



**Memorandum**

TO: The Honorable Jack Louws, Whatcom County Executive  
The Honorable Whatcom County Council

FROM: Amy Keenan, AICP, Senior Planner  
Nick Smith, Permit Center Specialist

THROUGH: Mark Personius, AICP, Interim Director

DATE: February 21, 2018

SUBJECT: Code Amendment: Land Use and Development Procedures

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During the February 13, 2018 Committee of the Whole meeting, Council requested Planning and Development Services (PDS) prepare a document to clearly delineate existing code and proposed Title 22 code. In response, staff has prepared a matrix detailing existing code (WCC Chapter 2.33 and Titles 9, 15, 16, 20, 21, 23 and 24) and the proposed language in the order of the new Title 22 for the Purpose and Applicability, Consolidated Permit Review, Preapplication Review and Applicant Submittal and Determination of Completeness sections (proposed WCC 22.05.010 through 22.05.050).

As discussed at the meeting, the intent of the language has not substantially been altered, but as shown within the matrix there is duplicate procedural language throughout several sections of county code that staff has proposed to consolidate. For example, preapplication procedures are found in six different sections of existing code. In addition to consolidating language, staff has also standardized timeframes with regard to state law and internal code inconsistencies, standardized processing for similar permit types and removed submittal requirements and checklists from code. As stated in the last meeting, state law requires permits to be processed within a 120 day timeframe with specific timeframes for actions by the County such as determination of completeness and notice of application.

The matrix included in the packet is in an 8½ x 11 format and is lengthy and may be difficult to read. Staff has a link available on the PDS website where a more readable 11 x 17 format is available for the entire code. Staff will provide Council with an 11 x 17 version of the matrix at the meeting and will review existing and proposed language in detail at that time.

The proposed changes are a result of an identified need to consolidate and clarify Whatcom County permit review procedures to provide the public with a clear and predictable permit review process. This proposed ordinance is developed in

accordance with the Washington State Local Project Review Act (Chapter 36.70B RCW), recent Washington State Supreme Court decisions, as well as various Washington State jurisdictions including Snohomish County, Skagit County, Pierce County, City of Bainbridge Island and City of Bellingham.

As stated, the proposed amendments move code from various sections to Title 22, include grammatical improvements and do not alter the substance and intent of the procedures. There are several areas where substantive changes were made to improve clarity and predictability, to remove inconsistencies and to address recent court cases. Those changes are discussed in depth in the staff report but generally include:

- Vesting and expiration;
- Designate Superior Court as the appeal body for hearing examiner decisions;
- Allow a waiver for preapplication meetings and clarify which project types require a preapplication meeting;
- Add sections to clarify the definition of “quasi-judicial actions;”
- Alter time limits for major project permits and planned unit developments to meet the statutory timeframes in Chapter 36.70B RCW;
- Remove an optional review by Planning Commission for Major Project Permits;
- Reword current WCC 2.33.090(G) to provide clarity and a process for dispute resolution with the director;
- Add specific requirements for written appeal and;
- Standardize review and comment timeframes to 14 or 28 days.

If you have any questions please submit them by email to [akeenan@whatcomcounty.us](mailto:akeenan@whatcomcounty.us) and [nsmith@whatcomcounty.us](mailto:nsmith@whatcomcounty.us) so that staff may prepare a response. Please also feel free to contact Amy Keenan at 778-5943 or Nick Smith at 778-5913.

Thank you.

Attachments:  
Current Code and Proposed Code Matrix  
Draft Ordinance

**Current and Proposed Code Matrix  
(Purpose and Applicability – Applicant Submittal and Determination of Completeness)**

