test for concurrency:
(a) Boundary line adjustments;
(b) Temporary use permits;
(c) Variances and shoreline variances;
(d) Approvals pursuant to site development regulations;
(e) Administrative interpretations;
(f) Sign permits;
(g) Street vacations;
(h) Demolition permits;
(i) Street use or right-of-way permits;
(j) Clearing, grading, and excavation permits;
(k) Mechanical, electrical and plumbing permits;
(l) Fire code permits;
(m) Other permits as determined by the city that will not result in impacts on public services or utilities.
(4) SEPA. Applications exempt from the test for concurrency are not necessarily exempt from SEPA.
(5) Exemptions. The portion of any development used for any of the following purposes is exempt from the requirements of this chapter:
(a) Public transportation facilities;
(b) Public parks and recreational facilities; and
(c) Public libraries.
(D) Concurrency Procedures.
(1) Concurrency Review Procedures. The test for concurrency shall be performed in the processing of all nonexempt permit applications through a concurrency review process established by the individual service providers.
(a) The concurrency review process shall be completed prior to issuance of a building permit. The designated official shall determine the time of the concurrency test dependent on the time of permit.
(b) The concurrency review process shall include review of phased projects.
(c) The concurrency review process established by the individual service providers shall be specified in written policy, and shall be available for city distribution.
(2) Test for Concurrency – Roles.
(a) The designated official shall provide the overall coordination of the test for concurrency by:
(i) Notifying the service providers of all applications requiring a test for concurrency;
(ii) Notifying the service providers of all exempted development applications which use capacity;

(iii) Notifying the service providers of expired development permits or other actions resulting in a release of capacity reserved through a certificate of capacity.

(b) Service providers shall:

(i) Be responsible for conducting the test for concurrency for their individual public facilities, for all applications requiring a test for concurrency;

(ii) Reserve the capacity needed for each application;

(iii) Account for the capacity for each exempted application which uses capacity;

(iv) Adjust capacity to reflect the release of reserved capacity as notified by the city;

(v) Annually report the capacity of their public facilities to the city. Said annual report shall include an analysis of comprehensive plan infrastructure priorities in accordance with the six-year capital improvement plan; and

(vi) Have the authority to charge applicable fees to recover the costs of concurrency testing and monitoring their concurrency systems.

(3) Capacity. For sanitary sewer and domestic water supply, only available capacity shall be used in conducting the test for concurrency. For streets, available and planned capacity may be used in conducting the test for concurrency. The adopted level of service standards outlined in the comprehensive plan shall be the basis for determining whether adequate capacity will be available.

(4) Test for Concurrency -- Pass. The test for concurrency is passed when the capacity of public facilities and services is equal to or greater than the capacity required to maintain the level of service standards established by the city. A certificate of capacity will be issued by the city according to the following provisions:

(a) A certificate of capacity will be issued upon payment of any fee, performance of any condition, or other assurances required by the service provider.

(b) A certificate of capacity shall apply only to the specific land use types, densities, intensities, and development project described in the certificate.

(c) A certificate of capacity is not transferable to other land, but may be transferred to new owners of the subject land along with any conditions imposed by the city in the permit or approval documents.

(d) A certificate of capacity shall expire if the accompanying permit expires or is revoked. The expiration date of the certificate of capacity may be extended according to the same terms and conditions as the accompanying permit. If the permit is granted an extension, so shall the certificate of capacity. If the accompanying permit does not include an expiration date, the certificate of capacity shall expire two years from the date of issuance. Expiration dates shall be included in certificates of capacity.

(5) Test for Concurrency -- Fail. The test for concurrency is not passed and the proposed project may be denied if the capacity of the public services or facilities is less than the capacity required to maintain the adopted level of service standards

after the impacts associated with the requested permit are added to the existing capacity utilization. The following options are available to applicants in the event that partial capacity of public facilities and services is available:

(a) The scope of the project may be reduced to the level equal to that which would absorb the available capacity;

(b) The phasing of the project may be modified to accommodate planned capacity improvements;

(c) The capacity shortfall may be mitigated as part of the project; or

(d) The results of the test for concurrency may be appealed to the hearing officer.

(E) Check for Adequacy. The check for adequacy will be performed on an annual basis concurrent with the annual update of the capital facilities element of the comprehensive plan. The check for adequacy will be conducted by the appropriate service provider.

(1) City. The city shall:

(a) Provide the affected service providers a report on all permit applications occurring within the past year;

(b) Provide population growth figures to the service providers;

(c) Maintain a cumulative record of all checks for adequacy.

(2) Service Providers. Service providers shall provide annual reports on checks for adequacy to the city.

(F) Approval or Denial of Permits.

(1) Approvals. Permits which would not result in a reduction of an adopted level of service standard for a public facility or service may be approved as long as all other provisions of the code are met.

(2) Denials. Permits which would result in a reduction of an adopted level of service standard for a public facility or service are subject to denial.

(G) Concurrency Test Request without Application. Test for concurrency may be requested without an accompanying permit application. Any available capacity found at the time of the test cannot be reserved and no certificate of capacity will be issued. [Ord. 994 § 1, 2020; Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

19.04.100 Review and approval process.

Repealed by Ord. 994. [Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

19.04.110 Appeals.

Repealed by Ord. 994. [Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

19.04.120 Enforcement.

(A) Enforcing Official – Authority. The designated official shall be responsible for enforcing this UDC and this code and may adopt administrative rules to meet that responsibility. The designated official may delegate enforcement responsibility to other department heads, building inspector, fire chief, or chief of police as appropriate.

(B) General Penalty. Compliance with the requirements of this UDC shall be mandatory. The general penalties and remedies established in subsections (D) and (E) of this section for such violations shall apply to any violation of the UDC. The enforcement

~~actions authorized under this chapter shall be supplemental to those general penalties and remedies.~~

~~(C) Application.~~

~~(1) Action Taken. Actions under this chapter may be taken in any order deemed necessary or desirable by the designated official to achieve the purpose of this chapter or of the development code.~~

~~(2) Violation. Proof of a violation of a development permit or approval shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An enforcement action under this chapter shall not relieve or prevent enforcement against any other responsible person.~~

~~(D) Civil Regulatory Order.~~

~~(1) Authority. A civil regulatory order may be issued and served upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of the development code.~~

~~(2) Notice. A civil regulatory order shall be deemed served and shall be effective when posted at the location of the violation and/or delivered to any suitable person at the location or delivered by mail or otherwise to the owner or other person having responsibility for the location.~~

~~(3) Content. A civil regulatory order shall set forth:~~

~~(a) The name and address of the person to whom it is directed.~~

~~(b) The location and specific description of the violation.~~

~~(c) A notice that the order is effective immediately upon posting at the site and/or receipt by the person to whom it is directed.~~

~~(d) An order that the violation immediately cease, or that the potential violation be avoided.~~

~~(e) An order that the person stop work until correction and/or remediation of the violation as specified in the order.~~

~~(f) A specific description of the actions required to correct, remedy, or avoid the violation, including a time limit to complete such actions.~~

~~(g) A notice that failure to comply with the regulatory order may result in further enforcement actions, including civil fines and criminal penalties.~~

~~(4) Remedial Action. The designated official may require any action reasonably calculated to correct or avoid the violation including, but not limited to, replacement, repair, supplementation, revegetation, or restoration.~~

~~(E) Civil Fines.~~

~~(1) Authority. A person who violates any provision of the development code, or who fails to obtain any necessary permit or who fails to comply with a civil regulatory order shall be subject to a civil fine.~~

~~(2) Amount. The civil fine assessed shall not exceed $1,000 for each violation. Each separate day, event, action or occurrence shall constitute a separate violation.~~

~~(3) Notice. A civil fine shall be imposed by a written notice, and shall be effective when served or posted as set forth in subsection (D) of this section. The notice shall describe the date, nature, location, and act(s) comprising the violation, the amount of the fine, and the authority under which the fine has been issued.~~

(4) Collection. Civil fines shall be immediately due and payable upon issuance and receipt of the notice. The designated official may issue a regulatory order stopping work until such fine is paid. If remission or appeal of the fine is sought, the fine shall be due and payable upon issuance of a final decision. If a fine remains unpaid 30 days after it becomes due and payable, the designated official may take actions necessary to recover the fine. Civil fines shall be paid into the city's general fund.

(5) Application for Remission. Any person incurring a civil fine may, within 10 days of receipt of the notice, apply in writing to the designated official for remission of the fine. The designated official shall issue a decision on the application within 10 days. A fine may be remitted only upon a demonstration of extraordinary circumstances.

(6) Appeal. A civil fine may be appealed to the hearing examiner as set forth in GFMC 19.04B.140. [Ord. 994 § 1, 2020; Ord. 905 § 1 (Att. A), 2016; Ord. 862 §§ 31—33, 2013; Ord. 740 § 1 (Exh. A), 2007.]

19.04.130 Amendments.

(A) Purpose. The purpose of this section is to define types of amendments to administratively approved permits, the development regulations, comprehensive plan, and other official controls and to identify procedures for those actions. Amendments to the comprehensive plan and development regulations are legislative functions separate from any permit process otherwise set forth in this section.

(B) Minor Amendment Standards. The following provisions include methods for approving minor amendments to administratively approved permits:

(1) Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent.

(2) Minor amendment applications may be circulated to any city department or agency with jurisdiction at the discretion of the designated official.

(3) Minor amendments may be approved or modified with conditions of approval by the designated official, provided all of the following requirements are met:

(a) Any proposal that results in a change of use must be permitted outright in the current zone classification.

(b) A change to a condition of approval does not modify the intent of the original condition.

(c) The perimeter boundaries of the original site shall not be extended beyond the original lot area.

(d) The proposal does not add any gross square footage of structures on the site or lots in a subdivision.

(e) The proposal does not increase the overall impervious surface on the site.

(f) Any additions or expansions approved through plat alterations that cumulatively exceed the requirements of this section shall be reviewed as a major amendment.

(4) Minor amendment decisions shall be in writing and attached to the official file.

(5) Copies of the decision shall be mailed to all parties of record.

(C) Major Amendments. All major amendments resulting from proposed changes to a permitted project shall require resubmittal and be subjected to review and approval procedures according to the provisions of this UDC.

(D) Development Regulations and Other Official Controls. This section is intended to provide the method for adopting amendments to the text and official map of the city's development regulations and other official controls. Requests to change a regulatory zone affecting a parcel of land, or portion of a lot, are processed under this section.

(1) Initiation of Amendment. An amendment to the zoning code or other official controls may be initiated by:

(a) The city council;

(b) The planning commission;

(c) The city-designated official;

(d) One or more property owners directly affected by a proposal through the submittal to the city of an application and fee as set forth in subsections (D)(2) and (3) of this section;

(e) Citizen advisory committees or organizations through the submittal to the city of an application and fee as set forth in subsections (D)(2) and (3) of this section.

(2) Application Required. A zoning code amendment application is required to formally request a change to the regulations and standards in this UDC. A zoning map amendment application is required to formally request a change to the official zoning map. All zoning map amendment applications must be accompanied by a comprehensive plan amendment application in compliance with subsection (E) of this section. Applications shall include:

(a) A completed zoning code or zoning map amendment application form;

(b) Property owners' and agents' names, addresses, and other contact information;

(c) Reason for the requested change;

(d) Statement of how the proposed amendment is consistent with comprehensive plan goals and policies;

(e) For proposed amendments regarding a specific parcel or parcels rather than a zone, district or designated area of the city;

(i) Parcel identification number and address of the parcel or parcels;

(ii) Mailing labels of all property owners within 300 feet of the parcel or parcels;

(iii) A legal description of the subject property; and

(iv) Vicinity map;

(f) A completed environmental checklist; and

(g) Other relevant information regarding the proposal.

(3) Fees. As may be established by resolution of the city council.

(4) Staff Report. The designated official shall prepare a written report on each amendment pending before the planning commission. The report shall be transmitted to the planning commission and to the applicant before the public hearing. Each report shall contain:

(a) Any factual findings pertaining to the amendment.

(b) Any comments from city departments or other agencies with jurisdiction.

(c) The environmental assessment, SEPA determination and/or final environmental impact statement.

(d) The designated official's recommendation.

(5) Public Hearing by Planning Commission. The city shall give notice and the planning commission shall hold a public hearing prior to the recommendation for adoption or amendment of any official control to the city council. See GFMC 19.04B.405 through 19.04B.460 for hearing procedures and rules.

(6) Adoption by City Council. Amendments to the development regulations or other official controls shall be adopted by the city council by ordinance after a public hearing on the planning commission's recommendation.

(E) Comprehensive Plan. This section is intended to provide the method for adopting amendments to the text and official maps of the city's comprehensive plan. Comprehensive plan amendments may include, but are not limited to, policy changes; land use designation changes; level of service standard changes; addition of new analyses; addition of new elements; or other changes that are mandated by state law or determined to be in the interest of the city. GFMC 19.04.140 describes the adopted comprehensive plan.

(1) Initiation of Amendment. Pursuant to the docketing process set forth under subsection (F) of this section, an amendment to the comprehensive plan may be initiated by:

(a) The city council requesting the planning commission to set the matter for hearing and recommendations;

(b) The planning commission with the concurrence of the designated official;

(c) The city designated official;

(d) One or more property owners directly affected by a proposal through the submittal to the city of an application and fee as set forth in subsections (E)(2) and (3) of this section;

(e) Citizen advisory committees or organizations through the submittal to the city of an application and fee as set forth in subsections (E)(2) and (3) of this section.

(2) Application Required. Application for a change to the comprehensive plan shall include:

(a) A completed application form;

(b) Property owners' and agents' names, addresses, and other contact information;

(c) Reasons for the requested change;

(d) Statement of how the proposed amendment is consistent with comprehensive plan goals and policies;

(e) For proposed amendments regarding a specific parcel or parcels rather than a zone, district or designated area of the city:

(i) Parcel identification number and address of the parcel or parcels;

(ii) Mailing labels of all property owners within 300 feet of the parcel or parcels;

(iii) A legal description of the subject property; and

(iv) Vicinity map;

(f) A completed environmental checklist; and

(g) Other relevant information regarding the proposal.

(3) Fees. As may be established by resolution of the city council.

(4) Staff Report. The designated official shall prepare a written report on each amendment pending before the planning commission. The report shall be transmitted to the planning commission and to the applicant before the public hearing. Each report shall contain:

(a) Any factual findings pertaining to the amendment.

(b) Any comments from city departments or other agencies with jurisdiction.

(c) The environmental assessment, SEPA determination and/or final environmental impact statement.

(d) The staff's recommendation.

(5) Public Hearing by Planning Commission. The planning commission shall hold a public hearing prior to the recommendation for adoption or amendment of any comprehensive plan amendment to the city council. See GFMC 19.04B.405 through 19.04B.460 for hearing procedures and rules.

(6) Adoption by City Council. Amendments to the comprehensive plan shall be adopted by the city council by ordinance after a public hearing on the planning commission's recommendation.

(F) Docket Process. The comprehensive plan shall be amended no more frequently than annually, except that subarea plans may be adopted as amendments at any time. Amendment proposals shall be processed as follows:

(1) The city shall advertise the comprehensive plan amendment docketing process on September 1st, inviting the public to propose amendments by October 31st. The notice shall also state that the city council shall decide which proposed amendments will be carried forward during the current cycle.

(2) At the close of the proposal period, the submittals shall be reviewed by the planning commission and the proposals recommended for further processing sent to the city council. This list will include proposals submitted by city departments, boards and commissions and other agencies as well as private parties.

(3) The city council shall adopt a resolution directing the designated official to proceed with the selected amendments for the current cycle. Proposed amendments that are eliminated from further consideration may be resubmitted in the next cycle. [Ord. 994 § 1, 2020; Ord. 905 § 1 (Att. A), 2016; Ord. 827 §§ 5 – 8, 2012; Ord. 740 § 1 (Exh. A), 2007.]

19.04.140 Comprehensive plan.

(A) Comprehensive Plan Adopted.

(1) Official Document. The Granite Falls comprehensive plan as amended, including land use designation maps, is approved in its entirety as the official land use classification and development guidance document for the city.

(2) Copy Available for Inspection. The adopted Granite Falls comprehensive plan as amended shall be filed with the city clerk and shall be available for public inspection upon its effective date.

(3) Filed with State. The city clerk shall transmit a copy of the comprehensive plan as adopted to the State Department of Community Trade and Economic

Development within 10 days of the effective date of its adoption, and to such other offices and agencies as may be required by law.

(4) Compliance with Plan – Revisions. The planning commission shall be responsible for recommending amendments to the city development regulations to be consistent with the Granite Falls comprehensive plan.

(5) City Planning Boundary. The Granite Falls urban growth area designated in the 2015 and subsequent amendments to the Granite Falls comprehensive plan as approved shall serve as the city's planning boundary until such time as it is amended by the city council. [Ord. 994 § 1, 2020; Ord. 905 § 1 (Att. A), 2016; Ord. 862 § 34, 2013; Ord. 740 § 1 (Exh. A), 2007.]

19.04.150 Developer agreements.

(A) In addition to the provisions of Chapter 19.05 GFMC, the following provisions may be used to set forth binding agreements between the city and project proponents to bind them to specific project requirements:

(1) The city may consider, and enter into, a development agreement related to a project permit application with a person having ownership or control of real property within the city limits. The city may consider a development agreement for real property outside of the city limits but within the urban growth area (UGA) as part of a proposed annexation or a service agreement.

(2) A development agreement shall be consistent with the applicable policies and goals of the Granite Falls comprehensive plan and applicable development regulations.

(B) General Provisions.

(1) As applicable, the development agreement shall specify the following:

(a) Project components which define and detail the permitted uses, residential densities, nonresidential densities and intensities or building sizes;

(b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

(c) Mitigation measures, development conditions and other requirements of Chapter 43.21C RCW;

(d) Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements and other development features;

(e) Provisions for affordable housing, if applicable;

(f) Parks and common open space dedication and/or preservation;

(g) Phasing;

(h) A build out or vesting period for applicable standards; and

(i) Any other appropriate development requirement or procedure which is based upon a city policy, rule, regulation or standard.

(2) As provided in RCW 36.70B.170, the development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

(C) Enforceability. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build out period specified in the agreement. The agreement may not be subject to an amendment to a zoning ordinance or development standard or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. The permit approval issued by the city after the execution of the agreement must be consistent with the development agreement.
(D) Approval Procedure. A development agreement shall be processed in accordance with the procedures established in this UDC. A development agreement shall be approved by resolution or ordinance of the city council after a public hearing, based on the hearing examiner's recommendation.
(E) Form of Agreement – Council Approval – Recording.

(1) Form. All development agreements shall be in a form provided by the city attorney's office. The city attorney shall approve all development agreements for form prior to consideration by the planning commission.

(2) Term. Development agreements may be approved for a maximum period of five years.

(3) Recording. A development agreement shall be recorded against the real property records of the Snohomish County assessor's office. During the term of the development agreement, the agreement is binding on the parties and their successors, including any area that is annexed to the city. [Ord. 994 § 1, 2020; Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007.]

19.04.160 Community facilities district provisions.

(A) Purpose. A community facilities district (CFD) is a special purpose district created to finance and potentially construct local and sub-regional improvements/infrastructure needed to support growth. RCW 36.145.090 designates a CFD as "an independently governed, special purpose district." A CFD provides tax exempt financing which may lower infrastructure costs.
(B) Requirements.

(1) Inclusion in the CFD district is 100 percent voluntary.

(2) CFD property owners pay 100 percent of formation and operations costs associated with the district.

(3) A petition must be accompanied by an "obligation" signed by at least two petitioners who agree to pay the costs of the formation process.

(4) A CFD must be governed by a board of supervisors appointed by each applicable legislative authority within 60 days of formation of the district.

(5) Residents and businesses located outside the CFD boundaries are not subject to assessments.

(6) CFD bonds are secured only by land inside the district.

(7) Improvements must increase property value at least as much as the assessments and assessments must be fairly distributed.

(8) CFD improvements may be financed by the district prior to, during or after completion of improvements.

(9) All improvements must be permitted and approved by the city.

(10) A CFD does not burden municipal finances or debt capacity and is not backed by the credit of the state or city.

(C) Formation of a Community Facilities District.

(1) A petition executed by 100 percent of the property owners within the proposed district including a request to subject their property to the assessments up to the amount included in the petition is filed with the auditor. The petition must be accompanied by an "obligation" signed by at least two petitioners who agree to pay the costs of the formation process.

(2) Petition to form CFD must include a preliminary assessment roll showing the special assessment proposed to be imposed on each lot, tract, parcel or other property and the proposed method or combination of methods for computing special assessments, determining the benefit to assessed property or use from facilities or improvements funded directly or indirectly by special assessments.

(3) The lead auditor has 30 days to confirm that the petition has been validly executed by 100 percent of all owners of the property located within the proposed district.

(4) The auditor must transmit the petition, together with a certificate of sufficiency, to each city petitioned for formation of the district within 10 days of the lead auditor's finding that the petition is complete.

(5) The city gives notice of a public hearing and the community has an opportunity to participate in the public hearing process. The public hearing is held not less than 30 days but not more than 60 days from the date the lead auditor issues the certificate of sufficiency.

(6) The city must find the CFD is "in the best interests of" the city to approve the CFD. A decision must be issued within 30 days of the public hearing.

(7) CFD is final only after the appeal period expires. An appeal must be filed within 30 days of the resolution approving formation of the district.

(8) The CFD is governed by a five-member board of supervisors. The petition nominates two members of the CFD board of supervisors. The city appoints three members of the CFD board of supervisors (either elected officials or qualified representatives).

(D) Board of Supervisors. A CFD must be governed by a board of supervisors appointed by each applicable legislative authority within 60 days of formation of the district.

(1) All members of the board must be natural persons.

(2) All members must serve without compensation but are entitled to expenses, including travel.

(3) The board must designate a chair.

(4) If the proposed district is located entirely within a single jurisdiction, then the board of supervisors consists of three members of the legislative authority of the jurisdiction and two members appointed from among the list of eligible supervisors included in the petition.

(5) If the proposed district is located within unincorporated land that is entirely surrounded by an incorporated city or town, then the board of supervisors consists of two members appointed from county legislative authority, two members

~~appointed from city legislative authority and one member appointed from among the list of eligible supervisors included in the petition.~~

~~(6) The legislative members must be chosen only from among the members of its own governing body.~~

~~(7) Legislative authorities may appoint qualified professionals with expertise in municipal finance in lieu of one or more appointments. A jurisdiction's appointments to the board may consist of a combination of qualified professionals; however, a legislative authority is not authorized to exceed the maximum number of appointments.~~

~~(8) A vacancy on the board must be filled by the legislative authority. Vacancies must be filled by a person in the same position vacating the board, which for initial petitioner members or nominees includes successor owners of property located within the boundaries of the district.~~

~~(9) If an approved district was originally located entirely on unincorporated land and the land has been annexed into a city then, as of the effective date of the annexation, the city is deemed the exclusive legislative authority and the composition of the board must be structured accordingly.~~

~~(E) Special Assessments.~~

~~(1) The term of the special assessment is limited to the lesser of 28 years or two years less than the term of any bonds issued by or on behalf of the district to which the assessments or other revenue of the district is specifically dedicated, pledged, or obligated.~~

~~(2) The CFD board must set a date, time, and place for hearing any objections to the assessment roll which must occur no later than 120 days from final approval of formation of the CFD.~~

~~(3) At the hearing on the assessment roll or within 30 days of the hearing the board may adopt a resolution approving the assessment roll or may correct, revise, raise, lower, change or modify the assessment roll and provide the petitioner with a detailed explanation of the changes made by the board.~~

~~(4) If the assessment role is revised by the board in any way, then, within 30 days of the board's decision, the petitioner must unanimously rescind the petition or accept the changes. Upon acceptance the board must adopt a resolution approving the assessment roll as modified by the board.~~

~~(5) Assessments may not be increased without the approval of 100 percent of the property owners subject to proposed increase, except as provided under Chapter 35.44 RCW.~~

~~(6) The computation of special assessments may provide for the reduction or waiver of special assessments for low-income households as that term is defined is RCW 13.130.010.~~

~~(7) All assessments imposed within the boundaries of the approved district are a lien upon the property from the date of final approval and are paramount and superior to any other lien or encumbrance, except a lien for general taxes.~~

~~(8) Special assessments must be collected by the district treasurer. The district treasurer must establish a CFD fund, into which all district revenues must be paid, and must pay assessment bonds, revenue bonds and the accrued interest thereon~~

~~in accordance with their terms when interest or principal payments become due. [Ord. 994 § 1, 2020; Ord. 905 § 1 (Att. A), 2016; Ord. 862 § 30, 2013.]~~

Edits to Chapter 19.04A

Table 19.04A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre-Application Meeting	Public Meeting/ Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non-City or Judicial Appeal
Type I:								
Grading permit and sign permit	No	No	No	No	DO	HE	No	Yes
Home occupation permit and day care facilities	No	No	No	No	DO	HE	No	Yes
Accessory dwelling unit	No	No	No	No	DO	HE	No	Yes
Parcel combination	No	No	No	No	DO	HE	No	Yes
Boundary line adjustment	No	No	No	No	DO	HE	No	Yes
Administrative deviation, modifications, and interpretation	No	No	No	No	DO	HE	No	Yes
Floodplain development permit	No	No	No	No	DO	HE	No	Yes
Small cell WCF; co-located WCF; minor modifications	No	No	No	No	DO	HE	No	Yes
Temporary permits	No	No	No	No	DO	HE	No	Yes
Change of use	No	No	No	No	DO	HE	No	Yes
Final Short Plat	No	No	No	No	DO	HE	No	Yes
Minor amendments to administratively approved permits	No	No	No	No	DO	HE	No	Yes
Type II:								
Flood hazard variance*	14-day NOA or NOH	No	No	No	DO *	HE	No	Yes
Sensitive area reasonable use allowance*	15-day NOA or NOH	No	No	No	DO *	HE	No	Yes

Table 19.04A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre-Application Meeting	Public Meeting/ Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non-City or Judicial Appeal
Short plat	15-day NOA	DO	No	No	DO and PWD	HE	No	Yes
Binding site plan	10-day NOA	DO	No	No	DO	HE	No	Yes
Site plans	15-day NOA	DO	Yes	No	DO	HE	No	Yes
Shoreline substantial development permit	30-day NOA 15-day NOH	No	No	No	DO	HE	No	Yes
Plat alterations to subdivision and PRDs	10-day NOA	DO	No	No	DO	HE	No	Yes
Plat Vacations	10-day NOA							
SEPA determination	14 days (post determination)	No	No	No	DO	HE	No	Yes
Concurrency evaluation	None	No	No	No	DO	HE	No	No
Administrative conditional use and variances	15-day NOA	DO	No	No	DO	HE	No	Yes
Final plat	10-day NOA	No	No	No	CC	No	No	Yes
Minor Amendments to Type III permits	10-day NOA	No	No	NO	DO	HE	No	Yes
Type III:								
Conditional use permit and Variances	15-day NOA 10-day NOH	No	No	HE	HE	No	No	Yes
Preliminary plat	15-day NOA 10-day NOH	DO	PC	HE	HE	No	No	Yes
Shoreline CUP	30-day NOA plus 15-day NOH	No	No	HE	HE	No	No	Yes
Shoreline variance	30-day NOA plus 15-day NOH	No	No	HE	HE	No	No	Yes
WCF: Monopole	15-day NOH	DO	PC	HE	HE	No	No	Yes
WCF: Small cell architectural design deviation request	15-day NOH	DO	PC	HE	HE	No	No	Yes

Table 19.04A-I: Classification of Permits and Decisions

Type of Application	Public Comment/Notice Period	Pre-Application Meeting	Public Meeting/ Recommendation	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal	Non-City or Judicial Appeal
Official site plan for manufactured home parks, PRD, and Residential Condominiums	15-day NOA 10-day NOH	DO	PC	HE	HE	No	No	Yes
Day care centers	15-day NOA 10-day NOH	DO	No	HE	HE	No	No	Yes
Major Amendments to Type III permits	15-day NOA 10-day NOH	DO	No	HE	HE	No	No	Yes
Type IV:								
Comprehensive plan amendment	NOA 10-day NOH	None	Yes	PC++	PC recommendation** 10-day NOH	No	No	Yes
Development regulations amendments	NOA 10-day NOH	None	No	PC++	PC recommendation** CC decision**	No	No	Yes
Annexation	15-day NOA 10-day NOH	DO, CE	No	CC/SCBRB	CC/SCBRB	No	No	Yes
~~Final plat~~	~~10-day NOA~~	~~No~~	~~No~~	~~No~~	~~CC~~	~~No~~	~~No~~	~~Yes~~
Vacations of streets and alleys	10-day NOH	CE	No	CC	CC	No	No	Yes
Development agreement***	10-day NOH	No	No	CC	CC	No	No	Yes
Zoning map amendment	10-day NOH	DO	No	PC	CC	No	No	Yes

CC City Council

CE City Engineer

PC Planning Commission.

HE Hearing Examiner

DO Designated Official

SCBRB Snohomish County Boundary Review Board

NOH Notice of Hearing (per GFMC 19.04A.260)

NOA Notice of Application (per GFMC 19.04B.225)

PWD Public Works Director

WCC Wireless Communications Facilities

* The designate official shall have the option of referring the application to the hearing examiner for a public hearing and decision. In this case, an appeal of the hearing examiner's decision shall be heard in a closed record appeal as a judicial appeal.

** Either the planning commission or the city council may opt to hold one or more workshops or joint workshops on an application.

*** Planning commission review is not required for this type of action. City council will be the sole reviewing body.

++ The city council may opt to hold the required public hearing(s).

Edits to Chapter 19.04B

19.04B 150 Modification or addition to an approved project or decision.
Modifications or additions to approved projects or decisions shall be processed ~~in accordance with the applicable code section~~ pursuant to Section 19.04C.015. Administrative Modifications. [Ord. 994 § 3, 2020.]

19.04B.260 Modification or addition to an approved project or decision.
Modifications or additions to approved projects or decisions shall be processed ~~in accordance with the applicable code section~~ pursuant to Section 19.04C.015. Administrative Modifications. [Ord. 994 § 3, 2020.]

19.04B.375 Modification or addition to an approved project or decision.
Modifications or additions to approved projects or decisions shall be processed ~~in accordance with applicable code section~~ pursuant to Section 19.04C.015. Administrative Modifications. [Ord. 994 § 3, 2020.]

19.04B.420 Initiation of amendments.
Type IV applications may be initiated in accordance with GFMC ~~19.04.130(D)(1)~~ 19.04C.035(B)(1).

Chapter 19.04C
LAND USE ACTIONS, PERMITS AND DETERMINATIONS - DECISION CRITERIA AND STANDARDS

Sections:

19.04C.005 Purpose.

The purposes of this chapter are to allow for consistent evaluation of land use applications and to protect nearby properties and community from the possible effects of such applications by:

(A) Providing clear criteria on which to base a decision;

(B)Recognizing the effects of unique circumstances upon the development potential of a property;

(C) Avoiding the granting of special privileges;

(D) Avoiding development which may be unnecessarily detrimental to neighboring properties and community;

(E) Requiring that the design, scope and intensity of development is in keeping with the physical aspects of a site and adopted land use polices for the area; and

(F) Providing criteria which emphasize protection of the general character of neighborhoods.

19.04C.010 Administrative conditional uses.

(A) An administrative conditional use permit is a mechanism by which the City may place special conditions on the use or development of property to ensure that new development is compatible with surrounding properties and achieves the intent of the Comprehensive Plan. This section applies to each application for an administrative conditional use and to uses formerly identified as special uses.

(B) Procedure. Administrative conditional uses shall follow the procedures established in Chapter 19.04B for a Type II permit process, which requires public notice.

(1) The Designated Official may approve, approve with conditions, or deny an administrative conditional use permit.

(2) When an application is submitted together with another permit application requiring a decision by the Hearing Examiner, the administrative conditional use permit shall be processed concurrently with the other application and the Hearing Examiner shall make the decision on the administrative conditional use using a Type III process.

(C) Decision Criteria. The Designated Official may impose conditions to ensure the approval criteria are met. The Designated Official may grant approval for an administrative conditional use when all the following criteria are met:

(1) The proposal is consistent with the Comprehensive Plan;

(2) The proposal complies with applicable requirements for the use set forth in this title;

(3) The proposal is not materially detrimental to uses or property in the immediate vicinity; and

(4) The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and the immediate vicinity.

(D) Revision of Administrative Conditional Use Permits. Revisions of previous permit approvals are allowed pursuant to Section 19.04C.015, Administrative Modifications.

(E) Vacation of Administrative Conditional Use Permit. A landowner request for vacation of an administrative conditional use permit shall be conducted in accordance with Section 19.04A.240. Any administrative conditional use permit issued pursuant to this section, or any special use permit issued previously, may be vacated at the request of the current landowner upon City approval provided:

(1) The use authorized by the permit does not exist and is not actively being pursued; or

(2) The use has been terminated and no violation of the terms and the conditions of the permit exists.

(F) Review or Revocation of Permit. The Designated Official shall have jurisdiction to review and modify or revoke all administrative conditional uses. Any review or revocation proceeding shall be conducted in accordance with Section 19.04A.255.

(G) Transfer of Ownership. An approved administrative conditional use permit runs with the land and compliance with the conditions of any such permit is the responsibility of the current owner of the property.

19.04C.015 Administrative modifications.

(A) This section governs requests to modify any final approval granted pursuant to this title, excluding all approvals granted by passage of an ordinance or resolution of the City Council and requests to revise a recorded plat governed by Chapter 19.05.

(B) Procedure. Applications that seek administrative modification that meet the criteria below shall follow the procedures established in Chapter 19.04B for a Type I permit process.

(C) Decision Criteria.

(1) The Designated Official may determine that an addition or modification to a previously approved project or decision will require review as a new application rather than an administrative modification, if it exceeds the criteria in subsection (C)(2) of this section. If reviewed as a new application rather than an administrative modification, the modification shall be reviewed by the same body that reviewed the original application. The criteria for approval of such a modification shall be those criteria governing original approval of the permit which is the subject of the proposed modification.

(2) A proposed modification or addition will be decided as an administrative modification, if the modification meets the following criteria:

(a) No new land use is proposed;

(b) A change to a condition of approval does not modify the intent of the original condition.

(c) No increase in density, number of dwelling units or lots is proposed;

(d) No changes in location or number of access points are proposed;

(e) Minimal reduction in the amount of landscaping is proposed;

(f) Minimal reduction in the amount of parking is proposed;

(g) The total square footage of structures to be developed is the lesser of 10 percent or 6,000 gross square footage; and

(h) Minimal increase in height of structures is proposed to the extent that additional usable floor space will not be added exceeding the amount established in subsection (C)(2)(f) of this section.

19.04C.020 Conditional use permit.

(A) Purpose.

(1) The purpose of this section is to establish decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. Conditional uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the comprehensive plan, adjacent uses, and the character of the vicinity.

(2) Conditional uses will be subject to review by the city and the issuance of a conditional use permit. This process allows the city to:

(a) Determine whether these uses will be incompatible with uses permitted in the surrounding areas; and

(b) Make further stipulations and conditions that may reasonably assure that the basic intent of this UDC will be served.

(B) Hearing Examiner Decision. The hearing examiner shall review conditional use permits in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit based on findings of compliance or noncompliance with subsection (C) of this section. The hearing examiner may modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit.

(C) Required Criteria and Findings. A conditional use permit may be approved only if the applicant can adequately demonstrate on the record:

(1) That the granting of the proposed conditional use permit will not:

(a) Be detrimental to the public health, safety, and general welfare;

(b) Adversely affect the established character of the surrounding vicinity; nor

(c) Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

(2) That the granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.

(3) That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

(4) That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.

(5) That the conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

(6) That the level of service standards for public facilities and services are met in accordance with the concurrent management requirements. See Chapter 19.12 GFMC.

(D) Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection (C) of this section.

(E) Application. Submittal of an application for a conditional use permit shall include:

(1) A completed application form.

(2) A base map showing property boundary lines, existing lots, tracts, utility or access easements and streets, topography, existing development features, water bodies, wetlands and buffers, and flood-prone areas.

(3) A legal description and vicinity map of the property.

(4) A site plan showing the location and ground elevation of any proposed structures, parking areas, common use areas, landscaping, utilities, grading and drainage, mitigation for critical area impacts, fences and other proposed features. (If easements or covenants are proposed, their location and design must be shown.)

(5) Mailing labels of all property owners within 300 feet of the project site.

(6) A written statement addressing the decision criteria (see subsection (C) of this section) and any other information required by the city.

19.04C.025 Change of use.

(A) This section governs requests for substantial change of the use of a structure or property.

(B) Procedure. Change of use applications are reviewed under a Type I review pursuant to Chapter 19.04B.

(C) A change in the status of property from unoccupied to occupied or vice versa does not constitute a substantial change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any

intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.

(D) A substantial change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

(E) A substantial change in use of property occurs whenever a new use or activity conducted on a lot creates a more intensive impact to the site in question or to the infrastructure of the City than the previous use, as determined by the Designated Official. This occurs whenever:

(1) If the original use is a combination use, the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned residential development use changes to such an extent that the parking requirements for the overall use are altered.

(2) If the original use is a combination use and the mixture of types of individual principal uses that comprise the combination use or planned neighborhood development use changes.

(3) If the original use is residential development and the relative proportions of different types of dwelling units change.

(4) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use) and that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business) causing site impacts that are more intensive.

(F) Decision Criteria. A determination of whether to approve a substantial change of use shall include review of, but not be limited to, the following:

(1) Hours of operation;
(2) Materials processed or sold;
(3) Required parking;
(4) Traffic generation;
(5) Impact on public utilities;
(6) Clientele; and
(7) General appearance and location.

19.04C.030 Code Interpretations.

(A) This chapter is intended to provide a process for administrative interpretation of the provisions of this title. Code interpretations:

(1) Clarify ambiguous provisions of the code applied to a specific project;
(2) Determine nonconforming rights;
(3) Determine whether a use is allowed in a particular zone; and
(4) Interpret the meaning of terms.

(B) Request for Code Interpretation. Any person may submit a written request for a code interpretation to the Designated Official, or the Designated Official may issue a code interpretation on the Designated Official's own initiative. A filing fee may be required for each request for an interpretation. At a minimum, a request for a code interpretation shall include:

(1) The provision of this title for which an interpretation is requested;
(2) Why an interpretation of the provision is necessary; and
(3) Any reason or material in support of a proposed interpretation.

(D) Interpretation Procedure.

(1) The Designated Official is authorized to interpret the zoning map and this title. The Public Works Director is authorized to interpret specific sections of this title related to transportation facilities and utilities.
(2) The Designated Official shall mail a written interpretation to any person filing a request for a code interpretation.
(3) Written interpretations may be appealed to the Hearing Examiner.

(E) Code Interpretations Specific to a Project.

(1) Only an applicant for a project may request an interpretation relating to a specific project. At the time of making the request, the applicant shall elect to have the request processed as a separate Type I application or in conjunction with the underlying application.
(2) Persons other than the applicant may not request a project-related interpretation pursuant to this chapter, but may appeal to challenge the department's interpretation of the code or submit comments as a party of record in conjunction with the underlying application.

(F) Code Interpretation - Decision of the Designated Official.

(1) Only one interpretation per issue shall be rendered by the Designated Official. In the event an interpretation is requested on an issue previously addressed, the Designated Official shall provide a copy of the previous interpretation to satisfy the request.
(2) An interpretation issued pursuant to this chapter shall have the same effect and be enforceable as a provision of this title.

(G) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;
(2) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries;
(3) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;
(4) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map; and
(5) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

(H) A copy of all issued interpretations shall be on file at City Hall.

19.04C.035 Amendments.

(A) Purpose. The purpose of this section is to define types of amendments to the development regulations, comprehensive plan, and other official controls and to identify procedures for those actions. Amendments to the comprehensive plan and development regulations are legislative functions separate from any permit process otherwise set forth in this section.

(B) Development Regulations and Other Official Controls. This section is intended to provide the method for adopting amendments to the text and official map of the city's development regulations and other official controls. Requests to change a regulatory zone affecting a parcel of land, or portion of a lot, are processed under this section.

(1) Initiation of Amendment. An amendment to the zoning code or other official controls may be initiated by:

(a) The city council;

(b) The planning commission;

(c) The city-designated official;

(d) One or more property owners directly affected by a proposal through the submittal to the city of an application and fee as set forth in subsections (D)(2) and (3) of this section;

(e) Citizen advisory committees or organizations through the submittal to the city of an application and fee as set forth in subsections (D)(2) and (3) of this section.

(2) Application Required. A zoning code amendment application is required to formally request a change to the regulations and standards in this UDC. A zoning map amendment (rezone) application is subject to the requirements of GFMC 19.04C.070. All zoning map amendment (rezone) applications must be accompanied by a comprehensive plan amendment application in compliance with subsection (C) of this section. Applications shall include:

(a) A completed zoning code or zoning map amendment application form;

(b) Property owners' and agents' names, addresses, and other contact information;

(c) Reason for the requested change;

(d) Statement of how the proposed amendment is consistent with comprehensive plan goals and policies;

(e) For proposed amendments regarding a specific parcel or parcels rather than a zone, district or designated area of the city;

(i) Parcel identification number and address of the parcel or parcels;

(ii) Mailing labels of all property owners within 300 feet of the parcel or parcels;

(iii) A legal description of the subject property; and

(iv) Vicinity map;

(f) A completed environmental checklist; and

(g) Other relevant information regarding the proposal.

