

**Chapter 22.05
PERMIT PROCESSING**

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22.05.010 Purpose.

The purpose of this title is to add an administrative chapter to the University Place Municipal Code to comply with the requirements of the Regulatory Reform Act.

(Ord. 236 § 6, 1999; Ord. 130 § 1, 1996).

22.05.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

- A. "Closed record appeal" means an administrative appeal on the record to the Pierce County Superior Court, following an open record hearing on a project permit application when the appeal is on the record with no new evidence allowed to be submitted.
- B. "Open record hearing" means a hearing conducted by the Hearings Examiner that creates the City's record through testimony and submission of evidence and information, under the procedures prescribed herein. An open record hearing may be held prior to the City's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

- C. "Project permit" or "project permit application" means any land use or environmental permit or license required from the City for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by UPMC Title 17, Critical Areas, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.
- D. "Public meeting" or "community meeting" means an informal meeting, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the City's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or neighborhood meeting, or a scoping meeting on a draft environmental impact statement. Under RCW 36.70B.020(5), a public meeting is not an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

(Ord. 236 § 6, 1999; Ord. 130 § 1, 1996).

22.05.030 Applicability.

This title serves to implement the University Place zoning code, subdivision code, shoreline use regulations, critical areas regulations, public works standards and the site development regulations. The regulations identified in this title apply to project permits falling into three categories or types. The three types of permit projects have differing provisions applicable to each type as follows:

A. Type I Permits.

1. Administrative Review. Administrative review is used when processing applications for administrative permits including, but not limited to, administrative variance, administrative nonconforming, minor amendments, home occupation permits, sign permits, building and construction permits, site development permits, right-of-way permits, lot combinations, boundary line adjustments, and code interpretations.
2. Review Process. Unless otherwise stated, administrative review shall be subject to the application requirements, complete application, notice of application, time periods, consolidated permit processing and the notice of decision provisions of this title. If an administrative decision is appealed, the open record hearings, notice of public hearings, joint public hearings, and the closed record appeal provisions of this title shall apply.

B. Type II Permits.

1. Administrative Plat Review. Administrative plat review is used when processing applications for short plats, plat alterations and short plat amendments, large lot subdivisions, and binding site plans.
2. Review Process. Unless otherwise stated, administrative plat review shall be subject to the application requirements, complete application, notice of application, consolidated permit processing and the notice of decision provisions of this title. Timing of the project permit review shall be in accordance with the University Place subdivision code and Chapter 58.17 RCW. Binding site plans shall be processed utilizing the same time limits as short plats. If applicable, the open record hearings, notice of public hearings, joint public hearings, and the closed record appeal provisions of this title shall apply.

C. Type III Permits.

1. Hearings Examiner Review. Hearings Examiner review is used when processing applications for project permits, including but not limited to decisions rendered in accordance with Chapter 43.21C RCW, conditional use, preliminary subdivision, nonconforming use, planned development district, major amendments, variances, shoreline substantial development, shoreline conditional use, shoreline nonconforming use, shoreline variance, critical area permits and private road variances. An appeal of an administrative decision is also subject to Hearings Examiner review.
2. Review Process. Unless otherwise stated, Hearings Examiner review shall be subject to application requirements, complete application, time periods, consistency with development regulations and SEPA, permit conditions, consolidated permit processing, open record hearings, notice of public hearings, joint public hearings, notice of decision, and the closed record appeal provisions of this title.

A matrix of the types of project permit applications is set forth below as Exhibit "A." A matrix generally summarizing the procedures applicable to different types of project permit applications is set forth below as Exhibit "B."

Exhibit "A"

PROJECT PERMIT APPLICATION TYPES

TYPE I	TYPE II	TYPE III
Variance (administrative)	Short Plats	Appeal of Administrative and SEPA Decisions
Nonconforming Use (administrative)	Final Plats	Conditional Use Permits
Minor Amendments	Plat Alterations	Preliminary Subdivision
Home Occupation Permits	Plat Amendments	Nonconforming Use (nonadministrative)
Sign Permits	Large Lot Subdivisions	Planned Development District
Building/Construction Permits	Binding Site Plans	Major Amendments
Site Development Permits		Variances (nonadministrative)
ROW Permits		Shoreline Substantial Development Permit
Lot Combinations		Shoreline Conditional Use
Boundary Line Adjustment		Shoreline Nonconforming Use
Code Interpretations		Shoreline Variance
		Critical Area Permits
		Private Road Variances

Exhibit "B"

