

ORDINANCE NO. 177
PROCEDURES FOR PROCESSING
LAND USE DEVELOPMENT APPLICATIONS

AN ORDINANCE REPEALING ORDINANCE NO. 164 WHICH PERTAINS TO PROCEDURES FOR
PROCESSING LAND USE DEVELOPMENT APPLICATIONS

WHEREAS, since 1995 the Washington State Legislature has enacted several pieces of legislation pertaining to regulatory reform, e.g. Chapter 347, laws of 1995, codified primarily in Chapters 36.70A, 36.70B, and 36.70C;

WHEREAS, these legislative enactments seek to integrate growth management planning and environmental review;

WHEREAS, these legislative enactments mandate among other things that counties must adopt procedures to streamline and facilitate the processing of land use development applications;

WHEREAS, a determination of non-significance (DNS) under the State Environmental Policy Act (SEPA) has been issued for Pacific County Ordinance No. 177 and this determination is appropriate;

WHEREAS, Pacific County Ordinance No. 177 will effectuate the intent of the Pacific County Comprehensive Plan; now therefore,

IN ACCORDANCE WITH CHAPTER 36.32 RCW, CHAPTER 36.70 RCW, CHAPTER 36.70A RCW, CHAPTER 36.70B RCW, AND CHAPTER 36.70C, IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS, PACIFIC COUNTY, WASHINGTON, AS FOLLOWS:

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Section 1 Purpose and Applicability

- 1) This Ordinance describes how Pacific County will timely process applications for development, and interpret and apply the provisions under the Pacific County Shoreline Master Program (PCSMP) and the following ordinances or any amendments thereto:

Ordinance No.

147	Critical Areas and Resource Lands
151	Building Construction and Fire Prevention/Protection
156	Forest Practices
162	Zoning
163	Land Division
166	State Environmental Policy Act (SEPA)
176	Flood Damage Prevention

- 2) This Ordinance shall be administered as follows:
 - a) When necessary, the review authority shall issue a formal written interpretation of a development regulation. A formal written interpretation shall be a Type I action and subject to appeal provisions.
 - b) The Director shall interpret and apply the provisions of the PCSMP or any amendments thereto.
 - c) The Director shall consult with the County Engineer or his/ her designee(s) regarding any technical issues that arise in administering Ordinance No. 163 or any amendments thereto.
- 3) This Ordinance is intended to identify procedures for determining whether development proposals (with or without conditions/mitigation) are consistent with applicable policies and standards. Consistency shall be determined by considering:
 - a) The type of land use;
 - b) The level of development, such as units per acre or other measures of density or intensity;
 - c) Infrastructure, including public facilities and services needed to serve the development; and
 - d) The character of the development, such as development standards.

Section 2 Definitions

- 1) **Counter Complete** – means an application that appears to contain all necessary information to make a technical determination about a project or application and includes all anticipated fees at time of application.
- 2) **De novo hearing** – shall mean a hearing that is held without consideration to any prior hearing, including any previous decision, findings, or testimony.
- 3) **Director/Review Authority** – shall mean the Director of the Department of Community Development (DCD) or their designee and shall also be the Shoreline Administrator.
- 4) **Hearings Examiner** – shall be the person appointed by the Pacific County Board of County Commissioners per Ordinance 150.
- 5) **Mail** – shall include documents and/or written notification sent via email with confirmation of receipt from the recipient or documents sent through the United States Postal Service (USPS).
- 6) **Newspaper of General Circulation** - shall be the Official Paper of Pacific County.
- 7) **Parties of Record** - shall be the individuals or organizations who provide a mailing address and/or email address and:
 - a. Submit written or verbal comment during the public comment period, not to exclude testimony at the public hearing; or
 - b. Indicate a desire to receive copies of the decision(s) either by indication on the attendance sheet at a public hearing or via written request to the hearing body during the public hearing process; or
 - c. In the case of Type III and Type IV processes, are directly impacted by the proposed project.
- 8) **Processed** - shall be the date at which the application(s) and fees were receipted in the permitting system and routed to the applicable parties.
- 9) **Review Authority** - see Director
- 10) **Signature** – may include an image of an original signature on a document sent via electronic methods, such as fax or email, or may include a digital signature as defined by RCW 19.34.020.
- 11) **Technically Complete** – means an application that has been reviewed by the review authority and determined to contain all of the information necessary to issue a permit or decision.
- 12) **Type I application** - an application that is subject to clear, objective, and nondiscretionary standards and is exempt from SEPA review, or standards that require the exercise of professional judgment about technical issues. The act of classifying an application shall be a Type 1 process.
- 13) **Type II application** - an application that is subject to objective and subjective standards that require the exercise of limited discretion about non-technical issues and about which there may be a limited public interest.

- 14) **Type III application** - an application for relatively few parcels and ownerships. It is subject to standards that require the exercise of substantial discretion. Such applications may implicate broad public interests.
- 15) **Type IV application** – an application involving the creation, implementation, or amendment of policy or law by ordinance. In contrast to the other three procedural types, the subject of a Type IV process applies to a relatively large geographic area containing many property owners.

Section 3 Application Types and Classification

- 1) Applications for review pursuant to Section 1 of this Ordinance shall be subject to a Type I, Type II, Type III, or Type IV process.
- 2) Unless otherwise required, if Pacific County must process more than one (1) application for a given development, all applications required for the development may be submitted for review at one time. Where more than one (1) application is submitted for a given development, and those applications are subject to different types of procedure, then all the applications are subject to the highest-number procedure that applies to any of the applications.
- 3) If this Ordinance expressly states that an application is subject to one of the four types of procedures or another procedure, then the application shall be processed accordingly. If this Ordinance does not expressly provide for review using one of the four types of procedures, and another specific procedure is not required by law, the review authority for the application in question shall determine the classification of the application.
- 4) The following development decisions shall be reviewed and processed accordingly:

Summary of Development Approvals by Review Type					
Type:	I	II	III	IV	Heard By
<u>Ordinance 147 – Critical Lands and Resource Lands</u>					
• Administrative Review	<u>X</u>				DCD
• Variance/Viable Use Exception		<u>X</u>			Hearings Examiner ¹
• Administrative Variance (0-10%) ²	<u>X</u>				DCD
• Administrative Variance (11-25%) ²		<u>X</u>			DCD
• Wetland Mitigation Bank		<u>X</u>			Hearings Examiner ¹
<u>Ordinance 151 – Building Construction and Fire Prevention/Protection</u>					
• All Permit Activity	<u>X</u>				DCD
<u>Ordinance 156 – Forest Practices</u>					
• Recording of Development Moratorium	<u>X</u>				DCD

¹ See Pacific County Ordinance No. 150 or any amendments thereto.

