

Chapter 25.04

PERMIT APPLICATION REVIEW PROCEDURES

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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 Uniform Building Code or the
16 Uniform 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 Plats ⁷
Permitted Uses Site Plan Review ¹⁴	Preliminary Short Subdivisions ⁶ , Final Short Plats ⁷	Preliminary Subdivisions ⁶ , Plat Vacations ¹¹ , Plat Alterations ¹²	
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.

⁶ See GCC § 22.04 Article III.

¹¹ See GCC § 22.04.490.

¹⁶ See GCC § 23.04.150.

² See GCC § 22 Article V.

⁷ See GCC § 22.04 Article V.

¹² See GCC § 22.04.480.

¹⁷ See GCC § 24.08.110

³ See GCC § 22.04.090.

⁸ Not used.

¹³ See GCC § 22.04 Article VII.

and GCC § 23.04.170.

⁴ See GCC § 23.04.040.

⁹ See GCC § 23.12.130.

¹⁴ See GCC § 23.04.140.

⁵ See Shoreline Master Program.

¹⁰ See GCC § 22.04.700.

¹⁵ See GCC § 25.08.

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 Applications^{1, 4}

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, Final Short Plat	Discretionary Use, Reasonable Use Exceptions, Others	Conditional Use, Variance, Preliminary Subdivisions, PUDs,	Minor Rezones, Others	Final Plat
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 Maker⁸	AO	AO	AO	AO	AO	AO	AO	HE	PC ³	BOCC
Open-Record Appeal Hearing (Hearing Body)	No	No	No	No	No	Yes (BOCC)	Yes (BOCC)	No	No	No
Closed-Record Appeal Hearing (Hearing Body)	No	Yes (BOA)	Yes (BBA)	Yes (BOCC)	Yes (BOCC)	Yes ⁵	No	No	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 This table is a summary of requirements; refer to text of GCC for full procedures.

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**

50

- 1 (a) Applications for project permit Type I actions involving structures over the SEPA threshold, Type II,
2 Type III and Type IV actions shall not be accepted by the Administrative Official unless the applicant
3 has scheduled and attended a pre-application conference. The requirement for the pre-application
4 conference may be waived by the administrative official with the concurrence of the applicant if:
5 (1) This Chapter or the Administrative Official expressly exempts the application(s) in question
6 from pre-application review; or
7 (2) The applicant submits a completed form provided by the Administrative Official requesting
8 waiver of pre-application review and the waiver is granted. The form shall state that waiver of
9 pre-application review increases the maximum time for review for technically complete status
10 and increases the risk the application will be rejected or processing will be delayed. Pre-
11 application review generally should be waived by the Administrative Official only if an
12 application is relatively simple.
13
- 14 (b) Pre-application review is not intended to provide an exhaustive review of all the potential issues that a
15 given application could raise. Pre-application review does not prevent the County from applying all
16 relevant laws to the applicant. The purposes of pre-application review are:
17 (1) To acquaint agency staff with a sufficient level of detail about the proposed development to enable
18 staff to advise the proponent accordingly;
19 (2) To determine general consistency with any relevant comprehensive plan and development
20 regulations;
21 (3) To identify applicable regulations and permit needs, including permit fees;
22 (4) To identify permits/requirements from other agencies, to the extent known;
23 (5) To provide early identification of study requirements, issues, and potential mitigation requirements;
24 (6) To acquaint the proponent with the applicable requirements of local ordinances and other law; and
25 (7) To provide an opportunity for other agency staff to be acquainted with the proposed application and
26 applicable law.
27
- 28 (c) To initiate pre-application review, an applicant shall submit a completed form provided by the
29 Administrative Official for that purpose, the required fee, and all information required by the relevant
30 section(s) of local ordinances and other applicable regulations.
31
- 32 (d) Information not provided on the form shall be provided on the face of the preliminary plat, in an
33 environmental checklist, or on other attachments. The Administrative Official may modify
34 requirements for pre-application materials and may conduct a pre-application review with less than all
35 of the required information. However, failure to provide all of the required information may prevent
36 the Administrative Official from identifying all applicable issues or providing the most effective pre-
37 application review.
38
- 39 (e) Within twenty-one (21) calendar days after receipt of an application for pre-application review, the
40 Administrative Official shall schedule a pre-application conference or exempt the application from
41 pre-application review.
42
- 43 (f) The Administrative Official shall coordinate the involvement of agency staff responsible for planning,
44 development review, roads, utilities and other subjects, as appropriate, in the pre-application review
45 process. Relevant staff shall attend the pre-application conference or shall take other steps to fulfill
46 the purposes of pre-application review.
47
- 48 (g) The pre-application conference should be held as soon as practicable after the Administrative Official
49 accepts the application for pre-application review. Such conferences are not publicized and the public
50

1 is not permitted to attend in order that a potential applicant's interest be protected. The applicant shall
2 be informed of the time and place of the meeting.

3
4 (h) Within five (5) working days after the pre-application conference, the applicant may request that the
5 following be provided:

- 6 (1) a form which lists the requirements for a completed application;
- 7 (2) a general summary of the procedures to be used to process the application;
- 8 (3) the references to the relevant code provisions, approval criteria, or development standards which
9 may apply to the approval of the application;
- 10 (4) the County's design guidelines; and/or
- 11 (5) To the extent known by the permitting agency, the permitting agency shall identify other
12 agencies of local, state, or federal governments that may have jurisdiction over some aspect of
13 the application.