(3) Fees. As may be established by resolution of the city council.

(4) Staff Report. The designated official shall prepare a written report on each amendment pending before the planning commission. The report shall be transmitted to the planning commission and to the applicant before the public hearing. Each report shall contain:

(a) Any factual findings pertaining to the amendment.

(b) Any comments from city departments or other agencies with jurisdiction.

(c) The environmental assessment, SEPA determination and/or final environmental impact statement.

(d) The designated official's recommendation.

(5) Public Hearing by Planning Commission. The city shall give notice and the planning commission shall hold a public hearing prior to the recommendation for adoption or amendment of any official control to the city council. See GFMC 19.04B.405 through 19.04B.460 for hearing procedures and rules.

(6) Adoption by City Council. Amendments to the development regulations or other official controls shall be adopted by the city council by ordinance after a public hearing on the planning commission's recommendation.

(C) Comprehensive Plan. This section is intended to provide the method for adopting amendments to the text and official maps of the city's comprehensive plan. Comprehensive plan amendments may include, but are not limited to, policy changes; land use designation changes; level of service standard changes; addition of new analyses; addition of new elements; or other changes that are mandated by state law or determined to be in the interest of the city. GFMC 19.04C.040 describes the adopted comprehensive plan.

(1) Initiation of Amendment. Pursuant to the docketing process set forth under subsection (F) of this section, an amendment to the comprehensive plan may be initiated by:

(a) The city council requesting the planning commission to set the matter for hearing and recommendations;

(b) The planning commission with the concurrence of the designated official;

(c) The city designated official;

(d) One or more property owners directly affected by a proposal through the submittal to the city of an application and fee as set forth in subsections (C)(2) and (3) of this section;

(e) Citizen advisory committees or organizations through the submittal to the city of an application and fee as set forth in subsections (C)(2) and (3) of this section.

(2) Application Required. Application for a change to the comprehensive plan shall include:

(a) A completed application form;

(b) Property owners' and agents' names, addresses, and other contact information;

(c) Reasons for the requested change;

(d) Statement of how the proposed amendment is consistent with comprehensive plan goals and policies;

(e) For proposed amendments regarding a specific parcel or parcels rather than a zone, district or designated area of the city:

(i) Parcel identification number and address of the parcel or parcels;

(ii) Mailing labels of all property owners within 300 feet of the parcel or parcels;

(iii) A legal description of the subject property; and

(iv) Vicinity map;

(f) A completed environmental checklist; and

(g) Other relevant information regarding the proposal.

(3) Fees. As may be established by resolution of the city council.

(4) Staff Report. The designated official shall prepare a written report on each amendment pending before the planning commission. The report shall be transmitted to the planning commission and to the applicant before the public hearing. Each report shall contain:

(a) Any factual findings pertaining to the amendment.

(b) Any comments from city departments or other agencies with jurisdiction.

(c) The environmental assessment, SEPA determination and/or final environmental impact statement.

(d) The staff's recommendation.

(5) Public Hearing by Planning Commission. The planning commission shall hold a public hearing prior to the recommendation for adoption or amendment of any comprehensive plan amendment to the city council. See GFMC 19.04B.405 through 19.04B.460 for hearing procedures and rules.

(6) Adoption by City Council. Amendments to the comprehensive plan shall be adopted by the city council by ordinance after a public hearing on the planning commission's recommendation.

(D) Docket Process. The comprehensive plan shall be amended no more frequently than annually, except that subarea plans may be adopted as amendments at any time. Amendment proposals shall be processed as follows:

(1) The city shall advertise the comprehensive plan amendment docketing process on September 1st, inviting the public to propose amendments by October 31st. The notice shall also state that the city council shall decide which proposed amendments will be carried forward during the current cycle.

(2) At the close of the proposal period, the submittals shall be reviewed by the planning commission and the proposals recommended for further processing sent to the city council. This list will include proposals submitted by city departments, boards and commissions and other agencies as well as private parties.

(3) The city council shall adopt a resolution directing the designated official to proceed with the selected amendments for the current cycle. Proposed amendments that are eliminated from further consideration may be resubmitted in the next cycle.

19.04C.040 Comprehensive plan.

(A) Comprehensive Plan Adopted.

(1) Official Document. The Granite Falls comprehensive plan as amended, including land use designation maps, is approved in its entirety as the official land use classification and development guidance document for the city.

(2) Copy Available for Inspection. The adopted Granite Falls comprehensive plan as amended shall be filed with the city clerk and shall be available for public inspection upon its effective date.

(3) Filed with State. The city clerk shall transmit a copy of the comprehensive plan as adopted to the State Department of Community Trade and Economic

Development within 10 days of the effective date of its adoption, and to such other offices and agencies as may be required by law.

(4) Compliance with Plan – Revisions. The planning commission shall be responsible for recommending amendments to the city development regulations to be consistent with the Granite Falls comprehensive plan.

(5) City Planning Boundary. The Granite Falls urban growth area designated in the 2015 and subsequent amendments to the Granite Falls comprehensive plan as approved shall serve as the city's planning boundary until such time as it is amended by the city council.

19.04C.045 Developer agreements.

(A) The following provisions may be used to set forth binding agreements between the city and project proponents to bind them to specific project requirements:

(1) The city may consider, and enter into, a development agreement related to a project permit application with a person having ownership or control of real property within the city limits. The city may consider a development agreement for real property outside of the city limits but within the urban growth area (UGA) as part of a proposed annexation or a service agreement.

(2) A development agreement shall be consistent with the applicable policies and goals of the Granite Falls comprehensive plan and applicable development regulations.

(B) General Provisions.

(1) As applicable, the development agreement shall specify the following:

(a) Project components which define and detail the permitted uses, residential densities, nonresidential densities and intensities or building sizes;

(b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

(c) Mitigation measures, development conditions and other requirements of Chapter 43.21C RCW;

(d) Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements and other development features;

(e) Provisions for affordable housing, if applicable;

(f) Parks and common open space dedication and/or preservation;

(g) Phasing;

(h) A build out or vesting period for applicable standards; and

(i) Any other appropriate development requirement or procedure which is based upon a city policy, rule, regulation or standard.

(2) As provided in RCW 36.70B.170, the development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

(C) Enforceability. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement,

or for all or that part of the build out period specified in the agreement. The agreement may not be subject to an amendment to a zoning ordinance or development standard or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. The permit approval issued by the city after the execution of the agreement must be consistent with the development agreement.
(D) Approval Procedure. A development agreement shall be processed in accordance with the procedures established in this UDC. A development agreement shall be approved by resolution or ordinance of the city council after a public hearing, based on the hearing examiner's recommendation.
(E) Form of Agreement – Council Approval – Recording.

(1) Form. All development agreements shall be in a form provided by the city attorney's office. The city attorney shall approve all development agreements for form prior to consideration by the planning commission.

(2) Term. Development agreements may be approved for a maximum period of five years.

(3) Recording. A development agreement shall be recorded against the real property records of the Snohomish County assessor's office. During the term of the development agreement, the agreement is binding on the parties and their successors, including any area that is annexed to the city.

19.04C.050 Annexations.
(A) General Requirements. Annexations will be considered and processed according to the applicable state regulations (RCW 35A.14.420 through 35A.14.450).
(B) Concurrent Adoption of Appropriate Land Use Designation and Zone Upon Annexation. All annexations shall be enacted with the land use designation in the comprehensive plan future land use map and the corresponding zoning designation.

19.04C.055 Variances.
(A) Purpose. The purpose of this section is to provide a means of altering the requirements of this UDC in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties within the identical regulatory zone because of special features or constraints unique to the property involved.
(B) Granting of Variances. The city shall have the authority to grant a variance from the provisions of this UDC when, in the judgment of the hearing examiner, the conditions as set forth in subsection (C) of this section have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this UDC so that the spirit of this UDC shall be observed, public safety and welfare secured, and substantial justice done.
(C) Decision Criteria. Before any variance may be granted, it shall be shown:

(1) That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;

(2) That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity

and zone but which because of special circumstances is denied to the property in question;

(3) That the granting of such variance will not be materially detrimental to the public health, safety, and welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;

(4) The need for the variance is not the result of deliberate actions of the applicant or property owner;

(5) The variance does not relieve an applicant from any of the procedural provisions of the UDC;

(6) The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;

(7) The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;

(8) The variance does not allow the creation of lots or densities that exceed the base residential density for the zone;

(9) The variance is the minimum necessary to grant relief to the applicant;

(10) The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and

(11) That the granting of such variance will not adversely affect the comprehensive plan.

(D) Conditions of Variances. When granting a variance, the hearing examiner shall determine that the circumstances do exist as required by subsection (C) of this section, and attach specific conditions to the variance which will serve to accomplish the standards, criteria, and policies established by this UDC.

(E) Application. Submittal of an application for a variance shall include:

(1) A completed application form;

(2) A site plan showing all information relevant to the request including but not limited to: location of existing and proposed structures, roads, property lines, parking areas, landscaping and buffers;

(3) Mailing labels of all property owners within 300 feet of the project site;

(4) A written statement addressing the decision criteria and any other information required by the city at the preapplication meeting.

19.04C.060 Temporary uses/temporary housing units.

(A) Purpose. The purpose of this section is to establish allowed temporary uses and structures, and provide standards and conditions for regulating such uses and structures.

(B) Standards.

(1) Temporary Construction Buildings. Temporary structure for the storage of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects, and shall be abated within 30 days after completion of the project or 30 days after cessation of work or for a period not to exceed the duration of the building permit, whichever is greater.

(2) Temporary Construction Signs. Signs identifying persons engaged in construction on a site shall be permitted as long as construction is in progress, but

not to exceed a six-month period; provided, that at any time the removal is required for a public purpose, said signs shall be removed at no expense to the city or other public agency.

(3) Temporary Real Estate Office. One temporary real estate sales office may be located on any new subdivision in any zone, provided the activities of such office shall pertain only to the selling of lots within the subdivision upon which the office is located; and provided further, that the temporary real estate office shall be removed at the end of a 12-month period, measured from the date of the recording of the map of the subdivision upon which such office is located or at the time specified by the city council.

(4) Construction Temporary Housing Unit. A "construction temporary housing unit" is a recreational vehicle, single-wide mobile home or manufactured home that may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent dwelling on the same lot or tract, provided:

(a) The unit is removed from the site within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

(b) The mobility gear is not removed from the unit and the unit is not permanently affixed to the site on which it is located.

(c) The unit is not located in any required front or side yard.

(d) A temporary permit is issued by the building department prior to occupancy of the unit on the construction site.

(5) Public Facility Temporary Housing Unit. A "public facility temporary housing unit" is a single-wide mobile home or manufactured home to be used at public schools, fire stations, and parks for the purpose of providing on-site security, surveillance, and improved service at public facilities, provided:

(a) The public facility requesting the housing unit shall submit to the city an affidavit showing need for the unit.

(b) The mobility gear is not removed from the unit and the unit is not permanently affixed to the site where it is located.

(c) The unit is not located in any required front or side yards or designated open space.

(d) Prior to the issuance of a temporary permit, the site shall be reviewed by the Snohomish County health department to determine additional requirements for water supply and/or septic waste disposal or adequacy of existing utilities.

(e) In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the security unit, the city may require the unit be located so as to take advantage of the natural growing material available to screen said unit from adjacent properties.

(f) The temporary building permit shall be valid until a permanent facility is incorporated into the public use, or the need for the temporary housing unit no longer exists; at such time, the temporary unit shall be removed.

(g) The building permit shall be renewed annually, subject to the continued justification of conditions.

(6) Emergency Temporary Housing Unit. An "emergency temporary housing unit" is a recreational vehicle, single-wide mobile home or manufactured home which may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to house persons or families whose permanent home has been destroyed or damaged by a disaster until replacement housing has been located or constructed.

(7) Emergency Temporary Housing Permitted. Emergency temporary housing units are permitted in all zones as follows:

(a) Permit. An emergency temporary housing permit for a temporary housing unit may be issued by the city if the applicant can satisfy the criteria set forth in the definition of temporary housing.

(b) Minimum Standards. The following are the minimum standards applicable to temporary housing units. Applications for a reduction of these standards may only be granted by the planning commission or hearing examiner through the variance procedures set forth in GFMC 19.05.050.

(i) A temporary housing unit shall be used and occupied solely in accordance with the provisions set forth in this subsection (B)(7).

(ii) The mobility and towing gear of the mobile home shall not be removed and the temporary housing unit shall not be permanently affixed to the land, except for temporary connections to utilities necessary to service the temporary unit. In the event the health department requires the installation of separate water supply and/or sewerage disposal systems, said requirements shall not at a later time constitute grounds for the continuance or permanent location of a temporary housing unit beyond the length of time authorized in the permit of renewal of said permit.

(iii) The temporary housing unit shall not be located in any required yard or open space required by this UDC, nor shall the unit be located closer than 20 feet nor more than 100 feet from the principal dwelling on the same lot.

(iv) In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the temporary housing unit, the city may require the temporary housing unit to be located so as to take advantage of the natural growing material available on the site to screen said unit from adjacent property.

(v) Prior to the issuance of a temporary housing permit, the city shall review the application and may require the installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit.

(c) Renewals. Temporary housing permits shall be valid for one year; provided, that annual renewals may be obtained upon confirmation by affidavit from the applicant that the requirements specified herein are satisfied. Application for renewals must be made 60 days before the expiration of the current permit. Renewals of said permits shall be automatically granted if the

applicant is in compliance with the provisions herein and no notice of such renewal is required. The temporary housing unit shall be removed from the lot or tract of land not more than 30 days from the date the temporary permit expires or occupancy ceases.

(d) Grandfather Clause. Permitted temporary housing units pursuant to prior regulations may continue to exist upon the same standards and criteria as said permit was issued and all renewals shall be based on the same criteria that the initial permit was granted. Upon the termination of occupancy any time during the life of the permit, the temporary housing unit permit shall terminate and the mobile home must be removed within 30 days.

19.04C.065 Home occupations.

(A) Purpose. The purpose of this section is to provide standards which allow a resident of a single-family dwelling to operate a limited activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values and preserving environmental quality.

(B) Applicability. Home occupations are only permitted in the R-2.3, R-9,600, R-7,200, MR, and DT-2,500 zones.

(C) Exemptions.

(1) Home-based day care provisions are stated in GFMC 19.06.080.

(2) Temporary lodging facilities (lodging house), including bed and breakfast inns and boarding/rooming homes, are exempt from the regulations of this section.

(D) Performance Standards.

(1) Intent. It is the intent of this subsection to provide performance standards for home occupation activities, not to create a specific list of every type of possible home-based business activity. The following performance standards prescribe the conditions under which home occupation activities may be conducted when incidental to a residential use. Activities which exceed these performance standards should refer to this section to determine the appropriate commercial, industrial, civic, or office use category which applies to the activity.

(2) General Provisions. The following general provisions shall apply to all home occupation activities:

(a) The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood;

(b) External alteration inconsistent with the residential character of the structure is prohibited;

(c) Use of hazardous materials or equipment must comply with the requirements of the International Building Code and the International Fire Code;

(d) The activity does not create noticeable glare, noise, odor, vibration, smoke, dust or heat at or beyond the property lines;

(e) Use of electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited;

(f) Manufacturing shall be limited to the small-scale assembly of already manufactured parts, but does not preclude production of small, individually handcrafted items, furniture or other wood items as long as the activity meets the other standards of this chapter;
(g) Customers/clients are prohibited on the premises prior to 6:30 a.m. and after 7:30 p.m.;
(h) Sales in connection with the activity are limited to merchandise handcrafted on site or items accessory to a service (e.g., hair care products for beauty salon);
(i) In addition to the single-family parking requirements, off-street parking associated with the activity shall include one additional space in accordance with standards set forth in GFMC 19.06.050 (A)(3)(a);
(j) Only the resident can perform the activity; nonresident employees are prohibited;
(k) The activity shall be limited to an area less than 500 square feet or a size equivalent to 50 percent of total floor area of the living space within the residence, whichever is less;
(l) One vehicle, up to 10,000 pounds gross vehicle weight, is permitted in connection with the activity;
(m) The activity shall be performed completely inside the residence, an accessory structure or a combination of the two;
(n) There shall be no outside display or storage of materials, merchandise, or equipment;
(o) Approval. A home occupation permit is a Type 1 permit subject to administrative approval by the city's designated official. See Table 2, GFMC 19.04A.210(D).

19.04C.070 Rezones – Official zoning map amendments.

(A) The purpose of this section is to set forth criteria for amendments to the Official Zoning Map, adopted pursuant to Section 19.03.020.

(B) Types of Rezones and Map Amendments. Rezones are either site-specific or area-wide. Map amendments are considered major if they rezone five or more tracts of land in separate ownership or any parcel of land, regardless of the number of lots or owners, in excess of 50 acres. All other map amendments are minor.

(1) Site-specific rezones are rezones of a particular property(ies) which conform to the Comprehensive Plan or an adopted subarea plan.

(2) Area-wide rezones are rezones which require a Comprehensive Plan amendment, include a large area, or the adoption of a new or substantially revised neighborhood or area-wide zoning map amendment.

(C) Procedure. A site-specific rezone shall be reviewed in the manner and following the procedures established in Chapters 19.04A and 19.04B for a Type IV review and require a concurrent amendment to the Comprehensive Plan. An area-wide rezone shall be reviewed in the manner and following the procedures for a Type IV review and require a concurrent amendment to the Comprehensive Plan.

(D) Initiation of Amendments.

(1) Amendments to the Official Zoning Map may be initiated by the City Council, the Planning Commission, or the City Administration.

(2) Any other person may also petition the Designated Official to amend the Official Zoning Map. The petition shall be filed with the City Clerk and shall include:

(a) The name, address, and phone number of the applicant;

(b) A description of all land proposed to be rezoned including a map highlighting the specific parcels; and

(c) A rationale for the proposed map changes.

(E) Upon receipt of a petition, the Designated Official will determine if the proposed zoning map amendments meet the decision criteria in subsection (G) of this section and shall either:

(1) Refer the proposed amendment to the Planning Commission for a site-specific rezone for a recommendation to Council; or

(2) Refer the proposed amendment to the Planning Commission for an areawide rezone for a recommendation to Council.

(F) Special Application Requirements for Site-Specific Rezones.

(1) No application shall be filed or accepted for filing which on its face will not comply with the Granite Falls Comprehensive Plan or an adopted subarea plan.

(2) No application without signatures of owners representing 75 percent of the area proposed for rezone shall be filed or accepted for filing.

(G) Decision Criteria. The following factors are to be taken into account by the Planning Commission and the City Council when considering a map amendment:

(1) The amendment complies with the Comprehensive Plan Land Use Map, policies, and provisions and adopted subarea plans;

(2) The amendment is in compliance with the Growth Management Act;

(3) The amendment serves to advance the public health, safety and welfare;

(4) The amendment is warranted because of changed circumstances, a mistake, or because of a need for additional property in the proposed zoning district;

(5) The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district;

(6) The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;

(7) Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;

(8) The probable adverse environmental impacts of the types of development allowed by the proposed zone can be mitigated, taking into account all applicable regulations, or the unmitigated impacts are acceptable;

(9) The amendment complies with all other applicable criteria and standards in this title; and

(10) If the proposal is located within an adopted subarea plan:

(i) The rezone is to a zoning designation allowed within the applicable subarea; and

(ii) The rezone does not increase the established intensities adopted as part of the planned action ordinance or mitigates increased or additional impacts by supplementing, amending or addending the applicable planned action draft and final environmental impact statement.

(H) Approval. All amendments shall be approved by ordinance by the Granite Falls City Council.
(I) Withdrawal. Any application for a site-specific rezone may be withdrawn upon the written request of any one of the property owners who signed the application, if the remaining owners do not own 75 percent of the area.
(J) Reapplication after Denial without Prejudice. After the Council's final action denying a rezone, no further rezone action involving substantially the same property shall be requested for at least one year. If the Council finds that extraordinary circumstances exist, or that the request might deserve approval in the near future, but not at the present time, then the rezone may be denied without prejudice. In such a case, if the rezone request is reactivated in writing by the applicant within six months, and is reheard within nine months of the date of the original action, then the original case file and number shall be used and the rezone fee shall be waived.
(K) Review or Revocation of Approval. Rezones and any concurrent or subsequent approvals issued pursuant to this chapter may be reviewed or revoked in accordance with Section 19.04A.255.

19.04C.075 Site plan review.
(A) The intent of this section is to establish procedures for reviewing site plans submitted as part of permit applications. All proposals for new multifamily residential, mixed use, commercial, or industrial development shall be subject to site plan application and review. Binding site plans are reviewed under Sections 19.05.200. The purpose of the site plan review process is to determine compliance with the City's applicable development regulations and Comprehensive Plan provisions and to ensure the following have been achieved:

(1) To coordinate the proposal, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known or anticipated right-of-way and other public projects within the area;
(2) To encourage proposals that embody good design principles that will result in high quality development on the subject property;
(3) To determine whether the streets and utilities in the area of the subject property are adequate to serve the anticipated demand from the proposal; and
(4) To review the proposed access to the subject property to determine that it is the optimal location and configuration for access.

(B) Scope. The review and approval of site plans shall be made as a part of the application approval process unless otherwise provided in this chapter. Site plan review and approval is required for all multiple-family, commercial, industrial, utility, shoreline development, public-initiated land use proposals, the expansion and exterior remodeling of structures, parking, and landscaping, and as otherwise specified in this title.
(C) Procedures. A site plan shall be submitted as part of all permit and project approval applications with the information required in subsection (D) of this section. Additional information may be required to conduct an adequate review. Each site plan application shall be reviewed as a Type II review pursuant to Chapter 19.04B.
(D) Site Plan Application. The application shall meet the submittal requirements established by Section 19.04A.220(E) and shall include the following:

(1) The building envelope of all structures and the location of all on-site recreation open space areas, buffers, points of egress, ingress, and internal circulation, pedestrian facilities and parking;
(2) Existing and proposed topography at contour intervals of five or less feet;
(3) Name, address, and phone number of the owner and plan preparer(s);
(4) Adjacent properties, zoning and existing uses;
(5) Location of existing and proposed utilities (e.g., water, sewer, electricity, gas, septic tanks and drain fields) (all utilities to be shown underground);
(6) Location of nearest fire hydrant, if the subject property is served or will be served by a water purveyor;
(7) Calculations showing acreage of the site, number of dwelling units proposed, zoning, site density, and on-site recreation open space acreage;
(8) Scale and north arrow;
(9) Vicinity sketch (drawn to approximately one inch equals 2,000 feet scale) showing sufficient area and detail to clearly locate the project in relation to arterial streets, natural features, landmarks and municipal boundaries;
(10) Location of public and private rights-of-way;
(11) All critical areas, including size, location, type, proposed buffers and setbacks (if critical areas exist and a critical areas study is required);
(12) Natural and manmade drainage courses (e.g., ditches, streams, etc.) and probable alterations which will be necessary to handle the expected drainage from the proposal;
(13) Source, composition and approximate volume of fill materials;
(14) Composition and approximate volume of any extracted materials and proposed disposal areas; and
(15) Typical cross-section sheet showing existing ground and building elevations, proposed ground and building elevations, and the height of existing and proposed structures.

(E) Application Approval.

(1) The approval authority shall approve, approve with conditions, or disapprove the application. The approval authority may grant final approval subject to any conditions it feels necessary to protect and promote the health, safety and general welfare of the community.
(2) Such conditions may include, but are not limited to the following: the requirement of easements, covenants, and dedications; fees-in-lieu-of; the installation, maintenance and bonding of improvements such as streets, landscaping, sewer, water, storm drainage, underground wiring, sidewalks, trails; and the recording requirements of the Snohomish County Auditor.
(3) Site plan approval shall expire as set forth in Section 19.04A.250.

(F) Site Plan Review Criteria - Consistency. Site plans shall be consistent with the applicable regulations and Comprehensive Plan provisions.

(G) Limitations on Site Plan Review. Site plans shall be reviewed to identify specific project design and conditions relating to the character of development, such as the details of curb cuts, drainage swales, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.

19.04C.080 Official site plan.

(A) Purpose.

(1) Specify the criteria used by the city of Granite Falls to review and approve official site plans.

(2) To provide a method for logical and sequential review of projects not subject to subdivision regulations.

(B) Applicability. The official site plan process shall be used for the review of:

(1) Planned residential developments (PRDs);

(2) Residential condominiums;

(3) Manufactured or mobile home parks.

[Note: Provisions for a binding site plan (BSP) used for land division can be found in GFMC 19.05.200.]

(C) Application Submittal. Each application for official site plan approval shall contain five copies of all complete application forms, plans and reports. A complete application must include:

(1) Fees. The applicant shall pay the required fees as set forth in the city's fee resolutions when submitting an official site plan.

(2) Application form.

(3) Title report (dated within the last 60 days).

(4) Vicinity map of the area where the site is located.

(5) Environmental checklist.

(6) Landscape plan.

(7) A preliminary site plan on 22-inch by 34-inch paper drawn to a scale of 50 or 100 feet to one inch, stamped and signed by a registered engineer, architect or land surveyor illustrating the proposed development of the property and including, but not limited to, the following:

(a) Name or title of the proposed official site plan.

(b) Date, scale and north arrow.

(c) Boundary lines and dimensions including any platted lot lines within the property.

(d) Total acreage.

(e) Property legal description.

(f) Existing zoning.

(g) Location and dimensions of all existing and proposed:

(i) Buildings, including height in stories and feet and including total square feet of ground area coverage.

(ii) Parking stalls, access aisles, and total area of lot coverage of all parking areas.

(iii) Off-street loading area(s).

(iv) Driveways and entrances.

(h) Proposed building setbacks in feet.

(i) Location of any regulated sensitive areas such as wetlands, steep slopes, wildlife habitat or floodplain and required buffers.

(j) Location and height of fences, walls (including retaining walls), and the type or kind of building materials or planting proposed to be used.

(k) Location of any proposed monument signs.

(l) Proposed surface stormwater drainage treatment.

(m) Location of all easements and uses indicated.

(n) Location of existing and proposed utility service.

(o) Existing and proposed grades shown in five-foot interval topographic contour lines.

(p) Fire hydrant location(s).

(q) Building architect elevations showing north, south, east and west views.

(8) Any other information as required by the city shall be furnished, including, but not limited to, traffic studies, wetland reports, elevations, profiles, and perspectives, to determine that the application is in compliance with this code.

(9) Applicants shall provide the city with one digital copy of the proposed official site plan data and associated documents on a CD in a CAD program compatible with AutoCAD or ArcView.

(D) Type of Approval. An official site plan is reviewed as a Type III process and approved or denied by the hearing examiner based on a recommendation from the designated official following a public hearing.

(E) Criteria for Approval.

(1) Standards for Review of an Official Site Plan. The hearing examiner shall review the proposed official site plan to determine whether it meets the following criteria:

(a) Conformance with the comprehensive plan.

(b) Conformance with all applicable performance standards and zoning regulations.

(c) Design sensitivity to the topography, drainage, vegetation, soils and any other relevant physical elements of the site.

(d) Availability of public services and utilities.

(e) Conformance with SEPA requirements.

(2) Condominium Standards. Development of condominiums including residential units or structures shall meet either of the standards set out in subsection (E)(2)(a) or (b) of this section:

(a) All lots and developments shall meet the minimum requirements of this code. Phase or lot lines shall be used as lot lines for setback purposes under the zoning code.

(b) Condominiums may be developed in phases where ownership of the property is unitary, but some structures are to be completed at different times or with different lenders financing separate structures or areas of the property. The following conditions shall apply to phased condominiums:

(i) By a joint obligation to maintain any and all access ways. The city shall have no obligation to maintain such access ways.

(ii) The city shall require easements for access to the property to allow for emergency services and utility inspections as defined in the development agreement.

(iii) Reciprocal easements for parking shall be provided to all tenants and owners.

(iv) The applicant must submit an official site plan schedule for completion of all phases.

(v) Phase lines must be treated as lot lines for setback purposes under the zoning code unless the property owner will place a covenant on the official site plan that the setback areas for built phases, contained in all unbuilt phases, shall become common areas and owned by the owners of existing units in the built portions of the condominium upon the expiration of the completion schedule.

(vi) All public improvements shall be guaranteed by bond or other security satisfactory to the city.

(vii) All built phases in a condominium official site plan shall have a joint and several obligations to maintain landscaping through covenants or easements or both to assure that the responsibility is shared among the various owners.

(F) Official Site Plan Components.

(1) An official site plan shall include a record of survey and development agreement.

(2) The development agreement shall incorporate the conditions of approval for the official site plan.

(G) Recording Requirements.

(1) When the proposed official site plan receives final approval, the applicant shall record the official site plan and development agreement, if required, with the Snohomish County auditor.

(2) The applicant shall furnish the city with three copies and a digital copy of the recorded official site plan within five working days of recording, and the Snohomish County assessor shall be furnished one paper copy.

(H) Development Requirements.

(1) Said lots shall not be sold or transferred unless the official site plan and a record of survey map, which is prepared in compliance with Chapter 58.09 RCW and which includes a legal description of each lot being created, is approved by the city, and filed for record in the Snohomish County auditor's office.

(2) The official site plan and all its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract.

(3) All development must be in conformance with the recorded official site plan. Any development use or density which fails to substantially conform to the site plan as approved constitutes a violation of this chapter.

(I) Amendment, Modification and Vacation.

(1) Amendment, modification and vacation of an official site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new official site plan application, as set forth in this chapter.

(2) The vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short division.

19.04C.090 Administrative authority.

(A) Purpose. The intent of this section is to allow the Designated Official certain defined flexibility and discretionary authority to consider minor alterations to zoning code regulations including dimensional, parking, fencing, and landscape related to sites

and/or situations with unique characteristics when the proposed modification provides an equivalent or superior standard to the intended dimensional regulation or design standard.

(B) Minor Alterations. The Designated Official or designee may authorize de minimis alterations to development regulations if the change is deemed inconsequential to the outcome of the request in relation to the entire project. Any applicant requesting consideration of a de minimis alteration shall demonstrate, at a minimum, how the request complies with the following criteria:

(1) The alteration promotes creativity in site layout and design that employs special features not otherwise possible under conventional development regulations;

(2) The alteration will not visually alter the character of the site or neighborhood; and

(3) The alteration will not be detrimental to surrounding properties in the immediate vicinity.

(C) Administrative Deviation. The Designated Official or designee may authorize administrative deviations to development regulations up to 20 percent of a quantifiable development standard when situations arise where alternatives to the standards may better accommodate existing conditions, address unique circumstances or allow for more cost-effective solutions without adversely affecting safety, aesthetics, or altering the character of the neighborhood or site. Applications for administrative deviations shall follow the procedures for a Type I review pursuant to Chapter 19.04B, Part I. Any applicant requesting consideration of a deviation shall demonstrate, at a minimum, how the request complies with the following criteria:

(1) The deviation will achieve the intended result of the standards with a comparable or superior design and quality of improvement;

(2) The deviation will not adversely affect public safety or the environment;

(3) The deviation will not adversely affect the aesthetic appearance of the project; and

(4) The alteration will not be detrimental to surrounding properties in the immediate vicinity.

(D) Administrative Variance. The Designated Official or designee may authorize administrative variances of development regulations up to 20 percent of a quantifiable development standard where practical difficulty renders compliance with the provisions of this title an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of this title and of the Comprehensive Plan can be fulfilled. Applications for an administrative variance shall follow the procedures for a Type II review pursuant to Chapter 19.04B, Part II, following public notice. Any applicant requesting consideration of an administrative variance shall demonstrate, at a minimum, how the request complies with the following criteria:

(1) The requested use is permitted in the zone in which the property is located;

(2) The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property that do not apply generally to other properties in the vicinity or same zoning district;

(3) The intent of the standard from which an administrative variance is requested is reasonably maintained;

(4) The granting of an administrative variance will not constitute a grant of special privileges or pose significant hazards or otherwise be detrimental to the surrounding properties;

(5) The administrative variance does not detract from the desired character and nature of the vicinity in which it is proposed; and

(6) The hardship is not the result of the applicant's or recent prior owner's own actions.

(E) Limitation on Authority. The Designated Official or designee will consider all applicable provisions of the zoning code when reviewing any of the modifications described in subsections (B) through (D) of this section, including nonconforming codes. The Designated Official or designee may not grant an alteration, deviation or variance to:

(1) Allowed uses in the applicable zoning district;

(2) Procedural or administrative provisions;

(3) Increases in the residential density for the applicable zoning district;

(4) Alterations to critical areas pursuant to Section 19.07.020 except for required buffer widths and building setbacks when the modification includes a mitigation plan meeting the requirements of Section 19.07.020;

(5) Any standard that is inconsistent with the Comprehensive Plan.

Chapter 19.04D
SUBDIVISION AND SHORT SUBDIVISION REGULATIONS

Sections:

19.04D.010 Purpose.

The purpose of this chapter is to set forth the criteria, standards and requirements for the review and approval of subdivision and short subdivision.

19.04D.020 Review and approval criteria.

(A) Each proposed subdivision or short subdivision shall be reviewed to ensure that:

(1) The proposal conforms to the goals, policies, criteria and plans set forth in the city of Granite Falls comprehensive plan;

(2) The proposal conforms to the development standards set forth in GFMC Title 19, Uniform Development Code;

(3) The proposal conforms to the requirements of this section and those set forth in this chapter and GFMC 19.04A.205 through .260;

(4) The proposed street system conforms to the city of Granite Falls public works standards and specifications and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;

(5) The proposed subdivision or short subdivision will be adequately served at the applicant's cost with city-approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;

(6) The layout of lots, and their size and dimensions, take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography, trees and vegetation will result from development of the lots;

(7) Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;

(8) Safe walk to school procedures, as established by the Granite Falls School District No. 332, have been met;

(9) Tree preservation requirements have been adequately met.

(B) Lack of compliance with the criteria set forth in subsection (A) of this section shall be grounds for denial of a proposed subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.

(C) No final plat or short subdivision shall be approved unless:

(1) The final plat or short subdivision is in substantial conformance with the provisions for the preliminary approval, including any conditions imposed as part of the approval.

(2) The final plat or short subdivision contains a dedication to the city of all common improvements, including but not limited to streets, roads, sewage disposal, water supply systems, and storm drainage and disposal which were a condition of approval.

(3) All common improvements required as conditions of approval of the proposed subdivision or short subdivision have been referenced on the final plat or short subdivision.

(4) City-approved water and sewer facilities shall be available to each lot created by the division of land. Other common utilities, systems, and features designed to serve all lots within the subdivision such as, but not limited to, power, phone service, natural gas, critical area(s) impact mitigation, storm drainage and detention/infiltration systems designed to be used by the entire subdivision, and street illumination systems, all located either within public right-of-way, future public right-of-way, or easements dedicated to the utility(ies), shall also be constructed and installed prior to final approval and available to each lot created by the division of land.

(5) The final plat or short subdivision is in compliance with the provisions of GFMC 19.07.020, Critical areas regulations, and GFMC 19.12, Concurrency and adequacy.

(6) Except when a surety bond, a cash deposit or assignment of funds for the construction of certain improvements has been approved pursuant to subsection (C)(7) of this section, all required improvements, public or private, have been constructed or installed in accord with the provisions of this chapter and the requirements of the approved preliminary plat, subject to inspection and approval by the city engineer.

(7) For subdivisions (long plats), the applicant may be allowed to submit a surety bond, a cash deposit or an assignment of funds acceptable to the city in lieu of actually installing or constructing certain of the required improvements meeting the description in criteria (C)(7)(a), (b) or (c) of this section and subject to written approval by both the public works director and city engineer. Their decision shall consider all relevant factors including the following criteria:

(a) Whether only minor items of the required improvements need to be completed such as the final lift of asphalt pavement and/or landscaping; or

(b) Whether the city and/or other public agency's capital project needs to be completed ahead of the required improvements to allow for logical sequence of construction to prevent damage or disruption to the improvements being made; or

(c) Whether constructing the required improvements prior to plat approval will create an unnecessary and unusual hardship to the applicant that is not self-created; and

(d) Whether the need for the surety bond, cash deposit, or assignment of funds is not the result of deliberate actions of the applicant; and

(e) The extent to which public health, safety, and welfare are not endangered by allowing the plat to be approved without the required improvements being completed, prior to final plat approval.

(D) When the city administrator finds that the final plat or short subdivision is in substantial conformity to the preliminary approval, he or she shall endorse his or her approval on the final plat or short subdivision and shall implement the final approval and recording procedures set forth in Chapter 19.05 GFMC, Subdivision, Binding Site Plan, Boundary Line Adjustments and GFMC Title 19.

19.04D.030 Subdivision names.

No subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the county, except for the words "town," "city," "place," "court," "addition," "acres," "heights," "villa," or similar words, unless the land so divided is contiguous to the subdivision bearing the same name. All plats must continue the block numbers of the plat of the same name last filed.

19.04D.040 Lot standard

(A) Suitability for Intended Use. All lots shall be suitable for the general purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or such lot.

(B) Lots shall be created by following the procedures of Chapter 19.05 GFMC, Subdivision, Binding Site Plans, and Boundary Line Adjustments, and GFMC Title 19.

(C) No lot shall be established which is in violation of the Granite Falls Municipal Code.

(D) Lot Shapes. Lot shapes shall be designed to avoid awkward configuration or appendages.

(E) Width – Area – Frontage. Each lot shall have sufficient width, area and frontage to comply with the minimum site requirements as set forth in GFMC 19.06.010, Density and dimension.
(F) Depth. Each lot should have an average depth between the front and rear lot lines of not less than one-foot depth for each one foot of width.
(G) Front Lot Line. For corner lots, double frontage lots, and single frontage lots, the front lot line shall be the property line(s) separating the lot from a street or vehicle access corridor.
(H) Side Lot Lines. As much as possible, where topography and natural features permit, side lot lines should run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.
(I) Building Setback Lines. Where watercourses, topography, geology and soils, vegetation, utilities, lot configuration, or other unique circumstances dictate a different building envelope than that set by GFMC 19.06.010, Density and dimension, building setback lines may be required to be shown on the final plat or short subdivision map and observed in the development of the lot.
(J) Future Subdivision of Lots. Where the subdivision or short subdivision will result in a lot one-half acre or larger in size which is likely to be further divided in the future, it may be required that the location of lot lines and other details of layout be such that future division may readily be made without violating the requirements of this section and without interfering with orderly extension and connection of adjacent streets. It is intended that the lot lines and other details of future subdivision be advisory only, and shall not be final or binding on the applicant unless he makes further application; however, any restriction of buildings within future street locations may be imposed and may require such restrictions to be set forth on the final plat or short subdivision.

19.04D.050 Exception to lot standards.
(A) Cluster – Zero Lot Line – Townhouse Development. The relaxation of building setbacks, lot size and lot frontage requirements as set forth in GFMC 19.06.010, Density and dimension, and GFMC 19.04D.040, Lot standards, may be authorized for a subdivision developed in compliance with GFMC 19.06.010(E), General Development Standards. Such authorization shall only occur where the applicant presents a plan whereby the entire subdivision will be designed and developed with provision for proper maintenance of recreation facilities and open space which will be commonly available for use of the residents of the subdivision and which will be of such benefit to said residents as is equal to that which would be derived from observance of the size and frontage requirements otherwise specified. The relation of said requirements shall not violate the purpose and criteria set forth in GFMC 19.05.005, Introduction and Purpose, and GFMC 19.04D.020, Review and approval criteria, respectively.
(B) Eminent Domain. Parcels smaller than otherwise permitted by the Granite Falls Municipal Code may be created through the action of governmental agencies including the city of Granite Falls by such actions as eminent domain and the splitting of a parcel by dedicated right-of-way. Wherever possible, such parcels shall be merged in title with adjacent lots to create lots in compliance with the Granite Falls Municipal Code.
(C) Substandard Lots. A lot of record created prior to the effective date of the Granite Falls Municipal Code that does not meet the minimum area or dimensional

requirements of the land use district in which located shall be considered a conforming lot of record if the following requirements are met: There must be no adjoining lots of record of continuous boundary in the same ownership to which the substandard lot can be merged in title or with which the lot lines can be adjusted to create lots of record which would comply with the Granite Falls Municipal Code.
(D) Lots for Building Pads. In industrial, business and multiple residential zones, lots with boundaries coterminous or nearly so with building walls may be created. The standards that normally would apply to such lots shall apply instead to the project tract of which such lots are a part.