Existing Codes (WCC Chapter 2.33, Title 9, Title 15, Title 16, Title 20, Title 21, Title 23 and Title 24)	Proposed Code (Title 22.05)	State Requirement or Significant Court Cases
<b>Purpose and Applicability</b>		
<p><b>2.33.010 Purpose and applicability. [Permit Review Procedures]</b>            A. The purpose of this chapter is to consolidate the application, review, and approval processes for land development in Whatcom County in a manner that is easily understood and concise. It is further intended for this chapter to comply with state direction by integrating environmental and land use review within a 120-day period.            B. This chapter describes how the county will process applications for development. The provisions of this chapter shall apply to all applications for a project permit that require an open record hearing including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. Conditional uses;</li> <li>2. Variances;</li> <li>3. Subdivisions;</li> <li>4. Shoreline permits when an open record hearing is required;</li> <li>5. General binding site plans;</li> <li>6. Lot consolidation relief;</li> <li>7. Site-specific rezones;</li> <li>8. Reasonable use. (Ord. 2005-068 § 2; Ord. 2000-016 § 1; Ord. 99-081; Ord. 96-031 § 1).</li> </ol>	<p><b>22.05.010 Purpose and applicability.</b>            (1) The purpose of this chapter is to combine and consolidate the application, review, and approval processes for project permits and appeals as defined in WCC 20.97.321. It is further intended for this chapter to comply with the provisions of Chapter 36.70B RCW. These procedures provide for a consolidated land use permit process and integrate the environmental review process with the procedures for review of land use decisions.            (2) This chapter applies to the processing of project permit applications for development and appeals related to the provisions of WCC Title 15 Building and Construction, Title 16 Environment, Title 17 Flood Damage Prevention, Title 20 Zoning, Title 21 Land Division Regulations, and Title 23 Shoreline Management. The provisions of this chapter shall apply to all project permit applications as defined in RCW <a href="#">36.70B.020</a>, and other administrative decisions, as listed in the table in WCC 22.05.020.</p>	<p>RCW 36.70B.010 and .020</p>
<p><b>2.33.020 Exemptions.</b>            The following are exempt from the provisions of this chapter:</p> <p>A. Project permits not subject to open record hearings; including, but not limited to, building permits and short plats, are exempt from the provisions of this chapter; provided, that:</p> <ol style="list-style-type: none"> <li>1. The county shall make a determination of completeness pursuant to WCC <a href="#">2.33.050</a>; and</li> <li>2. A final decision is made by the county pursuant to WCC <a href="#">2.33.090</a>:               <ol style="list-style-type: none"> <li>a. Within 90 days of a determination of completeness if the project is exempt from SEPA review unless a shorter review period is provided in other provisions of the Whatcom County Code;</li> <li>b. Within 120 days of a determination of completeness if the project is subject to SEPA review unless a shorter review period is provided in other provisions of the Whatcom County Code;</li> </ol> </li> </ol> <p>B. Planned unit development permits; provided, that the county shall make a determination of completeness pursuant to WCC <a href="#">2.33.050</a>;</p> <p>C. Major development permits; provided, that the county shall make a determination of completeness pursuant to WCC <a href="#">2.33.050</a>;</p> <p>D. Concomitant rezones; provided, that the county shall make a determination of completeness pursuant to WCC <a href="#">2.33.050</a>;</p> <p>E. Legislative actions including standard map amendments, comprehensive plans or other related plans and regulations. (Ord. 2000-016 § 1; Ord. 99-081; Ord. 96-031 § 1).</p> <p><b>21.01.100 Applications required. [Subdivisions]</b>            The applicant is encouraged to seek assistance from the subdivision administrator as to which approvals are required for a particular proposal. One or more of the following applications may be required for a particular proposal:</p>	<p><i>Section deleted and reworked into project permit tracking table (WCC 22.05.020), determination of completeness (WCC 22.05.050), final decisions (WCC 22.05.110 and .120), permit review timeframes (WCC 22.05.130) and Legislative Action Procedures (WCC 22.10).</i></p>	<p>RCW 36.70B.140</p>

**Current and Proposed Code Matrix  
(Purpose and Applicability – Applicant Submittal and Determination of Completeness)**

