

# SPOKANE COUNTY

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## *Application Review Procedures*

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*Title 13 of the Spokane County Code*

*Chapters 13.100 through 13.1000*

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## Chapter 13.100 GENERAL PROVISIONS

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### **13.100.102 Purpose.**

These procedures describe how Spokane County will process applications for project permits. These procedures are intended to implement, and shall be applied in a manner consistent with RCW 36.70B. It is the intent of these procedures to provide for the effective processing and review of project permits and to inform the public about how and when to provide timely comment during their consideration. (Res. 01-0700 Attachment A (part), 2001)

### **13.100.104 Exclusions.**

(a) The following are excluded from the project permit review process, associated time frames, and other provisions of these procedures: landmark designations, street vacations or other approvals related to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that by ordinance or resolution have been determined to present special circumstances warranting a review process different from that provided in this chapter.

(b) Also excluded are lot line or boundary adjustments, final short subdivisions, final binding site plans, final plats and building or other construction permits or similar administrative approvals categorically exempt from environmental review under RCW 43.21C, or for which environmental review has been completed in conjunction with other project permits and are judged by the review authority to adequately address the current application. (Res. 01-0700 Attachment A (part), 2001)

### **13.100.106 Administration.**

(a) Responsibility for the administration, application and interpretation of these procedures rests with the review authority. The review authority is generally the responsible official pursuant to RCW 43.21C and the Spokane Environmental Ordinance. Specifically:

(1) The director of the division of building and code enforcement for those sections of the Spokane County Code or other development regulations under his/her responsibility, such as, but not limited to those pertaining to building permits.

(2) The director of the division of engineering and roads for those sections of the Spokane County Code or other development regulations under his/her responsibility such as, but not limited to, those pertaining to bridges, drainage, erosion and sediment control, flood damage protection, or roads.

(3) The director of the division of planning for those sections of the Spokane County Code or other development regulations under his/her responsibility such as, but not limited to, those pertaining to binding site plans, conditional uses, permits or approvals required by the Critical Areas Ordinance, planned unit developments, shoreline permits, site-specific rezones, subdivisions, and variances.

(4) The director of the division of utilities for those sections of the Spokane County Code or other development regulations under his/her responsibility such as, but not limited to, those pertaining to sanitary sewer, stormwater utility and water.

(b) The director of the public works department shall determine the review authority where it is not apparent or when organizational changes modify the above responsibilities.

(c) The review authority shall make available procedures for requesting interpretations of the development regulations under their responsibility. (Res. 01-0700 Attachment A (part), 2001)

#### **13.100.107 Permit assistance staff.**

The review authority shall designate permit assistance staff pursuant to RCW 36.70B.220, whose function it is to assist permit applicants. Permit assistance staff designated under this section shall:

(1) Make available to permit applicants all current regulations and adopted policies of Spokane County that apply to the subject application. The review authority shall provide counter copies thereof and, upon request, provide copies according to RCW 42.17. The review authority shall also publish and keep current one or more handouts containing lists and explanations of all the regulations and adopted policies;

(2) Establish and make known to the public the means of obtaining the handouts and related information; and

(3) Provide assistance regarding the application of the regulations adopted by Spokane County in particular cases. (Res. 01-0700 Attachment A (part), 2001)

#### **13.100.108 Conflicting ordinances.**

If any provision of the ordinance codified in this title or its application to any person or circumstance is held invalid, the remainder of the ordinance codified in this title or the application of its provisions to other persons or circumstances shall not be affected. (Res. 01-0700 Attachment A (part), 2001)

#### **13.100.110 Severability.**

To the extent there is conflict between this ordinance and other ordinances or resolutions of Spokane County regulating project permits, this ordinance shall govern. (Res. 01-0700 Attachment A (part), 2001)

#### **13.100.112 Effective date.**

These procedures shall come into full force and effect on September 1, 2001. (Res. 01-0700 Attachment A (part), 2001)

## Chapter 13.200 DEFINITIONS

### 13.200.001 Definitions.

#### 13.200.001 Definitions.

"Applicant" means property owner and/or the person or entity who submits a project permit application.

"Adequate Public Facilities" are facilities, which have the capacity to serve development without decreasing levels of service below locally established minimums.

"Available Public Facilities" means that facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development.

"Concurrency" means that adequate public facilities are available when the service demands of development occur. This definition includes the two concepts of "adequate public facilities" and of "available public facilities" as defined above.

"Days," for the purpose of this title are calendar days.

"Double Plumbing Dry Side Sewers" A sewer service line installed at the time of on-site sewage disposal system construction, which will connect the structure wastewater system to a public sewer, when the public sewer becomes available. (Ref. SCC 8.03.1242)

"Dryline Sewer" A sewer line, constructed at the time of property development, that is not put into service until the public sewer system is extended to the development. The installation of dryline sewers within a development facilitates the simple and straightforward connection of the development to sewer when the public sewer system is extended to the boundary of the development.

"Identified neighborhood organizations" are organizations which have requested in writing, directed to Spokane County public works division of planning, that Spokane County provide the organization notification in accordance with this title, have provided a current mailing address and contact person, and identified their geographic boundaries on a map of public record with Spokane County.

"Pre-application meetings" are meetings between county or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to acquaint the applicant with an overview of the regulatory requirements, application process and procedural submission requirements. Many times they are based on conceptual proposals and are not intended to provide an exhaustive regulatory review of a proposal. Detailed review and comment are provided after submission of a complete application.

"Project permit" or "project permit application" means any land use or environmental permit or license required from a review authority for a project action, including but not limited to building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, variances, shoreline permits, site plan review, permits or approvals required by the Critical Area Ordinance, site-specific zone reclassifications, manufactured home parks, and change of condition requests, but excluding the permits/licenses specified herein, and those permit applications excluded by RCW 36.70B.140.

"Procedural submission requirements" are those specified by this and other applicable ordinances regulating the application.

Where not otherwise specified, applications shall minimally include:

- (1) A legal description acceptable to the review authority, including its source;
- (2) Appropriate information for any required public notification procedures;

(3) The appropriate fees;

(4) Any applicable SEPA documents for review;

(5) All applicable information, application forms, site plans, vicinity maps and other information as may be required by ordinance and/or identified by the review authority; and

(6) As applicable, evidence of a community informational meeting.

"Technical review meetings" are formal meetings held between county or agency staff and an applicant or their representatives after submission of an application and the issuance of a determination of completeness. They are intended to provide the project sponsor with regulatory comments wherein a complete application is consistent or is not consistent with applicable regulations and detail what additional information, revised or corrected plans or studies are required to complete project review of a proposal for consistency and conformance with applicable regulations. Although all project permits go through a technical review or plan review process, they all do not require a technical review meeting.

"Type I applications" are applications for project permits that are not categorically exempt from environmental review under RCW 43.21C (SEPA) and the Spokane County Environmental Ordinance and do not require a public hearing (such as building permits or preliminary binding site plans) and are identified in Appendix I.

Note: Appeals of administrative decisions made pursuant to the Spokane County Zoning Code or the Spokane County Subdivision Ordinance not classified as a Type I or Type II project permits / applications will be processed pursuant to the provisions for the Notice of Hearing for Administrative Decision Appeals. (See Chapters 13.700 and 13.900).