19.04D.060 Easements.
(A) Public easements for the construction and maintenance of utilities and public facilities shall be granted to the city or utility provider to provide and maintain adequate utility service to each lot and adjacent lands. The minimum width of the public easements shall be 15 feet or the minimum necessary as determined by the utility, unless the city determines a smaller or larger width is appropriate based on site conditions. Whenever possible, public easement shall be combined with driveways, pedestrian access-ways and other utility easements.
(B) Private easements for the construction and maintenance of utilities within the subdivision or short subdivision shall be granted so that individual lots gain access to public facilities. The widths of the private easements shall be the minimum necessary as determined by the utility, unless the city determines a larger width is appropriate based on the site conditions.
(C) When there is a need to use a stream for stormwater control purposes, public improvement and maintenance easements at least 20 feet wide shall be provided for storm drainage. Larger widths may be required where necessary. When possible, said easements shall be located along the centerlines of such facilities. Public improvement and maintenance easements for creeks and other watercourses shall be provided and shall extend 25 feet in each direction from the waterway centerline or 10 feet from the top of the ordinary high water mark, whichever is greater.
(D) Native growth protection easements (NGPE) shall be granted as deemed appropriate by the city where the preservation of native vegetation benefits the public health, safety and welfare, including control of surface water and erosion, maintenance or slope stability, visual and aural buffering, and protection of plant and animal habitat. The NGPE shall impose upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public by the city of Granite Falls, to leave undisturbed all trees and other vegetation within the easement, except that are required for future construction of multipurpose trails and city-approved utilities. The vegetation within the easement may not be cut, pruned, covered by fill, removed, damaged or enhanced without express written permission from the city of Granite Falls.
(E) Easements for utility mains or lines shall prohibit the placement of any building on or over the easement, but shall not preclude landscaping of an appropriate variety as determined by the designated official. The city encourages the use of an easement for more than one utility and pedestrian access provided the designated official finds the

multiuse appropriate. Restoration shall be required of the site following any excavation or other disturbance permitted by the easement.
(F) Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final plat or short subdivision or by separate instrument.
(G) Areas used as regional utility corridors shall be contained in tracts separate from the lots, but sharing of tracts among utilities encouraged.

19.04D.070 Water supply.
All lots shall be served by a water system approved by the city of Granite Falls. Any common water system shall be provided by the applicant and dedicated to the city. Water distribution systems shall be designed and constructed according to all applicable provisions of the Granite Falls public work standards.

19.04D.080 Sewage disposal.
All lots shall be served by the sanitary sewer system, or on-site sewage disposal system, as required by GFMC 19.12, Concurrency and adequacy.

19.04D.090 Storm drainage.
(A) All lots shall be provided with adequate storm drainage connected to the storm drainage system of the city or other system approved by the city.
(B) Where a public street is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system in the street.
(C) When required, storm drainage facilities shall include suitable on-site detention and/or retention facilities.
(D) Storm drainage shall be provided in accordance with the city's public works standards.
(E) Easements shall be dedicated as provided in GFMC 19.04D.060.

19.04D.100 Watercourses.
When required by the city, the developer of a subdivision shall enhance any major or minor watercourse which traverses or abuts the subdivision in accordance with the specifications and standards approved by the city. Any required watercourse easements shall be dedicated as provided in GFMC 19.04D.060, Easements.

19.04D.110 Underground utilities.
All new and existing permanent utility service to lots shall be provided from underground facilities as set forth in the Granite Falls Municipal Code regulating underground wiring, pursuant to GFMC 19.04D.150 and Chapter 9 of the city's public works standards. The applicant shall be responsible for complying with the requirements of this section, and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Washington.

19.04D.120 Water and sewer standards.

(A) Design Standards. All city water and sewer facilities shall be designed in compliance with the city of Granite Falls public works standards document available from the city of Granite Falls.
(B) Construction Standards. All city water and sewer facilities shall be constructed in compliance with the city of Granite Falls public works standards document available from the city of Granite Falls or appropriate water and sewer purveyor.

19.04D.130 Street standards.
(A) All street improvements, grades and design shall comply with standard regulations and specifications as set forth in Granite Falls public works standards.
(B) When required by the city to mitigate anticipated impacts of a new subdivision or short plat, the developer shall incorporate features into the layout of the street circulation system to minimize cut-through traffic of the proposed development and/or surrounding neighborhoods.
(C) This section does not apply to trails or pedestrian walkways not located in the public right-of-way.
(D) Proposed single-access subdivision streets ending in cul-de-sacs, hammerheads or loop roads shall not exceed 400 lineal feet in length from the access point of the new subdivision and serve more than 30 proposed dwelling units unless a connection can be established to a second access right-of-way.

19.04D.140 Street right-of-way and pavement widths.
(A) The street right-of-way in or along the boundary of a subdivision shall conform to the provisions set forth in the city of Granite Falls public works standards.
(B) When subdivision or an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, greater widths than those provided in subsection (A) of this section may be required.
(C) Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way widths or slope easements may be required.

19.04D.150 Street lights.
All subdivisions shall include underground electric service, light standards, wiring and lamps for street lights according to city adopted standards for underground wiring and the specifications and standards set forth in the city of Granite Falls public works standards. The subdivider shall install such facilities and make the necessary arrangements with the serving electric utility.

19.04D.160 Monuments.
(A) Permanent survey control monuments shall be provided for all final plats and short plats at:
(1) All controlling corners on the boundaries of the subdivision or short subdivision;
(2) The intersection of centerlines of roads within the subdivision or short subdivision; and
(3) The beginning and ends of curves on centerlines or points of intersections on tangents.

(B) Permanent survey control monuments shall be the standard concrete monuments as required by city of Granite Falls public works standards and in accordance with the following:

(1) Every lot corner shall be marked by rebar at least one-half-inch diameter by 24 inches long with a cap identifying the surveyor or survey company that placed the monument.

(2) Said pipe or city-approved equivalent shall be driven into the ground.

19.04D.170 Landscaping and screening.

All subdivisions and short subdivisions shall provide landscaping and screening in compliance with applicable provisions of GFMC 19.06.020, Landscaping and screening.

19.04D.175 Tree preservation and protection.

All subdivisions and short subdivisions shall provide tree preservation and protection in accordance with GFMC 19.06.020(D). A tree plan shall be part of the preliminary plat or short plat submittal requirements and approved prior to preliminary or short plat approval.

19.04D.180 Public access ways.

(A) When necessary for public convenience or safety, the developer shall improve and dedicate to the public access ways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, transit stops, trails, or other community services.

(B) The access way shall be of such design, width and location as reasonably may be required to facilitate public use. Where possible, said dedications may also accommodate utility easements and facilities.

19.04D.190 Clearing and grading.

All clearing and grading shall be conducted in compliance with the provisions set forth in the Granite Falls Municipal Code applicable to clearing and grading. No clearing or grading shall occur prior to approval of tree preservation and protection measures.

19.04D.200 Improvements – Completion or guarantee.

(A) Unless installation prior to plat approval is excused by the provisions of this chapter, the applicant shall complete the required improvements before final approval of the plat and shall financially guarantee installation thereof as set forth in GFMC 19.04D.210, Improvements – Security for performance and warranty, prior to construction.

(B) The applicant may be allowed to submit a surety bond, a cash deposit or assignment of funds for items not completed at the time of approval of the plat, only as set forth in GFMC 19.04D.020(C)(7). The surety bond, cash deposit, or assignment of funds shall identify the improvements, name the date the improvements are to be completed, and be of a form and substance subject to the approval of the city administrator.

(C) All required improvements shall be installed and/or completed within one year for subdivisions (long plats).

(D) For short subdivisions (short plats), all required improvements shall be constructed within three years of the date of plat approval. If a building permit for any residential or commercial building constructed within the short plat boundaries is issued before three years after the date of plat approval, frontage improvements, other required improvements adjacent to the lot, and other required improvements necessary for the public health, safety, and welfare such as access to the lot that meets fire code requirements, are required to be constructed within six months of the date of issuance of the building permit, whichever is earliest to occur.

19.04D.210 Improvements – Security for performance and warranty.

(A) Prior to actual construction of required improvements, the subdivider shall provide a guarantee in a form approved by the city attorney and in an amount to be determined by the city and off-site improvements, drainage, lighting, landscaping, critical areas, etc., sufficient to guarantee actual construction and installation of such improvements prior to final plat or short plat approval and issuance of a certificate of occupancy.

(1) The guarantee shall only be released to the applicant upon written approval by the city.

(2) A schedule for the release of funds shall be approved by the city prior to authorization to proceed with construction.

(B) In such case where the applicant fails to complete the infrastructure work by the deadline provided herein, the city shall have the option of attaching the guarantee to ameliorate any outstanding environmental concerns at the project site and/or to complete the project.

(C) The amount of the guarantee for completion shall not be less than 150 percent of the estimate of the cost of such improvements, but the city may set a higher percentage based upon the complexity of the project.

(D) Before acceptance by the city of the improvements, the subdivider shall complete the project closeout requirements and file a maintenance and defect guarantee in a form approved by the city attorney and in an amount to be determined by the city guaranteeing the repair or replacement of any improvement or any landscaping which proves defective or fails to survive within a minimum two-year time period after final acceptance of the improvements or landscaping by the city. The city shall withhold acceptance of the improvements until any required security for completion and the required guarantee for maintenance are filed.

(E) The city administrator may enforce the assignment of funds or other security required by this section according to their terms, pursuant to any and all legal and equitable remedies. In addition, any assignment of funds or other security filed pursuant to this section shall be subject to enforcement in the following manner:

(1) In the event the improvements are not completed as required, or warranty is not performed satisfactorily, the public works supervisor shall notify the property owner and the guarantor in writing which shall set forth the specific defects which must be remedied or repaired and shall state a specific time by which such shall be completed.

(2) In the event repairs or warranty are not completed as specified in the notice referred to in subsection (E)(1) of this section by the specified time, the public works supervisor may proceed to repair the defect or perform the warranty by either force account, using city forces, or by private contractor. Upon completion of

the repairs or maintenance, the cost thereof, plus interest at 12 percent per annum, shall be due and owing to the city from the owner and guarantor as a joint and several obligations. In the event the city is required to bring suit to enforce maintenance, the subdivider and guarantor shall be responsible for any costs and attorneys' fees incurred by the city as a result of the action.

(3) In the event that the guarantee is in the form of an assignment of funds or cash deposit with the city, the city may deduct all costs set forth in this section from the assignment of funds or cash on deposit, and the subdivider shall be required to replenish the same for the duration of the guaranty period.

19.04D.220 Improvements – Construction.

Construction of subdivision improvements prior to final plat or short plat approval or subsequent to final plat approval is required subject to GFMC 19.04D.200 and shall proceed as follows:

(A) Complete construction drawings, specifications and related material shall be submitted to the city clerk for approval prior to the commencement of construction. The submitted drawings and specifications shall be designed and certified by a registered civil engineer. Construction drawings shall be in conformance with the conditions, if any, of preliminary plat or short plat approval and applicable city standard.

(B) Construction of improvements shall not be initiated without authorization of the city engineer. The city engineer shall authorize the subdivider to proceed with construction after approval of the construction drawings and specifications. The city engineer may grant approval on condition additions or changes are made in the drawings or specifications, or on the inclusion or implementation of mitigating measures necessary to minimize the impacts of the construction on the environment. Conditions required to minimize environmental impacts shall conform with the requirements of the GFMC regarding environmental impact procedures.

(C) Any changes to the construction drawings or specifications involving design of the improvements shall first be reviewed and approved by the city engineer.

(D) City approved tree protection measures for the preservation of significant trees pursuant to GFMC 19.06.020(D) shall be installed and inspected prior to beginning any construction activities. Damage to any preserved tree shall be replaced at a ratio of three replacement trees for each damaged tree. The minimum size of a replacement tree at the time of planting shall be two inches caliper for a deciduous tree and six feet in height for a conifer. After construction activities are completed, the applicant shall provide an inspection report prepared by a certified arborist of the condition of the preserved trees.

(E) Construction of the improvements shall proceed as shown in the construction drawings and specifications. Construction inspection shall proceed under the supervision of a registered civil engineer. The designated official shall inspect construction progress on a regular basis to review compliance with construction plans and required standards.

(F) After the completion of construction in accordance with the approved plans and specifications, as-built drawings showing the improvements as constructed shall be certified as true and complete by the applicant's registered civil engineer. The certified as-built drawings shall be submitted electronically in PDF and AutoCAD file format and

on 22-inch by 34-inch plan sheets to the city clerk. When a final plat is involved, the certified as-built drawings are required to be submitted prior to the acceptance of the subdivision improvements and approval of the final plat or short plats.

19.04D.230 Survey required.

The survey of every proposed subdivision or short subdivision shall be made by or under the supervision of a registered land surveyor in compliance with the following:

(A) All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the state of Washington and the submittal requirements checklist as developed by the city.

(B) Subdivision control and staking traverses shall close within an error of one foot in 5,000 feet for residential and subdivision lots, and one foot in 10,000 feet for commercial and industrial development.

(C) Primary survey control points shall be referenced to section corners and monuments.

Chapter 19.05
GENERAL PERMITS AND OFFICIAL SITE PLANS

Sections:

Prior legislation: Ords. 745 and 904.

19.05.010 Introduction and purpose.

This chapter defines the specific requirements for general permits and official site plans. [Ord. 905 § 1 (Att. A), 2016; Ord. 883 § 9, 2014; Ord. 740 § 1 (Exh. A), 2007.]

19.05.020 Conditional use permit.

(A) Purpose.

(1) The purpose of this section is to establish decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. Conditional uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the comprehensive plan, adjacent uses, and the character of the vicinity.

(2) Conditional uses will be subject to review by the city and the issuance of a conditional use permit. This process allows the city to:

(a) Determine whether these uses will be incompatible with uses permitted in the surrounding areas; and

(b) Make further stipulations and conditions that may reasonably assure that the basic intent of this UDC will be served.

(B) Hearing Examiner Decision. The hearing examiner shall review conditional use permits in accordance with the provisions of this section and may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit based on findings of compliance or noncompliance with subsection (C) of this section. The hearing examiner may modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit.

(C) Required Criteria and Findings. A conditional use permit may be approved only if the applicant can adequately demonstrate on the record:

(1) That the granting of the proposed conditional use permit will not:

(a) Be detrimental to the public health, safety, and general welfare;

(b) Adversely affect the established character of the surrounding vicinity; nor

(c) Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

(2) That the granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.

(3) That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

(4) That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.

(5) That the conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

(6) That the level of service standards for public facilities and services are met in accordance with the concurrent management requirements. See Chapter 19.04 GFMC.

(D) Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection (C) of this section.

(E) Application. Submittal of an application for a conditional use permit shall include:

(1) A completed application form.

(2) A base map showing property boundary lines, existing lots, tracts, utility or access easements and streets, topography, existing development features, water bodies, wetlands and buffers, and flood-prone areas.

(3) A legal description and vicinity map of the property.

(4) A site plan showing the location and ground elevation of any proposed structures, parking areas, common use areas, landscaping, utilities, grading and drainage, mitigation for critical area impacts, fences and other proposed features. (If easements or covenants are proposed, their location and design must be shown.)

(5) Mailing labels of all property owners within 300 feet of the project site.

(6) A written statement addressing the decision criteria (see subsection (C) of this section) and any other information required by the city. [Ord. 905 § 1 (Att. A), 2016; Ord. 883 §§ 10, 11, 2014; Ord. 862 §§ 35, 36, 2013; Ord. 827 § 9, 2012; Ord. 740 § 1 (Exh. A), 2007.]

19.05.030 Planned residential development (PRD).

(A) Purpose. The purposes of this section are:

(1) To offer an alternative form of development that benefits the city in ways that are superior to traditional lot-by-lot subdivision development;

(2) To allow flexibility and creativity in the layout and design to protect valued critical areas and to provide usable open space and recreation facilities;

(3) To promote a variety of housing choices in harmony with the surrounding areas;

(4) To provide a more efficient street and utility system that may reduce housing prices and the amount of impervious surface;

(5) To achieve the goals of the city's comprehensive plan, other ordinances and development regulations with regard to livable, desirable residential communities.

(B) Specific Requirements of PRD. A PRD should be based on the following general goals. These goals are translated into prescriptive regulations in the following pages. A determination of whether a specific PRD should be approved should be based on those requirements and not on general goals alone.

(1) The proposed PRD meets the requirements of this subsection.

(2) A PRD is allowed in the R-9,600 zone. The tract must be of single ownership.

(3) The property in question must be in common ownership.

(4) The applicant provides one or more of the following improvements to the subject property as part of the proposed PRD:

(a) The PRD provides public facilities that the city could not require of the applicant without a PRD including but not limited to facilities like parks, playgrounds, ball fields, sites for libraries, city halls, fire stations, and public parking lots for access to public facilities;

(b) The PRD will preserve, enhance or rehabilitate natural features such as significant woodlands, wetland areas, water bodies, view corridors and similar features;

(c) The design of the proposed PRD is superior to a traditional lot-by-lot proposal in one or more of the following ways:

(i) Additional usable open space and recreation areas;

(ii) Recreation facilities including, but not limited to, bicycle or pedestrian paths, children's play areas and play fields;

(iii) Superior circulation patterns and location of parking;

(iv) Superior landscaping, buffering, or screening in or along the perimeter that exceed the minimum requirements of the UDC;

(v) Superior design, layout, and orientation of structures including but not limited to examples like traditional neighborhood development approaches, grid road systems, alleys, clustering of houses for the purposes of economics, affordable housing elements as part of the project, and trail systems connecting other neighborhoods.

(C) Consideration of Density Bonus. In a proposed PRD, the hearing examiner may approve a residential density increase of up to 120 percent of the maximum density allowed in the R-9,600 zone if the requirements for providing amenities (open space, recreation facilities) and housing needs (innovative layout and design, special uses) are met.

(D) Minimum Size. PRDs may only be permitted on a minimum of one acre or greater.

(E) Permitted Zones. PRDs are permitted in the residential R-9,600 (R-9600) zone only. Any uses permitted or conditioned in the underlying zone shall be permitted in the PRD. Duplexes may be permitted in any residential PRD. No uses shall be permitted except in conformance with a specific and precise final development plan in accordance with the procedural and regulatory provisions of this subsection.

(F) Who May Apply. A PRD application may be initiated by:

(1) The owner of all of the subject property, if under one ownership;

(2) All owners with joint ownership having title to the subject property proposed for the PRD, if there is more than one owner;

(3) A government agency.

(G) Availability of Public Services.

(1) A PRD proposal will be denied unless adequate public facilities such as water lines, sewer lines, and streets that serve the proposal are in place or are planned.
(2) A PRD proposal shall not reduce the level of service (LOS) on city streets below the city adopted LOS standard.

(H) Application Process.

(1) The application shall be filed with the city clerk together with the application fee and required documents in compliance with the Granite Falls Municipal Code.
(2) The PRD application fee shall cover the reimbursable costs of the preapplication conference, technical review, and the staff report to the hearing examiner. The application will be accompanied by a nonrefundable fee (see permit fee resolution). Any application for an amendment to the PRD shall also be subject to permit fees.
(3) Written documents required with the application shall include:
(a) Application for a short plat or subdivision approval, if needed;
(b) Environmental checklist (SEPA determination);
(c) A legal description of the total site;
(d) A project description including:
(i) How the proposal complies with the purposes of the PRD requirements;
(ii) A rationale for any other underlying assumptions;
(e) A site description that provides:
(i) Total number, type and location of dwelling units;
(ii) Parcel sizes;
(iii) Proposed lot coverage and all structures;
(iv) Approximate gross and net residential density;
(v) Total amount of proposed open space (divided into usable and protected) and identified recreation areas;
(vi) Economic feasibility studies, market analysis, or other required studies;
(f) A site plan and maps including:
(i) Site plan of all existing and proposed structures and improvements;
(ii) Map of existing and proposed circulation system (pedestrian and vehicular) including public rights-of-way and notations of ownership;
(iii) Map of existing and proposed location of public utilities and facilities;
(iv) Landscape plan showing greenbelts, buffers and open space (usable and protected);
(v) Proposed treatment of the perimeter indicating the location of vegetation to be retained and to be installed;
(vi) Schematic plans and elevations of proposed buildings with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs, and accessory structures;
(g) A description of the proposed sequence and timing of construction, the provisions of ownership and the management once the PRD is developed;
(h) Any information about adjacent areas that might assist in the review of the proposal.

(I) Site Design Criteria.

(1) Basic Density. The allowable basic density shall be the same as permitted by the R-9,600 zone.

(2) Density Bonus. The hearing examiner may approve a density increase of up to 120 percent of the allowable density if the required amenities and needs are proposed. Bonuses shall be based on a formula of:

(a) Fifteen percent if the PRD proposal provides for the following: at least 25 percent of the net area is designated as common open space. Active recreation facilities such as paths, trails, playgrounds and equipment, ball fields and basketball courts for people of all ages shall be provided based on review and approval by the city.

(b) Five percent for innovative site design and layout such as, but not limited to, facing views, buffered parking, accommodating land constraints, clustered lots, alleys, grid systems for roads, interconnected green spaces, and landscaping buffering along the frontage in separating the developed areas from adjacent properties.

(3) Common Open Space. At least 25 percent of the net land area of a planned residential development shall be dedicated as common open space other than required public improvements or private streets, stormwater conveyances, landscape strips, or critical areas or their buffers. The dedicated open common space shall be deeded to the city or placed in a permanent easement as may be required by the city. Stormwater vaults can be part of the open space as long as they are covered, flush with the ground, and meet the other requirements for open space included in this chapter.

(4) The dedicated open common space shall be set aside in perpetuity for the use of residents of the development, or shall be deeded to a homeowners' association by written instrument. If a conveyance to a homeowners' association is the instrument selected, the landowners shall so organize said conveyance that it may not be dissolved, nor dispose of the open space by sale or other means except to an organization conceived and established to own and maintain it or dedicated to the city subject to city council approval.

(a) All streams, wetlands, geologically critical areas, and any associated buffers shall be preserved as open space, and reserved in separate tracts (native growth protection areas), as provided by the city's critical area regulations, GFMC 19.07.020.

(b) Any area to be dedicated for common open space shall be kept, located and of such a shape to be acceptable to the designated official. In determining the acceptability of proposed common space, the designated official shall consider future city needs and may require a portion of the common space to be designated as the site of a potential future public use; provided, however, that not more than 25 percent of the gross area shall be taken for public facilities. In the event that it is deemed necessary to set aside any portion of the site for public buildings, an agreement shall be entered into between the applicant and the city of Granite Falls. This shall apply to the need for land for any public purpose except for public recreation. No final plat or occupancy permit shall be granted until the improvements required for the PRD have been installed to the satisfaction of the city.

(c) All common open space area shall be graded and seeded or paved by the developer during the course of construction, unless the designated official approves or directs the maintaining of all or a portion of such open space in its natural state or with minor, specified improvements. Required or proposed improvements shall either be provided during construction or bonded prior to final plat approval.

(d) All off-street parking areas shall be transferred to the ownership of a homeowners' association for maintenance and repairs. Wherever median grass strips or other landscaped areas are proposed that will be visible to the general public within the development, covenants and/or agreements shall provide for the maintenance of such areas by the homeowners' association.

(e) At least 75 percent of the required open space shall be contiguous. The length of the open space tract shall be no more than twice its width. Under special conditions that are peculiar to the particular parcel of land or to the public purpose for which the land is to be used, dedication of a smaller area can be authorized by the designated official.

(f) Common open space areas may be used as park, playground, or recreation areas, including swimming pools, equestrian, pedestrian, and/or bicycle trails, tennis courts, shuffleboard courts, basketball courts, and similar facilities; woodland conservation areas; or any similar use of benefit to the residents of the development if in the ownership of a homeowners' association or the city, or if dedicated to and accepted by the appropriate department of the city, and deemed appropriate by the designated official.

(g) Common open space shall contain active recreation facilities such as play structures, sport courts, game areas, trails and walking paths. In addition, the facilities shall include park benches, garbage containers, and five trees for every 20,000 square feet of common space or portion thereof. Existing trees are encouraged to be retained when addressing this requirement.

(h) Each lot shall be located within a 1,200-foot walking distance of common open space and shall be provided access to the common open space via pedestrian walkways, paths, or sidewalks.

(5) Minimum Lot Size. The hearing examiner may recommend and the city council may approve a proposal that averages the lot sizes with no lot size of less than 6,000 square feet in the R-9,600 zone.

(6) Criteria for Lot Coverage and Setbacks.

(a) No portion of any building or structure shall be constructed to project onto any common open space.

(b) The front yard building setback shall be one-half of the right-of-way the lot front is on. Rear and side yard building setbacks shall be a minimum of five feet. The sum of the side yards shall not be less than 10 feet. The minimum front yard is intended to provide privacy and usable yard area for residents. Typically privacy may be a more important factor than use and where a preliminary plan can demonstrate privacy by reducing traffic flow in front of the dwelling, screening or planting, or by facing the structure toward common open space, a reduction in the front yard requirement is possible.

(c) Minimum lot widths are intended to prevent the construction of long buildings with inadequate light and air. The hearing examiner may approve minimum lot widths of no less than 50 feet as measured at the building setback line in a PRD in situations which create irregular lot configurations; if the design can adequately provide for light, air, and privacy provisions (particularly for living spaces and bedrooms), a narrower lot width may be permitted.

(7) Street Standards. PRDs shall be subject to the city's public works standards, with the following exceptions:

(a) All PRDs shall provide through streets when possible. Cul-de-sacs, hammerheads, and other dead-ends shall be avoided if possible. All streets shall be dedicated public rights-of-way.

(b) The city engineer may require provisions for future connections to adjoining developments.

(8) Buffer Between Uses. A buffer of 30 feet shall be established between single-family and multiple-family structures within a PRD. Buffers must be free of structures and must be landscaped, screened, or protected by natural features. Buffers may be used as part of the permitted common open space if the hearing examiner finds it consistent with the intent of the design criteria and suitable for that purpose.

(J) Review Criteria. These criteria will guide the hearing examiner's review and recommendations and final decision.

(1) The preliminary plan includes appropriate provisions for the public health, safety and general welfare of the public including, but not limited to, the following:

(a) Open space (protected and usable) and recreation facilities;

(b) Water, sewer, drainage and stormwater utilities;

(c) Streets, vehicle and pedestrian facilities;

(d) Appropriate ingress and egress;

(e) Fire and emergency vehicle access; and

(f) Minimized potential for soil erosion, landslides, and mudslides.

(2) The proposal is in compliance with and/or is in conformance with the applicable provisions of the:

(a) City subdivision standards for preliminary plats;

(b) Granite Falls Municipal Code, and all other applicable state and federal laws and regulations;

(c) Granite Falls comprehensive plan.

(3) Wherever practical, the proposal includes measures to:

(a) Minimize clearing, with priority given to maintaining existing vegetation;

(b) Revegetate wherever possible; and

(c) Accommodate reasonable building sites.

(4) All public and private facilities and improvements on and off the site necessary to provide for the proposed PRD are or will be available when needed.

(5) Use of existing public facilities and services will not degrade levels of service to existing users.

(6) Scenic value of existing vistas are protected.

(7) Existing vegetation and permeable surfaces (which provide watershed protection, ground water recharge, climate moderation and air purification) are protected.

(8) Existing habitat, wildlife corridors, and areas used for nesting and foraging by endangered, threatened or protected species are protected to the extent consistent with the proposed new development.

(K) Official Site Plan. The official site plan, as approved by the hearing examiner, shall become the official site plan of the PRD.

(L) Maintenance of Open Space and Utilities. Prior to final plat approval, the applicant shall submit to the city covenants, deeds and homeowners' association bylaws and other documents guaranteeing maintenance and construction and common fee ownership of public open space, community facilities, private joint use driveways, and all other commonly owned and operated property.

(M) Amendments and Modifications.

(1) Any amendments or major modifications shall be reviewed in the same manner as an original application. A "major modification" means any proposed change in the basic use or any proposed change in the plans and specifications for structures or locations of features whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree.

(2) Prior to issuing a building permit for any structure in a PRD, the final plat, subdivision, or dedication shall have been approved by the city council and filed for record by the city clerk with the Snohomish County auditor. If a PRD does not require subdivision or dedication, an official site plan and accompanying documents shall be filed with the county auditor, together with covenants running with the land, binding the site to development in accordance with all the terms and conditions of approval.

(3) Prior to final plat approval, these documents shall be reviewed by an attorney and accompanied by a certificate stating that they comply with the requirements of this section. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the Secretary of State and the Snohomish County auditor as a condition precedent to the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowners' association may be recorded simultaneously with the filing of the final plat.

(N) Covenants. PRD covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common.

(O) Time Limit. Applications and/or official site plan approval for the entire PRD shall expire five years after preliminary plat approval.

(P) Phased Developments. If a PRD is to be constructed over a period of more than two years from the date of preliminary plat approval, the PRD will be divided into phases or divisions of development and numbered sequentially in the order construction is to occur. The preliminary and final plats for each phase shall be reviewed separately. Each phase of the project shall meet all the requirements of a single PRD.

(Q) Final Plat Assurance Device. The city may require assurance devices to assure compliance with the conditions of the approved final plat. All required improvements

must be completed within one year from the date of final plat approval unless work is continuous beyond that point or unless modified by the conditions of approval. A maintenance assurance device for at least one year after city acceptance of all required improvements shall be provided. A longer period may be established by the conditions of final approval or by the city engineer for improvements of facilities which may not reasonably demonstrate their durability or compliance within a one-year period.
(R) Special Requirements for Resource Lands. In accordance with RCW 36.70A.060, when appropriate, the final plat must contain a notice that the subject property is on or within 300 feet of lands designated agricultural lands, forest lands or mineral resource lands.
(S) Enforcement. Any division of land contrary to the provisions of this chapter or approved amendments shall be declared to be unlawful and a public nuisance. Compliance with this section or approved amendments may be enforced by mandatory injunction brought by the owner or owners of land in proximity to the land with the proscribed condition. The prosecuting attorney may immediately commence action or actions, or proceedings for abatement, removal and enjoinment thereof, in a manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove the illegal division.
(T) Severability. If any section, subsection, sentence, clause or phrase of this chapter or amendment thereto, or its application to any person or circumstances, is held invalid, the remainder of this chapter or application to other persons or circumstances shall not be affected.
(U) Injunctive Action. The city of Granite Falls, through its authorized agents and to the extent provided by state law, may commence an action to restrain and enjoin violations of this chapter, or any term or condition of plat approval prescribed by the city, and may compel compliance with the provisions of this chapter, or with such terms or conditions as provided by RCW 58.17.200 and 58.17.320. The costs of such action, including reasonable attorneys' fees, may be taxed against the violator. [Ord. 905 § 1 (Att. A), 2016.]

19.05.040 Annexations.
(A) General Requirements. Annexations will be considered and processed according to the applicable state regulations (RCW 35A.14.420 through 35A.14.450).
(B) Concurrent Adoption of Appropriate Land Use Designation and Zone Upon Annexation. All annexations shall be enacted with the land use designation in the comprehensive plan future land use map and the corresponding zoning designation. [Ord. 905 § 1 (Att. A), 2016.]

19.05.050 Variances.
(A) Purpose. The purpose of this section is to provide a means of altering the requirements of this UDC in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties within the identical regulatory zone because of special features or constraints unique to the property involved.
(B) Granting of Variances. The city shall have the authority to grant a variance from the provisions of this UDC when, in the judgment of the hearing examiner, the conditions as

~~set forth in subsection (C) of this section have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this UDC so that the spirit of this UDC shall be observed, public safety and welfare secured, and substantial justice done.~~

~~(C) Decision Criteria. Before any variance may be granted, it shall be shown:~~

~~(1) That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;~~

~~(2) That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;~~

~~(3) That the granting of such variance will not be materially detrimental to the public health, safety, and welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;~~

~~(4) The need for the variance is not the result of deliberate actions of the applicant or property owner;~~

~~(5) The variance does not relieve an applicant from any of the procedural provisions of the UDC;~~

~~(6) The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;~~

~~(7) The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;~~

~~(8) The variance does not allow the creation of lots or densities that exceed the base residential density for the zone;~~

~~(9) The variance is the minimum necessary to grant relief to the applicant;~~

~~(10) The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and~~

~~(11) That the granting of such variance will not adversely affect the comprehensive plan.~~

~~(D) Conditions of Variances. When granting a variance, the hearing examiner shall determine that the circumstances do exist as required by subsection (C) of this section, and attach specific conditions to the variance which will serve to accomplish the standards, criteria, and policies established by this UDC.~~

~~(E) Application. Submittal of an application for a variance shall include:~~

~~(1) A completed application form;~~

~~(2) A site plan showing all information relevant to the request including but not limited to: location of existing and proposed structures, roads, property lines, parking areas, landscaping and buffers;~~

~~(3) Mailing labels of all property owners within 300 feet of the project site;~~

~~(4) A written statement addressing the decision criteria and any other information required by the city at the preapplication meeting. [Ord. 905 §1 (Att. A), 2016.]~~

~~19.05.060 Temporary uses/temporary housing units.~~

(A) Purpose. The purpose of this section is to establish allowed temporary uses and structures, and provide standards and conditions for regulating such uses and structures.

(B) Standards.

(1) Temporary Construction Buildings. Temporary structure for the storage of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects, and shall be abated within 30 days after completion of the project or 30 days after cessation of work or for a period not to exceed the duration of the building permit, whichever is greater.

(2) Temporary Construction Signs. Signs identifying persons engaged in construction on a site shall be permitted as long as construction is in progress, but not to exceed a six-month period; provided, that at any time the removal is required for a public purpose, said signs shall be removed at no expense to the city or other public agency.

(3) Temporary Real Estate Office. One temporary real estate sales office may be located on any new subdivision in any zone, provided the activities of such office shall pertain only to the selling of lots within the subdivision upon which the office is located; and provided further, that the temporary real estate office shall be removed at the end of a 12-month period, measured from the date of the recording of the map of the subdivision upon which such office is located or at the time specified by the city council.

(4) Construction Temporary Housing Unit. A "construction temporary housing unit" is a recreational vehicle, single-wide mobile home or manufactured home that may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent dwelling on the same lot or tract, provided:

(a) The unit is removed from the site within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

(b) The mobility gear is not removed from the unit and the unit is not permanently affixed to the site on which it is located.

(c) The unit is not located in any required front or side yard.

(d) A temporary permit is issued by the building department prior to occupancy of the unit on the construction site.

(5) Public Facility Temporary Housing Unit. A "public facility temporary housing unit" is a single-wide mobile home or manufactured home to be used at public schools, fire stations, and parks for the purpose of providing on-site security, surveillance, and improved service at public facilities, provided:

(a) The public facility requesting the housing unit shall submit to the city an affidavit showing need for the unit.

(b) The mobility gear is not removed from the unit and the unit is not permanently affixed to the site where it is located.

(c) The unit is not located in any required front or side yards or designated open space.

(d) Prior to the issuance of a temporary permit, the site shall be reviewed by the Snohomish County health department to determine additional requirements for water supply and/or septic waste disposal or adequacy of existing utilities.

(e) In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the security unit, the city may require the unit be located so as to take advantage of the natural growing material available to screen said unit from adjacent properties.

(f) The temporary building permit shall be valid until a permanent facility is incorporated into the public use, or the need for the temporary housing unit no longer exists; at such time, the temporary unit shall be removed.

(g) The building permit shall be renewed annually, subject to the continued justification of conditions.

(6) Emergency Temporary Housing Unit. An "emergency temporary housing unit" is a recreational vehicle, single-wide mobile home or manufactured home which may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to house persons or families whose permanent home has been destroyed or damaged by a disaster until replacement housing has been located or constructed.

(7) Emergency Temporary Housing Permitted. Emergency temporary housing units are permitted in all zones as follows:

(a) Permit. An emergency temporary housing permit for a temporary housing unit may be issued by the city if the applicant can satisfy the criteria set forth in the definition of temporary housing.

(b) Minimum Standards. The following are the minimum standards applicable to temporary housing units. Applications for a reduction of these standards may only be granted by the planning commission or hearing examiner through the variance procedures set forth in GFMC 19.05.050.

(i) A temporary housing unit shall be used and occupied solely in accordance with the provisions set forth in this subsection (B)(7).

(ii) The mobility and towing gear of the mobile home shall not be removed and the temporary housing unit shall not be permanently affixed to the land, except for temporary connections to utilities necessary to service the temporary unit. In the event the health department requires the installation of separate water supply and/or sewerage disposal systems, said requirements shall not at a later time constitute grounds for the continuance or permanent location of a temporary housing unit beyond the length of time authorized in the permit of renewal of said permit.

(iii) The temporary housing unit shall not be located in any required yard or open space required by this UDC, nor shall the unit be located closer than 20 feet nor more than 100 feet from the principal dwelling on the same lot.

(iv) In the event the site contains trees or other natural vegetation of a type and quantity to make it possible to partially or totally provide screening on one or more sides of the temporary housing unit, the city

may require the temporary housing unit to be located so as to take advantage of the natural growing material available on the site to screen said unit from adjacent property.

(v) Prior to the issuance of a temporary housing permit, the city shall review the application and may require the installation of such fire protection/detection equipment as may be deemed necessary as a condition to the issuance of the temporary housing permit.

(c) Renewals. Temporary housing permits shall be valid for one year; provided, that annual renewals may be obtained upon confirmation by affidavit from the applicant that the requirements specified herein are satisfied. Application for renewals must be made 60 days before the expiration of the current permit. Renewals of said permits shall be automatically granted if the applicant is in compliance with the provisions herein and no notice of such renewal is required. The temporary housing unit shall be removed from the lot or tract of land not more than 30 days from the date the temporary permit expires or occupancy ceases.

(d) Grandfather Clause. Permitted temporary housing units pursuant to prior regulations may continue to exist upon the same standards and criteria as said permit was issued and all renewals shall be based on the same criteria that the initial permit was granted. Upon the termination of occupancy any time during the life of the permit, the temporary housing unit permit shall terminate and the mobile home must be removed within 30 days. [Ord. 905 § 1 (Att. A), 2016.]

19.05.070 Official site plans.

(A) Purpose.

(1) Specify the criteria used by the city of Granite Falls to review and approve official site plans.

(2) To provide a method for logical and sequential review of projects not subject to subdivision regulations.

(B) Applicability. The official site plan process shall be used for the review of:

(1) Planned residential developments (PRDs);

(2) Residential condominiums;

(3) Manufactured or mobile home parks.

[Note: Provisions for a binding site plan (BSP) used for land division can be found in GFMC 20.08.090.]

(C) Application Submittal. Each application for official site plan approval shall contain five copies of all complete application forms, plans and reports. A complete application must include:

(1) Fees. The applicant shall pay the required fees as set forth in the city's fee resolutions when submitting an official site plan.

(2) Application form.

(3) Title report (dated within the last 30 days).

(4) Vicinity map of the area where the site is located.

(5) Environmental checklist.

(6) Landscape plan.

(7) A preliminary site plan on 22-inch by 34-inch paper drawn to a scale of 50 or 100 feet to one inch, stamped and signed by a registered engineer, architect or land surveyor illustrating the proposed development of the property and including, but not limited to, the following:

(a) Name or title of the proposed official site plan.

(b) Date, scale and north arrow.

(c) Boundary lines and dimensions including any platted lot lines within the property.

(d) Total acreage.

(e) Property legal description.

(f) Existing zoning.

(g) Location and dimensions of all existing and proposed:

(i) Buildings, including height in stories and feet and including total square feet of ground area coverage.

(ii) Parking stalls, access aisles, and total area of lot coverage of all parking areas.

(iii) Off-street loading area(s).

(iv) Driveways and entrances.

(h) Proposed building setbacks in feet.

(i) Location of any regulated sensitive areas such as wetlands, steep slopes, wildlife habitat or floodplain and required buffers.

(j) Location and height of fences, walls (including retaining walls), and the type or kind of building materials or planting proposed to be used.

(k) Location of any proposed monument signs.

(l) Proposed surface stormwater drainage treatment.

(m) Location of all easements and uses indicated.

(n) Location of existing and proposed utility service.

(o) Existing and proposed grades shown in five-foot interval topographic contour lines.

(p) Fire hydrant location(s).

(q) Building architect elevations showing north, south, east and west views.

(8) Any other information as required by the city shall be furnished, including, but not limited to, traffic studies, wetland reports, elevations, profiles, and perspectives, to determine that the application is in compliance with this code.

(9) Applicants shall provide the city with one digital copy of the proposed official site plan data and associated documents on a CD in a CAD program compatible with AutoCAD or ArcView.

(D) Type of Approval. An official site plan is reviewed as a Type 2 process and approved or denied by the hearing examiner based on a recommendation from the designated official following a public hearing.

(E) Criteria for Approval.

(1) Standards for Review of an Official Site Plan. The hearing examiner shall review the proposed official site plan to determine whether it meets the following criteria:

(a) Conformance with the comprehensive plan.

(b) Conformance with all applicable performance standards and zoning regulations.

(c) Design sensitivity to the topography, drainage, vegetation, soils and any other relevant physical elements of the site.

(d) Availability of public services and utilities.

(e) Conformance with SEPA requirements.

(2) Condominium Standards. Development of condominiums including residential units or structures shall meet either of the standards set out in subsection (E)(2)(a) or (b) of this section:

(a) All lots and developments shall meet the minimum requirements of this code. Phase or lot lines shall be used as lot lines for setback purposes under the zoning code.

(b) Condominiums may be developed in phases where ownership of the property is unitary but some structures are to be completed at different times or with different lenders financing separate structures or areas of the property. The following conditions shall apply to phased condominiums:

(i) By a joint obligation to maintain any and all access ways. The city shall have no obligation to maintain such access ways.

(ii) The city shall require easements for access to the property to allow for emergency services and utility inspections as defined in the development agreement.

(iii) Reciprocal easements for parking shall be provided to all tenants and owners.

(iv) The applicant must submit an official site plan schedule for completion of all phases.

(v) Phase lines must be treated as lot lines for setback purposes under the zoning code unless the property owner will place a covenant on the official site plan that the setback areas for built phases, contained in all unbuilt phases, shall become common areas and owned by the owners of existing units in the built portions of the condominium upon the expiration of the completion schedule.

(vi) All public improvements shall be guaranteed by bond or other security satisfactory to the city.

