

Title 14

LAND USE

Chapter 14.04 COMPREHENSIVE PLAN

14.04.010 Comprehensive plan.

The City of Millwood comprehensive plan adopted by Ordinance No. 551 as amended by Ordinance 558 is available in its entirety in the office of the city clerk.

(Ord. 349, 2005: Ord. 328, 2003: Ord. 319, 2002: Ord. 315, 2001)

(Ord. No. 384, 9-8-2009; Ord. No. 385, § 1, 11-2-09; Ord. No. 551, § 1, 11-12-2025; Ord. No. 558, § 1, 3-10-2026)

14.04.020 Amendments to comprehensive plan.

- A. Any property owner(s) or their representatives; any citizen, agency, neighborhood association, or other party; or the department, planning commission, or city council may suggest amendments to Millwood's adopted comprehensive plan.
 - 1. Sixty (60) days prior to November 1 in each calendar year, the city shall notify the public that the amendment process has begun. Notice shall be distributed as follows:
 - a. Notice published in an appropriate regional or neighborhood newspaper or trade journal;
 - b. Notice posted on all of the city's official public notice boards; and
 - c. Copy of the notice sent to all agencies, organizations, and adjacent jurisdictions with an interest.
 - 2. The suggested amendments shall be in writing with a qualifying statement(s) that explains how the amendments would increase public health, welfare, and safety, and/or be in any other way beneficial to the public.
 - 3. Applications shall be made on forms provided by the city.
 - 4. The suggested amendments shall be docketed and maintained by the city clerk and will be renewed annually during a public hearing at the January planning commission meeting.
 - 5. All docketed applications shall be reviewed concurrently, on an annual basis and in a manner consistent with RCW 36.70A.130(2). Applications registered after November 1 of the previous calendar year and before November 1 of the current calendar year shall be included in the annual review. Those registered after November 1 of the calendar year shall be placed on the register for review at the following annual review.
 - 6. Emergency Amendments. The city may review and amend the comprehensive plan when the city council determines that an emergency exists or in other circumstances as provided for by RCW 36.70A.130(2)(a).

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- B. Comprehensive plan amendments require at least one open record public hearing before the planning commission. After receiving the planning commission's written recommendation on proposed amendments, the city council may conduct one or more hearings on proposed amendments.

However, except as otherwise provided in (3) in this subsection, if the city council chooses to consider a change to an amendment to a comprehensive plan or development regulation, and the change is proposed after the opportunity for public review and comment has passed under the city's procedures, an opportunity for review and comment on the proposed change shall be provided before the city council votes on the proposed change.

1. A notice of public hearing shall include the following:
 - a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
 - b. A statement of how the proposal would change the affected provision;
 - c. A statement of what areas, comprehensive plan designations, zones, or locations will be directly affected or changed by the proposal;
 - d. The date, time, and place of the public hearing;
 - e. A statement of the availability of the official file; and
 - f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.
2. Notice for the public hearing shall be made at a minimum of ten days prior to the public hearing by posting the notice at three public notice boards within the ~~town~~city, and publishing the notice in a newspaper of general circulation. Notice should also be emailed to the public notice group and posted on the city website, if possible. The notice shall briefly describe the amendments to be considered.
3. An additional opportunity for public review and comment is not required under this subsection if:
 - a. An environmental impact statement has been prepared under chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;
 - b. The proposed change is within the scope of the alternatives available for public comment;
 - c. The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without materially changing its effect;
 - d. The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or
 - e. The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.
- C. Following the public hearing, the planning commission shall consider the applications concurrently, and shall prepare and forward a recommendation of proposed action for all applications to the city council. The planning commission shall take one of the following actions:
 1. If the planning commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The planning commission

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- may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modification is substantial, the planning commission must conduct a public hearing on the modified proposal;
2. If the planning commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
 3. If the planning commission is unable to take either of the actions specified in subsections (C)(1) or (2) of this section, the proposal will be sent to city council with the notation that the planning commission makes no recommendation.
- D. During its annual review of the suggested amendments, the city shall base its review on the following criteria:
1. The city may approve comprehensive plan amendments and area-wide zone map amendments if it finds that:
 - a. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment; and
 - b. The proposed amendment is consistent with the requirements of RCW Chapter 36.70A and with the portion of the city's adopted plan not affected by the amendment;
 - c. The proposed amendment responds to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies;
 - d. The proposed amendment corrects an obvious mapping error; or
 - e. The proposed amendment addresses an identified deficiency in the comprehensive plan.
 2. The city must also consider the following factors prior to approving comprehensive plan amendments:
 - a. The effect upon the physical environment;
 - b. The effect on open space, streams, and rivers;
 - c. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;
 - d. The adequacy of and impact on community facilities including utilities, roads, public transportation, parks, recreation, and schools;
 - e. The benefit to the neighborhood, city, and region;
 - f. The quantity and location of land planned for the proposed land use type and density and the demand for such land;
 - g. The current and projected population density in the area; and
 - h. The effect upon other aspects of the comprehensive plan.
- E. Transmittal to the state of Washington. At least sixty (60) days prior to final action being taken by the city council, the Washington State Department of Commerce (WSDC) shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to WSDC.
- F. Within sixty (60) days of receipt of the planning commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and may hold a public hearing pursuant to council rules. The department shall distribute notice of the council's public hearing pursuant to MMC 14.04.020(B). All annual amendments to the comprehensive plan shall be considered concurrently. By a majority vote of its membership, the city council shall:

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1. Approve the application;
 2. Disapprove the application;
 3. Modify the application. If the modification is substantial, the council must either conduct a public hearing on the modified proposal in accordance to subsection (B) above; or
 4. Refer the proposal back to the planning commission for further consideration.

(Ord. No. 385, § 2, 11-2-2009; Ord. No. 470, § 1, 1-13-2015)

Chapter 14.08 REGIONAL SITING PROCESS FOR ESSENTIAL PUBLIC FACILITIES

14.08.010 Regional Siting Process for Essential Public Facilities.

The Spokane County Regional Siting Process for Essential Public Facilities adopted as amended by the city of Millwood is available in its entirety in the planning office.

(Ord. 328, 2003; Ord. 319, 2002)

Chapter 14.12 LAND USE PERMIT REVIEW

14.12.010 Findings.

The city council finds and declares the following:

- A. As the number of environmental laws and development regulations has increased for land uses and development, so has the number of required land use permits, each with its own separate approval process.
- B. The increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication between the various permit and review processes.
- C. This regulatory burden may significantly add to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to know how and when to provide timely comments on land use proposals that require multiple permits and have separate environmental review processes.

(Ord. 271 § 1, 1996)

14.12.020 Applicability.

- A. These rules apply to all land use permits under Titles 15, 16, 17, and 18 of this code and to any related regulation implementing these provisions or any other ordinance or law. Unless another department is the primary agency in a permit process, the Planning Director / City Planner ~~clerk-treasurer~~ administers those chapters and may adopt such rules as will assist in administering these provisions.
- B. Title 14 establishes the integrated and consolidated project permit process for the city which provides for no more than one consolidated open record hearing and one closed record appeal on a project.

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1. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing;
 2. Any city public meeting or required open record hearing may be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of RCW 36.70B.110.
- C. If there is an inconsistency in the processing procedures outlined in this title by any prior title, chapter, ordinance, or resolution adopted by the city, the provisions of Title 14 shall prevail.

(Ord. 271 § 2, 1996)

14.12.025 Applications / Project Classification Types and Review Process

- A. City of Millwood permit applications / projects and similar applications / projects shall be classified under the following Administrative, Quasi-Judicial, and Legislative Permit Types:
1. Legislative Applications
 - a. Amendments to the Comprehensive Plan (MMC Chapter 14.04)
 - b. Amendments to Development Regulations (MMC 14.12.150)
 2. City Council Final Land Division Decisions - Refer to MMC Title 16
 - a. Final Subdivision (Final Plat) / Unit Lot Subdivision (10 or more lots)
 - b. Subdivision / Binding Site Plan Vacations
 - c. Subdivision / Binding Site Plan Alterations
 3. Ministerial Permits & Exempt
 - a. Administrative Interpretations, Nonconforming Determinations, & Alternative Methods of Compliance
 - b. Approach / Right-of-Way Permit
 - c. Building Permits for permitted uses, including Accessory Dwelling Units (ADU) that require site plan / design review but are categorically exempt from environmental review (SEPA) or for which environmental review has been completed in connection with other project permits.
 - d. Fence Permit
 - e. Home Business Permit
 - f. Landmark / Historic preservation designations
 - g. Other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.
 - h. Public Assembly Permit
 - i. Shoreline Substantial Development Permit Exemption (SDPE)
 - j. Sign permits
 - k. Similar applications / permits as determined by the planning director / city planner.
 4. Administrative / Quasi-Judicial Project Permits (RCW 36.70B)

