

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE NO. 1338

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON,
AMENDING STANWOOD MUNICIPAL CODE (SMC) ZONING; CHAPTER
17.80 REGARDING GRADING, AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, Grading regulations are codified in Chapter 17.80 of the Stanwood Municipal Code; and

WHEREAS, Stanwood Municipal Code section 17.80.080 currently allows a one time extension of a grading permit for 24 months; and

WHEREAS, Stanwood Municipal Code section 17.80.080. currently allows modification to grading permits; and

WHEREAS, in response to citizen interest, City Administration directed Planning and Community Development (PCD) staff to draft amendments that would allow an additional extension and modification of grading permits under specified conditions; and

WHEREAS, PCD staff has drafted amendments to SMC chapter 17.80 to allow an additional 24 month extension of a modified grading permit with certain limits and conditions; and

WHEREAS, the Community Development Department filed Application 2013ZP0003 on January 24, 2013; and

WHEREAS, the Community Development Department issued a determination of non-significance on 2013ZP0003 on January 27, 2013; and

WHEREAS, on February 11, a public hearing was held by the Planning Commission regarding Application 2013ZP0003 and all persons wishing to provide public input concerning the amendment were heard; and

WHEREAS, public notice of the above-referenced public hearing was provided in accordance with and as required by law; and

WHEREAS, the City Council met March 14, 2013 and March 28, 2013 to consider the proposed zoning text amendments; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed change in regulations; and

WHEREAS, consistent with State law, the City desires to update its development regulations to provide efficient administrative procedures;

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

SECTION 1. The Findings of Fact and Conclusions attached hereto as Attachment 1 are hereby incorporated by this reference.

SECTION 2. SMC 17.80.080(11) Permit Expiration is hereby amended to read as follows:

*SMC 17.80.080(11)
Permit Expiration*

- (a) *Permits shall expire 24 months from the date of issuance; provided that the director may set an earlier expiration date for a permit, or issue a permit that is non-renewable, or both if the director determines that soil, hydrologic, or geologic conditions on the project site necessitate that grading and drainage improvements and the site stabilization be completed within less time.*
- (b) *If a permit has expired , the applicant shall obtain a renewed permit before starting work authorized under the expired permit.*
- (c) *A permit may be renewed ~~only~~ once for up to 24 additional months except as provided in SMC 17.80.080(15), and a request for renewal shall be made no later than 30 days after the date of expiration of the original permit*
- (d) *Requirements under this chapter that are not expressly temporary during the grading operations, including, but not limited to, requirements for erosion control, drainage, and slope management, do not terminate with the expiration of the grading permit.*

SECTION 3. SMC 17.80.080(15) Modification to Permits is hereby amended to read as follows.

*SMC 17.80.080(15)
Modification to Permits:*

- 1 *~~.Before and After~~ issuance of a grading permit, the director may require modifications of grading plans, specifications, construction phasing and/or operations or impose additional or more stringent standards and requirements ~~than those specified in this chapter or in any approved grading permit~~, to the extent necessary to protect public health, safety and welfare. Such modifications, standards, or requirements may be necessary because of unusual circumstances or newly discovered site conditions including but not limited to soil type, topography, and weather conditions. Such modifications, standards and requirements may include but are not limited to scheduling, phasing or time restrictions*
- 2 *A phasing plan may be approved as part of a modified permit for incomplete portions of a grading proposal subject to the following requirements:*
 - a. *In lieu of completing the required improvements the applicant shall provide a two year bond or equivalent form of financial surety at 150% of the established cost of the improvements made pursuant to the grading permit when it is determined by the city engineer that the incomplete project requires additional erosion control, slope management and/or drainage improvements to protect adjacent and abutting property and or critical areas on the site;*

All phases of a plan shall be completed within 24 months of the approval of the modified permit except the director may set an earlier expiration date pursuant to SMC 17.80.080(11)(a).

3. Standards. A phased grading plan shall provide:

A plan sheet delineating the phases and sequencing of proposed grading with proposed completion dates for each phase;

An explanation of why the phased plan is needed;

The percentage of remaining work to be completed as a separate phase and cost of each phase;

A revised plan sheet showing how each phase complies with the performance standards for the permit including describing the edge of the filled area and temporary erosion control;

Description of how site drainage will be controlled until the project is complete.

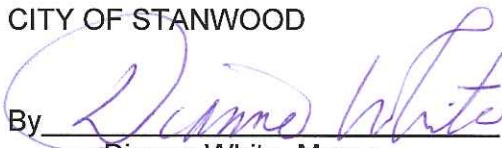
SECTION 4. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 5 This Ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor this 28th day of March, 2013.

CITY OF STANWOOD

By


Dianne White, Mayor


ATTEST:

By


Greg Thrasher, City Clerk

Approved as to form:

By


Grant Weed, City Attorney

Date of Publication: April 2, 2013

FINDINGS OF FACT AND CONCLUSIONS

Findings of Fact:

1. The Community Development Department filed a zoning text amendment Application 13ZP 0003 on January 24, 2013.
2. Consistent with RCW 43.21C, the Responsible Official issued a Notice of Determination on January 28, 2013.
3. March 14, 2013 at its regularly scheduled City Council meeting which was open to the public, after review of the applications, staff reports, the City Council held first reading of the ordinance.
4. March 28, 2013 at its regularly scheduled City Council meeting which was open to the public, after review of the applications, staff reports, the City Council held second reading of the ordinance.
5. The decision criteria for amending the Chapter 17 zoning are the following (SMC 17.155.090 (2))
 - (a) *The purpose and desired effect of the proposed zoning code amendment is consistent with the Stanwood Municipal Code.* The proposed zoning text amendment preserves requirements for implementation of drainage, erosion control, and other development standards required for responsible grading projects.
 - (b) *There is a positive relationship to the public health, safety and welfare of the community.* SMC Title 17 Zoning, Chapter 17.153 as amended promotes the general public welfare by allowing extension and modification of permits consistent with the original standards approved under the proposed grading project.
 - (c) *The proposed amendment is consistent with the Stanwood Comprehensive Plan.* The proposed amendment is consistent with the Economic Development Element of the Comprehensive Plan *policies* by improving the efficiency of permitting.
 - ***EDG-6 Support local business by providing up to date information and equitable and efficient licensing/ permitting procedures***
 - ***Policy EDP6.1 Ensure that City licensing and permitting procedures and development regulations are coherent, fair and expeditious.***

Conclusions/Decision: Based upon the entire record in this matter, which shall be incorporated by this reference, the Stanwood City Council adopts the following conclusions and decisions.

1. Allow extension of grading permits for construction phasing
2. Allow approval of a phasing plan as part of a modified permit for incomplete portions of a grading proposal.
3. All phases of a plan to be completed in 24 months from the time of the extension
4. Require a two year maintenance bond or equivalent form of financial surety when a project is incomplete and is determined to have potential to impact adjacent property or critical areas or drainage onsite.
5. Set standards for a phased grading plan
 - a. Plan sheet delineating phases, sequencing and dates for completion
 - b. Explanation of why phasing is needed
 - c. Percentage of work to be completed as a separate phase and the cost of each phase
 - d. A revised plan sheet showing how each phase complies with the performance standards of the original permit, and the code
 - e. Description of how site drainage will be controlled until the project is completed