² Percentages pertain to the requested amount for the variance; additional information can be found under the Type I or Type II sections

Summary of Development Approvals by Review Type					
Type:	I	II	III	IV	Heard By
• Rescission of Development Moratorium	<u>X</u>				DCD
• Waiver of Development Moratorium	<u>X</u>				DCD
• Conversion Option Harvest Plan Review	<u>X</u>				DCD
<u>Ordinance 162 – Zoning</u>					
• Development Permit Application	<u>X</u>				DCD
• Allowed or Accessory Use Review	<u>X</u>				DCD
• Zone or Setback Review	<u>X</u>				DCD
• Special Use		<u>X</u>			Hearings Examiner ³
• Site Specific Rezone			<u>X</u>		Planning Commission
• Rezone requiring alteration of County Ordinance(s)				<u>X</u>	Planning Commission BOCC
• Variance/Conditional Use			<u>X</u>		Hearings Examiner ³
• Administrative Variance (0-10%) ⁴	<u>X</u>				DCD
• Administrative Variance (11-25%) ⁴		<u>X</u>			DCD
• Administrative Review to Oysterville Design Review Board (ORDB)	<u>X</u>				DCD
• Application of a New Building or Major Remodel subject to ODRB			<u>X</u>		ODRB
<u>Ordinance 163 – Land Division</u>					
• Exemption Acknowledgement	<u>X</u>				DCD
• Short Subdivision	<u>X</u>				DCD
• Short Subdivision Variance or Vacation/Alteration		<u>X</u>			Hearings Examiner ³
• Large Lot Subdivision (including variances and vacation/alteration of a large lot subdivision)		<u>X</u>			Hearings Examiner ³
• Binding Site Plan			<u>X</u>		DCD ⁵
• Subdivision (including variances)			<u>X</u>		Planning Commission
• Vacation/Alteration of a Subdivision			<u>X</u>		DCD ⁵

³ See Pacific County Ordinance No. 150 or any amendments thereto.

⁴ Percentages pertain to the requested amount for the variance; additional information can be found under the Type I or Type II sections.

⁵ The County Engineer or their designee(s) shall be consulted on any technical issues.

Summary of Development Approvals by Review Type					
Type:	I	II	III	IV	Heard By
<u>Ordinance 166 – Environmental Protection</u>					
• Determination of Non-Significance (DNS)	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	See footnote ⁶
• Mitigated Determination of Non-Significance (MDNS)	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	See footnote ⁶
• Determination of Significance (DS)	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	See footnote ⁶
<u>Ordinance 176 – Flood Damage Protection</u>					
• Development Permit Review	<u>X</u>				DCD
• Variance		<u>X</u>			DCD
<u>Comprehensive Land Use Plan</u>					
• Multiple Parcel Rezone				<u>X</u>	Planning Commission BOCC
• Area Wide Zoning/Comprehensive Plan				<u>X</u>	Planning Commission BOCC
<u>Pacific County Shoreline Master Program</u>					
• Exemption Acknowledgement	<u>X</u>				Shoreline Administrator
• Residential Development		<u>X</u>			Hearings Examiner ⁷
• Commercial Development			<u>X</u>		Hearings Examiner ⁷
• Shoreline Variance		<u>X</u>			Hearings Examiner ⁷
• Conditional Use			<u>X</u>		Hearings Examiner ⁷

Section 4 Type I Process – Ministerial Decisions

1) Review for Counter Complete Status

- a) Before accepting a Type I application for review for technically complete status, the review authority shall determine whether the application is counter complete, which is typically “over the counter” provided that, if the review authority establishes a given day of the week to conduct reviews for counter complete status for a given kind of application (e.g., subdivisions), then counter complete review of that kind of application shall be on the day selected by the review authority.

⁶ Review authority depends upon the underlying application, i.e. the project applied for and the process which applies to that process.

⁷ See Pacific County Ordinance No. 150 or any amendments thereto.

- b) If the review authority decides that an application is counter complete, then the application shall be accepted for review for technically complete status.
- c) If the review authority decides that an application is not counter complete, then the review authority shall reject and return the application and notify the applicant what is needed to make the application counter complete.

2) Review for Technically Complete Application

- a) The review authority shall determine that the application is technically complete using a Type I process within twenty-eight (28) calendar days after the application is accepted as counter complete.
- b) An application is technically complete if it includes the following:
 - i) Completed application form(s) signed by (1) the owner(s) of the property subject to the application or (2) a representative authorized to do so. Written authorization from property owners impacted by the application may be required.
 - ii) The applicable fee(s) for the applications in question, as adopted by the Board of County Commissioners;
 - iii) All of the information listed as application requirements in the relevant sections of County ordinances and other applicable regulations; provided that:
 - (1) The review authority may waive application requirements that are clearly not necessary to show an application complies with relevant criteria and standards and may modify application requirements based on the nature of the proposed application, development, site or other factors, and
 - (2) The decision about the technically complete status of an application, including any required engineering, traffic or other studies, shall be based on the criteria for completeness and methodology set forth in County ordinances, resolutions or in implementing measures timely adopted by the review authority;
- c) If the review authority decides that an application is not technically complete (within the time provided in subsection 2 of this section), the review authority shall contact the applicant, listing what is required to make the application technically complete, including:
 - i) A date by which the required missing information must be provided to restart the technically complete review process pursuant to subsection (2)(b) of this section. The review authority may extend the date at the request of the applicant.
 - ii) The statement also may include recommendations for additional information that, although not necessary to make the application technically complete, is recommended to address other issues that are or may be relevant to the review.
- d) If the required information is submitted by the date specified, then within fourteen (14) calendar days, the review authority shall decide whether the application is technically complete and, if not, the review authority shall:

- i) Reject the application and mail the applicant a written statement which lists the remaining additional information needed to make the application technically complete; or
 - ii) Issue a decision denying the application, based on a lack of information.
- e) If the required information is not submitted by the date specified, the review authority shall take action under subsection (d) of this section.

3) Administrative Variance

- a) The review authority may grant a variance to numerical standards, including but not limited to: setbacks, buffers, width, lot area, lot coverage, lot dimensions, and parking standards.
- b) An application for a variance(s) shall be subject to Type I review if the variance(s) is for up to and including ten percent (10%) of the numerical standard(s) in question and if the property is outside of shoreline jurisdiction.
- c) The review authority shall approve an administrative variance(s), if, based on substantial evidence in the record, the applicant has sustained the burden of proving the variance(s) complies with all of the following:
 - i) Granting the variance(s) will not substantially detract from the livability or appearance of a residential area or from the desired character of a nonresidential area, or the variance(s) will substantially enhance the livability or appearance of a residential area or the desired character of a nonresidential area, such as by preserving or protecting significant natural, scenic, historic, cultural, open space or energy resources; and
 - ii) If variances to more than one (1) regulation are being requested, the cumulative effect of the variances shall be consistent with the purpose of the zone in which the site is situated; and
 - iii) Adverse impacts resulting from the variance(s) are mitigated to the extent practical; and
 - iv) The variance(s) does not substantially impair or impede the availability or safety of access that would otherwise exist for vehicles or for pedestrians, or alternative access is provided.

