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47
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Chapter 25.04

PERMIT APPLICATION REVIEW PROCEDURES

| <u>Sections</u> | | <u>Page</u> |
|---------------------|---|-------------|
| Article I. | Purpose and Authority | 1 |
| 25.04.010 | Purpose and Authority | 1 |
| 25.04.020 | Applicability | 1 |
| 25.04.030 | Legislature Not Restricted | 1 |
| 25.04.040 | Conflict of Provision – Severability | 1 |
| Article II. | Classifications by Project Permit Type | 1 |
| 25.04.050 | Introduction | 1 |
| 25.04.060 | Project Permit Types – Defined..... | 2 |
| 25.04.070 | Classification of Project Permit Applications..... | 2 |
| 25.04.080 | Classification of Project Permit Applications – Administrative Review | 2 |
| 25.04.090 | Master Application Process – Optional Consolidated Review | 3 |
| 25.04.100 | Administrative Interpretations | 5 |
| 25.04.110 | Exemptions from this Title | 5 |
| Article III. | Application Process Overview | 5 |
| 25.04.120 | Application Process Overview | 5 |
| Article IV. | Application Submission..... | 5 |
| 25.04.130 | Pre-Application Review | 5 |
| 25.04.140 | Application and Accompanying Data..... | 7 |
| 25.04.150 | Review for Counter Complete Status | 7 |
| 25.04.160 | Review for Technically Complete Status | 8 |
| Article V. | Processing a Technically Complete Application..... | 9 |
| 25.04.180 | Vesting..... | 9 |
| Article VI. | Notice of Application..... | 9 |
| 25.04.190 | Distribution of Notice of Application..... | 9 |
| 25.04.200 | Method of Public Notice of Application by Application Type | 10 |
| 25.04.210 | Contents of Notice of Application..... | 10 |
| 25.04.220 | Optional Public Notice | 11 |
| 25.04.230 | Public Comment on the Notice of Application..... | 12 |
| 25.04.240 | Notice of Public Hearing | 12 |
| Article VII. | Procedures for Application Review | 13 |
| 25.04.250 | Type I Procedure – Ministerial Decision..... | 13 |
| 25.04.260 | Type II Procedure – Administrative Decision | 13 |
| 25.04.270 | Type III Procedure – Quasi Judicial Decision..... | 13 |
| 25.04.280 | Type IV Procedure – Final Plat | 14 |

| | | | |
|----|--|---|--------------------|
| 1 | Sections | | <u>Page</u> |
| 2 | Article VIII. Open Record Hearings..... | | 14 |
| 3 | 25.04.290 | Generally | 14 |
| 4 | 25.04.300 | Responsibility of Administrative Official for Hearing | 14 |
| 5 | 25.04.310 | Order of Proceedings | 15 |
| 6 | 25.04.320 | Burden of Proof – Open Record Hearings..... | 16 |
| 7 | 25.04.330 | Site View of Subject Property | 16 |
| 8 | 25.04.350 | Conflict of Interest, Ethics, Open Public Meetings, Appearance of Fairness..... | 16 |
| 9 | 25.04.360 | Ex Parte Communications | 16 |
| 10 | 25.04.370 | Disqualification | 17 |
| 11 | | | |
| 12 | Article IX. Final Decisions | | 17 |
| 13 | 25.04.375 | Notice of Final Decision..... | 17 |
| 14 | 25.04.380 | Timeline for Notice of Decision | 18 |
| 15 | 25.04.390 | Exemptions from Time Periods for Issuing Notice of Decision..... | 18 |
| 16 | | | |
| 17 | Article X. Judicial Appeals..... | | 19 |
| 18 | | | |
| 19 | 25.04.430 | Judicial Appeals..... | 19 |
| 20 | | | |
| 21 | Article XI. Consistency Analysis and SEPA Integration | | 19 |
| 22 | 25.04.440 | Determination of Consistency | 19 |
| 23 | 25.04.450 | Consistency Analysis..... | 19 |
| 24 | 25.04.460 | SEPA Integration..... | 20 |
| 25 | 25.04.470 | Use of Existing Environmental Documents | 20 |
| 26 | 25.04.480 | Issuance of SEPA Threshold Determinations..... | 21 |
| 27 | 25.04.490 | Appeals of SEPA | 21 |
| 28 | 25.04.500 | Categorical Exemptions..... | 21 |
| 29 | | | |
| 30 | Article XII. Optional Hearing Examiner Review..... | | 21 |
| 31 | 25.04.510 | Hearing Examiner Review Available | 21 |
| 32 | | | |
| 33 | | | |
| 34 | | | |
| 35 | | | |
| 36 | | | |
| 37 | | | |
| 38 | | | |
| 39 | | | |
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1 **Article I. Purpose and Authority**

2
3 **25.04.010 Purpose and Authority**

- 4
5 (a) The provisions of this title implement certain state requirements contained in Chapter 347, Laws of
6 1995, relating to the integration of growth management planning and environmental review. It is the
7 purpose of this title to effectively and efficiently administer applications for land use development
8 activities (entitled "project permit applications" by this title) by creating a permit classification system
9 with consistent procedures for similar applications types, and by combining environmental review
10 process (SEPA), both substantive and procedural, with the procedure for review of project permits.
11
12 (b) When a project permit application is filed, the project review process shall include land use,
13 environmental, public and governmental review so that documents prepared under different requirements
14 may be reviewed together by the public and other agencies, in one project review process.

15
16 **25.04.020 Applicability**

- 17
18 (a) The provisions of this title shall apply to all land use permits under Grant County Codes including but
19 not limited to the following:
20 (1) Chapter 22.04 – Land Division;
21 (2) Chapter 23.04 – Zoning;
22 (3) Chapter 24.04 – SEPA;
23 (4) Chapter 24.08 – Critical Area; and
24 (5) Chapter 24.12 – Shoreline Master Program.
25
26 (b) The provisions of this Title shall not apply to legislative decisions, including:
27 (1) Adoption of the Comprehensive Plan and any amendments, including Subarea Plan adoption and
28 amendments;
29 (2) Site-specific land use re-designations and density changes;
30 (3) Area-wide reclassification of land use districts to implement new Comprehensive Plan policies; and
31 (4) Adoption of development regulations and amendments.
32 Legislative actions shall be subject to the requirements of Chapter 25.12 of the GCC.
33

34 **25.04.030 Legislature Not Restricted**

- 35
36 (a) Nothing in this title shall limit the authority of the Board of County Commissioners to amend the county's
37 comprehensive plan, development regulations or other land use or environmental regulatory laws.
38

39 **25.04.040 Conflict of Provision – Severability**

- 40
41 (a) In the event that any chapter, section, subsection, sentence clause, phrase, part or portion of this title
42 is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such
43 decision shall not affect the validity of the remaining portions of this title or the application of the
44 provisions to other persons or circumstances.
45

46 **Article II. Classifications by Project Permit Type**

47
48 **25.04.050 Introduction**

- 49
50 (a) For the purpose of project permit processing, all development permit applications shall be classified

1 as one of the following: Type I, Type II, Type III, Type IV, or Exempt. Actions exempt from the
2 requirements of project permit application processing are listed in 25.04.110.

3
4 **25.04.060 Project Permit Types – Defined**

5
6 (a) The Administrative Official shall determine the procedural classification (Type I, II, III or IV) for all
7 project permit applications. If a question exists as to the appropriate procedure type, the
8 Administrative Official shall resolve it in favor of the higher procedural classification.

9
10 (b) The act of classifying an application as to type shall be a Type I ministerial action. Classification of
11 an application shall be subject to appeal consistent with the appeal procedure for a Type I action.