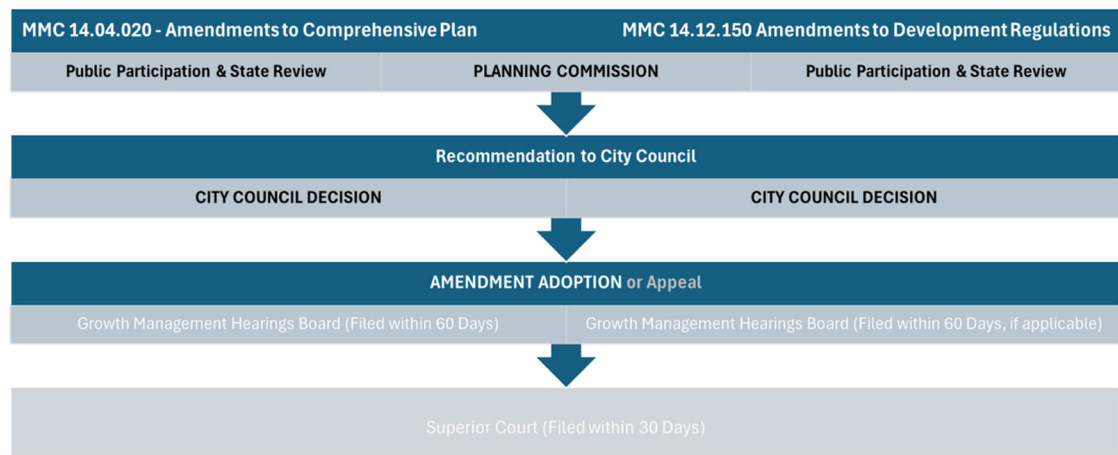
<u>Type I (Administrative)</u>	<u>Type II (Administrative)</u>	<u>Type III (Quasi-Judicial)</u>	<u>Type IV (Quasi-Judicial)</u>	<u>Type V (Quasi-Judicial)</u>
<u>Administrative Lot Split</u>	<u>Commercial, Grading, Residential & other building permits (SEPA review required)</u>	<u>Conditional Use Permit</u>	<u>Conditional Use Permit</u>	<u>Zone Change / Property Rezone (individual properties)</u>
<u>Boundary Line Adjustments / Eliminations</u>	<u>Preliminary Binding Site Plan (BSP)</u>	<u>Shoreline Conditional Use Permit</u>	<u>Development Agreements (RCW 36.70B & WAC 365-196-845)</u>	
<u>Civil construction and Grading Permits that are categorically exempt from environmental review (SEPA) or for which environmental review has already been completed</u>	<u>Preliminary Short Subdivision (Preliminary Short Plat) / Unit Lot Subdivision (up to 9 lots)</u>	<u>Shoreline Variance</u>	<u>Preliminary Subdivision (Preliminary Plat) / Unit Lot Subdivision (10 or more lots)</u>	
<u>Final Binding Site Plan / Record of Survey (ROS) Lot Finalization</u>	<u>Shoreline Substantial Development Permit (SDP)</u>	<u>Variance</u>		
<u>Final Short Subdivision (Short Plat) / Unit Lot Subdivision (up to 9 lots)</u>				
<u>Site Plan Review *</u>				
<u>Temporary Use Permits</u>				
<u>Recommendation / Hearing Body **: N/A</u> <u>Decision: City Planner or Building Official, as applicable</u>	<u>Recommendation / Hearing Body **: N/A</u> <u>Decision: City Planner or Building Official, as applicable</u>	<u>Recommendation / Hearing Body **: Hearing Examiner</u> <u>Decision: Hearing Examiner</u>	<u>Recommendation / Hearing Body **: Planning Commission</u> <u>Decision: City Council</u>	<u>Recommendation / Hearing Body **: Planning Commission</u> <u>Decision: City Council</u>
<u>* Review will be expedited on project permit applications for projects that are consistent with adopted development regulations (including the adopted city bulk density standards contained in the city comprehensive plan) or that include dwelling units that are affordable to low-income or moderate-income households (RCW 36.70B.160).</u> <u>** Refer to MMC 14.12.025(B)(4).</u>				

5. Determination by Director. The planning director / city planner or designee shall determine the proper procedure for all development applications. Questions concerning the appropriate procedure shall be resolved in favor of the higher numbered procedure.

B. Review Process by Permit Type:

1. Legislative Applications

- a. A pre-application conference is required for Legislative applications, prior to application submittal. Legislative applications follow the review process identified below. Refer to the MMC referenced sections for specific information.
- b. Recommendations are made by the Planning Commission with decisions made by the City Council after completion of the WA State required sixty (60) day review (unless expedited review is requested and granted for amendments to development regulations).
- c. Appeals are made to the Growth Management Hearings Board (GMHB) and must be filed within 60 days. Subsequent appeals are made to Superior Court and must be filed within 30 days.



2. City Council Final Land Division Decisions - Refer to MMC Title 16 for review process and timeframes.

3. Ministerial Permits (Exempt) ^{1/2}

May have specific processing requirements identified in the MMC but do not require a determination of completeness, etc. Unless otherwise stated in the MMC, exempt ministerial permits should be approved or returned to the application for modification within twenty-one (21) days) from complete application submittal.

4. Administrative / Quasi-Judicial Project Permits (RCW 36.70B) ^{1/2}

	<u>Type I (Administrative)</u>	<u>Type II (Administrative)</u>	<u>Type III (Quasi-Judicial)</u>	<u>Type IV (Quasi-Judicial)</u>	<u>Type V (Quasi-Judicial) ⁵</u>
<u>Pre-Application Conference ³</u>	<u>Required ⁴</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Determination of Completeness</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>

	<u>Type I (Administrative)</u>	<u>Type II (Administrative)</u>	<u>Type III (Quasi- Judicial)</u>	<u>Type IV (Quasi- Judicial)</u>	<u>Type V (Quasi- Judicial)</u> ⁵
<u>Notice of Application</u>	<u>N/A</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Notice of Hearing (Open Record)</u>	<u>N/A</u>	<u>N/A</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Hearing Body (Recommendation)</u>	<u>N/A</u>	<u>N/A</u>	<u>Hearing Examiner</u>	<u>Planning Commission</u>	<u>Planning Commission</u>
<u>Decision Body</u>	<u>City Planner or Building Official, as applicable ⁶</u>	<u>City Planner or Building Official, as applicable ⁶</u>	<u>Hearing Examiner</u>	<u>City Council</u>	<u>City Council</u>
<u>Notice of Decision</u>	<u>N/A</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Administrative Appeal</u>	<u>MMC 14.12.140 (City Council)</u>	<u>MMC 14.12.140 (City Council)</u>	<u>Shoreline Only MMC 18.12.440 (City Council)</u>	<u>N/A</u>	<u>Growth Management Hearings Board (GMHB) - Filed within 60 Days</u>
<u>Shoreline Appeal</u>	<u>Shoreline Hearings Board (RCW 90.58.180)</u>				
<u>Judicial Appeal</u>	<u>Superior Court (RCW 36.70C - LUPA, Filed within 21 Days), as applicable</u> <u>Shorelines follow Shoreline Hearings Board authorization</u>				<u>Superior Court (Filed within 30 Days)</u>

¹ Properties on the Millwood register of historic places that require a Certificate of Alteration or Certificate of Demolition shall follow procedures contained in MMC Chapter 15.22 with review and decision process integrated into project permit review process; however, timeline for review by the Historic Preservation Commission (HPC) shall not be included in review time periods under RCW 36.70B, as applicable.

² Projects identified as Essential Public Facilities (EPF) shall incorporate the review procedures under Chapter 17.48 - Essential Public Facilities with exemptions from the review time periods under RCW 36.70B for utilization of the Regional Siting Process (MMC Chapter 14.08), as applicable.

³ Pre-application public meeting / neighborhood meetings are separate from pre-application conferences and are optional for project permits. If conducted, a pre-application public meeting / neighborhood meeting shall not be included in review time periods under RCW 36.70B.

⁴ May be waived at the discretion of the planning director / city planner if it is determined that the proposal is relatively simple (e.g. has few, if any, development-related issues).

⁵ Requires amendment to the Comprehensive Plan Land Use Map for consistency.

⁶ Historic Preservation Commission (HPC) is the decision body for Alterations or Demolitions of Historic Structures that may be included in a project permit.