4) Application of Rules

- a) The review authority shall respond to the application within fifteen (15) calendar days after the date the application was accepted as technically complete; provided that, an applicant may agree in writing to extend the time in which the review authority shall issue a response.
- b) For an Administrative Variance, the decision, findings of fact, and conclusion of law will be issued to the applicant within ten (10) days from the date of the decision.
- c) Notice of a decision shall be issued to the applicant. The applicant may appeal the decision pursuant to Section 5.

5) Appeals

- a) **Applicability.** A final decision may be appealed by any interested party. Final decisions may be appealed only if, within fourteen (14) calendar days after written notice of the decision is issued, a written appeal is filed with the Director. Final site plan and final construction plan decisions are not subject to administrative appeals under this section.
- b) **Submittal Requirements.** The appeal shall include the following:
 - i) The permit number designated by the county and the name of the applicant;
 - ii) The name and signature of each petitioner and a statement showing that each petitioner is entitled to file the appeal. If multiple parties file a single petition for review, the petition shall designate one (1) party as the contact representative for all contact with the Director. All contact with the Director regarding the petition, including notice, shall be with this contact representative.
 - iii) The specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error.
 - iv) The applicable fee(s) for the applications in question, as adopted by the Board of County Commissioners;
- c) **Appeal Decision.**
 - i) The hearing examiner shall hear appeals, other than appeals of final site plan/final construction plan decisions, in a de novo hearing. A staff report shall be prepared, a hearing shall be conducted, and a decision shall be made and noticed and can be appealed as a Type III process.
 - ii) The applicant shall have the burden of proving by substantial evidence compliance with applicable approval standards. Where evidence is conflicting, the examiner shall decide an issue based upon the preponderance of the evidence.

Section 5 Type II Process – Administrative Decisions

1) Pre-Application Review

- a) Pre-application review is not intended to provide an exhaustive review of all the potential issues that a given application could arise. Pre-application review does not prevent the County from applying all relevant laws to the applicant. The purposes of pre-application review are:
 - i) To acquaint County agency staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant accordingly;
 - ii) To determine general consistency with any relevant comprehensive plan and development regulations;
 - iii) To identify applicable regulations and permit needs, including permit fees;
 - iv) To identify permits/requirements from other agencies, to the extent known;

- v) To provide early identification of study requirements, issues, and potential mitigation requirements;
 - vi) To acquaint the applicant with the applicable requirements of local ordinances and other law; and
 - vii) To provide an opportunity for other agency staff and the public to be acquainted with the proposed application and applicable law. Although members of the public can attend a pre-application conference, it is not a public hearing, and there is no obligation to receive public testimony or evidence.
- b) Pre-application review is required unless:
- i) The review authority expressly exempts the application(s) in question from pre-application review; or
 - ii) The applicant submits a completed form provided by the review authority requesting waiver of pre-application review and the waiver is granted. The form shall state that waiver of pre-application review increases the maximum time for review for technically complete status and increases the risk the application will be rejected or processing will be delayed. Pre-application review generally should be waived by the review authority only if an application is relatively simple.
- c) To initiate pre-application review, an applicant shall submit:
- i) Completed form(s) provided by the review authority for that purpose,
 - ii) Required fee(s),
 - iii) All information required by the relevant section(s) of County ordinances and other applicable regulations.
 - iv) Information not provided on the form shall be provided in an environmental checklist or on other attachments. The review authority may modify requirements for pre-application materials and may conduct a pre-application review with less than all of the required information. However, failure to provide all of the required information may prevent the review authority from identifying all applicable issues or providing the most effective pre-application review.
- d) Within twenty-one (21) calendar days after acceptance of an application for pre-application review, the review authority shall schedule a pre-application conference or exempt the application from pre-application review.
- e) The review authority shall coordinate the involvement of agency staff responsible for planning, development review, roads, utilities and other subjects, as appropriate, in the pre-application review process. Relevant staff shall attend the pre-application conference or shall take other steps to fulfill the purposes of pre-application review.
- f) The pre-application conference should be held as soon as practicable after the review authority accepts the application for pre-application review.

- g) Within fourteen (14) calendar days after the date of the pre-application conference, the review authority shall mail to the applicant, and to other parties who submit a request in writing, a written summary of the pre-application review. The written summary generally shall do the following to the extent practicable given the information provided by the applicant:
- i) Summarize the proposed application(s);
 - ii) Identify the relevant approval criteria and development standards in County ordinances or other applicable law, and delineate exceptions, adjustments or other variations from applicable criteria or standards that may be relevant;
 - iii) Evaluate information the applicant offered to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or that is recommended to respond to other issues;
 - iv) Identify applicable application fees in effect at the time, with a disclaimer that fees may change;
 - v) Identify information relevant to the application that may be in the possession of the County or other agencies of which the County is aware, such as:
 - (1) Comprehensive plan map designation and zoning of the property subject to the application and of the surrounding vicinity;
 - (2) Physical development limitations, such as steep or unstable slopes, critical areas and natural resources on site, wetlands, well-head protection areas, water bodies, and water availability that exist on the property subject to the application and on the surrounding vicinity;
 - (3) Those public facilities that will serve the property subject to the application, including fire services, roads, and if residential, parks and schools, and relevant service considerations, such as minimum access and fire flow requirements or other minimum service levels;
- h) An applicant may submit a written request for a second pre-application conference within one (1) calendar year of the initial pre-application conference. There is no additional fee for a second conference if the proposed development is substantially similar to the one reviewed in the first pre-application conference, as determined by the Director, or if it reflects changes based on information received at the first pre-application conference. A request for a second pre-application conference shall be subject to the same procedure as the request for the initial pre-application conference.
- i) A new request for, or waiver of, a pre-application review for a given development shall be filed unless the applicant submits a counter complete application that the review authority determines to be substantially similar to the subject of a pre-application review within one (1) calendar year after the last pre-application conference or after approval of waiver of pre-application review.