12 (1) **Type I** applications involve ministerial acts and are exempt from the Determination of Completeness
13 and public notice requirements. Final determinations on Type I applications shall be made by the
14 Administrative Official without a public hearing and may be appealed to the Board of County
15 Commissioners. In the case of denial of a building permit based on the currently adopted Building
16 Code and/or Fire Code only, the appeal shall be to the Building Board of Appeals. Such Type I
17 applications include, but are not limited, to permitted uses not requiring site plan review, boundary
18 line adjustments, segregation applications, and building permits.

19 (2) **Type II** applications typically involve administrative acts and generally, but not always, are
20 exempt from the public notice requirements. Final determinations on Type II applications shall
21 be made by the Administrative Official without a public hearing, and can be appealed to the
22 Board of County Commissioners. Where a decision on a Type II application is appealed to the
23 Board of County Commissioners, public notice of the open record appeal hearing shall be given.
24 Such Type II applications include, but are not limited to, short plats, sign permits, reasonable use
25 exception, design reviews, revisions to shoreline management permits, minor amendments to
26 planned unit developments, and other minor administrative amendments to land use approvals.

27 (3) **Type III** applications involve quasi-judicial acts and require an open record hearing before the
28 Planning Commission or Hearings Examiner. Public notice will be provided on Type III
29 applications. The Planning Commission’s written decision constitutes a recommendation to the
30 Board of County Commissioners. Such Type III applications include, but are not limited to,
31 preliminary plats, vacations or alterations of plats, binding site plans, conditional use and
32 variance permits, planned unit developments, major amendments to planned unit developments
33 and zoning map amendments. The decision of the Hearing’s Examiner or Board of County
34 Commissioners is not subject to further administrative review, except where the Hearings
35 Examiner or Board of County Commissioners agrees, in its discretion, to reconsider the matter.
36 Decisions of the Hearings Examiner or Board of County Commissioners are appealable to the
37 Grant County Superior Court.

38 (4) **Type IV** applications refer to applications for final plats.

39
40 **25.04.070 Classification of Project Permit Applications**

41
42 (a) Classification of project permit applications shall be as delineated in Table 1.

43
44 **25.04.080 Classification of Project Permit Applications – Administrative Review**

45
46 (a) Administrative review of project permit applications shall be based on their classification as
47 summarized in Table 2.

*Table 1
Project Permit Classification*

| Type I – Ministerial | Type II - Administrative | Type III – Quasi-Judicial | Type IV – Final Plat |
|--|---|---|---------------------------------|
| Building Permits ¹ | Shoreline Management Permits ⁵ | Planned Unit Developments ¹⁰ | Final Subdivisions ⁷ |
| Permitted Uses Site Plan Review ¹⁴ | Preliminary Short Subdivisions ⁶ , | Preliminary Subdivisions ⁶ , Plat Vacations ¹¹ , Plat Alterations ¹² | Final Short Subdivisions |
| Boundary Line Adjustments ² | Minor administrative permit amendments | Binding Site Plans ¹³ | |
| Segregation Applications ³ | Sign permits ⁹ | Variances ¹⁵ | |
| Administrative Consistency Review (Uses Allowed Outright) ⁴ | Minor amendments to Planned Unit Developments ¹⁰ | Major amendments to Planned Unit Developments ¹⁰ | |
| Rezone Determination of Consistency ¹⁶ | Discretionary Use review ⁴ | Conditional Use Permits ^{4,15} | |
| Zoning District Boundary Interpretations | Reasonable Use Exceptions ¹⁷ | Minor Zoning Amendments ¹⁶ | |
| Flood Hazard Area Development Permits | | | |

¹ See GCC Title 14.

² See GCC § 22 Article V.

³ See GCC § 22.04.090.

⁴ See GCC § 23.04.040.

⁵ See Shoreline Master Program.

⁶ See GCC § 22.04 Article III.

⁷ See GCC § 22.04 Article V.

⁸ Not used.

⁹ See GCC § 23.12.130.

¹⁰ See GCC § 22.04.700.

¹¹ See GCC § 22.04.490.

¹² See GCC § 22.04.480.

¹³ See GCC § 22.04 Article VII.

¹⁴ See GCC § 23.04.140.

¹⁵ See GCC § 25.08.

¹⁶ See GCC § 23.04.150.

¹⁷ See GCC § 24.08.110

and GCC § 23.04.170.

25.04.090 Master Application Process – Optional Consolidated Review

(a) If an applicant submits a project permit application that involves two or more of the administrative processes set forth in 25.04.050, the applicant may, at the time of the application submittal, elect to have the project permit applications processed collectively under the highest numbered process required for any of the project permit applications submitted. If no such election is made at the time of application, each project permit application will be processed individually under each of the procedures identified by the Grant County Code. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to and separately from the subsequent lower numbered procedure. Consolidated review shall not be permitted where a variance must be granted in order to allow the development to proceed.

Table 2 – Summary of Administrative Review of Project Permit Applications¹

| Steps in Permit Review Process | Project Permit Application Type | | | | | | | | | |
|---|---------------------------------|-----------------------------------|------------------|---------------------------|--------------------------|---------------------------------|--|--|-----------------------|--|
| | Type I – Ministerial | | | | Type II – Administrative | | | Type III – Quasi-Judicial | | Type IV |
| | Consistency Review ⁶ | Flood Hazard Permits ⁷ | Building Permits | BLA, Segregations, Others | Shoreline Permits | Preliminary Short Subdivisions, | Discretionary Use, Reasonable Use Exceptions, Others | Conditional Use, Variance, Preliminary Subdivisions, PUDs, | Minor Rezones, Others | Final Subdivision, Final Short Subdivision |
| Public Notice of Application | No | No | No | No | Yes | Yes | No | Yes | Yes | No |
| Notice of Public Hearing | No | No | No | No | No | No | No | Yes | Yes | No |
| Public Comment Period | No | No | No | No | Yes | Yes | No | Yes | Yes | No |
| Open-Record Predecision Hearing (Hearing Body) | No | No | No | No | No | No | No | Yes (HE) | Yes (PC) ³ | No |
| Decision Maker | AO | AO | AO | AO | AO | AO | AO | HE | PC ³ | BOCC |
| Administrative Appeal | No | No | No | No | No | No | No | No ⁴ | No | No |
| Judicial Appeal (Hearing Body) | No | Yes (GCSC) | Yes (GCSC) | Yes (GCSC) | Yes (GCSC) | Yes (GCSC) | Yes (GCSC) | Yes (GCSC) | Yes (GCSC) | Yes (GCSC) |
| Other Appeal | No ⁵ | No | No | No | SHB | No | No | No | No | No |

¹ Abbreviations:

AO: Administrative Official BOCC: Board of County Commissioners BLA: Boundary Line Adjustment HE: Hearing Examiner
 BBA: Building Board of Appeals PC: Planning Commission SHB: Shorelines Hearing Board GCSC: Grant County Superior Court

² Not Used. 25.04.510

³ PC makes advisory recommendation to BOCC, who makes final decision (see GCC § 22.04).

⁴ Request for reconsideration of Hearing Examiner Decision available prior to judicial appeal (see GCC 25.32)

⁵ Yes, if part of appeal of underlying construction or development permit.

⁶ Consistency review for Uses Allowed Outright (See GCC § 23.04.040) and Rezone Determinations of Consistency (See GCC § 23.04.150).

⁷ See GCC Chapter 24.16.

