

**Chapter 17.06
Processing Procedures**

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17.06.010 Purpose. The purpose of this Chapter is to provide for effective and efficient administrative review of land use and development applications with consistent procedures for similar projects, and to combine procedural and substantive environmental reviews with the review of project permit applications under other applicable requirements. This Chapter is intended to provide a framework within which the consistency of project permit applications with the Comprehensive Plan and development regulations shall be determined.

A. The following is a brief summary of key land use decision-making roles:

1. The Mayor is the Chief Administrative Officer of the City, presides over City Council meetings, appoints members to the Planning Commission, and in limited circumstances votes on matters before the City Council. The Mayor is also authorized to designate a Planning Official(s), who shall be responsible for the administration of this Title;
2. The City Council is the legal legislative body of the City and is the only body which can adopt or amend an ordinance. The City Council shall make the final decisions on Class 3 applications and hear appeals of decisions on Class 2 applications. The Council shall also ratify the Mayor's appointments to the Planning Commission;

3. The Planning Commission shall have the authority to make recommendations to the City Council on Class 3 applications authorized under this ordinance.
4. The Hearing Examiner shall have the authority to make recommendations to the City Council on Class 3 applications authorized under this ordinance, as well as to make decisions regarding Class 2 applications, and hear appeals of Class 1 decisions.
5. It shall be the duty of the Planning Official(s) to administer the provisions of Title 15 and Title 17 and to coordinate the implementation of all planning requirements and activities in the City, and to interpret the provisions of this Code. The Planning Official(s) and all authorized City representatives are hereby empowered to cause any structure or tract of land to be inspected and examined, and to order, in writing, the remedying of any condition found to exist in violation of any provision of the Zillah Municipal Code or City ordinances; and
6. The City Attorney shall advise the Planning Commission, Hearing Examiner, City Council, Mayor, and City Staff regarding the legal interpretations, applications, and the enforcement of this Title.

17.06.020. Project Review Classifications. Three classes of review are established for the purposes of administering this Title. These three classes, their appropriate decision-maker, hearing body, appellate body, and the types of permits included in each class are contained in the following Table:

Class of Review	Types of Land Use Actions and Permits	Open Record Hearing Body	Closed Record Hearing Body	Decision Maker	Appellate Body
<i>Class I</i>	<ul style="list-style-type: none"> -Building Permits¹ -Certificates of Occupancy -Certificates of Zoning Compliance -Fence Permits¹ -Roofing Permits¹ -Notice of Violations -Stop Work Orders¹ -Title Elimination -Administrative Interpretations Decision -Minor amendments to approved project plans -Boundary line adjustments -Administrative Short Plats (4 lots or less) -Administrative Site Plan Review -SEPA Actions -Utility Easement Release -Special Use Permits -Time extensions -Critical Areas -Qualified Exemption -Other Permits as required -Telecommunication facilities(minor modifications) 	None	None	Planning Official	Hearing Examiner ¹ / City Council ² / Superior Court

Class 2	- Appeals of Class 1 Decisions -Commercial Site Development -Conditional Uses -Short Plats (5 to 9 lots) -Variances - PUD Amendments-Technical -Telecommunication facilities(major modifications)	Hearing Examiner	None	Hearing Examiner	City Council ² / Superior Court
Class 3	-Comprehensive Plan Amendments/Text -Development Regulations -Annexation	Planning Commission	City Council	City Council	City Council ² / Superior Court
Class 3	-Appeals of Class 2 Decisions -Planned Developments -PUD Amendments-Concept -Rezoning -Long Plat (10 or more lots) -Telecommunication facilities(new)	Hearing Examiner	City Council	City Council	City Council ² / Superior Court
Special	-Street Vacations	City Council	None	City Council	City Council ² / Superior Court

Footnotes:

1. Appeals shall be heard by the Hearing Examiner.
2. A request for reconsideration must be filed before an appeal of a City Council decision can be filed in Superior Court.

17.06.030. Procedures for Class 1 Review. Class 1 permit applications involve administrative action by the Planning Official without a prior open record public hearing. The Hearing Examiner shall conduct an open record public hearing for appeals of decisions on Class 1 permits unless otherwise noted in this Title. The decision of the Hearing Examiner on appeals is subject to a closed record appeal before the City Council.

