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| **DATE** | **ACTION** |
| 6/27-7/8 | Write draft staff report and SEPA determination |
| 7/11-15 | City Attorney review |
| 7/18 | Publish SEPA determination and hearing notice in weekly bulletin |
| 7/20 | Publish SEPA determination and hearing notice in MI Reporter (need 15 days for SEPA)—assume SEPA appeal would be consolidated with underlying action—the RUE |
| 8/2?? | Public Hearing |

MICC 19.07.030.B. Reasonable Use Exception.

1. Application Process. If the application of these regulations deny reasonable use of a subject property, a property owner may apply to the hearing examiner for a reasonable use exception pursuant to permit review, public notice and appeal procedures set forth in Chapter 19.15 MICC.

2. Studies Required. An application for a reasonable use exception shall include a critical area study and any other related project documents, such as permit applications to other agencies, and environmental documents prepared pursuant to the State Environmental Policy Act.

3. Criteria. The hearing examiner will approve the application if it satisfies all of the following criteria:

a. The application of these regulations deny any reasonable use of the property. The hearing examiner will consider the amount and percentage of lost economic value to the property owner;

b. No other reasonable use of the property has less impact on critical areas. The hearing examiner may consider alternative reasonable uses in considering the application;

c. Any alteration to critical areas is the minimum necessary to allow for reasonable use of the property;

d. Impacts to critical areas are mitigated to the greatest extent reasonably feasible consistent with best available science;

e. The proposal does not pose an unreasonable threat to the public health, safety, or welfare; and

f. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant after the effective date of this chapter.

The hearing examiner may approve, approve with conditions, or deny the request based on the proposal’s ability to comply with all of the above criteria. The applicant has the burden of proof in demonstrating that the above criteria are met. Appeals of the hearing examiner’s decision may be made to Washington State Superior Court. (Ord. 05C-12 § 5).

19.07.080.D. Alterations. Category III and IV wetlands of less than one acre in size may be altered if the applicant can demonstrate that the wetland will be restored, enhanced, and/or replaced with a wetland area of equivalent or greater function. In cases where the applicant demonstrates that a suitable on-site solution does not exist to enhance, restore, replace or maintain a wetland in its existing condition, the city may permit the applicant to provide off-site replacement by a wetland with equal or better functions. The off-site location must be in the same drainage sub-basin as the original wetland. (Ord. 05C-12 § 5).

19.07.120.I.6. The procedural requirements of SEPA and this section shall be completed prior to the issuance of a permit or final decision on a nonexempt proposal.

19.07.120.L Threshold Determination. The responsible official shall make the threshold determination and issue a determination of nonsignificance (DNS) or significance (DS).

19.07.120.T.2. How to Appeal. The appeal must be consolidated with any appeal that is filed on the proposal or action, and must conform to the requirements of MICC 19.15.020(J), Permit Review Procedures. The appeal may also contain whatever supplemental information the appellant wishes to include.