

Chapter 14A.04: PERMIT PROCESSING

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14A.04.010 Purpose and applicability.

- A. This chapter shall apply to actions involving Title 13 (Subdivisions) and Title 14 (Zoning). Provided, however, that:
 - 1. Section 14A.04.140 of this chapter shall not apply to any project permit which requires an amendment to the Town's comprehensive plan or development regulations.
 - 2. Section 14A.04.080 of this chapter shall apply to all judicial appeals regarding actions under WMC Titles 13 and 14.
 - 3. Application processing for boundary line adjustments, and for building and grading permits excluded under subsection B(5) of this section shall comply with sections 14A.010 to 14A.04.060 and sections 14A.140 to 14A.04.150 except for subsection 14A.04.030(B).
- B. The following project permits are excluded from the procedures of this chapter:
 - 1. Landmark designations;
 - 2. Street vacations;
 - 3. Street and public areas use permits;
 - 4. Sewer system connection permits (side sewer permit);
 - 5. Boundary line adjustments;
 - 6. Building and grading permits (when categorically exempt from environmental review under SEPA or for which environmental review has been completed in connection with other project permits). (RCW Sec. 36.70B.140). (Ord. 01-412 § I (Exh. 1(part)), 2001; Ord. 322 § II, 1996; Ord. 319 § I, 1996)

14A.04.020 Definitions.

- A. "Administrative approval" means authority given to the Mayor or the Mayor's designee to approve minor changes to an application without giving public notice.
- B. "Administrative interpretation" means an interpretation of the Woodway ordinances and codes related to the application and made by the Mayor or the Mayor's designee.
- C. "Applicant" means a person seeking development approval from the Town of Woodway.
- D. "Closed record appeal" means an appeal of any consideration of an application or action taken thereon after an open record hearing. A closed record appeal shall be on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. (RCW 36.70B.020)
- E. "Closed record hearing" means a hearing on any consideration of an application or action taken thereon by the Town Council after an open record hearing. A closed record hearing shall be based on the record with no or limited new evidence or information allowed to be submitted.
- F. "Counter complete status" means an application that purports and appears to include the information required by Section 14A.04.060.

- G. "Date of decision" means the date on which final action occurs and from which the appeal period is calculated.
- H. "Designee(s)" means the person or persons designated by the Mayor to perform administrative functions, to review applications, and to prepare written staff reports.
- I. "Developer" means any person who proposes an action or who seeks a permit regulated by Titles 13 and 14 of the Woodway Municipal Code (WMC).
- J. "Development" means the construction, reconstruction, or modification of structures above and below ground or water on a building site.
- K. "Development standards" means the Town of Woodway ordinances and codes used to review and evaluate the application proposal.
- L. "Effective date" means the date a final decision becomes effective.
- M. "Evidentiary record" means the cumulative body of information upon which the hearing body will base its recommendation or decision.
- N. "Fee" means the cost to the applicant for processing the application including costs incurred by administrative designees for professional services.
- O. "Final decision" means the final action by the Town Council.
- P. "Letter of completeness" means a letter sent to the applicant either within twenty-eight calendar days of the original submission or within fourteen days of a supplemental submission which acknowledges acceptance of a completed application.
- Q. "Minor changes" means a minor change approved administratively. Examples of minor changes are changes relating to the location of utility easements, driveways cuts, and locations of street and walkway improvements.
- R. "Notice of application" means a notice posted according to the conditions of Section 14A.04.070 informing the public of the acceptance of a completed application.
- S. "Notice of decision" means a written notice of all final decisions that is sent to the applicant and to all parties of record.
- T. "Notice of public hearing" means a notice given of the scheduled open record hearing according to Section 14A.04.080.
- U. "Open record public hearing" means an open record hearing at which evidence is presented and public testimony is recorded.
- V. "Party of record" means any person who has testified at a hearing or has commented in writing about an application for development and who provides the Town with a complete name and mailing address.
- W. "Planning Commission" means the appointed body of Planning Commissioners or the Town of Woodway.
- X. "Technically complete application" means an application which meets the requirements of Section 14A.04.060(A) (B) and (C).
- Y. "Town" means the Town of Woodway.
- Z. "Working days" means the days of the work week, i.e., Monday through Friday during Town Hall operating hours between 9:00 a.m. and 1:00 p.m. (Ord. 01-412 § 1 (Exh. 1 (part)), 2001; Ord. 319 § II, 1996)

14A.04.030 Review procedures.