14
15 **25.04.140 Application and Accompanying Data**

16
17 (a) Applications for project permits shall be submitted upon forms provided by the Administrative
18 Official. An application shall consist of all materials required by the applicable development
19 regulations, and shall include the following general information:

- 20 (1) A completed project permit application form signed by (1) the owner(s) of the property subject
21 to the application, or (2) a representative authorized to do so by written instrument executed by
22 the owner(s) and filed with the application;
- 23 (2) A verified statement by the applicant that the property affected by the application is in the
24 exclusive ownership of the applicant or that the applicant has submitted the application with the
25 consent of all owners of the affected property;
- 26 (3) The completed application shall identify a single contact person or entity to receive
27 determinations and notices required by this chapter;
- 28 (4) All other items listed as applications requirements in the relevant sections of the Grant County
29 ordinances and other applicable regulations governed by this Chapter;
- 30 (5) A property and/or legal description supplied by the Grant County Auditor, a title company, a
31 surveyor licensed in the state of Washington, or other party approved by the review authority,
32 and current Grant County assessor's map(s) showing the property(ies) subject to the application;
- 33 (6) For a Type II or Type III process, a current Grant County Assessor's map(s) showing the
34 property(ies) with a radius of three hundred (300) feet of the subject site. In addition, a list of the
35 names and addresses of all properties within that radius shall be provided. This information shall
36 be obtained from the County Assessor's Office or a title company, licensed surveyor, or other
37 party approved by the review authority. If the information is provided by any entity other than
38 the Assessor's Office, that entity must certify (under the penalty of perjury) that the information
39 is accurate and complete;
- 40 (7) A copy of the pre-application conference summary, if any, pursuant to GCC § 25.04.130(h)
41 unless:
42 (A) The material was not requested under subsection GCC § 25.04.130(h);
43 (B) The application is not subject to pre-application review based on this Chapter; or
44 (C) The Administrative Official has waived the pre-application conference.
- 45 (8) Evidence of adequate water supply as required by RCW § 19.27.097; and/or regulations
46 established by the Grant County Health District;
- 47 (9) Evidence of sewer availability; or evidence of on-site sewage disposal approval by the Grant
48 County Health District, or jurisdictional agency including but not limited to the Washington
49 State Department of Health or Washington State Department of Ecology;
- 50 (10) Any SEPA documents, as applicable; and

1 (11) The applicable fee(s).

2
3 **25.04.150 Review for Counter Complete Status**
4

- 5 (a) Before accepting an application for a Type I, Type II, Type III, or Type IV process for review for
6 technically complete status, and unless otherwise expressly provided by code, the Administrative
7 Official shall determine if the application is counter complete.
8
- 9 (b) The Administrative Official shall decide whether an application is counter complete when the
10 application is accepted, typically "over the counter"; provided that, if the Administrative Official
11 establishes a given day of the week on which to conduct reviews for counter complete status of a
12 given kind or kinds of application, (e.g., subdivisions), then counter complete review of that kind of
13 application shall be on the day selected by the Administrative Official.
14
- 15 (c) An application is counter complete if the Administrative Official finds that the application purports
16 and appears to include the information required by section 25.04.140; provided, no effort shall be
17 made to evaluate the substantive adequacy of the information in the application in the counter
18 complete review process.
19
- 20 (d) If the Administrative Official decides the application is counter complete, then the application shall
21 be accepted for review for technically complete status. In the case of a Type I application, this review
22 and approval may occur at the same time. However, regardless of whether the application is a Type
23 II, III or IV, a finding of counter complete status begins the 28 calendar day timeline for the County
24 to issue its determination of technical completeness specified in Section 25.04.160.
25
- 26 (e) If the Administrative Official decides that the application is not counter complete, then the
27 Administrative Official shall reject and return the application and identify in writing what is needed to
28 make the application counter complete.
29

30 **25.04.160 Review for Technically Complete Status**
31

- 32 (a) Before accepting an application for processing for a Type I, II, III or IV review, the Administrative
33 Official shall determine that the application is technically complete.
34
- 35 (b) The Administrative Official shall decide whether an application is technically complete subject to the
36 following:
37 (1) Within twenty-eight (28) calendar days after an application is determined to be counter
38 complete; or
39 (2) Notwithstanding subsection (b)(1) of this section, if the Administrative Official establishes a
40 given day of the week as the day on which to begin review for technically complete status for a
41 given kind or kinds of application, then the time for making a decision regarding the technically
42 complete status of that kind of application shall begin to run on that day selected by the review
43 authority.
44
- 45 (c) A project permit application is technically complete if it meets the submission requirements specified
46 in section 25.04.140 above, as well as the submission requirements contained in the applicable
47 development regulations, and application forms required by the Administrative Official. The
48 determination of technical completeness may also include any other information the Administrative
49 Official deems appropriate.
50

- 1 (d) If the Administrative Official decides that an application is not technically complete (within the time
2 provided in subsection (b) of this section), the Administrative Official shall send the applicant a
3 written statement, rejecting the application based on a lack of information and listing what is required
4 to make the application technically complete.
5 (1) Within fourteen (14) calendar days after an application has been resubmitted to the county after
6 the application has been returned to the applicant as being incomplete; or
7 (2) The statement shall specify a date, such date being not less than thirty (30) days nor more than
8 ninety (90) days from the date of said written statement, by which the required missing
9 information must be provided to restart the technically complete review process pursuant to
10 subsection (d)(1) of this section.
11 (3) The statement also may include recommendations for additional information that, although not
12 necessary to make the application technically complete, is recommended to address other issues
13 that are or may be relevant to the review.
14
- 15 (e) If the required information is submitted by the date specified, then within fourteen (14) calendar days
16 the Administrative Official shall decide whether the application is technically complete and, if not,
17 the Administrative Official shall:
18 (1) Reject the application and mail the applicant a written statement which lists the remaining
19 additional information needed to make the application technically complete; or
20 (2) Issue a decision denying the application, based on a lack of information; or
21 (3) Allow the applicant to restart the technically complete review process another time by providing
22 the required missing information by a date specified by the Administrative Official, in which
23 case the Administrative Official shall retain the application and fees.
24 If the required information is not submitted by the date specified, within fourteen (14) calendar days after
25 that date the Administrative Official shall take action under subsection (e)(1) or (e)(2), of this section.
26
- 27 (f) Within twenty-eight (28) calendar days after receiving a counter complete project permit application,
28 the Administrative Official shall mail or provide in person a written determination to the applicant
29 stating either:
30 (1) that the application is technically complete; or
31 (2) that the application is incomplete and what is necessary to make the application complete.
32
- 33 (g) A Type II, Type III or Type IV application shall be deemed to be technically complete if a written
34 determination has not been mailed to the proponent within twenty-eight (28) calendar days of the date
35 the application is accepted for review.
36
- 37 (h) Grant County's determination of technical completeness shall not preclude it from requesting
38 additional information or studies either at the time of the notice of completeness or subsequently if
39 new information is required or substantial changes in the proposed action occur.
40