"Type II applications" are applications for project permits that may or may not be categorically exempt from RCW 43.21C (SEPA) and the Spokane County Environmental Ordinance and require a public hearing (such as zone reclassifications, subdivisions or variances), and are identified in Appendix I. (Res. 01-0700 Attachment A (part), 2001)

## Chapter 13.300 PROJECT PERMIT APPLICATIONS

13.300.102 General.

13.300.103 Community informational meetings.

13.300.104 Pre-application meetings.

13.300.106 Procedural submission requirements and submittal.

13.300.108 Expiration of application.

13.300.110 Standard of review.

### **13.300.102 General.**

- (a) Project permit applications not excluded by Section 13.100.104 shall be processed as Type I or Type II applications as determined by the review authority. A current listing of project permit applications subject to these procedures is contained in Appendix I. This appendix may be updated administratively by the director of public works and a copy of the revised appendix shall be available at the divisions within public works.
- (b) Unless otherwise required, where the county must approve more than one application for a project permit, all applications required for the project permit may be submitted for review at one time under a consolidated permit review process specified in Chapter 13.1000 of these procedures.
- (c) For Type I applications, a pre-application meeting is recommended. A Type I application requires a determination of completeness, a notice of application and a notice of decision as outlined in these procedures.
- (d) For Type II applications, a pre-application meeting and a technical review meeting are a part of the project permit review process. A Type II application requires a determination of completeness, a notice of application, a notice of hearing and a notice of decision as outlined in these procedures. (Res. 01-0700 Attachment A (part), 2001)

### **13.300.103 Community informational meetings.**

- (a) For all proposed Type II project permit applications located within an identified joint planning area under the Growth Management Act as delineated on the official maps of Spokane County, the applicant shall conduct a community informational meeting regarding the proposed application no more than one hundred twenty calendar days prior to submission of the application. The applicant shall post notice of the meeting on the site as provided in Section 13.500.106(1)(a) and shall identify the proponent, generally describe the project and the time and location of the meeting. Notice of the meeting shall also be mailed by the applicant to the adjacent property owners and the identified neighborhood organization which includes the property within which the project lies, if any.
- (b) The applicant shall provide a summary of the meeting consisting of the following at the time of submission of the application:
  - (1) A narrative summary of the issues discussed;
  - (2) A list of attendees; and
  - (3) A copy of the notice of the meeting.

Such summary is a procedural submission requirement for Type II project permit applications. (Res. 01-0700 Attachment A (part), 2001)

#### **13.300.104 Pre-application meetings.**

(a) Pro-application meetings are intended to:

- (1) Acquaint county agency staff with a proposed development and to generally advise the applicant of applicable regulations impacting a proposal;
- (2) Acquaint the applicant with applicable provisions of these procedures, minimum procedural submission requirements and other plans and regulations which may impact the proposal. Pre-application meetings are not intended to provide an exhaustive review of all regulations or potential issues for a given application. The procedures do not prevent the county from later applying other relevant laws to an application; and
- (3) Provide an opportunity for other agency (county and non-county) staff to become acquainted with a proposed application and generally inform the applicant of other agency rules and regulations.

(b) The general procedures for pre-application meetings are:

- (1) A pre-application meeting is recommended for all applications and required for Type II applications, provided the applicant may request a waiver from a pre-application meeting in writing. The waiver of a pre-application meeting may increase the risk that the application may not be accepted or that processing will be delayed. A pre-application meeting generally would be waived by the review authority only if an application is relatively simple;
- (2) The applicant or agent must be present at any pre-application meeting. Generally the county does not provide meeting minutes. Any prepared agency written comments will be provided to the applicant; and
- (3) Each county review agency shall develop procedures to implement the provisions of this section. (Res. 01-0700 Attachment A (part), 2001)

#### **13.300.106 Procedural submission requirements and submittal.**

A completed application for a project permit, which meets the procedural submission requirements, shall be submitted to the applicable review authority on forms and/or in a manner provided by that office.

Procedural submission requirements are defined in Chapter 13.200 of this title and shall be made available by the review authority. The review authority shall make available a printed listing of such requirements for each project permit type. (Res. 01-0700 Attachment A (part), 2001)

#### **13.300.108 Expiration of application.**

Absent statute or ordinance provisions to the contrary, any application for which a determination of completeness has been issued and for which no substantial step has been taken to meet project approval requirements for a period of one hundred eighty days after issuance of the determination of completeness, or for a period of one hundred eighty days after Spokane County has requested additional information studies, will expire by limitation and become null and void. The review authority may grant a one hundred eighty day extension on a one-time basis per application if the failure to take a substantial step was due to circumstances beyond the control of the applicant. (Res. 01-0700 Attachment A (part), 2001)

**13.300.110 Standard of review.**

Absent statute or ordinance provisions to the contrary, the regulations in effect on the date a complete application is submitted and fees are paid will be the standard of review. (Res. 01-0700 Attachment A (part), 2001)

## Chapter 13.400 DETERMINATION OF COMPLETENESS

13.400.102 General.

13.400.104 Contents.

### 13.400.102 General.

- (a) Within twenty-eight days after submission of a project permit application, the review authority shall provide a written determination (determination of completeness) to the applicant, stating either:
  - (1) That the application is complete; or
  - (2) That the application is incomplete and what is necessary to make the application complete.
- (b) To the extent known, the review authority shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.
- (c) A project permit application is complete for the purposes of this section when it meets the procedural submission requirements of the review authority 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 review authority 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. The issuance of a determination of completeness shall not be construed to mean the project permit application or any of its components have been approved.
- (d) An application shall be deemed complete if the review authority does not provide a written determination to the applicant that the application is incomplete as provided in this section.
- (e) Within fourteen days after an applicant has submitted additional information identified by the review authority as being necessary for a complete application, the review authority shall notify the applicant whether the application is complete or what additional information is necessary. (Res. 01-0700 Attachment A (part), 2001)

### 13.400.104 Contents.

The determination of completeness may include the following as optional information:

- (1) A preliminary determination of those development regulations that will be used for project mitigation;
- (2) A preliminary determination of consistency as provided under Section 13.600.106; and/or
- (3) Other information the review authority chooses to include. (Res. 01-0700 Attachment A (part), 2001)



## Chapter 13.500 NOTICE OF APPLICATION

13.500.102 General.

13.500.104 Contents.

13.500.106 Distribution.

13.500.108 Notification process.

### **13.500.102 General.**

Within fourteen days after issuance of a determination of completeness, a notice of application shall be provided for Type I and Type II project permit applications in accordance with this chapter. (Res. 01-0700 Attachment A (part), 2001)

### **13.500.104 Contents.**

The notice of application shall include the following:

- (1) The designation of the review authority, contact person, associated telephone numbers, project number(s), date of application submittal, date the determination of completeness was issued, and the date of the notice of application;
- (2) The place, days, and times where information about the application and studies may be examined;
- (3) The name, address and telephone number of the applicant and/or agent;
- (4) A description of the proposed project action, a list of project permits included with the application, a list if applicable of any further studies requested by the review authority, and identification of other permits not included in the application, to the extent known by the review authority;
- (5) A description of the site, including current zoning classification, nearest road intersection and site address, if available, reasonably sufficient to inform the reader of the general location;
- (6) Identification of existing environmental documents that evaluate the proposed project and the location where any studies can be reviewed if other than that of the review authority;
- (7) If the review authority has made a SEPA threshold determination under Chapter 43.21C RCW concurrently with the notice of application, the notice of application may be combined with the SEPA threshold determination and the scoping notice for a determination of significance (DS). Nothing in this section prevents a DS and scoping notice from being issued prior to the notice of application;
- (8) A statement of the comment period, inviting the public and agencies to comment on the application within fourteen calendar days of the notice date, and stating that any person has a right to receive notice and participate in any hearings, to request a copy of the decision once made and describing any appeal rights, along with the deadline for submitting a SEPA appeal (if applicable). Additionally the statement should include a notice that this may be the only comment period if the optional determination of non-significance (DNS) process for combined notice of application and the DNS comment period identified in WAC 197-11-355 is used;