C. Administrative / Quasi-Judicial Review - Time Periods by Permit Type (consistent with RCW 36.70B):

	<u>Type I (Administrative)</u>	<u>Type II (Administrative)</u>	<u>Type III (Quasi- Judicial)</u>	<u>Type IV (Quasi- Judicial)</u>	<u>Type V (Quasi- Judicial)</u>
<u>Project permits NOT requiring public notice</u>	<u>65 Days*</u>				
<u>Project permits requiring public notice</u>		<u>100 Days*</u>			
<u>Project permits requiring public notice and a public hearing</u>			<u>170 Days*</u>	<u>170 Days*/**</u>	<u>170 Days*</u>

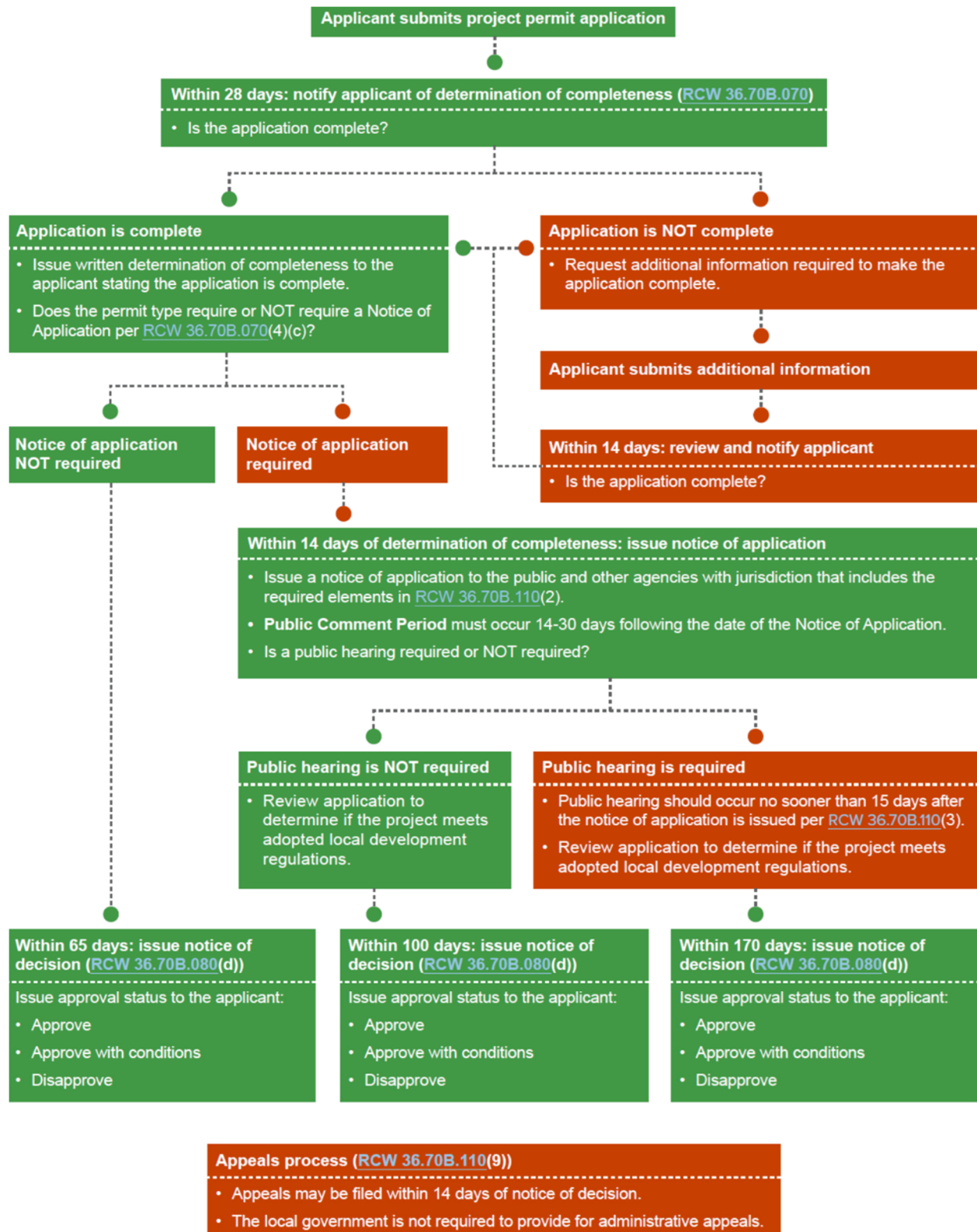
The number of days an application is in review with the city shall be calculated from the day completeness is determined to the date a final decision is issued on the project permit application based on calendar days.

* The review time period for a consolidated review of multiple project permits is the longest of the review time periods for the applications if reviewed individually. Additionally, per RCW 36.70B.080 the following times are excluded from the review time period:

- Any period between the day that the city has notified the applicant, in writing, that additional information is required to further process the application, an applicable fee must be paid, or a required notice must be posted, and the day when responsive information is resubmitted by the applicant, the fee is paid, or the notice is posted;
- Any period after an applicant informs the city, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the local government, in writing, that they would like to resume the application. The city may set conditions for the temporary suspension of a permit application;
- Any period that the city has completed all possible work on the application but must wait for necessary action by a government entity subject to subsection (2) or (3) of RCW 36.70.080:
 - Any government entity other than a local government, special purpose district, or public utility district, that imposes a fee on an applicant for review of a project permit application, or a portion thereof, related to a residential project, and/or
 - When a local government requires a special purpose district's or public utility district's determination in order to complete review of a residential project permit application including approval of a preliminary plat or other land division.
- Any period during which a draft or final environmental impact statement is being prepared following a determination of significance under chapter 43.21C RCW;
- Any period between issuance of a final decision and the expiration of the applicable administrative appeal period;
- Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired; and/or
- Any reasonable period of additional time that the local government and applicant mutually agree to add to the review time period.

** Per RCW 58.17.140, preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety (90) days from date of filing thereof unless the applicant consents to an extension of such time period or the 90 day limitation is extended to include up to twenty-one days as specified under RCW 58.17.095(3); PROVIDED, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the city.

1. Administrative / Quasi-Judicial Review Timeline Schematic:



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2. Nothing prohibits a city from extending a deadline for issuing a decision for a specific project permit application for any reasonable and certain period of time specified and mutually agreed upon in writing by the applicant and the city.
 - a. If an applicant has agreed to extend the deadline for issuing a decision on a specific project permit application, then the provisions of RCW 36.70B.080, subsection (1), review time periods outlined in 14.12.025(C), do not apply to the review of the project permit application.
 - b. Such an extension may occur at any time prior to the denial of the project permit application or the exhaustion of the time period for review.
 - c. No local government may require or request an extension of an applicable deadline for issuance of a decision for a specific project permit application as a condition or an option at initial submission of a project permit application.
 3. Federal law governing wireless facilities imposes mandatory shot clocks (i.e. 30 days for review / 60 days for approval from filing of the application), Federal shot clocks are not measured from the date of completeness, as other permit types are, and have tolling mechanisms that differ from state law. Refer to 47 CFR § 1.6100(c).

14.12.030 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. If definitions are inconsistent with WA State Law, the RCW definition, as amended, shall apply.

"Administrative lot split" - Refer to MMC Title 16.

"Administrator" means the ~~clerk-treasurer~~planning director / city planner unless another department or agency is in charge of the project permit in which case it refers to the chief administrative officer of that department or agency. The Administrator is also the "Permit review / Project permit coordinator" as defined in this subsection.

"Aggrieved person" means person(s) who are adversely affected by the issuance of the permit, order, or final decision.

"Approved application" means an application that has completed review and been issued a final decision, but the applicant may not have paid final permit fees or obtained the permit.

"Binding site plan" - Refer to MMC Title 16.

"Boundary line adjustment / elimination" - Refer to MMC Title 16.

"Building permit" means a permit issued pursuant to the State Building Code as adopted in RCW Chapter 19.27.

"Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

"Concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by RCW 36.70A.070(6)(b) must begin after full payment of all impact fees is due to the city.

"Conditional use" means a use listed among those classified in any given zone but permitted to locate only after review by the hearing body, and the granting of a conditional use permit imposing such performance

standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities, provided the city ordinances specify the standards and criteria that shall be applied.

"Construction permit" means a permit for construction of infrastructure improvements. Used in RCW 36.70B.140; "construction plans" used in RCW 36.70B.080. A construction permit is a type of project permit.

"Day" means calendar day.

"Decision-maker" means the official or entity that makes a decision on a project permit application. In some cases this may also be the hearing body or hearing officer. Used in RCW 36.70B.120.

"Development agreement" means an agreement between the city council and developer through which the city council agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current community regulations.

"Development regulations" means the controls placed on development or land use activities by a county or city including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city. (per RCW 36.70A.030).

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation, and that is sold or rented separately from other dwelling units. "Affordable dwelling unit" means a dwelling that requires payment of monthly housing costs, including utilities other than telephone, of no more than 30 percent of the family's income.

"Environmental review" means review under the State Environmental Policy Act (Chapter 43.21C RCW). Used in RCW 36.70B.110(6).

"Final decision" means the final local government decision on an application, including the final decision on a local appeal, if any.

"Final plat/final short plat" means final drawing of the subdivision or dedication prepared for filing for record with the Spokane County auditor and containing those elements and requirements set forth in Title 16 and in local regulations adopted under Title 16.