41 **Article V. Processing a Technically Complete Application**

42 **25.04.170 Referral and Review of Project Permit Applications**

- 43 (a) If the Administrative Official decides that an application is technically complete, then the
44 Administrative Official shall record the date of acceptance of the technically complete application,
45 and within twenty-eight (28) calendar days of making this determination shall:
46 (1) Forward the application to the staff responsible for processing it, and schedule a Type III
47 application for a public hearing;
48
49
50

- 1 (2) Send a written notice of receipt of a complete application to the applicant acknowledging
2 acceptance, listing the name and telephone number of a contact person at the review authority,
3 and describing the expected review schedule, including the date of a hearing for a Type III or
4 Type IV process;
- 5 (3) If the application is for a Type II, III or IV process, a copy of the notice shall be distributed
6 pursuant to Article VI; and
- 7 (4) Transmit a copy of the application, or appropriate parts of the application, to each affected
8 agency and county department for review and comment, including those responsible for
9 determining compliance with state and federal requirements. The affected agencies and county
10 departments shall have fifteen (15) days to comment. The referral agency or county department
11 is presumed to have no comments if comments are not received within the specified time period.
12 The Administrative Official may grant an extension of time for comment.
13

14 **25.04.180 Vesting**

- 15
- 16 (a) An application shall become vested on the date an application is accepted as technically complete
17 under this Title. Thereafter, the application shall be reviewed under the codes, regulations and other
18 laws in effect on the date of vesting; provided, in the event an applicant substantially changes his or
19 her proposed development after a determination of completeness, as determined by the administrative
20 official, the application shall not be considered vested until a new determination of completeness on
21 the changes is made under this Title.
22

23 **Article VI. Public Notice of Application**

24

25 **25.04.190 Distribution of Notice of Application**

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

- 1 real property proposed for activity, notice shall be given to owners of real property located
 2 within three hundred (300) feet of any portion of the boundaries of such adjacently located
 3 parcels of real property owned by the owner of the real property proposed for activity;
 4 (6) Posting of the property by Applicant. The applicant as soon as possible shall post one or more
 5 notice boards as follows:
 6 (A) A single notice board shall be placed by the applicant where it is completely visible and
 7 readable to pedestrians from the public right-of-way.
 8 (B) Additional notice may be required where:
 9 (i) The site does not abut a public road;
 10 (ii) A large site abuts more than one public road; and/or
 11 (iii) The Director determines that additional notice boards are necessary to provide
 12 adequate public notice.
 13 (C) Removal of the notice board prior to the end of the notice period may be cause for
 14 discontinuance of the Department review until the notice board is replaced and remains in
 15 place for the specified time period.
 16 (D) An affidavit of posting shall be submitted to the Director by the applicant prior to the
 17 hearing or final comment date. If the affidavits are not filed as required, any scheduled
 18 hearing or date by which the public may comment on the application, will be postponed in
 19 order to allow compliance with this notice requirement.
 20 (E) Notice boards shall be constructed and installed in accordance with specifications
 21 promulgated by the Department.
 22
 23 (c) Where Open Record Predecision Hearing is Required. If an open record predecision hearing is
 24 required for the requested project permits, the notice of application shall be provide at least fifteen
 25 (15) days prior to the open record hearing.
 26
 27 (d) SEPA Exempt Projects. A notice of application shall not be required for project permits that are
 28 categorically exempt under SEPA, unless a public comment period or an open record-predecision
 29 hearing is required.
 30

31 **25.04.200 Method of Public Notice of Application by Application Type**

- 32
 33 (a) The method of public notice of project permit applications shall be based on their classification as
 34 delineated in Table 3.

35 *Table 3*
 36 *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

37
 38
 39
 40
 41
 42
 43
 44
 45 ¹ except if SEPA required.

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

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

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

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

50 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.

1 **25.04.210 Contents of Notice of Application**
2

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

- 4 (1) The case file number(s) date of application, the date the application was determined to be
- 5 technically complete, and the date of the notice of application;
- 6 (2) A description of the proposed project action and a list of the project permits included in the
- 7 application, and, if applicable, a list of any additional studies requested by the Administrative
- 8 Official to complete the application;
- 9 (3) A list of other permits not included in the application to the extent known by Grant County;
- 10 (4) A list of existing environmental documents that evaluate the proposed project;
- 11 (5) A statement that delineates the public comment period, together with a statement of the right of
- 12 any person to comment on the application, receive notice of and participate in any hearings,
- 13 request a copy of the decision once made, and any appeal rights;
- 14 (6) The date, time, place and type of hearing, if applicable;
- 15 (7) A statement of any preliminary determination, if one has been made at the time of the notice, of
- 16 those development regulations that will be used for project mitigation and of consistency;
- 17 (8) The name of the proponent and any representative of the proponent, and the name, address and
- 18 telephone number of a contact person for the proponent, if any;
- 19 (9) A description of the site, including current zoning and nearest road intersections, reasonably
- 20 sufficient to inform the reader of its location and zoning;
- 21 (10) The dates, places, and times where information about the application may be examined and the
- 22 name and telephone number of the staff representative to contact about the application.
- 23 (11) Any other information determined appropriate by Grant County.
- 24

25 (b) Content of Shoreline Master Program Permit Application Notice. In addition to the notice content
26 specified in subsection 25.04.210 (a) of this section, a notice for a Shoreline Master Program permit
27 shall also include:

- 28 (1) A statement that any person desiring to submit written comments concerning an application, or
- 29 desiring to receive notification of the final decision concerning an application as expeditiously as
- 30 possible after the issuance of the decision, may submit the comments or requests for decision to
- 31 the County within thirty (30) days of the last date the notice is to be published pursuant to this
- 32 subsection. The Administrative Official shall forward, in a timely manner following issuance of
- 33 the decision, a copy of the decision to each person who submits a request for the decision.
- 34 (2) Notice of the hearing shall include a statement that any person may submit oral or written
- 35 comments on the application at the hearing.
- 36 (3) The public comment period shall be 20 (twenty) days. The notice shall state the manner in which
- 37 the public may obtain a copy of the county's decision on the application no later than two (2)
- 38 days following its issuance.
- 39

40 (c) Content of Type III Preliminary Subdivision Permit Application Notice. In addition to the notice
41 content specified in subsection 25.04.210 (a) of this section, a notice for preliminary subdivision
42 permits shall also include:

- 43 (1) Notice of the filing of a preliminary plat application adjacent to or within one mile of the
- 44 boundaries of a city or town, or which contemplates the use of any city or town utilities shall be
- 45 given to the appropriate city or town authorities.
- 46 (2) Notice of the filing of a preliminary plat application of a proposed subdivision located adjacent
- 47 to the right-of-way of a state highway or within two (2) miles of a boundary of a state municipal
- 48 airport shall be given to the secretary of transportation, who must respond within fifteen (15)
- 49 days.
- 50

1 (d) A notice of application shall not be required for project permits that are categorically exempt under
2 43.21C RCW (SEPA), unless an open record predecision hearing is required, or an open record
3 appeal hearing is allowed on the project permit decision, or for projects identified in subsection
4 25.04.210(b) of this section.