<p>(1) Exempt land division;  (2) Boundary line (lot line) adjustment;  (3) Short subdivision;  (4) Preliminary long subdivision;  (5) Final long subdivision;  (6) Subdivision vacations and alterations;  (7) Preliminary binding site plan;  (8) General binding site plan;  (9) Specific binding site plan;  (10) Agricultural short plat. (Ord. 2013-040 Exh. 1; Ord. 2009-007 § 1; Ord. 2000-056 § 1).</p>		
	<p><b>22.05.020 Project Permit Processing Table</b>  (1) Marked boxes in the table below indicate the required general steps for processing all project permit applications or administrative actions. The requirements for each step listed in the top row of the table are provided in WCC sections 22.05.040 through 22.05.160, as indicated. Specific requirements for each project permit can be found through the references given in the table.  (2) Project Permit Processing Table Notes. As indicated in the table in subsection (1), project permits are subject to the following additional requirements:  (a) Preapplication conference subject to Title 23 Shoreline Master Program.  (b) Single family residential uses in critical areas or critical area buffers, except all uses in geological hazardous areas and setbacks.  (c) Shoreline Permit public hearing decision determined pursuant to Title 23 Shoreline Master Program. If a public hearing is required the Shoreline Permit shall be processed as a Type III application.  (d) Final decision filed with the Washington State Department of Ecology.  (e) All uses in geological hazardous areas and setbacks and all non-single family residential uses in critical areas or critical area buffers.  (f) Building permit preapplication conference, subject to WCC 15.04.020(A)(3)(a).  (g) The hearing examiner may choose to consult with the development standards technical advisory committee concerning technical matters relating to land division applications.  (h) Whatcom County shall consider an appeal of a decision on a shoreline substantial development permit, shoreline variance, or shoreline conditional use only when the applicant waives his/her right to a single appeal to the shoreline hearings board. When an applicant has waived his/her right to a single appeal, such appeals shall be processed in accordance with the appeal procedures of section WCC 23.60.150.H.  (i) Except that appeals of Title 15 fire and building code requirements shall be made to the board of appeals per current building code, as adopted in WCC 15.04.010.</p>	<p>RCW 36.70B.030, .050, .060, and .120</p>

Permit Application Processing Table	WCC Reference for Specific Requirements	Preapp. Required (see 22.05.040)	Det. of Completeness Required (see 22.05.050)	Notice of Application Required (see 22.05.070)	Site Posting Required (see 22.05.080)	Notice of Open Record Hearing Required (see 22.05.090)	Open Record Hearing Held By: (see 22.05.090)	County Decision Maker (see 2.11.210, 22.05.120)	Appeal Body (see 2.11.210, 22.05.160, 23.60.150H)