1 **25.04.100 Administrative Interpretations**

2
3 (a) Upon request, the applicable official shall issue a formal written interpretation of a development
4 regulation which includes the applicable shoreline master program pursuant to WAC § 173-26-140.
5 The request shall be on a form provided by the Grant County Department of Community
6 Development and shall include identification of the regulation in question, a description of the
7 property (if applicable), and a clear statement of the issue or question to be decided. Grant County
8 shall consult with the Department of Ecology on interpretations of the Shoreline Master Program to
9 insure that any formal written interpretations are consistent with the purpose and intent of RCW
10 § 90.58 and the applicable guidelines of WAC § 173-26-040. Formal written interpretations shall be
11 Type I actions, unless otherwise specified, and as such may be appealed to the Grant County
12 Commissioners or other appropriate appeal body as specified in Grant County Code or BoCC adopted
13 policy.
14

15 **25.04.110 Exemptions from this Title**

16
17 (a) Wherever a permit or approval in the Grant County code has been designated Type I, II, III, or IV, the
18 procedures in this Title shall be followed in project permit processing. The following permits or
19 approvals are, however, specifically excluded from the procedures set forth in this title:
20 (1) Landmark designations;
21 (2) Street vacations; and
22 (3) Road use permits.
23
24 (b) Pursuant to RCW § 36.70B.140(2), building permits, boundary line adjustments, other construction
25 permits, segregation applications, and similar administrative approvals which are categorically
26 exempt from environmental review under SEPA, are excluded from the following procedures:
27 (1) Determination of technical completeness (25.04.160);
28 (2) Notice of application (25.04 Article VI);
29 (3) Master application/consolidated review processing (25.04.090);
30 (4) Joint public hearings (25.04.330);
31 (5) Notice of decision (25.04.370); and
32 (6) Completion of project review within applicable time periods including the one hundred twenty
33 (120) day permit processing time (25.04.370).
34

35 **Article III. Application Process Overview**

36
37 **25.04.120 Application Process Overview**

38
39 (a) The application process shall consist of the following components:
40 (1) Pre-application review conference, where applicable;
41 (2) Plan review;
42 (3) Determination of completeness;
43 (4) Notice of application;
44 (5) Application review; and
45 (6) Notice of final decision.
46

47 **Article IV. Application Submission**

48
49 **25.04.130 Pre-Application Review**

- 1 (a) Applications for project permit Type I actions involving structures over the SEPA threshold, Type II,
2 Type III and Type IV actions may be scheduled for pre-application review at the request of the
3 applicant. The Administrative Official, at his/her sole discretion, may require pre-application review
4 for any project determined to be unusual or complex in nature.
5
- 6 (b) Pre-application review is not intended to provide an exhaustive review of all the potential issues that a
7 given application could raise. Pre-application review does not prevent the County from applying all
8 relevant laws to the applicant. The purposes of pre-application review are:
9 (1) To acquaint agency staff with a sufficient level of detail about the proposed development to enable
10 staff to advise the proponent accordingly;
11 (2) To determine general consistency with any relevant comprehensive plan and development
12 regulations;
13 (3) To identify applicable regulations and permit needs, including permit fees;
14 (4) To identify permits/requirements from other agencies, to the extent known;
15 (5) To provide early identification of study requirements, issues, and potential mitigation requirements;
16 (6) To acquaint the proponent with the applicable requirements of local ordinances and other law; and
17 (7) To provide an opportunity for other agency staff to be acquainted with the proposed application and
18 applicable law.
19
- 20 (c) To initiate pre-application review, an applicant shall submit a written request detailing the nature of
21 the proposed project, the required fee, and all information required by the relevant section(s) of local
22 ordinances and other applicable regulations.
23
- 24 (d) Information not provided in the written request shall be provided on the face of the preliminary plat,
25 in an environmental checklist, or on other attachments. The Administrative Official may modify
26 requirements for pre-application materials and may conduct a pre-application review with less than all
27 of the required information. However, failure to provide all of the required information may prevent
28 the Administrative Official from identifying all applicable issues or providing the most effective pre-
29 application review.
30
- 31 (e) Within twenty-one (21) calendar days after receipt of a written request for pre-application review, the
32 Administrative Official shall schedule a pre-application conference.
33
- 34 (f) The Administrative Official shall coordinate the involvement of agency staff responsible for planning,
35 development review, roads, utilities and other subjects, as appropriate, in the pre-application review
36 process. Relevant staff shall attend the pre-application conference or shall take other steps to fulfill
37 the purposes of pre-application review.
38
- 39 (g) The pre-application conference should be held as soon as practicable after the Administrative Official
40 accepts the application for pre-application review. Such conferences are not publicized and the public
41 is not permitted to attend in order that a potential applicant's interest be protected. The applicant shall
42 be informed of the time and place of the meeting.
43
- 44 (h) Within ten(10) working days after the pre-application conference, the applicant may request that the
45 following be provided:
46 (1) a form which lists the requirements for a completed application;
47 (2) a general summary of the procedures to be used to process the application;
48 (3) the references to the relevant code provisions, approval criteria, or development standards which
49 may apply to the approval of the application;
50 (4) the County's design guidelines; and/or

- 1 (5) To the extent known by the permitting agency, the permitting agency shall identify other
2 agencies of local, state, or federal governments that may have jurisdiction over some aspect of
3 the application.
4

5 **25.04.140 Application and Accompanying Data**
6

- 7 (a) Applications for project permits shall be submitted upon forms provided by the Administrative
8 Official. An application shall consist of all materials required by the applicable development
9 regulations, and shall include the following general information:
10 (1) A completed project permit application form signed by (1) the owner(s) of the property subject
11 to the application, or (2) a representative authorized to do so by written instrument executed by
12 the owner(s) and filed with the application;
13 (2) A verified statement by the applicant that the property affected by the application is in the
14 exclusive ownership of the applicant or that the applicant has submitted the application with the
15 consent of all owners of the affected property;
16 (3) The completed application shall identify a single contact person or entity to receive
17 determinations and notices required by this chapter;
18 (4) All other items listed as applications requirements in the relevant sections of the Grant County
19 ordinances and other applicable regulations governed by this Chapter;
20 (5) A property and/or legal description supplied by the Grant County Auditor, a title company, a
21 surveyor licensed in the state of Washington, or other party approved by the review authority,
22 and current Grant County assessor's map(s) showing the property(ies) subject to the application;
23 (6) Evidence of adequate water supply as required by RCW § 19.27.097; and/or other applicable
24 regulations;
25 (7) Evidence of sewer availability; or evidence of on-site sewage disposal approval by the Grant
26 County Health District, or jurisdictional agency including but not limited to the Washington
27 State Department of Health or Washington State Department of Ecology;
28 (8) Any SEPA documents, as applicable; and
29 (9) The applicable fee(s).
30

31 **25.04.150 Review for Counter Complete Status**
32

- 33 (a) Before accepting an application for a Type I, Type II, Type III, or Type IV process for review for
34 technically complete status, and unless otherwise expressly provided by code, the Administrative
35 Official shall determine if the application is counter complete.
36
37 (b) The Administrative Official shall decide whether an application is counter complete when the
38 application is accepted, typically "over the counter". .
39
40 (c) An application is counter complete if the Administrative Official finds that the application purports
41 and appears to include the information required by section 25.04.140; provided, no effort shall be
42 made to evaluate the substantive adequacy of the information in the application in the counter
43 complete review process.
44
45 (d) If the Administrative Official decides the application is counter complete, then the application shall
46 be accepted for review for technically complete status. In the case of a Type I application, this review
47 and approval may occur at the same time. However, regardless of whether the application is a Type
48 II, III or IV, a finding of counter complete status begins the 28 calendar day timeline for the County
49 to issue its determination of technical completeness specified in Section 25.04.160.
50

- 1 (e) If the Administrative Official decides that the application is not counter complete, then the
2 Administrative Official shall reject and return the application and identify in writing what is needed to
3 make the application counter complete.
4

5 **25.04.160 Review for Technically Complete Status**
6

- 7 (a) Before accepting an application for processing for a Type I, II, III or IV review, the Administrative
8 Official shall determine that the application is technically complete.
9

- 10 (b) The Administrative Official shall decide whether an application is technically complete subject to the
11 following:

- 12 (1) Within twenty-eight (28) calendar days (RCW 36.70B.070) after an application is determined to
13 be counter complete
14

- 15 (c) A project permit application is technically complete if it meets the submission requirements specified
16 in section 25.04.140 above, as well as the submission requirements contained in the applicable
17 development regulations, application forms required by the Administrative Official, and the
18 applicable fee has been paid. The determination of technical completeness may also include any other
19 information the Administrative Official deems appropriate. If the application is determined to be
20 technically complete, a Notice of Technically Complete application shall be provided to the
21 application.