5
6 (e) Except for a threshold determination, the County may not issue a decision or recommendation on a
7 project permit until after the expiration of the public comment period on the notice of application.

8
9 **25.04.220 Optional Public Notice**

10
11 (a) As optional methods of providing public notice of any project permits, in addition to the notice
12 requirements established in 25.04.200, the Administrative Official may:

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

20
21 (b) The County's failure to provide the optional notice as described in this subsection shall not be grounds
22 for the invalidation of any permit decision.

23
24 **25.04.230 Public Comment on the Notice of Application**

25
26 (a) The public comment period shall be not less than fifteen (15) days following the date of the notice of
27 application, except as provided in subsection 25.04.230(b), below, and except for those projects
28 determined by the Administrative Official to require more time, up to a maximum of thirty (30) days.

29
30 (b) The public comment period shall be twenty (20) days for shoreline permit applications for limited
31 utility extensions (RCW 90.58.140(13)(b) or construction of a bulkhead or other measures to protect a
32 single-family residence and its appurtenant structures from shoreline erosion.

33
34 (c) Public comment on the Notice of Application will be received during regular business hours by the
35 Administrative Official at any time prior to 5:00 p.m. on the last day of the comment period.
36 Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific
37 as possible.

38
39 **25.04.240 Notice of Public Hearing**

40
41 (a) Notice of Public Hearing. At least fifteen (15) calendar days before the date of the hearing for an
42 application(s) subject to open record review, the Administrative Official shall issue a public notice of
43 the hearing. Such notice of the public hearing shall contain:

- 44 (1) The name and address of the applicant or the applicant's representative;
45 (2) A description of the affected property, which may be in the form of either a vicinity location or
46 written description, other than a legal description;
47 (3) The date, time and place of the hearing;
48 (4) A description of the subject property reasonably sufficient to inform the public of its location,
49 including but not limited to the use of a map or postal address and a subdivision lot and block
50 designation;

- 1 (5) The nature of the proposed use or development;
- 2 (6) A statement that all interested persons may appear and provide testimony;
- 3 (7) When information may be examined, and when and how written comments addressing findings
- 4 required for a decision by the hearing body may be admitted;
- 5 (8) The name of a local government representative to contact and the telephone number where
- 6 additional information may be obtained;
- 7 (9) A statement that a copy of the application and any associated documents are available for
- 8 inspection at no cost; copies will be provided at the County's cost; and
- 9 (10) Notice of such a public hearing shall be mailed to:
- 10 (A) The applicant or the applicant's designated representative;
- 11 (B) Adjacent land owners as defined in GCC § 25.04.190(b)(5);
- 12 (C) Any person who submits written comments on an application; and
- 13 (D) Any person who submits a written request for notification on a specific application.

- 14
- 15 (b) All public notices shall be deemed to have been provided or received on the date the notice is
- 16 deposited in the mail or personally delivered, whichever occurs first. Failure to send notice by mail to
- 17 any such property owner where the address of said owner is not a matter of public record or because
- 18 the ownership is not of public record shall not invalidate any proceedings on the application.
- 19

20 **Article VII. Procedures for Application Review**

21

22 **25.04.250 Type I Procedure – Ministerial Decision**

- 23
- 24 (a) Review. The Administrative Official shall approve, approve with conditions, or deny a Type I
- 25 application within one hundred twenty (120) calendar days after the date the application was accepted
- 26 as technically complete; provided an applicant may agree in writing to extend the time in which the
- 27 County shall issue a decision. The County may consider new evidence or information the applicant
- 28 provides with or after such a written request.
- 29
- 30 (b) No Public Hearing. No public hearing is authorized for a Type I application.
- 31

32 **25.04.260 Type II Procedure – Administrative Decision**

- 33
- 34 (a) Review. The Administrative Official shall approve, approve with conditions, or deny a Type II application
- 35 within one hundred twenty (120) calendar days after the date the application was accepted as technically
- 36 complete. The County shall issue a written decision regarding the application(s); provided that:
- 37 (1) If a determination of significance (DS) is issued, then the Administrative Official shall issue a
- 38 decision not sooner than seven (7) calendar days after a final environmental impact statement is
- 39 issued; and
- 40 (2) An applicant may agree in writing to extend the time in which the Administrative Official shall issue
- 41 a decision. The Administrative Official may consider new evidence or information the applicant
- 42 provides with or after such a written request.
- 43
- 44 (b) Final Decisions. Final decisions shall be made as specified in Article IX of this chapter.
- 45

46 **25.04.270 Type III Procedure – Quasi Judicial Decision**

- 47
- 48 (a) Review. A Type III application requires one (1) public hearing before the Planning Commission or
- 49 the Hearing Examiner. In the case of a Planning Commission hearing, their decision constitutes a
- 50 recommendation to the Board of County Commissioners. The public hearing should be held within

1 ninety (90) days after the date the County issues the determination that the application is technically
2 complete. Preliminary Plats must be approved, disapproved or returned to the applicant for
3 modification or correction within ninety days from the filing date of an application that has been
4 accepted by the Planning Department and determined to be technically complete except as may be
5 provided by this title. In determining the number of days that have elapsed after Grant County has
6 notified the applicant that the application is complete, the periods stated in 25.04.370(c) shall be
7 excluded.
8

9 (b) Planning Commission Recommendation. The Planning Commission is a recommending authority for
10 Type III applications as outlined in Table 2; the Board of County Commissioners renders final
11 decisions. The Planning Commission shall direct the Planning Department within fourteen (14) days
12 of the date of the open record hearing to prepare a written report setting forth the recommendation of
13 the Planning Commission including: findings, conclusions, staff report, and testimony on the record
14 from agencies and interested parties.
15