- (9) Statements of the preliminary determination, if one has been made at the time of the notice, of those development regulations that will be used for project mitigation and of consistency as provided in Section 13.600.106;
- (10) A preliminary (non-binding) SEPA threshold determination, with such clarification as is needed, that a final threshold determination must be issued at least fifteen days before a Type II hearing;
- (11) A statement that any SEPA appeal shall be governed by the Spokane Environmental Ordinance and such appeal shall be filed within fourteen days after the notice that the determination has been made and is appealable;
- (12) Any other information determined appropriate by the review authority; and
- (13) The date, time, place and type of hearing, if applicable. (Res. 01-0700 Attachment A (part), 2001)

**13.500.106 Distribution.**

- (a) For Type I and Type II project permits:
  - (1) Within twenty-four hours of the mailing of the notice of application the applicant shall post the notice of application on the site in a visible location facing a public road during the comment period in a manner approved by the review authority. One sign provided by the review authority shall be posted for projects with less than three hundred feet of road frontage. One additional sign provided by the review authority shall be posted at every additional three-hundred foot interval, or portion thereof, of road frontage, up to a maximum of four signs. The signs shall be located at approximately three hundred foot intervals. The sign(s) shall be erected by the applicant on the site fronting and adjacent to the most heavily traveled public street, so it is readable by the vehicular public from the right-of-way.
  - (2) Failure to post a site in accordance with these provisions for the required time frame may require extending the comment period. Any additional comment period may be excluded from the time frames contained in Section 13.800.102.
  - (3) The review authority shall mail or cause to be mailed a notice of application to:
    - a. Such internal review offices as needed;
    - b. Municipal corporations or organizations with which the county has executed an influence area agreement or is part of a joint planning area;
    - c. The applicant and/or agent;
    - d. Adjoining property owners;
    - e. Other persons, organizations or entities the review authority may determine or who request such notice in writing; and
    - f. The identified neighborhood organization(s) which include the property in which the project is located.
- (b) For Type II project permit applications, the review authority shall cause notice to be given as noted in subsection (1) above and in addition shall cause the notice of application to be mailed to all property owners whose property is within a four-hundred foot radius of any portion of the boundary of the subject site by first class mail. Where any portion of the property abutting the subject property is owned, controlled, or under the option of the applicant, then all property owners within a four-hundred foot radius of the applicant's total ownership interest shall be notified by mail in the same manner. Property owners are those presently shown on the Spokane County

Assessors/Treasurers database, as obtained by a title company no more than thirty calendar days prior to mailing the notice. The notice shall be deemed mailed as determined by the postmark date.

- (c) The review authority may exercise discretion to expand the mailing to include areas adjacent to access easements and to areas on the opposite sides of rights-of-way, rivers, streams and other physical features. (Res. 01-0700 Attachment A (part), 2001)

**13.500.108 Notification process.**

- (a) The notice shall consist only of that information approved and provided by the review authority.
- (b) The review authority may require the applicant to provide a mailing packet consisting of a listing of property owners as described above with a corresponding set of preaddressed stamped envelopes, and may require the packet to be included as a procedural submission requirement.
- (c) In addition to the procedures contained in this chapter, the review authority may develop general procedures for notification and mailing packets, including the format of the notice, the size and configuration of any signage and an affidavit of posting/ mailing form to be filled out by the party doing notice. The completed affidavit form(s) shall be filed with the review authority no more than five working days after posting or mailing.

Failure to properly post a site or complete the required notice may result in re-initiation of the notice process. (Res. 01-0700 Attachment A (part), 2001)

## Chapter 13.600 TECHNICAL REVIEW

13.600.102 General.

13.600.104 Determination of consistency.

13.600.106 Project review.

### 13.600.102 General.

- (a) The purpose of the technical (project) review process is to review complete applications for consistency and conformance with applicable development regulations prior to proceeding to hearing or rendering project permit decisions, and to assure that review agencies have sufficient information to analyze a proposal and make recommendations at hearings or other forums.
- (b) Although all project permits go through a technical review or plan review process, they all do not require a technical review meeting. Technical review meetings may or may not be necessary for Type I applications; they are required for all Type II applications. Type I applications within a joint planning area may require a technical review meeting when determined by the review authority, based on comments received relative to the notice of application or SEPA documents, that such meeting would be appropriate. The technical review meeting typically is an agency review meeting.
- (c) The review authority will arrange for the meeting(s) and establish proper notification to the applicant and other interested agencies, including identified neighborhood organizations, as necessary. The review authority will also coordinate the involvement of county personnel and other agencies responsible for planning, development, roads, drainage, parks and other subjects as appropriate. Additional information, corrected or revised plans, or studies may be requested at this time. Any time period during which the applicant has been requested to provide such information is excluded from the time frames outlined in Section 13.800.102(2).
- (d) The technical review meeting should be scheduled at the time of the application submittal, and should be held no more than fourteen days after the close of the notice of application comment period. Upon mutual agreement between the review authority and the applicant, the technical review meeting may be rescheduled; all parties shall be notified accordingly. At the discretion of the review authority, additional technical review meetings may be held during project review. Upon determination by the review authority that a complete application contains sufficient information to determine consistency and conformance with county regulations, the project permit application can proceed to hearing or project permit decisions rendered. The applicant shall be notified of such determination pursuant to procedures developed by the review authority. (Res. 01-0700 Attachment A (part), 2001)

### 13.600.104 Determination of consistency.

- (a) A proposed project's consistency with the county's development regulations adopted under RCW 36.70A, or, in the absence of applicable development regulations, the appropriate elements of the comprehensive plan adopted under RCW 36.70A, shall be determined by the review authority during project review by consideration of:
  - (1) The type of land use;
  - (2) The level of development, such as units per acre or other measures of density;
  - (3) Infrastructure, including public facilities and services needed to serve the development; and
  - (4) The characteristics of the development, such as development standards.

- (b) In determining consistency, the determinations made pursuant to subsection 13.600.106 and RCW 36.70B.030(2) shall be controlling.
- (c) For purposes of this section, the term "consistency" shall include all terms used in the ordinance codified in this chapter, RCW 36.70B, and RCW 36.70A to refer to performance in accordance with the ordinance codified in this title and RCW 36.70A, including but not limited to compliance, conformity and consistency.

Nothing in this section requires documentation, dictates the review authority's procedures for considering consistency, or limits the review authority from asking more specific or related questions with respect to any of the four main categories listed in (1) through (4) of this section. (Res. 01-0700 Attachment A (part), 2001)

#### **13.600.106 Project review.**

- (a) Fundamental land use planning choices made in the comprehensive plan and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations, the comprehensive plan, under Section 13.600.104 and RCW 36.70B.040 shall incorporate the determinations made under this section.
- (b) During project review, the review authority or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project, or, in the absence of applicable regulations, the comprehensive plan. At a minimum, such applicable regulations, or plans shall be determinative of the:
  - (1) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, ii the criteria for their approval have been satisfied;
  - (2) Density of residential development in urban growth areas; and
  - (3) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by RCW 36.70A.
- (c) During project review, the review authority or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in this section, except for issues of code interpretation.
- (d) Pursuant to RCW 43.21C.240, the review authority may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.
- (e) Nothing in this section limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations and its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, or other measures, to mitigate a proposal's probable adverse environmental impacts, if applicable. (Res. 01-0700 Attachment A (part), 2001)

## Chapter 13.650 CONCURRENCY

13.650.102 Concurrency Facilities and Services

13.650.104 Transportation Concurrency and Review

13.650.106 Transportation Concurrency Review Procedures

13.650.108 Phased Development

13.650.110 Transportation Concurrency Test Procedures

13.650.112 Water and Sewer Concurrency Inside UGAs

13.650.114 Limitation of Services Outside UGAs

### 13.650.102 Concurrency Facilities and Services

1. The following facilities and services must be evaluated for Concurrency:

- |                      |                         |
|----------------------|-------------------------|
| a. Transportation    | f. Parks and Recreation |
| b. Public Water      | g. Libraries            |
| c. Public Sewer      | h. Solid Waste Disposal |
| d. Fire Protection   | i. Schools              |
| e. Police Protection |                         |

2. Direct Concurrency

Transportation, public water and public sewer shall be considered direct concurrency services. Concurrency requirements for public water and public sewer service are detailed in Section 13.650.112. Transportation facilities serving a development must be constructed, or a financial guarantee for required improvements must be in place prior to occupancy. Applicable permit/project applications shall require transportation concurrency review, described in Section 13.650.104. A Concurrency Certificate shall be issued to development proposals that pass the transportation concurrency review.

