

CHAPTER 20

DEVELOPMENT PERMIT PROCEDURES AND ADMINISTRATION

CHAPTER 20.02 GENERAL PROVISIONS

20.02.005 Purpose and applicability.

(1) The purpose of this chapter is to enact the processes and timelines for land development permitting and comprehensive plan and development regulation amendments. The objective is to encourage the preparation of appropriate information early in the permitting process; to process permit applications in a timely manner; to provide the general public with an adequate opportunity for review and comment; and to provide the development community with a standardized process and enhanced predictability.

(2) This title shall apply to permit applications for land development under the following titles of the Okanogan County Code:

- (A) Title 12— Roads and Bridges;
- (B) Title 13— Water and Sewers;
- (C) Title 20— Environment;
- (D) Title 15— Building and Construction;
- (E) Title 16— Land Divisions;
- (F) Title 17 -- Zoning; and
- (G) The Shoreline Master Program

20.02.020 Administrative interpretations.

Any project applicant or other person may request in writing an administrative interpretation of any development regulation. The county official charged with the responsibility of enforcing and interpreting the applicable regulation shall provide the requested interpretation in writing with supporting documentation within thirty calendar days of receipt of the request.

20.02.030 Amendments.

Amendments to this title are procedural and shall be processed at the sole discretion of the board of county commissioners.

CHAPTER 20.04
ADMINISTRATION

20.04.010 Roles and responsibilities.

(1) The regulation of land development is a cooperative activity including elected officials, the planning commission, the hearing examiner and county staff. The specific responsibilities of these bodies are set forth below.

20.04.020 Director.

The Director of Planning and Development (Director) and or his/her designee shall review and act on the following:

- (1) Authority. The director is responsible for the administration of county code related to land-use matters.
- (2) Administrative Interpretation. Upon request or as determined necessary, the director shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within thirty calendar days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.
- (3) Administrative Decisions. Unless otherwise directed in an applicable regulation, the director is responsible for issuing administrative decisions (both “limited and full”) as set forth herein.

20.04.030 Board of county commissioners.

The board of county commissioners shall review and act on the following subjects:

- (1) Recommendations of the planning commission;
- (2) ~~Appeals of the hearing examiner’s decision on a rezone that is not of general applicability (site specific) in accordance with the procedures for closed record decisions;~~
- (3) May adopt policy consistent with the respective titles in the Okanogan County Code; and
- (4) Final plat approvals.

20.04.040 Planning commission.

The planning commission shall review and make recommendations on the following issues:

- (1) Amendments to the comprehensive plan;
- (2) Amendments to the official land-use controls;
- (3) Other actions requested or remanded by the board of county commissioners.

20.04.050 Hearing examiner.

The hearing examiner shall review and make decisions as provided in Title 2.65 as amended.

CHAPTER 20.06
APPLICATION FORMS

20.06.010 Application forms.

- (1) An application shall be made using the appropriate form adopted by the Planning and Development Department. (Department)

CHAPTER 20.08
APPLICATION PROCESS

20.08.005 Application process

The application process shall consist of the following components:

- (1) Pre-application meetings (required for major subdivision and recommended for all other applications);
- (2) Plan review;
- (3) Determination of completeness;
- (4) Notice of application;
- (5) Application review;
- (6) Notice of final decision

20.08.010 Pre-application meetings.

- (1) As determined necessary and appropriate by the Department, prospective applicants may be required to participate in a pre-application meeting. If a pre-application is not required, an applicant may still request such conference. Prior to the scheduling of a pre-application meeting, the applicant shall submit to the department four sets of plans and other information sufficient to describe essential features of the property, and the proposed or contemplated uses and development. Additionally, the applicant may also submit electronic copies of plans and application materials.
- (2) The purpose of the pre-application meeting is to provide the applicant with the best available information regarding the development proposal and application processing requirements. The pre-application meeting provides an opportunity for the applicant, staff and other agencies to informally discuss and review the proposed development, the application and permit requirements, fees, the review process and schedule, and applicable development standards, plans, policies, and laws.
- (3) The department shall provide a checklist of development requirements, submittal checklist, appropriate application forms, support documentation, and appropriate fees. Additional information or studies may be required during the review process that was not known of at the time of the submission of the application materials. As part

of the preparation for a pre-application conference, county staff shall schedule a date for a site visit and make every reasonable effort to visit the site, weather conditions permitting. If the director determines that a site visit is infeasible, the applicant may reschedule the pre-application meeting or waive this requirement.