- A. The Mayor is authorized, with the assistance of the Town Clerk and other persons designated by the Mayor, to administer this chapter and to employ other officers to perform administrative functions related to the designated administrative actions.
- B. Applications by property owners for permits or actions under Titles 13 and 14 shall have only one open record hearing which shall be held before the Town of Woodway Hearing Examiner consistent with the procedural requirements of WMC Chapter 2.56, or the Planning Commission, as specified in Titles 13 and 14. Review and final action or hearing of appeals by the Town Council shall be considered to be a "closed record appeal."
- C. Where the Town reviews more than one application for a given development, all applications required for the development may be submitted for review at one time and the procedures integrated to avoid multiple hearings. The Town may combine public hearings or meetings regarding a land use action with other agencies having jurisdiction. The procedure established shall provide notice and opportunity to participate.
- D. At any time prior to the open record public hearing an applicant or any property owner within six hundred feet of the boundary of an applicant's property may request from the Mayor an administrative interpretation of Woodway ordinances related to an application. A request for an administrative interpretation shall be made consistent with the provisions of Section 14.04.020 of the Code (Interpretation of provisions). (Ord. 01-412 § 1 (Exh. 1 (part)), 2001; Ord. 319 § III, 1996)

14A.04.040 Preapplication meetings.

The Mayor or his designee or applicant may request a preapplication meeting to discuss the proposed development in general terms, to discuss the Town's development standards and any design alternatives, and to become acquainted with the Town's required permits and approval processes. (Ord. 319 § IV, 1996)

14A.04.050 Counter complete status.

- A. The Mayor, or other officers designated by the Mayor, shall determine counter complete status of applications. Applications may be submitted to the Town clerk at Town Hall at any time during business hours. Counter complete status shall be determined on or before 12:00 noon on or before the fourth working day following submittal.
- B. An application is counter complete if the Mayor, or other officers designated by the Mayor, finds that the application purports and appears to include the information required by Section 14A.04.060, provided no effort shall be made to evaluate the substantive adequacy of the information.
- C. If the Mayor, or other officers designated by the Mayor, decides the application is not counter complete, then he/she shall immediately reject and return the application and any fees collected and identify in writing what is needed to make the application counter complete. (Ord. 319 § V, 1996)

14A.04.060 Technically complete application.