(vii) All built phases in a condominium official site plan shall have a joint and several obligation to maintain landscaping through covenants or easements or both to assure that the responsibility is shared among the various owners.

(F) Official Site Plan Components.

(1) An official site plan shall include a record of survey and development agreement.

(2) The development agreement shall incorporate the conditions of approval for the official site plan.

(G) Recording Requirements.

(1) When the proposed official site plan receives final approval, the applicant shall record the official site plan and development agreement, if required, with the Snohomish County auditor.

(2) The applicant shall furnish the city with three copies and a digital copy of the recorded official site plan within five working days of recording, and the Snohomish County assessor shall be furnished one paper copy.

(H) Development Requirements.

(1) Said lots shall not be sold or transferred unless the official site plan and a record of survey map, which is prepared in compliance with Chapter 58.09 RCW and which includes a legal description of each lot being created, is approved by the city and filed for record in the Snohomish County auditor's office.

(2) The official site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract.

(3) All development must be in conformance with the recorded official site plan. Any development, use or density which fails to substantially conform to the site plan as approved constitutes a violation of this chapter.

(I) Amendment, Modification and Vacation.

(1) Amendment, modification and vacation of an official site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new official site plan application, as set forth in this chapter.

(2) The vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision or short division. [Ord. 974 § 8, 2019; Ord. 905 § 1 (Att. A), 2016; Ord. 740 § 1 (Exh. A), 2007. Formerly 19.05.090.]

Chapter 19.05
SUBDIVISIONS, BINDING SITE PLANS, AND BOUNDARY LINE ADJUSTMENTS

Sections:

Part I - Subdivisions

Part II – Binding Site Plan

Part III – Boundary Line Adjustments

Part IV – Alternative Subdivisions

Part I - Subdivisions

19.05.005 Introduction and purpose.
Unless exempted by Chapter 58.17 RCW, all subdivision activity is subject to the requirements of this title. No person may subdivide land except in accordance with all of the provisions of this chapter. Short plats consist of subdivisions which result in nine or fewer lots. Subdivisions of 10 or more lots may also be referred to as formal or long plats/subdivisions.

The intent of this chapter and title is to provide criteria, regulations and standards to govern the subdividing of land within the city and to:

(A) Promote the public health, safety and general welfare in accordance with standards established by the state and the city;
(B) Promote effective use of land by preventing the overcrowding or scattered development which would injure health, safety or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation or other public services, or excessive expenditure of public funds for such services;
(C) Avoid congestion and promote safe and convenient travel by the public on streets and highways through the coordination of streets within a subdivision with existing and planned streets;
(D) Provide for adequate light and air;
(E) Provide for water, sewage, drainage, parks, and recreational areas, sites for schools and school grounds, and other public requirements;
(F) Provide for proper ingress and egress;
(G) Provide for the housing and commercial needs of the community;
(H) Require placement of permanent uniform land division survey monuments and conveyance of accurate legal descriptions;
(I) Protect environmentally sensitive areas; and
(J) Protect and preserve the community urban forest for its aesthetic, environmental and health benefits.

19.05.010 Subdivisions.
Unless exempted by Chapter 58.17 RCW, all subdivision activity is subject to the requirements of this title. No person may subdivide land except in accordance with all of the provisions of this chapter. Short plats consist of subdivisions which result in nine or fewer lots. Subdivisions of 10 or more lots may also be referred to as formal or long plats/subdivisions.

19.05.015 Review of Subdivisions.
No person may subdivide his land except in accordance with the provisions of this title. Long and short subdivisions are subject to a three-step approval process. The first step is approval of the preliminary plat, the second is approval and construction of the infrastructure necessary to serve the plat, and the third step is for approval of the final plat. Each step requires a separate application and fee as set by Council resolution.

19.05.020 Limitations on Re-Subdividing Short Plats.
Short plats can be re-subdivided with a subsequent short plat within five years if the total number of lots created between the original and second short plat does not exceed nine. If the number of lots exceeds nine, re-subdivision requires a long plat.

19.05.025 Criteria for Preliminary Plat Approval.
(A) A preliminary plat shall follow the procedures for a Type II review for a short plat and Type III review for plats pursuant to Chapter 19.04B.
(B) A preliminary plat shall be approved if it meets the approval criteria in Chapter 58.17 RCW and the requirements of this title.
(C) Preliminary plat approvals may contain conditions as deemed necessary to ensure the approval criteria are met.

19.05.030 Application for Final Plat Approval.

The application for final plat approval shall include:

(A) Completed application form with fee.

(B) Two draft copies of the following information:

(1) Mathematical lot closures showing error of closures not to exceed 0.005 times the square root of "n," where "n" equals the number of sides and/or curves of a lot.

(2) A certification from a professional land surveyor, licensed in the State of Washington, as to the survey data, layout of streets, alleys and other rights-of-way.

(3) A certification that bridges, sewage, water systems and other structures together with the information provided by the professional land surveyor for the approval signature of a licensed engineer acting on behalf of the City.

(4) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout showing closures of the section or subdivision breakdown (if any), plat boundary, road centerlines, lots and tracts. The maximum allowable error of closure shall be .02 feet in any such closure.

(5) A title company certification which is not more than 30 calendar days old containing:

(a) A legal description of the total parcel sought to be subdivided; and

(b) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and

(c) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and

(d) Any encumbrances on the property; and

(e) Any delinquent taxes or assessments on the property.

(6) An approved subdivision name reservation form from the Snohomish County Auditor's Office.

(7) If lands are to be dedicated or conveyed to the City as part of the subdivision, an American Land Title Association title policy shall be required.

(8) The Designated Official may require the applicant to submit any other information deemed necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land within the previous five years.

19.05.035 Approval of Final Plats.

(A) Final plats for subdivisions and short subdivisions are approved by the Designated Official and Public Works Directors. Final plats shall be approved if it is found that the requirements of preliminary plat, including applicable conditions of approval, have been met, and the requirements of Chapter 58.17 RCW have been met.

(B) The final plat submitted for recording shall be drawn in waterproof ink on a sheet made of material that will be acceptable to the Snohomish County Auditor's Office for recording purposes, and having dimensions of 18 inches by 24 inches.

(C) When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet

and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 50 feet.
(D) The applicant shall also provide all final plat maps and engineered as-builts in digital form. Files shall be submitted in "*.dwg" or other AutoCad-compatible format approved by Public Works.

19.05.040 Content of the Final Plat.
The final plat shall contain the following information:
(A) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Snohomish County Registry.
(B) The name and signatures of the subdivision owner or owners.
(C) The location by quarter section/section/township/range and/or by other legal description, the county, and state where the subdivision is located.
(D) The name, registration number, and seal of the professional land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that (1) it is a true and correct representation of the land actually surveyed by him/under his supervision; (2) that the exterior plat boundary, and all interior lot corners have been set on the applicant's property by him/under his supervision using appropriate permanent materials, with a field traverse with a linear closure of one to 10,000 and corresponding angular closure as specified in WAC 173-303-610; and (3) that all street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines have been monumented with concrete monuments in case or other permanent material approved by the City.
(E) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph. The drawing shall be of legible scale, and shall include the north arrow and basis of bearings. Unless otherwise approved by the Designated Official, the scale of the final plat will be at one inch equals 50 feet in order that all distances, bearings and other data can be clearly shown.
(F) A boundary survey prepared by a Professional Land Surveyor, licensed in the State of Washington, shall be shown on the proposed plat and shall reference the plat to the Washington Coordinate System, North Zone (North American Datum, 1983) with a physical description of such corners. When the necessary G.P.S. points exist within one-half mile of the subject property, they shall be located on the plat and used as primary reference datums.
(G) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions.
(H) The exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership.
(I) The true courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat.
(J) Curved boundaries and centerlines shall be defined by giving radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.
(K) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet, and bearings to one second of arc. Blocks in numbered additions to

subdivisions bearing the same name must be numbered consecutively through the several additions.
(L) Accurate locations of all monuments at such locations as required by the City Engineer.
(M) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than 20 feet from the high waterline of the water or within a reasonable distance, to ensure reestablishment.
(N) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication; and/or any area to be reserved by deed covenant for common uses of all property owners.
(O)A full and correct legal description of the property.
(P) All permanent restrictions and conditions on the lots or tracts or other areas in the plat required by the City.
(Q) Any additional pertinent information required at the discretion of the Public Works Director and the Designated Official.
(R) An endorsement to be signed, prior to recordation, by the proper officer in charge of tax collections, certifying that all taxes and delinquent assessments have been paid, satisfied, or discharged.
(S) The following declaration: "All conditions of the preliminary short plat, embodied within the Form of Decision [recorded in Book ____, Page ____ of the Snohomish County Registry/which is attached hereto as Exhibit ____], shall remain conditions of construction of the public improvements."

19.05.045 Endorsements on Short and Long Subdivision Plats.
All subdivision plats shall contain the following endorsements, specific language of which is to be made available by the Designated Official: certificate of subdivision approval, certificate of approval of public improvements, certificate of ownership and dedication, certificate of survey and accuracy, certificate of Public Works Directors or City Engineer Approval, certificate of Designate Official Approval , Snohomish County treasurer's certificate, and Auditor's recording certificate.

19.05.050 Plat Approval Not Acceptance of Dedication Offers.
Preliminary approval of a plat does not constitute acceptance by the City of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. Offers of dedication will be officially accepted with approval of the final plat.

19.05.055 Subdivision Recording Requirements.
When the City approves a final subdivision or final short subdivision, the applicant shall record the original signed final plat or final short plat with the Snohomish County Auditor. The applicant will also furnish the City with one reproducible copy of the recorded documents, and the Snohomish County Assessor shall be furnished one paper copy.

19.05.060 Alterations of Subdivisions.
(A) If an applicant wishes to alter a subdivision or short subdivision or any portion thereof, except as provided in Section 19.05.065, that person shall submit an

application to City Hall requesting the alteration. The application shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites or divisions within the subdivision or short subdivision or in that portion to be altered.
(B) The Designated Official shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration. Major alterations are those which substantially change the basic design, density, open space, or other similar requirements or provisions.
(C) If the subdivision or short subdivision is subject to restrictive covenants, which were filed at the time of the approval, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or short subdivision or any portion thereof.
(D) If the alteration is requested prior to final plat or final short plat review and signature, a minor alteration may be approved with consent of the Designated Official. A long plat or short plat major alteration shall require consent of the Designated Official as a Type II review for short subdivisions after public notice or the Hearing Examiner as a Type III review for subdivisions after public notice and a public hearing is held. Notice shall be provided of the application for a long plat or short plat alteration to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original subdivision or short subdivision application. The Designated Official shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration pursuant to subsection (b) of this section.
(E) If the alteration is requested after final plat or final short plat review and signature, but prior to filing the final plat or final short plat with Snohomish County, a plat or short plat alteration may be approved with consent of the Designated Official for short subdivisions as a Type II review or the City Council for subdivisions as a Type V review. Upon receipt of an application for alteration, notice shall be provided of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original application. The notice shall establish a date for a public hearing.
(F) If the alteration is requested after filing the final plat or final short plat with Snohomish County, a minor plat alteration may be approved with consent of the Designated Official as a Type II review. If the Designated Official determines that the proposed alteration is a major alteration, pursuant to subsection (b) of this section, then the Designated Official may require replatting pursuant to this chapter. Upon receipt of an application for alteration, notice shall be provided of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the subdivision or short subdivision plat application. The notice shall establish a date for a public hearing.
(G) The City shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to

the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.
(H) After approval of the alteration, the City shall order the applicant to produce a revised drawing of the approved alteration of the subdivision or short subdivision, and after signature the final plat or final short plat shall be filed with Snohomish County to become the lawful plat or short plat of the property.
(I) This section shall not be construed as applying to the alteration or replatting of any plat or short plat of State-granted shore lands.

19.05.065 Vacations of Subdivisions.
(A) Whenever an applicant wishes to vacate a subdivision or short subdivision or any portion thereof, that person shall file an application for vacation with City Hall. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation.
(B) If the development is subject to restrictive covenants which were filed at the time of the approval, and the application for vacation would result in a violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or short subdivision or portion thereof.
(C) When the vacation application is specifically for a City street or road, the procedures for right-of-way vacation in Chapter 19.10 shall be followed for the street or road vacation. When the application is for the vacation of the plat or short plat together with the streets or roads, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under State law.
(D) Notice shall be given to all owners of property within the subdivision or short subdivision, to all property owners within 300 feet of short subdivision and subdivision boundaries, and to all applicable agencies. The Designated Official shall conduct a public meeting in the case of short subdivisions, and the City Council shall conduct a public hearing on the application for a vacation. The application for vacation of a subdivision or short subdivision may be approved or denied after the City has determined the public use and interest to be served by the vacation. If any portion of the land contained in the proposed vacation was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the City Council sets forth findings that the public use would not be served in retaining title to those lands.
(E) Title to the vacated property shall vest with the rightful owner as shown in Snohomish County records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the City Council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the City Council. When a road or street that is to be vacated was contained wholly within the subdivision or short subdivision and is part of the boundary of the subdivision or short subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

(F) This section shall not be construed as applying to the vacation of any plat or short plat of State-granted shore lands.

Part II – Binding Site Plan

19.05.100 Divisions requiring binding site plans.

The purpose of the binding site plan is to provide an alternative method for the division of land as authorized by RCW 58.17.035 and 58.17.040 (4), (5), and (7). A binding site plan shall comply with the following requirements:

(A) Applications submitted shall comply with the requirements established by GFMC 19.04B.205 through 260, Application process.

(B) Notice of the filing of the binding site plan application shall be provided in compliance with GFMC 19.04B.225, Public notice requirements.

(C) As a basis for approval, approval with conditions or disapproval of a binding site plan, the designated official shall determine if appropriate provisions have been made for but not limited to the purpose and criteria set forth in Section 19.05.100 GFMC, Subdivision and Short Subdivision Regulations.

(D) Each final decision of the designated official shall be in writing and shall include findings and conclusions based on the record to support the decision, in accordance with GFMC 19.04B.240, Decision. The decision made by the designated official may be appealed to the hearing examiner in compliance with GFMC 19.04B.250.

(E) Decision Criteria. In order to approve a binding site plan, the Department must find that the newly created lots function and operate as one site and that the binding site plan and record of survey comply and are consistent with the following provisions as well as any other applicable regulations as determined by the Department:

(1) Requirements of this part;

(2) Requirements for noise control, Chapter 9.58;

(3) Requirements for public or private roads, right-of-way establishment and permits, access, and other applicable road and traffic requirements;

(4) Compliance with fire lane, emergency access, fire-rated construction, hydrants and fire flow, and other requirements of Section 15.02.120;

(5) Compliance with applicable construction code requirements, Chapter 15.02;

(6) Compliance with applicable use and development standard requirements of this title;

(7) Compliance with applicable shoreline management code requirements of the Shoreline Master Program, Section 19.07.030 and/or flood hazard area requirements of Section 19.07.035;

(8) Compliance with environmental policies and procedures and critical areas regulations of Section 19.07.010 and Section 19.07.020;

(9) Compliance with applicable drainage requirements of Title 13.20;

(10) Compliance with applicable impact fee requirements;

(11) Provisions for adequate sewer service, water supply and refuse disposal; and

(12) Any other applicable provision of this title.

(F) Conditions of Approval.

(1) The Designate Official is authorized to impose conditions and limitations on the binding site plan. By this authority, and if the Designated Official determines that

any delay in satisfying requirements will not adversely impact the public health, safety, or welfare, the Designated Official may allow requirements to be satisfied prior to issuing the first building permit for the site, or prior to issuing the first building permit for any phase, or prior to issuing a specific building's certificate of occupancy, or in accordance with an approved phasing plan.

(2) The binding site plan shall contain a provision requiring that any development of the site shall be in conformity with the approved binding site plan.

(3) The Designated Official may authorize sharing of open space, parking, access, and other improvements among properties subject to the binding site plan. Conditions and restrictions on development, use, maintenance, shared open space, parking, access, and other improvements shall be identified on the binding site plan and enforced by covenants, conditions, restrictions, easements, or other legal mechanisms.

(4) All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the owner, purchaser, and any other person acquiring a possessory ownership, security, or other interest in any property subject to the binding site plan.

(5) After approval of a binding site plan for land zoned and used for commercial or industrial purposes, or for land zoned and used for mobile home parks, the applicant shall record the approved binding site plan with a record of survey (except for the provision of RCW 58.09.090(1)(d)(iv)) as one recording document complying with the requirements of this section.

(6) The Designated Official may authorize the use of a binding site plan for land, all or a portion of which will be subjected to the provisions of Chapter 64.32 or 64.34 RCW, the applicant shall then record the approved binding site plan with a record of survey (except for the provisions of RCW 58.09.090(1)(d)(iv)) as one recording document complying with the requirements of this section. Following recordation of the binding site plan with record of survey, the applicant shall independently complete improvements shown on the approved binding site plan and file a declaration of condominium, and survey map and plans as required by Chapter 64.32 or 64.34 RCW.

(7) Under subsection (5) or (6) of this section, when a record of survey is not required pursuant to RCW 58.09.090(1)(d)(iv), the applicable record of survey data, consistent with the application requirements as adopted by the department pursuant to Section 19.04A.220, shall be shown on the binding site plan to be recorded.

(G) Binding site plans shall be drawn at a scale no smaller than one inch equals 50 feet and shall include the design of any lots or building envelopes and the areas designated for landscaping and vehicle use.

(H) All binding site plans shall be recorded in compliance with the following:

(1) Approval Required. No binding site plan shall be filed unless approved by the designated official and city engineer.

(2) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original binding site plan on a PDF, AutoCAD file format and 22-inch by 34-inch plan sheets to the city clerk for signatures together with the binding site plan approval fee.

(3) Signatures Required. The final approval of the binding site plan shall be shown by affixing the signatures of the designated official and the city engineer and fire chief, the short plat documents to be recorded with the Snohomish County auditor.

(4) Recording Required. The approved binding site plan documents shall be filed for recording with the Snohomish County auditor and one reproducible copy shall be furnished to the city clerk.

(I) Design Standards – Access Requirements. Access requirements and road standards to and within lots of the binding site plan shall be provided in accordance with Section 19.06.050 and the EDDS. New public road(s) shall be provided for lot access where determined by the Public Works Director to be reasonably necessary as a result of the proposed development or to make appropriate provisions for public roads. The applicant may also propose establishment of public road(s).

(J) Phased Development.

(1) An applicant who chooses to develop a site in phases or divisions shall submit to the department a phasing plan consisting of a written schedule and a drawing illustrating the plan for concurrent review with the application for a binding site plan.

(2) Site improvements designed to relate to, benefit, or be used by the entire development (such as stormwater detention ponds or tennis courts in a residential development) shall be noted on the phasing plan. The phasing plan shall relate completion of such improvements to completion of one or more phases or stages of the entire development.

(3) Once a phasing plan has been approved, the information contained therein shall be shown on, or the phasing plan attached to and made a part of, the binding site plan.

(4) Approval of a phasing plan does not constitute approval of the binding site plan. No land may be used, no buildings may be occupied, and no lots may be sold except in accordance with the approved binding site plan.

(K) Approved binding site plans shall be binding and all provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan approval shall be considered a violation of this chapter, and shall be restrained by injunctive action and shall be illegal as provided in Chapter 58.17 RCW, Plats – Subdivisions – Dedications.

(L) Acceptance of Site Improvements. All public and private site improvements must be completed and accepted by the City or subjected to a performance security per GFMC 19.04A.180 approved by the Department prior to issuing the first building permit for the site, prior to issuing the first building permit for any phase, or prior to issuing a specific building's certificate of occupancy. Alternatively, the Department may condition the completion of such improvements pursuant to an approved phasing plan.

(M) Bonding or Performance Security.

(1) Prior to issuing the first building permit for a site development, prior to issuing the first building permit for each phase, or prior to issuing a specific building's certificate of occupancy, the Designated Official may require performance security

or security to be provided in a form and amount deemed necessary to assure that all work or actions required by this title are satisfactorily completed in accordance with the approved binding site plan and to assure that all work or actions not satisfactorily completed will be corrected to comply with the approved binding site plan to eliminate hazardous conditions, to restore environmental damage or degradation, and to protect the health, safety, and general welfare of the public bonding in accordance with Section 19.04A.180, Security Mechanisms.

(2) The bond or other security device must be conditioned on:

(a) The work or requirements being completed in accordance with the binding site plan;

(b) The site being left in a safe condition; and

(c) The site and adjacent or surrounding areas being restored in the event of damages or other environmental degradation from development activities conducted pursuant to the binding site plan.

(N) All subsequent development shall be in conformity with the approved binding site plan. Each binding site plan document shall reference the requirement for compliance with the binding site plan approval.

(O) Amendments to or vacations of an approved binding site plan shall be made through the process of this section.

(P) Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the city.

Part III – Boundary Line Adjustments

19.05.200 Boundary line adjustments.

(A) Application Submittal. Whenever it is proposed to adjust the boundary of an existing lot where no new lot is created, the applicant shall file with the city clerk a boundary line adjustment (BLA) application packet with the requirements as set forth in GFMC 19.04B.120, Application process.

(B) Procedure and Special Timing Requirements.

(1) Boundary line adjustments shall be approved, approved with conditions, or denied as follows:

(a) The city shall process the BLA as a Type 1 decision; and

(b) The BLA is exempt from notice provisions set forth in GFMC 19.04B.125.

(2) The city shall decide upon a BLA application within 45 days following submittal of a complete application or revision, unless the applicant consents to an extension of such time period.

(3) The designated official may deny a BLA application or void a BLA approval due to incorrect or incomplete submittal information.

(4) Multiple boundary line adjustments are allowed to be submitted under a single BLA application if:

(a) The adjustments involve contiguous parcels;

(b) The application includes the signatures of every parcel owner involved in the adjustment; and

(c) The application is accompanied by a record of survey.

(5) The legal descriptions of the revised lots, tracts, or parcels shall be certified by a licensed surveyor or title company.

(6) A boundary line adjustment shall be not approved for any property for which an exemption to the subdivision provisions or an exemption to the short subdivision provisions has been exercised within the past five years.

(C) Decision Criteria. A boundary line adjustment is a Type 1 permit. In reviewing a proposed boundary line adjustment, the designated official shall use the following criteria for approval:

(1) The proposed BLA is consistent with applicable development restrictions and the requirements of this title, including but not limited to the general development standards of Chapter 19.06 GFMC and any conditions deriving from prior subdivision or short subdivision actions. The proposed BLA will also not create a lot below the required lot size or dimensions for its zone designation;

(2) The proposed BLA will not cause boundary lines to cross a UGA boundary, cross on-site sewage disposal systems, prevent adequate access to water supplies, or obstruct fire lanes;

(3) The proposed BLA will not detrimentally affect access, access design, or other public safety and welfare concerns. The evaluation of detrimental effects may include review by the health district, the city engineer, or any other agency or department with expertise;

(4) The proposed BLA will not create new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry, or other safety concerns, as determined by the city engineer. The BLA shall comply with the access provisions set forth in this title and the city of Granite Falls public works standards;

(5) When a BLA application is submitted concurrently with a Type 1 application pursuant to GFMC 19.04A.210 and frontage improvements are required for the area subject to the BLA and the concurrent application, the improvements must be agreed to prior to approval of the BLA;

(6) If within an approved subdivision or short subdivision, the proposed BLA will not violate conditions of approval of that subdivision or short subdivision;

(7) The proposed BLA will not cause any lot that conforms with lot area or lot width requirements to become substandard;

(8) The proposed BLA may increase the nonconformity of lots that are substandard as to lot area and/or lot width requirements; provided, that the proposed BLA satisfies the other requirements of this chapter;

(9) The proposed BLA will not result in lots with less than 1,000 square feet of an accessible area suitable for construction when such area existed before the adjustment. This requirement shall not apply to lots that are zoned commercial or industrial;

(10) "Merged lots" means if two or more substandard lots or a combination of lots or substandard lots and portions of lots or substandard lots are contiguous and a structure is constructed on or across the lot line(s), which makes the lots contiguous, then the lands involved shall be merged and considered to be a single undivided parcel. No portion of said parcel shall be used, altered or sold in any manner which diminishes compliance with lot area and width requirements, nor

shall any division be made which creates a lot with a width or area below the minimum requirements permitted by this chapter.

(D) Design Standards – Access. If proposed lots within a BLA result in reduced public road frontage and/or changes in access, the designated official may require verification that all lots have safe access points. In such cases, the applicant shall stake approximate proposed access points and property lines along the public road frontage within five days of receipt of a request by the city to do so.

(E) Correcting Errors on an Approved BLA. Typographical errors in recorded legal descriptions or minor discrepancies on recorded BLA maps may be corrected by filing an affidavit of correction of boundary line adjustment with the city clerk. The affidavit shall be on a form supplied by the city clerk. The designated official shall review the affidavit for compliance with applicable code provisions. If approved, the applicant shall record the affidavit with the Snohomish County auditor within 45 days. Immediately after recording, copies of the recorded affidavit of correction shall be provided to the city clerk by the applicant.

Part IV – Alternative Subdivisions

19.05.300 Planned residential development (PRD).

(A) Purpose. The purposes of this section are:

(1) To offer an alternative form of development that benefits the city in ways that are superior to traditional lot-by-lot subdivision development;

(2) To allow flexibility and creativity in the layout and design to protect valued critical areas and to provide usable open space and recreation facilities;

(3) To promote a variety of housing choices in harmony with the surrounding areas;

(4) To provide a more efficient street and utility system that may reduce housing prices and the amount of impervious surface;

(5) To achieve the goals of the city's comprehensive plan, other ordinances and development regulations with regard to livable, desirable residential communities.

(B) Specific Requirements of PRD. A PRD should be based on the following general goals. These goals are translated into prescriptive regulations in the following pages. A determination of whether a specific PRD should be approved should be based on those requirements and not on general goals alone.

(1) The proposed PRD meets the requirements of this subsection.

(2) A PRD is allowed in the R-9,600 zone. The tract must be of single ownership.

(3) The property in question must be in common ownership.

(4) The applicant provides one or more of the following improvements to the subject property as part of the proposed PRD:

(a) The PRD provides public facilities that the city could not require of the applicant without a PRD including but not limited to facilities like parks, playgrounds, ball fields, sites for libraries, city halls, fire stations, and public parking lots for access to public facilities;

(b) The PRD will preserve, enhance or rehabilitate natural features such as significant woodlands, wetland areas, water bodies, view corridors and similar features;

(c) The design of the proposed PRD is superior to a traditional lot-by-lot proposal in one or more of the following ways:

(i) Additional usable open space and recreation areas;

(ii) Recreation facilities including, but not limited to, bicycle or pedestrian paths, children's play areas and play fields;

(iii) Superior circulation patterns and location of parking;

(iv) Superior landscaping, buffering, or screening in or along the perimeter that exceed the minimum requirements of the UDC;

(v) Superior design, layout, and orientation of structures including but not limited to examples like traditional neighborhood development approaches, grid road systems, alleys, clustering of houses for the purposes of economics, affordable housing elements as part of the project, and trail systems connecting other neighborhoods.

(C) Consideration of Density Bonus. In a proposed PRD, the hearing examiner may approve a residential density increase of up to 120 percent of the maximum density allowed in the R-9,600 zone if the requirements for providing amenities (open space, recreation facilities) and housing needs (innovative layout and design, special uses) are met.

(D) Minimum Size. PRDs may only be permitted on a minimum of one acre or greater.

(E) Permitted Zones. PRDs are permitted in the residential R-9,600 (R-9600) zone only. Any uses permitted or conditioned in the underlying zone shall be permitted in the PRD. Duplexes may be permitted in any residential PRD. No uses shall be permitted except in conformance with a specific and precise final development plan in accordance with the procedural and regulatory provisions of this subsection.

(F) Who May Apply. A PRD application may be initiated by:

(1) The owner of all of the subject property, if under one ownership;

(2) All owners with joint ownership having title to the subject property proposed for the PRD, if there is more than one owner;

(3) A government agency.

(G) Availability of Public Services.

(1) A PRD proposal will be denied unless adequate public facilities such as water lines, sewer lines, and streets that serve the proposal are in place or are planned.

(2) A PRD proposal shall not reduce the level of service (LOS) on city streets below the city adopted LOS standard.

(H) Application Process.

(1) The application shall be filed with the city clerk together with the application fee and required documents in compliance with the Granite Falls Municipal Code.

(2) The PRD application fee shall cover the reimbursable costs of the preapplication conference, technical review, and the staff report to the hearing examiner. The application will be accompanied by a nonrefundable fee (see permit fee resolution). Any application for an amendment to the PRD shall also be subject to permit fees.

(3) Written documents required with the application shall include:

(a) Application for a short plat or subdivision approval, if needed;

(b) Environmental checklist (SEPA determination);

(c) A legal description of the total site;

(d) A project description including:

(i) How the proposal complies with the purposes of the PRD requirements;

(ii) A rationale for any other underlying assumptions;

(e) A site description that provides:

(i) Total number, type and location of dwelling units;

(ii) Parcel sizes;

(iii) Proposed lot coverage and all structures;

(iv) Approximate gross and net residential density;

(v) Total amount of proposed open space (divided into usable and protected) and identified recreation areas;

(vi) Economic feasibility studies, market analysis, or other required studies;

(f) A site plan and maps including:

(i) Site plan of all existing and proposed structures and improvements;

(ii) Map of existing and proposed circulation system (pedestrian and vehicular) including public rights-of-way and notations of ownership;

(iii) Map of existing and proposed location of public utilities and facilities;

(iv) Landscape plan showing greenbelts, buffers and open space (usable and protected);

(v) Proposed treatment of the perimeter indicating the location of vegetation to be retained and to be installed;

(vi) Schematic plans and elevations of proposed buildings with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs, and accessory structures;

(g) A description of the proposed sequence and timing of construction, the provisions of ownership and the management once the PRD is developed;

(h) Any information about adjacent areas that might assist in the review of the proposal.

(I) Site Design Criteria.

(1) Basic Density. The allowable basic density shall be the same as permitted by the R-9,600 zone.

(2) Density Bonus. The hearing examiner may approve a density increase of up to 120 percent of the allowable density if the required amenities and needs are proposed. Bonuses shall be based on a formula of:

(a) Fifteen percent if the PRD proposal provides for the following: at least 25 percent of the net area is designated as common open space. Active recreation facilities such as paths, trails, playgrounds and equipment, ball fields and basketball courts for people of all ages shall be provided based on review and approval by the city.

(b) Five percent for innovative site design and layout such as, but not limited to, facing views, buffered parking, accommodating land constraints, clustered lots, alleys, grid systems for roads, interconnected green spaces, and landscaping buffering along the frontage in separating the developed areas from adjacent properties.

(3) Common Open Space. At least 25 percent of the net land area of a planned residential development shall be dedicated as common open space other than required public improvements or private streets, stormwater conveyances, landscape strips, or critical areas or their buffers. The dedicated open common space shall be deeded to the city or placed in a permanent easement as may be required by the city. Stormwater vaults can be part of the open space as long as they are covered, flush with the ground, and meet the other requirements for open space included in this chapter.

(4) The dedicated open common space shall be set aside in perpetuity for the use of residents of the development or shall be deeded to a homeowners' association by written instrument. If a conveyance to a homeowners' association is the instrument selected, the landowners shall so organize said conveyance that it may not be dissolved, nor dispose of the open space by sale or other means except to an organization conceived and established to own and maintain it or dedicated to the city subject to city council approval.

(a) All streams, wetlands, geologically critical areas, and any associated buffers shall be preserved as open space and reserved in separate tracts (native growth protection areas), as provided by the city's critical area regulations, GFMC 19.07.020.

(b) Any area to be dedicated for common open space shall be kept, located and of such a shape to be acceptable to the designated official. In determining the acceptability of proposed common space, the designated official shall consider future city needs and may require a portion of the common space to be designated as the site of a potential future public use; provided, however, that not more than 25 percent of the gross area shall be taken for public facilities. In the event that it is deemed necessary to set aside any portion of the site for public buildings, an agreement shall be entered into between the applicant and the city of Granite Falls. This shall apply to the need for land for any public purpose except for public recreation. No final plat or occupancy permit shall be granted until the improvements required for the PRD have been installed to the satisfaction of the city.

(c) All common open space area shall be graded and seeded or paved by the developer during the course of construction, unless the designated official approves or directs the maintaining of all or a portion of such open space in its natural state or with minor, specified improvements. Required or proposed improvements shall either be provided during construction or bonded prior to final plat approval.

(d) All off-street parking areas shall be transferred to the ownership of a homeowners' association for maintenance and repairs. Wherever median grass strips or other landscaped areas are proposed that will be visible to the general public within the development, covenants and/or agreements shall provide for the maintenance of such areas by the homeowners' association.

(e) At least 75 percent of the required open space shall be contiguous. The length of the open space tract shall be no more than twice its width. Under special conditions that are peculiar to the particular parcel of land or to the

public purpose for which the land is to be used, dedication of a smaller area can be authorized by the designated official.

(f) Common open space areas may be used as park, playground, or recreation areas, including swimming pools, equestrian, pedestrian, and/or bicycle trails, tennis courts, shuffleboard courts, basketball courts, and similar facilities; woodland conservation areas; or any similar use of benefit to the residents of the development if in the ownership of a homeowners' association or the city, or if dedicated to and accepted by the appropriate department of the city, and deemed appropriate by the designated official.

(g) Common open space shall contain active recreation facilities such as play structures, sport courts, game areas, trails and walking paths. In addition, the facilities shall include park benches, garbage containers, and five trees for every 20,000 square feet of common space or portion thereof. Existing trees are encouraged to be retained when addressing this requirement.

(h) Each lot shall be located within a 1,200-foot walking distance of common open space and shall be provided access to the common open space via pedestrian walkways, paths, or sidewalks.

(5) Minimum Lot Size. The hearing examiner may recommend and the city council may approve a proposal that averages the lot sizes with no lot size of less than 6,000 square feet in the R-9,600 zone.

(6) Criteria for Lot Coverage and Setbacks.

(a) No portion of any building or structure shall be constructed to project onto any common open space.

(b) The front yard building setback shall be one-half of the right-of-way the lot front is on. Rear and side yard building setbacks shall be a minimum of five feet. The sum of the side yards shall not be less than 10 feet. The minimum front yard is intended to provide privacy and usable yard area for residents. Typically privacy may be a more important factor than use and where a preliminary plan can demonstrate privacy by reducing traffic flow in front of the dwelling, screening or planting, or by facing the structure toward common open space, a reduction in the front yard requirement is possible.

(c) Minimum lot widths are intended to prevent the construction of long buildings with inadequate light and air. The hearing examiner may approve minimum lot widths of no less than 50 feet as measured at the building setback line in a PRD in situations which create irregular lot configurations; if the design can adequately provide for light, air, and privacy provisions (particularly for living spaces and bedrooms), a narrower lot width may be permitted.

(7) Street Standards. PRDs shall be subject to the city's public works standards, with the following exceptions:

(a) All PRDs shall provide through streets when possible. Cul-de-sacs, hammerheads, and other dead-ends shall be avoided if possible. All streets shall be dedicated public rights-of-way.

(b) The city engineer may require provisions for future connections to adjoining developments.

(8) Buffer Between Uses. A buffer of 30 feet shall be established between single-family and multiple-family structures within a PRD. Buffers must be free of structures and must be landscaped, screened, or protected by natural features. Buffers may be used as part of the permitted common open space if the hearing examiner finds it consistent with the intent of the design criteria and suitable for that purpose.

(J) Review Criteria. These criteria will guide the hearing examiner's review and recommendations and final decision.

(1) The preliminary plan includes appropriate provisions for the public health, safety and general welfare of the public including, but not limited to, the following:

(a) Open space (protected and usable) and recreation facilities;

(b) Water, sewer, drainage and stormwater utilities;

(c) Streets, vehicle and pedestrian facilities;

(d) Appropriate ingress and egress;

(e) Fire and emergency vehicle access; and

(f) Minimized potential for soil erosion, landslides, and mudslides.

(2) The proposal is in compliance with and/or is in conformance with the applicable provisions of the:

(a) City subdivision standards for preliminary plats;

(b) Granite Falls Municipal Code, and all other applicable state and federal laws and regulations;

(c) Granite Falls comprehensive plan.

(3) Wherever practical, the proposal includes measures to:

(a) Minimize clearing, with priority given to maintaining existing vegetation;

(b) Revegetate wherever possible; and

(c) Accommodate reasonable building sites.

(4) All public and private facilities and improvements on and off the site necessary to provide for the proposed PRD are or will be available when needed.

(5) Use of existing public facilities and services will not degrade levels of service to existing users.

(6) Scenic value of existing vistas are protected.

(7) Existing vegetation and permeable surfaces (which provide watershed protection, ground water recharge, climate moderation and air purification) are protected.

(8) Existing habitat, wildlife corridors, and areas used for nesting and foraging by endangered, threatened or protected species are protected to the extent consistent with the proposed new development.

(K) Official Site Plan. The official site plan, as approved by the hearing examiner, shall become the official site plan of the PRD.

(L) Maintenance of Open Space and Utilities. Prior to final plat approval, the applicant shall submit to the city covenants, deeds and homeowners' association bylaws and other documents guaranteeing maintenance and construction and common fee ownership of public open space, community facilities, private joint use driveways, and all other commonly owned and operated property.

(M) Amendments and Modifications.

(1) Any amendments or major modifications shall be reviewed in the same manner as an original application. A "major modification" means any proposed change in the basic use or any proposed change in the plans and specifications for structures or locations of features whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree.

(2) Prior to issuing a building permit for any structure in a PRD, the final plat, subdivision, or dedication shall have been approved by the city council and filed for record by the city clerk with the Snohomish County auditor. If a PRD does not require subdivision or dedication, an official site plan and accompanying documents shall be filed with the county auditor, together with covenants running with the land, binding the site to development in accordance with all the terms and conditions of approval.

(3) Prior to final plat approval, these documents shall be reviewed by an attorney and accompanied by a certificate stating that they comply with the requirements of this section. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the Secretary of State and the Snohomish County auditor as a condition precedent to the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowners' association may be recorded simultaneously with the filing of the final plat.

(N) Covenants. PRD covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common.

(O) Time Limit. Applications and/or official site plan approval for the entire PRD shall expire five years after preliminary plat approval.

(P) Phased Developments. If a PRD is to be constructed over a period of more than two years from the date of preliminary plat approval, the PRD will be divided into phases or divisions of development and numbered sequentially in the order construction is to occur. The preliminary and final plats for each phase shall be reviewed separately. Each phase of the project shall meet all the requirements of a single PRD.

(Q) Final Plat Assurance Device. The city may require assurance devices to assure compliance with the conditions of the approved final plat. All required improvements must be completed within one year from the date of final plat approval unless work is continuous beyond that point or unless modified by the conditions of approval. A maintenance assurance device for at least one year after city acceptance of all required improvements shall be provided. A longer period may be established by the conditions of final approval or by the city engineer for improvements of facilities which may not reasonably demonstrate their durability or compliance within a one-year period.

(R) Special Requirements for Resource Lands. In accordance with RCW 36.70A.060, when appropriate, the final plat must contain a notice that the subject property is on or within 300 feet of lands designated agricultural lands, forest lands or mineral resource lands.

(S) Enforcement. Any division of land contrary to the provisions of this chapter or approved amendments shall be declared to be unlawful and a public nuisance. Compliance with this section or approved amendments may be enforced by mandatory injunction brought by the owner or owners of land in proximity to the land with the

proscribed condition. The prosecuting attorney may immediately commence action or actions, or proceedings for abatement, removal and enjoinment thereof, in a manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove the illegal division.
(T) Severability. If any section, subsection, sentence, clause or phrase of this chapter or amendment thereto, or its application to any person or circumstances, is held invalid, the remainder of this chapter or application to other persons or circumstances shall not be affected.
(U) Injunctive Action. The city of Granite Falls, through its authorized agents and to the extent provided by state law, may commence an action to restrain and enjoin violations of this chapter, or any term or condition of plat approval prescribed by the city, and may compel compliance with the provisions of this chapter, or with such terms or conditions as provided by RCW 58.17.200 and 58.17.320. The costs of such action, including reasonable attorneys' fees, may be taxed against the violator.

19.05.310 Unit lot subdivisions.
(A) Purpose. The purpose of this section is to allow subdivision of certain housing types where subdivision is not otherwise possible due to conflicts between characteristics of the development type and applicable dimensional standards. Unit lot subdivision applies the dimensional standards to the overall site, the "parent lot," while allowing flexibility in the dimensional standards for the subordinate "unit lots." This section is not intended to permit uses or densities that are not otherwise allowed in the land use designations in which a unit lot subdivision is proposed.
(B) Administrative Deviation from Dimensional Standards. The overall development on the parent lot proposed for subdivision shall maintain consistency with the development standards applicable to the land use designation and the land use type at the time the application is vested, as specified by the applicable code provisions and this section. Subsequent additions or modification to the structure(s) shall not create any nonconformity of the parent lot. Administrative deviation from setback, lot width, lot coverage, and lot area standards in Chapter 19.03 GFMC may be approved for individual unit lots through a unit lot subdivision, subject to any limitations in this section. Structures on unit lots and structures divided by unit lots that conform to a recorded unit lot subdivision shall not be considered nonconforming under Section 19.06.140 GFMC.
(C) Unit lot subdivisions and subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.
(D) Approval Process. Unit lot subdivisions of nine (9) or fewer lots shall be processed in the same manner as short plats pursuant to the associated permit type in Chapter 19.04A and 19.04B GFMC. Unit lot subdivisions of ten (10) or more lots shall be processed as plats pursuant to the associated permit types in Chapter 19.04A and 19.04B GFMC.
(E) Approval Criteria. In addition to any other standards and approval criteria applicable to a unit lot subdivision proposal, including but not limited to criteria in Chapters 19.03 19.04C, and 19.05 GFMC, proposals shall be subject to the following:

(1) Each unit lot shall have individual sewer service, water service, and a power meter specific to that unit.

