

Chapter 20.11

APPLICATIONS AND RECORDS

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20.11.001 Scope, purpose, and intent.

This chapter establishes the rules and procedures for handling and management of project permit applications and records pertaining to matters under this code. The city recognizes the fundamental land use planning choices made in the comprehensive plan, zoning code and other development regulations shall serve as the basis for project review. During project review, the city shall not, except for issues of code interpretation, re-examine alternatives to or hear appeals on (a) the type of land use permitted at a site; (b) the density of residential development; or (c) the availability and adequacy of public facilities for which funding is provided in the capital facilities plan element of the comprehensive plan.

20.11.005 General rules for processing applications.

Applications to initiate consideration of matters under this code may be made by persons or agencies, including owners, bona fide agents, the commission and the council. Each applicant shall designate a contact person/entity to receive determinations and notices required by this code. Applications shall be made on forms furnished by the ~~planning and community development~~ department, and shall be accompanied by the required fee and any other information as may be prescribed by the ~~planning and community development~~ director. No application shall be considered filed in the absence of such properly completed application, required fee, and supportive materials as may be deemed necessary for a full and fair review by the responsible reviewing bodies.

20.11.006 Determination of complete application – Maximum time periods for processing applications.

(1) ~~In general, all applications shall be processed within 120 calendar days of the date the application is determined as being complete. All permit processing timelines shall be consistent with RCW 36.70B.080.~~ The ~~planning and community development~~ director shall establish procedures to ensure consistency with RCW 36.70B.080 and that environmental review as required by Chapter 21.04 PMC and Chapter 43.21C RCW occurs in combination with procedures for review of project permits. The following review timelines apply to applications processed under PMC Titles 19 and 20:

(a) All applications which do not require notice of complete application shall be processed within 65 calendar days of the determination of completeness.

(b) All applications which require a notice of complete application shall be processed within 100 calendar days of the determination of completeness.

(c) All applications which require a notice of complete application and a public hearing shall be processed within 170 calendar days of the determination of completeness.

(d) If a project requires more than one permit approval from the city, procedures shall provide for an optional consolidated review of all project permit applications through one review process. If the processing timelines for two consolidated permit types being reviewed under a single review process conflict, the longer of the two maximum required processing timelines shall govern and a single, 120-calendar-day time period.

(2) Within 28 calendar days after receiving a project permit application, the director shall mail or provide in person a written determination to the applicant stating either:

(a) The application is complete; or

(b) The application is incomplete and stating what is necessary to make the application complete.

Within 14 calendar days after an applicant has submitted the additional information identified as being necessary for a complete application, the director shall notify the applicant in writing whether the application is complete or what additional information is necessary.

(3) The written determination shall also identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.

(4) A project permit application is complete when it meets the applicable procedural submission requirements and is sufficient for continued processing, even though additional information may be required or modification of the project may be subsequently undertaken. A determination of completeness shall not preclude the director from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

(5) An application shall be deemed complete if the director does not provide a written determination to the applicant that the application is incomplete as provided in subsection (2)(b) of this section.

(6) The notice of final decision on a project permit application shall be issued ~~within 120 calendar days~~ consistent with PMC 20.11.006 (1), after the applicant has been notified that the application is complete; provided, that the above time limit does not apply if a project permit application:

(a) Requires an amendment to the comprehensive plan or development regulations;

(b) Requires the siting of an essential public facility as provided in RCW 36.70A.200;

(c) Is substantially revised by the applicant, in which case the time period shall start from the date the revised project permit application is determined to be complete.

(7) If the city is unable to issue its final decision ~~after the first review~~ within the required time limits, it city staff shall provide written notice of this fact to the applicant, stating the reasons why the ~~time limits have not been met and providing an estimated time for issuance of the notice of final decision~~ permit cannot be approved or approved with conditions and providing the applicant with a request for corrections (e.g. Development Review Team (DRT)) letter. A second submission from the applicant may be required to demonstrate resolution of corrections.