2) Review for Counter Complete Status

- a) Before accepting an application for review for technically complete status, the review authority shall determine whether the application is counter complete, typically “over the counter” provided that, if the review authority establishes a given day of the week to conduct reviews for counter complete status for a given kind of application (e.g., subdivisions), then counter complete review of that kind of application shall be on the day selected by the review authority.
- b) If the review authority decides that an application is counter complete, then the application shall be accepted for review for technically complete status.
- c) If the review authority decides that an application is not counter complete, then the review authority shall reject and return the application and notify the applicant what is needed to make the application counter complete.

3) Review for Technically Complete Application

- a) The review authority shall decide whether an application is technically complete within twenty-eight (28) calendar days after the review authority determines the application is counter complete.
- b) An application is technically complete if it includes the following:
 - i) A completed application form signed by (1) the owner(s) of the property subject to the application or (2) a representative authorized to do so. Written authorization from property owners impacted by the application may be required by the review authority.
 - ii) A copy of the pre-application conference summary and information required by the pre-application conference summary unless:
 - (1) The material was not timely prepared as required under subsection (1)(g);
 - (2) The application is not subject to pre-application review based on this Ordinance; or
 - (3) The review authority has waived the pre-application conference.
 - iii) The applicable fee(s) adopted by the Board of County Commissioners for the applications in question;
 - iv) All of the information listed as application requirements in the relevant sections of County ordinances and other applicable regulations; provided that:
 - (4) The review authority may waive application requirements that are clearly not necessary to show an application complies with relevant criteria and standards and may modify application requirements based on the nature of the proposed application, development, site or other factors, and
 - (5) The decision about the technically complete status of an application, including any required engineering, traffic or other studies, shall be based on the criteria for completeness and methodology set forth in County ordinances, resolutions or in implementing measures timely adopted by the review authority.
 - v) Any applicable SEPA document, completed and signed.

- c) If the review authority decides that an application is not technically complete (within the time provided in subsection 3 of this section), the review authority shall contact the applicant, listing what is required to make the application technically complete including:
 - i) A date by which the required missing information must be provided to restart the technically complete review process pursuant to subsection (3)(b) of this section. The review authority may extend the deadline at the request of the applicant.
 - ii) The statement also may include recommendations for additional information that, although not necessary to make the application technically complete, is recommended to address other issues that are or may be relevant to the review.
- d) If the required information is submitted by the date specified, then within fourteen (14) business days the review authority shall decide whether the application is technically complete and, if not, the review authority shall:
 - i) Reject the application and mail the applicant a written statement which lists the remaining additional information needed to make the application technically complete; or
 - ii) Issue a decision denying the application, based on a lack of information.
- e) If the required information is not submitted by the date specified, the review authority shall take action under subsection (d) of this section.
- f) If the review authority decides that an application is technically complete, then the review authority within fourteen (14) calendar days of making this determination shall:
 - i) Forward the application to the County staff responsible for processing it and schedule a public hearing;
 - ii) Distribute a copy of the notice pursuant to subsection 5.
- g) An application shall be deemed to be technically complete if a written determination has not been mailed to the applicant within twenty-eight (28) calendar days of the date the application is determined to be counter complete.

4) Administrative Variance

- a) The review authority may grant a variance to numerical standards including but not limited to: setbacks, buffers, width, lot area, lot coverage, lot dimensions and parking standards.
- b) An application for a variance(s) shall be subject to Type II review if the variance(s) is for up to and including twenty-five percent (25%) of the numerical standard(s) in question and if the property is outside of shoreline jurisdiction.
- c) The review authority shall approve an administrative variance(s), if, based on substantial evidence in the record, the applicant has sustained the burden of proving the variance(s) complies with all of the following:
 - i) That special conditions and circumstances exist;

- ii) That literal interpretation of the provisions of this Ordinance would deprive the person seeking the variance of rights commonly enjoyed by other properties conforming to the terms of this Ordinance;
 - iii) That the special conditions and circumstances do not result from the actions of the person seeking the variance;
 - iv) That the granting of the variance requested will not confer on the person seeking the variance any special privilege that is denied by this Ordinance to other lands, structures, or buildings under similar circumstances;
 - v) That the variance requested is the minimum necessary to afford relief; and
 - vi) That to afford relief the requested variance will not be materially detrimental to the public welfare or contrary to the public interest.
- d) If an application for an administrative variance is associated with another application(s) subject to this ordinance, then the application for the administrative variance shall be combined with the associated application(s) for processing and shall be subject to the same procedure type as the highest number procedure type application with which it is combined.

5) Public Notice

- a) The notice of the application shall include the following information:
 - i) The case file number(s), date of application, the date the application was determined to be technically complete, and the date of the notice of the application;
 - ii) A description of the proposed project and a list of project permits included with the application and, if applicable, a list of any further studies requested by the review authority;
 - iii) A list of other necessary permits not included in the application, to the extent known by County staff;
 - iv) A list of existing environmental documents that evaluate the proposed project;
 - v) A statement that delineates the public comment period and articulates the rights of the public, i.e., the right to comment on the application, including environmental impacts and mitigation measures, the right to receive notice of, and participate in, any hearings, the right to request a copy of the decision, and the right to appeal a decision once made. The closing date for the consideration of written comments also shall be indicated together with the deadline for submitting a SEPA appeal pursuant to Ordinance No. 166 or any amendments thereto;
 - vi) Whether a preliminary threshold determination of significance has been issued under Ordinance No. 166 or any amendments thereto;
 - vii) The date, time, place, and type of hearing, if applicable;

- viii) A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation. The public notice also shall indicate that a consolidated staff report and SEPA review will be available for inspection at no cost before the administrative decision or public hearing, if applicable, and that a copy of these documents will be provided at reasonable cost;
 - ix) The name of the applicant and any representative of the applicant, and the name, address and telephone number of a contact person for the applicant, if any;
 - x) A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
 - xi) The date, place, and times where information about the application may be examined and the name and telephone number of the County representative to contact about the application;
 - xii) The designation of the review authority and the date, time, and place of any hearing;
 - xiii) A statement that any hearing, if applicable, will be conducted in accordance with the rules of procedure adopted by the review authority; and
 - xiv) Any additional information determined to be appropriate by the County.
- b) The public notice shall be distributed as follows:
- i) The applicant shall post copies of the notice of application on the perimeter of the property in question at least fifteen (15) calendar days prior to the hearing date in a manner that will be legible to a passerby. The applicant also shall file a declaration of posting and affidavit of mailing (under the penalty of perjury) with the Department of Community Development at least ten (10) calendar days prior to the scheduled hearing. The applicant shall remove and properly dispose of the notices within seven (7) calendar days after the notice of the decision is mailed to the applicant.
 - ii) Posted on the County website.
 - iii) For applications being heard as an Administrative Variance process, the applicant shall post copies of the notice of application on the perimeter of the property in question. The County shall render a decision twenty-eight (28) calendar days after the affidavit of posting has been submitted to the County.
- c) An administrative decision shall include:
- i) A statement of the applicable criteria and standards in County ordinances and other applicable regulations;
 - ii) Findings of fact and conclusions of law that justify the decision rendered;
 - iii) The decision to deny or approve the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law.