- 22 (d) If the Administrative Official decides that an application is not technically complete (within the time
23 provided in subsection (b) of this section), the Administrative Official shall send the applicant a
24 “Notice of Technically Incomplete Application”, that outlines why the application has been deemed
25 “technically incomplete” and lists what information is required to make the application technically
26 complete.

- 27 (2) The Notice of Technically Incomplete Application shall specify a date by which the responsive
28 materials are required to be resubmitted. Applicants shall be provided 90-days to resubmit
29 materials for incomplete applications. Failure, by the applicant, to resubmit will result in the
30 immediate closure of the application file, which will require refiling the application materials
31 and paying the application fee for the new submittal.

- 32 (3) The Notice of Incomplete Application also may include recommendations for additional
33 information that, although not necessary to make the application technically complete, is
34 recommended to address other issues that are or may be relevant to the review.
35

- 36 (e) If the required information is submitted by the date specified, then within fourteen (14) calendar days
37 the Administrative Official shall decide whether the application is technically complete and, if not,
38 the Administrative Official shall:

- 39 (1) Reject the application and mail the applicant another Notice of Incomplete Application which
40 lists the remaining additional information needed to make the application technically complete;
41 or

- 42 (2) Issue a decision denying the application, based on a lack of information; or

- 43 (3) Allow the applicant to restart the technically complete review process another time by providing
44 the required missing information by a date specified by the Administrative Official, in which
45 case the Administrative Official shall retain the application and fees.
46

- 47
48 (f) A Type II, Type III or Type IV application shall be deemed to be technically complete if a written
49 determination has not been mailed to the proponent within twenty-eight (28) calendar days of the date
50 the application is accepted for review.

- 1
2 (g) Grant County's determination of technical completeness shall not preclude it from requesting
3 additional information or studies either at the time of the notice of completeness or subsequently if
4 new information is required or substantial changes in the proposed action occur.
5

6 **Article V. Processing a Technically Complete Application**
7

8
9 **25.04.180 Vesting**

- 10
11 (a) An application shall become vested on the date an application is accepted as technically complete
12 under this Title. Thereafter, the application shall be reviewed under the codes, regulations and other
13 laws in effect on the date of vesting; provided, in the event an applicant substantially changes his or
14 her proposed development after a determination of completeness, as determined by the administrative
15 official, the application shall not be considered vested until a new determination of completeness on
16 the changes is made under this Title.
17

18 **Article VI. Notice of Application**
19

20 **25.04.190 Distribution of Notice of Application**
21

- 22 (a) Applicability. Grant County shall provide, within fourteen (14) days of the date an application is
23 determined to be technically complete under this title, a notice of application for all project
24 applications that are not categorically exempt from SEPA review, or for which a public comment
25 period or open record pre-decision hearing is required. If an open record pre-decision hearing is
26 required, a notice of application shall be provided at least fifteen (15) days prior to the open record
27 hearing. If Grant County has made a SEPA determination of significance under 43.21C RCW
28 concurrently with the notice of application, the notice of application may be combined with the
29 threshold determination and scoping notice for a determination of significance. Nothing in this sub-
30 section prevents a determination of significance and scoping notice from being issued prior to a notice
31 of application.
32
- 33 (b) Issuance of Notice of Application. The notice of application shall be provided by one or more of the
34 following methods, as required by 25.04.200 Table 3:
- 35 (1) Mailing to project applicant or the designated representative of the applicant;
 - 36 (2) Mailing to County Departments and agencies with jurisdiction;
 - 37 (3) Publishing a summary of the notice, including at least the project location in other than a legal
38 description, brief description of the project, type of permit(s) required, comment period dates,
39 and location where the complete application may be reviewed, in the County's official
40 newspaper of general circulation;
 - 41 (4) Notifying public or private groups with known interest in a certain proposal or in the type of
42 proposal being considered or who request such notice in writing;
 - 43 (5) Mailing to adjacent landowners. Adjacent landowners are owners of real property, as shown by
44 the records of the County Assessor, located within 300 feet of any portion of the boundary of the
45 proposal's tax parcel or lot of record (real property). If the owner of real property which is
46 proposed for activity owns another parcel or parcels of real property which lie adjacent to the
47 real property proposed for activity, notice shall be given to owners of real property located
48 within three hundred (300) feet of any portion of the boundaries of such adjacently located
49 parcels of real property owned by the owner of the real property proposed for activity;
50

(6) Posting of the property by Applicant. The applicant as soon as possible shall post one or more notice boards as follows:

(A) A single notice board shall be placed by the applicant where it is completely visible and readable to pedestrians from the public right-of-way.

(B) Additional notice may be required where:

- (i) The site does not abut a public road;
- A large site abuts more than one public road; and/or

The Director determines that additional notice boards are necessary to provide adequate public notice.

(C) Removal of the notice board prior to the end of the notice period may be cause for discontinuance of the Department review until the notice board is replaced and remains in place for the specified time period.

(D) An affidavit of posting shall be submitted to the Director by the applicant prior to the hearing or final comment date. If the affidavits are not filed as required, any scheduled hearing or date by which the public may comment on the application, will be postponed in order to allow compliance with this notice requirement.

(E) Notice boards shall be constructed and installed in accordance with specifications promulgated by the Department.

(c) SEPA Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record-predecision hearing is required.

25.04.200 Method of Public Notice of Application by Application Type

(a) The method of public notice of project permit applications shall be based on their classification as delineated in Table 3.

*Table 3
Method of Public Notice by Application Type*

| Application Type | Mailing to | | | Posting of Property ⁷ | Publish ⁸ | Notify Groups w/ Interest ⁹ |
|------------------|---------------------------------------|----------------------------------|------------------------|----------------------------------|----------------------|--|
| | Agencies of Jurisdiction ⁴ | Adjacent Landowners ⁵ | Applicant ⁶ | | | |
| Type I | No ¹⁰ | No | No ¹ | No ¹ | No ¹ | No ¹ |
| Type II | Yes | No ^{2, 11} | No ³ | No ^{3, 11} | No ^{3, 11} | No ¹ |
| Type III | Yes | Yes | Yes | Yes | Yes | Yes |
| Type IV | Yes | Yes | Yes | Yes | Yes | Yes |

¹ except if SEPA required.

² except for shoreline substantial development permits under the County's SMP.

³ except if SEPA or shoreline substantial development permit is required.

⁴ see § 25.04.190, subparagraph (b)(2).

⁵ see § 25.04.190, subparagraph (b)(5).

⁶ see § 25.04.190, subparagraph (b)(1).

⁷ see § 25.04.190, subparagraph (b)(6).