3. Indirect Concurrency

Fire protection, police protection, parks and recreation, libraries, solid waste disposal and schools shall be considered indirect concurrency services. Spokane County shall demonstrate the adequacy of indirect concurrency services through the Capital Facilities Plan (CFP). The CFP will be updated annually, at which time all indirect concurrency services will be evaluated for adequacy. The evaluation will include an analysis of population, level of service and land use trends in order to anticipate demand for services and determine needed improvements. If any indirect concurrency services are found to be inadequate, the County shall adjust the land use element to lessen the demand for services, include a project in the CFP to address the deficiency, or adjust the Level of Service. To implement any of these methods an amendment to the Comprehensive Plan is required.

### 13.650.104 Transportation Concurrency and Review

A Certificate of Concurrency, issued by the Division of Engineering, shall be required prior to approval of certain project permits.

1. The following project permits/project applications are subject to transportation concurrency review.
  - a. Subdivisions
  - b. Short plats
  - c. Zone changes with site plans
  - d. Planned unit developments
  - e. Commercial/Industrial building permits
  - f. Residential building permits over 4 units
  - g. Conditional use permits
  - h. Manufactured home parks
  - i. Subdivision/short plat extension of time (see exemption No.2.b.)
  - j. Change of conditions

A certificate of concurrency, issued by the Division of Engineering, shall be required prior to approval of the above applications.

2. The following project permits/project applications are exempt from Concurrency Review:
  - a. Project permits that were issued, or project applications that were determined to be complete (see RCW 36.70B) prior to the effective date of these concurrency regulations.
  - b. The first renewal of a previously issued, unexpired project permit, provided that substantial progress has been made as determined by the appropriate review authority.
  - c. Any project permit that will have insignificant transportation impact, and that will not change the traffic volumes and flow patterns in the afternoon peak travel period, as determined by the County Engineer.
  - d. The following project permit actions:
    - i. Boundary line adjustments;
    - ii. Final subdivisions/final PUD's/final short plats/final binding site plans;
    - iii. Temporary use permit;
    - iv. Variances.
  - e. Proposed project permits/project applications that do not create additional impacts on transportation facilities. Such projects may include but are not limited to:
    - i. Any addition or accessory structure to a residence with no change or increase in the number of dwelling units over 4 units;
    - ii. Interior renovations with no change in use or increase in number of dwelling units over 4 units;
    - iii. Any addition, remodel, or interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use.

### **13.650.106 Transportation Concurrency Review Procedures**

#### **1. Applicability**

All project permits, except for those exempt, shall apply for transportation concurrency review at the time applications for project permits are submitted. Inquiries about availability of capacity on transportation facilities may be made prior to project permit applications, but responses to such inquiries are advisory only and available capacity can only be reserved through a Concurrency Certificate as set forth in these regulations.

#### **2. Procedures**

- a. Applications for transportation concurrency review shall be submitted on forms provided by the review authority.
- b. Transportation concurrency review shall be performed for the specific property, uses, densities and intensities based on the information provided by the applicant/property owner. The applicant/property owner shall specify densities and intensities that are consistent with the uses allowed.

- c. The Review Authority shall notify the Spokane County Engineer, or his/her designee, of all applications received requiring transportation concurrency review and shall request a concurrency determination.
- d. Spokane County Engineer shall notify the applicant/property owner and the review authority of the results of the concurrency determination within 30 days of receipt of an application for transportation concurrency review. If additional information is needed to determine concurrency, such additional information may be requested by the Spokane County Engineer. The request shall not make the original project application deemed incomplete.
- e. The project permit may be conditioned as necessary to ensure that an improvement relied upon to demonstrate concurrency will be completed or a transportation system management strategy shall be a part of the permit decision.
- f. If the proposed project fails the concurrency test and the project permit cannot be conditioned to accomplish concurrency, the project permit(s) shall be denied.
- g. If the proposed project passes the concurrency test, the Division of Engineers shall issue a concurrency certificate to the applicant/property owner. The certificate shall be used to maintain an accounting of traffic impacts on County roads and the capacity that has been reserved.
- h. If the project permit has been withdrawn, expires, or is otherwise cancelled, the concurrency certificate shall automatically be voided. The appropriate review authority shall send notice of all voided certificates to the applicant/property owner and the County Engineer.

### 3. Relation to Other Requirements

Compliance with or exemption from the requirements of these regulations shall not exempt a project from compliance with all other County, State, and Federal regulations.

### 4. Concurrency Certificate

- a. A concurrency certificate shall only be issued upon payment of any concurrency fee due.
- b. A concurrency certificate shall apply only to the specific land uses, densities, intensities and project described in the application and project permit.
- c. A concurrency certificate is not transferable to other property, but may be transferred to new owners of the same property.
- d. A concurrency certificate shall remain valid so long as the accompanying project permit has not expired or been revoked.
- e. A concurrency certificate is valid for any modification of the permits for which the certificate was issued so long as such modification does not require the applicant to obtain a new project permit.
- f. Any capacity that is not used because the full extent of the development is not built shall be returned to the pool of available capacity.

### 5. Concurrency Certificate Fees

Fees for issuing concurrency certificates shall be based on an adopted fee schedule.

#### 1. Applicability

All project permits, except for those exempt, shall apply for transportation concurrency review at the time applications for project permits are submitted. Inquiries about availability of capacity on transportation facilities may be made prior to project permit applications, but responses to such inquiries are advisory only and available capacity can only be reserved through a Concurrency Certificate as set forth in these regulations.

#### 2. Procedures

- a. Applications for transportation concurrency review shall be submitted on forms provided by the review authority.
- b. Transportation concurrency review shall be performed for the specific property, uses, densities and intensities based on the information provided by the applicant/property owner. The applicant/property owner shall specify densities and intensities that are consistent with the uses allowed.
- c. The Review Authority shall notify the Spokane County Engineer, or his/her designee, of all applications received requiring transportation concurrency review and shall request a concurrency determination.
- d. Spokane County Engineer shall notify the applicant/property owner and the review authority of the results of the concurrency determination within 30 days of receipt of an application for transportation concurrency review. If

additional information is needed to determine concurrency, such additional information may be requested by the Spokane County Engineer. The request shall not make the original project application deemed incomplete.

- e. The project permit may be conditioned as necessary to ensure that an improvement relied upon to demonstrate concurrency will be completed or a transportation system management strategy shall be a part of the permit decision.
- f. If the proposed project fails the concurrency test and the project permit cannot be conditioned to accomplish concurrency, the project permit(s) shall be denied.
- g. If the proposed project passes the concurrency test, the Division of Engineers shall issue a concurrency certificate to the applicant/property owner. The certificate shall be used to maintain an accounting of traffic impacts on County roads and the capacity that has been reserved.
- h. If the project permit has been withdrawn, expires, or is otherwise cancelled, the concurrency certificate shall automatically be voided. The appropriate review authority shall send notice of all voided certificates to the applicant/property owner and the County Engineer.