A. Applications for Class 1 permits shall be processed by the City in accordance with the following general procedures, unless the Applicant is notified in writing by the Planning Official:

1. Staff will conduct a “counter complete” review. This initial review ensures that all required information is contained within the application. If each item on the submittal requirements is met then the application is accepted for further review.
2. Once approved as “counter complete”; the application is forwarded to Planning staff for a “technically complete” review to ensure that all necessary information is provided. If the application is not complete, staff will notify the applicant that the application is not complete and more information must be submitted before the application can continue to be processed.
3. Issuance of a Determination of Completeness;
4. Issuance of a Determination of Consistency; and

5. Notification to the Applicant of approval or denial of the application.

17.06.040. Procedures for Class 2 Review. The Hearing Examiner shall conduct an open record public hearing before making a decision on Class 2 permit applications. The decision of the Hearing Examiner is subject to a closed record appeal hearing before the City Council.

A. Applications for Class 2 permits shall be processed by the City in accordance with the following general procedures, unless the Applicant is notified in writing by the Planning Official:

1. Staff will conduct a “counter complete” review. This initial review ensures that all required information is contained within the application. If each item on the submittal requirements is met then the application is accepted for further review.
2. Once approved as “counter complete”; the application is forwarded to Planning staff for a “technically complete” review to ensure that all necessary information is provided. If the application is not complete, staff will notify the applicant that the application is not complete and more information must be submitted before the application can continue to be processed
3. Issuance of a Determination of Completeness;
4. Distribution of a Notice of Application;
5. Issuance of a SEPA Threshold Determination, if required;
6. Preparation of a staff report containing all information known on the application and a Determination of Consistency. This report may also include a staff recommendation with conditions of approval and shall be distributed to the Hearing Examiner before the open record public hearing;
7. An open record public hearing shall be conducted by the Hearing Examiner, during which the Applicant shall be given the opportunity to present the proposed project and interested parties shall be allowed to make comments and submit written testimony; and
8. Hearing Examiner review and issuance of a Notice of Decision.

17.06.050. Procedures for Class 3 Review. Decisions on all Class 3 permit applications shall be made by the City Council following an open record public hearing conducted by the either the Hearing Examiner or Planning Commission ,subject to type of land use application. The decisions of the City Council on all Class 3 permits are subject to a request for reconsideration by any of the Parties of Record. The City Council may refuse to accept requests for reconsideration, and if accepted, may affirm, reverse, or modify their previous decision following a closed record hearing in which the appellant may present their argument.

1. Applications for Class 3 permits shall be processed by the City in accordance with the following general procedures, unless the Applicant is notified in writing by the Planning Official:

1. Staff will conduct a “counter complete” review. This initial review ensures that all required information is contained within the application. If each item on the submittal requirements is met then the application is accepted for further review.
2. Once approved as “counter complete”; the application is forwarded to Planning staff for a “technically complete” review to ensure that all necessary information is provided. If the application is not complete, staff will notify the applicant that the application is not complete and more information must be submitted before the application can continue to be processed
3. Issuance of a Determination of Completeness;
4. Distribution of a Notice of Application;
5. Issuance of a SEPA Threshold Determination, if required;
6. Preparation of a staff report containing information on the application and a Determination of Consistency. This report may also include a staff recommendation with conditions of approval and shall be distributed to the Hearing Examiner or Planning Commission, subject to the type of land use application, before the open record public hearing;
7. An open record public hearing shall be conducted by the either the Hearing Examiner or Planning Commission, during which the Applicant shall be given the opportunity to present the proposed project and interested parties shall be allowed to make comments and submit written testimony;
8. The recommendation of the Hearing Examiner or Planning Commission along with a complete copy of the record shall be provided to the City Council for review prior to their decision; and
9. City Council review and issuance of a Notice of Decision.

17.06.060 Consolidated Permit Processing. It is the goal of the City to consolidate the permit processing for projects or development activities that require two or more permits or approvals. The Planning Official shall determine the appropriate means of consolidating the processing of all permits and shall assign the highest-class review classification of the individual permits being sought to the consolidated permit application (with Class 3 being the highest followed by Class 2). This consolidation may include integrating public hearings, establishing unified comment periods, and/or concurrent reviews. The Planning Official is authorized to make modifications to the procedural requirements of Title 15 and 17 in order to effectively consolidate project reviews.