- A. The Mayor, or other officers designated by the Mayor, shall determine that the application is technically complete, as provided herein.
- B. The Town shall have twenty-eight calendar days after the submission of a counter complete application to determine whether an application is technically complete; provided, that in the event that an application is returned to the applicant as not technically complete, the Town shall have fourteen calendar days from resubmittal to determine technical completeness.
- C. An application is technically complete if it includes the following:
 1. Except for Town-initiated actions, a complete original application form signed by the owner(s) of the subject property or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application.
 2. A legal description supplied by Snohomish County survey records division, a title company, surveyor licensed in the state of Washington, or other party approved by the Planning Commission, and current Snohomish County assessor map(s) showing the property(ies) subject to the application.
 3. A copy of the applicable Snohomish County Assessor's parcel map; list of all property owners within six hundred feet of the boundary of the proposed project; and one set of stamped envelopes addressed to all property owners within six hundred feet of the boundary of the proposed project, with return address of the Town of Woodway, 23920 -- 113th Place West, Woodway, WA 98020. If the project requires SEPA review, a second set of stamped envelopes will be required.
 4. The applicable fee(s).
 5. An application shall include all of the information listed as application requirements in the relevant sections of applicable Town ordinances.
 6. Any applicable SEPA document, typewritten or in ink and signed.
 7. Environmentally Sensitive Areas Questionnaire.
- D. If the Mayor, or officers designated by the Mayor, determines an application is not technically complete, then, within the time provided in subsection B of this section, the Town shall send the applicant a written statement rejecting the application based on a lack of information and listing what is required to make the application technically complete.
 1. The statement shall set a date by which the missing information must be provided. The statement shall state that an applicant may apply to extend the deadline and explain how to do so.
 2. The statement also may include recommendations for additional information that, although not necessary to make the application technically complete, is recommended to address other issues that are or may be relevant to the review.
- E. If the required information is not submitted by the date specified and the Mayor has not extended that date, within five working days after that date the Mayor or his designee shall take the action in subsection (E)(1) or (2) of this section. If the required information is submitted by the date specified, then within fourteen calendar working days the Mayor or Mayor's designee shall decide whether the application is technically complete and, if not, the Mayor or his designee shall:

1. Reject and return the application and the unexpended portion of the application fees, less ten percent of the total application fee, and mail to the applicant a written statement which lists the remaining additional information needed to make the application technically complete.
 2. The Mayor or Mayor's designee may allow the applicant to restart the technically complete review process a second time by providing the required missing information by a specified date.
- F. If the Mayor or Mayor's designee determines an application is technically complete, then the Mayor shall, within the time specified in Section 14A.04.060(B):
1. Forward the application to the Town Clerk-Treasurer for processing and schedule of proceedings.
 2. Send a letter of completeness to the applicant acknowledging acceptance, listing the name and telephone number of a contact person for the Town, and describing the expected review schedule, including the date of a hearing. As a courtesy, the letter may also identify, to the extent known, any other local, state or federal agencies that may have jurisdiction over some aspect of the application.
- G. An application shall be determined technically complete if a written determination as provided herein has not been postmarked and sent by registered mail to the applicant within twenty-eight calendar days of the date the application is submitted. (Ord. 01-412 § 1 (Exh. 1 (part)), 2001; Ord. 319 § VI, 1996)

14A.04.070 Notice of application.

- A. Within fourteen calendar days of issuing a letter of completeness, the Mayor or Mayor's designee shall issue a notice of application. The notice shall include, but not be limited to, the following:
1. The name of the applicant.
 2. The date of the application.
 3. The date of the letter of completeness and notice of application.
 4. The location of the project.
 5. A project description.
 6. The requested approvals, actions, and/or required studies.
 7. A public comment period no less than fourteen nor more than thirty calendar days, provided that public comments may be accepted up to the closing of the records of the open record hearing.
 8. Identification of existing environmental documents.
 9. A Town contact and phone number.
 10. The date, time, and place of a public hearing if one has been scheduled at the date of the notice.
 11. A statement that the decision on the application is scheduled to be made within one hundred twenty days of the date of the letter of completeness and that any person may receive notice and participate in hearings.
 12. Any other information deemed appropriate.
 13. Identification of any other known local, state or federal permits required but not included in the application and a statement that it is the applicant's responsibility to determine and secure all necessary local, state or federal permits required.
 14. Identification of the location where the application and any studies may be reviewed.
 15. A statement that any person may request a copy of the decision once made and a statement of appeal rights.
- B. The notice of application shall be posted on the subject property, publicly posted, published once in a newspaper of general circulation and mailed to property owners within six hundred feet of the subject property.
- C. The notice of application shall be issued prior to, and is not a substitute for, required notice of a public hearing. (Ord. 01-412 § 1 (Exh. 1 (part)), 2001; Ord. 319 § VII, 1996)

14A.04.080 Notice of public hearing.