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Compliance with or exemption from the requirements of these regulations shall not exempt a project from compliance with all other County, State, and Federal regulations.

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- e. A concurrency certificate is valid for any modification of the permits for which the certificate was issued so long as such modification does not require the applicant to obtain a new project permit.
- f. Any capacity that is not used because the full extent of the development is not built shall be returned to the pool of available capacity.

### 5. Concurrency Certificate Fees

Fees for issuing concurrency certificates shall be based on an adopted fee schedule.

#### **13.650.108 Phased Development**

1. When a project is proposed in phases or construction is expected to extend over an extended period of time, the applicant/property owner may offer a schedule of completion/occupancy that will be used by the County Engineer to determine the schedule of transportation improvements that must be completed, or financially guaranteed, prior to completion/occupancy of each phase. The required transportation improvements shall be determined by analyzing the traffic impacts estimated to be generated by the fully completed project.

#### **13.650.110 Transportation Concurrency Test Procedures**

1. Highway Capacity Manual methods selected by the County Engineer shall be used to analyze project impacts to intersections.
2. Level of service information in the Capital Facilities Plan shall be used as a starting reference to analyze project impacts.
3. Level of service information shall be updated as necessary to account for traffic levels resulting from the following:
  - a. traffic from newly constructed projects,
  - b. projects for which traffic impacts have been tentatively reserved; and

- c. projects for which a Concurrency Certificate has been awarded; and,
- d. non-project, general background traffic increases.

Level of service information shall also be updated as necessary as a result of any discontinued concurrency certificates, funded road projects or new level of service analysis.

- 4. Each County intersection affected by proposed projects shall be reviewed and analyzed for concurrency. The applicant/property owner may be required to provide a traffic analysis if existing information does not provide adequate information for the Concurrency assessment.
- 5. Project proposals shall pass the concurrency test if (1) the transportation impacts from the proposed project does not decrease the Level of Service of affected intersections below the adopted standards; or, (2) the applicant/property owner agrees to modify the project or provide transportation improvements and/or binding financial commitments that will result in the Level of Service of each deficient intersection meeting or exceeding the adopted standards.

### **13.650.112 Water and Sewer Concurrency Inside Urban Growth Development**

For purposes of this section, new development shall include subdivisions, short plats, binding site plans, manufactured home park site development plans, planned unit development, and zoning reclassifications. Conditional use permits shall also be considered new development if the proposed use would result in an increased amount of wastewater generated on the site. New development not requiring sewer and/or water service (e.g. cellular towers) is exempt from this section.

New development shall not be approved within the urban growth area boundary unless the proposal can demonstrate the availability of public water and sewer services consistent with adopted levels of service, and consistent with the definition for concurrency. New development must: 1) be connected to a live (fully operational) public sewer at the time of completion/occupancy, or 2) be located within the Spokane County 6-year sewer capital improvement program, as adopted.

New development located within a 6-year sewer capital improvement program area may install septic systems on an interim basis until such time as sewer service is available. All new development shall install dry line sewers and double plumbing if the new development will rely on an interim septic tank/drainfield system rather than being connected to a live sewer. Once sewer service is available, the development shall be required to immediately connect to the County's sewer system.

New Development shall be deemed to have met the "availability" threshold for sewer concurrency if the developer has approved sewer plans, and provides adequate financial security to cover the full cost of constructing the sewerage facilities required for the development. Acceptable plans and security shall be provided before final approval of the proposed development.

Developer-financed extensions of public sewer may be allowed within any area of the urban growth area provided capacity and infrastructure needs are adequately addressed.

### **13.650.114 Limitation of Services Outside Urban Growth Areas**

- 1. Public sewer service shall not be provided outside the urban growth area except as follows:
  - a. In response to an immediate threat to public health or safety.
  - b. When necessary for the protection of aquifers designated in accordance with RCW 36.70A.170.
  - c. To vested development that is required to be served with sanitary sewer as a condition of development approval.
  - d. As may otherwise be allowed by state law.

The extension of sewer service according to the exceptions permitted in this section shall not be considered an inducement to types or levels of growth that are not appropriate in the rural area.

2. The provision of public water service and construction of water service lines or other water system facilities shall be allowed outside Urban Growth Area boundaries. The design of public water systems in rural areas shall not be considered an inducement to types or levels of growth that are not appropriate in the rural area.

## Chapter 13.700 NOTICE OF HEARING

13.700.102 General.

13.700.104 Contents.

13.700.106 Distribution.

13.700.108 Notification process.

### **13.700.102 General.**

A notice of hearing is required for public hearings for appeals of administrative decisions and all Type II project permits. The notice shall contain the information included in Section 13.700.104. Notice shall be provided at least fifteen days prior to the scheduled hearing. (Res. 01-0700 Attachment A (part), 2001)

### **13.700.104 Contents.**

The written notice shall include the following information:

- (1) The application/project file number;
- (2) Project summary/description of each project permit application;
- (3) The designation of the review authority;
- (4) The date, time and place of the hearing and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the hearing body or review authority;
- (5) General project location, vicinity and address and parcel number(s), if applicable;
- (6) The name, address and telephone number of the owner, applicant and designated contact;
- (7) The SEPA threshold determination or description thereof (determination of non-significance (DNS) or mitigated determination of non-significance (MDNS)) if other than a DS, shall be contained in the notice, along with any appropriate statement regarding any shared or divided lead agency status and phased review, and stating the end of any final comment period;
- (8) The deadline (date, time and place) for submitting a SEPA appeal;
- (9) A statement regarding the appeal process, including any SEPA appeal; and
- (10) The date when the staff report will be available and the office where it can be reviewed. (Res. 01-0700 Attachment A (part), 2001)

### **13.700.106 Distribution.**

The review authority shall cause the notice of hearing to be distributed as follows:

- (1) Appeals of Administrative Decisions and Type I Project Permit SEPA Decisions:
  - a. Mail the notice to:

1. The applicant/appellant, parties of record, affected agencies, parties requesting notice, and other persons whom the review authority believes may be affected by the action.

(2) Type II Project Permits:

a. Absent statute or ordinance provisions to the contrary, mail the notice to:

1. All property owners whose property does not abut the subject site but is within a four-hundred foot radius of any portion of the boundary of the subject site and all property owners whose property abuts the subject site, by first class mail. Where any portion of the property abutting the subject property is owned, controlled, or under the option of the applicant, then all property owners within a four-hundred foot radius of the total ownership interest shall be notified by mail as referenced above prior to the hearing. Property owners are those presently shown on the Spokane County assessors/treasurers database as obtained by a title company no more than thirty calendar days prior to the scheduled public hearing. The notice shall be deemed mailed when deposited in the U.S. mail, postage prepaid and properly addressed.