<b>Type I Applications (Administrative decision with no public notice or hearing)</b>									
Boundary Line Adjustment	21.03		✓					Administrator	Hearing Examiner
Building Permit	15.04	✓(f)	✓					Administrator	Hearing Examiner (i)
Natural Resource Assessment	Title 16		✓					Administrator	Hearing Examiner
Commercial Site Plan Review			✓					Administrator	Hearing Examiner
Exempt Land Division	21.03		✓					Administrator	Hearing Examiner
Floodplain Dev Permit	Title 17							Administrator	Hearing Examiner
Land Disturbance Permit	15.040 & 20.80		✓					Administrator	Hearing Examiner
Lot of Record/Lot Consolidation	20.83& 20.97.220		✓					Administrator	Hearing Examiner
Non-conforming Use	20.83		✓					Administrator	Hearing Examiner
Removal of Development Moratorium	20.80.738 (3)								
Shoreline Exemption	23.060	✓(a)	✓					Administrator	Hearing Examiner
Zoning Interpretation	22.20							Administrator	Hearing Examiner
<b>Type II Applications (Administrative decision with public notice; no public hearing)</b>									
Administrative Use	20.84.235	✓	✓	✓	✓			Administrator	Hearing Examiner
Lot Consolidation Relief	20.83.070		✓	✓	✓			Administrator	Hearing Examiner
Reasonable Use (b)	16.16		✓	✓	✓			Administrator	Hearing Examiner
Shoreline Substantial (c)	23.60	✓(a)	✓	✓	✓			Administrator (d)	Shoreline Hearings Board (h)
Shoreline Conditional Use (c)	23.60	✓(a)	✓	✓	✓			Administrator (d)	Hearing Examiner
Short Subdivision	21.04	✓	✓	✓	✓			Administrator	Hearing Examiner
<b>Type III Applications (Hearing Examiner decision with public notice and public hearing)</b>									
Conditional Use	20.84.200	✓	✓	✓	✓	✓	Hearing Examiner	Hearing Examiner	Superior Court
Floodplain Development Variance	Title 17		✓	✓	✓	✓	Hearing Examiner	Hearing Examiner	Superior Court
Long Subdivision	21.05	✓	✓	✓	✓	✓	Hearing Examiner	Hearing Examiner (g)	Superior Court
Binding Site Plan	21.07	✓	✓	✓	✓	✓	Hearing Examiner	Hearing Examiner (g)	Superior Court
Reasonable Use (e)	16.16		✓	✓	✓	✓	Hearing Examiner	Hearing Examiner	Superior Court
Removal of Development Moratorium	20.80.738 (2)		✓	✓	✓	✓	Hearing Examiner	Hearing Examiner	Superior Court
Shoreline Conditional Use	23.06	✓(a)	✓	✓	✓	✓	Hearing Examiner	Hearing Examiner	Shoreline Hearings Board (h)
Shoreline Substantial	23.06	✓(a)	✓	✓	✓	✓	Hearing Examiner	Hearing Examiner (d)	Shoreline Hearings Board (h)
Shoreline Variance	23.06	✓(a)	✓	✓	✓	✓	Hearing Examiner	Hearing Examiner (d)	Shoreline Hearings Board (h)
Zoning or Critical Areas Ordinance Variance	20.84.100 or 16.16.270	✓	✓	✓	✓	✓	Hearing Examiner	Hearing Examiner	Superior Court
<b>Type IV Applications (County Council decision with public notice and public hearing)</b>									
Development Agreement	2.11.205	✓	✓	✓	✓	✓	Hearing Examiner	County Council	Superior Court
Major Project Permit	20.88	✓	✓	✓	✓	✓	Hearing Examiner	County Council	Superior Court
Planned Unit Development	20.85	✓	✓	✓	✓	✓	Hearing Examiner	County Council	Superior Court