17.06.070 Permit Process Exclusions

A. The following project permits are excluded from the provisions of the integrated and consolidated permit process, any time periods in development regulations and sections 17.06.060, 17.06.080, 17.06.090 and 17.06.130 ZMC:

1. Landmark designations;

2. Street vacations;

3. Other approvals relating to use of public areas or facilities, including but not limited to utility permit applications for water service, fire hydrant, fire hydrant use, sanitary sewer connections, storm drainage systems, right-of-way use permits and public facility extension agreements if categorically exempt under ZMC 17.08 and/or Chapter 43.21C RCW or as it may be amended; or

4. Other project permits which the city determines present special circumstances that warrant a review process different from that provided in this subsection, including but not limited to special permit applications for sidewalk, driveway, curb and gutter, excavation and flood control zone permits not subject to SEPA.

B. The following project permits are excluded from the provisions of the integrated and consolidated permit process and the requirements of Chapters 17.06.080, 17.06.120 and 17.06.060 ZMC:

1. Lot line adjustments;

2. Building and other construction permits or similar administrative approvals, including but not limited to building, grading, land clearing permits and administrative temporary use permits, which are categorically exempt from environmental review under ZMC 17.08 and/or Chapter 43.21C RCW or as it may be amended, or for which environmental review has been completed in connection with other project permits

17.06.080. Completeness Review. All applications for Class 1, 2, and 3 permits shall be submitted on such forms and in accordance with such procedures as may be prescribed by the City. Provided that:

A. All applications shall be signed by the property owner or show owner consent of the application by the agent acting on the owner's behalf;

B. All applicable fees shall be submitted at the time of application unless otherwise specified;

C. Prior to submitting any Class 2 and Class 3 applications, Applicants should make an appointment for and attend a pre-application meeting with City Staff. The purpose of this meeting is to identify and discuss the proposed project or development activities, permit procedures, processing requirements, permit fees, schedules, and information that will be necessary for project review. The Planning Official may invite representatives from City departments and other affected agencies to attend.

D. A completed SEPA shall be filed at the same time as an application for all permits, except when:

1. The City has determined the activity to be Categorically Exempt from the requirements of SEPA;

2. The City and Applicant agree an EIS is required;
 3. SEPA compliance for the proposed project has already been completed; or
 4. SEPA compliance has been initiated by another agency.
- E. Within 28 days of submittal, the City shall conduct a review of all application materials to determine if the application is complete and ready for processing. The City shall then make a Determination of Completeness and shall provide the Applicant with written notification which states:
1. The application is complete and ready for processing, or that the application is incomplete and what is necessary to make the application complete;
 2. To the extent known by the City, other permits that may be required for the proposed project; and
 3. To the extent known by the City, the identity of other agencies with jurisdiction over the application.
- F. Nothing in this Title shall limit the Planning Official from incorporating the Notice of Application and Determination of Completeness into one document.
- G. The Issuance of a Determination of Completeness shall not preclude the City from requesting additional information from the Applicant in order to complete the processing of an application.
- H. If the City determines an application is not complete, or that additional information is necessary to complete the review of the application, and the Applicant fails to respond to the request from the City in the established time frames, the City shall notify the Applicant in writing that the application has lapsed and become void.

17.06.090 Application vesting.

A project permit application shall vest upon the submission of a fully completed project permit application, as defined in ZMC 17.06.080. Vesting shall apply to land use regulations in effect on the land at the time a fully completed project permit application(s) has been accepted as complete pursuant to ZMC 17.06.080.

17.06.100 Notice of Application. Following the issuance of a Determination of Completeness, the City shall issue a Notice of Application for all Class 2 and Class 3 project permit applications.

- A. Notices of Application shall include:
1. A description of the proposed action;

2. Identification of the permits and approvals that may be required and opportunities for public review and comment; and
3. SEPA actions taken or Preliminary SEPA Threshold Determinations, if any.

17.06.110 Preliminary SEPA determination. A preliminary SEPA Threshold Determination or Preliminary SEPA action may be included with Notice of Application if such preliminary actions have been made at the time the Notice of Application is issued. A preliminary SEPA Threshold Determination, or preliminary SEPA action, does not substitute, or in any way circumvent, the process for making a final SEPA Threshold Determination or in taking a SEPA action. Preliminary SEPA determinations are intended to encourage early public comment on project applications.