(2) Private usable open space of at least four hundred (400) square feet, exclusive of required parking, shall be provided for each dwelling unit on the same unit lot as

the dwelling unit it serves. Such areas shall have a minimum dimension of fifteen (15) feet and shall be usable.

(3) Parking shall be calculated and designed for each lot in compliance with Chapter 19.06 GFMC, although parking required for a dwelling may be provided on a different lot or tract within the parent lot as long as the right to use that parking is formalized by an easement declared on the plat. Where parking for detached single-family buildings is provided on a different lot or tract, parking allowances for detached single-family residences in Chapter 19.06 GFMC, including tandem parking and backing into a street, shall not apply.

(4) Private access drives are allowed to provide access to dwellings and off-street parking areas within a unit lot subdivision. Access, joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open area and other similar features, as recorded with Snohomish County.

(5) Access and utility easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; drainage facilities, underground utilities; common open space (such as common courtyard open space); exterior building facades and roofs; and other similar features, and shall be recorded with the Snohomish County Auditor.

(6) Subdivision of common wall or zero (0) lot line development such as townhouses shall provide a five (5) foot wide building maintenance easement for external walls, eaves, chimneys, and other architectural features that rest directly on the lot line. The maintenance easement shall be shown on the face of the plat.

(7) The final plat shall note all conditions of approval, that unit lots are not buildable lots independent of the overall development, and that additional development of the individual unit lots, including but not limited to reconstruction, remodel, maintenance, and addition, shall comply with conditions of approval and may be limited as a result of the application of development standards to the parent lot or other applicable regulations.

(8) The application for unit lot subdivisions shall include a detailed, scaled site plan with building footprints. Adequate information shall be provided to determine compliance with all applicable criteria.

(F) The facts that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with Snohomish County.

Chapter 19.06
DEVELOPMENT STANDARDS

Sections:

~~19.06.070 Home occupations.~~

~~(A) Purpose. The purpose of this section is to provide standards which allow a resident of a single-family dwelling to operate a limited activity from their principal residence or permitted accessory structure while achieving the goals of retaining residential character, maintaining property values and preserving environmental quality.~~

~~(B) Applicability. Home occupations are only permitted in the R-2.3, R-9,600, R-7,200, MR, and DT-2,500 zones.~~

~~(C) Exemptions.~~

~~(1) Home-based day care provisions are stated in GFMC 19.06.080.~~

~~(2) Temporary lodging facilities (lodging house), including bed and breakfast inns and boarding/rooming homes, are exempt from the regulations of this section.~~

~~(D) Performance Standards.~~

~~(1) Intent. It is the intent of this subsection to provide performance standards for home occupation activities, not to create a specific list of every type of possible home-based business activity. The following performance standards prescribe the conditions under which home occupation activities may be conducted when incidental to a residential use. Activities which exceed these performance standards should refer to this section to determine the appropriate commercial, industrial, civic, or office use category which applies to the activity.~~

~~(2) General Provisions. The following general provisions shall apply to all home occupation activities:~~

~~(a) The activity is clearly incidental and secondary to the use of the property for residential purposes and shall not change the residential character of the dwelling or neighborhood;~~

~~(b) External alteration inconsistent with the residential character of the structure is prohibited;~~
~~(c) Use of hazardous materials or equipment must comply with the requirements of the International Building Code and the International Fire Code;~~
~~(d) The activity does not create noticeable glare, noise, odor, vibration, smoke, dust or heat at or beyond the property lines;~~
~~(e) Use of electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited;~~
~~(f) Manufacturing shall be limited to the small-scale assembly of already manufactured parts, but does not preclude production of small, individually handcrafted items, furniture or other wood items as long as the activity meets the other standards of this chapter;~~
~~(g) Customers/clients are prohibited on the premises prior to 6:30 a.m. and after 7:30 p.m.;~~
~~(h) Sales in connection with the activity are limited to merchandise handcrafted on site or items accessory to a service (e.g., hair care products for beauty salon);~~
~~(i) In addition to the single-family parking requirements, off-street parking associated with the activity shall include one additional space in accordance with standards set forth in GFMC 19.06.050 (A)(3)(a);~~
~~(j) Only the resident can perform the activity; nonresident employees are prohibited;~~
~~(k) The activity shall be limited to an area less than 500 square feet or a size equivalent to 50 percent of total floor area of the living space within the residence, whichever is less;~~
~~(l) One vehicle, up to 10,000 pounds gross vehicle weight, is permitted in connection with the activity;~~
~~(m) The activity shall be performed completely inside the residence, an accessory structure or a combination of the two;~~
~~(n) There shall be no outside display or storage of materials, merchandise, or equipment;~~
~~(o) Approval. A home occupation permit is a Type 1 permit subject to administrative approval by the city's designated official. See Table 2, GFMC 19.04.050. [Ord. 905 § 1 (Att. A), 2016; Ord. 827 § 18, 2012; Ord. 740 § 1 (Exh. A), 2007.]~~

NEW

19.06.170 Mobile food vendor licensing regulations.

(A) Purpose. The provisions of this chapter apply to mobile food trucks engaged in the business of cooking, preparing, and distributing food or beverage with or without charge upon or in public and private restricted spaces. This chapter does not apply to vehicles that dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts, or stands located on sidewalks, nor does it apply to food trucks associated with special events that are licensed or approved by the city.

(B) Activities requiring a license. It is unlawful for any person to operate within the city a food truck, as defined in this chapter, without having obtained a license for that purpose. A separate license shall be required for each food truck. No person shall then sell or offer food products at any location until the food vendor has been duly licensed.

General business license provisions (Chapter 5.28) shall apply to this special license. In addition to the provisions set forth in this chapter, a city-issued business license shall be required.

(C) Exemptions. The provisions of this chapter shall not be applied to:

(1) Lemonade stands;

(2) Delivery or distribution of food, goods or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the purpose of soliciting customers while located on city streets or property;

(3) Special Events activities in accordance with Chapter 5.36.

(D) Application for license.

(1) A person desiring to operate a food truck shall make written application for such license to the city clerk-treasurer. The application for a license shall include the following:

(a) Name, signature, phone number, email contact and current business address of the applicant.

(b) A description of the preparation methods and food product to be offered for sale, including the intended menu, display, and distribution containers.

(c) Information on the food vehicle to include year, make, and model of the vehicle and dimensions.

(d) The preferred location of the food truck, subject to locational limitations set forth by the city of Granite Falls.

(e) A photo or drawing of the proposed food truck, showing the business name.

(f). An indication of whether awnings are proposed.

(g) The proposed hours of operation.

(h) Copies of all necessary license or permits issued by Island County health department.

(i) Copies of all additional licenses or permits that may be required by the Island County health department, the Washington State Department of Labor and Industries, and the city of Granite Falls. (This requirement shall be met within 30 days of approval of a mobile food truck license by the city of Granite Falls. However, no mobile food truck shall locate or operate within the city until such city, county and state licenses have been issued.)

(j) Proof of insurance in an amount not less than $1,000,000, and designating the property owner as a named insured.

(2) In addition to the submittal materials above, food vendors operating on privately owned land must submit a written consent of the property owner, and provide a layout of the proposed location on the property of the food truck.

(E) License fee. The license fee for a food truck shall be established by the city council through resolutions. No application shall be deemed complete until all fees have been paid. License fees are nonrefundable.

(F) Term of license. A specified in subsection (J)(1) below, unless otherwise authorized by the designated official. The city also reserves the right to further restrict dates of operation, which restrictions shall be noted on the license when it is issued. Licenses issued pursuant to this chapter are not transferable.

(G) Exhibition of license. A license issued under this chapter shall be posted conspicuously on the mobile food truck.

(H)Locations.

(1) Food trucks may operate on private property in any zone in which restaurants are permitted, with the written consent from the property owner. Evidence of such written consent and approval shall be provided to the city prior to the on-site location of the food truck.

(2) Food vehicles shall not locate on public property shall operate only on private property.

(I) Health regulations. All food vendors shall comply with all laws, rules and regulations regarding food handling, and all vehicles, equipment, and devices used for the handling, storage, transportation and/or sale of food shall comply with all laws, rules and regulations respecting such vehicles, equipment and devices as established by the Island County health department.

(J) Business activity to be temporary.

(1) All business activity related to mobile food trucks shall be of a temporary nature, the duration of which shall not exceed fourteen (14) days at any private location in a consecutive twelve (12) month period.

(2) Hours of operation shall be limited to the hours between 9:00 a.m. and 8:00 p.m. unless additional hours are approved by the city.

(K) Food truck standards. All mobile vendors licensed under this chapter shall conform to the following standards:

(1) Food trucks stationed on private property using external signage, bollards, seating or any other equipment not contained within the vehicle shall not reduce or obstruct the sidewalk to less than five feet.

(2) Vendor shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of a public way.

(3) Any auxiliary power required for the food vehicle shall be self-contained; provided, that such auxiliary power does not result in excessive noise. No use of public or private power sources are allowed without providing written consent from the owner. No power cable or equipment shall be extended at grade across any city street, alley, or sidewalk. The use of compressors or loudspeakers is prohibited.

(4) Any exterior lighting used by the food truck shall be designed and placed in such a manner that it does not result in glare or light spillage onto other properties or interfere with vehicular traffic. Lighting shall be directed in a downward manner, so as to minimize light pollution.

(5) All identifying information, logos, advertising, or other displays on the exterior of a food vehicle shall conform to the purposes set forth in Section 19.06.040 Sign regulating for commercial signage. No exterior, freestanding signage shall be permitted.

(L) Design and operations.

(1) Licensee shall park food truck in an assigned designated area only.

(2) Licensee shall not park in such a manner as to create a traffic hazard.

(3) No waste liquids, garbage, litter, or refuse shall be dumped on city sidewalks, streets, or lawn areas, or in city gutters or drains. When leaving a sales area, licensee or employees shall pick up all litter resulting from the business's sales. Licensee shall be responsible for all litter and garbage left by customers.
(4) Licensee shall be in conformance with applicable city ordinances regarding noise control and vehicle identification.
(5) Licensee shall comply with all Snohomish County public health requirements, and fire department requirements if propane or a combustible fuel is used.
(6) The licensee shall only sell food and beverages that are capable of immediate consumption.
(7) Garbage, recycling, and composting receptacles must be supplied by the licensee for the public use. Such receptacles shall be capable of accommodating all refuse generated by the vending activity. The containers must be maintained and emptied regularly.
(8) The food truck shall be kept in good repair, and free of graffiti.
(9) The food truck shall not be allowed to pull any type of trailer.

(M) Inspections. Before issuance of a mobile food vendor license, the city of Granite Falls designated official must inspect the motor vehicle and proposed operation in order to determine all local, county and state requirements are met. During the inspection the city designated official shall request an appropriate community representative to assist in assessing the visual compatibility of the food truck with the visual character of the community.

(N) Administration. The license for a food vehicle may be revoked at the discretion of the mayor or his or her designee at any time for failure to comply with the provisions of this chapter, or for violation of any other provision of the Granite Falls Municipal Code. Notice of revocation shall be served personally 24 hours prior to the date such revocation shall be effective. The licensee may appeal the revocation within 10 days of service of the notice, by requesting a hearing before the Granite Falls city council; provided, however, that in the interim no activity shall be conducted until such time as the Granite Falls city council has heard the appeal of the licensee from the original determination of the mayor or his/her designee.

(O) Violation of the provisions of the chapter – Civil infraction. Any person violating any of the requirements of this chapter shall have committed a civil infraction and shall be punishable by a fine of up to $1,000.

Chapter 19.12
CONCURRENCY AND ADEQUACY

Sections:

19.12.010 Re-Adoption.

The re-adoption of this section does not repeal current interim regulations and amendments of this section to address capacity and sewer availability. Notwithstanding the provisions of this chapter, the interim regulations shall remain in full force and effect pending the expiration, repeal or revision of the interim provisions in this section.

19.12.015 Purpose.

(A) The purpose of this section is to ensure that public facilities and services owned, operated, or provided by the city and public facilities and services owned, operated or provided by other governments, special districts and applicable organizations within the city are provided simultaneous to or within six years after development occurs consistent with the capital facilities element of the comprehensive plan and RCW 36.70A.070(6)(e). This chapter shall apply to all applications for development or redevelopment permit approvals that will result in:

(1) More than 10 new p.m. peak hour vehicle trips; and

(2) two or more connections or two SFR equivalent connections to city water and/or sanitary sewer systems.

19.12.020 Authority.

The designated official shall be responsible for enforcing the provisions of this chapter.

19.12.025 Exemptions.

(A) The test for concurrency shall not be required for exempted developments as specified below:

(1) Highways of statewide significance (HSS) are exempt from this concurrency section.

(2) No Impact. Development which creates little or no additional impact on public water, sanitary sewer, surface water management, streets, schools and parks is exempt from the test for concurrency. Such development includes but is not limited to:

(a) Additions, accessory structures, or interior renovations to or replacement of a residence which do not result in a change in use or increase in the number of dwelling units or residential equivalents;
(b) Additions to or replacement of a nonresidential structure which do not result in a change in use, expansion in use, or otherwise increase demand in public facilities as defined above;
(c) Temporary uses as described in GFMC 19.04C.060;
(d) Demolitions;
(e) Commercial development in General Commercial zone subject to available capacity at time of complete application; and
(f) Construction of a single-family residence or a duple on an existing lot.

(3) Variances as provided elsewhere in this section.

(4) Permits and Actions. The following are exempt from the test for concurrency:
(a) Boundary line adjustments;
(b) Temporary use permits;
(c) Variances and shoreline variances;
(d) Approvals pursuant to site development regulations;
(e) Administrative interpretations;
(f) Sign permits;
(g) Street vacations;
(h) Demolition permits;
(i) Street use or right-of-way permits;
(j) Clearing, grading, and excavation permits;
(k) Mechanical, electrical and plumbing permits;
(l) Fire code permits;
(m) Other permits as determined by the city that will not result in impacts on public services or utilities;
(n) Permits or applications for which the City has contractually committed to sewer availability, including but not limited to approved preliminary subdivisions, short plats or binding site plans as of the date of this Ordinance;
(o) New sewer service to properties that paid assessments as part of local improvement districts established prior to the effective date of this Ordinance for the purpose of providing sewer;
(p) All projects (if any) that have vested rights to new sewer connections because of previously submitted and fully completed applications with prior affirmative city issued concurrency determinations;
(q) New sewer connections in cases where the property owner has presented the City with documentation from the Snohomish Health District that sufficiently demonstrates failed on-site septic system and that there is no feasible alternative by to connect to the public sewer system; and
(r) The Snohomish Health District or the State Department of Ecology authorizes temporary use of an on-site sewer system, the Applicant pays sewer connection fees at the time of building permitting, and the Applicant signs and records a covenant agreeing to connect to the City of Granite Falls sewer system and decommission the on-site system within 60-days of receiving a request from the city.

(4) SEPA. Applications exempt from the test for concurrency are not necessarily exempt from SEPA.

(5) Exemptions. The portion of any development used for any of the following purposes is exempt from the requirements of this chapter:

(a) Public transportation facilities;

(b) Public parks and recreational facilities;

(c) Public libraries; and

(d) Public emergency facilities.

19.12.030 Concurrency procedures.

(A) Concurrency Procedures.

(1) Concurrency Review Procedures. The test for concurrency is currently suspended for six months from April 7, 2021 but when resumed shall be performed in the processing of all nonexempt permit applications through a concurrency review process established by the individual service providers.

(a) The concurrency review process shall be completed prior to issuance of a building permit. The designated official shall determine the time of the concurrency test dependent on the time of permit.

(b) The concurrency review process shall include review of phased projects.

(c) The concurrency review process established by the individual service providers shall be specified in written policy, and shall be available for city distribution.

(2) Test for Concurrency – Roles.

(a) When allowed, the designated official shall provide the overall coordination of the test for concurrency by:

(i) Notifying the service providers of all applications requiring a test for concurrency;

(ii) Notifying the service providers of all exempted development applications which use capacity;

(iii) Notifying the service providers of expired development permits or other actions resulting in a release of capacity reserved through a certificate of capacity.

(b) Service providers shall:

(i) Be responsible for conducting the test for concurrency for their individual public facilities, for all applications requiring a test for concurrency;

(ii) Reserve the capacity needed for each application;

(iii) Account for the capacity for each exempted application which uses capacity;

(iv) Adjust capacity to reflect the release of reserved capacity as notified by the city;

(v) Annually report the capacity of their public facilities to the city. Said annual report shall include an analysis of comprehensive plan infrastructure priorities in accordance with the six-year capital improvement plan; and

(vi) Have the authority to charge applicable fees to recover the costs of concurrency testing and monitoring their concurrency systems.

(3) Capacity. For sanitary sewer and domestic water supply, only available capacity shall be used in conducting the test for concurrency. For streets, available and planned capacity may be used in conducting the test for concurrency. The adopted level of service standards outlined in the comprehensive plan shall be the basis for determining whether adequate capacity will be available.

(4) Test for Concurrency – Pass. The test for concurrency, when allowed to occur, is passed when the capacity of public facilities and services is equal to or greater than the capacity required to maintain the level of service standards established by the city. When a concurrency determination is allowed, a certificate of capacity will be issued by the city according to the following provisions:

(a) A certificate of capacity will be issued upon payment of any fee, performance of any condition, or other assurances required by the service provider.

(b) A certificate of capacity shall apply only to the specific land use types, densities, intensities, and development project described in the certificate.

(c) A certificate of capacity is not transferable to other land, but may be transferred to new owners of the subject land along with any conditions imposed by the city in the permit or approval documents.

(d) A certificate of capacity shall expire if the accompanying permit expires or is revoked. The expiration date of the certificate of capacity may be extended according to the same terms and conditions as the accompanying permit. If the permit is granted an extension, so shall the certificate of capacity. If the accompanying permit does not include an expiration date, the certificate of capacity shall expire two years from the date of issuance. Expiration dates shall be included in certificates of capacity.

(5) Test for Concurrency – Fail. The test for concurrency is not passed and the proposed project may be denied if the capacity of the public services or facilities is less than the capacity required to maintain the adopted level of service standards after the impacts associated with the requested permit are added to the existing capacity utilization. The following options are available to applicants in the event that partial capacity of public facilities and services is available:

(a) The scope of the project may be reduced to the level equal to that which would absorb the available capacity;

(b) The phasing of the project may be modified to accommodate planned capacity improvements;

(c) The capacity shortfall may be mitigated as part of the project; or

(d) The results of the test for concurrency may be appealed to the hearing officer.

19.12.035 Check for adequacy.

(A) The check for adequacy will be performed on an annual basis concurrent with the annual update of the capital facilities element of the comprehensive plan. The check for adequacy will be conducted by the appropriate service provider.

(1) City. The city shall:

(a) Provide the affected service providers a report on all permit applications occurring within the past year;
(b) Provide population growth figures to the service providers;
(c) Maintain a cumulative record of all checks for adequacy.

(2) Service Providers. Service providers shall provide annual reports on checks for adequacy to the city.

19.12.040 Approval or denial of permits.

(A) Approvals. When allowed, permits which would not result in a reduction of an adopted level of service standard for a public facility or service may be approved as long as all other provisions of the code are met.

(B) Denials. Permits which would result in a reduction of an adopted level of service standard for a public facility or service are subject to denial.

19.12.045 Concurrency Test Request without Application.

(A) Test for concurrency may be requested without an accompanying permit application. Any available capacity found at the time of the test cannot be reserved and no certificate of capacity will be issued.

19.12.050 Variance.

(A) Notwithstanding any other provision of this Chapter 19.12, the City Engineer shall have the authority to administratively grant a variance from the prohibition on a concurrency determination in this section in cases of special hardship, unique circumstances and practical difficulties not covered by an exemption in this section.

Chapter 19.13
COMMUNITY FACILIES DISTRICT PROVISIONS

Sections:

19.13.010 Purpose.

A community facilities district (CFD) is a special purpose district created to finance and potentially construct local and sub-regional improvements/infrastructure needed to support growth. RCW 36.145.090 designates a CFD as "an independently governed, special purpose district." A CFD provides tax exempt financing which may lower infrastructure costs.

19.13.015 Requirements.

(A) Requirements for a CFD are as follows:

(1) Inclusion in the CFD district is 100 percent voluntary.

(2) CFD property owners pay 100 percent of formation and operations costs associated with the district.

(3) A petition must be accompanied by an "obligation" signed by at least two petitioners who agree to pay the costs of the formation process.

(4) A CFD must be governed by a board of supervisors appointed by each applicable legislative authority within 60 days of formation of the district.

(5) Residents and businesses located outside the CFD boundaries are not subject to assessments.

(6) CFD bonds are secured only by land inside the district.

(7) Improvements must increase property value at least as much as the assessments and assessments must be fairly distributed.

(8) CFD improvements may be financed by the district prior to, during or after completion of improvements.

(9) All improvements must be permitted and approved by the city.

(10) A CFD does not burden municipal finances or debt capacity and is not backed by the credit of the state or city.

19.13.020 Formation of a community facilities district.

(A) In order to form a Community Facilities District:

(1) A petition executed by 100 percent of the property owners within the proposed district including a request to subject their property to the assessments up to the amount included in the petition is filed with the auditor. The petition must be accompanied by an "obligation" signed by at least two petitioners who agree to pay the costs of the formation process.

(2) Petition to form CFD must include a preliminary assessment roll showing the special assessment proposed to be imposed on each lot, tract, parcel or other

property and the proposed method or combination of methods for computing special assessments, determining the benefit to assessed property or use from facilities or improvements funded directly or indirectly by special assessments.
(3) The lead auditor has 30 days to confirm that the petition has been validly executed by 100 percent of all owners of the property located within the proposed district.
(4) The auditor must transmit the petition, together with a certificate of sufficiency, to each city petitioned for formation of the district within 10 days of the lead auditor's finding that the petition is complete.
(5) The city gives notice of a public hearing and the community has an opportunity to participate in the public hearing process. The public hearing is held not less than 30 days but not more than 60 days from the date the lead auditor issues the certificate of sufficiency.
(6) The city must find the CFD is "in the best interests of" the city to approve the CFD. A decision must be issued within 30 days of the public hearing.
(7) CFD is final only after the appeal period expires. An appeal must be filed within 30 days of the resolution approving formation of the district.
(8) The CFD is governed by a five-member board of supervisors. The petition nominates two members of the CFD board of supervisors. The city appoints three members of the CFD board of supervisors (either elected officials or qualified representatives).

19.13.025 Board of Supervisors.
(A) A CFD must be governed by a board of supervisors appointed by each applicable legislative authority within 60 days of formation of the district.
(1) All members of the board must be natural persons.
(2) All members must serve without compensation but are entitled to expenses, including travel.
(3) The board must designate a chair.
(4) If the proposed district is located entirely within a single jurisdiction, then the board of supervisors consists of three members of the legislative authority of the jurisdiction and two members appointed from among the list of eligible supervisors included in the petition.
(5) If the proposed district is located within unincorporated land that is entirely surrounded by an incorporated city or town, then the board of supervisors consists of two members appointed from county legislative authority, two members appointed from city legislative authority and one member appointed from among the list of eligible supervisors included in the petition.
(6) The legislative members must be chosen only from among the members of its own governing body.
(7) Legislative authorities may appoint qualified professionals with expertise in municipal finance in lieu of one or more appointments. A jurisdiction's appointments to the board may consist of a combination of qualified professionals; however, a legislative authority is not authorized to exceed the maximum number of appointments.

(8) A vacancy on the board must be filled by the legislative authority. Vacancies must be filled by a person in the same position vacating the board, which for initial petitioner members or nominees includes successor owners of property located within the boundaries of the district.
(9) If an approved district was originally located entirely on unincorporated land and the land has been annexed into a city then, as of the effective date of the annexation, the city is deemed the exclusive legislative authority and the composition of the board must be structured accordingly.

19.13.030 Special Assessments.

(A) Special assessment requirements for a CFD.

(1) The term of the special assessment is limited to the lesser of 28 years or two years less than the term of any bonds issued by or on behalf of the district to which the assessments or other revenue of the district is specifically dedicated, pledged, or obligated.
(2) The CFD board must set a date, time, and place for hearing any objections to the assessment roll which must occur no later than 120 days from final approval of formation of the CFD.
(3) At the hearing on the assessment roll or within 30 days of the hearing the board may adopt a resolution approving the assessment roll or may correct, revise, raise, lower, change or modify the assessment roll and provide the petitioner with a detailed explanation of the changes made by the board.
(4) If the assessment role is revised by the board in any way, then, within 30 days of the board's decision, the petitioner must unanimously rescind the petition or accept the changes. Upon acceptance the board must adopt a resolution approving the assessment roll as modified by the board.
(5) Assessments may not be increased without the approval of 100 percent of the property owners subject to proposed increase, except as provided under Chapter 35.44 RCW.
(6) The computation of special assessments may provide for the reduction or waiver of special assessments for low-income households as that term is defined is RCW 13.130.010.
(7) All assessments imposed within the boundaries of the approved district are a lien upon the property from the date of final approval and are paramount and superior to any other lien or encumbrance, except a lien for general taxes.
(8) Special assessments must be collected by the district treasurer. The district treasurer must establish a CFD fund, into which all district revenues must be paid, and must pay assessment bonds, revenue bonds and the accrued interest thereon in accordance with their terms when interest or principal payments become due.

Chapter 19.15
LAND USE FEES AND DEPOSITS

Sections:

19.15.010 Schedule of land use fees and deposits.

Fees and deposits for various services, actions and permits regarding land use as per the subdivision code shall be as established by resolution of the city council.

Chapter19.20
Eligible Facilities Modifications and Wireless Communication Devices

Section:

19.20.015 Purpose.

The purpose of chapters 19.20, 19.21, 19.22, and 19.23 is to provide specific regulations for the placement, construction, modification and removal of WCF. Pursuant to the guidelines of Section 704 of the Federal Telecommunications Act of 1996, 47 USC, Chapter 5, Subchapter III, Part I, Section 332(c)(7) and other applicable city, state and federal rules, regulations, and guidelines, the provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of wireless services, nor shall the provisions of this chapter be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent wireless services.

(A) The goals of these chapters is to:

(1) Encourage the location of towers in nonresidential areas and to minimize the total number of tall towers throughout the City;

(2) Encourage the joint use of existing tower sites;

(3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the impact on the City is minimal;

(4) Encourage users of towers and antennas to configure them in a way that minimizes the visual impact of the towers and antennas;

(5) Strongly encourage the providers of wireless services to use concealment technology;

(6) Provide standards for the siting of WCF and other wireless communications facilities (such as television and AM/FM radio towers);

(7) Facilitate the ability of the providers of wireless services to provide such services throughout the City quickly, effectively and efficiently; and

(8) Prioritize the location of WCF on existing structures such as ballfield lights, transmission towers, utility poles or similar structures, particularly when located on public property.

(B) Accordingly, the City Council finds that the promulgation of these chapters is warranted and necessary to:

(1) Manage the location of towers and antennas in the City;

(2) Protect residential areas and other land uses from potential adverse impacts of towers and antennas;

(3) Minimize visual impacts of towers and antennas through careful design, siting, landscaping, screening, innovative camouflaging techniques and concealment technology;

(4) Accommodate the growing need for towers and antennas;

(5) Promote and encourage shared use and co-location on existing towers as a desirable option rather than construction of additional single-use towers; and

(6) Avoid potential damage to adjacent properties through engineering and proper siting of WCF.

19.20.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapters 19.21, 19.22, and 19.23 unless the context clearly requires otherwise. Any term or phrase not defined herein shall have the meaning that is given to that term or phrase in Chapter 19.20 GFMC. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory and the word "may" is always discretionary. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law, regulation or rule referred to herein be renumbered or amended, then the reference shall be read to refer to the renumbered or amended provision.

(A) "Approval authority" is the public official, or designee, who has authority under the Granite Falls Municipal Code to administratively issue project permit approvals.

(B) "Applicant" shall mean and refer to the person, and such person's successor in interest, owning and/or operating the transmission equipment proposed in an eligible facilities modification application to be collocated, removed or replaced.

(C) "Authorized person" is the person, employees, agents, consultants, and contractors, authorized in writing by applicant to complete and submit an eligible facilities modification application on behalf of applicant and who is authorized to receive any notices on behalf of applicant of any action taken by the city regarding the application.

(D) "Base station" shall mean and refer to the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

(1) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(2) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks).

(3) The term includes any structure other than a tower that, at the time an eligible facilities modification application is filed with the city under this chapter, supports or houses equipment described in subsections (D)(1) and (2) of this section, and that has been reviewed and approved under the applicable zoning or siting process, or under another state, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(4) The term does not include any structure that, at the time a completed eligible facilities modification application is filed with the city under this section, does not support or house equipment described in subsections (D)(1) and (2) of this section.

(E) "City" shall mean and refer to the city of Granite Falls.

(F) "City code" shall mean and refer to the codified ordinances of the city.
(G) "Collocation" shall mean and refer when more than one wireless communications provider mounts equipment on a single support structure (e.g., structure, monopole, lattice tower). The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.
(H) "Conceal" or "concealment elements" are transmission facilities designed to look like some feature other than a wireless tower or base station or which minimizes the visual impact of an antenna by use of nonreflective materials, appropriate colors and/or a concealment canister..
(I) "Deemed approved" shall mean and refer to an eligible facilities modification application that has been deemed approved upon the city's failure to act, and has become effective, as provided pursuant to the FCC eligible facilities request rules.
(J) "Eligible facilities modification application" or "application" shall, unless the context clearly requires otherwise, mean and refer to a written document submitted to the city pursuant to this chapter for review and approval of a proposed facilities modification.
(K) "Eligible facilities modification" shall mean and refer to any proposed facilities modification that has been determined pursuant to the provisions of this chapter to be subject to this chapter and which does not result in a substantial change in the physical dimensions of an eligible support structure, tower or base structure involving:

(1). Collocation of new transmission equipment;
(2) Removal of transmission equipment; or
(3) Replacement of transmission equipment.

(L) "Eligible facilities modification permit" or "permit" shall, unless the context clearly requires otherwise, mean and refer to a written document issued by the approval authority pursuant to this chapter approving an eligible facilities modification application.
(M) "Eligible support structure" shall mean and refer to any existing tower or base station as defined in this chapter; provided, that it is in existence at the time the eligible facilities modification application is filed with the city under this chapter.
(N) "Existing" shall, for purpose of this chapter and as applied to a tower or base station, mean and refer to a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the city, or under another state, county or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
(O) "Microcells" means a wireless communication facility consisting of an antenna that is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length in accord with RCW 80.36.375.
(P) Minor facility" means a wireless communication facility consisting of up to three antennas, each of which is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length; and the associated equipment cabinet that is six feet or less in height and no more than forty-eight square feet in floor area.

(Q) "Proposed facilities modification" shall mean and refer to a proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:

(1) Collocation of new transmission equipment;

(2) Removal of transmission equipment; or

(3) Replacement of transmission equipment.

(R) "FCC" shall mean and refer to the Federal Communications Commission or its successor.

(S) "FCC eligible facilities request rules" shall mean and refer to 47 CFR Part 1 (Part 1 – Practice and Procedure), Subpart CC, Section 1.40001, as established pursuant to its report and order in In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.

(T) "Service provider" is defined in accord with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless services.

(U) "Site" shall, for towers other than towers in the public rights-of-way, mean and refer to the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, shall mean and be further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(V) "Small cell facility" shall mean and refer to a personal wireless services facility that meets each of the following conditions:

(1) The facilities—

(a) are mounted on structures 50 feet or less in height including their antennas as defined in section 1.1320(d), or

(b) are mounted on structures no more than 10 percent taller than other adjacent structures, or

(c) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)), is no more than three cubic feet in volume.

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

(W) "Small cell network" shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services as further defined in RCW 80.36.375.

(X) "Spectrum Act" shall mean and refer to the "Middle Class Tax Relief and Job Creation Act of 2012" (Public Law 112-96; codified at 47 U.S.C. 1455(a)).

(Y) "Substantial change criteria" shall mean and refer to the criteria set forth in GFMC 19.21.090.

(Z) "Telecommunications service" is defined in accord with RCW 35.99.010(7).

(AA) "Transmission equipment" is equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associates with wireless communications services including, but not limited to, private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
(BB) "Tower" is any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixes wireless services such as microwave backhaul and the associated site.
(CC) "Undergrounded areas": Public Rights-of-Way in which wireline utilities have been located or relocated underground.
(DD) "Utility pole" is a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

Chapter 19.21
Eligible Facility Modifications

Sections:

19.21.010 Title.

This chapter shall be known and referred to as the "Eligible Facilities Modification Code" or "EFM Code." Unless the context indicates otherwise, a reference herein to "this code" or "this chapter" shall mean and refer to the eligible facilities modification code.

19.21.020 Adoption of findings and conclusions.

The recitals set forth in the ordinance adopting this code are adopted as findings and conclusions of the city council.

19.21.030 Purpose and intent.

The purpose and intent of this chapter are:
(A) To implement Section 6409 of the "Middle Class Tax Relief and Job Creation Act of 2012" (the "Spectrum Act") (PL-112-96; codified at 47 U.S.C. 1455(a)) which requires the city to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station;
(B) To implement the FCC rules set forth at 47 CFR Part 1 (Part 1 – Practice and Procedure) new Subpart CC Section 1.40001 (Wireless Facility Modifications), which rules implement Section 6409 of the Spectrum Act;
(C) To establish procedural requirements and substantive criteria applicable to review and approval or denial of applications for an eligible facility modification;
(D) To ensure that application submittal requirements are related to information reasonably necessary to the determination of whether or not the proposed modification will result in a substantial change in the physical dimensions of the eligible support structure;
(E) To exempt facilities modifications approved under this chapter as eligible facilities requests from zoning and development regulations that are inconsistent with or preempted by Section 6409 of the Spectrum Act;
(F) To preserve the city's right to continue to enforce and condition approvals under this chapter on compliance with generally applicable building, structural, electrical, and

safety codes and with other laws codifying objective standards reasonably related to health and safety;
(G) To promote timely decisions under this chapter;
(H) To ensure that decisions are made consistently and predictably;
(I) To incorporate provisions of RCW 43.21C.0384 that exempt eligible facilities modifications from review under RCW 43.21C.030(2)(c) (State Environmental Policy Act);
(J) To recognize that Section 6409(a)(1) of the Spectrum Act operates to preempt any provision of the State Environmental Policy Act (Chapter 43.21C RCW) to the extent that any such provision, including RCW 43.21C.030(2)(c), would prohibit a city from approving any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station; and
(K) To provide for termination of eligible facilities modifications approved pursuant to this chapter as nonconforming structures in the event that Section 6409(a) of the Spectrum Act is found to be unconstitutional or otherwise determined to be invalid or unenforceable and such modifications would otherwise have been in derogation of development regulations in place at the time of receipt of a completed application.

19.21.040 Definitions.
The definitions for this chapter are as set forth in section 19.20.010 GFMC.

19.21.050 Applicability – Relationship to other rules and regulations.
(A) Except as may be otherwise provided in this chapter, and notwithstanding any other provisions in the city code, the provisions of this chapter shall be the sole and exclusive procedure for review and approval of a proposed facilities modification which the applicant asserts is subject to review under Section 6409 of the Spectrum Act or other applicable law. To the extent that other provisions of the city code establish a parallel process for review and approval of a project permit application for a proposed facilities modification, the provisions of this chapter shall control. In the event that any part of an application for project permit approval includes a proposed facilities modification, the proposed facilities modification portion of the application shall be reviewed under the provisions of this chapter. In the event that an application for project permit approval includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409 of the Spectrum Act or other applicable law, such proposal shall not be subject to review under this chapter and may be subject to review under other applicable provisions of the city code.
(B) This chapter shall not apply to a proposed facility modification to an eligible support structure that is not a legal conforming, or legal nonconforming, structure at the time a completed eligible facilities modification application is filed with the city. To the extent that the nonconforming structures and use provisions of the city code would operate to prohibit or condition approval of a proposed facilities modification application otherwise allowed under this chapter, such provisions are superseded by the provisions of this chapter and shall not apply.

(C) This chapter shall not apply to a proposed facility modification to an eligible support structure that will involve replacement of the tower or base station.
(D) This chapter shall not apply to a proposed facility modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed within or upon, or attached to, the structure.
(E) Interpretations of this chapter shall be guided by Section 6409 of the Spectrum Act; the FCC eligible facilities request rules, the FCC's report and order in In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153; and other applicable local, state, or federal law.
(F) SEPA Review. Unless otherwise provided by law or regulation, decisions pertaining to an eligible facilities modification application are not subject to, and are exempt from, the requirements of RCW 43.21.C.030(2)(c), if:

(1) The proposed facilities modification would not increase the height of the eligible support structure by more than 10 percent, or 20 feet, whichever is greater; or
(2) The mounting of equipment that would involve adding an appurtenance to the body of the eligible support structure would not protrude from the edge of the structure more than 20 feet, or more than the width of the structure at the level of the appurtenance, whichever is greater;[1] or
(3) The authority to condition or deny an application pursuant to Chapter 43.21 RCW is preempted, or otherwise supplanted, by Section 6409 of the Spectrum Act.

(G) Nothing herein is intended or shall operate to waive or limit the city's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

19.21.060 Permit classification.
An eligible facilities modification permit shall be classified as an administrative permit subject to review and approval or denial by the approval authority and classified as a Type I permit process.

19.21.070 Application submittal requirements – Determination of completeness.
(A) This section sets forth the submittal requirements for an eligible facilities modification application. The purpose of the submittal requirements is to ensure that the city has all information and documentation that is reasonably necessary to determine if the applicant's proposed facilities modification will substantially change the physical dimensions of an eligible support structure. The submittal requirements are not intended to require the applicant to establish the need for the proposed modifications or to justify the business decision to propose such modifications.
(B) No eligible facilities modification application shall be deemed complete unless it is, in writing, accompanied by the applicable application and review fee, includes the required submittals, and is attested to by the authorized person submitting the application on behalf of the applicant, certifying the truth and accuracy of the information provided in the application. The application shall include the following submittals, unless waived by the approval authority:

(1) The following contact information for the authorized person:
    (a) Name;
    (b) Title;
    (c) Mailing address;
    (d) Phone number; and
    (e) Electronic mail address (optional).
(2) The legal and dba names, mailing address, Washington tax number, and contact phone number(s) of applicant.
(3) If a corporation, the name and address of the registered agent of applicant in Washington State, and the state of incorporation of applicant.
(4) If applicant is an entity, other than a corporation, such as a partnership or limited liability company, the names and business addresses of the principals.
(5) An assertion that the proposed facilities modification is subject to review under Section 6409 of the Spectrum Act or other applicable law.
(6) If the applicant is not the owner or person in control of the eligible support structure and/or site, an attestation that the owner or person in control of the eligible support structure and/or site has consented to the proposed facilities modification shall be required. If the eligible support structure is located in a public right-of-way, the applicant must also attest that applicant has authorization to install, maintain and operate transmission equipment in, under and above the public right-of-way.
(7) If the applicant proposes a modification involving collocation of transmission equipment or the replacement of transmission equipment, complete copies of the underlying land use approvals for siting of the tower or base station proposed to be modified, establishing that, at the time of submittal of the application, such tower or base station constituted an eligible support structure shall be required.
(8) If the applicant proposes a modification that will result in an increase in height of the eligible support structure, record drawings, as-built plans, or the equivalent, showing the height of the eligible support structure (i) as originally constructed and granted approval by the city or other applicable local zoning or similar regulatory authority, or (ii) as of the most recent modification that received city or other local zoning or regulatory approval, prior to the passage of the Spectrum Act, whichever height is greater, shall be required.
(9) If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting restrictions or requirements imposed by a reviewing official or decision-making body pursuant to authority granted under the city code, or an ordinance or a municipal code of another local government authority, the following shall be required: a copy of the document (e.g., CUP or SUP) setting forth such preexisting restrictions or requirements together with a certification that the proposed facilities modification conforms to such restrictions or requirements; provided, that such certification shall have no application to the extent the proposed facilities modification relates solely to an increase in height, increase in width, addition of cabinets, or new excavation, that does not result in a substantial change in the physical dimensions of the eligible support structure.