(a) If the City is unable to issue a final decision after the second review, a subsequent DRT letter will be issued in accordance with department procedures. Following issuance of this second letter, staff shall schedule a comment resolution meeting with the applicant,

consistent with department policy, to identify and address the remaining issues and required revisions necessary for approval or conditional approval of the permit application.

(b) Following the comment resolution meeting, a third submittal from the applicant may be required to demonstrate resolution of corrections. Upon receiving the applicant's response, the city will issue a decision to either approve, approve with conditions, or deny the application. The final approval/denial decision shall include:

(i) Rationale for decision, including references to applicable codes, policies and standards; and,

(ii) Option for the applicant to request more staff review time and avoid a denial of the permit; and,

(iii) Appeal process information.

(c) The time periods necessary to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use, as defined by department policy and/or procedure.

(d) If, at any time, an applicant informs the local government, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the city has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days will be added to the time necessary to issue a final decision for each type of project permit that is subject to this chapter.

(e) Any written notice from the local government to the applicant that additional information is required to further process the application shall include a notice that non-responsiveness for 60 consecutive days may result in 30 days being added to the time for review. For the purposes of this subsection, "non-responsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.

(fe) Nothing herein shall cause the city to be liable for damages for failure to meet the specified calendar-day time limit.

20.11.007 Consolidated permit review process.

For proposed project actions requiring two or more project permits, the director shall establish an integrated and consolidated review process which includes a single application review and approval process, covering all necessary project permits. For consolidated permits, the determination of completeness, notice of application and notice of final decision must include all project permits being reviewed through the consolidated permit review process. An applicant shall have the option of choosing to have a project action processed through the consolidated process.

If an applicant elects to use the consolidated process, the city shall prepare a single consolidated staff report for any hearing. No more than one open record hearing and no more than one closed record appeal may be required for any consolidated permit action. If an action involves permits for both actions which do not require public notice or hearings and for actions which do require public notice and hearings, the city may combine an open record public hearing with an open record appeal hearing on other permits, if agreed to by the applicant. Chapter 2.54 PMC specifies which project permit applications/appeals are subject to review by the hearing examiner.

20.11.010 Applications become part of permanent record.

Applications filed under this title shall be numbered consecutively in the order of their filing, and shall become a part of the official records of the city. Copies of all notices, application materials, staff reports, actions, and certification of posting, mailing or publication shall state the file number and be filed with the application.

20.11.012 Notice to applicants, public, and agencies with jurisdiction.

(1) Within 28 calendar days of the city receiving a development permit application, said applicant shall be notified in writing as to whether or not the application is deemed complete or incomplete, pursuant to the procedures in PMC 20.11.006. For permits subject to the Puyallup Shoreline Management Program (SMP), see Chapter 8, Section E for noticing requirements. The ~~development services~~ director shall publish and administratively maintain a comprehensive table outlining public noticing procedures for all development permit applications. Within 14 calendar days of determining the completeness of an application, notice of the application shall be provided to the public and departments and agencies with jurisdiction. If a determination of significance has been made pursuant to Chapter 21.04 PMC and Chapter 43.21C RCW, the notice of application shall be combined with the determination of significance and scoping notice. Projects categorically exempt from environmental review pursuant to Chapter 21.04 PMC and Chapter 43.21C RCW shall not require notice, unless a public comment period or public hearing is required as part of the project action.

(2) The notice shall contain the following information:

- (a) The date of application, the date of the notice of completion for the application;
- (b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any requested studies;
- (c) The identification of other permits not included in the application to the extent known by the city;
- (d) The identification of existing environmental documents that evaluate the proposed project and the location where the application and studies can be reviewed;
- (e) A statement of the public comment period, which shall not be less than 14 nor more than 30 calendar days from the date of notice of application, and statements of the right of any persons to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Public comments will be accepted at any time prior to the closing of the record of an open record hearing, if any, or, if no open record hearing is provided, prior to the decision on the project permit;
- (f) The date, time, place and type of hearing, if applicable and scheduled at the date of the notice of application;
- (g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency with applicable development regulations; and
- (h) Any other appropriate information.