17.06.120 SEPA Threshold Determinations. A Threshold Determination is required for any proposal that is not categorically exempt within ninety days that an application has been deemed complete. All Threshold Determinations shall result in a Determination of Non-significance (DNS), or a Determination of Significance (DS), provided that the City may also issue a Mitigated Determination of Non-Significance (MDNS) based on conditions attached to the proposal, or on changes to, or clarifications of, the proposal made by the Applicant:

- A. After submission of an environmental checklist and prior to a Threshold Determination, an Applicant may ask whether the City is considering issuing a DS. If so, the Applicant may clarify or change features of the proposal to mitigate the impacts which make the DS likely. If a proposal continues to have a probable significant adverse environmental impact, even with the mitigating measures, an EIS shall be prepared.
- B. If a preliminary SEPA Threshold Determination was not made in conjunction with a Notice of Application, and no probable significant adverse impacts are anticipated, a Determination of Non-Significance shall be issued and at least a 14-day comment period may be required (WAC 197-11-340 (2)(a)) or as it may be amended.
- C. If a pre-decision open record public hearing is required; the SEPA Threshold Determination must be issued at least 15 days before the hearing;
- D. Except for a Determination of Significance (DS), the City may not issue a decision on a project application until the expiration of the public comment period on the Notice of Application.
- E. If the City makes a SEPA Determination of Significance (DS) concurrently with the Notice of Application, the Notice of Application shall be combined with the Determination of Significance and Scoping Notice.
- F. Whenever the City makes a Threshold Determination, it shall seek to include the public notice for this SEPA action with the Notice of Application or Notice of Decision for any associated land use application(s) or permits.

1. If no public notice is required for the permit or approval, the City shall give notice of the DNS or DS by publishing a notice in the City's Newspaper of Record.
2. Whenever the City issues a DS, all public notices shall state the scoping procedure for the required EIS.
3. Whenever the City issues a DEIS, or SEIS, notice of the availability of those documents shall be given by:
 - a. Indicating the availability of the DEIS or SEIS in any public notice required for an associated land use application or permit;
 - b. Posting the property, for site-specific proposals;
 - c. Publishing notice in the City's Newspaper of Record;
 - d. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
 - e. Notifying the news media; and/or
 - f. Publishing notice in agency newsletters and/or sending notice to agency mailing lists.

G. Mitigation measures incorporated in the MDNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the City.

17.06.130 Determination of Consistency. This consistency review will consist of a review of the type of land use(s) permitted at the site, the level of development allowed, infrastructure analysis, and the character of the development.

- A. Consistency should be determined in the project review process by considering four factors found in applicable plans and regulations:
 1. The type of land use permitted at the site including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;
 2. The level of development, such as units per acre, density of residential development, or other measures of density;
 3. The availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW or as it may be amended; and,
 4. The character of the development, such as development standards.
- B. In determining consistency the determinations made pursuant to this title shall be controlling.

- C. During project review, the City of Zillah or any subsequent reviewing body 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.

17.06.140 Notice of Decision. A Notice of Decision shall be issued for all Class 2 and Class 3 applications. A Notice of Decision may not be issued until the expiration of the comment period on the Notice of Application. The notice of decision shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted comments on the application. The notice shall be provided as specified in ZMC 17.06.080. It shall include a statement of any threshold determination and procedures for administrative appeal, if applicable. It may be a copy of the report or decision on the project permit application.

A. Notices of Decision shall include:

1. A description of the decision or actions taken;
2. Any mitigation or conditions of approval required under applicable development regulations or under SEPA;
3. If a SEPA threshold determination has not been issued previously, the Notice of Decision shall state this determination; and
4. A description of applicable appeal procedures.

If the city is unable to issue the final decision within the prescribed time limits, the city shall provide written notice of this fact to the applicant. The notice shall include a statement of the reasons why the time limits have not been met and an estimated date for issuance of the notice of decision.

17.06.150 Public Notice Requirements. For permit applications which require public notice the following provisions shall apply:

A. These public notice requirements shall apply to:

1. Notices of Application;
2. Notices of Decisions;
3. Public Hearing notices;
4. SEPA Threshold Determinations; and
5. Notices of Appeals.

B. All public notices will be mailed at least fifteen days prior to the date of any required public hearing and/or comment period to the:

1. Applicant;
 2. All property owners within 300 feet of the proposed site;
 3. Agencies with jurisdiction;
 4. Parties who have provided oral or written testimony on the permit;
 5. Parties who have submitted written requests to receive notice; and
 6. Parties of Record.
- C. Public notices shall be published in the general newspaper of record at least fifteen days prior to the date of any public hearing and/or any public comment periods.
- D. Copies of public notices shall also be posted or available for review at City Hall, the Police Department, and the Library.