(10) If the applicant proposes a modification to an eligible support structure, which structure, or proposed modification of the same, is subject to preexisting concealment restrictions or requirements, or was constructed with concealment elements, the following shall be required:
Applicant shall set forth the facts and circumstances demonstrating that the proposed modification would not defeat the existing concealment elements of the eligible support structure. If the proposed modification will alter the exterior dimensions or appearance of the eligible support structure, applicant shall include a detailed visual simulation depicting how the eligible support structure will appear after the proposed modification is complete. The visual simulation shall depict to scale the eligible support structure in relation to the trees, landscaping and other structures adjacent to, or in the immediate vicinity of, the eligible support structure.
(11) If the applicant proposes a modification that will protrude from the edge of a nontower eligible support structure, the following shall be required:
Record drawings, as-built plans, or the equivalent, showing at a minimum the edge of the eligible support structure at the location of the proposed modification.
(12) If the applicant proposes a modification to an eligible support structure that will (i) include any excavation, (ii) would result in a protrusion from the edge of a tower that exceeds an existing protrusion of any transmission equipment attached to a tower, or (iii) would protrude from the edge of a nontower eligible support structure, the following shall be required:
A description of the boundaries of the site together with a scale drawing based on an accurate traverse, with angular and lineal dimensions, depicting the boundaries of the site in relation to the tower or base station proposed to be modified and depicting the proposed location, elevation and dimensions of the new or replacement transmission equipment. The city may require a survey by a land surveyor licensed in the state of Washington when, in the judgment of the approval authority, a survey is reasonably necessary to verify the boundaries of the site to determine if the proposed facilities modification would result in a substantial change in the physical dimensions of the eligible support structure.
(13) If the applicant proposes a modification to the eligible support structure that includes hardening through structural enhancement, the following shall be required:
A technical report by a qualified engineer accredited by the state of Washington, demonstrating that the structural enhancement is performed in connection with and is necessary to support the proposed collocation, removal, or replacement of transmission equipment and conforms to applicable code requirements. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of necessity.
(14) If the applicant proposes a modification to a tower, the following shall be required:
A stamped report by a state of Washington registered professional engineer demonstrating that the tower with the proposed modifications will comply with applicable structural, electrical and safety codes, including by way of example, and not limitation, EIA/TIA-222-Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in

which the tower is located, and describing the general structural capacity of the tower with the proposed modifications, including:

(a) The number and type of antennas that can be accommodated;

(b) The basis for the calculation of capacity; and

(c) A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards. The city may retain the services of an independent technical expert to review, evaluate, and provide an opinion regarding the applicant's demonstration of compliance.

(15) If the applicant proposes a modification to a base station, the following shall be required:

A stamped report by a state of Washington registered professional engineer demonstrating that the base station, with the proposed modifications, will comply with applicable structural, electrical and safety codes.

(16) If the applicant proposes a modification requiring alteration to the eligible support structure, excavation, installation of new equipment cabinets, or any other activities impacting or altering the land, existing structures, fencing, or landscaping on the site, the following shall be required:

A detailed site plan and drawings, showing the true north point, a graphic scale and drawn to an appropriate decimal scale, indicating and depicting: (i) the location, elevation and dimensions of the existing eligible support structure, (ii) the location, elevation and dimensions of the existing transmission equipment, (iii) the location, elevation and dimensions of the transmission equipment, if any, proposed to be collocated or that will replace existing transmission equipment, (iv) the location, elevation and dimensions of any proposed new equipment cabinets and the intended use of each, (v) any proposed modification to the eligible support structure, (vi) the location of existing structures on the site, including fencing, screening, trees, and other significant site features, and (vii) the location of any areas where excavation is proposed showing the elevations, depths, and width of the proposed excavation and materials and dimensions of the equipment to be placed in the area excavated.

(17) Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by 47 CFR Part 1 (Part 1 – Practice and Procedure), Section 1.1307, as amended, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.

(C) The approval authority may waive any submittal requirement upon determination that the required submittal, or part thereof, is not reasonably related to the substantial change criteria. A wavier, to be effective, must be in writing and signed by the approval authority.

(D) An eligible facilities modification application, and any supplemental submittals, shall be deemed received by the city upon the date such application, or supplemental submittal, is filed with the planning department. An application, and any supplemental submittals, must be filed in person during regular business hours of the city and must be accompanied by the applicable permit review fee(s). Any application received by the city

without contemporaneous payment, or deposit, of the applicable permit review fees will be rejected.

(E) Completed Application – Determination – Tolling.

(1) The approval authority shall, within 30 days of receipt of the application, review the application for completeness. An application is complete if it includes the applicable permit review fee(s) and contains all of the applicable submittal requirements set forth at subsection (2) of this section, unless waived by the approval authority pursuant to subsection (3) of this section. The determination of completeness shall not preclude the approval authority from requesting additional information or studies either at the time of the determination of completeness or subsequently if new or additional information is required, or substantial changes in the proposed action occur, or the proposed facilities modification is modified by applicant, as determined by the approval authority.

(2) The approval authority shall notify the applicant within 30 days of receipt of the application that the application is incomplete. Such notice shall clearly and specifically delineate all missing documents or information.

(3) The application review period begins to run when the application is received, and may be tolled when the approval authority determines that the application is incomplete and provides notice as set forth below. The application review period may also be tolled by mutual agreement of the approval authority and applicant. The time frame for review is not tolled by a moratorium on the review of eligible facility modification applications.

(a) To toll the time frame for review for incompleteness, the approval authority must provide written notice to the applicant within 30 days of the date of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to submittals set forth in subsection (2) of this section and any supplemental information requested by the approval authority that is reasonably related to determining whether the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

(b) The time frame for review begins running again when the city is in receipt of applicant's supplemental submission in response to the approval authority's notice of incompleteness.

(c) Following a supplemental submission, the approval authority shall have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection (E)(3)(c). Except as may be otherwise agreed to by the applicant and the approval authority, second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(d) A notice of incompleteness from the city will be deemed received by the applicant upon the earlier of personal service upon the authorized person, delivery by electronic mail to the authorized person (if such delivery is authorized for receipt of notice by the authorized person), or three days from deposit of the notice in the United States mail, postage prepaid, and in an

envelope properly addressed to the authorized person using the address set forth in the application.

(4) In the event that after submittal of the application, or as a result of any subsequent submittals, applicant modifies the proposed facilities modification described in the initial application, the application as modified will be considered a new application subject to commencement of a new application review period; provided, that applicant and the approval authority may, in the alternative, enter into a mutually agreeable tolling agreement allowing the city to request additional submittals and additional time that may be reasonably necessary for review of the modified application.

19.21.080 Review of application – Approval.

(A) Review of Application. The approval authority shall review an eligible facilities modification application to determine if the proposed facilities modification is subject to this chapter, and if so, if the proposed facilities modification will result in a substantial change to the physical dimensions of an eligible support structure.

(B) Time Frame for Review. Within 60 days of the date on which the city receives an eligible facilities modification application, less any time period that may be excluded under the tolling provisions of this chapter or a tolling agreement between the applicant and the approval authority, the approval authority shall approve the application and contemporaneously issue an eligible facilities modification permit unless the approval authority determines that the application is not subject to this chapter, or the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

(C) An eligible facilities application shall be approved, and an eligible facility permit issued, upon determination by the approval authority that the proposed facilities modification is subject to this chapter and that it does not substantially change the physical dimensions of an eligible support structure. An eligible facilities application shall be denied upon determination by the approval authority that the proposed facilities modification is not subject to this chapter or will substantially change the physical dimensions of an eligible support structure. A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the substantial change criteria.

(D) An application that has been deemed approved shall be and constitute the equivalent of an eligible facilities modification permit, except as may be otherwise determined by a court of competent jurisdiction, when the city fails to grant or deny the application within 60 days of the date of filing together with any periods during which the shot clock was tolled, and the applicant has notified the city that the application is deemed granted after the expiration of such period. Applications deemed granted shall be subject to generally applicable enforcement and compliance requirements in the same manner as an eligible facilities modification permit issued pursuant to this chapter.

(E) A denial of an eligible facilities modification application shall set forth in writing the reasons for the denial and shall be provided to the applicant.

(F) Any eligible facilities modification permit issued pursuant to this chapter, and any application that has been deemed approved due to the city's failure to act, shall be and is conditioned upon compliance with any generally applicable building, structural,

electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety. Violation of any such applicable code or standard shall be deemed to be a violation of the eligible facilities modification or deemed approved application.
(G) An eligible facilities modification permit issued pursuant to this chapter, and any deemed approved application, shall be valid for a term of 180 days from the date of issuance, or the date the application is approved or deemed approved.
(H) Notwithstanding any other provisions in the city code, no administrative review is provided for review of a decision to condition, deny or approve an application. Applicant and the city retain any and all remedies that are available at law or in equity, including by way of example and not limitation, those remedies set forth in the FCC eligible facilities request rules and remedies available under the Land Use Petition Act. In the event no other time period is provided at law for bringing an action for a remedy, any action challenging a denial of an application or notice of a deemed approved remedy shall be brought within 30 days following the date of denial or following the date of notification of the deemed approved remedy.
(I) Determination That Application Is Not An Eligible Facilities Request.
If the designate official determines that the applicant's request does not qualify as an Eligible Facilities Request, the designated official shall deny the application. To the extent additional information is necessary, the designated official may request such information from the applicant to evaluate the application under other provisions of this Chapter and applicable law.

19.21.090 Substantial change criteria.
"Substantial Change" is a modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
(A) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
(B) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
(C) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
(D) It entails any excavation or deployment outside the current site;
(E) It would defeat the concealment elements of the eligible support structure; or

(F) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

19.21.100 Nonconforming structure – Termination.

(A) Application. The provisions of this section shall apply to any facilities modification constructed, installed, placed, or erected pursuant to an eligible facilities modification permit, or pursuant to a deemed approved remedy, which facilities modification did not conform to zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible facilities modification application was filed.

(B) A facilities modification to which this section applies is subject to termination as a nonconforming structure upon the following conditions:

(1) An appellate court, in a final and nonappealable decision, determines that Section 6409(a)(1) of the Spectrum Act, or other applicable law, is unconstitutional or otherwise determined to be invalid or unenforceable; and

(2) The city provides written notice to the applicant that the city has determined that the facilities modification did not conform to zoning and/or development regulations, exclusive of this chapter, in effect at the time the completed eligible facilities modification application was filed, and that the facilities modification constitutes a nonconforming structure pursuant to the provisions hereof and must be made conforming or the facilities modification terminated.

(3) Upon receipt of notice of the city's nonconforming structure determination, applicant shall abate the nonconformance by either conforming the site to the zoning and development regulations in effect at the time the completed eligible facilities modification application was filed or removing the facilities modification and returning the site to the condition that existed prior to the construction, installation, placement or erection of the facilities modification. The time period for conformance shall be one year from the date of the city's notice of the nonconforming structure determination.

(4) Health and Safety Codes. Nothing in this section shall relieve the applicant from compliance with applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

(5) The applicant, or its successors or assigns, may appeal the city's determination of nonconformance to the city hearing examiner by filing a notice of appeal within 10 calendar days of the date of the determination of nonconformance, excluding holidays.

19.21.110 Enforcement – Violation.

Compliance with the provisions of this chapter is mandatory. Any violation hereof is subject to enforcement under the code enforcement provisions of the GFMC.

Chapter 19.22
REGULATION OF WIRELESS COMMUNICATION FACILITY FRANCHISE

Sections:

19.22.010 Overview and purpose.

In order to manage its right-of-way in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the City while complying with the requirements of State and federal law, the City of Granite Falls has adopted this process for the deployment of small cell and microcell technology. Service providers who seek to utilize the public right-of-way for small cell deployment in order to provide wireless communication, data transmission or other related services to the citizens of the City must have a valid franchise to provide the specific service seeking to utilize the right-of- way and a Small Cell Permit to deploy the technology. Entities with franchises who wish to utilize a small cell deployment to upgrade or expand their existing services shall utilize the processes set forth in this ordinance and through implementing Small Cell Permits to deploy their technology and obtain design approval of specific installations. The Small Cell Permit process administers deployment under the franchise. An entity without a franchise shall apply for a franchise and adjunct Small Cell Permit which shall be processed concurrently as one Master Permit within the meaning of RCW 35.99.010(3) and 35.99.030.

(A) Nothing in this ordinance revises or diminishes the rights and obligations of an existing franchise.

(B) The term "small cell deployment" shall include the deployment of small cell facilities, microcells and small cell networks as those terms are defined by RCW 80.36.375 or as otherwise defined by law. Small cell deployment elements which require SEPA review may utilize these processes only in conjunction with SEPA review.

19.22.020 Definitions.
Definitions related to this chapter are as set forth in chapter 19.20 GFMC.

19.22.030 Franchise Application.
Applicants shall apply using the City's franchise application form and submit a fee according to the City's fee schedule deposit commensurate with the estimated administrative costs of processing an application for a franchise. The fee deposit level shall be set by City Council Resolution. The Designate official is charged with administration of small cell deployments and other wireless communication review processes established in Granite Falls Municipal Code. Subsequent to the approval of a franchise, a new pole or expansion beyond the dimensions or volume of small cell facility which exceeds the cumulative total provided by the definition of a small cell or microcell facility in RCW 80.36.375 shall require an amendment to the franchise agreement.

19.22.040 Designation of facilities.
(A) The application shall provide:
(1) Specific locational information including GIS coordinates of all facilities,
(2) Specify whether and where small cell facilities are to be located on existing utility poles including City-owned light standards (included in the definition of utility pole), or
(3) Whether and where small cell facilities are to utilize replacement utility poles, new poles, towers, and/or other structures.
(B) Conduit and/or ground-mounted equipment necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from an infrastructure provider.
(C) Detailed schematics and visual renderings of the facilities shall be provided by the applicant.
(D) Failure to provide sufficient detail may result in a later finding of a significant change in the facility if significant elements of the facility were not shown on the originally approved franchise exhibit. Failure to include significant elements may also result in the requirement that new or undocumented elements complete the approval processes detailed in this Chapter and in other applicable provisions of Granite Falls Municipal Code.

19.22.050 Implementation: Small cell permits.
The rights granted under the franchise are implemented through the issuance of Small Cell Permits. The franchise application may be accompanied by one or more applications for a Small Cell Permit to deploy small cells. An initial franchise and all related Small Cell Permit applications shall be processed concurrently as one Master Permit.
(A) Up to thirty (30) sites may be specified in one Small Cell Permit application for processing. The Designate official may approve up to five (5) additional sites in order to consider small cell sites within one logical service area in one application.
(B) Issuance of a Small Cell Permit to install a small cell deployment shall be contingent upon approval of a franchise or the possession of a valid franchise.

(C) If more than one application for a Small Cell Permit is submitted by an applicant, they shall be considered in the order received. If multiple applications are submitted on the same date, the applicant shall indicate which application should be considered first. All Small Cell Permits which are submitted in conjunction with a franchise application shall be considered as one Master Permit. Any element of a deployment which qualifies as either an Eligible Facilities Request or a collocation shall be specifically designated by the applicant and may be addressed separately by the Designate official in order to comply with the shot clocks established by federal law and other applicable regulations.
(D) The Designate official may approve, deny or conditionally approve all or any portion of the sites proposed in the Small Cell Permit application.
(E) Any application for a franchise or Small Cell Permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and other applicable regulations.
(F) Radio Frequency (RF) Certification. The applicant shall submit a sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small cell deployment will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small cell facility and associated wireless backhaul will operate. An existing franchisee applying for a Small Cell Permit for small cell deployment shall provide an RF certification for all facilities included in the deployment which are to be installed by the Franchisee. If facilities necessary to the Small Cell Deployment are to be provided by another franchisee, then the Small Cell Deployment in the initial franchise or in a subsequent Small Cell Permit shall be conditioned on an RF Certification showing the cumulative impact of the RF emissions on the entire installation. If facilities necessary to the Small Cell Deployment are to be provided by another franchisee or in a subsequent, the Use Permit to deploy such facilities shall be contingent on submittal of an RF Certification by the other franchisee for such facilities, if such facilities will emit RF emissions, this RF Certification shall address the cumulative impact of the RF emissions and certify compliance with federal requirements.
(G) Regulatory Authorization. Issuance of the Use Permit for the facilities shall also be contingent upon the applicant's provision of proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
(H) Completeness; Franchise and Small Cell Applications. The Designate official or his/her designee shall review an application for completeness and notify the applicant within thirty (30) days of submission whether the application is complete, provided, however, that an applicant may consent to a different completeness review period. A service provider may resubmit an incomplete application within sixty (60) days of notice by the Designate official. Failure to resubmit an application in a timely manner shall be deemed a withdrawal of that application. An applicant shall be notified in writing of the approval or denial of the application. No application shall be deemed complete without the fee deposit set by the Designate official.

19.22.060 Review process.
The following provisions relate to applications for a franchise or Small Cell Permit for small cell deployments.

(A) Review of Facilities.
Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and applicable case law. Applicants for franchises and the Small Cell Permits which implement the franchise shall be treated in a competitively neutral and non- discriminatory manner with other service providers utilizing supporting infrastructure, which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement or cumulative impacts. Franchise and Small Cell Permit review under this chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.
(B) Concealment for Small Cell.
In any zone not designated by for design review, upon application for a Small Cell Permit or for facilities designated within a franchise, the City will permit small cell deployment on existing utility poles conforming to the City's generally applicable pole design standard adopted pursuant to city code or street and utility standards. Accordingly, small cell facilities installed pursuant to this concealment authorization may not be expanded pursuant to an Eligible Facilities Request unless the Designate official determines that such expansion does not defeat the concealment elements of the facilities as outlined in this chapter. The applicable design standards are as follows:

(1) Design Standards.

(a) No Colocation. Each wooden utility pole may not contain more than one small cell facility.

(b) Height Restrictions. All small cell facilities shall follow height restrictions applicable to poles and other structures as stated in Chapter 19.23. The designate official may approve deviations as described in this chapter.

(c) New and Replacement Poles. The new or replacement poles shall match height, color and material of the original or adjacent poles and shall be subject to approval by the designate official. The designate official may approve deviations as described in this chapter.

(d) Interior Concealment. Whenever technologically feasible, antennas and equipment shall be fully concealed within the utility or light pole. When interior concealment is not possible, such as when attached to a wooden utility pole or due to American with Disabilities Act (ADA) requirements, antennas and equipment shall be camouflaged to appear to be an integrated part of the utility or light pole.

(e) Flush-Mounted Standoff Brackets or Pole-Top Antennas. In situations when interior concealment pursuant to subsection (B)(1)(d) of this section is not possible, installation of an antenna on a pole shall be flush mounted, if feasible or located at the top of the pole. Flush mounting includes using brackets that offset the inside edge of such equipment from the utility pole by twelve inches or less, except as otherwise required by the pole owner or a controlling electrical code such as the National Electrical Safety Code, National Electric Code or State Electrical Code and when approved by the city. Standoff brackets are permitted so long as the antennas are mounted as close to the pole as technically feasible, but no more than twelve inches off the pole.

(f) Antenna Design. Antennas shall be located in an enclosure of no more than three cubic feet in volume, or in case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet. No more than four antennas are permitted on a single utility pole and with a total volume not to exceed nine cubic feet.

(g) Primary Equipment Enclosure Location and Dimensions. The applicant shall minimize the primary equipment enclosure space and use the smallest amount of enclosure possible to fit the necessary equipment. The primary equipment enclosure shall be located using one of the following methods:

(i) Concealed completely within the pole or pole base. If within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.

(ii) Located on a pole. If located on a pole, the equipment enclosure shall be seventeen cubic feet or less in size.

(iii) Underground in a utility vault. If located underground, the access lid to the primary equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route.

(iv) On private property. If located on private property, the applicant shall submit a copy of an executed easement or lease agreement with the private property owner prior to the right-of-way permit issuance. In addition, if the private property is zoned residential, the applicant shall comply with the requirements of applicable zoning code chapter.

(h) Material and Color. Small cell facility antennas, conduit, mounting hardware and cabinets shall be painted to match the color of the pole and shall be nonreflective.

(i) No Illumination. Small cell facilities shall not be illuminated.

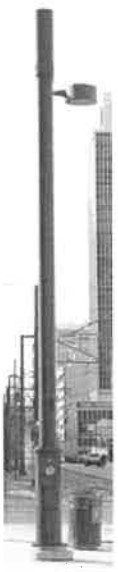
(j) Generators and Backup Battery. Applicant shall not install any generators or backup battery power.

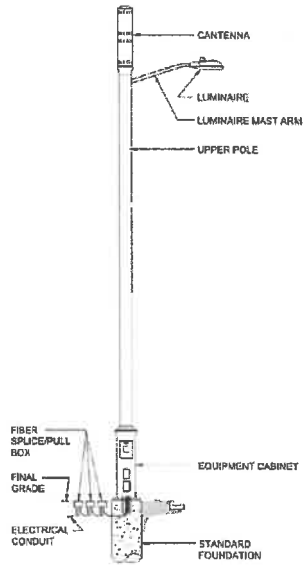
(k) Underground Areas and Design Zone Aesthetics. The design plans for all small cell facilities in design zones shall be compatible with the character and aesthetics of the neighborhoods, plazas, boulevards, parks, public spaces, and commercial districts located in whole or in part within the design zone. Applicant shall propose design concepts and the use of camouflage or stealth materials, as necessary to blend its installations with the overall character of the design zone. Applicants are encouraged to meet with the city prior to submitting a concealment element plan subject to this section and other applicable city code.

Examples of Unacceptable and Acceptable Small Cell Facilities

Unacceptable Design

Acceptable Design





Design Specification

Conduit, mounting bracket, and other hardware must be hidden from view

Cantenna must include a smooth transition between the upper pole and cantenna attachment

The equipment cabinet must match the shape of the pole

Electrical conduit and box must be below final grade level

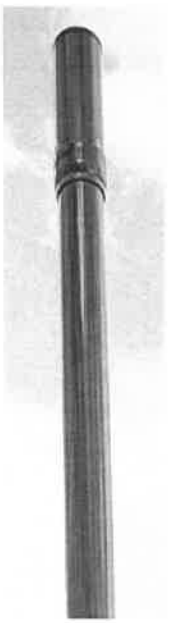
Unacceptable Design

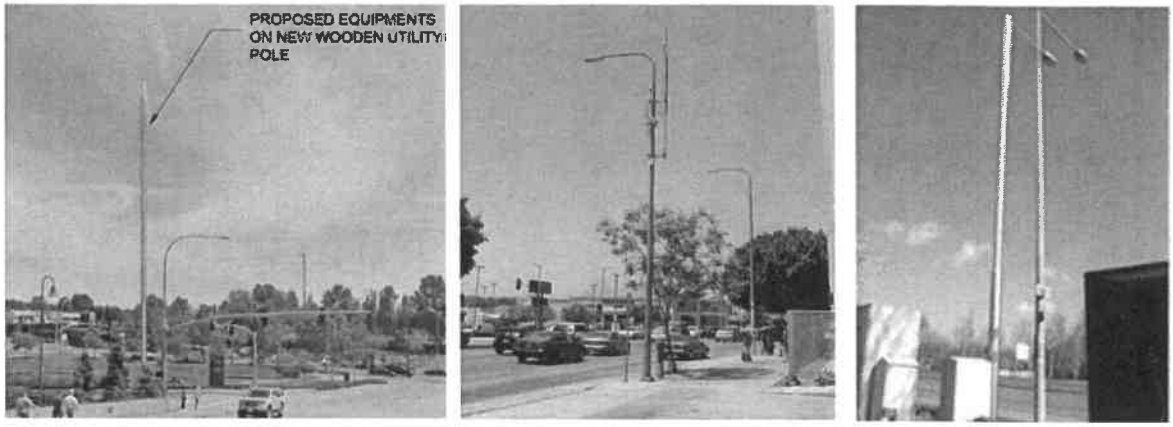
Cantenna must include a smooth transition between the upper pole and cantenna

Conduit, mounting bracket and other hardware must be hidden from view

All conduit, wires and other hardware shall be located internal to the upper pole.

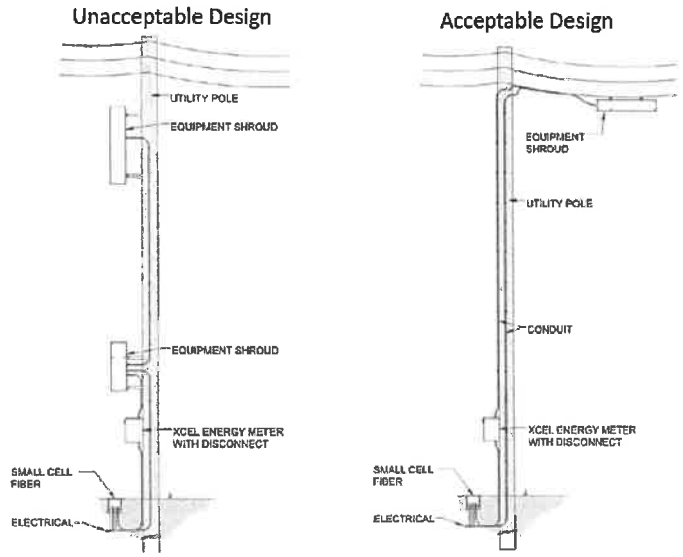
Acceptable Design





Examples of a poorly designed small cell facility

Examples for Utility Poles



Examples of Utility Pole Design
(Subject to Approval of the Utility)

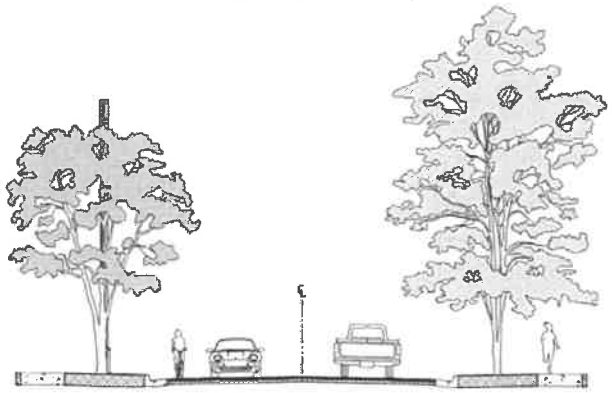
(l) Placement Requirements. Small cell facilities and street light poles shall only be located where an existing pole can be removed and replaced or at a new location where is have been identified that a streetlight is necessary. Poles shall be placed as follows:

(i) In a manner that does not impeded, obstruct, or hinder pedestrian or vehicle travel.

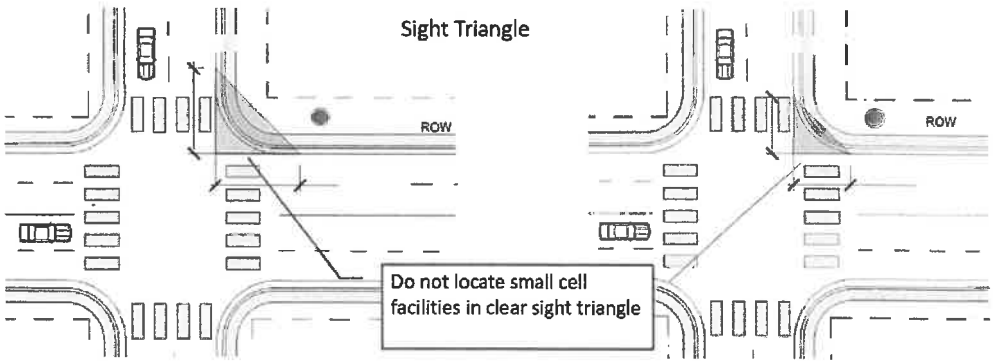
(ii) In alignment with existing trees, utility poles, and streetlights. Placement should be within the street amenity zone.

(iii) Equal distance between tress when possible, with a minimum of 15 foot separation such that no proposed disturbance shall occur within the critical root zone of any tree.

Small Cell Facilities within the Amenity Zone

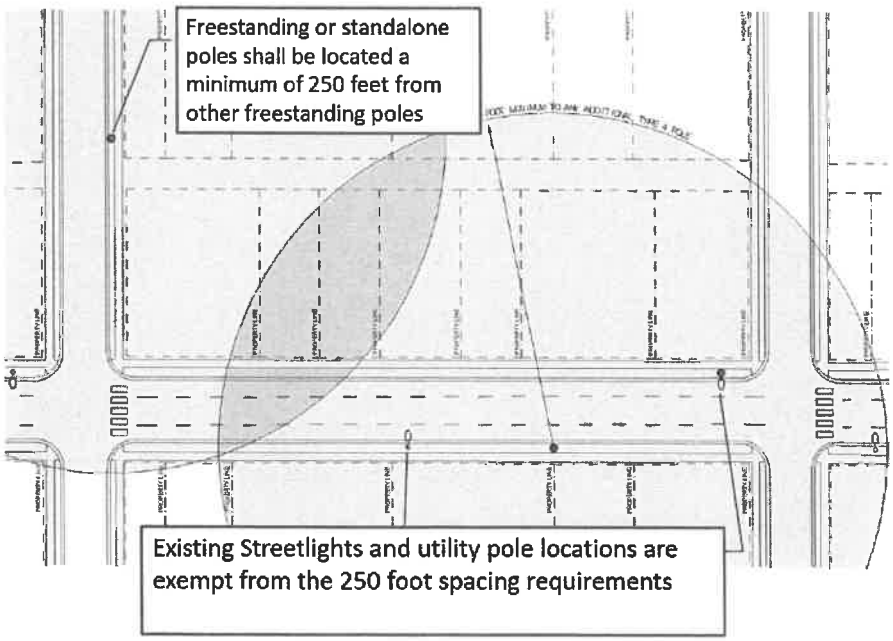


(iv) With appropriate clearance from existing utilities.
(v) Outside the sight distance triangle at intersections; including alleys.



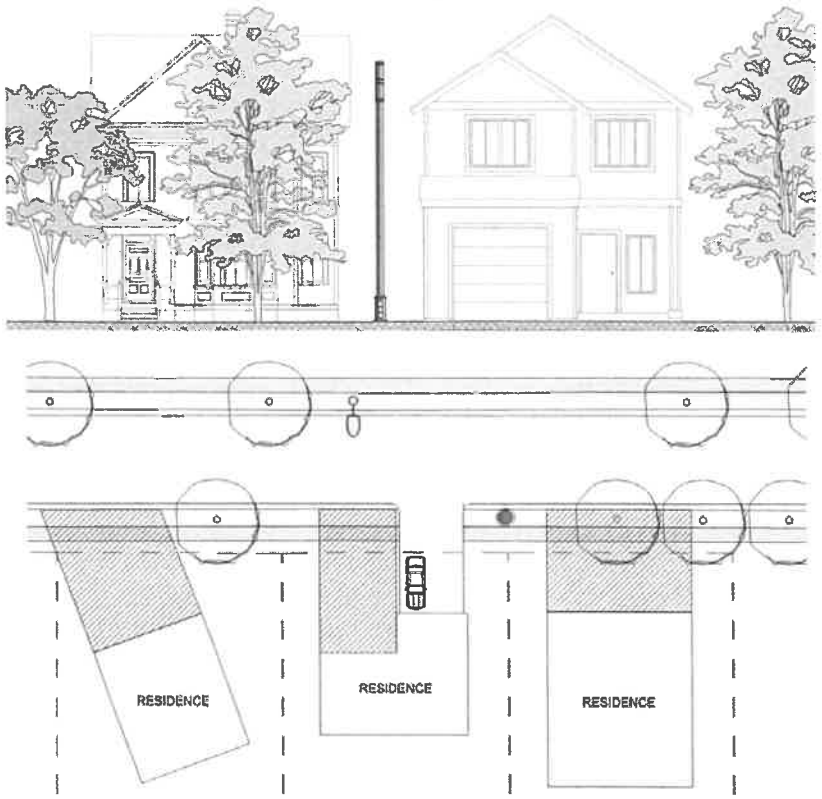
(vi) New standalone poles shall be separated by at least 250 feet in circumference.

Freestanding Small Cell Spacing Radius:



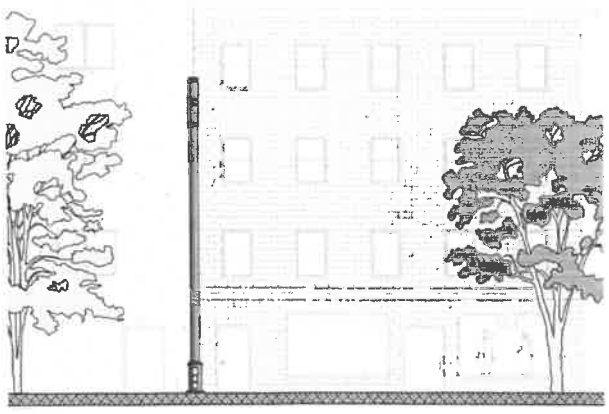
(vii) Small cells shall not be installed between the perpendicular extension of the primary street facing wall plane of any single-family residence.

Small Cell Locations Between Property Lines and Trees



(viii) When located adjacent to a commercial establishment, small cells shall be located away from store front windows, primary walkways, entrances or exits.

Small Cell Facilities within a Commercial Area



(2) Third Party Requirements.

(a) All installations of small cell facilities must have permission from the pole/structure owner to install facilities on such structure.
(b) Governing Construction or Electrical Code. All installations of small cell facilities shall comply with any governing construction or electrical code such as the National Electrical Safety Code, the National Electric Code or state electrical code, as applicable. All installations of ground-mounted or replacement structures shall comply with the city's adopted standards for construction in the right-of-way.
(c) Electrical Connection. The city is not responsible for providing electricity to small cell facilities. Any third-party utility providing such electricity must obtain a franchise from the city prior to operating in the rights-of-way.
(d) Transport/Telecommunications Connection. The city is not responsible for providing transport connectivity (i.e., fiber) to small cell facilities. Any third-party utility providing such transport connectivity must obtain a franchise from the city prior to operating in the rights-of-way.

(C) Ground-mounted equipment—ADA compliance required.
In areas of the city where overhead utility lines have been undergrounded (undergrounded areas), in designated design zones and in other areas where necessary to permit full use of the public right-of-way by pedestrians, bicycles and other users, all ground-mounted equipment shall be undergrounded in a vault meeting the city's construction standards. The location of ground-mounted equipment (to the extent undergrounding such equipment is not technologically feasible), a replacement pole or streetlight shall comply with the Americans with Disabilities Act (ADA), city development standards, and state and federal regulations in order to provide a clear and safe passage within the public right-of-way. Ground-mounted equipment is also permitted on private property adjacent to the public right-of-way with a recorded easement or lease agreement.
(D) Design Review.
Small cell deployment, as well as certain new or replacement facilities, are subject to applicable administrative design review and other zoning code requirements as set forth in the Granite Falls municipal code.
(E) Public Comment.
The City shall provide notice of a complete application for a franchise on the City's website with a link to the franchise application. This notice requirement shall also apply to existing franchisees applying for a Small Cell Permit for small cell deployment. The notice shall include an email contact and telephone number for the applicant to answer citizen inquiries. The applicant is encouraged to host informational meetings for the public regarding the deployment. The City shall post meeting notices, if any, for informational meetings on its website. These meetings are for the public's information and are neither hearings nor part of any land use appeal process.

19.22.070 Right-of-way permit for small cells and deviations.
(A) The designate official shall review applications for a right-of-way permit for a small cell deployment approved by a franchise or described in a concurrent franchise application. Deviations of the plans submitted may be approved by the designate official

if the dimensions or volume of small cell facilities do not exceed the cumulative total provided by the definition of a small cell or microcell facility in RCW 80.36.375 and concealment technologies referenced in the exhibits to the franchise or design standards. A deviation may be approved by the designate official in the following circumstances:

(1) An increase in height of up to ten feet above the top of the existing pole.

(2) An increase in height exceeding ten feet above the top of the existing pole if required by the utility company for safety and/or operational purposes. The replacement pole shall be installed by the utility company.

(3) Replacement components of an existing, approved small cell facility, and the addition of antennas on a pole that exceed a cumulative total of nine cubic feet shall be considered a deviation. Provided, however, that in each instance the replacement components are consistent with the intent of the concealment features set by city's generally applicable pole design standard adopted pursuant to the franchise, or applicable city code.

(B) Right-of-way permits to install small cell facilities including approval of deviations shall be processed within ninety days of receipt of a complete application and final approval of a franchise, whichever occurs last. A right-of-way use permit for small cell deployment is a police power regulation adopted pursuant to RCW 35.99.040(2) and accordingly is not subject to the thirty-day use permit issuance requirement contained in RCW 35.99.030(2).

(C) The decision of the designate official to approve or deny a right-of-way permit for a small cell facility with a deviation, if any, shall be final and is not subject to appeal under city code or further legislative review.

(D) Wireless communication facilities other than small cell deployment in the public right-of-way shall be reviewed pursuant to Section 19.23.

19.22.080 Facilities designated in the franchise and/or small cell permit application.

Small cell deployments may be approved by reference to exhibits in an approved franchise. Approval of the franchise shall be deemed to approve the site and the design of small cell facilities set forth in the franchise. This approval is limited to the specific location, facility and design elements shown on the exhibits to the franchise. Any element not shown on an exhibit must be approved by the Designate official governing review processes listed in the applicable provisions of the GFMC. All facilities shall comply with the concealment standards adopted by the City. An existing franchisee may, at its option:

(A) Apply to amend the existing franchise to designate sites for small cell deployment, as well as approve the small cell facilities to be installed and the concealment measures to be utilized; and/or

(B) Apply for a Small Cell Permit which shall include:

(1) Small cell facilities to be installed on existing utility poles, or replacement poles which do not exceed 10 feet in additional height; utilize the concealment option provided this chapter; and/or

(2) Small cell facilities which comply with generally applicable objective design standards adopted by the City; and/or

(3) Small cell facilities which require new utility poles or for replacement poles which exceed 10 feet in additional, height, new utility poles or installations in a specially designated zone or overlay, utilize the applicable design approval procedures set adopted by the City.

19.22.090 Small cell permit and minor deviations.

(A) The Designate official shall review applications for Small Cell Permits for small cell deployments approved by a franchise or described in a concurrent franchise application. The Designate official may authorize minor deviations in the Small Cell Permit from the dimensional design and concealment technologies referenced in the exhibits to the franchise or design standards.

(B) A deviation in height of the pole of up to ten (10) feet above the height of the existing pole when required for separation established for the zoning district, by the franchise or from a design approved for a specially designated design zone may be permitted.

(C) Deviations in the dimensions or volume of small cell facilities which do not exceed the cumulative total provided by the definition of a small cell or microcell facility in RCW 80.36.375 may be considered a minor deviation when an applicant replaces components of an existing, approved small cell facility. Similarly, the addition of antennae on a pole, not to exceed a cumulative total of six (6) cubic feet shall be considered a minor deviation. Provided, however, that in each instance the new or revised facilities do not defeat the concealment features set by City's generally applicable pole design standard adopted pursuant to the franchise, or city code.

(D) Small Cell Permits to install facilities including approval of minor deviations shall be processed within ninety (90) days of receipt of a complete application and final approval of a franchise, whichever occurs last.

(E) The decision of the Designate official to approve a Small Cell Permit with a minor deviation, if any, shall be final and is not subject to appeal under City code or further legislative review.

19.22.100 Significant deviations.

Any request for significant deviations from the approved small cell facilities design designated in the franchise, Small Cell Permit or City's design standards shall be considered a Type III permit under the provisions of Chapter 19.04A GFMC. An applicant seeking approval of a new pole or a replacement pole in a specially designated specially designated design zone shall be subject to the same review process as identified in 19.22 GFMC.

19.22.110 Wireless communication franchise and small cell deployment facility approvals and processes.

Approval of a franchise, Small Cell Permit and/or other approval referenced in this chapter are conditioned on the following requirements:

(A) Satisfy applicable bulk requirements such as noise and light regulations.

(B) Comply with adopted design and concealment standards, applicable to replacement utility poles and new utility poles in a Design Zone or Undergrounded Areas District.

(C) Obtain the written approval of the owner of any utility pole for the installation of its facilities on such utility pole. Approval of a franchise does not authorize attachment to City- owned utility poles or other structures.
(D) Unless specifically provided for in a franchise, obtain a lease from the City to utilize the City's ground space for the installation of any new pole, a replacement utility pole over sixty (60) feet or to locate any new ground-based structure, base station or other attendant equipment on City right-of-way or City property;
(E) Comply with all City construction standards and State and federal codes when operating in the right-of-way and obtain a required permit to enter the right-of-way.
(F) A franchise which includes a facility which is not exempt from SEPA review shall be processed in the provisions of chapter 19.22 GFMC
(G) Small Cell facilities approved pursuant to this chapter shall be considered as an outright permitted use when located within the right-of-way.

19.22.120 Small Cell Application Review.
(A) Application. The Designate official shall prepare and make publicly available an application form which shall be limited to the information necessary for the City to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
(B) Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the Designate official shall review such application to determine whether the application qualifies as an Eligible Facilities Request.
(C) Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an application seeking approval under this Chapter, the Designate official shall approve the application unless it determines that the application is not covered by this Section.
(D) Tolling of the Time Frame for Review. The sixty (60) day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Designate official and the applicant or in cases where the Designate official determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

(1) To toll the timeframe for incompleteness, the Designate official shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

(2) The timeframe for review begins running again when the applicant makes supplemental submission in response to the Designate official's notice of incompleteness.

(3) Following a supplemental submission, the Designate official will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

19.22.130 Small cell facilities in undergrounded areas or design zones.

(A) Replacement poles over forty-five feet in height and new streetlights for small cell facilities to be constructed in any undergrounded area or design zone are permitted only when the applicant establishes that:

(1) The small cell facility cannot be located on an electrical transmission tower or on a site outside of the public right-of-way such as a public park, public property, or in or on a nonresidential use in a residential zone whether by roof or panel-mount or separate structure; and

(2) The proposed facility complies with an approved stealth installation plan as described in this section for an undergrounded area or design zone; and

(3) The facilities shall comply with critical areas requirements and SEPA, if applicable; and

(4) The applicant shall enter into an agreement with the owner of any new or replacement utility pole and/or streetlight within the public right-of-way and provide an executed copy of the agreement to the city prior to right-of-way permit issuance.

