

Title 11

PLANNING AND DEVELOPMENT

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Chapter 11.10

COMPREHENSIVE PLAN

PERMIT PROCESS

Sections:

11.05.010 Adopted.

11.05.010 Adopted.

That certain compilation entitled “Comprehensive Plan, Town of Hunts Point, Final GMA Updated,” prepared by McConnell/Burke, Inc., April 1994, and amended to include “Comprehensive Plan 2004” has been adopted as the comprehensive plan for the town of Hunts Point. [Ord. 467 § 9, 2008; Ord. 269 § 2, 1994]

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Article I. Regulations Adopted

11.10.010 Definitions.

“Project permit application” means any application for land use or development permitted by the town including, but not limited to, building permits, short and major subdivisions, conditional uses, variances, site development permits, boundary adjustments, lot consolidations, right-of-way permits, special use permits, and substantial development permits, but shall not include rezones, amendments to the comprehensive plan or the adoption or amendment of ordinances or regulations relating to land use and development. [Ord. 467 § 10, 2008; Ord. 310 § 1, 1995]

11.10.020

11.10.020 Regulations adoption – Authority to amend.

The regulations describing requirements of completed permit applications attached to the ordinance codified in this article are hereby adopted as the regulations of the town. The town building official may propose amendments or additions to said regulations from time to time, only upon notifying the town council in writing of his intention to do so, at least 45 days before the effective date of said amendments or additions. The town council may reject or modify any proposed amendments or additions. In the absence of action by the town council, such amendments or additions shall become effective on their proposed effective date. [Ord. 310 § 2, 1995]

11.10.030 Completion notification – Time limits.

(1) Within 28 days after receiving a project permit application, the town shall mail or provide in person a written determination stating either:

- (a) That the application is complete; or
- (b) That the application is incomplete and what is necessary to make the application complete.

(2) The determination shall, to the extent known by the town, identify other agencies of local, state or federal government that may have jurisdiction over some aspect of the application.

(3) The project permit application shall be complete for purposes of this section when all the requirements of the regulations describing requirements of complete permit application have been complied with, even though additional information may be required or project modification may be undertaken subsequently.

(4) A determination of completeness shall not preclude the town from requesting additional information or studies if new information is required or substantial changes in the proposed action occur.

(5) The determination of completeness may include any additional information the town chooses to include.

(6) Within 14 days after an applicant has submitted additional information after a deter-

mination that the initial application is incomplete, the town shall issue a new determination of completeness.

(7) An application shall be deemed complete upon failure to issue a written determination that the application is incomplete within the time limits set forth in this section. [Ord. 310 § 3, 1995]

11.10.040 Time for decision.

(1) Except as otherwise provided in this section, the town shall issue its notice of final decision on a project permit application within 120 days after the town has notified the applicants that the application is complete. The following periods shall be excluded from the calculation of the number of days that have elapsed after notice of a complete application:

(a) Any period during which the applicant has been requested to correct plans or provide additional required information beginning with the date the applicant was notified of the need to correct plans or provide additional information and ending when the town determines that the corrected plans or additional information are complete or 14 days after the corrected plans or additional information have been supplied if the town does not issue a determination that such materials are not complete.

(b) Any time required for preparation of an environmental impact statement.

(c) Up to 90 days for the processing of any appeal of a building official determination relating to the project permit.

(2) The applicant and the town may extend the time for issuance of a final decision upon mutual agreement.

(3) The time limits set forth in this section shall not apply to any application that requires amendment to the comprehensive plan or to town ordinances.