"Hearing body (or hearing officer)" means the official or entity that conducts the public hearing required for a decision on a project permit application. Used in RCW 36.70B.120.

"Issued permit" means a permit for which an applicant has paid all fees, the permit document has been issued by the local government, and the time limit for the expiration of the permit has started to run.

"Lead agency" means the agency with the main responsibility for complying with SEPA's procedural requirements (WAC 197-11-050 and 197-11-922).

"Local government" means a county, city, or town (City of Millwood).

"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than 80 percent of the median family income, adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development (also refer to Affordable housing in Title 17, Appendix A).

"Ministerial" means an act that involves closely following instructions or laws instead of discretion, judgment, or skill. Approval of a building permit is generally considered a ministerial act, while most land use review involves some level of discretion.

"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income, adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

"Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record pre-decision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record pre-decision hearing has been held on the project permit.

"Permit review / Project permit coordinator" means the planning director / city planner or designee, who manages the combined application review and approval process covering all project permits for all or part of a project.

"Planning commission" means that body as defined in RCW Chapter 35A.63 as designated by the city council to perform a planning function.

"Pre-application conference" means a meeting that is held before submitting a project permit application involving the applicant and a representative from each of the reviewers of the proposed project permit application, as applicable. The applicant provides an overview of their proposed project, either in person or in writing, and then, meeting participants ask clarifying questions and provide their insights into the procedural and substantive requirements for the project in order to brief the applicant on the types of permits required for their project and to improve the quality of the resulting application for the project.

"Pre-application public meeting / neighborhood meeting" means an optional informal meeting or workshop that is held by the city and the applicant for complex or potentially controversial projects before submitting a project permit application or prior to a public hearing on a project, in order to openly discuss a project with members of the public, for the applicant to obtain local knowledge about the project area, and to address neighborhood concerns.

"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 set forth in Title 16 and in RCW Chapter 58.17. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision for the division or redivision of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership..

"Preliminary short plat" means the map or representation of the preliminary short subdivision for the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, consistent with Title 16.

"Project action" (with respect to SEPA) means an agency decision "on a specific project, such as a construction or management activity located in a defined geographic area. (WAC 197-11-704)

"Project permit" or "project permit application" means any land use or environmental permit or license required from the city for a project action, including but not limited to short subdivisions, building permits that require a public hearing, shoreline substantial development permits, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as otherwise specifically included in this subsection.

"Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection (RCW 36.70B.020). "Project permit" or "project permit application" does not include permits issued based on compliance with state and local building codes, or a special purpose district's or public utility district's determination of service availability, system capacity, infrastructure requirements, or review of proposed water, sewer, or stormwater civil plans.

"Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

"Quasi-judicial" means a process determining the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding.

"Review time period" means the time allowed for review of a permit application established pursuant to RCW 36.70B.080.

"Shoreline permit" means a shoreline substantial development permit, shoreline variance permit, shoreline conditional use permit, or revision authorized under Chapter 90.58 RCW, but not including a shoreline letter of exemption.

"Unit lot subdivision" - Refer to MMC Title 16.

"Variance." A variance is the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges.

(Ord. 271 § 3, 1996)

14.12.040 Scope of review.

- A. Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of application regulations the adopted comprehensive plan, under Section 14.12.050 shall incorporate the determinations under this section.
- B. During project review, the administrator or any subsequent reviewing body shall determine whether the items listed in subsection A of Section 14.12.050 are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations, the adopted comprehensive plan.
- C. The administrator may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply, and shall not impose additional mitigation under Chapter 43.21C.

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- D. Nothing in this section limits the authority of the city to approve, condition or deny a project as provided in its development regulations and in its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, the payment of impact fees consistent with RCW Chapters 82.02.050 through 82.02.100 and RCW 36.70A.681 for ADUs, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable. Land use planning decisions shall not be made during the review of a project.
- E. ~~Upon request or as determined necessary, the planning commission shall interpret the meaning or application of the provisions of said titles where there is a dispute between the administrative officials of the city and any permit applicant. A written administrative interpretation shall be issued within twenty (20) days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation. Administrative appeals shall be made in conformance with MMC 14.12.140.~~
- F. No dedication, provision of public improvements, or impact fees shall be allowed that constitutes an unconstitutional taking of private property, consistent with RCW 36.70A.370.

(Ord. 271 § 4, 1996)

14.12.045 Concurrency

- A. The city must review for concurrency and prohibit development approval if the development causes the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include:
1. Active transportation facility improvements
 2. Increased or enhanced public transportation service
 3. Ride-sharing programs
 4. Demand management
 5. Other transportation systems management strategies.
- B. A development proposal may not be denied for causing the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan where such impacts could be adequately mitigated through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development. Refer to MMC Section 17.38.005(J) for Level of Service under General Provisions and Title 16 for bond requirements.
- C. Highways of statewide significance (HSS) are exempt from the concurrency requirements per RCW 36.70A.070(6)(a)(iii)(C).

14.12.050 Project consistency.

- A. A proposed project's consistency with development regulations or, in the absence of applicable development regulations, the appropriate elements of the comprehensive plan or subarea plan adopted under RCW Chapter 36.70A, shall be determined by consideration of:

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1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as conditional and special uses, if the criteria for their approval have been satisfied;
 2. The maximum density of residential development, such as units per acre / square feet, per the adopted bulk density standards in the comprehensive plan;
 3. Availability and adequacy of infrastructure, including public facilities and services needed to serve the development, per adopted concurrency and level of service standards; and
 4. The ~~character of the development, such as~~ development regulations and development standards.
- B. During project review, the city shall not reexamine alternatives or hear appeals from determinations made pursuant to subsection A of this section.
- C. For purposes of this section, the term "consistency" shall include all terms used in this chapter and RCW Chapter 36.70A to refer to performance in accordance with this chapter and RCW Chapter 36.70A, including but not limited to compliance, conformity and consistency.
- D. Nothing in this section requires documentation, dictates procedures for considering consistency, or limits the administrator from asking more specific or related questions with respect to any of the four main categories listed in subsection A of this section.

(Ord. 271 § 5, 1996)

14.12.055 Pre-Application Conference, Pre-Application Public Meeting / Neighborhood Meeting, and Application Intake

A. Pre-Application Conference

1. Prior to application submittal, a pre-application conference may be scheduled by the city, in accordance with 14.12.025(B), to meet with the applicant(s), their design team, and representatives from each agency that will be reviewing the proposed application, as applicable.
2. Pre-application conferences will be scheduled to be held within twenty-one (21) days of receiving a completed pre-application conference form with required attachments and distributed to invitees via email or equivalent electronic communication method.
3. The pre-application conference will allow for the applicant to provide an overview of their proposed project, either in person or in writing, and then, meeting participants may ask clarifying questions and provide their insights into the procedural and substantive requirements for the project in order to brief the applicant on the types of permits required for their project and to improve the quality of the resulting application for the project.

B. Pre-Application Public Meeting / Neighborhood Meeting

1. Pre-application public meetings / neighborhood meetings are an optional informal meeting or workshop that is held by the city and the applicant for complex or potentially controversial projects before submitting a project permit application or prior to a public hearing on a project
2. The city will advertise the optional meeting / workshop via the city website, posting on designated city public notice boards, and distributed via email or equivalent electronic communication method to citizens and neighborhood groups on the public notice list, as applicable. An on-site sign posting may also be provided for notice.

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3. The purpose of the optional meeting / workshop is to openly discuss a project with members of the public, for the applicant to obtain local knowledge about the project area, and to address neighborhood concerns.

C. Application Intake

1. When an application packet and applicable fees are submitted, city staff shall review the application packet to ensure it meets the basic submittal requirements, prior to accepting the application. An intake meeting may be scheduled for application packet submittal, at the option of the applicant or submittal may be completed electronically.
2. If the application packet is incomplete at intake or payment of applicable fees is not provided:
 - a. City staff should advise the applicant of the application's deficiencies and recommend they provide the additional information before submitting, and/or
 - b. The city shall accept the incomplete application packet and respond with a letter/email documenting its incompleteness within 28 days (refer to DOC).

14.12.060 Agent for the Applicant and City Permit Review / Project Permit Coordinator.

1. The administrator may require the applicant for a project permit to designate a single person or entity to receive determinations and notices required by this chapter.
2. The city shall designate a permit responsible official for project permit applications related to a residential project. The administrator (planning director / city planner or designee) shall be the "Permit review / Project permit coordinator" for the city, who manages the combined application review and approval process covering all project permits for all or part of a project.
 - a. This official has the authority to make all final administrative decisions on project permit applications related to residential projects consistent with the procedural requirements of this chapter.
 - b. If the city is also the lead agency responsible for the environmental analysis and procedural requirements under chapter 43.21C RCW for the residential project, then the permit responsible official must be designated as the responsible official under that chapter.
 - c. The city shall designate, for each project permit application, a single point of contact, which may be a designated official, position, office, or functional unit of the local government and may be identified by a publicly available telephone number or electronic mail address for purposes of applicant communication.
 - d. The designation may vary by application.
 - e. The designated official, position, office, or functional unit must coordinate with other departments and with other agencies or government entities with permit review responsibilities as necessary to ensure that a final decision on project permit applications is issued within the applicable timeline under RCW 36.70B.080.
 - f. The designation of a single point of contact does not confer independent final decision-making authority unless otherwise provided under 14.12.025.