(3) If an open record hearing is required for the requested project action, the notice of application shall be provided at least ~~15~~ 14 calendar days prior to the hearing.

(4) If an open record hearing is required for the requested project action, the director shall provide mailed notice to the same notification district for which notice of the public hearing is given.

(5) For project actions not requiring a hearing, the director may use different types of notice depending on the category of project permit or type of project action. Methods of notice may include, but not be limited to, the following:

- (a) Posting the property for site-specific proposals;
- (b) Publishing notice in a newspaper of general circulation in the area;

(c) Notifying public or private groups or individuals with a known interest in a certain proposal or in the type of proposal being considered;

(d) Notifying the news media;

(e) Publishing notice in agency newsletters or sending to agency mailing lists;

(f) Mailing notice to neighboring property owners;

(g) Posting notice in prominent public locations.

(6) Projects categorically exempt from environmental review under Chapter 21.04 PMC shall not require the above notice unless a public comment period or open record hearing is required by this code.

(7) The permit procedures in this section shall be integrated with the environmental review required under Chapter 21.04 PMC as follows:

(a) Except for a determination of significance, the city may not issue its threshold determination, or issue a decision or recommendation on a project permit until the expiration of the public comment period on the notice of application.

(b) If an open record hearing is required and the city's threshold determination requires public notice under Chapter 21.04 PMC, the city shall issue its threshold determination at least 15 calendar days prior to the open record hearing. The appeal period for the subject SEPA determination shall be closed prior to the hearing.

(c) Comments shall be as specific as possible.

(8) The city shall provide notice of decision on any project permit action to the applicant and to any person who submitted substantive comments on the application or, prior to the rendering of the decision, requested notice of the decision. The notice of decision may be a copy of the report or decision on the project permit application, whether final action occurred administratively, by the hearing examiner, or by the city council. All notices shall include a statement of any threshold determination made under Chapter 21.04 PMC and Chapter 43.21C RCW and state the procedures for filing an appeal of the decision.

20.11.015 Withdrawal of applications.

Any applicant may withdraw an application at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a proper withdrawal is received, the application shall be deemed null and void. If such withdrawal is accomplished prior to publication of notice of hearing, reimbursement of fees submitted in association with said application shall be prorated to

withhold the amount of city costs incurred in processing the application prior to time of withdrawal. These city costs shall be based upon a determination by the ~~community development~~ director of the total hours expended in project review from the time of project application to time of withdrawal, utilizing an hourly dollar amount for staff time as established by resolution. If such withdrawal is not accomplished prior to publication of notice of hearing, there shall be no refund of all or any portion of such fee.

20.11.020 Revision of applications.

Any applicant may revise an application, provided such revision is made in writing at least 15 days before scheduled consideration of the application by the commission, board and/or council. Such revision shall be deemed to supersede the prior application documents. If such revision is significant enough to require a revised staff report by the director, the director may assess another application fee equal to one-half that required for the original application, and may reschedule the date of consideration of the commission, board or council, if necessary.

20.11.022 Inactive applications.

Pursuant to PMC 20.11.006(6), there may be instances during project review where an applicant has been requested to correct plans, perform required studies, or provide additional required information. The ~~community development~~ director shall establish procedures, including notice to applicants of pending closure, whereby an applicant who has failed to respond to requests within a ~~one-year~~ 180 day time period shall have ~~his/her~~ the application officially closed with or without a full or partial refund of application fees. The director may grant a one-time extension of up to 180 days upon finding that extraordinary circumstances have prevented timely resubmittal and that the applicant has demonstrated substantial, good-faith progress toward revising the design to address and resolve the outstanding comments identified in the city's previous review letter.

20.11.025 Effect of written testimony and signatures on petitions.

If signatures or written testimony of persons other than the owners of the property making application are required or offered in support of or in opposition to an application, or other pending action, they shall be received as evidence of notice having been served upon them of the pending application, or as evidence of their opinion on the pending issue.