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

- 20 (1) Uphold recommendation of the Planning Commission.
- 21 (2) Uphold recommendation of the Planning Commission with additional conditions.
- 22 (3) Modify recommendation of the Planning Commission, with or without the applicant's
23 concurrence, provided that the modifications do not:
 - 24 (A) Enlarge the area or scope of the project.
 - 25 (B) Increase the density of the project.
 - 26 (C) Significantly increase adverse environmental impacts as determined by the SEPA
27 responsible official.
- 28 (4) Denial (reapplication or resubmittal is permitted).
- 29 (5) Denial with prejudice (reapplication or resubmittal is not allowed for one year).
- 30 (6) Remand for further proceedings.
31

32 (d) Notice of Public Hearing. At least fifteen (15) calendar days before the date of the hearing for an
33 application(s) subject to Type III review, the County shall issue a public notice of the hearing
34 consistent with the requirements of GCC §25.04.240.
35

36 (e) Public Hearings. Public hearings shall be conducted in accordance with the requirements specified in
37 Article VIII of this Chapter.
38

39 (f) Final Decisions. Final decisions shall be made as specified in Article IX of this chapter.
40

41 **25.04.280 Type IV Procedure – Final Plat**

42

43 (a) Review: Final Plats shall be reviewed for conformance to all applicable local, state, and federal
44 regulations and any conditions of approval stipulated by the Hearing Examiner.
45

46 (b) No Public Hearing: Notice of an open record public hearing is not provided for a Type IV application
47 because no public hearing is authorized.
48
49
50

1 **Article VIII. Open Record Hearings**

2
3 **25.04.290 Generally**

- 4
5 (a) Open record public hearings, including open record pre-decision and appeal hearings, held on a
6 project permit application shall be conducted in accordance with this chapter.
7

8 **25.04.300 Responsibility of Administrative Official for Hearing**

- 9
10 (a) Upon the filing of a project permit application requiring a public hearing, the Administrative Official
11 shall:
12 (1) Set the time and place for the public hearing and shall provide notice of the hearing as set forth
13 in GCC § 25.04.240;
14 (2) Prepare a staff report on the application and present this staff report at the public hearing. This
15 staff report will incorporate on the project permit application, any mitigation measures
16 recommended under the County's development regulations or under the authority of SEPA, and
17 the County's final SEPA determination on the project permit application, if applicable. In the
18 case of a Type II project permit application, this report may be the permit.
19 (3) Prepare the notice of decision, if required by the hearing body and/or mail a copy of the notice of
20 decision to those required by this code to receive such notice.
21

22 **25.04.310 Order of Proceedings**

- 23
24 (a) Public hearings shall be conducted in accordance with the rules of procedure adopted by the County,
25 except to the extent waived by the County. The Planning Commission or a Hearings Examiner may
26 adopt other rules of procedure not inconsistent with these procedures. Further, if deemed appropriate
27 to facilitate review of a particular development permit application, the Hearing Examiner or Planning
28 Commission may adopt specific procedures for an individual matter. A public hearing shall be
29 recorded on audio or audiovisual tape.
30
31 (b) Public hearings shall serve to create or supplement an evidentiary record upon which the Planning
32 Commission, Board of County Commissioners, or the Hearing Examiner will base its decision or
33 recommendation. The review authority shall open the public hearing and, in general, observe the
34 following sequence of events:
35 (1) At the beginning of a hearing or agenda of hearings the review authority shall:
36 (A) State that the testimony will be received only if it is relevant to the applicable approval
37 criteria and development standards and is not unduly repetitious;
38 (B) Identify the applicable approval criteria and development standards;
39 (C) State that the review authority will consider any party's request that the hearing be
40 continued or that the record be kept open for a period of time and may grant or deny that
41 request;
42 (D) State that the review authority must be impartial and whether the review authority has had
43 any ex parte contact or has any personal or business interest in the application. The review
44 authority shall afford parties an opportunity to challenge the impartiality of the authority;
45 (E) State whether the review authority has visited the site;
46 (F) State that persons who want to receive notice of the decision may sign a list for that
47 purpose at the hearing and where that list is kept; and
48 (G) Summarize the conduct of the hearing.
49 (2) Staff presentation, including submittal of any administrative reports. The Planning Commission,
50 Decision Maker or Review Authority may ask questions of the staff.

- 1 (3) Applicant presentation, including submittal of any materials. The review authority may ask
2 questions of the applicant.
- 3 (4) Testimony or comments by the public relative to the matter being heard. Questions directed to
4 the staff or the applicant shall be posed by the review authority at its discretion but the review
5 authority shall act to facilitate rights to confront and examine adverse witnesses.
- 6 (5) Rebuttal, response or clarifying statements by the staff and the applicant.
- 7 (6) The public hearing portion of the hearing shall be closed and the review authority may deliberate
8 on the matter. At this time, the review authority may further question a person submitting
9 information or the staff if opportunity for rebuttal is provided.
- 10 (7) At the conclusion of the hearing on each application, the review authority shall announce one of
11 the following actions:
 - 12 (A) That the hearing is continued. If the hearing is continued to a place, date and time certain,
13 then additional notice of the continued hearing is not required to be mailed, published or
14 posted. If the hearing is not continued to a place, date and time certain, the notice of the
15 continued hearing shall be given as though it was an initial hearing. The review authority
16 shall adopt guidelines for reviewing requests for continuances;
 - 17 (B) That the public record is held open to a date and time certain. The review authority shall
18 state where additional written evidence and testimony can be sent, and shall announce any
19 limits on the nature of the evidence that will be received after the hearing. The review
20 authority may adopt guidelines for reviewing requests to hold open the record.
 - 21 (C) That the application(s) is/are taken under advisement, and a final order will be issued as
22 provided in GCC § 25.04.375
 - 23 (D) That the application(s) is/are, denied, approved or approved with conditions, together with
24 a brief summary of the basis for the decision, and that a final order will be issued as
25 provided in GCC § 25.04.375.
 - 26 (E) In the case of a Planning Commission open record public hearing, if a recommendation is
27 made to approve, approve with conditions, or deny the proposal, the recommendation shall
28 be forwarded the Grant County Commissioners for approval at a closed record public
29 meeting.