14.12.060-070 ~~Complete application~~ Determination of Completeness (DOC).

- A. Within twenty-eight (28) days after receiving a project permit application, the administrator shall email, mail, or provide in person a written determination to the applicant, stating either:

1. That the application is procedurally complete; or
2. That the application is procedurally incomplete and what is necessary to make the application complete.

To the extent known by the administrator, ~~she~~they shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application. Additionally, it should be noted whether a Notice of Application (NOA) will be required as well as a public hearing, if applicable.

- B. A project permit application is procedurally complete for purposes of this section when it meets the city's procedural submission requirements, as outlined on the project permit application and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. A determination of procedural completeness is not a substantive review of the application and shall not be conditioned on the adequacy, accuracy, or sufficiency of the information submitted. The determination of completeness shall not preclude the administrator from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur; however, if the procedural submission requirements, as outlined on the project permit application have been provided, the need for additional information or studies may not preclude a completeness determination..
- C. The determination of completeness may include or be combined with the following as optional information:
1. A preliminary determination of those development regulations that will be used for project mitigation; or
 2. A preliminary determination of consistency, as provided under Section 14.12.050 and RCW 36.70B.040; or
 3. Other appropriate information-; or
 4. The notice of application pursuant to the requirements in RCW 36.70B.110.
- D. An application shall be deemed procedurally complete on the 29th day after receiving a project permit application if the administrator does not provide to the applicant a written determination that the application is incomplete as provided in subsection A of this section.
- E. Within fourteen (14) days after an applicant has submitted additional information identified as being necessary for a complete application, the administrator shall notify the applicant whether the application is complete or request additional information necessary for a complete application.
- F. The notice of application shall be provided within 14 days after the determination of procedural completeness pursuant to RCW 36.70B.110 (refer to section 14.12.080).

(Ord. 271 § 6, 1996)

~~14.12.070 Agent.~~

~~The administrator may require the applicant for a project permit to designate a single person or entity to receive determinations and notices required by this chapter.~~

~~(Ord. 271 § 7, 1996)~~

14.12.080 Notice of ~~application~~Application (NOA).

- A. The administrator shall provide a notice of application to the public, ~~and the city~~ departments, ~~and~~ agencies with jurisdiction, ~~and tribal nations, as applicable and~~ as provided in this section ~~per RCW 36.70A and per Section 14.12.100~~. If the responsible official has made a determination of significance under RCW Chapter 43.21C concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.
- B. The notice of application shall be provided within fourteen (14) days after the determination of completeness as provided in Section 14.12.~~060-025~~ and include the following in whatever sequence or format the local government deems appropriate:
1. The date of application;
 2. ~~¶~~The date of the ~~notice determination of completeness of completion~~ for the application, ~~and~~
 3. ~~¶~~The date of the notice of application;
 24. A description of the proposed project action ~~and~~
 5. ~~a-A~~ list of the project permits included in the application ~~and, if applicable,~~
 6. ~~a-A~~ list of any studies requested under Section 14.12.~~060-070 (DOC) / RCW 36.70B.070, if applicable or Section 14.12.120;~~
 37. The identification of other permits not included in the application to the extent known;
 48. The identification of existing environmental documents that evaluate the proposed project, ~~and~~
 9. ~~¶~~The location ~~(in person or online)~~ where the application and any studies can be reviewed;
 510. A statement of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) days following the date of notice of application ~~(the city's default comment period shall be 14 days in order to meet project permit decision timelines)~~.
~~The administrator may accept comments at any time prior to the closing of the record of an open record pre-decision hearing, if any, or, if no open record pre-decision hearing is provided, prior to the decision on the project permit;~~
 611. Statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
 712. ~~A notice of public hearing may also is issued concurrently with a notice of application which states the~~The date, time, place, and type of hearing, if applicable, ~~and scheduled at the date of the notice of application~~
 813. ~~A Statements-statement~~ of the ~~preliminary SEPA threshold~~ determination, ~~of significance and scoping if that determination if one~~ has been made at the time of notice, of those development regulations that will be used for project mitigation, and of consistency as provided in Section 14.12.050 ~~(RCW 36.70B.030, subsection 2 and RCW 36.70B.040); and~~
 914. Any other ~~appropriate~~ information: ~~determined appropriate by the city, including project address, parcel number, and identification of location by section, township, and range for tribal nations, and inclusion of Optional DNS process provisions per WAC 197-11-355, as applicable~~
- C. The notice of application shall be provided at least fifteen (15) days prior to the open record hearing, ~~if applicable~~.

- D. The administrator shall use reasonable methods to give the notice of application to the public, city departments, and agencies with jurisdiction, and tribal nations, as applicable and may use its existing notice procedures identified within the MMC. The administrator may use different types of notice for different categories of project permits or types of project actions. If not otherwise specified in the MMC, the administrator shall use the methods provided below for in subdivisions 1 and 2 of this subsection. Examples of reasonable methods to inform the public are each applicable permit type:

<u>Notice Provisions</u>	<u>Type II (Administrative)</u>	<u>Type III (Quasi-Judicial)</u>	<u>Type IV (Quasi-Judicial)</u>	<u>Type V (Quasi-Judicial)</u>
<u>Posting the property for site-specific proposals at the property line abutting the closest public sidewalk or roadway.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Posting on the designated public notice boards within the city.</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Posting notice on the city website</u>	<u>If Possible</u>	<u>If Possible</u>	<u>If Possible</u>	<u>If Possible</u>
<u>Providing notice via email or equivalent electronic communication method to city departments, agencies with jurisdiction, and tribal nations (via mail and email), as applicable</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>	<u>Required</u>
<u>Providing notice via email or equivalent electronic communication method to citizens and neighborhood groups on the public notice list.</u>	<u>If Possible</u>	<u>If Possible</u>	<u>If Possible</u>	<u>If Possible</u>
<u>Mailing notice to owners of all properties within 250 feet of the boundary of the subject site by U.S. first class mail *.</u>	<u>Required</u>	<u>N/A</u>	<u>Required</u>	<u>Required</u>
<u>Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the full notice of application and complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located.</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>* A list of each property identified on the Spokane County Assessor's map and 9"x12" envelopes with affixed address labels prepared per the applicable city notification instructions, for each of the identified properties along with completed certification forms contained in the applicable city notification instructions, must be submitted as part of the application packet when notice mailing is required for the project permit type.</u>				

1. ~~Posting the property for site-specific proposals;~~
2. ~~Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located;~~
3. ~~Posting of at least three public notice boards within the city;~~

~~4. Notifying owners of all adjoining or abutting property by U.S. first-class mail.~~

- E. A notice of application shall not be required for project permits that are categorically exempt under RCW Chapter 43.21C, unless a public comment period or an open record pre-decision hearing is required.

(Ord. 271 § 8, 1996)

14.12.090 Permit review procedures.

- A. All project permits ~~and project permit applications, except zone changes, plats, street vacations, and boundary line adjustments~~ shall be processed and reviewed in the following manner compliance with this title and other applicable MMC sections, upon receipt of a completed application:
- ~~1. For an application requiring action by the town council or which is illegal, the application shall be denied or processed in accord with subsection B of this section.~~
 - ~~2. Depending upon the scope of the project, the town will schedule necessary public meetings to coordinate the permit process and gather information following appropriate notification as provided in Section 14.12.080.~~
 - ~~3. Unless otherwise required, no open record hearing will be held unless there is a bona fide objection to some portion of the permit or from some determination made during the course of the permit processing. When required, only one open record hearing will be held. The open record hearing will be before the body having jurisdiction over the matter in dispute or over the matter requiring the open record hearing. If the matter disputed or for which an open record hearing is required falls within the jurisdiction of more than one department or agency, a joint hearing will be held, if practical.~~
 - ~~4. A decision or joint decision if possible, shall be issued and notice given thereof, the time for appeal and the person or body to whom the appeal must be made. Unless another time is provided, an appeal must be filed within ten days of the decision. The longest appeal period following a joint hearing controls if there are multiple appeal periods.~~
 - ~~5. The body or bodies with appellate jurisdiction shall hold a joint closed record appeal. An open record appeal may be held for matters for which no open record hearing has previously been held. The decision of the person or bodies hearing the appeal may be joint or separate. Every effort shall be made in the event of separate decisions to ensure that they are issued simultaneously. Any review of the decision or decisions must be made to the superior court within twenty-one (21) days.~~
- B. ~~If the decision on an application must be made by the town council, the application will normally be denied until council approval has been obtained. An applicant may request combined processing in accordance with subsection A of this section~~this title.
- C. ~~The application fee as well as~~ actual costs of any public notice, hearing, or appeal ~~not otherwise required~~ will be borne by the person requesting the review (project applicant) or objecting to a decision, as applicable. Security for the costs must be posted prior to the setting ~~or the~~ notice of hearing or appeal, per Chapter 14.16. The failure to post security is a waiver of any objection. Project application fees, as set forth by resolution of the city council, shall be submitted at time of application or prior to issuance of a decision, as determined by the planning director/ city planner for each application, permit, or review type, consistent with Chapter 14.16.
- D. The city can offer to meet with an applicant to attempt to resolve outstanding issues during the review process based on review of the entire application. The meeting must be scheduled within 14 days of a

second request for corrections during permit review. If the meeting cannot resolve the issues and the city proceeds with a third request for additional information or corrections based on the entire application, the city must approve or deny the application upon receiving the additional information or corrections; alternatively, if denial is anticipated, the city can offer a voluntary process for the applicant to waive the timeline obligation to continue the revision-and-review process.