Notice of an open record public hearing shall be given as follows:

- A. Time of Notices. Except as otherwise required, public notification of meetings, hearings, and pending actions shall be made by:
1. Publication at least ten calendar days before the date of a public meeting, hearing, or pending action in the official newspaper, if one has been designated, or a newspaper of general circulation in the Town.
 2. Mailing at least ten calendar days before the date of a public meeting, hearing, or pending action to all property owners of the subject property as shown on the records of the county assessor and to all property owners within six hundred feet of the boundaries of the subject property or any other adjacent property owned by the owner of the subject property. Applicant shall provide addressed and stamped envelopes for the mailing.
 3. Although not legally required, as a courtesy, notice may be mailed to other Town residents.

4. Posting at least ten days before the meeting, hearing, or pending action at four public places where ordinances are posted and at least one notice on the subject property.
- B. Content of Notice. The public notice shall include a general description of the proposed project and the action to be taken; a nonlegal description of the property, or a vicinity map or sketch; the time, date and place of the public hearing; and how to obtain additional information.
- C. Continuations. If for any reason a meeting or hearing on a pending action cannot be completed on the date set forth in the public notice, then the meeting or hearing may be continued to a date certain and no further notice under this section is required.
- D. Extension of Time. If the open record public hearing has not been commenced, the Mayor may authorize an extension of time and then the above notice procedure shall be followed. The Mayor's decision shall be final on the date issued. (Ord. 01-412 § 1 (Exh. 1 (part)), 2001; Ord. 00-392, 2000: Ord. 319 § VIII, 1996)

14A.04.090 Planning Commission review and recommendation.

- A. The Planning Commission shall convene a public hearing and shall make recommendations to Town Council for action on all subdivisions and rezones following an open record public hearing as required, consistent with the procedures of this chapter.
- B. Prior to the Planning Commission hearing, the Mayor or Mayor's designee shall prepare a staff report on the proposed development or action that summarizes the comments and recommendations, comments of any affected public agencies and special districts, and that evaluates the proposed development's consistency with Town ordinances, adopted plans and regulations. The staff report may include proposed findings, conclusions and recommendations for consideration of the application.
- C. Within fourteen calendar days after the date of the record closes, the Planning Commission shall issue a recommendation regarding the application(s), provided the Planning Commission shall not issue a recommendation regarding the application(s) until at least fifteen calendar days after the threshold determination under SEPA is made.
- D. Within five working days from the date of the recommendation, the Town Clerk shall mail the notice of the Planning Commission recommendation to the applicant and applicant's representative, and all parties of record. The mailing shall include a notice which includes the following information:
 1. The time and place at which Town Council will set the closed record hearing for review and action. Such statement shall include notice that Town Council action shall be closed record review based on the Planning Commission's or Hearing Examiner's open record hearing.
 2. A statement that the complete case file is available for review. The statement shall list the place, days and times where the case file is available and the name and telephone number of the Town representative to contact for information about the case. Town Council shall set a time for Council action at its next regular meeting.
- E. Recommendations of the Planning Commission to the Town Council regarding subdivisions and other land use actions requiring decisions by the Town Council shall be submitted no later than fourteen calendar days following Planning Commission action. The recommendation shall include:
 1. A statement of the applicable criteria and standards in this chapter and other applicable law.
 2. A statement of the facts that the Planning Commission found to show the application does or does not comply with each applicable approval criterion and standard.
 3. The reasons for a conclusion to approve or deny.
 4. The recommendation to approve or deny the application and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable criteria and standards.
 5. The Town Council at its next regular meeting shall set the date when it shall act on the recommendation based on the record established at the public hearing. (Ord. 01-412 § 1 (Exh. 1 (part)), 2001: Ord. 319 § IX, 1996)

14A.04.100 Town Council actions.

