C-2 PERMIT PROCEDURE
HEARING EXAMINER DECISIONS
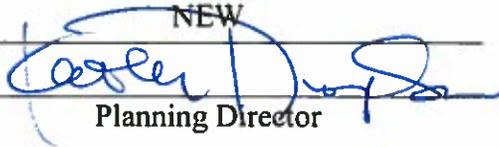
Procedure: Hearing Examiner Decisions

Effective date:	July 28, 2016	**Cancels:**	NEW
See also:		**Approved by:**	*[signature]* Planning Director

Basis: Related Buckley Municipal Codes: Titles 12, 18, 19, and 20

Involving: City Engineer, city planner, building official, hearing examiner (hearing body), finance director, and permit technician

Summary: C-2 permits involve some of the most complex permits in the city and include shoreline conditional use permits, shoreline variances, subdivisions, zoning conditional use permits, zoning variances, site plan reviews, and so forth

Note:

Appeals: Appeals of hearing examiner decisions are to the Pierce County Superior Court

Also see: Procedures: pre-application, SEPA, noticing, appeals

Who	Order	Does what
Applicant	1.	Submits permit application with supporting documentation (refer to individual application form for submittal requirements)
Planner	2.	a. Reviews application for counter completeness b. Verifies permit fees
Permit Technician	3.	a. Receipts permit fees b. Assigns file name and number c. Scans application and supporting documentation to electronic file d. Creates file
Permit Technician	4.	a. Transmits electronic application and supporting documents for review (allow 3 weeks) to permit reviewers b. Transmits paper file to planner
Planner	5.	a. Places electronic files in address-based file folder b. Posts application on the city's web page c. Identifies other agencies with jurisdiction (BMC 20.01.130(2)) d. Reviews application request for completeness c. Verifies SEPA status (exempt/not exempt)
Planner	6.	Issues letter of incomplete application. Requests more information from applicant. Return to Numbers 1, 4, & 5 **OR**
Planner	6.	a. Issues Notice of Complete Application b. Posts notice on line c. Contacts applicant about permit status

		d. Creates "Public Notice" sign
Applicant	7.	a. Posts property with "Public Notice" sign b. Takes picture of the sign on the property c. Transmits picture to planner
Planner	8.	Places picture in file for hearing examiner
Permit Reviewers	9.	a. Reviews permit request b. Forwards comments to planner c. Transmits to planner a statement of how much time was spent reviewing the application and creating comments
Planner	10.	a. Requests more information from applicant if permit reviewers' comments requires more information; return to Numbers 1, 4, &5 b. Creates monthly bill for finance director c. Transmits monthly bill to finance director
Responsible Official (Planner)	11.	a. Completes SEPA review b. Causes to mail, post, and publish the threshold determination c. Posts threshold determination on line
Planner	12.	a. Compiles staff report and recommendations for hearing examiner b. Transmits staff report and recommendations to hearing examiner c. Schedules public hearing (see notice procedure)

Hearing Body	13.	a. Reviews staff recommendations
		b. Conducts public hearing
		c. Creates decision document:
		  i. Approves as recommended
		  ii. Approves with additional conditions
		  iii. Modifies recommendation with or without the applicants concurrence
		  iv. Denies without prejudice (reapplication or resubmittal is permitted
		  v. Denies with prejudice (reapplication or resubmittal is not allowed for one year) (BMC 20.01.100(9))
		  vi. Remand for further proceedings and/or evidentiary hearing

Hearing Body	14.	Transmits decision to applicant and parties of record
Planner	15.	a. Transmits hearing examiner decision to reviewers b. Prepares notice of decision (NOD) c. Posts decision and NOD on line d. Prepares list of conditions of approval, if proposal was approved with conditions e. Reviews file for addresses of those who commented or asked for copies of the notice of decision f. Transmits mailing list and NOD to permit technician
Permit Technician	16.	Transmits NOD to parties (see notice procedure)
Planner	17.	Requests final costs from all reviewers
Planner	18.	a. Calculates staff time spent for the month b. Prepares final bill for finance director c. Transmits final bill to finance director
Finance Director	19.	Sends final bill to applicant at the end of the month
Planner	20.	Files the decision documents and prepares file for storage
Permit Technician	21.	Stores completed file

Current Planning Procedures for C-2 permit decisions

*1. The first step in any project is taken by the applicant when he **submits** an application to the city planner. The applicant submits all information required by the code and all materials listed on the application form.*