⁸ see § 25.04.190, subparagraph (b)(3).

⁹ see § 25.04.190, subparagraph (b)(4).

¹⁰ except if pursuant § 23.04.140, subparagraph (g)(3).

¹¹ except Preliminary Short Subdivision pursuant to Table 2.

25.04.210 Contents of Notice of Application

(a) The notice of application shall include the following:

- (1) The case file number(s) date of application, the date the application was determined to be technically complete, and the date of the notice of application;

- 1 (2) A description of the proposed project action and a list of the project permits included in the
- 2 application, and, if applicable, a list of any additional studies requested by the Administrative
- 3 Official to complete the application;
- 4 (3) A list of other permits not included in the application to the extent known by Grant County;
- 5 (4) A list of existing environmental documents that evaluate the proposed project;
- 6 (5) A statement that delineates the public comment period, together with a statement of the right of
- 7 any person to comment on the application, receive notice of and participate in any hearings,
- 8 request a copy of the decision once made, and any appeal rights;
- 9 (6) The date, time, place and type of hearing, if applicable;
- 10 (7) A statement of any preliminary determination, if one has been made at the time of the notice, of
- 11 those development regulations that will be used for project mitigation and of consistency;
- 12 (8) The name of the proponent and any representative of the proponent, and the name, address and
- 13 telephone number of a contact person for the proponent, if any;
- 14 (9) A description of the site, including current zoning and nearest road intersections, reasonably
- 15 sufficient to inform the reader of its location and zoning;
- 16 (10) The dates, places, and times where information about the application may be examined and the
- 17 name and telephone number of the staff representative to contact about the application.
- 18 (11) Any other information determined appropriate by Grant County.
- 19
- 20 (b) Content of Shoreline Master Program Permit Application Notice. In addition to the notice content
- 21 specified in subsection 25.04.210 (a) of this section, a notice for a Shoreline Master Program permit
- 22 shall also include:
- 23 (12) The public comment period shall be 30 (thirty) days. The notice shall state the manner in which
- 24 the public may obtain a copy of the county's decision on the application no later than two (2)
- 25 days following its issuance.
- 26
- 27 (c) Content of Type III Preliminary Subdivision Permit Application Notice. In addition to the notice
- 28 content specified in subsection 25.04.210 (a) of this section, a notice for preliminary subdivision
- 29 permits shall also include:
- 30 (1) Notice of the filing of a preliminary plat application adjacent to or within one mile of the
- 31 boundaries of a city or town, or which contemplates the use of any city or town utilities shall be
- 32 given to the appropriate city or town authorities.
- 33 (2) Notice of the filing of a preliminary plat application of a proposed subdivision located adjacent
- 34 to the right-of-way of a state highway or within two (2) miles of a boundary of a state municipal
- 35 airport shall be given to the secretary of transportation, who must respond within fourteen (14)
- 36 days.
- 37
- 38 (d) A notice of application shall not be required for project permits that are categorically exempt under
- 39 43.21C RCW (SEPA), unless an open record predecision hearing is required, or an open record
- 40 appeal hearing is allowed on the project permit decision, or for projects identified in subsection
- 41 25.04.210(b) of this section.
- 42
- 43 (e) Except for a threshold determination, the County may not issue a decision or recommendation on a
- 44 project permit until after the expiration of the public comment period on the notice of application.
- 45

46 **25.04.220 Optional Public Notice**

- 47
- 48 (a) As optional methods of providing public notice of any project permits, in addition to the notice
- 49 requirements established in 25.04.200, the Administrative Official may:
- 50

- 1 (1) Notify the public or private groups with known interest in a certain proposal or in the type of
2 proposal being considered;
- 3 (2) Notifying the news media;
- 4 (3) Placing notices in appropriate regional or neighborhood newspapers or trade journals;
- 5 (4) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general
6 lists or lists for specific proposals or subject areas; and
- 7 (5) Mailing to neighboring property owners.

8
9 (b) The County's failure to provide the optional notice as described in this subsection shall not be grounds
10 for the invalidation of any permit decision.

11
12 **25.04.230 Public Comment on the Notice of Application**

13
14 (a) The public comment period shall be not less than fourteen (14) days following the date of the notice
15 of application, except as provided in subsection 25.04.230(b), below, and except for those projects
16 determined by the Administrative Official to require more time, up to a maximum of thirty (30) days.

17
18 (b) The public comment period shall be thirty (30) days for shoreline permit applications.

19
20 (c) Public comment on the Notice of Application will be received by the Administrative Official until the
21 close of Planning Department business hours on the final day of the comment period. Comments may
22 be mailed, personally delivered or sent by email. Comments should be as specific as possible.

23
24 **25.04.240 Notice of Public Hearing**

25
26 (a) The Notice of Hearing may be issued within the Notice of Application in GCC 25.04.210, however,
27 in the event the original hearing date needs to be revised, a separate Notice of Hearing shall be
28 required.

29 (b) Notice of Public Hearing. At least fifteen (15) calendar days before the date of the hearing for an
30 application(s) subject to open record review, the Administrative Official shall issue a public notice of
31 the hearing. Such notice of the public hearing shall contain:

- 32 (1) The name and address of the applicant or the applicant's representative;
- 33 (2) A description of the affected property, which may be in the form of either a vicinity location or
34 written description, other than a legal description;
- 35 (3) The date, time and place of the hearing;
- 36 (4) A description of the subject property reasonably sufficient to inform the public of its location,
37 including but not limited to the use of a map or postal address and a subdivision lot and block
38 designation;
- 39 (5) The nature of the proposed use or development;
- 40 (6) A statement that all interested persons may appear and provide testimony;
- 41 (7) When information may be examined, and when and how written comments addressing findings
42 required for a decision by the hearing body may be admitted;
- 43 (8) The name of a local government representative to contact and the telephone number where
44 additional information may be obtained;
- 45 (9) A statement that a copy of the application and any associated documents are available for
46 inspection at no cost; copies will be provided at the County's cost; and
- 47 (10) Notice of such a public hearing shall be mailed to:
 - 48 (A) The applicant or the applicant's designated representative;
 - 49 (B) Adjacent land owners as defined in GCC § 25.04.190(b)(5);
 - 50 (C) Any person who submits written comments on an application; and

1 (D) Any person who submits a written request for notification on a specific application.
2

- 3 (c) All public notices shall be deemed to have been provided or received on the date the notice is
4 deposited in the mail or personally delivered, whichever occurs first. Failure to send notice by mail to
5 any such property owner where the address of said owner is not a matter of public record or because
6 the ownership is not of public record shall not invalidate any proceedings on the application.
7

8 **Article VII. Procedures for Application Review**
9

10 **25.04.250 Type I Procedure – Ministerial Decision**
11

- 12 (a) Review. The Administrative Official shall approve, approve with conditions, or deny a Type I
13 application within one hundred twenty (120) calendar days after the date the application was accepted
14 as technically complete; provided an applicant may agree in writing to extend the time in which the
15 County shall issue a decision. The County may consider new evidence or information the applicant
16 provides with or after such a written request.
17

- 18 (b) No Public Hearing. No public hearing is authorized for a Type I application.
19

20 **25.04.260 Type II Procedure – Administrative Decision**
21

- 22 (a) Review. The Administrative Official shall approve, approve with conditions, or deny a Type II application
23 within one hundred twenty (120) calendar days after the date the application was accepted as technically
24 complete. The County shall issue a written decision regarding the application(s); provided that:

- 25 (1) If a determination of significance (DS) is issued, then the Administrative Official shall issue a
26 decision not sooner than seven (7) calendar days after a final environmental impact statement is
27 issued; and
28 (2) An applicant may agree in writing to extend the time in which the Administrative Official shall issue
29 a decision. The Administrative Official may consider new evidence or information the applicant
30 provides with or after such a written request.
31

- 32 (b) Final Decisions. Final decisions shall be made as specified in Article IX of this chapter.
33

34 **25.04.270 Type III Procedure – Quasi Judicial Decision**
35

- 36 (a) Review. A Type III application requires one (1) public hearing before the Planning Commission or
37 the Hearing Examiner. In the case of a Planning Commission hearing, their decision constitutes a
38 recommendation to the Board of County Commissioners. The public hearing should be held within
39 ninety (90) days after the date the County issues the determination that the application is technically
40 complete. Preliminary Plats must be approved, disapproved or returned to the applicant for
41 modification or correction within ninety days from the filing date of an application that has been
42 accepted by the Planning Department and determined to be technically complete except as may be
43 provided by this title. In determining the number of days that have elapsed after Grant County has
44 notified the applicant that the application is complete, the periods stated in 25.04.370(c) shall be
45 excluded.
46

- 47 (b) Planning Commission Recommendation. The Planning Commission is a recommending authority for
48 Type III applications as outlined in Table 2; the Board of County Commissioners renders final
49 decisions. The Planning Commission shall direct the Planning Department within fourteen (14) days
50 of the date of the open record hearing to prepare a written report setting forth the recommendation of

1 the Planning Commission including: findings, conclusions, staff report, and testimony on the record
2 from agencies and interested parties.
3

4 (c) Board of County Commissioner Decision. Upon receiving the recommendation from the Planning
5 Commission, the Clerk of the Board of County Commissioners shall promptly set the matter for a
6 closed record public hearing to make a decision on the Planning Commission recommendation. The
7 Board of County Commissioners, at their discretion, may make the following decisions:

- 8 (1) Uphold recommendation of the Planning Commission.
- 9 (2) Uphold recommendation of the Planning Commission with additional conditions.
- 10 (3) Modify recommendation of the Planning Commission, with or without the applicant's
11 concurrence, provided that the modifications do not:
 - 12 (A) Enlarge the area or scope of the project.
 - 13 (B) Increase the density of the project.
 - 14 (C) Significantly increase adverse environmental impacts as determined by the SEPA
15 responsible official.
- 16 (4) Denial (reapplication or resubmittal is permitted).
- 17 (5) Denial with prejudice (reapplication or resubmittal is not allowed for one year).
- 18 (6) Remand for further proceedings.

19
20 (d) Notice of Public Hearing. At least fifteen (15) calendar days before the date of the hearing for an
21 application(s) subject to Type III review, the County shall issue a public notice of the hearing
22 consistent with the requirements of GCC §25.04.240. This Notice of Hearing may have been issued
23 within the Notice of Application.
24

25 (e) Public Hearings. Public hearings shall be conducted in accordance with the requirements specified in
26 Article VIII of this Chapter.
27

28 (f) Final Decisions. Final decisions shall be made as specified in Article IX of this chapter.
29

30 **25.04.280 Type IV Procedure – Final Plat**

- 31
- 32 (a) Review: Final Plats shall be reviewed for conformance to all applicable local, state, and federal
33 regulations and any conditions of approval stipulated by the Hearing Examiner.
34
- 35 (b) No Public Hearing: Notice of an open record public hearing is not provided for a Type IV application
36 because no public hearing is authorized.
37
38
39

40 **Article VIII. Open Record Hearings**

41 **25.04.290 Generally**

- 42
- 43
- 44 (a) Open record public hearings, including open record pre-decision and appeal hearings, held on a
45 project permit application shall be conducted in accordance with this chapter.
46

47 **25.04.300 Responsibility of Administrative Official for Hearing**

- 48
- 49 (a) Upon the filing of a project permit application requiring a public hearing, the Administrative Official
50 shall:

- 1 (1) Set the time and place for the public hearing and shall provide notice of the hearing as set forth
2 in GCC § 25.04.240;
- 3 (2) Prepare a staff report on the application and present this staff report at the public hearing. This
4 staff report will incorporate on the project permit application, any mitigation measures
5 recommended under the County's development regulations or under the authority of SEPA, and
6 the County's final SEPA determination on the project permit application, if applicable. In the
7 case of a Type II project permit application, this report may be the permit.
- 8 (3) Prepare the notice of decision, if required by the hearing body and/or mail a copy of the notice of
9 decision to those required by this code to receive such notice.

10 **25.04.310 Order of Proceedings**

- 11 (a) Public hearings shall be conducted in accordance with the rules of procedure adopted by the County,
12 except to the extent waived by the County. The Planning Commission or a Hearings Examiner may
13 adopt other rules of procedure not inconsistent with these procedures. Further, if deemed appropriate
14 to facilitate review of a particular development permit application, the Hearing Examiner or Planning
15 Commission may adopt specific procedures for an individual matter. A public hearing shall be
16 recorded on audio or audiovisual tape.
- 17 (b) Public hearings shall serve to create or supplement an evidentiary record upon which the Planning
18 Commission, Board of County Commissioners, or the Hearing Examiner will base its decision or
19 recommendation. The review authority shall open the public hearing and, in general, observe the
20 following sequence of events:
 - 21 (1) At the beginning of a hearing or agenda of hearings the review authority shall:
 - 22 (A) State that the testimony will be received only if it is relevant to the applicable approval
23 criteria and development standards and is not unduly repetitious;
 - 24 (B) Identify the applicable approval criteria and development standards;
 - 25 (C) State that the review authority will consider any party's request that the hearing be
26 continued or that the record be kept open for a period of time and may grant or deny that
27 request;
 - 28 (D) State that the review authority must be impartial and whether the review authority has had
29 any ex parte contact or has any personal or business interest in the application. The review
30 authority shall afford parties an opportunity to challenge the impartiality of the authority;
 - 31 (E) State whether the review authority has visited the site;
 - 32 (F) State that persons who want to receive notice of the decision may sign a list for that
33 purpose at the hearing and where that list is kept; and
 - 34 (G) Summarize the conduct of the hearing.
 - 35 (2) Staff presentation, including submittal of any administrative reports. The Planning Commission,
36 Decision Maker or Review Authority may ask questions of the staff.
 - 37 (3) Applicant presentation, including submittal of any materials. The review authority may ask
38 questions of the applicant.
 - 39 (4) Testimony or comments by the public relative to the matter being heard. Questions directed to
40 the staff or the applicant shall be posed by the review authority at its discretion but the review
41 authority shall act to facilitate rights to confront and examine adverse witnesses.
 - 42 (5) Rebuttal, response or clarifying statements by the staff and the applicant.
 - 43 (6) The public hearing portion of the hearing shall be closed and the review authority may deliberate
44 on the matter. At this time, the review authority may further question a person submitting
45 information or the staff if opportunity for rebuttal is provided.
 - 46 (7) At the conclusion of the hearing on each application, the review authority shall announce one of
47 the following actions:
 - 48
 - 49
 - 50

- 1 (A) That the hearing is continued. If the hearing is continued to a place, date and time certain,
2 then additional notice of the continued hearing is not required to be mailed, published or
3 posted. If the hearing is not continued to a place, date and time certain, the notice of the
4 continued hearing shall be given as though it was an initial hearing. The review authority
5 shall adopt guidelines for reviewing requests for continuances;
- 6 (B) That the public record is held open to a date and time certain. The review authority shall
7 state where additional written evidence and testimony can be sent, and shall announce any
8 limits on the nature of the evidence that will be received after the hearing. The review
9 authority may adopt guidelines for reviewing requests to hold open the record.
- 10 (C) That the application(s) is/are taken under advisement, and a final order will be issued as
11 provided in GCC § 25.04.375
- 12 (D) That the application(s) is/are, denied, approved or approved with conditions, together with
13 a brief summary of the basis for the decision, and that a final order will be issued as
14 provided in GCC § 25.04.375.
- 15 (E) In the case of a Planning Commission open record public hearing, if a recommendation is
16 made to approve, approve with conditions, or deny the proposal, the recommendation shall
17 be forwarded the Grant County Commissioners for approval at a closed record public
18 meeting.