PROJECT PERMIT APPLICATION PROCESSES

	TYPE I	TYPE II	TYPE III
INITIAL PERMIT DECISION			
Made By:			
Hearings Examiner or Administration	Administration	Administration	Hearings Examiner
Application Requirements	X	X	X
Determination of Completeness	May Be Required Within 28 Days of Receiving Application	Required Within 28 Days of Receiving Application	Required Within 28 Days of Receiving Application
Notice of Application	Not Required in Most Cases	Mailed Notice Required 14 Days After Determination of Completeness	Mailed Notice Required 14 Days After Determination of Completeness
Time Periods	Not Required in Most Cases	Short Plats, Final Plats, and Binding Site Plans Must Be Processed Within 30 Days of Filing Thereof, RCW 58.17.140. Otherwise, Time Period for Processing is 120 Days	Preliminary Plat of Any Proposed Subdivision or Dedication Must Be Processed Within 90 Days of Filing, RCW 58.17.140. Otherwise, Time Period for Processing is 120 Days
Consolidated Permit Process	X	X	X
Notice of Decision	X	X	Not Applicable
Consistency with Development Regulations And SEPA	X	X	X
Permit Conditions	X	X	X
OPEN RECORD HEARING (HE)			

Exhibit “B”

PROJECT PERMIT APPLICATION PROCESSES

	TYPE I	TYPE II	TYPE III
Applicability	Appeals of Administrative Decisions to Hearings Examiner	Appeals of Administrative Decisions to Hearings Examiner	Appeals of Administrative Decisions to Hearings Examiner
Notice of Public Hearing	Public Notice Required 14 Days Prior to Open Record Hearing	Public Notice Required 14 Days Prior to Open Record Hearing	Public Notice Required 14 Days Prior to Open Record Hearing

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RCW

Applicability	Appeals of Hearings Examiner Decision	Appeals of Hearings Examiner Decision	Appeals of Hearings Examiner Decision
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NOTE: Use of this matrix is for general summary purposes only. Any user of this matrix should refer to UPMC Title [22](#), Administration of Development Regulations, for full explanations, as well as for exceptions to any of the above summarized information.

D. Exemptions. The following are exempt from the provisions of this title unless otherwise specified:

1. Legislative decisions, including zoning code text and area wide zoning district amendments, adoption of development regulations and amendments, area wide rezones to implement new City policies, adoption of comprehensive plan and plan amendments, and annexations;
2. Final plat approval pursuant to RCW 58.17.170;
3. Landmark designations;
4. Street vacations;
5. Street use permits; and
6. Pursuant to RCW 36.70B.140(2), administrative appeals, boundary line adjustments, lot combinations, right-of-way permits, plats, building permits, site development permits, sign permits, and other construction permits or similar administrative approvals which are categorically exempt from environmental review under the State Environmental Policy Act (SEPA) or permits/approvals for which environmental review has been completed in connection with other project permits, except short plats, are excluded from the following procedures:

- a. Determination of completeness;
- b. Notice of application;
- c. Optional consolidated project permit processing;
- d. Joint public hearings;
- e. Staff reports;
- f. Notice of decision; and
- g. Time limitations.

(Ord. 236 § 6, 1999; Ord. 226 § 1, 1999; Ord. 130 § 1, 1996).

22.05.040 Pre-application requirements.

- A. **Technical Review Conference.** The technical review conference is a process designed to define those items of Department review which, if not addressed at the conceptual plan stage, might result in substantial technical difficulties during the permit processing. Representatives from various departments and an applicant for a project permit will discuss the conceptual plan for the proposed project and the City's regulatory process. A technical review conference may be scheduled at the request of the applicant.
- B. **Preapplication Meeting.** The preapplication meeting is between Department staff and a potential applicant for a Type III permit to discuss the application submittal requirements and pertinent fees. A preapplication meeting is required prior to submittal of an application for a Type III permit.
- C. **Community Meeting.** For Type III permits, following the preapplication meeting and before submitting an application, the applicant shall conduct a community meeting on a weekday evening to solicit input and suggestions from the community. A member of the planning staff shall attend. Notice of the community meeting shall be made by the applicant by sending a written notice, addressed through the United States mail, to the City's designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property. Notice of the community meetings shall be given at least 14 days prior to the meeting. Additional notice shall be given in accordance with UPMC 22.05.060(C). Community meetings are not required for variances or, when waived by the Director, for Type III permits which do not abut or have an impact on residential properties.

(Ord. 236 § 6, 1999; Ord. 130 § 1, 1996).