*The city planner **transmits** the application to city staff reviewers and determines whether the application contains all required information. If not complete, a letter of **incomplete** application is sent with a list of required materials the applicant is to submit to make it complete.*
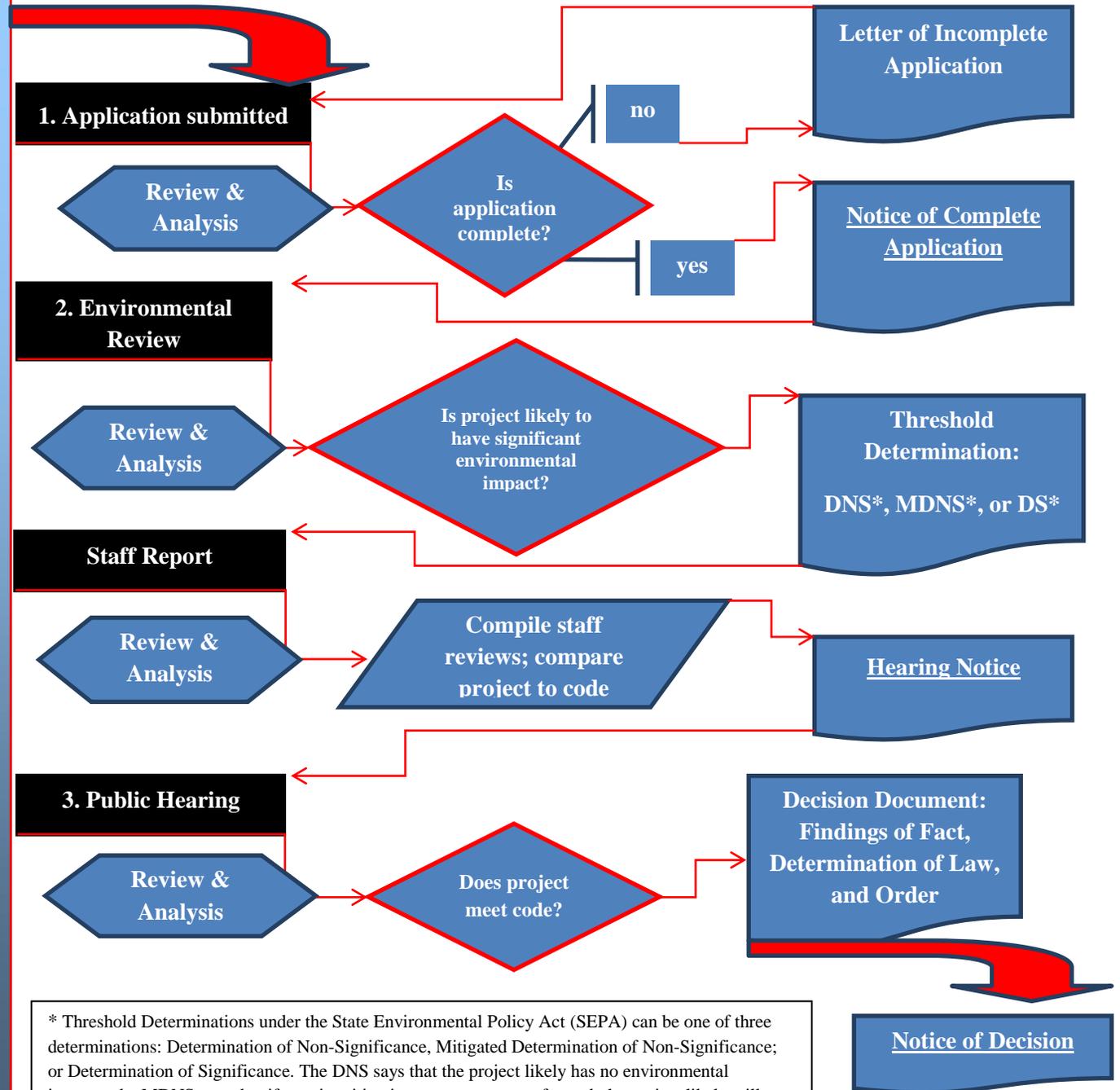
*If complete, a notice of **complete** application is **sent to neighbors** within 300 feet, is **published** in the legal newspaper, and the applicant **posts** his property.*

Regardless of whether the application contains all required materials, the city may require any information it needs at any time during project review to fully review the application.

*2. If little or no significant environmental impacts are expected and **SEPA*** is required, the notice of application may combine the comment periods so that no comment period is required after the SEPA threshold determination.*

*If the project is SEPA exempt, no threshold determination is needed and we can move to the next step of **compiling data and writing** a staff report.*

*3. At the very least, variances, conditional use permits, and site plan reviews require public hearings. The **decision body** may deny, approve, approve with conditions, or remand the application back to the city for more review.*

1. Application submitted

Review & Analysis

Is application complete?

no → **Letter of Incomplete Application**

yes → **Notice of Complete Application**

2. Environmental Review

Review & Analysis

Is project likely to have significant environmental impact?

Threshold Determination: DNS*, MDNS*, or DS*

Staff Report

Review & Analysis

Compile staff reviews; compare project to code

Hearing Notice

3. Public Hearing

Review & Analysis

Does project meet code?

Decision Document: Findings of Fact, Determination of Law, and Order

Notice of Decision

* Threshold Determinations under the State Environmental Policy Act (SEPA) can be one of three determinations: Determination of Non-Significance, Mitigated Determination of Non-Significance; or Determination of Significance. The DNS says that the project likely has no environmental impacts; the MDNS says that if certain mitigation measures are performed, the project likely will have no environmental impact. The DS is a determination that no measure likely can mitigate the project's environmental impacts and an environmental impact statement is required.