19
20 **25.04.320 Burden of Proof – Open Record Hearings**

- 21
22 (a) The burden of proof is on the applicant, or, in the case of an open record appeal, on the appellant.
23

24 **25.04.330 Site View of Subject Property**

- 25
26 (a) The review authority may view the subject property with or without notification to the parties, but the
27 circumstances of such site view shall be placed on the record.
28
29

30 **25.04.350 Conflict of Interest, Ethics, Open Public Meetings, Appearance of Fairness**

- 31
32 (a) The hearing body shall be subject to the code of ethics (RCW § 35A.42.020), prohibitions on the
33 conflict of interest (RCW § 35A.42.050 and chapter 42.23 RCW), open public meetings (chapter
34 42.30 RCW), and appearance of fairness (chapter 42.35 RCW) as the same now exists or may
35 hereafter be amended.
36

37 **25.04.360 Ex Parte Communications**

- 38
39 (a) No member of the hearing body may communicate, directly or indirectly, regarding any issue in a
40 proceeding before it, other than to participate in communications necessary to procedural aspects of
41 maintaining an orderly process, unless it provides notice and opportunity for all parties to participate;
42 except as provided in this section;
43 (1) the hearing body may receive advice from legal counsel;
44 (2) the hearing body may communicate with staff members (except where the proceeding relates to
45 a code enforcement investigation or prosecution).
46
47 (b) If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body
48 receives an ex part communication of a type that could not properly be received while serving, the
49 member of the hearing body promptly after starting to serve, shall disclose the communication
50 described in subsection c) below.

- 1
2 (c) If the hearing body receives an ex parte communication in violation of this section, he or she shall
3 place on the record:
4 (1) All written communications received;
5 (2) All written responses to the communication;
6 (3) State the substance of all oral communications received, and all responses made;
7 (4) The identify of each person from whom the examiner received any ex parte communication.
8
9 (d) The hearing body shall advise all parties that these matters have been placed on the record. Upon
10 request made within ten (10) days after notice of the ex parte communication, any party desiring to
11 rebut the communication shall be allowed to place a rebuttal statement on the record.
12

13 **25.04.370 Disqualification**

- 14
15 (a) The order of proceedings for a hearing will depend in part on the nature of the hearing. The following
16 shall be supplemented by administrative procedures as appropriate.
17 (1) Before receiving information on the issue, the following shall be determined:
18 (A) Any objections on jurisdictional grounds shall be noted on the record and if there is
19 objection, the hearing body has the discretion to proceed or terminate;
20 (B) Any abstentions or disqualification shall be determined.
21 (2) The presiding officer may take official notice of known information related to the issue, such as:
22 (A) A provision of any ordinance, resolution, rule, officially adopted development standard or
23 state law; and
24 (B) Other public records and facts judicially noticeable by law.
25 (3) Matters officially noticed need not be established by evidence and may be considered by the
26 hearing body in its determination. Parties requesting notice shall do so on the record. However,
27 the hearing body may take notice of matters listed in subsection (a)(2) of this section if statement
28 for the record. Any matter given judicial notice may be rebutted.
29 (4) The hearing body may view the area in dispute with or without notification to the parties, but
30 shall place the time, manner and circumstances of such view on the record.
31 (5) Information shall be received form the staff and from proponents and opponents. The presiding
32 officer may approve or deny a request from a person attending the hearing to ask a question after
33 taking into account rights to confront and examine adverse witnesses. Unless the presiding
34 officer specifies otherwise, if the request to ask a question is approved, the presiding officer will
35 direct the question to the person submitting testimony.
36 (6) When the presiding officer has closed the public hearing portion of the hearing, the hearing body
37 shall openly discuss the issue and may further question a person submitting information or the
38 staff if opportunity for rebuttal is provided.
39

40 **Article IX. Final Decisions**

41 **25.04.375 Notice of Final Decision**

- 42
43
44 (a) Decision Content. The review authority should issue a written decision regarding the application(s)
45 that includes:
46 (1) A statement of all determinations made under SEPA (Chapter 43.21C RCW) the applicable
47 criteria and standards in this code and other applicable law;
48 (2) The reasons for a conclusion to approve or deny;
49 (3) The procedures for administrative appeal; and
50 (4) Any notices required by RCW 36.70B.130.

1
2 (b) Distribution of Final Decision. The Notice of Decision shall be provided to the applicant and the
3 applicant's designated representative and all parties of record, including all persons who, prior to the
4 rendering of the decision, requested notice of the decision or submitted substantive comments on the
5 application.
6

7 **25.04.380 Timeline for Notice of Decision**
8

9 (a) Unless otherwise provided in this Chapter, the notice of decision shall be issued within one hundred
10 twenty (120) calendar days after the date of determination of technical completeness under the
11 provisions of GCC § 25.04.160; provided, the review authority shall not issue a written decision
12 regarding the application(s) until at least fifteen (15) calendar days after the threshold determination
13 under the Grant County SEPA Ordinance is made.
14

15 (b) A proponent may agree in writing to extend the time in which the review authority shall issue a
16 decision. The review authority may consider new evidence the proponent introduces with or after
17 such a written request.
18

19 (c) In determining the number of days that have elapsed after the local government has notified the
20 applicant that the application is complete for purposes of calculating the time for issuance of the
21 notice of decision, the following periods shall be excluded:

22 (1) Any period during which the applicant has been requested by Grant County to correct plans,
23 perform required studies, or provide additional required information. The period shall be
24 calculated from the date the County notifies the applicant of the need for additional information
25 until the earlier of the date the local government determines whether the additional information
26 satisfies the request for information or fourteen (14) days after the date the information has been
27 provided to the County;

28 (2) If the County determines that the additional information submitted by the applicant is
29 insufficient, it shall notify the applicant of the continued deficiencies, and the procedures under
30 subsection (1) above shall apply as if a new request for studies had been made;

31 (3) Any period during which an environmental impact statement is being prepared following a
32 determination of significance pursuant to chapter 43.21C RCW;

33 (4) Any period for administrative appeals of project permits or SEPA, if an open record appeal
34 hearing or a closed record appeal, or both, are allowed. The time period for consideration and
35 decision on appeals shall not exceed:

36 (A) ninety (90) days for an open record appeal hearing; and

37 (B) sixty (60) days for a closed record appeal.