The review authority may exercise discretion to expand the mailing area to include areas adjacent to access easements and to areas on the opposite sides of rights-of-way, rivers, streams and other physical features;

2. Agencies with jurisdiction (SEPA);
3. Municipal corporations or organizations with which the county has executed an influence area agreement;
4. Other persons who the review authority believes may be affected by the proposed action or who request such notice in writing; and
5. Identified neighborhood organization(s) which include the property in which the project is located

b. A sign a minimum of sixteen square feet (four feet in width by four feet in height) in area shall be posted by the applicant on the site along the most heavily traveled street lying adjacent to the site. The sign shall be provided by the applicant. The sign shall be constructed of material of sufficient weight and reasonable strength to withstand normal weather conditions. The sign shall be lettered and spaced as follows:

1. A minimum of two-inch border on the top, sides and bottom of the sign;
2. The first line(s) in four-inch letters shall read "NOTICE OF HEARING";
3. Spacing between all lines shall be a minimum of three-inches; and
4. The text of the sign shall include the following information in three-inch letters:

Proposal:  
Applicant:  
File number:  
Hearing: (Date) (Time)  
Location:  
Review Authority:

c. Publish one notice in a newspaper of general circulation within the county at least fifteen days prior to the hearing. (Res. 01-0700 Attachment A (part), 2001)

**13.700.108 Notification process.**

- (a) The notice shall consist only of that information approved and provided by the review authority, consistent with Section 13.700.104 of this chapter.
- (b) The review authority may require the applicant to provide a mailing packet consisting of a listing of property owners as described above together with a corresponding set of preaddressed stamped envelopes.
- (c) In addition to the procedures contained in this chapter, the review authority may develop general procedures for notification, including mailing packets and the format of the notice and an affidavit of posting/ mailing form to be filled out by the party doing notice. The completed affidavit form(s) shall be filed with the review authority no more than five working days after posting or mailing.
- (d) Failure to properly post a site or complete the required notice may result in re-initiation of the notice process. (Res. 01-0700 Attachment A (part), 2001)

## Chapter 13.800 NOTICE OF DECISION

13.800.102 General.

13.800.104 Contents.

13.800.106 Distribution.

### 13.800.102 General.

A notice of decision is issued by the review authority or hearing examiner at the conclusion of applicable project permit processes. The notice of decision may be included as part of the decision or project permit. The purpose of the notice of decision is to inform the applicant and any person who, prior to rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The notice of decision also marks the beginning of any appeal period which may be set forth herein or in other ordinances governing the project permit.

- (1) Except as provided in subsection (3) below, a notice of decision on a project permit should be issued as soon as possible but no more than one hundred and twenty calendar days after issuance of the determination of completeness.
  - a. The issuance of a Type I project permit or administrative decision will constitute a notice of decision.
  - b. If a determination of significance is issued, then the review authority or hearing examiner shall issue a project permit decision not sooner than seven calendar days after a final environmental impact statement is issued.
  - c. The applicant may agree in writing to extend the time frame for issuance of a decision.
- (2) In determining the number of days that have elapsed after the review authority has issued the determination of completeness, the following periods shall be excluded from the maximum one hundred twenty day decision period:
  - a. Any period during which the applicant has been requested by the review authority to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the review authority notifies the applicant of the need for additional information until the earlier of: (1) the date the review authority determines whether the additional information satisfies the request for information; or (2) fourteen calendar days after the date the information has been provided to the review authority.
  - b. If the review authority determines that the information submitted by the applicant is insufficient, the applicant shall be notified and the procedures under subsection (a) above shall apply as if a new request for studies had been made.
  - c. Any period of time during which an environmental impact statement is being prepared, which time shall not exceed one year from the issuance of the determination of significance, unless the review authority and applicant have otherwise agreed in writing to a longer period of time. If no mutual written extension 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 and agent.
- (3) The time limits established by subsections (1) and (2) of this section do not apply if a project permit application:

- a. Requires an amendment to the comprehensive plan or a development regulation;
  - b. Requires approval of a new fully contained community as provided in RCW 36.70A350, a master planned resort as provided in RCW 36.70A 360, or the siting of an essential public facility as provided in RCW 36.70A.200; or
  - c. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under Chapter 13.400.
- (4) If the review authority or hearing examiner 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 project 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. (Res. 01-0700 Attachment A (part), 2001)

**13.800.104 Contents.**

A notice of decision shall include a statement of the decision and that the decision and SEPA determination made under Chapter RCW 43.21C are final but may be appealed. The appeal closing date shall be listed. The statements shall include how a party may appeal the project permit decision and/or the SEPA determination. The notice of decision may be optionally included in the written decision, a decision on the project permit application or may be provided as a separate document. (Res. 01-0700 Attachment A (part), 2001)

**13.800.106 Distribution.**

The review authority shall provide notice of decision to the applicant and to any person who prior to the rendering of the decision, requested notice of the decision or submitted substantive (written) comments on the application or testified at the public hearing.  
The review authority shall provide notice of decision to the county assessor's office. (Res. 01-0700 Attachment A (part), 2001)

## **Chapter 13.900 APPEALS**

13.900.102 General.

13.900.104 State Environmental Policy Act (SEPA) decision appeals.

13.900.105 Administrative decision appeals.

13.900.106 Type I project permit decision appeals.

13.900.108 Type II project permit decision appeals.

13.900.110 Contents.

### **13.900.102 General.**

- (a) The hearing examiner or other designated appeal body hears appeals of project permit decisions and appeals of administrative decisions, including any procedural or substantive SEPA appeals, according to statutes, rules or procedures established by underlying ordinances for the hearing examiner or other appeal body or the Spokane Environmental Ordinance.
- (b) For the purposes of this chapter, standing to appeal a decision is limited to the following:
  - (1) The applicant or owner to which the permit decision is directed.
  - (2) A person aggrieved or adversely affected by the permit decision, or who would be aggrieved or adversely affected by a reversal or modification of the permit decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
    - a. The permit decision has prejudiced or is likely to prejudice that person; and
    - b. That person's asserted interests are among those that the decision maker was required to consider when the permit decision was made; and
    - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the permit decision; and
    - d. The petitioner has exhausted his or her administrative remedies to the extent required by law. (Res. 01-0700 Attachment A (part), 2001)

### **13.900.104 State Environmental Policy Act (SEPA) decision appeals.**

An appeal of a SEPA decision shall be governed by the Spokane Environmental Ordinance. (Res. 01-0700 Attachment A (part), 2001)

### **13.900.105 Administrative decision appeals.**

An appeal of an administrative decision made pursuant to the Spokane County Zoning Code or the Spokane County Subdivision Ordinance not classified as Type I or Type II project permits/applications will be processed pursuant to the

provisions for the notice of hearing and appeals for Type I project permit applications. (Res. 01-0700 Attachment A (part), 2001)

#### **13.900.106 Type I project permit decision appeals.**

- (a) An appeal of a decision regarding a Type I application or other administrative decisions, as appropriate, may be filed with the review authority by a party with standing to appeal only if, within fourteen calendar days after permit issuance, or the written decision or a notice of the decision is mailed, a written appeal is filed with the review authority, together with the designated appeal fee. The issuance of a building permit is a ministerial act and as such is not appealable under the provisions of this section.
- (b) The hearing examiner or other designated appeal body shall hear appeals of Type I project permit application decisions and appeals of administrative decisions, including any procedural or substantive SEPA appeals, in an open-record appeal hearing according to statutes, rules or procedures established for the hearing examiner or other appeal body or the Spokane Environmental Ordinance. Administrative shoreline permit decisions are appealable to the hearing examiner for an open record appeal hearing and decision. (Res. 01-0700 Attachment A (part), 2001)

#### **13.900.108 Type II project permit decision appeals.**

- (a) An appeal of a Type II project permit decision may be filed pursuant to the Hearing Examiner Ordinance by a party with standing to appeal.
- (b) Shoreline permit appeals resulting from an appeal hearing are appealed to the Washington State Shoreline Hearings Board.
- (c) An appeal of a decision on a zone reclassification application, as well as a decision on any land use application heard at the same time as a zone reclassification application for the same project, must be made within fourteen days from the date the hearing examiner's written decision was mailed. (Res. 01-0700 Attachment A (part), 2001)

#### **13.900.110 Contents.**

An appeal shall contain all of the following information and may be on a form provided by the review authority.