30
31 **25.04.320 Burden of Proof – Open Record Hearings**

- 32
33 (a) The burden of proof is on the applicant, or, in the case of an open record appeal, on the appellant.
34

35 **25.04.330 Site View of Subject Property**

- 36
37 (a) The review authority may view the subject property with or without notification to the parties, but the
38 circumstances of such site view shall be placed on the record.
39

40 **25.04.340 Joint Public Hearings**

- 41
42 (a) The Administrative Official may combine any public hearing on a project permit application with any
43 hearing that may be held by another local, state, regional, federal, or other agency with jurisdiction on
44 the proposed action. Hearings shall be combined if requested by an applicant, provided that:
45 (1) The hearing is held within the geographic boundaries of Grant County;
46 (2) Each agency is not expressly prohibited by statute from doing so;
47 (3) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice
48 requirements as set forth in statute, ordinance or rule;
49 (4) Each agency has received the necessary information about the proposed project from the
50 applicant in enough time to hold its hearing at the same time as the local government hearing;

1 (5) The joint hearing can be held within the required time periods or the applicant may agree to a
2 particular schedule in the event that additional time is needed in order to combine the hearings.
3

4 (b) All agencies participating in a combined hearing may issue joint hearing notices and develop a joint
5 format, select a mutually acceptable hearing body or officer, or take such other actions as may be
6 necessary to hold joint hearings consistent with each of their respective statutory obligations.
7

8 **25.04.350 Conflict of Interest, Ethics, Open Public Meetings, Appearance of Fairness**
9

10 (a) The hearing body shall be subject to the code of ethics (RCW § 35A.42.020), prohibitions on the
11 conflict of interest (RCW § 35A.42.050 and chapter 42.23 RCW), open public meetings (chapter
12 42.30 RCW), and appearance of fairness (chapter 42.35 RCW) as the same now exists or may
13 hereafter be amended.
14

15 **25.04.360 Ex Parte Communications**
16

17 (a) No member of the hearing body may communicate, directly or indirectly, regarding any issue in a
18 proceeding before it, other than to participate in communications necessary to procedural aspects of
19 maintaining an orderly process, unless it provides notice and opportunity for all parties to participate;
20 except as provided in this section;

21 (1) the hearing body may receive advice from legal counsel;

22 (2) the hearing body may communicate with staff members (except where the proceeding relates to
23 a code enforcement investigation or prosecution).
24

25 (b) If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body
26 receives an ex parte communication of a type that could not properly be received while serving, the
27 member of the hearing body promptly after starting to serve, shall disclose the communication
28 described in subsection c) below.
29

30 (c) If the hearing body receives an ex parte communication in violation of this section, he or she shall
31 place on the record:

32 (1) All written communications received;

33 (2) All written responses to the communication;

34 (3) State the substance of all oral communications received, and all responses made;

35 (4) The identify of each person from whom the examiner received any ex parte communication.
36

37 (d) The hearing body shall advise all parties that these matters have been placed on the record. Upon
38 request made within ten (10) days after notice of the ex parte communication, any party desiring to
39 rebut the communication shall be allowed to place a rebuttal statement on the record.
40

41 **25.04.370 Disqualification**
42

43 (a) The order of proceedings for a hearing will depend in part on the nature of the hearing. The following
44 shall be supplemented by administrative procedures as appropriate.

45 (1) Before receiving information on the issue, the following shall be determined:

46 (A) Any objections on jurisdictional grounds shall be noted on the record and if there is
47 objection, the hearing body has the discretion to proceed or terminate;

48 (B) Any abstentions or disqualification shall be determined.

49 (2) The presiding officer may take official notice of known information related to the issue, such as:

50 (A) A provision of any ordinance, resolution, rule, officially adopted development standard or

1 state law; and

2 (B) Other public records and facts judicially noticeable by law.

3 (3) Matters officially noticed need not be established by evidence and may be considered by the
4 hearing body in its determination. Parties requesting notice shall do so on the record. However,
5 the hearing body may take notice of matters listed in subsection (a)(2) of this section if statement
6 for the record. Any matter given judicial notice may be rebutted.

7 (4) The hearing body may view the area in dispute with or without notification to the parties, but
8 shall place the time, manner and circumstances of such view on the record.

9 (5) Information shall be received from the staff and from proponents and opponents. The presiding
10 officer may approve or deny a request from a person attending the hearing to ask a question after
11 taking into account rights to confront and examine adverse witnesses. Unless the presiding
12 officer specifies otherwise, if the request to ask a question is approved, the presiding officer will
13 direct the question to the person submitting testimony.

14 (6) When the presiding officer has closed the public hearing portion of the hearing, the hearing body
15 shall openly discuss the issue and may further question a person submitting information or the
16 staff if opportunity for rebuttal is provided.

17
18 **Article IX. Final Decisions**

19
20 **25.04.375 Notice of Final Decision**

21
22 (a) Decision Content. The review authority should issue a written decision regarding the application(s)
23 that includes:

- 24 (1) A statement of all determinations made under SEPA (Chapter 43.21C RCW) the applicable
25 criteria and standards in this code and other applicable law;
26 (2) The reasons for a conclusion to approve or deny;
27 (3) The procedures for administrative appeal; and
28 (4) Any notices required by RCW 36.70B.130.

29
30 (b) Distribution of Final Decision. The Notice of Decision shall be provided to the applicant and the
31 applicant's designated representative and all parties of record, including all persons who, prior to the
32 rendering of the decision, requested notice of the decision or submitted substantive comments on the
33 application.

34
35 **25.04.380 Timeline for Notice of Decision**

36
37 (a) Unless otherwise provided in this Chapter, the notice of decision shall be issued within one hundred
38 twenty (120) calendar days after the date of determination of technical completeness under the
39 provisions of GCC § 25.04.160; provided, the review authority shall not issue a written decision
40 regarding the application(s) until at least fifteen (15) calendar days after the threshold determination
41 under the Grant County SEPA Ordinance is made.

42
43 (b) A proponent may agree in writing to extend the time in which the review authority shall issue a
44 decision. The review authority may consider new evidence the proponent introduces with or after
45 such a written request.