20.11.030 Filing fees.

Fees shall be paid to the city upon the filing of applications and appeals in accordance with a fee schedule established from time to time by resolution of the city council to cover the costs of processing such application or appeal. Money received from payment of such fees

shall be deposited into the general fund. Separate from such application fees, the ~~community development~~ director shall have the authority to require the payment of charges to cover the expenses for those miscellaneous special work/research requests which ~~he or she determines~~ are determined to require a commitment of staff resources clearly over and above those typically involved in standard application processing or providing public information. Charges for such special requests shall be based upon actual staff time involved in responding to said request using an hourly staff dollar charge as established by resolution.

20.11.040 Availability of maps and planning documents.

Copies of maps, charts, plats and other descriptive matter and documents made and provided for by this title shall be available for public viewing during the planning department's regular business hours.

20.11.050 Exceptions to permit application process.

(1) The following project permits are exempt from compliance with the provisions of PMC 20.11.006 and 20.11.012: landmark designations, street vacations, administrative adjustments, boundary line adjustments, home occupations, historic register listings, heritage tree register listings, lot combinations, significant or critical area tree removals, temporary uses or other approvals relating to the use of public areas or facilities, or other project permits that the city council by ordinance or resolution has determined present special circumstances that warrant a different review process.

(2) The following project permits are exempt from compliance with the provisions of PMC 20.11.012: boundary line adjustments, ~~short plats~~ lot combinations, and building or construction permits which are categorically exempt from environmental review under Chapter 21.04 PMC and Chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

20.11.060 Statement of restrictions.

A property owner may make a written request for a statement of restrictions applicable to a single parcel, tract, lot or block of real property. Within 30 days of the receipt of such a request, the city shall provide the owner, by registered mail, a statement of restrictions including the following:

- (1) The zoning currently applicable to the property;
- (2) Pending zoning changes currently advertised for public hearing that would apply to the property;

(3) Any current use taxation status and other overlays or special designations (e.g., floodplain) made by the city applicable to the property, including any known environmentally critical area conditions.

If information regarding the designations listed in subsection (3) of this section are not readily available, the city shall inform the owner of the procedure by which the owner can obtain that site-specific information.

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Chapter 20.12

PUBLIC HEARINGS

Sections:

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20.12.001 Scope and purpose.

This chapter describes the procedures and responsibilities for public notice and public hearings under this code.

20.12.005 Public hearings.

The director shall be responsible for setting public hearings and providing the public with notice thereof. The date of the hearings shall not be more than ~~90 calendar days~~ [those stated in PMC 20.11.006 from the date of determining an application to be complete](#), unless additional time is required for additional information to be submitted or agreed upon by an applicant, or unless additional time is necessary to prepare an environmental impact statement pursuant to Chapter 21.04 PMC and the State Environmental Policy Act.

20.12.010 Notice of public hearings.

Public notice of all public hearings is required. The notice shall state the date, time, place and purpose of public hearings, description of the area affected, and the nature of the

proposed application. Notice given in the following manner shall be deemed adequate notice under this title:

(1) ~~Notice shall be published once in a newspaper of general circulation in the city not less than 14 days prior to the date of the public hearing (21 days required for master plans); and~~

~~(2)~~ If the application or matter applies to a specific real property, notice shall be sent by first class mail to all owners of property as shown on the last available county tax assessor's roll within the distance specified by Table 20.12.010 in this section from the exterior boundaries of the property to which the proposed application applies, at least 14 days before the hearing (21 days required for master plans).

~~(a)~~ For master plans, notice shall also be mailed to all residents within the notification district. The applicant for master plans shall pay for all expenses related to mailed noticing.

~~(b)~~ If any property within the minimum noticing distance specified by this subsection is contiguous to and under the same ownership as the property to which the application applies, the owners of all property contiguous to the property so owned shall be notified in the same manner as herein provided for owners of property within the minimum noticing distance. Failure to receive such notice shall not invalidate the action on the application.