38 (5) The parties may agree to extend these time periods.
39

40 (d) If the County is unable to issue its final decision on a project permit application within the time limits
41 provided for in this section, it shall provide written notice of this fact to the project applicant. The
42 notice shall include a statement of reasons why the time limits have not been met and an estimated
43 date for the issuance of the notice of decision.
44

45 **25.04.390 Exemptions from Time Periods for Issuing Notice of Decision**
46

47 (a) The time limits established by 25.04.370 do not apply if a permit application:

48 (1) Requires amendment to the comprehensive plan or development regulation(s);

49 (2) Requires approval of a new fully contained community, a master planned resort, or the siting of
50 an essential public facility; or

- 1 (3) Is substantially revised by the applicant as determined by the Administrative Official, in which
2 case the time period shall start from the date at which the revised project application is
3 determined to be complete.
4 (4) Requires the preparation of an Environmental Impact Statement, in which case the
5 Administrative Official shall issue a decision no sooner than seven (7) calendar days after a final
6 environmental impact statement is issued
7

8 **Article X. Judicial Appeals**
9

10 **25.04.430 Judicial Appeals**
11

- 12 (a) Proceedings for judicial review shall be pursuant to 36.70C RCW. This process shall be the exclusive
13 means of judicial review of Type III or Type IV land use decisions, except for:
14 (1) Land use decision of a local jurisdiction that are subject to review by a quasi-judicial body
15 created by state law, such as the Shoreline Hearings Board or the Growth Management Hearings
16 Board;
17 (2) Judicial review of application for a writ of mandamus or prohibition; or,
18 (3) Claims provided by any law for monetary damages or compensation.
19

20 **Article XI. Consistency Analysis and SEPA Integration**
21

22 **25.04.440 Determination of Consistency**
23

- 24 (a) Fundamental land use planning choices made in adopted comprehensive plans and development
25 regulations will serve as the foundation for project review. As part of project review, the reviewing
26 official shall determine if a proposed project is consistent with Grant County's applicable
27 development regulations, or in the absence of applicable development regulations, the adopted
28 comprehensive plan. This consistency review will consist of a review of the type of land use(s)
29 permitted at the site, the level of development allowed, infrastructure analysis, and the character of
30 the development.
31

32 **25.04.450 Consistency Analysis**
33

- 34 (a) During project permit application review, the County shall determine whether the items listed in this
35 subsection are defined in the development regulations as applicable to the proposed project. In the
36 absence of applicable development regulations, the County shall determine whether the items listed in
37 this subsection are defined in the County's adopted comprehensive plan. This determination of
38 consistency shall include the following:
39 (1) The type of land use permitted at the site, including uses that may be allowed under certain
40 circumstances, if the criteria for their approval have been satisfied;
41 (2) The level of development, such as units per acre, density of residential development, or other
42 measures of density;
43 (3) Where applicable, passage of a Concurrency Test and a Finding of Concurrency for the
44 availability and adequacy of transportation facilities to meet the demands of development or use
45 as provided in GCC § 25.20; and,
46 (4) The character of the development, such as development standards.
47
48 (b) In determining consistency, the determinations made pursuant to this chapter shall be controlling.
49
50

- 1 (c) During project review, Grant County or any subsequent reviewing body shall not reexamine
2 alternatives to or hear appeals on the items identified in subsection (a) of this section, except for
3 issues of code interpretation.
4

5 **25.04.460 SEPA Integration**
6

- 7 (a) Environmental review for projects determined not to be categorically exempt under SEPA (RCW
8 43.21C) and the Grant County SEPA ordinance shall be integrated and run concurrently with the
9 permit procedures of this title. Specifically, the County shall review the project permit application
10 under the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, the
11 SEPA rules, Chapter 197-11 WAC, and the Grant County SEPA ordinance and shall:
12 (1) Determine whether the applicable regulations require studies that adequately analyze all of the
13 proposed project's specific probable adverse environmental impacts;
14 (2) Determine if the applicable regulations require measures that adequately address such
15 environmental impacts;
16 (3) Determine whether additional studies are required and/or whether the project permit application
17 should be conditioned with additional mitigation measures; and
18 (4) Provide prompt and coordinated review by government agencies and the public in compliance
19 with applicable environmental laws and plans, including mitigation for specific project impacts
20 that have not been considered and addressed at the plan or development regulation level.
21

22 **25.04.470 Use of Existing Environmental Documents**
23

- 24 (a) As provided by in the Grant County SEPA Ordinance, the Administrative Official may determine that
25 existing comprehensive plans, subarea plan elements of a comprehensive plan, development
26 regulations, or other local, state or federal rules or laws provide adequate analysis and mitigation of
27 the specific probable adverse environmental impacts of a proposed action if:
28 (1) In the course of project review, including any required environmental analysis, the local
29 government considers the specific probable adverse environmental impacts of the proposed
30 action and determines that these specific impacts are adequately addressed by the development
31 regulations or other applicable requirements of the comprehensive plan, subarea plan elements
32 of the comprehensive plan, or other local, state, or federal rules or laws; and
33 (2) The local government bases or conditions its approval on compliance with these requirements or
34 mitigation measures.
35
36 (b) In its review of a project permit application, the County may determine that the requirements for
37 environmental analysis, protection and mitigation measures in the applicable development
38 regulations, comprehensive plan, and/or in other applicable local, state, or federal laws provides
39 adequate analysis of and mitigation for the specific adverse environmental impacts of the proposed
40 project.
41
42 (c) A comprehensive plan, development regulation or other applicable local, state or federal law provides
43 adequate analysis of and mitigation for the specific adverse environmental impacts of a proposed
44 project when:
45 (1) The impacts have been avoided or otherwise mitigated; or
46 (2) The County has designated as acceptable certain levels of service, land use designations,
47 development standards or other land use planning required or allowed by chapter 36.70A.RCW.
48
49 (d) In its decision whether a specific adverse environmental impact has been addressed by an existing
50 rule or law of another agency with jurisdiction with environmental expertise with regard to a specific

1 environmental impact, the County shall consult orally or in writing with that agency and may
2 expressly defer to that agency. In making this deferral, the County shall base or condition its approval
3 on compliance with those other existing rules or laws.
4

- 5 (e) Nothing in this section limits the authority of the County in its review or mitigation of a project to
6 adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by
7 chapter 43.21 RCW.
8

9 **25.04.480 Issuance of SEPA Threshold Determinations**

- 10
11 (a) Expiration of Notice of Application Comment Period. Except for a threshold determination, Grant
12 County may not issue a decision or a recommendation on a project permit until the expiration of the
13 public comment period on the notice of application.
14
15 (b) SEPA Determination of Significance (DS) and Notice of Application. If Grant County has made a
16 SEPA threshold determination concurrently with the notice of application, the notice of application
17 shall be combined with the threshold determination and scoping notice. Nothing in this subsection
18 prevents a determination of significance and scoping notice from being issued prior to a notice of
19 application.
20
21 (c) Public Hearing on Project Permit. If an open record predecision hearing is required on the underlying
22 project permit application, Grant County shall issue its threshold determination at least fifteen (15)
23 days prior to the open record predecision hearing.
24

25 **25.04.490 Appeals of SEPA**

- 26
27 (a) Administrative SEPA appeals to the Board of County Commissioners are established in the GCC §
28 24.04 – SEPA and RCW 36.70B.
29

30 **25.04.500 Categorical Exemptions**

- 31
32 (a) Actions categorically exempt under Chapter 43.21c.110(1)(a) RCW do not require environmental
33 review or the preparation of an environmental impact statement. An action that is categorically
34 exempt under the rules adopted by the Department of Ecology (WAC chapter 197-11) may not be
35 conditioned or denied under SEPA.
36

37 **Article XII. Optional Hearing Examiner Review**

38
39 **25.04.510 Hearing Examiner Review Available**

- 40
41 (a) Under the terms of this ordinance, wherever the Board of County Commissioners or the Planning
42 Commission has authority to review, make a recommendation on, or make a decision on a project
43 permit application, the applicant or the Board of County Commissioners, may at their option, elect to
44 have a Hearing Examiner take the place of the Planning Commission or Board of County
45 Commissioners in reviewing, or making a recommendation or decision on a project permit
46 application, provided; the applicant or the Board of County Commissioners agrees to pay any and all
47 costs, charges, and fees associated therewith.
48
49
50