- d) Within five (5) business days from the date the decision is received, the review authority shall mail a notice of decision to the parties listed in subsection 5 and to other parties of record regarding the application. The mailing shall include a notice which includes the following information:
 - i) A statement that the decision and SEPA determination, if applicable, are final, but may be appealed as provided in subsection 8. The statement shall describe how a party may appeal the decision or SEPA determination, or both.
 - ii) A statement that the complete case-file is available for review. The notice shall list the place, days, and times where the case file is available and the name and telephone number of the County representative to contact for information about the case.

6) Application of Rules

Within fourteen (14) calendar days after the date an application is accepted as technically complete, the review authority for the application shall issue a public notice of the application consistent with the requirements of subsection 4.

7) Decision Timeline

- a) As a general rule, a final decision regarding any application shall be issued not more than one hundred twenty (120) calendar days after the date the application was accepted as counter complete.
- b) Subsection a of this section shall not apply to any application which is substantially revised by the applicant. In this instance, the one hundred twenty (120) calendar day time period shall start from the date the revised application is determined to be counter complete.
- c) If a Determination of Significance (DS) is issued, the review authority shall issue a decision no sooner than seven (7) calendar days after a final environmental impact statement is issued.
- d) An applicant may agree in writing to extend the time in which the review authority shall issue a decision.
- e) In calculating the number of days that have elapsed after the date of determination of technical completeness, the following periods shall be excluded:
 - i) Any period during which an applicant has been requested by the County to correct plans, perform required studies, or provide additional required information, starting from the date the County sends notification to the application until the date the County determines that additional information satisfies the request for additional information or fourteen (14) calendar days after the date the additional information was submitted, whichever is earlier.
 - ii) The period from the date the County sends notification to the applicant of the need for additional information until the date the County determines whether the additional information satisfies the request for information or fourteen (14) calendar days after the date the information submitted by an applicant under this subsection is insufficient, the county shall notify the applicant of the deficiencies, and the procedures under this subsection shall apply as if a new request for additional required information had been made.

- iii) Any period of time during which an environmental impact statement is being prepared, which shall not exceed one year from the issuance of the Determination of Significance, unless the County and applicant have otherwise agreed in writing to a longer period of time. If no mutual written agreement is completed, then the application shall become null and void after the one-year period, unless the review authority determines that delay in completion is due to factors beyond the control of the applicant.
- iv) Any period of time during which an administrative appeal is pending.

8) Appeals

- i) The actions taken by the examiner shall be final and conclusive unless an appeal is filed pursuant to RCW 36.70C.

Section 6 _____ Type III – Quasi-Judicial Decisions

1) Pre-Application Review

- a) Pre-application review is not intended to provide an exhaustive review of all the potential issues that a given application could arise. Pre-application review does not prevent the County from applying all relevant laws to the applicant. The purposes of pre-application review are:
 - i) To acquaint County agency staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant accordingly;
 - ii) To determine general consistency with any relevant comprehensive plan and development regulations;
 - iii) To identify applicable regulations and permit needs, including permit fees;
 - iv) To identify permits/requirements from other agencies, to the extent known;
 - v) To provide early identification of study requirements, issues, and potential mitigation requirements;
 - vi) To acquaint the applicant with the applicable requirements of local ordinances and other law; and
 - vii) To provide an opportunity for other agency staff and the public to be acquainted with the proposed application and applicable law. Although members of the public can attend a pre-application conference, it is not a public hearing, and there is no obligation to receive public testimony or evidence.
- b) Pre-application review is required unless:
 - i) The review authority expressly exempts the application(s) in question from pre-application review; or

- ii) The applicant submits a completed form provided by the review authority requesting waiver of pre-application review and the waiver is granted. The form shall state that waiver of pre-application review increases the maximum time for review for technically complete status and increases the risk the application will be rejected or processing will be delayed.
- c) To initiate pre-application review, an applicant shall submit a completed form provided by the review authority for that purpose, the required fee, and all information required by the relevant section(s) of County ordinances and other applicable regulations.
- d) Information not provided on the form shall be provided on the face of the preliminary plat, in an environmental checklist, or on other attachments. The review authority may modify requirements for pre-application materials and may conduct a pre-application review with less than all of the required information. However, failure to provide all of the required information may prevent the review authority from identifying all applicable issues or providing the most effective pre-application review.
- e) Within twenty-one (21) calendar days after receipt of an application for pre-application review, the review authority shall schedule a pre-application conference or exempt the application from pre-application review.
- f) The review authority shall coordinate the involvement of agency staff responsible for planning, development review, roads, utilities and other subjects, as appropriate, in the pre-application review process. Relevant staff shall attend the pre-application conference or shall take other steps to fulfill the purposes of pre-application review.
- g) The pre-application conference should be held as soon as practicable after the review authority accepts the application for pre-application review.
- h) Within fourteen (14) calendar days after the date of the pre-application conference, the review authority shall mail to the applicant, and to other parties who submit a request in writing, a written summary of the pre-application review. The written summary generally shall do the following to the extent practicable given the information provided by the applicant:
 - i) Summarize the proposed application(s);
 - ii) Identify the relevant approval criteria and development standards in County ordinances or other applicable law, and delineate exceptions, adjustments or other variations from applicable criteria or standards that may be relevant;
 - iii) Evaluate information the applicant offered to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or that is recommended to respond to other issues;
 - iv) Identify applicable application fees in effect at the time, with a disclaimer that fees may change;
 - v) Identify information relevant to the application that may be in the possession of the County or other agencies of which the County is aware, such as:
 - (1) Comprehensive plan map designation and zoning of the property subject to the application and of the surrounding vicinity;

- (2) Physical development limitations, such as steep or unstable slopes, critical areas and natural resources on site, wetlands, well-head protection areas, water bodies, and water availability that exist on the property subject to the application and on the surrounding vicinity;
 - (3) Those public facilities that will serve the property subject to the application, including fire services, roads, and if residential, parks and schools, and relevant service considerations, such as minimum access and fire flow requirements or other minimum service levels;
- i) An applicant may submit a written request for a second pre-application conference within one (1) calendar year after the initial pre-application conference. There is no additional fee for a second conference if the proposed development is substantially similar to the one reviewed in the first pre-application conference, as determined by the Director, or if it reflects changes based on information received at the first pre-application conference. A request for a second pre-application conference shall be subject to the same procedure as the request for the initial pre-application conference.
 - j) A new request for, or waiver of, a pre-application review for a given development shall be filed unless the applicant submits a counter complete application that the review authority finds is substantially similar to the subject of a pre-application review within one (1) calendar year after the last pre-application conference or after approval of waiver of pre-application review.