(4) The department shall provide the best assessment of any issues relevant to the application and provide the applicant and interested parties a written summary of the pre-application conference. Provided an application is submitted consistent with materials presented at the pre-application conference, the applicant and the county can reasonably rely on commitments made at the pre-application conference.

20.08.015 Consolidated application process.

(1) When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time, except that application requests requiring legislative action must be processed separately if required by law.

(2) Applications for proposed development and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed concurrently and in accordance with the state and local laws, regulations and ordinances.

(3) When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedure, all of the applications for the proposed development shall be subject to the highest level of review procedure which applies to any of the applications.

(4) If an applicant elects a consolidated application process, the determination of completeness, the notice of application, and the notice of final decision must include all applications being reviewed, except that application requests requiring legislative action must be processed separately, if required by law.

20.08.020 Plan review.

(1) A plan review shall be conducted to determine if the application is complete. A plan review shall determine if adequate information is provided in or with the application in order to begin processing the application and that all required information and materials have been supplied in sufficient detail to begin the application review process. All information and materials required by the application form or from the pre-application meeting must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted.

(2) The purpose of the plan review is to ensure adequate information is contained in the application materials to demonstrate consistency with applicable comprehensive plans, development regulations and other applicable county

codes. Department staff will coordinate the involvement of other agencies responsible for review. The Director or designee may waive any application item that is deemed superfluous or unneeded.

20.08.030 Determination of completeness.

(1) Within twenty-eight calendar days after receiving an application, the department shall complete the plan review of the application and provide the applicant a written determination that the application is complete or incomplete; provided, however, that if a pre-application conference was held, then such plan review, at the request of the applicant, shall be reviewed for completeness at a scheduled intake meeting, and if complete, such notice of completeness shall be issued within two working days of the completion of the intake meeting. An application shall be deemed complete under this section if the county does not provide a written determination that the application is incomplete.

(2) An application shall be determined complete only when it contains all of the following information and materials:

(A) A fully completed and signed application;

(B) Applicable review fees;

(C) All information and materials required by the application form and any information required by a pre-application conference;

(D) A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act;

(E) A plot plan disclosing all existing and proposed structures and features applicable to the desired development; for example, parking, landscaping, preliminary drainage plans with supporting calculations, signage, setbacks, etc.;

(F) Any supplemental information or special studies identified by the director.

(3) For applications determined to be incomplete, the department shall identify, in writing, the specific requirements, information or materials necessary to constitute a complete application. Within ten working days after its receipt of the additional requirements, information or materials, the department shall issue a determination of completeness or identify the additional requirements, information, or materials still necessary for completeness.

(4) A determination of completeness shall identify, to the extent known, other local, state or federal agencies that may have jurisdiction over some aspect of the application.

(5) A determination of completeness shall not preclude the county from requesting additional information or studies where a change in the proposed development occurs, or if there are errors or inconsistencies in the materials

submitted by the applicant. Where any other request for additional information is made of the applicant, such request shall be justified and reasonably necessary to complete a thorough evaluation of the proposal.

20.08.040 Application vesting.

An application shall become vested on the date a determination of completeness is made under this title, except for variance, planned development, and rezone requests which do not vest until approval by the applicable reviewing body, unless coupled with application requests that do become vested. Thereafter, the application shall be reviewed under the codes, regulations and other laws in effect on the date of vesting; provided, in the event an applicant substantially changes his/her proposed development after a determination of completeness, as determined by the director, the application shall not be considered vested until a new determination of completeness on the changes is made under this title.