22.05.050 Complete applications.

- A. **Form and Content.** The Department shall prescribe the form and content for complete applications made pursuant to this title.
- B. **Checklist for Complete Application.** Applications shall be considered complete when the Department determines that the application materials contain the following:

1. The correct number of completed Department master and supplemental application forms signed by the applicant;
2. The correct number of documents, plans or maps identified on the department submittal standards form which are appropriate for the proposed project;
3. A completed State Environmental Policy Act (SEPA) checklist, if required; and
4. Payment of all applicable fees.

C. Time Limitations.

1. Within 28 days after receiving a project permit application, the Department shall provide a written determination to the applicant, stating either:
 - a. The application is complete; or
 - b. The application is incomplete and what information is necessary to make the application complete.
2. Within 14 days after an applicant has submitted the requested additional information, the Department shall notify the applicant whether the information submitted adequately responds to the notice of incomplete application, thereby making the application complete, or what additional information is still necessary.
3. An application shall be deemed complete if the Department does not, within 28 days, provide a written determination to the applicant that the application is incomplete.
4. When the project permit is complete, the Department shall accept it and note the date of acceptance.
5. An application is complete for purposes of this section when it meets the procedural submission requirements of the Department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Department from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

D. Initiation of Review Process. The Department shall not start the review process of any application until the application is deemed complete.

E. Incomplete Applications. Failure of an applicant to submit information identified as required in the notice of incomplete application, within 60 days of the Department's mailing date, shall constitute grounds for deeming the application null and void. If all additional information identified in the notice of incomplete application has not been received by the Department within 120 days from the application submittal date, then the application shall be deemed null and void unless the applicant has been granted a time period extension. Time period extensions may be granted by the Director when applicants can demonstrate that unusual circumstances, beyond their control, have prevented them from being able to provide the additional information within the 120-day time period.

- F. Waiver of Requirements. The Director may waive specific submittal requirements that are determined to be unnecessary for review of an application.
- G. Modifications. Proposed modifications to an application which has been deemed complete by the Department will be treated as follows:
1. Modifications proposed by the Department to a pending application shall not be considered a new application; and
 2. Modifications proposed by the applicant to a pending application which would result in a substantial increase in a project's impacts, as determined by the Department, may be deemed a new application. The new application shall conform to the requirements of this section which are in effect at the time the new application is submitted.
- H. Filing Fees. The schedule of fees for development permits is established in a separate City resolution.
- I. Additional Application Requirements. In the interest of public health, safety or welfare, or to meet the requirements of the State Environmental Policy Act or other State requirements, the Department may request additional application information such as, but not limited to, geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis and transportation impact studies.

(Ord. 236 § 6, 1999; Ord. 130 § 1, 1996).

22.05.060 Notice of application.

A. Notice of Application.

1. Once an application has been deemed complete, the Department shall provide public notice for the project. The Department shall send a written notice, addressed through the United States mail, to City designated neighborhood advisory committee chairpersons and all property owners of record within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property. Notices for home occupation applications will be sent to only those property owners abutting the property lines of the subject property for single-family and duplex dwellings, and to apartment managers and/or owners for multifamily dwellings. Such notice shall be mailed not more than 14 working days from the determination of a complete application. Parties receiving notice shall be given at least 14 days, from the mailing date, to provide any comments to the Department.
2. Within the Chambers Creek Properties Overlay (CCPO) the County will assume responsibility for mailing the required notices for SEPA and other permits. The City will transmit electronically to the County the notice to be printed and distributed by US post and/or e-mail. The public notice will be provided to the City; designated neighborhood advisory committee chairpersons; and all property owners of record within a radius of 1,000 feet, but not less than two parcels deep, around the exterior boundaries of the CCPO. A copy of the mailing/distribution list, along with an affidavit of mailing, will be provided to the City for official record.