(B) Stealth Installation Plan Required. Applications for proposed installations in underground areas and design zones which deviate for existing city design standards (or if the city has not created a design standard for that particular area) shall be required to submit a stealth installation plan. Such plan shall include the design of the screening, fencing or other concealment technology for a base station, tower, utility pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless facility, including but not limited to fiber and power connections.

(1) Purpose of Stealth Installation Plan, Generally. Stealth installation plans should seek to minimize the visual obtrusiveness of installations using methods including, but not limited to, integrating the installation with architectural features, or building design components, utilization of coverings or concealment devices of similar material, color and texture—or the appearance thereof—as the surface against which the installation will be seen or on which it will be installed.

(2) Other stealth approaches may include, but not be limited to, use of architectural concealment products, fencing or screening materials, and where appropriate, landscape design, or any other camouflage strategies appropriate for the type of installation. Additionally, the use of a stealth support or concealment device, such as a clock tower, steeple, flagpole, tree, street sign, or other applicable concealment structure may be approved.

(3) The designate official shall apply this section, as well as all design requirements applicable in the underground area or design zone in which an installation is proposed.

(4) Review of Stealth Installation Plan for Nonsubstantial Change Colocations. Where a proposed collocation does not constitute a substantial change, a stealth installation plan shall be subject to ministerial review to ensure the proposed collocation does not defeat the concealment features approved as part of the initial installation at that location.

(5) Review of Stealth Installation Plan for Initial Installations and Substantial Change Colocations. For initial installations and substantial change colocations in underground areas and design zones, the designate official shall conduct an

administrative review of stealth installation plans for compliance with this section and all applicable city design guidelines.

(C) Replacement Utility Pole—Street Lighting. With the designate official's approval, a replacement utility pole or a request for a new utility pole may be permitted in the form of a new streetlight. The design of the streetlight shall be consistent with the existing street lights, subject to the designate official's approval. All equipment and cabling shall be internal to the replacement street lighting standard. See examples below.

	
Corner of Cascade Ave and W Galena St	City Hall

(D) Undergrounded Areas. It is the stated policy of the city that all utilities shall be underground in areas that are currently undergrounded. No new utility poles shall be erected in undergrounded areas. The applicant may request to install a new streetlight as provided in applicable city code.

(E) Franchise and Small Cell Deployment Facility Approvals and Processes. Approval of a franchise, right-of-way permit and/or other approval referenced in this chapter are conditioned on the following requirements:

(1) Satisfy applicable design requirements, including, but not limited to, noise and light regulations.

(2) Comply with adopted design and concealment standards, applicable to replacement utility poles and new utility poles in a design zone or undergrounded areas.

(3) Obtain the written approval of the owner of any utility pole for the installation of its facilities on such utility pole. Unless specifically provided for in a franchise agreement, approval of a franchise does not authorize attachment to city-owned utility poles or other structures.

(4) Comply with all city construction standards and state and federal codes and standards when operating in the right-of-way and obtain a required permit to enter the right-of-way.
(5) A right-of-way permit for small cell deployment which includes a facility not exempt from SEPA review shall be processed in the provisions of the applicable city code.

19.22.140 Compliance with state processing limitations.
Review of franchise and Small Cell Permits shall comply with the provisions of RCW 35.99.030. Applications shall be reviewed, completeness determined, and the timeframe tolled as provided in Chapter 19.22 GFMC. A right-of-way use permit for small cell deployment is a police power regulation adopted pursuant to RCW 35.99.040(2) and accordingly is not subject to the thirty-day use permit issuance requirement contained in RCW 35.99.030(2).

19.22.150 Determination that an application is not an eligible facility request.
If the Designate official determines that the applicant's request does not qualify as an Eligible Facilities Request, the Designate official shall deny the application. To the extent additional information is necessary, the Designate official may request such information from the applicant to evaluate the application under other provisions of this Chapter and applicable law.

19.22.160 Additional review procedures.
Wireless communication facilities, including small cell facilities permitted pursuant to this chapter, are required to comply with all other applicable review procedures and regulations duly adopted by city code.

Chapter 19.23
WIRELESS COMMUNICATION FACILITIES (WCF) ATTACHED AND DETACHED

Sections:

19.23.010 Purpose.

In order to implement the purposes and policy set forth in the city's comprehensive plan, this chapter provides design and review procedures for wireless communications facilities. These provisions are intended to provide objective design criteria to assist in minimizing the visually obtrusive impacts which can be associated with wireless communications facilities and to encourage creative approaches in the location and construction of wireless communications facilities. Congress and the Federal Communications Commission ("FCC") have, pursuant to the authority granted by 17 USC Sections 253(c) and 47 USC Section 332(a), required local governments to act on wireless communication facility applications within a reasonable period of time and have established time limits or "shot clocks" for local review. Accordingly, the city adopts the following time limits for review of applications for eligible facility requests, and other approvals for service providers of telecommunication services.

19.23.020 Exemptions.

The following are exempt from the provisions of this chapter and shall be permitted in all zones under an administrative review:

(A) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

(B) Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.

(C) Facilities used exclusively for purposes of public safety, such as, but not limited to, police, hospitals, and the regional 911 system.

(D) Wireless radio utilized for temporary emergency communications in the event of a disaster.

(E) Licensed amateur (ham) radio stations.

(F) Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property.

(G) WCF which existed on or prior to the effective date of the ordinance codified in this chapter, except that this exemption does not apply to modifications of existing facilities.

(H) Routine maintenance or repair of a WCF and related equipment (excluding structural work or changes in height or dimensions of antennas, towers, or buildings); provided, that compliance with the standards of this chapter is maintained.

(I) Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a personal wireless communications facility until 10 days after the completion of such emergency activity.

19.23.030 Permitted locations.

(A) New Towers. New freestanding towers may be located in the Industrial/Retail (IR), Light Industrial (LI) and Heavy Industrial (HI) zoning districts and upon any property containing an existing public use within any zoning district.

(B) Co-location and Minor Facilities. WCFs may also be placed on the following existing buildings or structures:

(1) Co-location on existing, lawfully established monopole, lattice or guyed towers.

(2) Minor facilities located on existing nonresidential buildings.

(C) WCFs located on existing light standards and power poles within public rights-of-way; provided, however, that only one WCF shall be located on any light standard or power pole.

(D) Lattice and guyed towers shall not be permitted in the city.

19.23.040 General provisions.

(A) Principal or Accessory Use. WCFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of a WCF on that lot.

(B) Not Essential Public Facilities. WCFs are not considered essential public facilities as defined in the Growth Management Act and shall not be regulated or permitted as essential public facilities.

(C) FCC Licensing. The applicant must demonstrate that it is licensed by the FCC, acting on behalf of an FCC-licensed carrier, or that such a license is not required under FCC regulations.

(D) Lot Size. For purposes of determining whether the installation of a WCF complies with development standards, such as, but not limited to, setback and lot coverage requirements, the dimensions of the entire lot shall control, even though a WCF is located on a leased portion of a lot.

(E) Signs. No wireless equipment shall be used for the purpose of mounting signs or message displays of any kind, other than safety warnings required by law and identification information convenient to the facility owner not exceeding 12 inches by 18 inches.

(F) Lighting. WCFs shall not be artificially lighted unless required by the FAA or other applicable authority.

(G) Cumulative Effects. The city shall consider the cumulative visual effects of WCFs mounted on existing structures and/or located on a given permitted site in determining whether additional permits can be granted so as not to adversely affect the visual character of the city.

(H) City Design Standards. WCF installations shall comply with all relevant provisions of the city of Granite Falls design standards.

(I) Business License. All applicants shall obtain a city of Granite Falls business license, if required, prior to issuance of any permits.

19.23.050 Overall performance standards.

Wireless Communication Facilities (WCF) (Attached and Detached). Attached and detached wireless communications facilities other than small cell facilities permitted pursuant to Chapter 19.22 or eligible facilities requests shall meet the following performance standards:

(A) All WCFs shall be screened or camouflaged by employing the best available technology. This may be accomplished by use of vegetative screening, compatible materials, location, color, stealth technologies which cause the WCF to appear to be something other than a WCF that is already presenting the visual landscape (e.g., grain silos, flag poles, church steeples, trees, etc.).

(B) Separation Distance. In all single-family residential and commercial districts, detached WCFs except for small cell facilities shall be separated by a distance equal to or greater than one thousand three hundred twenty linear feet. WCFs that are colocated upon a single support structure shall count as a single WCF for the purposes of this subsection.

(C) WCFs mounted on existing nonresidential buildings and structures or co-located on existing support structures are permitted with an administrative review and a building permit approved by the designated official. For the purposes of Chapter 19.04A.210(D) GFMC, these proposals shall be considered minor development proposals (Type I). Such proposals shall be approved if the following conditions are met:

(1) For minor, building-mounted WCFs, the combined antennas and supporting hardware shall not extend more than 10 feet above the roof structure. Antennas may be mounted to rooftop appurtenances provided they do not extend beyond 10 feet above the roof proper.

(2) For WCFs located on light standards and power poles, all ancillary equipment must be located underground and only one whip antenna less than 10 feet in height or one tubular antenna less than six feet in height shall be permitted. In the event that an electric utility located upon the power pole requires vertical separation between its electric facilities and the antenna so mounted, the antenna may be raised by a mount to accommodate the separation requirement to an elevation not exceeding an additional 10 feet for power poles less than or equal to 40 feet in height or 15 feet for power poles greater than 40 feet in height or the required separation, whichever is less. Any such mount shall be no greater in diameter than the existing power pole and shall be designed to blend into the colors and textures of the existing power pole. The height of such a replacement pole may be increased to accommodate the utility separation requirements as provided in the preceding sentence.

(3) To the greatest extent possible, antennas shall be camouflaged, located and/or designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall blend into the existing environment. Panel and parabolic antennas shall be completely screened, camouflaged, or disguised.

(4) Where applicable, antennas shall meet architectural design standards as required.

(D) New freestanding WCFs, all nonexempt repair and maintenance, the expansion and/or alteration of existing WCFs, and all other WCFs not meeting the criteria for an administrative review under subsection (B) of this section require a conditional use permit to be issued by the city's hearing examiner. For the purpose of Chapter 19.04A.210(D) GFMC, these proposals shall be considered major development proposals (Type III). Such proposals shall conform to the following site development standards:

(1) Monopoles.

(a) No monopole shall exceed 120 feet in height from the natural grade of the site. Height shall be measured from the ground to the highest point on the WCF. Such facilities shall be located in such a manner that at least 80 percent of the tower is screened by existing buildings or trees. There shall be a minimum of at least 15 existing or newly planted trees evenly spaced within 50 feet of the tower in such a manner that the maximum screening effect is achieved. Any new trees shall be at least 15 feet in height and always maintained in a healthy condition. In the event any such tree shall become diseased or suffer other mortality, it shall be replaced with a tree meeting the requirements of this subsection.

(b) Placement of a monopole shall be denied if placement of the antennas on an existing building structure or co-location can provide reasonable opportunities for the provision of personal wireless services.

(c) A monopole, including the support structure and associated electronic equipment and housing, shall have a minimum setback from the property line(s) equal to the height of the tower. For WCFs located on lots adjacent to residentially zoned properties, the setback requirement shall be two times the height of the proposed WCF tower/facility. The hearing examiner may modify these setback standards if the applicant demonstrates that doing so will allow for improved buffering or camouflaging of the WCF as described in subsection (C)(3) of this section.

(2) Screening – Generally. All WCFs shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to:

(a) Use existing site features to screen as much of the total WCF as possible from prevalent views; and/or

(b) Use existing site features as a background so that the total WCF blends into the background with increased sight distances.

(3) Landscaping. In reviewing the proposed placement of a facility on the site and any associated landscaping, the city may condition approval of the application by requiring that the applicant supplement existing trees and mature vegetation to screen the facility more effectively. See also subsection (F)(3) of this section.

(4) Surface Finishes. Support structures, antennas, and any associated hardware shall be painted a nonreflective color or color scheme appropriate to the background against which the WCF would be viewed from a majority of points within its viewshed. Proposed color or color scheme shall be approved by the city.

(5) Equipment Enclosures. Equipment enclosures shall conform to the following:

(a) All ancillary equipment necessary for the operation of the facility shall be concealed within (A) an existing building; (B) an architecturally compatible addition to an existing building; or (C) a new building which is architecturally compatible with other buildings on the site and adjoining properties. Equipment enclosures shall be constructed so as to minimize visual impact and the surface and/or finish shall be a natural, nonreflective color approved by the designated official. Buildings or structures with nonmasonry exterior finishing shall be a natural, nonreflective color. Prefabricated concrete and metal structures shall not be permitted unless treated with a facade giving the appearance of masonry or wood siding and approved by the designated official.

(b) Screening of WCF equipment enclosures shall be provided with one or a combination of the following as approved by the city: underground installation (when possible), fencing, walls, landscaping, structures, or topography which will block the view of the equipment shelter as much as practicable from any street and/or adjacent properties. Screening may be located between the enclosure and the above-mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition;

(c) Except as specifically requested by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC), transmission structures shall not be illuminated, except transmitter equipment enclosures may use lighting for security reasons as long as the light is shielded downward to remain within the boundaries of the site; and

(d) No wireless enclosure reviewed under this section shall be located within required building setback areas.

(6) Criteria for Approval. The following criteria shall apply to all WCFs for which a conditional use permit is required pursuant to this chapter:

(a) Whether the applicant has demonstrated that visual, noise, and other impacts associated with the proposed facility have been minimized to the maximum extent possible using existing concealment technology, site design, noise abatement techniques, concealment, disguise, camouflage, and/or the use of architecturally compatible improvements to existing and/or new structures, and/or underground placement of ancillary equipment. In evaluating the site design, consideration will be given to whether the facility will blend into the surrounding topography, tree coverage, foliage, and other natural and/or built features and whether locating the facility in alternative locations upon the subject property, or other reasonably available properties, would better conceal the facility;

(b) Whether the applicant has demonstrated that the design of the proposed facility complies with the purpose and intent of this chapter;

(c) Whether alternative locations, including other co-locations and alternative support structures, are available for the proposed facility;

(d) Whether the proposed facility will be compatible with present and potential surrounding land uses;

(e) Whether the beneficial impacts of the proposal outweigh the detrimental impacts of the proposal; and

(f) Whether approval of the proposed facility would endanger the public health, safety, or general welfare.

(7) Public Hearing. The hearing examiner shall conduct an open public hearing prior to acting on conditional use permit applications under this chapter.

(E) Lattice and guyed towers shall not be permitted in the city.

(F) Security fencing, if used, shall conform to the following:

(1) No fence shall exceed six feet in height;

(2) Security fencing shall be effectively screened from view through the use of appropriate landscaping materials; and

(3) Chain-link fences shall be painted or coated with a nonreflective color and shall have a minimum three-foot wide area to be planted with approved plant species in a manner that will completely screen the fencing.

(G) Noise. No equipment shall be operated at a WCF (attached or detached) so as to produce noise in excess of the applicable noise standards under applicable municipal code, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis. Air conditioning and ventilation equipment associated with the ancillary equipment of the WCF shall be designed and configured in a manner so that noise impacts on adjacent properties with residential uses are minimized to the maximum extent practicable through the use of baffling and/or other noise attenuation techniques and that the noise levels generated by the ancillary equipment otherwise comply with applicable noise regulations adopted by the city. In descending order, preference shall be given to the following configurations of air conditioning and ventilation equipment: (a) orientation toward properties with nonresidential uses; (b) orientation toward streets; and (c) orientation toward the furthest residential use.

(H) Colocation. It is the policy of the city to minimize the number of detached WCFs and to encourage the colocation of more than one WCF on a single support tower. No new detached WCFs may be constructed unless it can be demonstrated to the satisfaction of the permit authority that existing support towers are not available for colocation of an additional WCF, or that their specific locations do not satisfy the operational requirements of the applicant. In addition, all detached WCFs shall be designed to promote facility and site sharing. All facilities shall make available unused space for colocation of other telecommunication facilities, including space for those entities providing similar, competing services. Colocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a period of time. Nothing in this section shall prohibit the owner of an existing facility from charging a reasonable fee for colocation of other telecommunications facilities.

(I) Abandonment and Obsolescence. A WCF shall be removed by the facility owner within six months of the date it ceases to be operational or if the facility falls into disrepair.

(J) Maintenance. All WCFs shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state and local requirements.

(K) Electromagnetic Emissions. All applicants shall demonstrate compliance with all applicable FCC regulations regarding the radio-frequency emissions of WCFs. If at any time radio-frequency emissions exceed any of the standards established by the FCC,

the applicant shall immediately discontinue use of the WCF and notify the city. Use of the WCF may not resume until the applicant demonstrates that corrections have been completed which reduce the radio-frequency emissions to levels permitted by the FCC.
(L) Special Exceptions. When adherence to the development standards would result in a significant gap in coverage for a WCF or prevent an applicant from addressing a significant capacity need, a special exception may be granted by the approval authority if the permit authority determines that the proposal utilizes the least intrusive means of closing the gap in coverage or addressing the capacity need, as applicable. The applicant has the burden of proof of establishing the gap or need and that the proposal is the least intrusive means of so doing.
(M) Use of City Right-of-Way. Any telecommunications carrier who desires to construct, install, operate, maintain, or otherwise locate telecommunication facilities in, under, over, or across any public right-of-way of the city for the purpose of providing telecommunications services shall obtain permission from the city, and enter into a right-of-way franchise agreement authorizing use of the city right-of-way. Small cells attached to utility poles, streetlights and traffic signals are exempted from the setback requirements.
(N) Conditional Use Permit Criteria. In addition to any performance standards for conditional use permits under applicable municipal code, a conditional use permit for a detached WCF other than a small cell in the public right-of-way shall only be approved if the wireless provider can demonstrate that no other attached WCF alternative(s) are available that can provide the same level of service coverage to the targeted area.

19.23.060 Application review time frame.

(A) Eligible Facilities Request.

(1) Application. The designate official shall prepare and make publicly available an application form which shall be limited to the information necessary for the city to consider whether an application is an eligible facility request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

(2) Type of Review. Upon receipt of an application for an eligible facility request pursuant to this chapter, the designate official shall review such application to determine whether the application qualifies as an eligible facility request.

(3) Time Frame for Review. Within sixty days of the date on which an applicant submits an application seeking approval under this chapter, the designate official shall approve the application unless it determines that the application is not covered by this section.

(4) Tolling of the Time Frame for Review. The sixty-day review period begins to run when the application is filed and may be tolled only by mutual agreement by the designate official and the applicant or in cases where the designate official determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

(a) To toll the time frame for incompleteness, the designate official shall provide written notice to the applicant within thirty days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

(b) The time frame for review begins running again when the applicant makes supplemental submission in response to the designate official's notice of incompleteness.

(c) Following a supplemental submission, the designate official will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

(5) Determination That Application Is Not an Eligible Facilities Request. If the designate official determines that the applicant's request does not qualify as an eligible facility request, the designate official shall deny the application. In the alternative, to the extent additional information is necessary, the designate official may request such information from the applicant to evaluate the application under other provisions of this chapter and applicable law.

(6) Failure to Act. In the event the designate official fails to approve or deny a request for an eligible facility request within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the designate official in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(7) Remedies. Both the applicant and the city may bring claims related to Section 6409(a) of the Spectrum Act to any court of competent jurisdiction.

(B) Colocation. Eligible colocations other than those defined in this section shall be processed within ninety days of receipt of a complete application. The designate official will notify the applicant within thirty days of receipt of an application whether it is complete or if additional information is required. The term "colocation" shall not apply to the initial placement of a small cell facility on a utility pole or on any other base station or tower that was not constructed for the sole or primary purpose of an FCC-licensed antenna and their associated facilities.

(C) New Wireless Communication Facilities. New wireless communications facilities shall be processed within one hundred and fifty days of receipt of a complete application. The designate official will notify the applicant within thirty days of receipt of an application whether it is complete or if additional information is required.

19.23.070 Additional review procedures.

Wireless communication facilities are required to comply with all other applicable review procedures and regulations duly adopted by city code.

Chapter 20.02
GENERAL PROVISIONS

Sections:

20.02.010 Title.

This title shall be known as the city of Granite Falls subdivision code, hereafter referred to as "subdivision code." [Ord. 906 § 1 (Att. A), 2016.]

20.02.020 Authority.

This title is adopted by city of Granite Falls Ordinance No. 906-2016, pursuant to Chapter 58.17 RCW. [Ord. 906 § 1 (Att. A), 2016.]

20.02.030 Purpose.

The intent of this title is to provide criteria, regulations and standards to govern the subdividing of land within the city and to:

(A) Promote the public health, safety and general welfare in accordance with standards established by the state and the city;

(B) Promote effective use of land by preventing the overcrowding or scattered development which would injure health, safety or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation or other public services, or excessive expenditure of public funds for such services;

(C) Avoid congestion and promote safe and convenient travel by the public on streets and highways through the coordination of streets within a subdivision with existing and planned streets;

(D) Provide for adequate light and air;

(E) Provide for water, sewage, drainage, parks, and recreational areas, sites for schools and school grounds, and other public requirements;

(F) Provide for proper ingress and egress;

(G) Provide for the housing and commercial needs of the community;

(H) Require placement of permanent uniform land division survey monuments and conveyance of accurate legal descriptions;

(I) Protect environmentally sensitive areas; and

(J) Protect and preserve the community urban forest for its aesthetic, environmental and health benefits. [Ord. 906 § 1 (Att. A), 2016.]

Chapter 20.04
DEFINITIONS

Sections:

20.04.010 Purpose.

The purpose of this chapter is to set forth the meanings of words and phrases used in this title. [Ord. 906 § 1 (Att. A), 2016.]

20.04.020 A.

"Access" means ingress and egress to and from premises. This also means access to public way and general road system.

"Access corridor" means a vehicle circulation area in private ownership, including easements, tracts and driveways in common ownership, over which access is afforded to more than one lot, or which serves more than 30 dwelling units in a multifamily development. Driveways serving a group of less than 30 dwelling units in multifamily developments shall not be considered access corridors.

"Access (primary)" means a principal entrance to a structure through which pedestrians enter during normal operating hours of the facility.

"Appropriate provisions" means the adequate and timely provision of public services and facilities to be utilized by the lots of a plat, including roads, access, potable water, sanitary waste, parks and open space, and playgrounds, consistent with level of service standards established by the city of Granite Falls comprehensive plan. [Ord. 906 § 1 (Att. A), 2016.]

20.04.030 B.

"Binding site plan" means a drawing to a scale of no smaller than one inch to 100 feet which:

(1) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations;

(2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city of Granite Falls; and

(3) Contains provisions making any development be in conformity with the site plan.

"Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries. [Ord. 906 § 1 (Att. A), 2016.]

20.04.040 C.

"Condominium" means a type of property ownership consisting of an individual interest in an apartment or commercial building, and an undivided common interest in common areas such as parking area, elevators, etc. [Ord. 906 § 1 (Att. A), 2016.]

20.04.050 D.

"Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to the property owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plan or short plat showing the dedication thereon; and, in the acceptance by the public shall be evidenced by the approval of such plat.

"Driveway" means a vehicle entrance which serves a lot, structure or parking area. [Ord. 906 § 1 (Att. A), 2016.]

20.04.060 E.

Reserved. [Ord. 906 § 1 (Att. A), 2016.]

20.04.070 F.

"Final plat" means the final drawing of the subdivision and dedication prepared for filing for record with the Snohomish County auditor office, and containing all elements and requirements set forth in this title. [Ord. 906 § 1 (Att. A), 2016.]

20.04.080 G.

"Grade (existing)" means the elevation of the ground or site prior to any work being done or any changes being made to the ground or site. [Ord. 906 § 1 (Att. A), 2016.]

20.04.090 H.
Reserved. [Ord. 906 § 1 (Att. A), 2016.]

20.04.100 I.
Reserved. [Ord. 906 § 1 (Att. A), 2016.]

20.04.110 J.
Reserved. [Ord. 906 § 1 (Att. A), 2016.]

20.04.120 K.
Reserved. [Ord. 906 § 1 (Att. A), 2016.]

20.04.130 L.
"Line, property" means the line defining the extent of a lot in a given direction.
"Line, setback" means a line beyond which, toward a property line, no structure may extend or be placed except as permitted by the regulations of this title.
"Lot" means a specifically described parcel of land with lines defining the extent of the lot in a given direction which is intended to be conveyed in its entirety. A lot may be a lot of record, more than one lot of record or portion of a lot of record.
"Lot of record" means a lot created by a recorded subdivision or short subdivision or a lot that is otherwise legally created on August 12, 1981, the effective date of the Granite Falls Municipal Code (GFMC). [Ord. 906 § 1 (Att. A), 2016.]

20.04.140 M.
Reserved. [Ord. 906 § 1 (Att. A), 2016.]

20.04.150 N.
Reserved. [Ord. 906 § 1 (Att. A), 2016.]

20.04.160 O.
"Open space" means open land for conservation of natural features, provision of visual amenity and for recreational use. It is land which is retained in or restored to a condition where nature predominates, and is substantially free of structures, impervious surface, and other land altering activities of man's built environment. [Ord. 906 § 1 (Att. A), 2016.]

20.04.170 P.
"Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.
"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of the GFMC. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision. [Ord. 906 § 1 (Att. A), 2016.]

~~20.04.180Q.~~
~~Reserved. [Ord. 906 § 1 (Att. A), 2016.]~~

~~20.04.190 R.~~
~~"Right-of-way" means the land owned by a public agency and used or planned to be used as a public thoroughfare. [Ord. 906 § 1 (Att. A), 2016.]~~

~~20.04.200 S.~~
~~"Setback" means the distance between a property line and the corresponding parallel setback line.~~
~~"Short plat" means the map or representation of a short subdivision.~~
~~"Short subdivision" means the division or re-division of land, creating four or fewer lots.~~
~~"Street" means any thoroughfare which affords the principal means of access to abutting properties, access corridors, or driveways, which has been dedicated or deeded to the public for public use.~~
~~"Street frontage" means the length along a street upon which a structure, business, or lot is abutting or fronts.~~
~~"Subdivision" means the division of land, creating five or more lots. [Ord. 906 § 1 (Att. A), 2016.]~~

~~20.04.210 T.~~
~~Reserved. [Ord. 906 § 1 (Att. A), 2016.]~~

~~20.04.220 U.~~
~~Reserved. [Ord. 906 § 1 (Att. A), 2016.]~~

~~20.04.230 V.~~
~~Reserved. [Ord. 906 § 1 (Att. A), 2016.]~~

~~20.04.240 W.~~
~~Reserved. [Ord. 906 § 1 (Att. A), 2016.]~~

~~20.04.250 X.~~
~~Reserved. [Ord. 906 § 1 (Att. A), 2016.]~~

~~20.04.260 Y.~~
~~Reserved. [Ord. 906 § 1 (Att. A), 2016.]~~

~~20.04.270 Z.~~
~~Reserved. [Ord. 906 § 1 (Att. A), 2016.]~~

Chapter 20.06
SUBDIVISION AND SHORT SUBDIVISION REGULATIONS

Sections:

20.06.010 Purpose.

The purpose of this chapter is to set forth the criteria, standards and requirements for the review and approval of subdivision and short subdivision. [Ord. 906 § 1 (Att. A), 2016.]

20.06.020 Review and approval criteria.

(A) Each proposed subdivision or short subdivision shall be reviewed to ensure that:

(1) The proposal conforms to the goals, policies, criteria and plans set forth in the city of Granite Falls comprehensive plan;

(2) The proposal conforms to the development standards set forth in GFMC Title 19, Uniform Development Code;

(3) The proposal conforms to the requirements of this section and those set forth in this chapter and GFMC 19.04.060;

(4) The proposed street system conforms to the city of Granite Falls public works standards and specifications and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;

(5) The proposed subdivision or short subdivision will be adequately served at the applicant's cost with city-approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;

(6) The layout of lots, and their size and dimensions, take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography, trees and vegetation will result from development of the lots;

(7) Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;

(8) Safe walk to school procedures, as established by the Granite Falls School District No. 332, have been met;

(9) Tree preservation requirements have been adequately met.

(B) Lack of compliance with the criteria set forth in subsection (A) of this section shall be grounds for denial of a proposed subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.

(C) No final plat or short subdivision shall be approved unless:

(1) The final plat or short subdivision is in substantial conformance with the provisions for the preliminary approval, including any conditions imposed as part of the approval.

(2) The final plat or short subdivision contains a dedication to the city of all common improvements, including but not limited to streets, roads, sewage disposal, water supply systems, and storm drainage and disposal which were a condition of approval.

(3) All common improvements required as conditions of approval of the proposed subdivision or short subdivision have been referenced on the final plat or short subdivision.

(4) City-approved water and sewer facilities shall be available to each lot created by the division of land. Other common utilities, systems, and features designed to serve all lots within the subdivision such as, but not limited to, power, phone service, natural gas, critical area(s) impact mitigation, storm drainage and detention/infiltration systems designed to be used by the entire subdivision, and street illumination systems, all located either within public right-of-way, future public right-of-way, or easements dedicated to the utility(ies), shall also be constructed and installed prior to final approval and available to each lot created by the division of land.

(5) The final plat or short subdivision is in compliance with the provisions of GFMC 19.07.020, Critical areas regulations, and GFMC 19.04.090, Concurrency and adequacy.

(6) Except when a surety bond, a cash deposit or assignment of funds for the construction of certain improvements has been approved pursuant to subsection (C)(7) of this section, all required improvements, public or private, have been constructed or installed in accord with the provisions of this chapter and the requirements of the approved preliminary plat, subject to inspection and approval by the city engineer.

(7) For subdivisions (long plats), the applicant may be allowed to submit a surety bond, a cash deposit or an assignment of funds acceptable to the city in lieu of actually installing or constructing certain of the required improvements meeting the description in criteria (C)(7)(a), (b) or (c) of this section and subject to written approval by both the public works director and city engineer. Their decision shall consider all relevant factors including the following criteria:

(a) Whether only minor items of the required improvements need to be completed such as the final lift of asphalt pavement and/or landscaping; or

(b) Whether the city and/or other public agency's capital project needs to be completed ahead of the required improvements to allow for logical sequence of construction to prevent damage or disruption to the improvements being made; or

(c) Whether constructing the required improvements prior to plat approval will create an unnecessary and unusual hardship to the applicant that is not self-created; and

(d) Whether the need for the surety bond, cash deposit, or assignment of funds is not the result of deliberate actions of the applicant; and

(e) The extent to which public health, safety, and welfare are not endangered by allowing the plat to be approved without the required improvements being completed, prior to final plat approval.

(D) When the city administrator finds that the final plat or short subdivision is in substantial conformity to the preliminary approval, he or she shall endorse his or her approval on the final plat or short subdivision and shall implement the final approval and recording procedures set forth in Chapter 20.08 GFMC, Subdivision and Short Subdivision Procedures, and GFMC Title 19. [Ord. 906 § 1 (Att. A), 2016.]

20.06.030 Subdivision names.

No subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the county, except for the words "town," "city," "place," "court," "addition," "acres," "heights," "villa," or similar words, unless the land so divided is contiguous to the subdivision bearing the same name. All plats must continue the block numbers of the plat of the same name last filed. [Ord. 906 § 1 (Att. A), 2016.]

20.06.040 Lot standard

(A) Suitability for Intended Use. All lots shall be suitable for the general purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or such lot.

(B) Lots shall be created by following the procedures of Chapter 20.08 GFMC, Subdivision and Short Subdivision Procedures, and GFMC Title 19.

(C) No lot shall be established which is in violation of the Granite Falls Municipal Code.

(D) Lot Shapes. Lot shapes shall be designed to avoid awkward configuration or appendages.

(E) Width – Area – Frontage. Each lot shall have sufficient width, area and frontage to comply with the minimum site requirements as set forth in GFMC 19.06.010, Density and dimension.
(F) Depth. Each lot should have an average depth between the front and rear lot lines of not less than one-foot depth for each one foot of width.
(G) Front Lot Line. For corner lots, double frontage lots, and single frontage lots, the front lot line shall be the property line(s) separating the lot from a street or vehicle access corridor.
(H) Side Lot Lines. As much as possible, where topography and natural features permit, side lot lines should run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.
(I) Building Setback Lines. Where watercourses, topography, geology and soils, vegetation, utilities, lot configuration, or other unique circumstances dictate a different building envelope than that set by GFMC 19.06.010, Density and dimension, building setback lines may be required to be shown on the final plat or short subdivision map and observed in the development of the lot.
(J) Future Subdivision of Lots. Where the subdivision or short subdivision will result in a lot one-half acre or larger in size which is likely to be further divided in the future, it may be required that the location of lot lines and other details of layout be such that future division may readily be made without violating the requirements of this section and without interfering with orderly extension and connection of adjacent streets. It is intended that the lot lines and other details of future subdivision be advisory only, and shall not be final or binding on the applicant unless he makes further application; however, any restriction of buildings within future street locations may be imposed and may require such restrictions to be set forth on the final plat or short subdivision. [Ord. 906 § 1 (Att. A), 2016.]

20.06.050 Exception to lot standards.
(A) Cluster – Zero Lot Line – Townhouse Development. The relaxation of building setbacks, lot size and lot frontage requirements as set forth in GFMC 19.06.010, Density and dimension, and GFMC 20.06.040, Lot standards, may be authorized for a subdivision developed in compliance with GFMC 19.06.010(E), General Development Standards. Such authorization shall only occur where the applicant presents a plan whereby the entire subdivision will be designed and developed with provision for proper maintenance of recreation facilities and open space which will be commonly available for use of the residents of the subdivision and which will be of such benefit to said residents as is equal to that which would be derived from observance of the size and frontage requirements otherwise specified. The relation of said requirements shall not violate the purpose and criteria set forth in GFMC 20.02.030, Purpose, and GFMC 20.06.020, Review and approval criteria, respectively.
(B) Eminent Domain. Parcels smaller than otherwise permitted by the Granite Falls Municipal Code may be created through the action of governmental agencies including the city of Granite Falls by such actions as eminent domain and the splitting of a parcel by dedicated right-of-way. Wherever possible, such parcels shall be merged in title with adjacent lots to create lots in compliance with the Granite Falls Municipal Code.

(C) Substandard Lots. A lot of record created prior to the effective date of the Granite Falls Municipal Code that does not meet the minimum area or dimensional requirements of the land use district in which located shall be considered a conforming lot of record if the following requirements are met: There must be no adjoining lots of record of continuous boundary in the same ownership to which the substandard lot can be merged in title or with which the lot lines can be adjusted to create lots of record which would comply with the Granite Falls Municipal Code.
(D) Lots for Building Pads. In industrial, business and multiple residential zones, lots with boundaries coterminous or nearly so with building walls may be created. The standards that normally would apply to such lots shall apply instead to the project tract of which such lots are a part. [Ord. 906 § 1 (Att. A), 2016.]

20.06.060 Easements.
(A) Public easements for the construction and maintenance of utilities and public facilities shall be granted to the city or utility provider to provide and maintain adequate utility service to each lot and adjacent lands. The minimum width of the public easements shall be 15 feet or the minimum necessary as determined by the utility, unless the city determines a smaller or larger width is appropriate based on site conditions. Whenever possible, public easement shall be combined with driveways, pedestrian access-ways and other utility easements.
(B) Private easements for the construction and maintenance of utilities within the subdivision or short subdivision shall be granted so that individual lots gain access to public facilities. The widths of the private easements shall be the minimum necessary as determined by the utility, unless the city determines a larger width is appropriate based on the site conditions.
(C) When there is a need to use a stream for stormwater control purposes, public improvement and maintenance easements at least 20 feet wide shall be provided for storm drainage. Larger widths may be required where necessary. When possible, said easements shall be located along the centerlines of such facilities. Public improvement and maintenance easements for creeks and other watercourses shall be provided and shall extend 25 feet in each direction from the waterway centerline or 10 feet from the top of the ordinary high water mark, whichever is greater.
(D) Native growth protection easements (NGPE) shall be granted as deemed appropriate by the city where the preservation of native vegetation benefits the public health, safety and welfare, including control of surface water and erosion, maintenance or slope stability, visual and aural buffering, and protection of plant and animal habitat. The NGPE shall impose upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public by the city of Granite Falls, to leave undisturbed all trees and other vegetation within the easement, except that are required for future construction of multipurpose trails and city-approved utilities. The vegetation within the easement may not be cut, pruned, covered by fill, removed, damaged or enhanced without express written permission from the city of Granite Falls.
(E) Easements for utility mains or lines shall prohibit the placement of any building on or over the easement, but shall not preclude landscaping of an appropriate variety as determined by the designated official. The city encourages the use of an easement for

more than one utility and pedestrian access provided the designated official finds the multiuse appropriate. Restoration shall be required of the site following any excavation or other disturbance permitted by the easement.
(F) Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final plat or short subdivision or by separate instrument.
(G) Areas used as regional utility corridors shall be contained in tracts separate from the lots, but sharing of tracts among utilities encouraged. [Ord. 906 § 1 (Att. A), 2016.]

20.06.070 Water supply.
All lots shall be served by a water system approved by the city of Granite Falls. Any common water system shall be provided by the applicant and dedicated to the city. Water distribution systems shall be designed and constructed according to all applicable provisions of the Granite Falls public work standards. [Ord. 906 § 1 (Att. A), 2016.]

20.06.080 Sewage disposal.
All lots shall be served by the sanitary sewer system, or on-site sewage disposal system, as required by GFMC 19.04.090, Concurrency and adequacy. [Ord. 906 § 1 (Att. A), 2016.]

20.06.090 Storm drainage.
(A) All lots shall be provided with adequate storm drainage connected to the storm drainage system of the city or other system approved by the city.
(B) Where a public street is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system in the street.
(C) When required, storm drainage facilities shall include suitable on-site detention and/or retention facilities.
(D) Storm drainage shall be provided in accordance with the city's public works standards.
(E) Easements shall be dedicated as provided in GFMC 20.06.060. [Ord. 906 § 1 (Att. A), 2016.]

20.06.100 Watercourses.
When required by the city, the developer of a subdivision shall enhance any major or minor watercourse which traverses or abuts the subdivision in accordance with the specifications and standards approved by the city. Any required watercourse easements shall be dedicated as provided in GFMC 20.06.060, Easements. [Ord. 906 § 1 (Att. A), 2016.]

20.06.110 Underground utilities.
All new and existing permanent utility service to lots shall be provided from underground facilities as set forth in the Granite Falls Municipal Code regulating underground wiring, pursuant to GFMC 20.06.150 and Chapter 9 of the city's public works standards. The applicant shall be responsible for complying with the requirements of this section, and shall make all necessary arrangements with the utility companies and other persons or

corporations affected by installation of such underground facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Washington. [Ord. 906 § 1 (Att. A), 2016.]

20.06.120 Water and sewer standards.

(A) Design Standards. All city water and sewer facilities shall be designed in compliance with the city of Granite Falls public works standards document available from the city of Granite Falls.

(B) Construction Standards. All city water and sewer facilities shall be constructed in compliance with the city of Granite Falls public works standards document available from the city of Granite Falls or appropriate water and sewer purveyor. [Ord. 906 § 1 (Att. A), 2016.]

20.06.130 Street standards.

(A) All street improvements, grades and design shall comply with standard regulations and specifications as set forth in Granite Falls public works standards.

(B) When required by the city to mitigate anticipated impacts of a new subdivision or short plat, the developer shall incorporate features into the layout of the street circulation system to minimize cut-through traffic of the proposed development and/or surrounding neighborhoods.

(C) This section does not apply to trails or pedestrian walkways not located in the public right-of-way.

(D) Proposed single-access subdivision streets ending in cul-de-sacs, hammerheads or loop roads shall not exceed 400 lineal feet in length from the access point of the new subdivision and serve more than 30 proposed dwelling units unless a connection can be established to a second access right-of-way. [Ord. 906 § 1 (Att. A), 2016.]

20.06.140 Street right-of-way and pavement widths.

(A) The street right-of-way in or along the boundary of a subdivision shall conform to the provisions set forth in the city of Granite Falls public works standards.

(B) When subdivision or an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, greater widths than those provided in subsection (A) of this section may be required.

(C) Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way widths or slope easements may be required. [Ord. 906 § 1 (Att. A), 2016.]

20.06.150 Street lights.

All subdivisions shall include underground electric service, light standards, wiring and lamps for street lights according to city adopted standards for underground wiring and the specifications and standards set forth in the city of Granite Falls public works standards. The subdivider shall install such facilities and make the necessary arrangements with the serving electric utility. [Ord. 906 § 1 (Att. A), 2016.]

20.06.160 Monuments.

(A) Permanent survey control monuments shall be provided for all final plats and short plats at:

(1) All controlling corners on the boundaries of the subdivision or short subdivision;

(2) The intersection of centerlines of roads within the subdivision or short subdivision; and

(3) The beginning and ends of curves on centerlines or points of intersections on tangents.

(B) Permanent survey control monuments shall be the standard concrete monuments as required by city of Granite Falls public works standards and in accordance with the following:

(1) Every lot corner shall be marked by rebar at least one-half-inch diameter by 24 inches long with a cap identifying the surveyor or survey company that placed the monument.