46
47 (c) In determining the number of days that have elapsed after the local government has notified the
48 applicant that the application is complete for purposes of calculating the time for issuance of the
49 notice of decision, the following periods shall be excluded:

- 50 (1) Any period during which the applicant has been requested by Grant County to correct plans,

1 perform required studies, or provide additional required information. The period shall be
2 calculated from the date the County notifies the applicant of the need for additional information
3 until the earlier of the date the local government determines whether the additional information
4 satisfies the request for information or fourteen (14) days after the date the information has been
5 provided to the County;

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

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

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

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

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

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

17
18 (d) If the County is unable to issue its final decision on a project permit application within the time limits
19 provided for in this section, it shall provide written notice of this fact to the project applicant. The
20 notice shall include a statement of reasons why the time limits have not been met and an estimated
21 date for the issuance of the notice of decision.

22 23 **25.04.390 Exemptions from Time Periods for Issuing Notice of Decision**

24
25 (a) The time limits established by 25.04.370 do not apply if a permit application:

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

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

29 (3) Is substantially revised by the applicant as determined by the Administrative Official, in which
30 case the time period shall start from the date at which the revised project application is
31 determined to be complete.

32 (4) Requires the preparation of an Environmental Impact Statement, in which case the
33 Administrative Official shall issue a decision no sooner than seven (7) calendar days after a final
34 environmental impact statement is issued

35 36 **Article X. Administrative and Judicial Appeals**

37 38 **25.04.400 Standing to Initiate Administrative Appeals**

39
40 (a) For purposes of this section, standing to appeal a decision under this Article is limited to the
41 following persons:

42 (1) The applicant or owner of the property to which the permit decision is directed; and

43 (2) Another person aggrieved or adversely affected by the permit decision, or who would be
44 aggrieved or adversely affected by a reversal or modification of the permit decision. A person is
45 aggrieved or adversely affected within the meaning of this section only when all of the following
46 conditions are met:

47 (A) The permit decision has prejudiced or is likely to prejudice that person; and

48 (B) That person's asserted interests are among those that the review authority was required to
49 consider when it made the permit decision; and

50 (C) A judgment in favor of that person would substantially eliminate or redress the prejudice to

1 that person caused or likely to be caused by the permit decision.

2
3 **25.04.410 Administrative Appeals of Permit Decisions**
4

- 5 (a) A final decision regarding an application subject to a Type I or II procedures may be appealed by an
6 aggrieved party only if, within fourteen (14) calendar days after written notice of the decision is
7 mailed, a written appeal is filed with the Board of County Commissioners. Type III decisions of the
8 Hearing's Examiner or Board of County Commissioners are not subject to further administrative
9 review, except where the decision-making body agrees, in its discretion, to reconsider the matter.
10 Decisions of the Hearing's Examiner or Board of County Commissioners are appealable to the Grant
11 County Superior Court.
12
- 13 (b) The administrative appeal shall contain a written, concise statement identifying:
14 (1) The decision being appealed;
15 (2) The name, address and telephone number of the appellant and his interest(s) in the matter;
16 (3) Appellant's statement describing his or her standing to appeal;
17 (4) The specific reasons why the appellant believes the decision to be wrong. The appellant shall
18 bear the burden of proving the decision wrong;
19 (5) The desired outcome or changes to the use decision; and
20 (6) A statement that the appellant has read the appeal and believes the contents are true, followed by
21 the appellant's signature.
22
- 23 (c) The appeal shall be accompanied by the appropriate appeals fee of one hundred dollars (\$100.00) or
24 other amount as may be set by the Board of County Commissioners.
25
- 26 (d) Upon the filing of a completed appeal in a timely fashion from a final decision, the Administrative
27 Official shall set the time and place at which the matter will be considered. The officer from whom
28 the appeal is being taken shall forthwith transmit to the reviewing body all of the records pertaining to
29 the decision being appealed from, together with such additional written report as he deems pertinent.
30

31 **25.04.420 Appeal Procedures**
32

- 33 (a) Open Record Appeals. The designated appeal body shall hear appeals of Type I and Type II decisions
34 in an open record hearing according to the statutes, rules or procedures established for the appeal
35 body. Notice of the public hearing shall be provided as specified by GCC § 25.04.240 or other statute
36 or administrative rule. A report, summary or brief may be prepared, a hearing shall be conducted, a
37 decision shall be made, and a Notice of Decision shall be issued similar to that set forth in GCC §
38 25.04.260. Such appeal decisions are appealable only to superior court; except Shoreline Management
39 Act permits are appealable to the shoreline hearings board.
40
- 41 (b) Closed Record Appeals. These appeal procedures apply following open-record predecision hearing
42 decisions. Closed record appeals shall be conducted generally as provided for open record appeals,
43 however no new evidence or testimony shall be given or received.
44

45 **25.04.430 Judicial Appeals**
46

- 47 (a) Proceedings for judicial review shall be pursuant to 36.70C RCW. This process shall be the exclusive
48 means of judicial review of Type III or Type IV land use decisions, except for:
49 (1) Land use decision of a local jurisdiction that are subject to review by a quasi-judicial body
50 created by state law, such as the Shoreline Hearings Board or the Growth Management Hearings

- 1 Board;
- 2 (2) Judicial review of application for a writ of mandamus or prohibition; or,
- 3 (3) Claims provided by any law for monetary damages or compensation.
- 4

5 **Article XI. Consistency Analysis and SEPA Integration**

6

7 **25.04.440 Determination of Consistency**

8

- 9 (a) Fundamental land use planning choices made in adopted comprehensive plans and development
- 10 regulations will serve as the foundation for project review. As part of project review, the reviewing
- 11 official shall determine if a proposed project is consistent with Grant County's applicable
- 12 development regulations, or in the absence of applicable development regulations, the adopted
- 13 comprehensive plan. This consistency review will consist of a review of the type of land use(s)
- 14 permitted at the site, the level of development allowed, infrastructure analysis, and the character of
- 15 the development.
- 16