2) Review for Counter Complete Status

- a) Before accepting an application for review for technically complete status, the review authority shall determine whether the application is counter complete.
- b) If the review authority decides that an application is counter complete, then the application shall be accepted for review for technically complete status.
- c) If the review authority decides that an application is not counter complete, then the review authority shall reject and return the application and identify in writing what is needed to make the application counter complete.

3) Review for Technically Complete Application

- a) The review authority shall decide whether an application is technically complete within twenty-eight (28) calendar days after the review authority determines the application is counter complete.
- b) An application is technically complete if it includes the following:
 - i) A completed original application form signed (1) by the owner(s) of the property subject to the application or (2) by a representative authorized to do so. Written authorization from property owners impacted by the application may be required by the review authority.
 - ii) A copy of the pre-application conference summary and information required by the pre-application conference summary unless:
 - (1) The material was not timely prepared as required under subsection 1(H);
 - (2) The application is not subject to pre-application review based on this Ordinance; or

- (3) The review authority has waived the pre-application conference.
- iii) The applicable fee(s) adopted by the Board of County Commissioners for the applications in question;
- iv) All of the information listed as application requirements in the relevant sections of County ordinances and other applicable regulations; provided that:
 - (1) The review authority may waive application requirements that are clearly not necessary to show an application complies with relevant criteria and standards and may modify application requirements based on the nature of the proposed application, development, site or other factors, and
 - (2) The decision about the technically complete status of an application, including any required engineering, traffic or other studies, shall be based on the criteria for completeness and methodology set forth in County ordinances, resolutions or in implementing measures timely adopted by the review authority and shall not be based on differences of opinion as to quality or accuracy;
- v) Any applicable SEPA document, completed and signed.
- c) If the review authority decides that an application is not technically complete (within the time provided in subsection 3(b) of this section), the review authority shall contact the applicant, listing what is required to make the application technically complete, including:
 - i) A date by which the required missing information must be provided to restart the technically complete review process pursuant to subsection 3 of this section. The review authority may extend the deadline at the request of the applicant.
 - ii) The statement also may include recommendations for additional information that, although not necessary to make the application technically complete, is recommended to address other issues that are or may be relevant to the review.
- d) If the required information is submitted by the date specified, then within fourteen (14) calendar days the review authority shall decide whether the application is technically complete and, if not, the review authority shall:
 - i) Reject the application and mail the applicant a written statement which lists the remaining additional information needed to make the application technically complete; or
 - ii) Issue a decision denying the application, based on a lack of information; or
- e) If the required information is not submitted by the date specified, the review authority shall take action under subsection 3(d) of this section.
- f) If the review authority decides that an application is technically complete, then the review authority within fourteen (14) calendar days of making this determination shall:
 - i) Forward the application to the County staff responsible for processing it, and schedule a public hearing;

- ii) Send a written notice of receipt of a complete application to the applicant acknowledging acceptance, listing the name and telephone number of a contact person at the review authority, and describing the expected review schedule, including the date of a hearing.
- iii) A copy of the notice shall be distributed pursuant to subsection 4.
- g) An application shall be deemed to be technically complete if a written determination has not been mailed to the applicant within twenty-eight (28) calendar days of the date the application is determined to be counter complete.

4) Public Notice

- a) The notice of the application shall include the following information:
 - i) The case file number(s), date of application, the date the application was determined to be technically complete, and the date of the notice of the application;
 - ii) A description of the proposed project and a list of project permits included with the application and, if applicable, a list of any further studies requested by the review authority;
 - iii) A list of other necessary permits not included in the application, to the extent known by County staff;
 - iv) A list of existing environmental documents that evaluate the proposed project;
 - v) A statement that delineates the public comment period and articulates the rights of the public, i.e., the right to comment on the application, including environmental impacts and mitigation measures, the right to receive notice of, and participate in, any hearings, the right to request a copy of the decision, and the right to appeal a decision once made. The closing date for the consideration of written comments also shall be indicated together with the deadline for submitting a SEPA appeal pursuant to Ordinance No. 166 or any amendments thereto;
 - vi) Whether a preliminary threshold determination of significance has been issued under Ordinance No. 166 or any amendments thereto;
 - vii) The date, time, place, and type of hearing, if applicable;
 - viii) A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation. The public notice also shall indicate that a consolidated staff report and, if required, SEPA review will be available for inspection at no cost before the administrative decision or public hearing, if applicable, and that a copy of these documents will be provided at reasonable cost;
 - ix) The name of the applicant and any representative of the applicant, and the name, address and telephone number of a contact person for the applicant, if any;
 - x) A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;

- xi) The date, place, and times where information about the application may be examined and the name and telephone number of the County representative to contact about the application;
 - xii) The designation of the review authority and the date, time, and place of any hearing;
 - xiii) A statement that any hearing, if applicable, will be conducted in accordance with the rules of procedure adopted by the review authority; and
 - xiv) Any additional information determined to be appropriate by the County.
- b) The public notice shall be distributed as follows:
- i) The Director shall mail a copy of the notice of application to:
 - (1) The applicant and any representative of the applicant;
 - (2) Owners of property within a radius of three hundred (300) feet of the property that is the subject of the application;
 - (3) Agencies with jurisdiction;
 - (4) Publish in a newspaper of general circulation a summary of the notice which shall include the date, time, and place of the hearing and sufficient information to identify the property and application(s) under review.
 - (5) Post a copy of the notice of application at three (3) or more locations on or in the vicinity of the property subject to the application at least fifteen (15) calendar days before the hearing. The notices shall be posted in a manner that will be legible to a passerby. The applicant shall remove and properly dispose of the notices within seven (7) calendar days after the hearing.
 - ii) Posted on the County website.
 - iii) The records of the County Assessor shall be examined when questions arise as to who constitutes relevant property owners of record. The failure of a property owner to receive notice shall not affect the decision if the notice was sent. A declaration of mailing (under penalty of perjury) executed by the person who did the mailing shall be evidence that the notice was mailed to parties listed or referenced in the declaration.

5) Application of Rules

- a) Type III review process requires at least one public hearing before the appropriate review authority. The public hearing should be held within sixty (60) calendar days after the date the review authority issues the determination that the application is technically complete.
- b) At least fifteen (15) calendar days before the date of a hearing, the review authority shall issue a public notice of the hearing consistent with the requirements of Section 4.

