

**LAND USE PERMIT REVIEW PROCEDURE – PUBLIC HEARING REQUIRED***Rezone, Subdivision, Variance, Shoreline Conditional Use or Shoreline Variance***I. PRE-APPLICATION MEETING**

- a. Prior to submittal of a permit application, the applicant should contact the Planning Department and set up a pre-application meeting.
- b. The pre-application submittal should include a description of the proposal, preliminary plans, relevant site information, etc. This information must be provided before a pre-application meeting will be scheduled. The city shall provide written comments to the applicant, and may discuss the general goals and objectives of the proposal, the overall design possibilities, the general character of the site, environmental constraints, and standards of development. The focus of the meeting shall be general in nature and none of the discussions shall be interpreted as a commitment by the city or applicant.
- c. The applicant is required to hold a neighborhood meeting prior to submittal of an application for projects that in the discretion of the Planning Director have the potential to raise significant neighborhood issues.

**II. APPLICATION SUBMITTAL**

- a. A land use application form, all required supporting documents and fees must be submitted to the Planning Department, in person.
- b. The City will review the application submittal for completeness within 28 days from the date of submittal. If the application is found to be complete, the application will be officially accepted by the city and the review process will begin. If the application is found to be incomplete, the applicant will be notified as to the specific deficiencies required to complete the application. The applicant will post a public notice sign on the subject property when the application is deemed complete.
- c. Within 14 days of issuing a letter of completeness the City will issue a notice of development application which will be posted on the subject property, mailed to property owners within 300 feet of the subject property, and published in the local newspaper. This notice will include a public comment period, and a statement that a decision on the permit will be made within 120 days from the date of completeness.

**III. REVIEW PROCESS**

- a. The City will seek comments on the proposal from other city departments, local, state and federal agencies, and from interested citizens. The department or agency shall review the proposal and furnish the Planning Department with a report as to the effect the proposal may have upon their area of responsibility and/or expertise. The reports

submitted shall include specific requirements or recommendations as to the extent and types of improvements to be provided by the applicant. City staff will visit the site.

- b. The City will hold a technical review meeting with city departments, and other reviewing agencies to discuss the project. The applicant will be notified of the meeting and will be provided a copy of all review comments received. The applicant, or representative, should be in attendance to answer questions and receive comments. (Note: Variance applications may waive this step unless they are part of a combined application.)
- c. After the technical review meeting, the Planning Department will make a determination of whether an environmental impact statement (EIS) will be required. A Declaration of Non-Significance (DNS), or a Mitigated Determination of Non-Significance (MDNS), will mean that an EIS is not required. If an EIS is required, the Planning Department will issue a Determination of Significance (DS) with a scoping notice to establish the content of the EIS. If an EIS is required the permit review time frame will be suspended until the EIS review is completed. (Note: Some proposals may be exempt from SEPA. This determination will be made at the pre-application meeting.)
- d. When all comments have been addressed, additional information has been received, plan revisions or modifications completed, and all SEPA requirements met, a date will be set for the public hearing.
- e. Property owners within 300 feet of the site will be notified by the City of this public hearing no less than 10 days prior to the hearing. The City will also ensure that a copy of this public notice is posted at City Hall, the public Library, and the United States Post Office. The applicant will post city hearing notices on the subject property (usually when SEPA decision is issued).
- f. The City staff will present a staff recommendation to the Hearing Examiner no less than 7 days prior to the public hearing. The applicant will also receive a copy of the recommendation at this time.
- g. The Hearing Examiner will hold an open record public hearing on the application. The applicant or a representative must attend this hearing. The Hearing Examiner will review the staff recommendation, departmental comments, application materials, and file submittals prior to the hearing. At the public hearing, the applicant and members of the audience will be given an opportunity to comment, ask questions or clarify the proposal. The Hearing Examiner will issue a written decision within 10 working days of the end of the meeting (or final meeting date, if the matter must be continued for further study). This decision may be to approve, modify or deny the application.
- h. Appeals from the final decision of the Hearing Examiner, or other city board or body involving MMC Titles 22C to 22G, and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County superior court pursuant to the Land Use Petition Act, RCW 36.70C within 21 days of the date the decision or action became final, unless another applicable appeal process or time period is established by state law or local ordinance.

- i. Notice of the appeal and any other pleadings required to be filed with the court shall be served as required by law within the applicable time period. This requirement is jurisdictional.
  
- j. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The record of the proceedings shall be prepared by the City or such qualified person as it selects. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.