- A. Actions.
 1. Upon receiving a Planning Commission recommendation, the Town Council will review the matter in a closed record hearing and make a decision.
 2. When no Planning Commission recommendation is required, the Town Council may at its discretion, hold a public hearing and make a decision on the following matters:
 - a. Appeal of administrative interpretations;
 - b. Appeal of determinations of significance;
 - c. Other matters not prohibited by law.
- B. Decisions. The Town Council shall make its decision by motion, resolution or ordinance as appropriate.

- I. A Council decision following an open record public hearing (if applicable) shall include one of the following actions:
 - a. Approve as recommended;
 - b. Approve with additional conditions;
 - c. Modify, with or without the applicant's concurrence, provided that the modifications do not:
 - i. Enlarge the area or scope of the project,
 - ii. Increase the density or proposed building size,
 - iii. Significantly increase adverse environmental impacts as determined by the responsible official;
 - d. Deny (reapplication or resubmittal is permitted);
 - e. Deny with prejudice (reapplication or resubmittal is not allowed for two years);
 - f. Remand for further proceedings where appropriate;
 - g. Regarding subdivision, the Town Council may adopt its own recommendations and approve or disapprove the plat;
 - h. Notice of Decision. A written notice for all final decisions shall be sent to the applicant and to all parties of record. Persons who desire to be a party of record shall so notify the Town Clerk and provide the Town Clerk their name and mailing address. For development applications requiring Planning Commission review and Town Council approval, the notice shall be the signed ordinance or resolution. (Ord. 99-362 § 3, 1999; Ord. 319 § X, 1996)

14A.04.110 Procedures for open record public hearings.

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision or recommendation. The chair shall open the public hearing and, in general, observe the following sequence of events:

- A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
- C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair.
- D. Rebuttal, response, or clarifying statements by the staff and the applicant.
- E. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it. (Ord. 01-412 § 1 (Exh. 1 (part)), 2001; Ord. 319 § XI, 1996)

14A.04.120 Procedures for closed record hearings.

Closed record hearings shall serve to provide guidance for the hearing body's decision and shall be conducted in accordance with the Town Council's rules of procedure as provided for public meetings. The closed record hearing shall include the following guidelines:

- A. The Town Council shall be responsible to review the application, staff report, minutes of the open public hearing, and the findings and conclusions, or reasons for decisions or recommendations. The Town Council may, by motion passed by a majority, continue the hearing to review audio or audio--visual tapes or other evidence from the open hearing not available at the closed hearing.
- B. Members of the Town Council shall state whether they have had any ex parte contact or whether a member has a personal or business interest in the application. Town Council shall afford parties an opportunity to challenge the impartiality of the Town Council or its members.
- C. No new evidence or testimony shall be given or received. Timely written or oral statements or arguments may be submitted at the discretion of the chair. (Ord. 319 § XII, 1996)

14A.04.130 Remand.

In the event the Town Council determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the Town Council may remand the matter back to the Planning Commission or Hearing Examiner to correct the deficiencies. The Town Council shall specify the items or issues to be considered and the time frame for completing the additional work.

The Town Council may hold a public hearing on a closed record hearing only for the limited purposes identified in RCW 34.05.562(1). (Ord. 01-412 § 1 (Exh. 1 (part)), 2001; Ord. 319 § XIII, 1996)

14A.04.140 Decision timelines.

Administrative, Planning Commission, Hearing Examiner, and Town Council actions shall be scheduled promptly so that a final decision on a technically complete application shall not require more than one hundred twenty calendar days; provided:

- A. If a determination of significance (DS) is issued, then the Planning Commission shall issue a recommendation not sooner than seven calendar days after a final environmental impact statement is issued.
- B. An applicant may agree in writing to extend the time in which the Planning Commission shall issue a recommendation. The Planning Commission may consider new evidence the applicant introduces with or after such a written request and shall provide the public at least fourteen days to comment on any such new evidence submitted after the notice of public hearing has been mailed.
- C. In determining the number of days that have elapsed after the Town has notified the applicant that the application is technically complete, the following periods shall be excluded:
 1. Any period during which the applicant has been requested by the Town to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the Town notifies the applicant of the need for additional information until the earlier of the date the Town determines whether the additional information satisfies the request for information or fourteen calendar days after the date the information has been provided to the Town.
 2. If the Town determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures under subsection (C)(1) of this section shall apply as if a new request for studies has been made.
 3. Any period of time during which an environmental impact statement is being prepared, which shall not exceed one year from the issuance of the determination of significance unless the town and applicant have otherwise agreed in writing to a longer period of time. If no mutual written agreement is completed, then the application shall become null and void after the one-year period unless the Town Engineer determines that delay in completion is due to factors beyond the control of the applicant.
 4. Any period of time during which a request by an applicant for an administrative interpretation consistent with the provisions of WMC Section 14.04.020 and related to the applicant's development application under WMC Titles 13, 14 and/or 16 is being processed by the town.
 5. The time limits in this section shall not apply if a project application requires an amendment to either the comprehensive plan or a development regulation; requires the siting of an essential public facility; or when the application is substantially revised by the applicant, in which cases the time period shall start from the date at which the revised project application receives a new letter of completeness.
- D. If the town is unable to issue its final decision within the time limits provided in this chapter, it shall provide written notice to the applicant with a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. (Ord. 01-412 § 1 (Exh. 1 (part)), 2001; Ord. 319 § XIV, 1996)

14A.04.150 Fees.

Fees relating to reviewing and processing all permit applications covered by this chapter shall be as set forth in Section 3.32.010. (Ord. 04-431 § 17, 2004; Ord. 319 § XV, 1996)

14A.04.160 Administrative authority.

The Mayor, or Mayor's designee, is authorized to approve minor changes to plat or rezone conditions without subjecting the change to the same procedure as the original plat or rezone or to the administrative review process. Such changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, other permits or law. The Mayor's authority to make minor changes:

- A. Cannot change the character of the plat or rezone and cannot change lot boundaries or setbacks or the total area of dedicated streets, utility easements or open space. Examples of minor changes may relate to the location of utility easements, driveways cuts, and location of street and walkway improvements;
- B. Must not increase the potential adverse impact of the development authorized by the plat or rezone conditions.
- C. Must be consistent with the applicable law or variations permitted by law, including a permit to which the development is subject.
- D. Must not involve an issue of broad public interest, based on the record of the decision.
- E. Must not require further SEPA review. (Ord. 319 § XVI, 1996)

14A.04.170 Interpretation and liability.

- A. The intent of this chapter is to comply with requirements imposed on local governments under Chapter 347, 1995 Laws of Washington (the "Act"). The requirements of the Act and this chapter shall be interpreted to supersede provisions from all other Town ordinances or procedures. Any applicant or other person who claims damages against the Town due to failure to follow the provisions of the Act or this chapter shall demonstrate timely filing of a request for administrative interpretation as provided in Section 14A.04.020 and 14A.04.030.
- B. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.
- C. It is the specific intent of this chapter that no provisions nor any term used in this chapter is intended to impose any duty to third parties whatsoever upon the Town or any of its officers or employees.
- D. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the Town, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the Town, its officers, employees or agents. (Ord. 01-412 § 1 (Exh. 1 (part)), 2001; Ord. 319 § XVII, 1996)

14A.04.180 Judicial appeal.

- A. Appeals from the final decision of the Town Council, Planning Commission or Hearing Examiner involving WMC Titles 13 and 14 and for which all other appeals specifically authorized have been timely exhausted shall be made to Snohomish County superior court within twenty-one days of the date the decision or action became final, unless another time period is established by state law or local ordinance.
- B. Notice of the appeal and any other pleading required to be filed with the court shall be served on the Town Clerk within the applicable time period. This requirement is jurisdictional. (Ord. 01-412 § 1 (Exh. I (part)), 2001; Ord. 319 § XVIII, 1996)