(2) Said pipe or city-approved equivalent shall be driven into the ground. [Ord. 906 § 1 (Att. A), 2016.]

20.06.170 Landscaping and screening.

All subdivisions and short subdivisions shall provide landscaping and screening in compliance with applicable provisions of GFMC 19.06.020, Landscaping and screening. [Ord. 906 § 1 (Att. A), 2016.]

20.06.175 Tree preservation and protection.

All subdivisions and short subdivisions shall provide tree preservation and protection in accordance with GFMC 19.06.020(D). A tree plan shall be part of the preliminary plat or short plat submittal requirements and approved prior to preliminary or short plat approval. [Ord. 906 § 1 (Att. A), 2016.]

20.06.180 Public access ways.

(A) When necessary for public convenience or safety, the developer shall improve and dedicate to the public access ways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, transit stops, trails, or other community services.

(B) The access way shall be of such design, width and location as reasonably may be required to facilitate public use. Where possible, said dedications may also accommodate utility easements and facilities. [Ord. 906 § 1 (Att. A), 2016.]

20.06.190 Clearing and grading.

All clearing and grading shall be conducted in compliance with the provisions set forth in the Granite Falls Municipal Code applicable to clearing and grading. No clearing or grading shall occur prior to approval of tree preservation and protection measures. [Ord. 906 § 1 (Att. A), 2016.]

20.06.200 Improvements -- Completion or guarantee.

(A) Unless installation prior to plat approval is excused by the provisions of this chapter, the applicant shall complete the required improvements before final approval of the plat

~~and shall financially guarantee installation thereof as set forth in GFMC 20.06.210, Improvements – Security for performance and warranty, prior to construction.~~
~~(B) The applicant may be allowed to submit a surety bond, a cash deposit or assignment of funds for items not completed at the time of approval of the plat, only as set forth in GFMC 20.06.020(C)(7). The surety bond, cash deposit, or assignment of funds shall identify the improvements, name the date the improvements are to be completed, and be of a form and substance subject to the approval of the city administrator.~~
~~(C) All required improvements shall be installed and/or completed within one year for subdivisions (long plats).~~
~~(D) For short subdivisions (short plats), all required improvements shall be constructed within three years of the date of plat approval. If a building permit for any residential or commercial building constructed within the short plat boundaries is issued before three years after the date of plat approval, frontage improvements, other required improvements adjacent to the lot, and other required improvements necessary for the public health, safety, and welfare such as access to the lot that meets fire code requirements, are required to be constructed within six months of the date of issuance of the building permit, whichever is earliest to occur. [Ord. 906 § 1 (Att. A), 2016.]~~
~~20.06.210 Improvements – Security for performance and warranty.~~
~~(A) Prior to actual construction of required improvements, the subdivider shall provide a guarantee in a form approved by the city attorney and in an amount to be determined by the city and off-site improvements, drainage, lighting, landscaping, critical areas, etc., sufficient to guarantee actual construction and installation of such improvements prior to final plat or short plat approval and issuance of a certificate of occupancy.~~
~~(1) The guarantee shall only be released to the applicant upon written approval by the city.~~
~~(2) A schedule for the release of funds shall be approved by the city prior to authorization to proceed with construction.~~
~~(B) In such case where the applicant fails to complete the infrastructure work by the deadline provided herein, the city shall have the option of attaching the guarantee to ameliorate any outstanding environmental concerns at the project site and/or to complete the project.~~
~~(C) The amount of the guarantee for completion shall not be less than 150 percent of the estimate of the cost of such improvements, but the city may set a higher percentage based upon the complexity of the project.~~
~~(D) Before acceptance by the city of the improvements, the subdivider shall complete the project closeout requirements and file a maintenance and defect guarantee in a form approved by the city attorney and in an amount to be determined by the city guaranteeing the repair or replacement of any improvement or any landscaping which proves defective or fails to survive within a minimum two-year time period after final acceptance of the improvements or landscaping by the city. The city shall withhold acceptance of the improvements until any required security for completion and the required guarantee for maintenance are filed.~~
~~(E) The city administrator may enforce the assignment of funds or other security required by this section according to their terms, pursuant to any and all legal and~~

equitable remedies. In addition, any assignment of funds or other security filed pursuant to this section shall be subject to enforcement in the following manner:

(1) In the event the improvements are not completed as required, or warranty is not performed satisfactorily, the public works supervisor shall notify the property owner and the guarantor in writing which shall set forth the specific defects which must be remedied or repaired and shall state a specific time by which such shall be completed.

(2) In the event repairs or warranty are not completed as specified in the notice referred to in subsection (E)(1) of this section by the specified time, the public works supervisor may proceed to repair the defect or perform the warranty by either force account, using city forces, or by private contractor. Upon completion of the repairs or maintenance, the cost thereof, plus interest at 12 percent per annum, shall be due and owing to the city from the owner and guarantor as a joint and several obligations. In the event the city is required to bring suit to enforce maintenance, the subdivider and guarantor shall be responsible for any costs and attorneys' fees incurred by the city as a result of the action.

(3) In the event that the guarantee is in the form of an assignment of funds or cash deposit with the city, the city may deduct all costs set forth in this section from the assignment of funds or cash on deposit, and the subdivider shall be required to replenish the same for the duration of the guaranty period. [Ord. 906 § 1 (Att. A), 2016.]

20.06.220 Improvements – Construction.

Construction of subdivision improvements prior to final plat or short plat approval or subsequent to final plat approval is required subject to GFMC 20.06.200 and shall proceed as follows:

(A) Complete construction drawings, specifications and related material shall be submitted to the city clerk for approval prior to the commencement of construction. The submitted drawings and specifications shall be designed and certified by a registered civil engineer. Construction drawings shall be in conformance with the conditions, if any, of preliminary plat or short plat approval and applicable city standard.

(B) Construction of improvements shall not be initiated without authorization of the city engineer. The city engineer shall authorize the subdivider to proceed with construction after approval of the construction drawings and specifications. The city engineer may grant approval on condition additions or changes are made in the drawings or specifications, or on the inclusion or implementation of mitigating measures necessary to minimize the impacts of the construction on the environment. Conditions required to minimize environmental impacts shall conform with the requirements of the GFMC regarding environmental impact procedures.

(C) Any changes to the construction drawings or specifications involving design of the improvements shall first be reviewed and approved by the city engineer.

(D) City approved tree protection measures for the preservation of significant trees pursuant to GFMC 19.06.020(D) shall be installed and inspected prior to beginning any construction activities. Damage to any preserved tree shall be replaced at a ratio of three replacement trees for each damaged tree. The minimum size of a replacement tree at the time of planting shall be two inches caliper for a deciduous tree and six feet

in height for a conifer. After construction activities are completed, the applicant shall provide an inspection report prepared by a certified arborist of the condition of the preserved trees.

(E) Construction of the improvements shall proceed as shown in the construction drawings and specifications. Construction inspection shall proceed under the supervision of a registered civil engineer. The designated official shall inspect construction progress on a regular basis to review compliance with construction plans and required standards.

(F) After the completion of construction in accordance with the approved plans and specifications, as-built drawings showing the improvements as constructed shall be certified as true and complete by the applicant's registered civil engineer. The certified as-built drawings shall be submitted electronically in PDF and AutoCAD file format and on 22-inch by 34-inch plan sheets to the city clerk. When a final plat is involved, the certified as-built drawings are required to be submitted prior to the acceptance of the subdivision improvements and approval of the final plat or short plats. [Ord. 906 § 1 (Att. A), 2016.]

20.06.230 Survey required.

The survey of every proposed subdivision or short subdivision shall be made by or under the supervision of a registered land surveyor in compliance with the following:

(A) All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the state of Washington and the submittal requirements checklist as developed by the city.

(B) Subdivision control and staking traverses shall close within an error of one foot in 5,000 feet for residential and subdivision lots, and one foot in 10,000 feet for commercial and industrial development.

(C) Primary survey control points shall be referenced to section corners and monuments. [Ord. 906 § 1 (Att. A), 2016.]

Chapter 20.08
SUBDIVISION AND SHORT SUBDIVISION PROCEDURES

Sections:

20.08.010 Purpose.

The purpose of this chapter is to identify processes to accomplish the orderly development of land within the city, and to provide for the expeditious review and approval of proposed land divisions which comply with this section, other city land use regulations and standards, and Chapter 58.17 RCW, Plats – Subdivisions – Dedications. [Ord. 906 § 1 (Att. A), 2016.]

20.08.020 General provisions.

(A) Applicability. All divisions or redivisions of land into lots, tracts, parcels, sites or division for the purpose of sale, lease or transfer of ownership shall comply with the provisions of state law and the Granite Falls Municipal Code (GFMC). All contiguous parcels of land, regardless of date of acquisition or location in different lots, tracts, parcels, tax lots or separate government lots, that are to be subdivided shall constitute a single subdivision or short subdivision action. Multiple applications or applications and/or exemptions shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this chapter.

(B) Exceptions. The provisions of this section shall not apply to:

(1) Cemeteries and burial plats;

(2) Divisions made by testamentary provisions, or the laws of descent;

(3) Division for sale or lease of commercial or industrially zoned property; provided a binding site plan has been approved and recorded;

(4) Divisions for purposes of lease when no residential structure other than manufactured homes or travel trailers are permitted, provided a binding site plan has been approved and recorded;

(5) A division made under the provisions of GFMC 20.08.100 for the purposes of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and

(6) A division made under the provisions of the Horizontal Properties Regimes Act (Chapter 64.32 RCW); provided a binding site plan has been approved.

(C) Subdivisions Processed Simultaneously. Unless the applicant requests otherwise, a subdivision or short subdivision application shall be processed simultaneously with application for variances, conditional uses, street vacations, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing, and subject to GFMC 19.04.050, Determination of procedure type.
(D) Deviation from Requirements. Subdivision and short subdivision development requirements may be modified by the hearing examiner only upon a showing by the applicant that the criteria of GFMC 19.05.050, Variances, can be complied with. Deviations shall not be allowed on the basis of economic hardship. A request by the applicant must be attached to the application and shall be processed in conjunction with the application. Action taken by a hearing examiner on the request shall be entered into the record. [Ord. 906 § 1 (Att. A), 2016.]

20.08.030 Preliminary plat review.
(A) Application Submittal. Whenever it is proposed to subdivide land into five or more lots, tracts, parcels, sites or divisions, the applicant shall file with the city clerk a preliminary plat application packet in conformance with GFMC 19.04.060, Application process.
(B) Public Notice. Notice of the public hearing shall be provided in compliance with GFMC 19.04.080, Public notice requirements.
(C) Public Hearing and Public Hearing Record. Upon completion of the public hearing notice period, the hearing examiner shall hold a public hearing to receive all relevant evidence to determine whether to approve, approve with conditions or deny the preliminary plat, in accordance with applicable provisions under GFMC 19.04.100, Review and approval process.
(D) Criteria. As a basis for approval, approval with conditions or disapproval of a preliminary plat, the hearing examiner shall determine if appropriate provisions have been made for, but not limited to, the purpose and criteria set forth in Chapter 20.06 GFMC, Subdivision and Short Subdivision Regulations.
(E) Decisions by the Hearing Examiner. The final decision made by the hearing examiner shall be given the effect of an administrative decision and shall be provided in compliance with the provisions of GFMC 19.04.080(E), Decision. The decision may be appealed to the city council in compliance with GFMC 19.04.100(E), Procedures for Closed Record Appeals. If the decision is appealed, the appeal shall stay the running of the 90-day time period defined in subsection (H) of this section, Time Limits.
(F) The hearing examiner shall make written findings that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools, and school grounds.
(G) Effect of Preliminary Plat Approval. Approval of the preliminary plat shall constitute authorization for the applicant to develop the subdivision facilities and improvements in strict accordance with the plans and specifications as approved by the city subject to any conditions imposed by the hearing examiner.
(H) Time Limits.

(1) Approval within 90 Days. A preliminary plat shall be approved, approved with conditions, disapproved or returned to the applicant for modification or correction within 90 days from the date of filing of a complete application unless the applicant agrees to an extension of the time period in writing; provided, should an environmental impact statement (EIS) be required per RCW 43.21C.030, Guidelines for State Agencies, Local Governments, the 90-day period or extension of the time period shall not include the time spent in preparing and circulating the EIS by the city. A preliminary plat application shall not be deemed "complete" until all of the preliminary plat application submittal requirements of the city's checklist have been submitted, pursuant to GFMC 19.04.060, Application process.

(2) Limitation on Approval. Final plat approval must be acquired within five years of preliminary approval, after which time the preliminary subdivision approval is void. An extension may be granted by the designated official for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the city clerk requesting the extension at least 30 days before expiration of the five-year period. [Ord. 906 § 1 (Att. A), 2016.]

20.08.040 Final plat.

(A) Application Submittal. The final plat application packet shall include the application, documents, certification, survey data, and demonstration that the required infrastructure has been constructed and/or any approved security for completion of required improvements at a later date. A complete application shall be submitted pursuant to GFMC 19.04.060, Application process.

(B) Review – Time Limits. Final plat shall be approved, disapproved or returned to the applicant for modification or correction within 30 days from the date of filing unless the applicant consents to an extension of such time period.

(C) Review – City Engineer. The city engineer or a licensed professional engineer acting on behalf of the city shall review the survey data, layout of lot lines, streets, alleys and other rights-of-way, design of bridges, and utility systems improvements including storm drainage, water and sanitary sewer. The city engineer or other professional engineer acting on behalf of the city shall convey findings to the city council. Prior to approval, the engineer shall assure that:

(1) The proposed final plat meets all standards established by state law and this section relating to the final plat's drawings and subdivision improvements;

(2) The proposed final plat bears the certificates and statements of review and approval required by this section;

(3) Current title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final plat;

(4) The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat;

(5) The facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has provided a security in an amount and with securities commensurate with the improvements such as

landscaping or final lift or asphalt paving remaining to be completed, securing to the city the construction and installation of the improvements;

(6) The surveyor has certified that all survey monument lot corners are in place and visible;

(7) Three copies of as-built construction drawings on 22-inch by 34-inch paper and two half-size copies on 11-inch by 17-inch paper. Applicants shall also provide one digital copy on a CD in PDF and AutoCAD format.

(D) Review – Designated Official. The designated official shall review the subdivision proposed for final subdivision approval for compliance with: the terms of preliminary approval; the requirements of Chapter 20.06 GFMC; applicable state laws; and all applicable local ordinances adopted by the city which were in effect at the time of preliminary approval. The designated official shall convey findings of compliance or non-compliance to the city council.

(E) Review – City Council. The city council shall review the final plat as follows:

(1) At a public meeting, the city council shall determine whether the subdivision proposed for final subdivision approval conforms to all terms of preliminary approval, and whether the subdivision meets the requirements of Chapter 20.06GFMC, 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 inscribe and execute the written approval on the face of the plat map. If the city council disapproves the plat, it will be returned to the applicant with reasons for denial and conditions for compliance.

(3) The city council shall make written findings that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools, and school grounds.

(F) Recording. All final plats shall be recorded in compliance with the following:

(1) Approval Required. No final plat shall be recorded unless approved by the city council. The original of an approved final plat shall be filed for record with the Snohomish County auditor.

(2) Signatures Required. Upon city council approval of a final plat, the mayor and the city engineer shall execute the written approval on the face of the plat.

(3) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original final plat drawings to the city clerk together with the plat checking fees and performance bond(s). After the city has approved said drawings, the applicant shall submit the city-approved original final plat drawings to the Snohomish County auditor together with the recording fees.

(4) Certificate Required. A certificate giving a full and correct description of the lands divided as they appear on the final plat and all other requirements of RCW 58.17.165 as appropriate must be recorded with the final plat.

(5) Acceptance of Dedications. Approval of the final plat for recording shall be deemed to constitute acceptance of any dedication shown on the plat.

(6) Recording Deadline. Approval of the final plat shall be null and void if the plat is not recorded with the Snohomish County auditor's office within 90 days after the date of approval.

(G) Phased Development.

(1) Portions of an approved preliminary plat may be processed for approval and recording in phased divisions; provided, that the divisions were identified in the approved preliminary plat, or an amendment thereto, and that approval and recording of the divisions is consistent with the conditions of the preliminary plat approval and will substantially meet all of the requirements for final approval even if the subsequent divisions are not finished. Prior to the final approval of a division of a preliminary plat, the designated official may require additional conditions such as a bond for the construction of a required improvement in a subsequent division, if it finds that such improvement is necessary to ensure that the division being approved meets all the conditions of the preliminary plat even though subsequent divisions are never finished.

(2) Any phase of a preliminary plat that has not been completed and accepted by the city within five years of the date of its preliminary approval may be subject to the most current development codes. The doctrine of vested rights shall not apply to said plat phases. [Ord. 906 § 1 (Att. A), 2016.]

20.08.060 Plat vacation and alteration.

(A) Requirements for Complete Plat Vacation Application.

(1) Application Contents. In addition to the requirements for a completed application as set forth in GFMC 19.04.060(D)(2), an applicant for a plat vacation shall submit the following:

(a) The reasons for the proposed vacation;

(b) Signatures of all parties having an ownership interest in that portion of the subdivision proposed to be vacated;

(c) If the subdivision is subject to restrictive constraints which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;

(d) A copy of the approved plat sought to be vacated, together with all plat amendments recorded since the date of the original approval.

(B) Type of Approval and Criteria for Approval of Plat Vacation.

(1) Type of Approval. A plat vacation is a Type 1 decision.

(2) Criteria for Approval. The plat vacation may be approved or denied after a written determination is made whether the public use and interest will be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the city shall set forth findings that the public use would not be served in retaining title to those lands.

(3) Vacation of Streets. When the vacation application is specifically for a city street vacation, the city's street vacation procedures shall be utilized. When the

application is for the vacation of a plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under Chapter 35.70 RCW or the city's street vacation ordinance.

(4) Easements. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

(C) Requirements for Complete Plat Alteration Application.

(1) Application Contents. In addition to the requirements for a completed application as set forth in GFMC 19.04.060(D)(2), an applicant for a plat alteration shall submit the following:

(a) Signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered.

(b) If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

(c) A copy of the approved plat sought to be vacated, together with all plat amendments recorded.

(D) Type of Criteria for Approval of Plat Alteration.

(1) Type of Approval. A plat alteration is an administrative decision.

(2) Criteria for Approval. The plat alteration may be approved or denied after a written determination is made whether the public use will be served by the alteration of the subdivision. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. A plat alteration must also be consistent with GFMC 20.06.020.

(3) Revised Plat. After approval of the alteration, the designated official shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat which, after signature of the mayor, shall be filed with the county auditor to become the lawful plat of the property. [Ord. 906 § 1 (Att. A), 2016.]

20.08.070 Short subdivision review.

(A) Application Submittal. Whenever it is proposed to subdivide land into four or fewer lots, tracts, parcels, sites or divisions, the applicant shall file with the city clerk a short subdivision application packet in compliance with the requirements as set forth in GFMC 19.04.060, Application process, and Chapter 20.06 GFMC, Subdivision and Short Subdivision Regulations.

(B) Public Notice. Notice of the filing of the short subdivision application shall be provided in compliance with GFMC 19.04.080, Public notice requirements, and RCW 58.17.155, Short subdivision adjacent to state highway – Notice to department of transportation.

(C) Criteria. As a basis for approval, approval with conditions or disapproval of a short subdivision, the designated official shall determine if appropriate provisions have been made for, but not limited to the purpose and criteria set forth in Chapter 20.06 GFMC, Subdivision and Short Subdivision Regulations.

(D) Approval. Within 30 days of the date of filing the application for a short subdivision, unless an extension is granted in writing by the applicant, the applicant shall be notified in writing of one of the following:

(1) That the final approval has been granted;

(2) That tentative approval has been granted;

(3) That the application is returned due to certain omissions, problems, deficiencies, or noncompliance with short plat requirements; or

(4) That the application has been disapproved.

Provided, that all time expended to complete required environmental review under the State Environmental Policy Act for those short subdivisions which are not categorically exempt, including, but not limited to, time expended by the responsible official in reviewing the proposal and issuing a threshold determination, time spent in preparing and issuing a final environmental impact statement, and time spent processing appeals allowed under the city's environmental regulations, shall be excluded from the 30-day time limitation provided by this section. "Tentative approval" under this section means the approval of a short subdivision application subject to the satisfactory completion of improvements, conditions, and/or requirements specified by the city.

The designated official in rendering a decision regarding the short subdivision application shall consider comments from the city engineer, if involved, citizen comments, comments from other departments and affected agencies or jurisdictions; compliance with the city's zoning code; compliance with the adopted comprehensive plan, transportation plan, and storm drainage plan; environmental documents and review; and the requirements and standards for short subdivision development. The designated official shall prepare a written report of the decision made with supporting facts and reasons. The designated official shall issue the decision pursuant to GFMC 19.04.080 (E), Decision.

(E) Tentative Approval. The tentative approval of a proposed short subdivision for which a complete application was filed on or after May 24, 2007, shall be effective for a period of five years from the date tentative approval was granted, unless extended by the public works supervisor for a period of not more than one additional year, pursuant to GFMC 19.04.100, Review and approval process. Final short subdivision approval must be acquired within five years of tentative approval, or tentative approval shall expire and a new application in conformity with then-current regulations shall be required.

(F) Decision by the Designated Official. Each final decision of the designated official shall be made pursuant to GFMC 19.04.080(E), Decision. The decision made by the designated official may be appealed to the hearing examiner in compliance with GFMC 19.04.110, Appeals, and GFMC 19.04.100(D), Procedures for Open Record Public Hearings.

(G) The designated official shall make written findings that appropriate provisions have been made for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds.

(H) Effect of Short Subdivision Approval. Approval of the short subdivision shall constitute authorization of the applicant to develop the short subdivision facilities and improvements in strict accordance with the plans and specifications as approved by the city engineer subject to any conditions imposed by the designated official.

(I) Recording. All short subdivisions shall be filed in compliance with the following:

(1) Approval Required. No short subdivision shall be filed unless approved by the designated official.

(2) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original short subdivision drawings to the city clerk for signatures together with the short subdivision application fee.

(3) Signatures Required. The final approval of the short plat shall be shown by affixing the signatures of the designated official and the city engineer on the short plat documents to be recorded with the Snohomish County auditor.

(4) Recording Required. The approved short subdivision documents shall be filed for record with the Snohomish County auditor and one reproducible copy shall be furnished to the city clerk.

(5) All short plats shall be recorded within five years of tentative approval with a possible one-year extension, pursuant to GFMC 19.04.100, Review and approval process.

(J) Short Subdivisions – Restrictions. The area included in an approved and recorded short subdivision shall not be further divided within a period of five years from the date of final approval without meeting the requirements for a subdivision or re-subdivision; except, that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries. [Ord. 906 § 1 (Att. A), 2016.]

20.08.080 Final plat and short plat corrections.

(A) Public Dedication – Not Involved. Amendments, alterations, modifications and changes to recorded final plats or short plats between two adjoining parcels not involving a public dedication shall be accomplished only by one of the following methods:

(1) File a new plat for the lots in question by following the full subdivision procedures of this title; or

(2) File a short plat for lots in question by following the procedures of this title; provided, that short plats occurring in final subdivisions approved under the provisions of the GFMC do not exceed the density allowed under the zoning existing at the time the plat was approved, or are not inconsistent with other provisions of the plats; or

(3) File a minor modification pursuant to GFMC 20.08.100. This method may be used to correct or adjust short plats or final plats, provided the proposed changes

are minor and do not create additional lots. This method may be used to consolidate two or more existing lots. A final plat shall be submitted electronically in PDF and AutoCAD file format and on 22-inch by 34-inch plan sheets to the city clerk for approval along with the normal and required signature attachments and a cross-reference to the original final or short plat and fees only for technical review. Normal and required signatures shall mean only the signatures of owners of lots affected by a minor modification.

(B) Public Dedication – Involved. Amendments, alterations, modifications and changes to recorded final plats and short plats involving a public dedication shall be accomplished by following the procedures of GFMC 20.08.060, Plat vacation and alteration. [Ord. 906 § 1 (Att. A), 2016.]

20.08.090 Divisions requiring binding site plans.

A subdivision of land which is exempt from the subdivision regulations, but requires that a binding site plan be approved, shall comply with the following requirements:

(A) Applications submitted shall comply with the requirements established by GFMC 19.04.060, Application process.

(B) Notice of the filing of the binding site plan application shall be provided in compliance with GFMC 19.04.080, Public notice requirements.

(C) As a basis for approval, approval with conditions or disapproval of a binding site plan, the designated official shall determine if appropriate provisions have been made for but not limited to the purpose and criteria set forth in Chapter 20.06 GFMC, Subdivision and Short Subdivision Regulations.

(D) Each final decision of the designated official shall be in writing and shall include findings and conclusions based on the record to support the decision, in accordance with GFMC 19.04.080(E), Decision. The decision made by the designated official may be appealed to the hearing examiner in compliance with GFMC 19.04.110, Appeals, and GFMC 19.04.100(D), Procedures for Open Record Public Hearings.

(E) Binding site plans shall be drawn at a scale no smaller than one inch equals 50 feet and shall include the design of any lots or building envelopes and the areas designated for landscaping and vehicle use.

(F) All binding site plans shall be recorded in compliance with the following:

(1) Approval Required. No binding site plan shall be filed unless approved by the designated official and city engineer.

(2) Fees and Recording Procedure. Prior to recording, the applicant shall submit the original binding site plan on a PDF, AutoCAD file format and 22-inch by 34-inch plan sheets to the city clerk for signatures together with the binding site plan approval fee.

(3) Signatures Required. The final approval of the binding site plan shall be shown by affixing the signatures of the designated official and the city engineer and fire chief, the short plat documents to be recorded with the Snohomish County auditor.

(4) Recording Required. The approved binding site plan documents shall be filed for recording with the Snohomish County auditor and one reproducible copy shall be furnished to the city clerk.

(G) Approved binding site plans shall be binding and all provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or

any person acquiring a lease or other ownership interest of any lot, parcel or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract or parcel created pursuant to the binding site plan that does not conform to the requirements of the binding site plan approval shall be considered a violation of this chapter, and shall be restrained by injunctive action and shall be illegal as provided in Chapter 58.17 RCW, Plats – Subdivisions – Dedications.

(H) All subsequent development shall be in conformity with the approved binding site plan. Each binding site plan document shall reference the requirement for compliance with the binding site plan approval.

(I) Amendments to or vacations of an approved binding site plan shall be made through the process of this section.

(J) Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the city. [Ord. 906 § 1 (Att. A), 2016.]

20.08.100 Boundary line adjustments.

(A) Application Submittal. Whenever it is proposed to adjust the boundary of an existing lot where no new lot is created, the applicant shall file with the city clerk a boundary line adjustment (BLA) application packet with the requirements as set forth in GFMC 19.04.060, Application process.

(B) Procedure and Special Timing Requirements.

(1) Boundary line adjustments shall be approved, approved with conditions, or denied as follows:

(a) The city shall process the BLA as a Type 1 decision; or

(b) The BLA is exempt from notice provisions set forth in GFMC 19.04.080(A)(4).

(2) The city shall decide upon a BLA application within 45 days following submittal of a complete application or revision, unless the applicant consents to an extension of such time period.

(3) The designated official may deny a BLA application or void a BLA approval due to incorrect or incomplete submittal information.

(4) Multiple boundary line adjustments are allowed to be submitted under a single BLA application if:

(a) The adjustments involve contiguous parcels;

(b) The application includes the signatures of every parcel owner involved in the adjustment; and

(c) The application is accompanied by a record of survey.

(5) The legal descriptions of the revised lots, tracts, or parcels shall be certified by a licensed surveyor or title company.

(6) A boundary line adjustment shall be not approved for any property for which an exemption to the subdivision provisions or an exemption to the short subdivision provisions has been exercised within the past five years.

(C) Decision Criteria. A boundary line adjustment is a Type 1 permit. In reviewing a proposed boundary line adjustment, the designated official shall use the following criteria for approval:

(1) The proposed BLA is consistent with applicable development restrictions and the requirements of this title, including but not limited to the general development

~~standards of Chapter 19.06 GFMC and any conditions deriving from prior subdivision or short subdivision actions. The proposed BLA will also not create a lot below the required lot size or dimensions for its zone designation;~~

~~(2) The proposed BLA will not cause boundary lines to cross a UGA boundary, cross on-site sewage disposal systems, prevent adequate access to water supplies, or obstruct fire lanes;~~

~~(3) The proposed BLA will not detrimentally affect access, access design, or other public safety and welfare concerns. The evaluation of detrimental effects may include review by the health district, the city engineer, or any other agency or department with expertise;~~

~~(4) The proposed BLA will not create new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry, or other safety concerns, as determined by the city engineer. The BLA shall comply with the access provisions set forth in this title and the city of Granite Falls public works standards;~~

~~(5) When a BLA application is submitted concurrently with a Type 1 application pursuant to GFMC 19.04.040 and frontage improvements are required for the area subject to the BLA and the concurrent application, the improvements must be agreed to prior to approval of the BLA;~~

~~(6) If within an approved subdivision or short subdivision, the proposed BLA will not violate conditions of approval of that subdivision or short subdivision;~~

~~(7) The proposed BLA will not cause any lot that conforms with lot area or lot width requirements to become substandard;~~

~~(8) The proposed BLA may increase the nonconformity of lots that are substandard as to lot area and/or lot width requirements; provided, that the proposed BLA satisfies the other requirements of this chapter;~~

~~(9) The proposed BLA will not result in lots with less than 1,000 square feet of an accessible area suitable for construction when such area existed before the adjustment. This requirement shall not apply to lots that are zoned commercial or industrial;~~

~~(10) "Merged lots" means if two or more substandard lots or a combination of lots or substandard lots and portions of lots or substandard lots are contiguous and a structure is constructed on or across the lot line(s), which makes the lots contiguous, then the lands involved shall be merged and considered to be a single undivided parcel. No portion of said parcel shall be used, altered or sold in any manner which diminishes compliance with lot area and width requirements, nor shall any division be made which creates a lot with a width or area below the minimum requirements permitted by this chapter.~~

~~(D) Design Standards -- Access. If proposed lots within a BLA result in reduced public road frontage and/or changes in access, the designated official may require verification that all lots have safe access points. In such cases, the applicant shall stake approximate proposed access points and property lines along the public road frontage within five days of receipt of a request by the city to do so.~~

~~(E) Correcting Errors on an Approved BLA. Typographical errors in recorded legal descriptions or minor discrepancies on recorded BLA maps may be corrected by filing an affidavit of correction of boundary line adjustment with the city clerk. The affidavit~~

shall be on a form supplied by the city clerk. The designated official shall review the affidavit for compliance with applicable code provisions. If approved, the applicant shall record the affidavit with the Snohomish County auditor within 45 days. Immediately after recording, copies of the recorded affidavit of correction shall be provided to the city clerk by the applicant. [Ord. 906 § 1 (Att. A), 2016.]

20.08.110 Enforcement and appeals.

(A) Issuance of Permit on Illegally Divided Land. No building permit, septic tank permit, or other development permit shall be issued for any lot, tract or parcel of land divided in violation of Chapter 58.17 RCW or this title, unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.

(B) Violations. Violations of this title shall be enforced as set forth in GFMC 19.04.120.

(C) Appeals. Any decision approving or disapproving any plat may be appealed as set forth in GFMC 19.04.110. [Ord. 906 § 1 (Att. A), 2016.]

Chapter 20.10
LAND USE FEES AND DEPOSITS

Sections:

20.10.010 Schedule of land use fees and deposits.

Fees and deposits for various services, actions and permits regarding land use as per the subdivision code shall be as established by resolution of the city council. [Ord. 906 § 1 (Att. A), 2016.

Chapter 21.10
DEFERRED COLLECTION OF IMPACT FEES FOR RESIDENTIAL CONSTRUCTION

Sections:

21.10.010 Purpose.

Allow and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction pursuant to RCW 82.02.050.

21.10.020 Process.

(A) The applicant, as defined in this chapter, may request to defer the collection of the impact fee payment for single-family detached and attached residential construction, on forms provided by the City, subject to the following restrictions:

(1) The impact fee must be paid in full at or before the time the City issues a certificate of occupancy, or equivalent certification;

(2) The deferral term may not exceed 18 months from issuance of the building permit. If impact fees are not paid by the end of the 18 months, then city shall withhold future inspection until such time impact fees are paid in full.;

(3) The amount of impact fees that may be deferred will be determined by the fees in effect at the time the applicant applies for a deferral;

(4) Deferral of impact fees is limited to the first 20 single-family residential building permits, annually, per applicant;

(5) Prior to receiving authorization to defer payment of impact fees, an applicant seeking a deferral must grant and record a lien against the property in favor of the City in the amount of the deferred impact fee. The lien shall include the legal description, the tax account number, the address of the property, must also be:

(a) In a form approved by the City and the city attorney;

(b) Signed by all owners of the property, with all signatures acknowledged as required for a deed, and recorded in the county where the property is located. Also, includes the legal description, tax account number and address of the property;

(c) Binding on all successors in title after the recordation; and

(d) Junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees;

(6) The City may collect reasonable administrative fees from applicants seeking a deferral;

(7) "Applicant" is defined to include an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant;

(8) The City or the district on whose behalf the City is collecting the fee has the authority to institute foreclosure proceedings, in accordance with Chapter 61.12 RCW, if impact fees are not paid as required by this chapter.

(a) Upon receipt of final payment of all deferred impact fees for a property, the City must execute a release of deferred impact fee lien for the property.

(b) The property owner at the time of the release, at his or her expense, is responsible for recording the lien release.
(c) The extinguishment of a deferred impact fee lien by the foreclosure of a lien having priority does not affect the obligation to pay the impact fees as a condition of issuing a certificate of occupancy or equivalent certification.

City Clerk Reports

City Clerk Staff Report
May 19, 2021

Building Permits Issued:

SSHI LLC, dba D. R. Horton
9518 Hawkins Ave.
New SFR

Building Permit #2020-069

SSHI LLC, dba D. R. Horton
9516 Hawkins Ave.
New SFR

Building Permit #2020-070

SSHI LLC, dba D. R. Horton
9513 Hawkins Ave.
New SFR

Building Permit #2020-074

SSHI LLC, dba D. R. Horton
9515 Hawkins Ave.
New SFR

Building Permit #2020-075

SSHI LLC, dba D. R. Horton
9517 Hawkins Ave.
New SFR

Building Permit #2020-076

SSHI LLC, dba D. R. Horton
9519 Hawkins Ave.
New SFR

Building Permit #2020-077

Knoll & Smith, LLC
9921 Cooke Ct.
New SFR

Building Permit #2021-030

Brittany O'Connell
17902 Maple St.
Residential A/C Unit

Building Permit #2021-035

David Dee
513 Cedar Lane
Residential roof replacement w/sheathing

Building Permit #2021-036

Ernie Murillo
307 Prospect Ave.
Demolition of SFR and Garage

Building Permit #2021-037

Michael Jensen
10404 Spruce Ave.
Residential patio cover

Building Permit #2021-038

City Clerk Staff Report
June 2, 2021

Business Licenses (Inside City):

Cabin Country Store (Merritt, Kelly Rene)
106 S. Granite Ave., #A
Granite Falls, WA 98252
Retail, general

Granite Falls, Wendy
316 S. Granite Ave.
Granite Falls, WA 98252
Renting, leasing or selling real estate

Kelik Construction LLC
209 Noble Way
Granite Falls, WA 98252
Construction

Business Licenses (Outside City):

Insight Custom Construction LLC
8303-72nd PL NE
Marysville, WA 98270
Construction, remodeling

Michels Pipeline, Inc.
817 Main St.
Brownsville, WI 53006
Contracting, general business

Waynco Construction Inc.
10213 E. Buckeye Ln.
Spokane Valley, WA 99206
General contractor – build and renovate commercial buildings

Tesoro Bath Company, (V. Tesoro LLC)
21830-68th PL NE
Granite Falls, WA 98252
Soap making

Dirt Works Specialist, Inc.
19721-94th Ave. E.
Graham, WA 98338
Site preparation contractor

Bluegrass Construction and Decks (Bluegrass Group, LLC)
307 N. Olympic Ave., Suite 200
Arlington, WA 98223
Provide multi-faceted real estate services including property sales, new construction, home remodeling, and maintenance

Michels Pacific Energy, Inc.
2200 Laurelwood Rd., Ste. 100
Santa Clara, CA 95054
Electrical contractor

Building Permits Issued:

Punkadoo L.L.C. — *Building Permit #2020-166*
217 & 219 Raybird Ave.
New 2-Unit Townhome

Punkadoo L.L.C. — *Building Permit #2020-170*
1426, 1428, 1430, 1432, 1434 & 1436 Lyssa St.
New 6-Unit Townhome

Punkadoo L.L.C. — *Building Permit #2021-034*
216, 218, 220, 222, 224 & 226 Raybird Ave.
New 6-Unit Townhome

Knoll & Smith LLC — *Building Permit #2021-039*
9918 Cooke Ct.
New SFR

Curt Hobbs — *Building Permit #2020-048*
502 W. Stanley St.
Tenant improvement – Restaurant under use group A-2 (Mc Donald's)

International Church of Foursquare Gospel — *Building Permit #2021-043*
402 S. Granite Ave.
Commercial re-roof

Dixie Rosling — *Building Permit #2021-045*
406 Wabash Ave.
Residential hot water tank

City Clerk Staff Report
June 16, 2021

Business Licenses (Inside City):

Stinging Nettle Homestead (Phillips, Sarah Irene)
101 Noble Way
Granite Falls, WA 98252
Nettle products; tea, cookies

Business Licenses (Outside City):

Gaffney Construction, Inc.
8105 Broadway Ave.
Everett, WA 98203
General contractor

Silver Creek Carpentry (Shay, Timothy Patrick)
7816-72nd Dr. NE
Marysville, WA 98270
Residential remodeling, additions, decks, and new construction

Quilceda Paving & Construction, Inc.
3403-16th St.
Everett, WA 98201
Asphalt paving

Superior Cleaning & Restoration (Superior/Coit, Inc.)
16750 Woodinville Redmond Rd. NE, Ste. C103
Woodinville, WA 98072
Cleaning & restoration services

Building Permits Issued:

Joshua Agate — *Building Permit #2021-041*
10007 Agate Ave.
Residential A/C Unit

Albert Gonzalez — *Building Permit #2021-042*
10508 Tailspar Ave.
Residential A/C Unit

Jessica Navarro — *Building Permit #2021-047*
107 Meadow Ct.
Residential Forced Air Furnace & A/C Unit

City Clerk Staff Report
July 7, 2021

Business Licenses (Inside City):

Meghan Rech Photography LLC
413 Raybird Ave.
Granite Falls, WA 98252
Photographer

A Cut Above All In One Property Services (Loyd, Darin Lee)
408 E. Union St.
Granite Falls, WA 98252
Lawn care, gutter cleaning, hedge trimming & pruning, pressure washing

Fireblooms (Burton, Rachelle)
306 Stilley Way
Granite Falls, WA 98252
Gardening

Bushwackers Yard Service LLC
10209 Messner Ave.
Granite Falls, WA 98252
Yard/Arborist Service

Business Licenses (Outside City):

Comcast Business Communications LLC
1701 John F. Kennedy Blvd., FL 32
Philadelphia, PA 19103-2855
Provides business communications services

City Wide Fence Company
16923 – 48th Ave. W.
Lynnwood, WA 98037
Wholesale, retail, fence materials and fencing installation

Benson Creek Cottage (Huang, Yongxi)
34519 Benson Creek Rd.
Granite Falls, WA 98252
Real estate rental – short term residential (under 30 days)

Stevens Transport LLC
17917-85th Ave. NE
Arlington, WA 98223
Transportation, commodities, freight

Brick City Masonry and Construction, LLC
1724-175th PL SE
Bothell, WA 98012
Hardscape, landscape, masonry and general construction

Legacy Telecommunications, LLC
8102 Skansie Ave.
Gig Harbor, WA 98332
Erect and maintain cell towers & install and maintain generators

Building Permits Issued:

SSHI LLC, dba D. R. Horton — *Building Permit #2020-068*
9520 Hawkins Ave.
New SFR

SSHI LLC, dba D. R. Horton — *Building Permit #2020-071*
9514 Hawkins Ave.
New SFR

SSHI LLC, dba D. R. Horton — *Building Permit #2020-072*
9512 Hawkins Ave.
New SFR

SSHI LLC, dba D. R. Horton — *Building Permit #2020-073*
9511 Hawkins Ave.
New SFR

SSHI LLC, dba D. R. Horton — *Building Permit #2020-078*
9521 Hawkins Ave.
New SFR

Troy Clifton — *Building Permit #2021-048*
10209 Suncrest Blvd.
Residential A/C Unit

Luke Menard — *Building Permit #2021-049*
10515 Tailspar Ave.
Residential A/C Unit

Joseph Novatney — *Building Permit #2021-050*
10407 Spruce Ave.
Residential A/C Unit

Jim & Jackie Haverfield *Building Permit #2021-051*
407 N. Granite Ave.
Residential Hot Water Tank

Boys & Girls Club *Building Permit #2021-052*
112 S. Alder Ave.
Installing (4) unit heaters, exhaust fans, makeup air, gas piping for new gymnasium

German Benabe Jimenez *Building Permit #2021-053*
17702 Mill Valley Rd.
Residential covered deck