B. Content of Notice of Application. At a minimum, public notice documents shall contain the following information:

1. The name and address of the applicant and/or agent;

2. The subject property location;
 3. A description of the proposed project and a list of the project permits included in the application, and, if applicable, a list of studies requested under RCW 36.70B.070 or 36.70B.090;
 4. A list of existing environmental documents that evaluate the proposed project and a location where such documents can be reviewed;
 5. A preliminary determination, if available, of the applicable development regulations that will be used for project mitigation and of consistency with land use plans, policies and regulations;
 6. The date of application, the date of the notice of completion of the application and the date of the notice of the application;
 7. The written determination shall, to the extent known by the City, identify the local, State, and/or Federal government agencies that may have jurisdiction over some aspects of the application;
 8. A list of other permits not included in the application, to the extent known by the City;
 9. The time periods for submitting comments. Comments shall be due not less than 14 days nor more than 30 days following the date of notice of application, include a statement of the rights of any person to comment on the applications, receive notice of, participate in any hearings and request a copy of the decision once made. All public comment on the notice of application must be received by the Department by 5:00 p.m. on the last day of the comment period;
 10. The date, time and place of the public hearing if applicable, as scheduled at the date of notice. Notice of an open record hearing shall be given at least 14 days prior to the hearing;
 11. A right to appeal statement; and
 12. A Department contact and telephone number.
- C. Public Notice Provisions. Once an application has been deemed complete, the applicant shall provide posted public notice on the subject property in accordance with specifications provided by the Department.
- D. Shoreline Use Regulations Notice. The following exceptions apply to notice of shoreline use regulations permits:
1. Comments may be submitted within 20 days of the last date of the published notice. Each person responding to such notice shall receive a decision;
 2. Notice of a hearing on shoreline use regulation permits shall include a statement that any person may submit oral or written comments on an application at the hearing; and
 3. The public may obtain a copy of the decision within two days following issuance (RCW 90.58.140), and the notice must state the manner in which the public may obtain a copy of the decision.

E. Determination of Significance. If a determination of significance has been made prior to the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. The determination of significance and scoping notice may be issued prior to the notice of application.

F. Determinations and Decisions. Except for a determination of significance, the City shall not issue a threshold determination, nor issue a decision or recommendation on a project permit until the expiration of the public comment period on the notice of application.

(Ord. 236 § 3, 6, 1999; Ord. 159 § 2, 1997; Ord. 130 § 1, 1996).

22.05.070 Time periods.

A. The Director or Examiner shall issue a notice of decision on a project permit within 120 days after the Department notifies the applicant that the application is deemed complete. The following time periods shall be excluded from the 120-day time period requirement:

1. Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional required information, and a period of up to 14 days after the submittal of such to determine if the information satisfies the request;
2. Any period during which an environmental impact statement (EIS) is being prepared in accordance with State law following a determination of significance pursuant to Chapter 43.21C RCW;
3. Any period during which, at the applicant's request, a proposal undergoes the optional Planning Commission design review process pursuant to UPMC 19.50.050.
4. Any period for administrative appeals; and
5. Any extension of time mutually agreed upon in writing between the applicant and the Department.

B. The 120-day time period established above shall not apply in the following situations:

1. If the permit requires an amendment to the Comprehensive Plan or a development regulation; or
2. If the permit requires approval of the siting of an essential public facility; or
3. If there are substantial revisions to the project proposal at the applicant's request, in which case the time period shall start from the date at which the revised project application is determined to be complete; or
4. If the application is for a subdivision, then the timelines set in Chapter 58.17 RCW shall apply.

C. The applicant shall designate a single person or entity to receive determinations and notices required by this title.

- D. If the City is unable to issue its final decision within the time limits provided for, the City shall provide written notice to the applicant stating the reasons why the time limits have not been met, including an estimate of the date for issuance of the notice of final decision.

(Ord. 236 §§ 4, 6, 1999; Ord. 130 § 1, 1996).

22.05.080 Notice of decision.

The City shall provide a notice of decision that includes a statement of any threshold determination and the procedures for administrative appeal. The notice of decision may be a copy of the report or the decision on the project permit application. The notice shall be provided to the applicant and any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application.

(Ord. 236 § 6, 1999; Ord. 130 § 1, 1996).

22.05.090 Consistency with development regulations and SEPA/consolidated permit review.

- A. During any project permit application review, the City shall determine whether the items in this subsection are defined in the development regulations applicable to the proposed project. In the absence of development regulations, the City shall determine whether the items listed in this subsection are defined in the City's adopted Comprehensive Plan. This determination of consistency shall include the following:
1. The type of land use permitted at the site, including uses that may be allowed under special circumstances, if the criteria for the approval have been satisfied;
 2. The level of development, such as density of residential development, floor area ratios, or maximum floor areas; and
 3. Character of the development and development standards.
- B. The City shall also review the project permit application under the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, the SEPA rules, Chapter 197-11 WAC and the City environmental regulations, Chapter [17.40](#) UPMC, and shall:
1. Determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts;
 2. Determine if the applicable regulations require measures that adequately address such environmental impacts;
 3. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures; and
 4. Provide prompt and coordinated review by governmental agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan and development regulations level.
- C. In its review of the project permit application, the City may determine that the requirements for environmental analysis, protection, and mitigation measures in the applicable development regulations, Comprehensive Plan, and or other applicable local, State, or Federal laws provide

adequate analysis of, and mitigation for, specific adverse environmental impacts of the application.