- (1) The file number designated by the review authority and the name of the applicant;
- (2) The name, address and signature of the appellant and a statement regarding the legal standing of the appellant to appeal. If multiple parties file a single appeal, they shall designate one party as the representative for all contact with the review authority;
- (3) The specific aspect(s) of the permit decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law and the evidence relied upon to support allegations of error;
- (4) All statutory requirements for appeals of land use actions, including land use petitions filed in superior court pursuant to RCW 36.70C shall be complied with; and
- (5) Any required appeal fees. (Res. 01-0700 Attachment A (part), 2001)

**Chapter 13.1000**  
**OPTIONAL CONSOLIDATED PROJECT PERMIT REVIEW PROCESS**

13.1000.102 General.

13.1000.104 Contents.

**APPENDIX I: CLASSIFICATION OF PROJECT PERMIT APPLICATIONS/ACTIONS BY TYPE**

**13.1000.102 General.**

This optional process allows for the consideration of all discretionary land use, environmental, engineering and building permits issued by the county, together with project permits requiring a public hearing as a single project, if so desired and requested in writing by the applicant. Permit decisions of other agencies are not included in this process; but public meetings and hearings for other agencies may be coordinated with those of Spokane County. (Res. 01-0700 Attachment A (part), 2001)

**13.1000.104 Contents.**

Where multiple permits are required for a single project, the optional consolidated project permit review process is available and is composed of the following:

- (1) A Pre-application Meeting. The pre-application meeting process will be adapted by the review authority to accommodate the consolidated project permit review of applications. A pre-application meeting is required only for Type II and recommended for Type I project permits. It should include all appropriate county and other agency staff. The consolidated process will generally follow the path of the highest-level-type permit application.
- (2) A Designated Permit Coordinator.
- (3) A Single Determination of Completeness. Upon acceptance of a consolidated application, all appropriate county staff and available other agency staff may meet to determine, within twenty-eight calendar days, whether the accepted application is complete and whether a consolidated determination of completeness should be issued consistent with Chapter 13.400 of these procedures.
- (4) A Single Notice of Application. When the application is deemed complete, a consolidated notice of application will be issued and/or posted consistent with the provisions of Chapter 13.500 of these procedures.
- (5) A Single Comment Period. The combined, affected staff may meet as needed with the applicant and/or interested public prior to the issuance of a decision.
- (6) A Consolidated Administrative Decision for Applicable Type Type II Project Permits or I. The review authority will issue decisions for Type I and Type II non-hearing administrative permits. The decisions will, to the extent known, include information regarding other state and local agency permits. Any administrative decisions will be issued with sufficient time for appeal period(s) to place appeals on the same hearing examiner agenda date as any companion Type II land use permit requiring a public hearing.
  - a. Appeals of a Type I or Type II administrative permits will be heard in a single, consolidated open-record appeal hearing before the hearing examiner, unless otherwise specified by statute.
- (7) A Single Notice of Hearing and Open-Record Public Hearing, if required.
  - a. A consolidated report and recommendation will be developed for the Type II open-record hearing portion of the project permit application;

- b. A consolidated report will be developed which will summarize Type I or Type II administrative project permit decisions (if any) and provide an appropriate consolidated response to any appeals of administrative Type I or Type II project permits. To the extent possible, appeal hearings of administrative Type I or Type II project permits shall be consolidated with open record public hearings for Type II project permit applications;
  - c. If the hearing examiner's deliberations include an open-record appeal hearing or an appeal of an engineering or building/construction administrative permit, the hearing examiner may keep the record open for a period not to exceed ninety calendar days, unless agreed to in writing by both the hearing examiner and the applicant, and may request submission of a recommendation from one or more neutral, technical advisory boards or other sources chosen by the hearing examiner. Alternatively, technical issues may, by statute, necessarily be heard by special boards.
- (8) A single consolidated public hearing decision.
- a. The hearing examiner will issue a consolidated decision and a consolidated notice of decision regarding all administrative Type I and Type II appeals and all Type II project permit applications requiring an open-record public hearing, consistent with the provisions of these procedures.
  - b. The hearing examiner's decision is appealable only to superior court except where the Hearing Examiner Ordinance requires certain actions be appealable to the board of county commissioners. Shoreline permit appeals are appealable only to the State Shoreline Hearings Board. (Res. 01-0700 Attachment A (part), 2001)

## APPENDIX I

### CLASSIFICATION OF PROJECT PERMIT APPLICATIONS/ACTIONS BY TYPE

Note: This appendix is intended to be used as a general guideline in classifying various actions subject to the provisions of RCW 36.70B. After initial adoption, all pages of this table may be administratively amended by the director of public works after consultation with division directors as applicable.

PERMIT/ACTION	EXCLUDED <sup>1</sup>	TYPE I	TYPE II
<b>DIVISION OF BUILDING &amp; CODE ENFORCEMENT</b>			
• Class IV forest practices applications	X		
• Commercial/industrial/other building permits w/ SEPA		X	
• Grading w/SEPA		X	
• Residential building permits	X		
<b>DIVISION OF ENGINEERING &amp; ROADS</b>			
• Approach Permit	X		
• County road project		X	
• Design deviation	X		
• Flood plain development permit w/ SEPA		X	
• Haul road agreement	X		
• License agreement	X		
• One-foot strip vacation	X		
• Right-of-way vacation	X		
• Road improvement district formation	X		
• Temporary road closure	X		
• Work in right-of-way permit	X		
<b>DIVISION OF PLANNING</b>			
• Accessory dwellings EA or GA	X		
• Administrative exceptions	X		
• Administrative interpretation determinations	X		
• Appeal of administrative decision/interpretation		X	
• Height variance in airport overlay zone	X		
• Binding site plan, vacation or alteration	X		
• Binding site plan, change of conditions		X	
• Binding site plan, preliminary		X	
• Certificates of exemption	X		

<sup>1</sup> Unless subject to the provisions of the State Environmental Policy Act (SEPA), RCW 43.21C.

PERMIT/ACTION	EXCLUDED <sup>1</sup>	TYPE I	TYPE II
DIVISION OF PLANNING (Continued)			
• Conditional accessory unit (residence)			X
• Conditional use permit			X
• Dependent relative temporary use (TUP)	X		
• Home professions	X		
• Large lot (standard) plat change of conditions		X <sup>2</sup>	
• Large lot (standard) plat		X <sup>2</sup>	
• Large lot (standard) plat vacation or alteration	X		
• Manufactured home park approval or redesign		X	
• Nonconforming building/structure determination	X		
• Nonconforming use expansion (CUP)			X
• Nonconforming use determination	X		
• Open space/timber land	X		
• Plat (preliminary) change of conditions			X
• Plat (preliminary)			X
• Plat vacation or alteration	X		
• PUD overlay zone			X
• Shoreline exemption/determination/interpretation	X		
• Shoreline expansion of nonconforming use review			X
• Shoreline permit			X
• Shoreline permit revision	X		
• Short plat vacation or alteration	X		
• Short plat, change of conditions	X		
• Short plat, preliminary	X		
• Site plan review (public hearing)			X
• Temporary use permit		X	
• Top soil removal		X	
• Variance			X
• Zero lot line			X
• Zone reclassification			X
• Zone reclassification change of conditions			X
• Zone reclassification with variance, conditional use permit or standard preliminary plat, PUD, change of conditions, etc. or other project permit			X