(Ord. 271 § 9, 1996)

(Ord. No. 385, § 3, 11-2-2009)

14.12.100 Integration of environmental review with permit review.

The administrator shall integrate the permit review procedures in ~~Section 14.12.090~~this title with environmental review under RCW Chapter 43.21C as follows:

- A. Except for a determination of significance, the administrator may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.
- B. If an open record pre-decision hearing is required and the threshold determination requires public notice under RCW Chapter 43.21C and MMC Chapter 18.04, the administrator shall issue its threshold determination at least fifteen (15) days prior to the open record pre-decision hearing.

C. If a determination of non-significance or mitigated determination of non-significance is made, it shall be included with or appended to the single report of recommendation or decision.

D. Per MMC 18.04.210 (WAC 197-11-680) and 18.04.230 Appeals (WAC 173-806-170), the city does not have provision for SEPA appeals to a local legislative body nor agency administrative appeals. SEPA appeals are judicial appeals only and if there is a time limit established for appealing the underlying governmental action, then appeals (or portions thereof) raising SEPA issues must be filed within such time period for judicial appeals (designated as 21 days). The notice shall contain the statement that an appeal of the threshold determination may be made at the open record pre-decision hearing.

Official notice of the date and place for commencing an appeal must be given if there is a time limit established for commencing an appeal of the underlying governmental action.

1. The notice shall include:

- a. The time limit for commencing appeal of the underlying governmental action and SEPA issues, and the MMC section establishing the time limit; and
- b. Where an appeal may be filed.

2. Notice is given by:

- a. Delivery of written notice to the applicant, all parties to any administrative appeal of the underlying government action, and all persons who have requested notice of decisions with respect to the particular proposal in question; and
- b. Following the city's normal methods of notice for the type of governmental action taken.

3. Written notice containing the information required by this subsection may be appended to the permit, decision documents, or SEPA compliance documents or may be printed separately.

Official notices required by this subsection shall not be given prior to final agency action and should be included in the Notice of Decision for the project permit.

~~C. Comments shall be as specific as possible.~~

-
- ~~D. If a determination of non-significance is made, it shall be included with or appended to the single report of recommendation or decision.~~

(Ord. 271 § 10, 1996)

14.12.105 Technical Review Meeting.

- ~~A. Prior to holding a public hearing or issuing a notice of decision, the applicant may request that a technical review meeting be scheduled by the city to meet with the applicant(s), their design team, and representatives from each agency that reviewed the proposed application, as applicable.~~
- ~~1. The optional technical review meeting will allow for the city and reviewing agencies to discuss their review comments and proposed draft conditions of approval with the applicant, providing for the opportunity to modify review comments and/or proposed draft conditions of approval based on information or clarification from the applicant.~~
 - ~~2. The optional technical review meeting would need to be held prior to the deadline for staff report submittal to the hearing body in order for agreed upon modifications to be incorporated into the project and referenced in the staff report.~~
 - ~~3. Notice of the optional technical review meeting should be distributed to invitees via email or equivalent electronic communication method.~~
 - ~~4. Any timeline associated with scheduling or holding the optional technical review meeting would be exempted from the project permit processing deadlines based on the meeting being mutually agreed upon in writing by the applicant and the city.~~

14.12.110 Public hearings.

- ~~A. For project permit types that require a public hearing per 14.12.025, a Notice of Public Hearing (NOH) which states the date, time, place, and type of hearing in addition to the information required for a notice of application, must be issued in the same manner as a notice of application per 14.12.080 and within the timeframe outlined in this chapter, providing a minimum of a fifteen (15) day notice. A notice of hearing may be issued concurrently with a notice of application.~~
- ~~B. Any city open record hearing may be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of RCW 36.70B.110. The administrator may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency provided that the hearing is held within the geographic boundary of the city.~~ Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within the time periods specified in Section 14.12.120-025 or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings.
- ~~BC.~~ The administrator shall cooperate to the fullest extent possible with other agencies in holding a joint hearing if requested to do so, as long as:
1. The agency is not expressly prohibited by statute from doing so;
 2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
 3. The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the city's hearing.

CD. Except for the appeal of a determination of significance as provided in RCW 43.21C.075, the process for review of a project permit application may allow for no more than one open-record hearing and one closed-record appeal, as outlined in 14.12.020 and 14.12.100. The city shall hold no more than one open record hearing, and no more than one closed record appeal, with the exception of a determination of significance appeal hearing.

DE. The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

F. Types of Public Hearings

	<u>Open-Record</u>	<u>Closed-Record</u>
<u>Pre-Decision</u>	<u>A typical public hearing, for the purpose of soliciting input prior to a decision on the application. Only one such hearing is allowed per project permit application.</u>	<u>N/A</u>
<u>Post-Decision</u>	<u>An open-record appeal hearing is held after the permit decision when no open record pre-decision hearing was held on the application. New evidence may be submitted to build the record.</u>	<u>An appeal hearing on a permit, where an open-record hearing has already been held. Arguments are heard based on the existing record. No or limited new evidence or information is allowed. Only one such hearing is allowed per project permit application.</u>

(Ord. 271 § 11, 1996; Ord. No. 470, § 2, 1-13-2015)

14.12.115 Public Comments

- A. The administrator may accept comments at any time prior to the closing of the record of an open record pre-decision hearing, if any, or, if no open record pre-decision hearing is provided, prior to the decision on the project permit
- B. Public comments submitted to the city must include the following in an 8.5"x11" or smaller format, or be submitted via the city website:
1. Full name and address
 2. Email address (if any)
 3. Project permit number / project name that is the subject of the comments
 4. Comments must be as specific as possible

14.12.120 Final decisions

- A. The decision makers on projects are outlined in 14.12.025.
- B. The decision maker shall prepare findings of fact, conclusions, and conditions of approval, as applicable, for their decision on a project permit application.
- c. For Quasi-Judicial decisions made by the city council after an open record pre-decision public hearing, the city council shall consider the recommendation of the hearing body at a public meeting where they may adopt or reject the recommendations of the hearing body based on the record established at the

open record public hearing. If after considering the matter at the closed record public meeting, the city council deems a change in the hearing body's recommendation approving or disapproving the application is necessary, the city council shall adopt its own written findings and approve or disapprove the application.

- D. A special meeting of the hearing body and/or the city council may need to be held in order to meet the deadline for review in accordance with 14.12.025.

