

Chapter 20.12

ADMINISTRATIVE MECHANISMS

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Part I. General20.12.010 Delegation of Authority.

Wherever this Title refers to any of the following agents or any other agents of authority in the City, such agent may delegate his authority in the implementation of this Title to another competent agent acting in his behalf.

20.12.020 Planning Agency Identified.

The Planning Agency (RCW 35A.63) for the city shall be composed of the following:

- (1) The Building Official;
- (2) The Community ~~and Economic~~ Development Director;
- (3) The Public Works Director;
- (4) The Arlington Hearing Examiner;
- (5) The Arlington Planning Commission;
- (6) The Arlington Design Review Board;
- (7) The Arlington Park and Arts Commission;
- (8) The Arlington City Council.

Commented [AR1]: Changed Community Development Director to Community and Economic Development Director throughout the document.

Part II. City Staff20.12.110 The Building Official.

The Building Official is the officer or other designated authority charged with the administration and enforcement of the Building Code and those Sections of this Title where the Building Official is referenced.

20.12.120 The Community ~~and Economic~~ Development Director.

The Community ~~and Economic~~ Development Director is the administrative head of the ~~Planning Division of the Department of Development Services~~ Department of Community and Economic Development, who is responsible for planning, administration, enforcement, and minor land use decision-making as specified in this Title. As provided in ~~§20.16.100-220 (Zoning Permits)~~, ~~§20.16.140-225 (Special Use Permits and Conditional Use Permits)~~, and ~~§20.16.360-425 (Final Short or Major or Minor Subdivision Plat Approval Process)~~, the Community ~~and Economic~~ Development Director is authorized to approve zoning permits, Special Use Permits (where provided), ~~and short minor preliminary and final plats, major final plats, and site civil construction plans for private development~~ or to delegate such authority to the planning staff.

Commented [AR2]: Changed the word short to minor

Commented [AR3R2]: Updated code sections for chapter 20.16.

20.12.130 The Public Works Director.

The Public Works Director is the administrative head of the ~~Engineering Division of the~~ Department of Public Works. As provided in various sections the Public Works Director is responsible for planning, administration, enforcement, and decision-making as it pertains to public improvements as specified in this Title, including the approval of plans for public improvements and approval of public improvements for acceptance by the City, or to delegate such authority to the Public Works staff.

Part III. Hearing Examiner

20.12.200 Hearing Examiner—Creation of Position.

There is hereby created the position of the Arlington Hearing Examiner (Hearing Examiner), pursuant to the laws of the state. The City Administrator is granted the authority to hire, either on an as-needed or long-term contractual basis pursuant to the contracting rules of the City.

20.12.210 Jurisdiction and Authority.

- (a) The jurisdiction and authority of the Hearing Examiner shall be to preside as the hearing officer and permit-issuing authority on those permits or actions as listed in [§20.12.230 \(Powers and Duties of the Hearing Examiner\)](#).
- (b) The Hearing Examiner shall also have jurisdiction on any amendments ([§20.16.250370. Amendments to and Modifications of Permits](#)) to or reconsideration of ([§20.16.260300. Reconsideration of Permit-Issuing Authority's Action](#)) permits that he has issued.
- (c) The Hearing Examiner may also be used to mediate land use disputes between two or more parties upon request by the parties involved. Fees for mediation shall be as specified by the Hearing Examiner for such service.

Commented [AR4]: Updated changed code sections throughout the document.

20.12.220 Meetings of the Hearing Examiner.

- (a) The Hearing Examiner shall have no regularly scheduled meetings but shall meet on an as needed basis so that it can take action in conformity with [§20.16.270-180 \(Applications to be Processed Expeditiously\)](#).
- (b) The Hearing Examiner shall conduct his meetings in accordance with the quasi-judicial procedures set forth in Chapters [20.12](#) (Administrative Mechanisms), [20.16](#) (Permits and ~~Final Plat~~ [Land Division](#) Approval), [20.20](#) (Appeals, Variances, and Interpretations), and [20.24](#) (Hearing and Pre-Hearing Procedures for Appeals and Applications).
- (c) All meetings of the Hearing Examiner, except for mediation proceedings, shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.
- (d) Meetings of the Hearing Examiner shall generally be scheduled during normal work hours unless it is determined that a substantial number of participants would not be able to attend, in which case the meeting may be scheduled for non-work hours.
- (e) Written decisions shall be rendered within 15 days of the close of the hearing unless otherwise agreed to by the City, the applicant, and the Hearing Examiner.

Commented [AR5]: Changed name to match new name in 20.16.