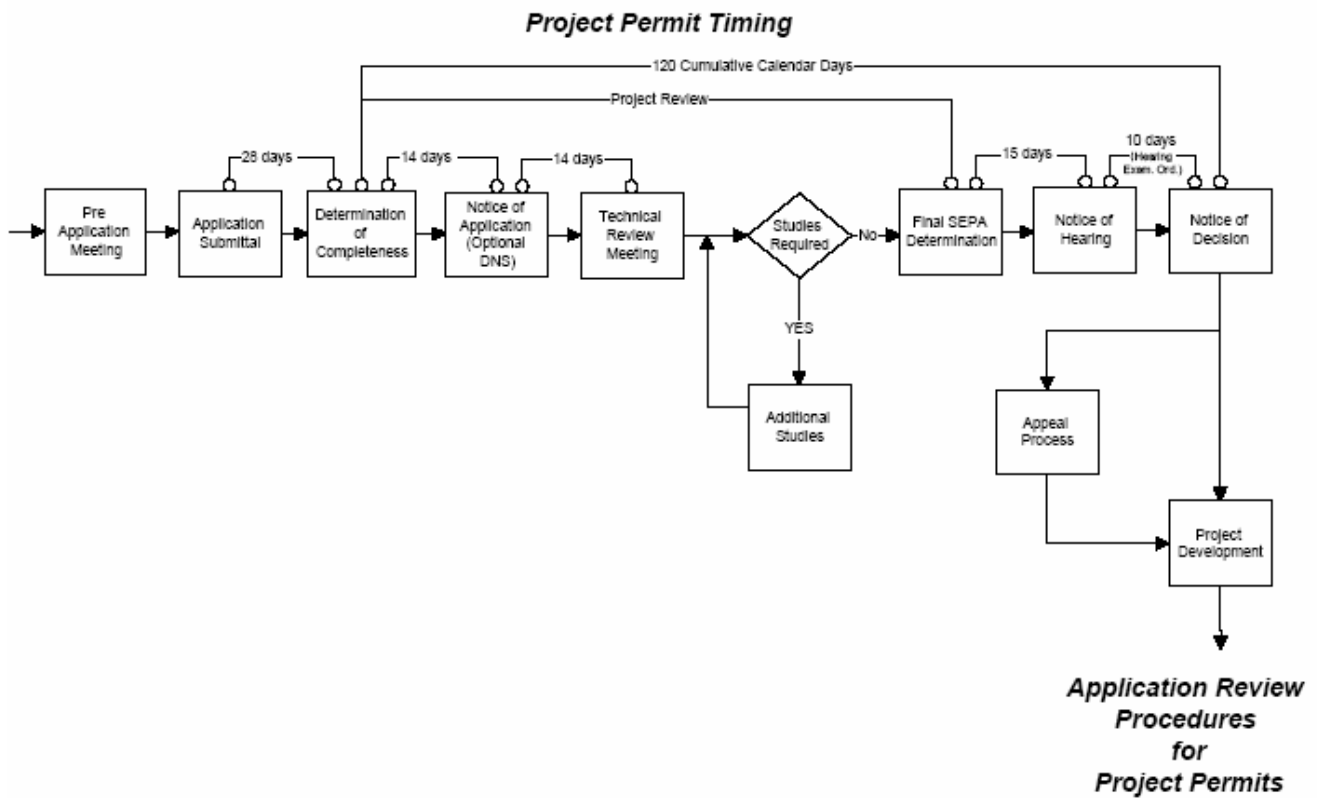
<sup>1</sup> Unless subject to the provisions of RCW 43.21C.

<sup>2</sup> Subject to a public hearing unless requested during the comment period(s).

PERMIT/ACTION	EXCLUDED <sup>1</sup>	TYPE I	TYPE II
DIVISION OF UTILITIES			
• Sewer pretreatment		X	X
• Sewer side permit	X		

1 Unless subject to the provisions of RCW 43.21C.

2 Subject to a public hearing unless requested during the comment period(s).



# Determination Of Completeness

Project Number: \_\_\_\_\_

Permit Application Description: \_\_\_\_\_

Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Date of Application: \_\_\_\_\_  
Date of Determination: \_\_\_\_\_

YOUR APPLICATION IS:

Complete

The required components of the application are present and are judged by the review authority to meet the procedural submission requirements for this type of application and the information is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The Determination of Completeness does not preclude the review authority from requesting additional information or studies either with this notice or subsequently if new information is required or substantial changes in the proposed action occur. The issuance of this Determination of Completeness shall not be construed to mean the project permit application or any of its components have been approved.

Incomplete

All of the required components of the application are not present. Please provide the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Within fourteen (14) days after submittal of the additional information identified above as being necessary for a complete application, the review authority will notify the applicant whether the application is complete or what additional information is necessary.

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REVIEW AUTHORITY: \_\_\_\_\_

Project Coordinator

Director

Spokane County Division of \_\_\_\_\_  
1026 West Broadway Avenue  
Spokane, WA 99260  
Phone: (509) 477-XXXX Fax: (509) 477-XXXX

Date Issued: \_\_\_\_\_ Signature: \_\_\_\_\_

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The issuance of a Determination of Completeness initiates a 120 day project review process which culminates in a decision on this proposal. Any time during which the review authority is waiting for response to a request for additional information is not included in the review timeframe. Project review will continue as much as possible even though additional plans and/or studies maybe necessary.

The next step in the process is the mailing and site posting of a Notice of Application. The mailing of the notice will be accomplished by the review authority. You will be contacted and provided with the appropriate signage for your proposal and instructions for posting within 14 days of the date of this determination. An "Affidavit of Posting" will also be provided. The affidavit must be completed and returned to the review authority within five (5) working days of the posting.

Please note that to initiate the review process time period for your project the following information is necessary:

- Affidavit of posting / mailing
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

# Notice of Application

The Spokane County Division of \_\_\_\_\_ (Review Authority) has published this Notice of Application to provide the opportunity to comment on the described proposal. The comment period ends 14 calendar days from the date issued. During this period written comments may be submitted to the Review Authority. The file may be examined between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday (except holidays) at the Division of \_\_\_\_\_ offices in the Public Works Building, 1026 W. Broadway, Spokane, Washington. Questions may be directed to the Project Coordinator listed below.

**PROJECT/FILE #:**

**OWNER:**

**PHONE:**

**CONTACT:**

**PHONE:**

**APPLICATION DATE:**

**DETERMINATION OF COMPLETENESS:**

**SITE ADDRESS:**

**GENERAL LOCATION:**

**PARCEL NUMBER(S):**

**PROJECT:**

**ZONING:**

**OTHER PERMITS:**

The following local, state and federal permits/approvals are needed for the proposed project

**REQUIRED STUDIES:**

(list any studies that may have been completed or will be completed for this proposal)

**ENVIRONMENTAL REVIEW:** The Division of \_\_\_\_\_ has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used. This may be the only opportunity to comment on the environmental impacts of the proposed project. Any SEPA appeal is governed by the Spokane Environmental Ordinance and such appeal shall be filed within fourteen (14) days after the notice that the determination has been made.

**EXISTING ENVIRONMENTAL DOCUMENTS:** (List any existing environmental documents that will be used as part of the review process.)

**WRITTEN COMMENTS:** Agencies, tribes and the public are encouraged to review and provide written comments on the proposed project and its probable environmental impacts. All comments received within 14 calendar days of the date issued below will be considered prior to making a decision on this application.

**DEVELOPMENT REGULATIONS:** Spokane County Zoning Code, Spokane County Subdivision Ordinance, Spokane County Standards for Roads and Sewer Construction, Spokane County Guidelines for Stormwater Management and the regulations of the Spokane Regional Health District are the primary regulations applicable to the site.

**CONSISTANCY:** In consideration of the above referenced development regulations and typical conditions and/or mitigating measures, the proposal is found to be consistent with the "type of land use", "level of development", "infrastructure", and "character of development".

**PUBLIC HEARING:** This action (is / is not) subject to a future public hearing. (include date, time and place if known)

**REVIEW AUTHORITY:**

Project Coordinator

\_\_\_\_\_, Director

Spokane County Division of \_\_\_\_\_  
1026 West Broadway Avenue  
Spokane, WA 99260-0050  
(509) 477-\_\_\_\_\_

Date Issued: \_\_\_\_\_ Signature: \_\_\_\_\_

The comment period closes at 5:00 p.m. on \_\_\_\_\_