20.08.050 Notice of application.

(1) Within fourteen calendar days after issuing a determination of completeness, the department shall issue a notice of application. If an open record pre-decision hearing or administrative decision is required, the notice of application shall be provided at least fifteen calendar days prior to the date of open record hearing. The notice shall include, but not be limited to, the following:

- (A) The date of application, the date of the determination of completeness, and the date of the notice of application;
- (B) A description of the proposed project action, a list of permits required for the application, and, if applicable, a list of any studies requested;
- (C) The identification of other required permits not included in the application, to the extent known by the director;
- (D) The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed;
- (E) A statement of the public comment period, which shall be not less than fourteen calendar days nor more than thirty calendar days (for permits reviewed pursuant to the Shoreline Management Act and Okanogan County shoreline master program) following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any appeal rights. Public comments will be accepted at any time prior to the closing of the record of an open meeting;
- (F) The date, time, location and type of hearing, if applicable and scheduled at the date of the notice of application;

(G) A statement of the threshold preliminary State Environmental Policy Act (SEPA) determination, if one has been made at the time of notice of application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development;

(H) Any other information determined by the department to be appropriate.

(2) Notice of application shall be provided to the public and the departments and agencies with jurisdiction in the following manner:

(A) Where no other public notice, such as the required notice of a public hearing, is required, the notice of application shall be published in a newspaper of general circulation in the general area where the proposal is located. Said notice shall contain information regarding the project location, description, type of permit(s) required, comment period dates and location where the complete application may be reviewed.

(B) Posting the notice of application on the subject property by the applicant for site-specific proposals for the duration of the public comment period. The sign must be maintained at the location and in good condition and shall be the responsibility of the applicant until the sign(s) and post(s) are returned to the county after the required public comment period. After the public comment period, the applicant shall sign an affidavit of posting with the department verifying that the above requirements have been met. Any necessary replacement of the notice of application sign(s) and post(s) shall be the sole responsibility of the applicant.

(C) Mailing to all property owners, as shown on the records of the county assessor, and all street addresses of properties within three hundred feet or greater if required by other ordinances.

(D) When the subject property is located in a remote area and posting the notice of application will not provide reasonable and meaningful notice to the public, the director may require additional and/or alternative means of informing the public of the notice of application.

(3) The notice of application is not a substitute for any required notice of a public hearing. It may serve as notice of a public hearing, provided it contains all of the information required for a public hearing notice and complies with all other public notice requirements for the type of action being sought.

(4) A notice of application is not required for the following actions or when the actions are categorically exempt from SEPA or environmental review has been completed in connection with other project permits.

(A) Application for a single-family residence, accessory uses or other minor construction building permits.

(B) Application for boundary line adjustments or certificate of exemption.

(C) Any application for which limited administrative review is determined applicable.

(D) Legislative actions such as comprehensive plan amendments, area-wide rezones, etc.

(5) A State Environmental Policy Act (SEPA) threshold determination may be issued for a proposal concurrent with the notice of application

20.08.060 Notice of public hearing.

(1) Except as otherwise required, notice of a public meeting or hearing for all development applications and all open record appeals shall be given as follows:

(A) Publication in the official newspaper at least ten calendar days before the date of a public meeting, hearing or pending action; and

(B) Mailing at least ten calendar days before the date of a public meeting, hearing or pending action to all property owners, as shown on the records of the county assessor, and all street addresses of properties within three hundred feet, not including street rights-of-way, or the boundaries of the property which is the subject of the meeting or pending action.

(2) The public notice shall include a general description of the proposed project, action to be taken, a non-legal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.

(3) If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date, time and place certain and no further notice under this section is required.

CHAPTER 20.10

APPLICATION REVIEW

20.10.005 Application review criteria.

Review of an application and proposed development shall be governed by and be consistent with the fundamental land use planning policies and choices which have been made in adopted comprehensive plans and development regulations. The review process shall consider the type of land use permitted at the proposed site, the density and intensity of the proposed development, the infrastructure available and needed to serve the development, the character of the development and its consistency with development regulations.

20.10.010 Application review classification.

(1) Following the issuance of a determination of completeness and a notice of application, an application shall be reviewed at one of four levels, as determined by the Director: limited administrative review, full administrative review, quasi-judicial review, and legislative review.

(2) If this title or the Okanogan County Code provides that a proposed development is subject to a specific type of review, or a different review procedure is required by law, the application for such development shall be processed and reviewed accordingly. If this title does not provide for a specific type of review or if a different review procedure is not required by law, then the director shall determine the type of review to be used for the type and intensity of the proposed development. In instances where more than one type of review applies to a project, the process shall follow the review procedure for the highest-level decision.

(3) Any public meeting or required open record hearing may be combined by the department with any public meeting or open record hearing that may be held on the proposed development by another local, state, federal or other agency. Hearings shall be combined if requested by the applicant. However, joint hearings must be held within Okanogan County and within the time limits of this title and Chapter 36.70B RCW.