**Current and Proposed Code Matrix  
(Purpose and Applicability – Applicant Submittal and Determination of Completeness)**

<b>Consolidate Permit Review</b>		
<p><b>2.33.100 Consolidated permit review.</b>  A. At the request of the applicant, the county shall integrate and consolidate the review and decision on two or more project permits subject to this chapter that relate to the proposed project action.  B. If the applicant elects the consolidated permit review process, 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.  C. The consolidated permit review may combine an open record hearing on one or more permits with an open record appeal hearing on other permits. (Ord. 96-031 § 1).</p> <p><b>21.01.105 Consolidated application process. [Subdivision]</b>  The applicant may request consolidated permit review in accordance with the requirements of Chapter <a href="#">2.33</a> WCC. (Ord. 2009-007 § 1).</p>	<p><b>22.05.030 Consolidated permit review.</b>  The county shall integrate and consolidate the review and decision on two or more project permits subject to this chapter that relate to the proposed project action unless the applicant requests otherwise. Consolidated Type I, II, III and IV permits shall be reviewed under the process required for the permit with the highest process type number per WCC 22.05.020. Level IV is considered the highest and Level I is considered the lowest process type.</p>	<p>RCW 36.70B.120(1 and 2)</p>
<b>Preapplication Review</b>		
<p><b>2.33.030 Preapplication review.</b>  A. The purpose of preapplication review is to acquaint county staff with a sufficient level of detail regarding the proposal. It is also the purpose of this review to acquaint the applicant with the applicable requirements of the Whatcom County Code.  B. A preapplication conference may be requested prior to the submittal of a project permit application subject to this chapter.  C. A fee shall be charged to the applicant for preapplication review. If the county makes a determination of completeness within one year of the preapplication meeting, the preapplication fee shall be applied to the application cost.  D. It is the responsibility of the applicant to initiate a preapplication conference through a written request or other means allowed by the technical administrator. The request shall, at a minimum, include the following written information:  1. Property owner's name, address, phone number, fax number;  2. Applicant/project representative name, address, phone number, fax number;  3. Project site parcel number;  4. Project site address (if available);  5. Written description of the project;  6. One copy of the current deed to the property;  7. A site plan drawn at a scale of one inch equals 100 feet or larger that includes the following:  a. North arrow,  b. Scale,  c. All existing and proposed property lines with dimensions of parcel,  d. Location and size of existing and proposed structures labelled appropriately,  e. Location and size of existing and proposed easements and/or rights-of-way on or adjacent to the project site,  f. Significant physical features such as drainageways, wet areas, steep or unstable slopes,  g. Location of utilities including wells and septic systems when applicable.  E. The applicant may provide additional information to facilitate more detailed review. See WCC <a href="#">2.33.040</a>, Application submittal information, for additional submittal information.</p>	<p><b>22.05.040 Preapplication conference.</b>  The purpose of a preapplication conference is to assist applicants in preparing development applications for submittal to the county by identifying applicable regulations and procedures. It is not intended to provide a staff recommendation on future permit decisions. Preapplication review does not constitute acceptance of an application by the county nor does it vest an application, unless otherwise indicated in Whatcom County Code.  (1) A preapplication conference is required as indicated in WCC 22.05.020, unless the director or designee grants a written waiver. For other permits, the applicant may request a preapplication conference.  (2) The county shall charge the applicant a fee for a preapplication conference per the Unified Fee Schedule. If the county makes a determination of completeness on a project permit submitted within one year of the notice of site-specific submittal requirements per subsection (6) of this section, the preapplication fee shall be applied to the application cost.  (3) It is the responsibility of the applicant to initiate a preapplication conference through a written application. The application shall, at a minimum, include all items identified on the preapplication form and the department's administrative manual. The applicant may provide additional information to facilitate more detailed review.  (4) A preapplication conference shall be scheduled as soon as possible and held no later than 30 calendar days from the date of the applicant's request, unless agreed upon by the applicant and the county.  (5) The county shall invite the appropriate city to the preapplication meeting if the project is located within that city's urban growth area or which contemplates the use of any city utilities. Notice shall also be given to appropriate public agencies and public utilities, if within 500 feet of the area submitted in the application.  (6) The county should provide the applicant with notice of site-specific submittal requirements for application no later than 14 calendar days from the date of the conference.  (7) A new preapplication conference shall be required if an associated project permit application is not filed with the county within one year of the notice of site-specific submittal requirements per subsection (6) or the application is substantially altered, unless waived per WCC 22.05.040(1).</p>	<p><i>West Main Assocs. v. Bellevue</i> (1986)</p>

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F. A preapplication conference shall be held as soon as possible, but, in any event, no later than 20 days from the date of the applicant's request.

G. The county shall provide the applicant with notice of site-specific submittal requirements as soon as possible, but, in any event, no later than 10 days from the date of the conference.

H. Preapplication review and preapplication agreements shall be valid for one year. If, within one year of a preapplication meeting, an associated application is not filed with the county or the application is substantially altered, the applicant shall be subject to a new preapplication review with a corresponding fee.

I. Preapplication review does not constitute acceptance of an application by the county nor does it vest an application. (Ord. 96-031 § 1).

**20.85.305 Preapplication conference. [Planned Unit Development]**

(1) An applicant shall request a preapplication conference to be held prior to submission of an application and which should take place prior to any detail work. The developer or his representative shall be prepared to present to the technical committee and the SEPA official conceptual sketches which contain in rough and approximate manner adequate information to describe the proposal in relation to topics listed below. The conference shall be held 14 days after the land use division of planning and development services receives sufficient copies of information from the applicant to distribute to the technical committee and the SEPA official. All information presented by the developer shall be considered confidential. The purpose of the conference is to enable the developer to consult with the technical committee and SEPA official as to the intent, standards and provisions of this title, other applicable land use controls, and SEPA as they apply to the proposed project. It is also the purpose of this conference to identify as many potential problems and opportunities as possible in order for the application to be processed without delay or undue expense. Discussion will include the following topics:

- (a) County Comprehensive Plan;
- (b) Zoning;
- (c) Shoreline Master Program;
- (d) Any adopted street and road plan and/or program;
- (e) Availability of water and sanitation;
- (f) Storm drainage;
- (g) Development and design concepts, including phasing and open space;
- (h) Sidewalk requirements;
- (i) Bike paths and internal pedestrian system;
- (j) Public transportation requirements;
- (k) Off-site requirements such as sidewalks, street lights, traffic signals, utilities or improvements of adjacent streets;
- (l) Fire protection;
- (m) Maintenance provisions;
- (n) Known hazards and additional information as required by WCC [20.85.204\(8\)](#) including any required approvals by Department of Ecology for projects located within flood control zones;
- (o) Environmental impact to the development and other issues related to SEPA requirements;
- (p) Other county requirements and permits;
- (q) Identification of other local, state and federal agencies which may also have jurisdiction; and
- (r) Identification of adjacent lands owned by the applicant and possible future

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<p>development thereof.</p> <p>(2) The applicant may request the zoning administrator to forward the information to the county council for review and discussion purposes. The council review shall take place within 21 days after the preapplication conference with staff. Upon receiving said request, the zoning administrator shall obtain from the applicant:</p> <p>(a) Sufficient copies of the information submitted pursuant to subsection (1) of this section to distribute to all members of the county council; and</p> <p>(b)(i) For sites within urban growth areas: Stamped envelopes with typed addresses for each property owner within 300 feet of the external boundaries of the subject property as shown by the records or the county assessor;</p> <p>(ii) For sites outside urban growth areas: Stamped envelopes with typed addresses for each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.</p> <p>The zoning administrator shall then forward the submitted information and summary of the comments and concerns made by staff to the clerk of the council. The clerk shall schedule an open meeting with the planning and development committee of the council, and mail a notification to the applicant and property owners no less than 10 days prior to the meeting's occurrence. The meeting may address any of the issues identified in subsections (1)(a) to (r) of this section or any other pertinent issues. It is the purpose of this meeting to identify potential concerns in order to assist the applicant to ascertain the general feasibility of his/her proposal for the particular area the proposal would be located.</p> <p>(3) Preapplication reviews as provided by this section shall not be construed to bind either the applicant or the county in any respect. Further, the information requested at the preapplication conference for application submittal shall not preclude the county from requiring additional information or clarification of materials after submittal. (Ord. 2004-007 § 1, 2004; Ord. 2003-039 Exh. A, 2003; Ord. 98-083 Exh. A § 66, 1998).</p> <p><b>21.01.090 Pre-application meeting. [Subdivision]</b></p> <p>(1) Meeting Required When. For the purpose of expediting applications and reducing land division and site plan design and development costs, a pre-application meeting in accordance with the requirements of Chapter <a href="#">2.33</a> WCC is required for all applications under this title except for boundary line adjustments and exempt land divisions covered by Chapter <a href="#">21.03</a> WCC.</p> <p>(2) City Participation. Whatcom County planning and development services staff shall invite the appropriate city to the pre-application meeting if the proposed land division is located within that city's urban growth area. Invitation to the pre-application meeting for a short plat or preliminary plat adjacent to or within one mile of the municipal boundaries of a city, or which contemplates the use of any city utilities, shall also be given. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).</p> <p><b>21.04.031 Pre-application meeting. [Subdivision]</b></p> <p>(1) Pre-Application Meeting Required. Any person contemplating preparation of a preliminary short subdivision application shall submit information required for a pre-application meeting as provided in WCC <a href="#">21.01.090</a> and Chapter <a href="#">2.33</a> WCC. A pre-application meeting shall also be required for any alteration of an existing short subdivision unless waived by the subdivision administrator.</p> <p>(2) Pre-Application Submittal Information. An applicant shall provide the following information in order to assist the applicant and Whatcom County in review of the proposed short subdivision.</p> <p>(a) Written and Other Data and Fees.</p> <p>(i) Name, address and phone number of owner(s), applicant, and contact person.</p>		
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**Current and Proposed Code Matrix  