20.12.230 Powers and Duties of the Hearing Examiner.

- (a) The Hearing Examiner shall hear and decide:
 - (1) Applications for special use permits, as provided in [§20.16.010-100 \(Permits Required\)](#), when a hearing has been requested as provided in [§20.16.140-225 \(Special Use Permits and Conditional Use Permits\)](#).
 - (2) Applications for conditional use permits, as provided in [§20.16.010-100 \(Permits Required\)](#).
 - (3) Applications for variances, as provided in [§20.20.030 \(Variances\)](#), when a hearing has been requested as provided in [§20.16.140-225 \(Special Use Permits and Conditional Use Permits\)](#).
 - (4) Appeals from any order, decision, requirement, or interpretation made by the Community and Economic Development Director, as provided in [§20.20.010 \(Appeals of Community and Economic Development Director, Design Review Board, Planning Commission or Hearing Examiner Decisions\)](#).

- (5) Any other matter the hearing examiner is required to act upon by any other city ordinance.

Part V. Planning Commission

20.12.300 The Planning Commission.

The jurisdiction, authority, membership, powers, and duties of the Arlington Planning Commission (Planning Commission) are established in Chapter 2.52 (Planning Commission) of the Arlington Municipal Code and further specified in this Title.

Part VI. Design Review Board

20.12.410 The Design Review Board.

There shall be a Design Review Board consisting of the members of the Planning Commission. Appointments, terms, meetings, quorum, and officers shall be governed by Chapter 2.52 (Planning Commission) of the Arlington Municipal Code and their adopted Rules of Procedure.

20.12.420 Powers and Duties of the Design Review Board.

- (a) The Design Review Board shall review applications for projects for conformity with the Development Design ~~Guidelines~~ **Standards**, as described in this Title.
- (b) The board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Title.

Commented [AR6]: Changed to Standards instead of Guidelines.

Part VI. Park and Arts Commission

20.12.500 The Park and Arts Commission.

The authority, membership, powers, and duties of the Arlington Park Board are established in Chapter 2.40 of the Arlington Municipal Code.

Part VII. City Council

20.12.600 The City Council.

- (a) The jurisdiction, authority, membership, powers, and duties of the Arlington City Council (City Council) are established in AMC Chapter 2.04 (City Council) and further specified in this Title.
- (b) The city council, in considering proposed changes in the text of this title or in the zoning map, acts in its legislative capacity and must proceed in accordance with the requirements of [Chapter 20.96](#) (Amendments).
- (c) Unless otherwise specifically provided in this title, in considering amendments to this title or the zoning map, the council shall follow the regular, voting, and other requirements as set forth in other provisions of the city code or general law.

Part VIII. Official Files20.12.700 Official File.

- (a) The Community and Economic Development Director shall compile an official file on each application filed containing the following:
 - (1) The application materials submitted by the applicant.
 - (2) Any staff reports prepared.
 - (3) All written testimony received on the matter.
 - (4) The electronic recording and minutes of any public hearing on the matter.
 - (5) The decision of the permit-granting authority on the permit.
 - (6) Any other information relevant to the matter.
 - (7) Certification of publication, and a copy of the mailed notification and the date of mailing.
- (b) The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours, though availability may be temporarily restricted during or prior to public hearings while staff is preparing for the hearing.
- (c) Official files shall be kept for a period as specified by state requirements.

Part IX. Security Mechanisms20.12.800 Security Mechanisms—General.

- (a) As security, the City may accept any of the following: bonds, letters of credit from an insured bank, a secured account with an insured bank, or a cash deposit. Other forms of security may be accepted if approved by the City Finance Director in consultation with the City Attorney.
- (b) In each case where the City requires or allows an applicant to post a security, the Public Works Director shall determine the type of security to be used.

20.12.810 Performance Securities.

- (a) Except as provided in Subsection (d), a performance security shall be required for any project on a site greater than 1 acre in size to guarantee that a site can be closed and/or winterized if necessary, or that measures can be taken by the City to respond to weather-related emergencies.
- (b) In addition, an augmented performance security may be required by the Public Works Director to cover the cost of installing any system-wide public improvements that an applicant has agreed to install as part of his project where the lack of installation would cause the system to fail or not be completed in a timely manner.
- (c) Performance securities may be presented to the City after preliminary approval of a project but in all circumstances shall be presented prior to any site work, including clearing, grading, or construction.
- (d) Submission of a performance security may be waived by the Public Works Director if, in his opinion, said guarantee of installation is not necessary.

20.12.820 Completion Securities.

In lieu of installing public improvements per this Title or a condition of a permit, a developer may propose to post a security to ensure completion of any improvements for which construction plans have been approved. Said improvements shall be installed within one year of final land use permit approval. An extension not to exceed one (1) year may be approved by the Public Works Director upon extension of the security or submission of a new one.