(4) No more than one open record public hearing and one closed record appeal shall be held on an application.

20.10.020 Limited administrative review of applications.

Limited administrative review shall be used when the proposed development is subject to clear, objective and nondiscretionary standards that require the exercise of professional judgment about technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Included within this type of review are interpretation of codes and ordinances, boundary line adjustments and certificates of exemption, and other permits that are categorically exempt from SEPA compliance. The department may approve, approve with conditions, or deny the application after the date the application is accepted as complete, without public notice. The decision of the department is final. Decisions made and/or actions taken, including without limitation administrative interpretations, may be appealed to the hearing examiner pursuant to Chapter 2.65 except there shall be no administrative appeal of the issuance of building permits.

20.10.030 Full administrative review of applications.

(1) Full administrative review shall be used when the proposed development is subject to objective and subjective standards that require the exercise of limited discretion about nontechnical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review. Included within this type of review are short subdivisions, binding site plans. Shoreline substantial development permits and shoreline conditional use permits shall be reviewed consistent with the adopted Okanogan County shoreline master program.

(2) This review procedure under full administrative review shall be as follows:

(A) If the proposed development is subject to the State Environmental Policy Act (SEPA), the ~~final~~ threshold determination shall be made after the closing of the public comment period required in the notice of application.

(B) Upon the completion of the public comment period and the comment period required by SEPA, if applicable, the department may approve, approve with conditions, or deny the application. The department shall mail the notice of decision to the applicant and all parties of record. The decision shall include:

- (i) A statement of the applicable criteria and standards in the development codes and other applicable law;
- (ii) A statement of the findings of the review authority, stating the application's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards;
- (iii) The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable laws; provided, however, all conditions of approval attached to any land use approval shall be based on statutory requirements or peer-reviewed science. Such statutes (including the specific applicable section or sections) or science shall be cited in the condition or footnoted to each condition of approval. It is expected of any agency or department requesting a condition to demonstrate compliance with this provision, and no approval authority will attach conditions which do not meet this test;
- (iv) A statement that the decision is final unless appealed as provided in the respective governing regulation within ten working days after the date the notice of decision is mailed. The appeal closing date shall be listed. The statement shall describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal;

(v) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection during the open office hours at Okanogan County department of community development. The notice shall list the place and telephone number of the department.

(C) The decision may be appealed to the hearing examiner pursuant to Chapter 2.65.

20.10.040 Quasi-judicial review of applications.

(1) Quasi-judicial review shall be used when the development or use proposed under the application requires a public hearing before a hearing body. This type of review shall be used for appeals of administrative decisions, major subdivisions, conditional use permits, planned developments, variances, shoreline substantial development permits, shoreline variances, shoreline conditional uses, rezones that are not of general applicability (site-specific) and other similar applications.

(2) The review procedure under quasi-judicial review shall be as follows:

(A) A quasi-judicial review process requires an open record public hearing before the appropriate hearing body.

(B) The public hearing shall be held after the completion of the public comment period and the comment period required by SEPA, if applicable.

(C) The notice of public hearing shall be given as identified in Chapter 20.08.

(D) At least seven (7) working days prior to the date of the public hearing, the department will issue a written staff report, integrating the SEPA review and threshold determination and shall make available to the public a copy of the staff report for review and inspection, and shall mail and e-mail, if address is provided, a copy of the staff report and recommendation to the applicant or the applicant's designated representative. The department shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.

(E) Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. A public hearing shall be recorded. If for any reason the hearing cannot be completed on the date set in the public notice, it may be continued during the public hearing to a specified date, time and location, without further public notice required.

(F) Within ten working days after the date the public record closes, the hearing body shall issue a written decision regarding the application(s).

(G) The hearing body may approve, approve with conditions or deny the application and shall mail and e-mail, if address is provided, the notice of its decision to the department, applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall include:

(i) A statement of the applicable criteria, standards and law; and

(ii) A statement of the findings of fact and conclusions of the hearing body showing the proposal does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards; and

(iii) A statement of the conditions of approval (if any); provided, however, all conditions of approval attached to any land-use approval shall be based on statutory requirements or peer-reviewed science. Such statutes (including the specific applicable section or sections) or science shall be cited in the condition or footnoted to each condition of approval. It is expected of any agency or department requesting a condition to demonstrate compliance with this provision, and no approval authority will attach conditions which do not meet this test; and

(iv) A statement that the decision is final unless appealed. The appeal closing date shall be listed; and

(v) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection during the open office hours at Okanogan County department of Planning and Development. The notice shall list the place and telephone number of the department.