14.12.130 Notice of Decision (NOD).

- A. After a decision on a project permit application has been made, the city must issue a notice of decision for any application that also required a notice of application, per the requirements outlined in this chapter and the timelines identified in 14.12.025(C) for Administrative / Quasi-Judicial Review Timelines.
- B. Per RCW 36.70B.130, the notice of decision shall contain the following:
1. A statement of the SEPA threshold determination made under chapter 43.21 RCW, as applicable;
 2. The procedures for administrative appeal (14.12.140), if any; and
 3. A notice that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation
- C. Per RCW 36.70B.130, the notice of decision shall be distributed by the city to:
1. The applicant;
 2. Any person who, prior to the rendering of the decision, requested notice of the decision;
 3. Any person who, prior to the rendering of the decision, submitted substantive comments on the application;
 4. The county assessor's office
- D. The notice of decision shall be distributed by the city via email or equivalent electronic communication method with a notice of decision provided by first class mail, when email is not available. The notice shall also be posted on the city website, whenever possible.
- ~~A. Except as otherwise provided in subsection B of this section, the administrator shall issue the notice of final decision on a project permit application within one hundred twenty (120) days after it notifies the applicant that the application is complete, as provided in Section 14.12.080. In determining the number of days that have elapsed after the administrator has notified the applicant that the application is complete, the following periods shall be excluded:~~
- ~~1. a. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information. Within fourteen (14) days of receiving the requested additional information, the administrator shall determine whether the information is adequate to resume the project review;~~
 - ~~b. If the administrator determines that the information submitted by the applicant under subdivision (1)(a) of this subsection is insufficient, he shall notify the applicant of the deficiencies and the procedures under subdivision (1)(a) of this subsection shall apply as if a new request for studies had been made;~~
 - ~~2. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to RCW Chapter 43.21C;~~

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- ~~3. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for considering and deciding shall not exceed:~~
- ~~a. Ninety (90) days for an open record appeal hearing; and~~
- ~~b. Sixty (60) days for a closed record appeal.~~
- ~~The parties to an appeal may agree to extend these time periods;~~
- ~~4. Any time required for the administrative appeal of a determination of significance; and~~
- ~~5. Any extension of time mutually agreed upon by the applicant and the administrator.~~
- ~~B. The time limits established by subsection A of this section do not apply if a project permit application:~~
- ~~1. Requires siting an essential public facility as provided in RCW 36.70A.200; or~~
- ~~2. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under Section 14.12.050; or~~
- ~~3. Requires an amendment to the comprehensive plan or a development regulation.~~
- ~~4. Has more limited timing for a decision identified in specific application procedure.~~
- ~~C. If the administrator is unable to issue the final decision within the time limits provided for in this section, he shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.~~
- D. Per RCW 36.70C.040(4), the date on which the final decision is issued is:
1. Three days after a written decision is mailed by the city or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available;
- a. When the city issues a decision via email to the applicant, the date the decision is emailed to the applicant and distributed to other applicable parties shall be the date issued.
2. If the land use decision is made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or
3. If neither (a) nor (b) of this subsection applies, the date the decision is entered into the public record.
- E. The date an application is considered an approved application, as defined in this title, shall be the date the final decision is issued. For project permits that require a separate permit, the permit shall not be issued until issuance of the final decision is completed and any requirements for an issued permit, as defined in this title, are met. Permits shall contain any inspections necessary to meeting city development regulation requirements or to ensure compliance with applicable conditions of approval.
- ~~of the council or hearing body shall be effective on the date stated in the decision, motion, resolution, or ordinance, provided that the date from which appeal periods shall be calculated shall be the date the council or hearing body takes action on the motion, resolution or ordinance.~~

(Ord. 271 § 12, 1996)

(Ord. No. 385, § 4, 11-2-2009)

14.12.130 Notice of final decision.

- A. ~~A notice of decision shall be provided by first class mail to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.~~
- B. ~~The notice of decision shall be provided within ten days of the city council decision, and include:~~
- ~~1. The decision made by the city council;~~
 - ~~2. A statement of any threshold determination made pursuant to RCW Chapter 43.21C; and~~
 - ~~3. Procedures for administrative appeal.~~

~~(Ord. 271 § 13, 1996)~~

14.12.140 Administrative appeals.

- A. Parties with standing may appeal a decision by filing an administrative appeal application on a form provided by the city along any applicable attachments and an appeal fee. The following parties have standing to file an administrative appeal:
1. The applicant
 2. The permitting department
 3. Persons aggrieved by the decision
 4. Persons or agencies who commented on the application prior to decision, also known as parties of record.
- B. ~~An appeal of the administrator's decision, shall be filed with the city clerk with the city council within fourteen (14) days after issuance of the decision the notice of the decision or after other notice that the decision has been made and may be appealed. If a DNS with a public comment period is issued as part of the appealable project permit decision, the appeal period shall be extended for an additional seven days. Appeal procedures for project permits that incorporate SEPA are outlined in 14.12.100, subsection D.~~
- ~~B.C.~~ The appellate bodies for Administrative / Quasi-Judicial Project Permits are outlined in 14.12.025, subsection B(4).
1. State law allows only a single closed-record appeal for each project permit application, where the hearing officer or hearing body receives arguments based on the existing record. No or limited new evidence or information is allowed.
 2. If the application review process didn't include an open-record pre-decision hearing, then an open-record appeal hearing may be allowed.
 3. If an appellate body is not specified for the action being appealed, then the appeal shall be heard by the city council in accordance with the provisions of this section.
- D. The city shall give official notice stating the date, time, and place where the administrative appeal will be heard. Official notice shall consist of mailing or emailing notice to the appellant(s) and posting the notice at three public notice boards within the city as well as on the city website, whenever possible. The official notice shall also contain:

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1. A statement that the appeal issues shall be limited to those expressly raised in the written appeal.
 2. A statement that the appeal will be on the record with no new evidence allowed unless specifically requested by the appellate body. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal.
 3. For closed record appeals, a statement that this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument or oral comment.
 4. A statement that the city will allow the Administrator 10 minutes, then the Applicant 10 minutes, and then the Appellant 10 minutes to present argument through a designated spokesperson or representative. The Administrator and the Applicant will then each have a 5-minute rebuttal opportunity. Parties of record may file written arguments prior to the hearing and may present oral arguments at the hearing.
 5. A statement on the timeline for the appellate body to render a decision per 14.12.140, subsection F, along with a reference to the judicial appeal option.

E. Standard of review.

1. The appellate body may affirm, modify, remand, or reverse the decision being appealed. In considering the appeal, the appellate body must act in a manner that is consistent with the criteria for the appropriate category of action being appealed.
2. The decision being appealed is presumptively correct. The burden of persuasion is upon the appellant to show that the original decision was in error and the relief sought in the appeal should be granted.
3. If the findings of fact upon which the original decision was based are supported by substantial evidence, the appellate body must accept those findings. If not, the appellate body may modify one or more of the findings as warranted by the evidence, or substitute its own findings, citing the evidence found that supports the substitute findings.
4. If there is not substantial evidence to support the findings upon which the original decision is based, the decision may be reversed. The appellate body must substitute its own findings and support them with substantial evidence.
5. If the original decision is not fully supported by the findings, the appellate body may:
 - a. Examine the evidence to determine whether additional findings could be supported, make those additional findings, and then review the original decision;
 - b. Examine the evidence to determine whether additional findings could be supported, and if so, remand the matter for further findings and reconsideration in light of such findings; or
 - c. Make such decision as is supported by the findings.
6. If, in the judgment of the appellate body, a party can provide new evidence not available at the time of the original decision that would more likely than not change the decision, the appellate body may remand the matter for reconsideration in light of the new evidence.
7. If a substantial procedural error has taken place that has adversely affected the rights of an appellant, the appellate body may remand the matter for further proceedings consistent with that finding.

F. The time period for the appellate body to consider and decide on an administrative appeal shall not exceed:

1. Ninety (90) days for an open record appeal hearing; and

2. Sixty (60) days for a closed record appeal.

G. Before a judicial appeal, per 14.12.160 can be filed for decisions involving Titles 14, 15, 16, 17, and 18 of this code, the appellant must exhaust their administrative remedies by filing an administrative appeal at the local government level, if the local government offers such an appeal. Decisions of the planning director / city planner, as outlined in this title and decisions by the building official, as outlined in Title 15, are subject to administrative appeal.

H. Appeals of code enforcement actions not related to a project permit where the provisions of MMC Chapter 8.14 were utilized, may follow the appeal process outlined in MMC Chapter 8.14, as determined by the planning director. Additionally, in accordance with MMC 15.04.070, the appeal of any decision, order or determination of the building official shall be made in conformance with MMC 14.12.140; however, if a final decision is made by another entity on behalf of the City of Millwood based on an Interlocal Agreement or services contract that is in effect, an appeal would follow that entity's decision appeal process.

~~Appeals of the final decision of the city council involving Titles 15, 16, 17 and 18 of this code, for which all other authorized appeals have been timely exhausted, shall be made to Spokane County Superior Court within twenty-one (21) days of the date the decision or action became final, unless another time period is established by state law or local ordinance.~~

~~C. The city shall give official notice stating the date and place for commencing an appeal of procedural issues and of substantive determinations made under Ordinance 147 (SEPA). Official notice shall consist of publishing the notice in a newspaper of general circulation and posting the notice at three public notice boards within the city. Appeals shall be made within twenty-one (21) days of the date the notice is published in the newspaper.~~

(Ord. 271 § 14, 1996)

14.12.150 Amendments to development regulations.

~~A. Any property owner(s) or their representatives; any citizen, agency, neighborhood association, or other party; or the department, planning commission, or city council may suggest amendments to Any citizen of Millwood and staff members of Spokane County, Washington State, or federal agencies may suggest amendments to Millwood's development regulations, as defined in this Title, including Ordinance 46 (zoning), Ordinance 52 (uniform building codes), Ordinance 147 (SEPA), Ordinance 270 (shoreline), Ordinance 226 (subdivision), Ordinance 236 (critical areas), and amendments to these ordinances, as well as any future development regulations. The suggested amendments shall be reviewed during a public hearing by the planning commission.~~

1. The suggested amendments shall be in writing with a qualifying statement(s) that explains how the amendments would increase public health, welfare, and safety, and/or be in any other way beneficial to the public.