20.12.830 Maintenance Securities.

Any developer shall provide to the City a maintenance security to cover the cost of replacing or repairing any of the public improvements installed per this Title or a condition of a permit.

20.12.850 Amount of the Security.

- (a) The amount of a security shall be a percentage, as specified below, of the estimated cost of design, materials, and labor, based on the estimated costs on the last day covered by the device, of installing, replacing, or repairing (whichever is appropriate) the improvements covered by the security.
 - (1) Performance—One hundred fifty percent (150%) of the costs specified in Subsection (a).
 - (2) Completion—One hundred fifty percent (150%) of the costs specified in Subsection (a).
 - (3) Maintenance—Twenty percent (20%) of the costs specified in Subsection (a).
- (b) The Public Works Director shall approve the amount of a security under paragraph (a) of this Section. The applicant shall prepare for the Public Works Director' review and approval a cost estimate of the items to be covered by the security.

20.12.860 Reduction of Securities.

In those cases where improvement securities have been made, and only with the Public Works Director's approval, the amount of the guarantee may be reduced upon acceptance of a portion of the required improvements. The amount of the reduction shall not exceed the percentage that the improvements just accepted for dedication made up of all originally required improvements. In no case, however, shall the guarantee be reduced to less than fifteen percent (15%) of the original amount.

20.12.870 Duration of Securities.

All securities shall be held until released by the Public Works Director; however, the standard duration of the various securities should be as follows:

- (1) Performance—One year or until all improvements are installed and accepted by the City, whichever is greater.
- (2) Completion—One year or until all improvements are installed and accepted by the City, whichever is greater.
- (3) Maintenance—Two years; extendable by the City if repairs are made at the end of the bonding period which, in the opinion of the Public Works Director, require additional guarantee of workmanship.

20.12.880 Supplemental Administrative Costs.

In addition to the security, the applicant shall pay a fee to the City covering the City's actual expenses of administering, and if necessary, using the proceeds of the security. The amount of this fee will be set by Resolution.

20.12.890 Security Agreement.

In each case where a security is posted, the applicant and the Public Works Director shall sign a notarized security agreement, approved in form by the City Attorney. This agreement shall be recorded with the Snohomish County Auditor. The agreement shall provide the following information:

- (1) A description of the work or improvements covered by the security.

- (2) Either the period of time covered by the maintenance security or the date after which the City will use the proceeds of the performance security to complete the required work or improvements.
- (3) The amount and nature of the security and the amount of the cash deposit.
- (4) The rights and duties of the City and the applicant.
- (5) An irrevocable license to run with the property to allow the employees, agents, or contractors of the City to go on the subject property for the purpose of inspecting and, if necessary, doing the work or making the improvements covered by the security.
- (6) The mechanism by and circumstances under which the security shall be released. At a minimum, after the work or improvements covered by a performance security have been completed, or at the end of the time covered by a maintenance security, the applicant may request the City to release the security. If the applicant has complied with the security agreement and this Code, the Public Works Director shall release the security remaining. If the work has not been completed or repairs not made, then the City shall not release the security until such work is completed per [§20.12.895 \(Use of Security Funds by the City\)](#). Partial release of the security may be allowed provided that the developer provides a new security in the amount specified in [§20.12.850 \(Amount of the Security\)](#) for the remaining work.
- (7) Upon release of any recorded security mechanism a copy of the letter of release shall be filed with the Snohomish County Auditor.

20.12.895 Use of Security Funds by the City.

- (a) If during the period of time covered by a maintenance security, or after the date by which the required work or improvements are to be completed under a performance security, the Public Works Director determines that the security agreement has not been complied with, he shall notify the applicant of this. The notice must state:
 - (1) The work that must be done or the improvements that must be made to comply with the security agreement; and
 - (2) The amount of time, not to exceed 30 days, that the applicant has to commence and complete the required work or improvements; and
 - (3) That, if the work or improvements are not commenced and completed within the time specified, the City will use the proceeds of the security to have the required work or improvements completed.
- (b) If the work or improvements covered by the security are not completed within the time specified in the notice the City shall obtain the proceeds of the security and shall cause such work to be completed.
- (c) The applicant is responsible for all costs incurred by the City in administering, maintaining, or making the improvements covered by the security(s). The City shall release or refund any proceeds of a performance or maintenance security remaining after subtracting all costs for doing the work or making the improvements covered by the security. The applicant shall reimburse the City for any amount expended by the City that exceeds the proceeds of the security. The City may file a lien against the subject property for the amount of any excess.
- (d) In each case where the City uses any of the funds of a security, it shall give the applicant an itemized statement of all funds used.