20.10.050 Legislative review of applications.

(1) Legislative review shall be used when the proposal involves the creation, implementation or amendment of county policy. In contrast to the other procedure types, legislative review usually applies to a relatively large geographic area containing several property owners. This type of review shall be used for comprehensive plan, subarea plan, zoning and/or development code amendments and generalized zoning district map reclassifications.

(2) Legislative review shall be conducted as follows:

(A) Legislative review requires at least one open record public hearing before the Okanogan County planning commission and one public meeting before the Okanogan County board of commissioners.

(B) ~~The application shall contain all information and material requirements required by the appropriate application form and any pre-application meeting.~~

(C) Each notice of public hearing shall be given as identified in Chapter 16.08. The notice shall include notice of the SEPA threshold determination used by the department.

(D) At least five working days prior to the hearing, the department shall issue a written staff report, integrating the SEPA review and threshold determination and shall make available to the public a copy of the staff report for review and inspection, and shall mail and e-mail, if address is provided, a copy of the staff report and recommendation to the applicant or the applicant's designated representative, and planning commission members. The department shall make available a copy of the staff report, subject to a reasonable charge, to other persons who request it.

(E) Following the public hearing and in accordance with RCW 36.70.630, the recommendation of the planning commission shall be forwarded to the board of county commissioners. Upon receiving the recommendation from the planning commission, the board of county commissioners shall set a public meeting to consider the proposal, at which the board may either accept or reject the recommendation, or remand the application back to the planning commission for reopening of the open record hearing to consider specific issues identified by the county commission.

(F) The board of county commissioners must hold a public hearing to consider any changes to the recommendation of the planning commission. The board of county commissioners may approve, approve with conditions, deny or remand the proposal back to the planning commission for further review after such public hearing. The final decision of the board of county commissioners shall be adopted by resolution or as otherwise provided for by law.

(G) The final decision of the board of county commissioners shall be in writing and include:

(i) A statement of the applicable criteria and law;

(ii) A statement of the findings indicating the application's compliance or noncompliance with each applicable approval criterion;

(iii) The decision to approve, condition or reject the planning commission recommendation or remand for further review;

(iv) A statement that the decision is final unless appealed to superior court within twenty-one days of the issuance of the decision, as determined pursuant to Chapters 36.70C RCW, as applicable. The appeal closing date shall be listed;

(v) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection during the open office hours at Okanogan County department of community development. The notice shall list the place and telephone number of the department.

20.10.060 Notice of final decision.

(1) The county shall to issue a written notice of final decision on an application reviewed pursuant to either a full administrative or a quasi-judicial review process within one hundred twenty calendar days after the date of the determination of completeness, unless timelines are specified otherwise in the respective title. In determining the number of days that have elapsed, the following periods shall be excluded:

(A) Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the department issues the request to the applicant to, the earlier of, the date the department determines whether the additional information satisfies its request or fourteen days after the date the information has been received by the department.

(B) If the county determines the information submitted by the applicant under subsection (1)(A) of this section is insufficient, it shall again notify the applicant of deficiencies and the procedures under subsection (1)(A) of this section shall apply to the request for information.

(C) Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

(D) Any period for administrative appeals.

(E) Any extension of time mutually agreed upon in writing by the applicant and the department.

(2) The time limit by which the county will issue a notice of final decision does not apply if an application:

(A) Requires an amendment to the comprehensive plan or a development regulation.

(B) Is substantially revised by the applicant after a determination of completeness has been issued, in which case the time period shall start from the date on which the revised project application is determined to be complete.

(3) If the county is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

(4) The review authority shall provide the notice of decision or copy of findings of fact and conclusions of law and decision to the applicant, agent (if applicable), surveyor (if applicable), commenting agencies of jurisdiction, and any parties of record (any person who prior to the rendering of the decision requested notice of decision, submitted written comments on the application, or testified at the public hearing).