17 **25.04.450 Consistency Analysis**

18

- 19 (a) During project permit application review, the County shall determine whether the items listed in this
- 20 subsection are defined in the development regulations as applicable to the proposed project. In the
- 21 absence of applicable development regulations, the County shall determine whether the items listed in
- 22 this subsection are defined in the County's adopted comprehensive plan. This determination of
- 23 consistency shall include the following:
- 24 (1) The type of land use permitted at the site, including uses that may be allowed under certain
- 25 circumstances, if the criteria for their approval have been satisfied;
- 26 (2) The level of development, such as units per acre, density of residential development, or other
- 27 measures of density;
- 28 (3) Where applicable, passage of a Concurrency Test and a Finding of Concurrency for the
- 29 availability and adequacy of transportation facilities to meet the demands of development or use
- 30 as provided in GCC § 25.20; and,
- 31 (4) The character of the development, such as development standards.
- 32
- 33 (b) In determining consistency, the determinations made pursuant to this chapter shall be controlling.
- 34
- 35 (c) During project review, Grant County or any subsequent reviewing body shall not reexamine
- 36 alternatives to or hear appeals on the items identified in subsection (a) of this section, except for
- 37 issues of code interpretation.
- 38

39 **25.04.460 SEPA Integration**

40

- 41 (a) Environmental review for projects determined not to be categorically exempt under SEPA (RCW
- 42 43.21C) and the Grant County SEPA ordinance shall be integrated and run concurrently with the
- 43 permit procedures of this title. Specifically, the County shall review the project permit application
- 44 under the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, the
- 45 SEPA rules, Chapter 197-11 WAC, and the Grant County SEPA ordinance and shall:
- 46 (1) Determine whether the applicable regulations require studies that adequately analyze all of the
- 47 proposed project's specific probable adverse environmental impacts;
- 48 (2) Determine if the applicable regulations require measures that adequately address such
- 49 environmental impacts;
- 50

- 1 (3) Determine whether additional studies are required and/or whether the project permit application
2 should be conditioned with additional mitigation measures; and
3 (4) Provide prompt and coordinated review by government agencies and the public in compliance
4 with applicable environmental laws and plans, including mitigation for specific project impacts
5 that have not been considered and addressed at the plan or development regulation level.
6

7 **25.04.470 Use of Existing Environmental Documents**
8

- 9 (a) As provided by in the Grant County SEPA Ordinance, the Administrative Official may determine that
10 existing comprehensive plans, subarea plan elements of a comprehensive plan, development
11 regulations, or other local, state or federal rules or laws provide adequate analysis and mitigation of
12 the specific probable adverse environmental impacts of a proposed action if:
13 (1) In the course of project review, including any required environmental analysis, the local
14 government considers the specific probable adverse environmental impacts of the proposed
15 action and determines that these specific impacts are adequately addressed by the development
16 regulations or other applicable requirements of the comprehensive plan, subarea plan elements
17 of the comprehensive plan, or other local, state, or federal rules or laws; and
18 (2) The local government bases or conditions its approval on compliance with these requirements or
19 mitigation measures.
20
21 (b) In its review of a project permit application, the County may determine that the requirements for
22 environmental analysis, protection and mitigation measures in the applicable development
23 regulations, comprehensive plan, and/or in other applicable local, state, or federal laws provides
24 adequate analysis of and mitigation for the specific adverse environmental impacts of the proposed
25 project.
26
27 (c) A comprehensive plan, development regulation or other applicable local, state or federal law provides
28 adequate analysis of and mitigation for the specific adverse environmental impacts of a proposed
29 project when:
30 (1) The impacts have been avoided or otherwise mitigated; or
31 (2) The County has designated as acceptable certain levels of service, land use designations,
32 development standards or other land use planning required or allowed by chapter 36.70A.RCW.
33
34 (d) In its decision whether a specific adverse environmental impact has been addressed by an existing
35 rule or law of another agency with jurisdiction with environmental expertise with regard to a specific
36 environmental impact, the County shall consult orally or in writing with that agency and may
37 expressly defer to that agency. In making this deferral, the County shall base or condition its approval
38 on compliance with those other existing rules or laws.
39
40 (e) Nothing in this section limits the authority of the County in its review or mitigation of a project to
41 adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by
42 chapter 43.21 RCW.
43

44 **25.04.480 Issuance of SEPA Threshold Determinations**
45

- 46 (a) Expiration of Notice of Application Comment Period. Except for a threshold determination, Grant
47 County may not issue a decision or a recommendation on a project permit until the expiration of the
48 public comment period on the notice of application.
49
50

1 (b) SEPA Determination of Significance (DS) and Notice of Application. If Grant County has made a
2 SEPA threshold determination concurrently with the notice of application, the notice of application
3 shall be combined with the threshold determination and scoping notice. Nothing in this subsection
4 prevents a determination of significance and scoping notice from being issued prior to a notice of
5 application.
6

7 (c) Public Hearing on Project Permit. If an open record predecision hearing is required on the underlying
8 project permit application, Grant County shall issue its threshold determination at least fifteen (15)
9 days prior to the open record predecision hearing.
10

11 **25.04.490 Appeals of SEPA**
12

13 (a) Administrative SEPA appeals to the Board of County Commissioners are established in the GCC §
14 24.04 – SEPA and RCW 36.70B.
15

16 **25.04.500 Categorical Exemptions**
17

18 (a) Actions categorically exempt under Chapter 43.21c.110(1)(a) RCW do not require environmental
19 review or the preparation of an environmental impact statement. An action that is categorically
20 exempt under the rules adopted by the Department of Ecology (WAC chapter 197-11) may not be
21 conditioned or denied under SEPA.
22

23 **Article XII. Optional Hearing Examiner Review**
24

25 **25.04.510 Hearing Examiner Review Available**
26

27 (a) Under the terms of this ordinance, wherever the Board of County Commissioners or the Planning
28 Commission has authority to review, make a recommendation on, or make a decision on a project
29 permit application, the applicant or the Board of County Commissioners, may at their option, elect to
30 have a Hearing Examiner take the place of the Planning Commission or Board of County
31 Commissioners in reviewing, or making a recommendation or decision on a project permit
32 application, provided; the applicant or the Board of County Commissioners agrees to pay any and all
33 costs, charges, and fees associated therewith.
34

35 **25.04.520 County Not Precluded From Adopting Hearing Examiner Ordinance**
36

37 (a) Nothing in this Chapter precludes Grant County from at any time adopting an ordinance authorizing
38 the replacement of the Planning Commission or Board of Adjustment system currently employed
39 under this Chapter, with a hearing examiner system.
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