17.06.160 Appeals. All appeals of interpretations or actions based on the provisions of this Title or Title 15 shall be filed in a format prescribed by the City along with the required fee, within 14 days of the date of the interpretation or action. If the deadline to file an appeal falls on a weekend or on a City Holiday, the deadline shall become the next business day. The City shall mail written notice to all parties of record to apprise them of all open and closed record public appeal hearings and shall place a public notice in the City's Newspaper of Record at least fourteen days before the open record appeal hearing.

- A. The following provisions shall apply to all appeals unless otherwise noted:
1. The Notice of Appeal shall specify the claimed error(s) and issue(s) which the Appellate Body is asked to consider, and shall specifically state all grounds for such appeal. Issues or grounds of appeal which are not so identified need not be considered by the Appellate Body;
 2. The Appellants and any Respondents to the Notice of Appeal shall have the opportunity to present oral and written arguments during open record appeal hearings. For all closed record appeals, the record shall be limited to information presented during the preceding open record hearing. Oral argument shall be confined to the established record and to any alleged errors in the decision;
 3. Following an appeal hearing the Appellate Body may affirm, reverse or modify the decision of record and shall adopt its own written findings and conclusions in support of its decision; and
 4. The City may require an Applicant and/or the Appellant to reimburse the City for the cost of preparing materials to be used during open and/or closed record hearings including but not limited to the cost of copying, taping, and/or transcribing a certified record of the proceedings.

- B. Appeals of SEPA threshold Determinations or SEPA actions shall be combined with any appeals of associated applications or permits.
- C. Except for the appeal of a SEPA Determination of Significance, no more than one open public record hearing and no more than one closed record appeal may occur on a single permit application or master application:
 - 1. A public meeting(s) may be held prior to the open record hearing. A public meeting may include, but is not limited to: a scoping meeting for the preparation of a draft environmental impact statement or presentation of a final Environmental Impact Statement, an informational meeting, and/or neighborhood meeting. 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.

17.06.170 Time Limits. Except as provided in ZMC 17.06.170, the city shall issue a notice of final decision on a project permit application within 120 days after the applicant is notified in writing that the application is technically complete as provided in Chapter 17.06 ZMC. The following periods of time are excluded in determining the number of days which have elapsed:

A. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information. The period is calculated from the date the applicant is notified of the need for additional information until the earlier of: (1) the date the city determines whether the additional information satisfies the request for information, or (2) 14 days after the date the information has been provided. If the information submitted by the applicant under this subsection is insufficient, the city shall notify the applicant of the deficiencies and the procedures described above shall apply as if a new request for studies had been made.

B. Any period during which an EIS is being prepared following a determination of significance pursuant to ZMC 17.08 and Chapter 43.21C RCW or as it may be amended. The city and applicant will agree in writing on the time period for completion of an EIS.

C. Any period for administrative appeals of project permits, if an open record appeal hearing or closed record appeal, or both, are allowed. The time period shall not exceed: (1) 90 days for an open record appeal hearing; and (2) 60 days for a closed record appeal. The parties may agree in writing to extend the applicable time periods for appeal.

D. Any extension of time mutually agreed upon in writing by the applicant and city.

17.06.180 Exceptions

The time limits established above do not apply if a project 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 36.70A.350 or as it may be amended, a master planned resort as provided in RCW

36.70A.360 or as it may be amended, or the siting of an essential public facility as provided in RCW 36.70A.200 or as it may be amended; 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 complete under Chapter 17.06 ZMC

17.06.190 Judicial Review of Land Use Decisions

Judicial review of land use decisions shall be brought pursuant to the requirements contained in Chapter 36.70C RCW or as it may be amended, except for the following:

A. Judicial review of:

1. Land use decisions made by bodies that are not part of a local jurisdiction;
2. Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board or the growth management hearings board; and

B. Judicial review of applications for a writ of mandamus or prohibition; or

C. Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under Chapter 36.70C RCW or as it may be amended, the claims are not subject to the procedures and standards, including deadlines, provided in Chapter 36.70C RCW for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.

17.06.200 Weekends and holidays

Regardless of whether any period is minimum or maximum, when any permit review, notice or decision time limit of this title terminates upon a weekend or city holiday, such time limit shall automatically be extended to the first business weekday following the weekend or city holiday.