~~(c)~~ In addition, the director may send notice to addresses within the minimum noticing distance and send notice to property owners and addresses beyond the minimum noticing distance. Notwithstanding the foregoing, where the minimum noticing distance does not effectively provide notice to the public, the city shall provide notice in an expanded notification area that is reasonably calculated to provide effective notice to the public.

~~(d)~~ In the event that a permit requires a combination of permit approvals requiring a public hearing where the notification distances differ, the larger of the two notification areas shall apply to the proposal.

Table 20.12.010	
Required Public Noticing Distances	
Type of Application	Minimum Noticing Distance
Variances	300 feet
Conditional use permits	<u>400 feet-</u>

Table 20.12.010

Required Public Noticing Distances

Type of Application	Minimum Noticing Distance
In and adjacent to RS & RM zones	400 feet
In and adjacent to other zones	100 feet
Preliminary major plats and binding site plans (see PMC 19.02.120)	300 feet
Zonings and rezones (public hearings and public meetings)	500 feet
Master plans	1/4 mile

~~(32)~~ Notice shall be posted in a conspicuous location on the property to which the application applies at least 10 calendar days prior to the date of the public hearing (21 days required for master plans). Administrative procedures shall be established specifying the exact size, format and placement of site posting signage required for each case type. The ~~community development~~ director shall have the authority to require that site posting measures be over and above the minimal standards of this title if deemed warranted to accommodate a higher level of public notification for a particular application or hearing.

~~(43) Other methods of noticing may be implemented by department procedure, consistent with RCW 36.70A.035 (Public Participation-Notice provisions). The director shall have the authority to require those additional notification methods be undertaken which would be over and above the minimal standards of this title if deemed warranted to accommodate a higher level of public notification for a particular application or hearing.~~

~~As an alternative to the noticing procedures described in subsection (21) of this section, if the number of owners to whom notice would be sent is greater than 200, the city may choose to provide notice at least 10 calendar days prior to the hearing by either of the following methods:~~

~~(a) By placing a display advertisement of at least one-fourth page in the newspaper having the greatest circulation within the area affected by the proposed change, and at least one additional newspaper having general circulation within such area; or~~

~~(b) By including a notice with any generalized mailing such as bills for city services, sent by the city to property owners in the area affected by the change;~~

~~(c) Provided, that for master plans, subsection (4)(a) of this section shall be required in addition to the noticing requirements described in subsection (2) of this section.~~

20.12.015 Investigations for hearings.

The hearing examiner shall investigate the facts bearing upon an application, action or any other matter set for public hearing. Such investigation may include consideration of a staff report and recommendation of the director, the filed application materials, submitted technical documents, written testimony, oral statements given at the time of the hearing and other such information as may be necessary to assure that action on each case complies with the terms of this title.

20.12.020 Combined hearings.

The hearing examiner may hear or consider simultaneously multiple proposals for any application or matter under its jurisdiction if the proposals refer to the same property or to adjoining property under the same ownership.

Any hearing on a project permit may be combined with any hearing that may be held by another local, state, regional, federal or other agency; provided, that the hearing is held within the city limits of Puyallup. A combined hearing shall be held if so requested by the applicant; provided, that the hearings can occur within the time periods specified in PMC 20.11.006 or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings.

20.12.025 Continued hearings.

Public hearings may be continued from time to time, and the examiner shall, before adjournment, publicly announce the date, time and place to which said hearings will be continued. No further notice is required.

20.12.030 Keeping of hearing records.

A summary of all pertinent testimony offered at any public hearing held in connection with an application filed pursuant to this title and the names and addresses of persons testifying shall be recorded and made a part of the official files of the case. In addition, all public hearings shall be recorded by a recording machine, said recording to be made available for listening by any member of the public. ~~Tapes of recorded~~ Recordings of public hearings shall be kept for a minimum of five years from the date of said hearings, after

which time they may be destroyed or reused with the concurrence of the city attorney. All materials or exhibits presented at a public hearing shall become the property of the city and shall be retained as part of the record.