- c) Before the date of the hearing for an application(s), the review authority shall (1) issue a written staff report, integrating a SEPA review and recommendation regarding the application(s), (2) make available to the public a copy of the staff report for review and inspection, and (3) provide a copy of the staff report and recommendation without charge to the review authority and to the applicant and applicant's representative. The review authority shall provide a copy of the staff report at reasonable charge to other parties who request it.
- d) Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority, except to the extent waived by the review authority. The authority shall make reasonable effort that the audio portion of the hearing is recorded.
- e) At the beginning of the hearing or agenda of hearings, the review authority shall:
 - i) State that the testimony will be received only if it is relevant to the applicable approval criteria and development standards and is not unduly repetitious;
 - ii) Identify the applicable approval criteria and development standards;
 - iii) State that the review authority will consider, and may grant or deny, any party's request to continue the hearing or to keep the record open for a period of time;
 - iv) State whether the review authority has had any ex parte contact or has any personal or business interest in the application;
 - v) State whether the review authority has visited the site;
 - vi) State that any appeal of this hearing, including challenges to impartiality, shall be held pursuant to RCW 36.70C. However, the review authority invites anyone to make known their challenges at this hearing.
 - vii) State the persons who want to receive notice of the decision may sign a list for that purpose; and
 - viii) Summarize how the hearing will be conducted.
- f) At the conclusion of the hearing on each application, the review authority shall announce one of the following actions:
 - i) That the hearing is continued. If the hearing is continued to a place, date, and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date, and time certain, then notice of the continued hearing shall be given as though it were the initial hearing. The review authority may adopt guidelines for considering requests for continuances;
 - ii) That the public record is held open to a date and time certain. The review authority shall state where additional written evidence and testimony can be sent, and shall announce any limits on the nature of the evidence that will be received after the hearing. The review authority may adopt guidelines for evaluating requests to hold open the record;
 - iii) That the application(s) is/are taken under advisement, and that a final order will be issued with findings of fact and conclusions of law that support the decision; or

- iv) That the application(s) is/are denied, approved or approved with conditions. Findings of fact and conclusions of law must be adopted to support the decision. However, such findings and conclusions do not need to be adopted at the same time that the decision is rendered.
- g) The review authority shall not issue its threshold determination nor issue a decision or recommendation on a permit application until the expiration of the public comment period on the notice of application. The decision shall be issued within 14 calendar days of the expiration of the public comment period.
- h) Within five (5) business days from the date of the decision, the review authority shall mail the notice of decision to the applicant, any representative of the applicant, and all parties of record. The mailing shall include a notice which includes the following information:
 - i) A statement that the decision and SEPA determination, if applicable, are final, but may be appealed as provided in Section 7. The statement shall describe how a party may appeal the decision or SEPA determination, or both.
 - ii) A statement that the complete case-file is available for review. The notice shall list the place, days and times where the case-file is available and the name and telephone number of the County representative to contact for information about the case.

6) Decision Timeline

- a) As a general rule, a final decision regarding any application shall be issued not more than one hundred twenty (120) calendar days after the date the application was accepted as counter complete.
- b) Subsection 6(a) of this section shall not apply to any application that is substantially revised by the applicant. In this instance, the one hundred twenty (120) calendar day time period shall start from the date the revised application is determined to be counter complete.
- c) If a Determination of Significance (DS) is issued, then the review authority shall issue a decision no sooner than seven (7) calendar days after a final environmental impact statement is issued.
- d) An applicant may agree in writing to extend the time in which the review authority shall issue a decision.
- e) In calculating the number of days that have elapsed after the date of determination of technical completeness, the following periods shall be excluded:
 - i) Any period during which an applicant has been requested by the County to correct plans, perform required studies, or provide additional required information, starting from the date the County sends notification to the application until the date the County determines that additional information satisfies the request for additional information or fourteen (14) calendar days after the date the additional information was submitted, whichever is earlier.

- ii) The period from the date the County sends notification to the applicant of the need for additional information until the date the County determines whether the additional information satisfies the request for information or fourteen (14) calendar days after the date the information submitted by an applicant under this subsection is insufficient, the county shall notify the applicant of the deficiencies, and the procedures under this subsection shall apply as if a new request for additional required information had been made.
- iii) Any period of time during which an environmental impact statement is being prepared, which shall not exceed one year from the issuance of the Determination of Significance, unless the County and applicant have otherwise agreed in writing to a longer period of time. If no mutual written agreement is completed, then the application shall become null and void after the one-year period, unless the review authority determines that delay in completion is due to factors beyond the control of the applicant.
- iv) Any period of time during which an administrative appeal is pending.

7) Appeals

A final decision may be appealed only in accordance to RCW 36.70C.

Section 7 Type IV – Legislative Decisions

1) Procedure

- a) Type IV procedures may require one or more hearings before the Planning Commission and does require one (1) or more hearings before the Board of County Commissioners.
- b) Zoning applications requiring amendment or a change in language to any County regulation or ordinance may be submitted throughout the year but must be submitted on or by the last business day in March for consideration that calendar year. Applications submitted on or after the first business day in April will be filed and reviewed on the next review date.

Applications will be presented to the Planning Commission for first review at the next regularly scheduled meeting. Public hearings for the applications that will be considered for decision will be held in October or November of that calendar year.

2) Public Notice

- a) At least fifteen (15) calendar days before the date of the first Planning Commission hearing for an application subject to Type IV review, the Director shall:
 - i) Prepare a notice of application that includes the following information:
 - (1) The case file number(s);
 - (2) A description of the area that will be affected by the application, if approved, which is reasonably sufficient to inform the reader of its location;
 - (3) A summary of the proposed application(s);

- (4) The place, days, and times where information about the application may be examined and the name and telephone number of the County representative to contact about the application;
 - (5) A statement inviting interested parties to submit written comments or to testify orally at the hearing;
 - (6) The designation of the review authority and the date, time, and place of the hearing; and
 - (7) A statement that a staff report and, when required, a consolidated SEPA review document will be available for inspection at no cost before the hearing and will be provided at reasonable cost.
- ii) Mail a copy of a notice prepared under subsection 2 of this section to:
- (1) Publish in a newspaper of general circulation a summary of the notice, including the date, time and place of the hearing, and a summary of the proposal; and
 - (2) Provide other notice deemed appropriate and necessary by the Director based on the subject of the Type IV process, such as posting on the County website.

3) Staff Report

The Director shall issue and make available to the parties of record and review authority a written staff report and consolidated SEPA evaluation at least fourteen (14) days prior to the date of the first hearing. The Director shall mail or provide a copy of the staff report and consolidated SEPA evaluation at reasonable charge to other parties who request it.