2. Applications shall be made on forms provided by the city.

3. Amendments to development regulations require at least one open record public hearing before the planning commission. After receiving the planning commission's written recommendation on proposed amendments, the city council may conduct one or more hearings on proposed amendments.

B. The planning commission shall base its recommendations to the city council on the following criteria:

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1. The suggested amendment is consistent with the purpose and intent of the comprehensive plan for the physical development of the district, or city, as applicable.
 2. The suggested amendment will not adversely affect the health and safety and welfare of the public.
 3. The suggested amendment is not in violation of any state or federal law.
- C. The city council shall, after an examination of the planning commission's recommendation and reasons therefor:
1. Affirm the suggested amendment, requesting that ~~it~~ an ordinance be written by the appropriate department and presented for adoption at the following council meeting;
 2. Affirm the suggested amendment, as revised by the council, following the criteria set forth in subsection B of this section, requesting that ~~it~~ an ordinance be written by the appropriate department and presented for adoption at the following council meeting;
 3. Disallow the suggested amendment.
- D. Notice for the public hearings shall be made at a minimum of ten days prior to the public hearings by posting the notice at three public notice boards within the city, and publishing the notice in a newspaper of general circulation. Notice should also be emailed to the public notice group and posted on the city website, if possible. The notice shall briefly describe the amendments to be considered along with information required under 14.04.020, subsection B, as applicable.
- E. Amendments of development regulations that are associated with amendments of the comprehensive plan shall be subject to the rules contained in section 14.04.020.
- F. Transmittal to the state of Washington. At least sixty (60) days prior to final action being taken by the city council, the Washington State Department of Commerce (WSDC) shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to WSDC.

(Ord. 271 § 15, 1996)

(Ord. No. 458, § 1, 3-11-2014)

14.12.160 Judicial review of land use decisions.

The city adopts the process for judicial review of land use decisions as provided for in RCW Chapter 36.70C (LUPA) and RCW 43.21C.075. A land use petition must be timely filed and timely served within 21 days of the issuance of the land use decision per 14.12.130, subsection D, unless another time period is established by state law.

(Ord. 271 § 16, 1996)

Chapter 14.16 LAND USE DEVELOPMENT PROPOSALS EVALUATION AND PROCESSING FEES

14.16.010 Scope.

This chapter applies to all land use and development proposals within the city, including, without limitation:

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- A. Applications for building or other related permits;
 - B. Short subdivision and subdivision applications and amendments thereto;
 - C. Site plan applications;
 - D. Applications involving permits required by the Shoreline Management Act (RCW Chapter 90.58);
 - E. Rezones and amendments to the zoning code or zoning map;
 - F. Comprehensive plan amendments;
 - G. Design review;
 - H. Review required by the State Environmental Act of 1971 (RCW Chapter 43.21c);
 - I. Annexations; and
 - J. Any and all other types and forms of city permission requested by any person, organization or agency relating to land development or use, whether such permission be in the form of a license, permit, certificate, ap-proval or other written form.

(Ord. 205 § 1, 1991)

14.16.020 Intention.

This chapter is intended to supplement the fees required by any and all other city ordinances and resolutions, or any other applicable laws, and the requirements of this chapter are in addition thereto. This chapter is not intended to create any new or additional substantive requirements or burdens on land use or development.

(Ord. 205 § 7, 1991)

14.16.030 Applicability.

This chapter applies to all written applications within the scope of this chapter which are filed with the city after the ordinance codified in this chapter becomes effective. The ordinance codified in this chapter shall be effective upon passage and publication.

(Ord. 205 § 9, 1991)

14.16.040 Fees imposed.

- A. Fees are imposed upon all proposals within the scope of this chapter. Such fees (hereinafter referred to as "fees") consist of application fees, hourly fees, and consultant fees.
- B. Application fees shall be as set forth by resolution of the city council.
- C. Hourly fees are intended to compensate the city for city staff time, administrative costs and overhead incurred by the city in connection with a particular proposal. Hourly fees shall be based upon the amount of time expended by the city staff. Hourly fees shall equal the number of hours devoted by the city staff to a particular proposal multiplied by the hourly wage paid by the city to that staff person.
- ~~E~~D. Consultant fees are intended to compensate the city for the cost of all consultant costs incurred by the city in connection with any proposal within the scope of this chapter. As used in this chapter, the word "consultant" means any person providing professional services who is not an employee of the city. As used in this chapter, the term consultant includes, without limitation, the city attorney and the city

engineer. Consultant fees include all professional services deemed necessary by the city, including, without limitation, planning, environmental, legal, financial and accounting, ~~and~~ engineering, and hearing examiner fees. Consultant fees equal the total cost of all consultants utilized by the city in connection with the processing and review of a particular proposal.

(Ord. 205 § 2, 1991)

14.16.050 Time and manner of payment of fees.

Fees required pursuant to this chapter shall be paid as follows. Following receipt of an application relating to any proposal within the scope of this chapter, the city clerk-treasurer, or designee, shall send a written notice to the applicant stating the amount of the initial deposit required. The amount of the initial deposit shall equal the total estimated amount of fees required for the processing of such proposal. The applicant shall then deposit such amount with the city. The city shall deduct city costs relating to the processing of such proposal as they are incurred. If the initial deposit is exhausted prior to the completion of processing, the city clerk-treasurer shall require the applicant to make one or more additional deposits in amounts equal to estimated additional costs which will be incurred by the city to complete processing of the proposal. All estimates of fees shall be made by the city clerk-treasurer after consultation with the city attorney ~~and, city engineer, and or city planner~~.

(Ord. 205 § 3, 1991)

14.16.060 Processing of applications.

The city shall not be required to process any application within the scope of this chapter until the initial deposit has been paid in full. When an additional deposit is required, no further processing of such application by the city shall be required until the additional deposit has been paid in full. No license, certificate, permit or approval within the scope of this chapter shall be issued until all fees and additional charges imposed pursuant to this chapter have been paid in full.

(Ord. 205 § 4, 1991)

14.16.070 Refund/waiver.

- A. Refunds are permitted if applications are withdrawn before the costs to be covered by the deposit have been incurred.
- B. No fee established under this chapter shall apply to any city project funded by any city-controlled funding source.
- C. The planning director / city planner, or their designee, may waive a portion of the project application fees for special individualized circumstances, issues of fundamental fairness, and/or where application of the fee schedule is otherwise unreasonable or impractical. The decision to waive a portion of the application fees shall be included in the project file with the basis for the waiver. The decision is final and binding. Any other fee deferments and/or waivers may be granted as set forth by resolution of the city council.

(Ord. 205 § 5, 1991)

14.16.080 Administrative appeals.

The fees collected from the proponent of any proposal pursuant to this chapter shall include costs incurred by the city in connection with any administrative appeal (including any quasi-judicial appeal) which may be made by any person in connection with such proposal.

(Ord. 205 § 6, 1991)

14.16.090 Bonding and Assurances.

When not otherwise provided in this code, the following bonding and assurances shall apply, as determined by Millwood Public Works and/or the City Engineer:

- A. Performance Bonds. On all projects where project-related improvements are required, the city shall require a bond in an amount not greater than 150% of the private cost as a condition of development approval in order to guarantee the improvements, as required by Millwood Public Works and/or the City Engineer. If a performance bond is required, the applicant must provide an independent estimate of improvement costs. If a temporary certificate of occupancy is issued, payment of a re-inspection and certificate of occupancy conversion fee may be required. Issuance of a temporary certificate of occupancy for fee simple residential units will not require a bond or assurance.
- B. Warranty Bond. Additional bonding or assurance shall be required for all improvements within the public right-of-way, including landscaping, as well as swales which serve the right-of-way for a period of up to 2 years after improvements are completed in an amount equal to 20% of the construction cost or \$10,000, whichever is greater. The city may reduce the bond amount for projects valued at less than \$20,000. The warranty bond must be posted prior to the release of any performance bonds, as required by Millwood Public Works and/or the City Engineer.
- C. Release of Performance Bonds. The bond or assurance shall be released when the city finds the completed project conforms to the site development approval, including all conditions of approval.
- D. Release of Warranty Bonds. The bond or assurance shall be released after the required warranty time period, when the city finds that any noted deficiencies have been repaired or replaced, as required by Millwood Public Works and/or the City Engineer.
- E. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security is provided equal to 150% of the private cost of the landscaping or the requirement is waived by the city due to substantial completion or other applicable circumstances. If security is required, the Applicant must provide an independent estimate of improvement costs. If the installation of the landscaping is not completed within a six-month period, the security may be used by the city to complete the installation.