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

(5) This section shall apply to project permit applications filed on or after April 1, 1996. [Ord. 310 § 4, 1995]

11.10.050 Designation of representative.

The town may require the project permit applicant to designate a single person or entity to receive determinations and notices pursuant to these regulations and to be responsible for the submittal of all application documents. [Ord. 310 § 5, 1995]

Article II. Procedures

11.10.100 Project permit application review consolidation.

At the option of the applicant, any two or more project permit applications, as defined in Article I of this chapter, which require review by the hearing examiner, together with reviews of administrative decisions under HPMC 11.10.110, may be consolidated for review before the hearing examiner. [Ord. 422 § 3, 2003; Ord. 314 § 1, 1996]

11.10.110 Administrative processing – Appeals.

(1) The following project permit applications are processed administratively by the town. Any person aggrieved by an administrative decision granting, denying, modifying or limiting a project permit application may appeal such decision to the Hunts Point hearing examiner; provided, that appeals of decisions of the building official relating to the application of the State Building Code shall be governed by the provisions of the State Building Code and the uniform codes therein adopted by reference:

- (a) Building permit;
- (b) Demolition permit;
- (c) Mechanical permit;
- (d) Plumbing permit;
- (e) Boundary line adjustment or lot consolidation;
- (f) Short subdivision;
- (g) Grading and drainage permit;
- (h) Right-of-way permit;
- (i) Shoreline exemption permit;
- (j) Site development permit;

(k) Street opening permit; and

(l) Tree removal permit.

(2) All appeals of administrative decisions must be filed with the town clerk within 14 days after the notice of the decision or after other notice that the decision has been made and is appealable. The time for appeals shall be extended for an additional seven days if the decision includes a determination subject to a SEPA public comment period as required under WAC 197-11-340. [Ord. 467 § 11, 2008; Ord. 406 § 4, 2002; Ord. 314 § 2, 1996]

11.10.120 Review by hearing examiner.¹

The following project permit applications are reviewed by the hearing examiner:

- (1) Conditional use permits;
- (2) Substantial development permits;
- (3) Special use permits;
- (4) Variances; and
- (5) Major subdivisions. [Ord. 467 § 12, 2008; Ord. 406 § 5, 2002; Ord. 349 § 3, 1998; Ord. 314 § 3, 1996]

11.10.130 Open record public hearings.

(1) Before acting on one of the project permit applications set forth in HPMC 11.10.120, the hearing examiner shall conduct an open record public hearing. The burden of proof shall be on the applicant. The application must be supported by proof that it conforms to the applicable elements of the town's development regulations, comprehensive plan and zoning code.

(2) Prior to the open record public hearing, town staff shall submit a single report describing all decisions or recommendations made on project permits that do not require an open record public hearing. The report shall state any mitigation measures required or proposed. The report shall include or append any threshold environmental determination other than a determination of significance.

(3) *Repealed by Ord. 406.* [Ord. 406 § 6, 2002; Ord. 314 § 4, 1996]

1. Code reviser's note: See also HPMC 2.35.020, relating to hearing examiner.

11.10.140

11.10.140 Appeals.

Hearing examiner decisions on project permit applications may be appealed in King County superior court pursuant to Chapter 36.70C RCW. [Ord. 467 § 13, 2008; Ord. 422 § 4, 2003; Ord. 314 § 5, 1996]

11.10.150 Joint public hearings.

(1) At the request of the applicant, the town may combine any public hearing on a project permit application requiring review by the hearing examiner with any hearing that may be held by another local, state, regional, federal or other agency on the proposed action, as long as: (a) the hearing is held within the town limits; (b) the hearing can be held within the time periods for deciding the application or the applicant agrees to a different schedule; and (c) the requirements of subsection (2) of this section are met.

(2) A joint public hearing may be held with another local, state, regional, federal or other agency and the hearing examiner as long as: (a) the other agency is not expressly prohibited by statute from doing so; (b) sufficient notice of the hearing is given to meet each of the agency's adopted notice requirements; and (c) the other agency has received the necessary information about the proposed project in enough time to hold its hearing at the same time as the hearing examiner. [Ord. 422 § 5, 2003; Ord. 314 § 6, 1996]

11.10.160 Notice of application.

(1) Generally. A notice of application shall be issued on all project permit applications requiring review by the hearing examiner under HPMC 11.10.120. The following project permits do not require a notice of application:

(a) Landmark designations, street vacations, and other approvals relating to the use of public areas or facilities;

(b) Lot line or boundary adjustments;

(c) Construction permits or administrative approvals categorically exempt from environmental review under Chapter 43.21C RCW, as designated in Chapter 197-11 WAC, including the projects listed in HPMC 11.10.110; and

(d) Any project for which environmental review has been completed in connection with other project permits.