4) Public Hearing

- a) Any public hearing shall be conducted in accordance with the rules of procedure adopted by the review authority, except to the extent waived by the review authority. A reasonable effort shall be made to record the audio of the hearing.
- b) At the conclusion of the Planning Commission hearing, the Planning Commission shall announce one of the following actions:
 - i) That the hearing is continued. If the hearing is continued to a place, date, and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date, and time certain, then notice of the continued hearing shall be given as though it were the initial hearing before the Planning Commission; or
 - ii) That the Planning Commission recommends against or in favor of approval of the application(s) with or without certain changes, or that the Planning Commission will recommend neither against nor for approval of the application(s). The Planning Commission shall justify its decision with findings of fact and conclusions of law that support the recommendation. Such findings and conclusions do not need to be adopted at the same time that the recommendation is made.
 - iii) That the application(s) is/are taken under advisement, and that a final order will be issued with findings of fact and conclusions of law that support the decision;

- c) Upon receipt of the recommendation of the Planning Commission, the Board of County Commissioners shall at its next public meeting set a date for a public hearing to consider the recommendation. At least fifteen (15) calendar days before the date of the first Board of County Commissioners hearing for an application subject to Type IV review, the Clerk of the Board of County Commissioners shall:
- i) Prepare a notice that includes the information listed in subsection 2 of this section except the notice shall be modified as needed:
 - (1) To reflect any changes made in the application(s) during the Planning Commission review;
 - (2) To reflect that the Board of County Commissioners will conduct the hearing and the place, date and time of the Board of County Commissioners hearing; and
 - (3) To state that the Planning Commission recommendation, staff report, and SEPA evaluation are available for inspection at no cost and will be provided at reasonable cost.
 - ii) Mail a copy of that notice to the parties identified in subsection 2 of this section and to parties who request it in writing;
 - iii) Publish in a newspaper of general circulation a summary of the notice, including the date, time, and place of the hearing, and the actual text or summary of the proposal; and
 - iv) Provide other notice deemed appropriate and necessary by the Director based on the subject of the Type IV application.
- d) If the Planning Commission has conducted a hearing, the Board of County Commissioners shall conduct a closed record hearing. The hearing shall be based exclusively on the record established at the Planning Commission hearing. If the Planning Commission has not conducted a hearing, the Board of County Commissioners shall conduct an open record hearing. At the conclusion of the initial hearing by the Board of County Commissioners, the Board may continue the hearing or may adopt, modify, or give no further consideration to the application or recommendations. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required. If the hearing is not continued to a place, date, and time certain, then notice of the continued hearing shall be given as though it were the initial hearing before the Board of County Commissioners. The Board of County Commissioners shall adopt findings of fact and conclusions of law to support final decision. Such findings and conclusions do not need to be adopted at the same time that the decision is rendered.

5) Appeals

The action of the board shall be final and conclusive unless an appeal is filed in accordance with RCW 36.70C.

Section 8 Vesting

Applications shall be considered under the zoning and other land development regulations in effect on the date a counter complete application is submitted, provided that the application is later found to be technically complete. If the County relies on additional information following the submittal of the application, or the application is substantially revised, it shall notify the applicant of a vesting date that is not the date of submittal.

Section 9 Delegation of Authority

The Director, the County Engineer, and any other applicable administrative officials may develop and implement written policies which are consistent with, and effectuate the intent of this Ordinance.

Section 10 Penalty

No work or development requiring a permit shall be started prior to issuance of the permit. Commencement of work without a permit shall be subject to penalty, as described in Pacific County Board of County Commissioners Ordinance 165 and any amendments thereto.

Development applications will not be processed for parcels that have County-verified code enforcement violation(s). Compliance with code cases must be obtained prior to the issuance of a development permit.

Section 11 Severability

If any section, subsection, clause, phrase, or word in this ordinance or any provision adopted by reference herein is for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or any provision adopted by reference herein.

Ordinance No. 177
Procedures For Processing
Land Use Development Applications

Findings of Fact

1. Pacific County opted to plan under the authority of the Growth Management Act in 1990 via adoption of Pacific County Resolution No. 90-123.
2. Since 1995 the Washington State Legislature has enacted several pieces of legislation pertaining to regulatory reform, e.g. Chapter 347, Laws of 1995, codified primarily in Chapters 36.70A, 36.70B, and 36.70C.
3. Chapter 347, Laws of 1995, codified primarily in Chapters 36.70A, 36.70B, and 36.70C seek to integrate growth management planning and environmental review.
4. Chapter 347, Laws of 1995, codified primarily in Chapters 36.70A, 36.70B, and 36.70C mandate, among other things, that counties must adopt procedures to streamline and facilitate the processing of land use development applications.
5. The Board of Pacific County Commissioners adopted the 2010 Pacific County Comprehensive Plan on October 26, 2010 following a lengthy update process.
6. Pacific County is required to update its existing development regulations to ensure consistency with the 2010 Pacific County Comprehensive Plan and the state Growth Management Act (GMA), Chapter 36.70A RCW.
7. Pacific County's Ordinance relating to the processing of land use development applications constitutes one of the development regulations that needs to be enacted under the Pacific County Comprehensive Plan and the GMA.
8. Pacific County Ordinance Nos. 145, 145A, 145B, 145C, 145D, 145E, 145F, 145G , and 164 need to be rescinded and replaced with a new primary Ordinance No. 177 to prevent confusion that occurs resulting from having multiple amendments to the same primary ordinance.
9. The Pacific County Planning Commission held public hearings on the proposed ordinance update on November 5, and December 3, 2015 and January 7, 2016.
10. Pacific County received public comments regarding the proposed ordinance update during the November 5, and December 3, 2015 and January 7, 2016 during the public hearings.

Ordinance No. 177
Procedures For Processing Land Use
Development Applications

Conclusions of Law

1. The Washington State Growth Management Act (GMA), Chapter 36.70A RCW, mandates that Counties and Cities required or choosing to plan under the authority of the Growth Management Act must adopt development regulations consistent with the jurisdictional Comprehensive Plan and Washington State Law.
2. Ordinances relating to the processing of land use development applications are considered to be a GMA development regulation by State Law.
3. Ordinance No. 177, Procedures For Processing Land Use Development Applications, is procedural in nature and is exempt from the provisions of SEPA per WAC 197-11-800(19) and Pacific County Ordinance No. 166.

ADOPTED by the Board of Pacific County Commissioners the 23rd day of February, 2016, meeting in continued session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT

APPROVED AS TO FORM:

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

excursion 21357
Prosecutor's Office WSBA #

Frank Wolfe
Frank Wolfe, Chair

Lisa Ayers
Lisa Ayers, Commissioner

ATTEST:

Marie Guernsey
Marie Guernsey
Clerk of the Board

Steve Rogers
Steve Rogers, Commissioner