- D. A comprehensive plan, development regulation or other applicable local, State, or Federal law provides adequate analysis of, and mitigation for, the specific adverse environmental impact of an application when:
1. The impacts have been avoided or otherwise mitigated; or
 2. The City has designated or accepted certain levels of service, land use designations, development standards, or other land use planning required or allowed by Chapter 36.70A RCW.
- E. If the City bases or conditions its approval of the project permit application on compliance with the requirements or mitigation described in subsection (B) of this section, the City shall not impose additional mitigation under SEPA during project review.
- F. In its decision whether the specific adverse environmental impact has been addressed by an existing rule or laws of another agency with jurisdiction and with environmental expertise with regard to a specific environmental impact, the City shall consult orally or in writing with that agency and may expressly defer to that agency. In making a deferral, the City shall base or condition its project approval on compliance with these other existing rules or laws.
- G. Nothing in this section limits the authority of the City in its review or mitigation of a project to adopt or otherwise rely on environmental analysis and requirements under other laws as provided by Chapter 43.21C RCW.
- H. The City shall also review the application under Chapter [17.40](#) UPMC.
- I. During project review, the City shall not re-examine alternatives to, or hear appeals on, the items identified in subsection (A) of this section, except for issues of code interpretation. Project review shall be used to identify specific project design and conditions relating to the character of the development, such as details or site plans, curb cuts, drainage swells, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.

J. Within the Chambers Creek Properties Overlay (CCPO) the County and City will act as joint co-lead agencies for determining SEPA compliance and mitigation for projects covered by the Master Site Plan. When the majority of the project (i.e. largest land area) is located within the City then the City shall be the nominal lead agency for SEPA. As nominal lead agency the City will be responsible for coordinating SEPA review with the other parties and any other appropriate agency or entity for the issuance of threshold determinations and conducting subsequent environmental review. The City will also be responsible for ensuring compliance with environmental review notification procedures.

(Ord. 236 § 6, 1999; Ord. 130 § 1, 1996).

22.05.100 Permit conditions.

- A. Time Limitations. Within a period of two years following the approval of a special use permit or preliminary development plan by the examiner, the applicant shall file with the Community Development Department a final development plan. Unless extended, if no final development plan is filed within the time limits specified, the approval shall be void.

B. Extensions. The expiration time period for filing final development plans may be extended in the following situations:

1. If the applicant can demonstrate to the Director or Examiner, as appropriate, that there have been unusual circumstances beyond his/her control to cause delay in the project, the time period may be extended by one year.

C. Compliance with Conditions. Compliance with conditions established in a preliminary approval and final approved development plans is required. Any departure from the conditions of approval or approved plans constitutes a violation of this title and shall be subject to enforcement actions and penalties.

(Ord. 423 § 101, 2004; Ord. 236 § 6, 1999; Ord. 130 § 1, 1996).

22.05.110 Optional consolidated permit processing.

A. An application that involves two or more procedures may be processed collectively under the highest type review procedure required for any part of the application or processed individually under each of the procedures identified in this title. The applicant shall determine whether the application shall be processed collectively or individually. If the applications are processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. [RCW 36.70B.060(3) and 36.70B.120]

B. Within the Chambers Creek Properties Overlay (CCPO) if an application involves property that is located within more than one jurisdiction, the jurisdiction with the majority of property will be responsible for permitting functions including coordinating and receiving review comments from the other parties. For those applications requiring review and approval of a hearing examiner, one joint hearing will be held with a single examiner presiding. The jurisdictions shall mutually agree upon which hearing examiner will preside.

(Ord. 236 § 6, 1999; Ord. 130 § 1, 1996).

22.05.120 Appeals of administrative decisions.

A. Time Limit. Appeals may be taken to the examiner by any aggrieved person or by any officer, department, board or commission of the City affected by a decision of an administrative official in the administration of enforcement of this code. Such appeals shall be filed in writing on forms available at the City in duplicate with the Community Development Department within 14 days of the date of the action being appealed. Appeals must be accompanied by a fee set by a separate fee resolution.

(Ord. 423 § 102, 2004; Ord. 236 § 6, 1999; Ord. 130 § 1, 1996).