(2) Contents. The notice of application shall include:

(a) The date of application, date of notice of completion for the application and the date of the notice of application.

(b) A description of the proposed project action, a list of the project permits included in the application and, if applicable, a list of any studies requested by the town.

(c) The identification of other permits not included in the application, to the extent known by the town.

(d) The identification of existing environmental documents that evaluate the proposed project and the location where the application and any studies can be reviewed.

(e) A statement of the limits of the public comment period, which shall be not less than 14 nor more than 30 days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights.

(f) The date, time, place and type of hearing, if applicable and scheduled at the date of the notice of application.

(g) A statement of the preliminary determination, if one has been made at the time of notice, of consistency with development regulations and of those development regulations that will be used for product mitigation and to determine if the project is consistent with town development regulations or, in the absence of specific regulations, the town's comprehensive plan.

(h) Any other information determined appropriate by the town.

(3) Time Frame for Issuance of Notice of Application.

(a) The notice shall be issued within 14 days after the town has made a determination of completeness of a project permit application.

(b) If an open record public hearing is required, the notice of application shall be pro-

vided at least 15 days prior to the open record public hearing.

(4) Public Notice. Public notice of the application shall be given as follows:

(a) A copy of the notice of application shall be posted on the street right-of-way adjacent to the site of the application in a location which is clearly visible to the public. For sites not abutting a public street, the notice of application shall be posted in the street right-of-way within 20 feet of any private lane or driveway providing access to the site.

(b) Copies of the notice of application shall be posted at all of the regular posting sites maintained by the town.

(c) Any additional notice required by the development regulations governing a proposed project permit application shall be given.

(d) The town may, but shall not be required to, give any additional notice that is deemed appropriate.

(5) Agency Notice. Copies of the notice of application shall be forwarded to all local, state or federal departments or agencies which have jurisdiction over any actions relating to an application. [Ord. 467 § 14, 2008; Ord. 422 § 6, 2003; Ord. 388 § 1, 2001; Ord. 314 § 7, 1996]

11.10.170 Environmental review.

(1) Categorically Exempt Actions. Actions categorically exempt under rules adopted by the Department of Ecology do not require environmental review and may not be conditioned or denied under a State Environmental Policies Act.

(2) Consolidated Review. Any necessary environmental review related to a permit application shall be consolidated with review of the application.

(3) Review of Applicable Regulations. In its review of a project permit application, the town may determine that requirements for environmental analysis, protection and mitigation measures in applicable development regulations for the comprehensive plan of the town, and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental

impacts of the application. If this determination is made, the town may condition its approval on compliance with said requirements or mitigation measures and shall not impose additional mitigation under SEPA.

(4) Consultation with Other Agencies – Deferral. In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction and with environmental expertise with regard to a specific environmental impact, the town shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the town shall base or condition its project approval on compliance with the existing rules or laws of that agency.

(5) Nothing in this section limits the ability of the town in its review or mitigation of a project to adopt or otherwise rely on environmental analysis and requirements under other laws. [Ord. 314 § 8, 1996]

11.10.180 Recommendations for amendments.

Any interested person, including applicants, citizens, town officers and staff, the planning commission and staff of other public agencies may suggest amendments to the town’s comprehensive plan or development regulations. All such suggestions shall be forwarded to the planning commission for consideration on at least an annual basis. [Ord. 314 § 9, 1996]

Article III. Exclusions

11.10.200 Exclusions.

The following matters are excluded from the requirements of this chapter:

- (1) Street vacations.
- (2) Approvals relating to the use of public areas or facilities.
- (3) Landmark designations.
- (4) Project permits, whether administrative or subject to review by the hearing examiner, that the town council by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided by this chapter. [Ord. 422 § 7, 2003; Ord. 314 § 12, 1996]