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<p>(ii) Intended uses.          (iii) List of variances and waivers requested.          (iv) General written proposal of water supply and sewage disposal method.          (v) Proposed means of stormwater control.          (vi) Assessor's parcel number (of the parent parcel).          (vii) Fees as specified in the Unified Fee Schedule.          (viii) Net and gross lot size to determine minimum lot size and density requirements as required by the Zoning Ordinance.</p> <p>(b) Map Data.          (i) Name of owner(s).          (ii) Name of proposed land division.          (iii) General layout of proposed land division.          (iv) Common language description of the general location of the land division.          (v) Approximate locations of existing roads, utilities, and infrastructure.          (vi) Vicinity map.          (vii) Short plat map with a common engineering scale with north arrow and sheet numbers (on each sheet containing a map).          (viii) Section, township, range and municipal and county lines in the vicinity.          (ix) General boundaries of the site with general dimensions shown.          (x) General direction and gradient of slope.          (xi) Legal description of the land.          (xii) Means of proposed water service and sewage disposal.          (xiii) Means of proposed access (including proposed improvements to on-site and off-site roadways).          (xiv) Approximate location of proposed on-site and off-site utilities and facilities.          (xv) Approximate location of existing roads, rights-of-way, buildings, parking, and drainage on-site.          (xvi) Where appropriate, approximate location of natural features, including bodies of water, regulated watershed boundaries, natural drainage areas, critical areas, shorelines and base flood elevation and buffers.          (xvii) Approximate location of existing facilities, sanitation and water facilities, easements (where appropriate).</p> <p>(3) Applicant Presentation. At the pre-application meeting, the applicant shall, to the greatest extent possible, provide the technical review committee with a conceptual understanding of the potential application, including the location and the anticipated uses as provided in Chapter <a href="#">2.33</a> WCC.</p> <p>(4) Technical Review Committee Responsibilities. The technical review committee shall, to the greatest extent possible during the meeting, provide the applicant with consultation and input on the allowed uses, development standards, and process applicable to the proposal as provided in Chapter <a href="#">2.33</a> WCC. Within 10 days of the pre-application meeting, staff shall communicate in writing the general findings and basis upon which an appropriate application may be submitted. (Ord. 2009-007 § 1).</p> <p><b>21.05.031 Pre-application meeting. [Subdivision]</b>          (1) Pre-Application Meeting Required. Any person contemplating preparation of a preliminary long subdivision application shall submit information required for a pre-application meeting as provided in WCC <a href="#">21.01.090</a> and Chapter <a href="#">2.33</a> WCC. A pre-application meeting shall also be required for any alteration of an existing subdivision unless waived by the subdivision administrator.          (2) Pre-Application Submittal Information. An applicant shall provide the following information in order to assist the applicant and Whatcom County in review of the proposed subdivision:</p>		
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<p>(a) Written and Other Data and Fees.          (i) Name, address and phone number of owner(s), applicant, and contact person.          (ii) Intended uses.          (iii) List of variances and waivers requested.          (iv) General written proposal of water supply and sewage disposal method.          (v) Proposed means of stormwater control.          (vi) Assessor's parcel number (of the parent parcel).          (vii) Fees as specified in the Unified Fee Schedule.          (viii) Net and gross lot size to determine minimum lot size and density requirements as required by the Zoning Ordinance.</p> <p>(b) Map Data.          (i) Name of owner(s).          (ii) Name of proposed land division.          (iii) General layout of proposed land division.          (iv) Common language description of the general location of the land division.          (v) Approximate locations of existing roads, utilities, and infrastructure.          (vi) Vicinity map.          (vii) Plat map with a common engineering scale with north arrow and sheet numbers (on each sheet containing a map).          (viii) Section, township, range and municipal and county lines in the vicinity.          (ix) General boundaries of the site with general dimensions shown.          (x) General direction and gradient of slope.          (xi) Legal description of the land.          (xii) Proposed means and location of water service and sewage disposal.          (xiii) Proposed means and location of access (including proposed improvements to on-site and off-site roadways).          (xiv) Other proposed on-site and off-site utilities and facilities.          (xv) Location of existing roads, rights-of-way, buildings, parking, and drainage on-site.          (xvi) Where appropriate, location of natural features, including bodies of water, regulated watershed boundaries, natural drainage areas, critical areas, shorelines and base flood elevation and buffers.          (xvii) Location of existing facilities, sanitation and water facilities, easements (where appropriate).</p> <p>(3) Applicant Presentation. At the pre-application meeting, the applicant shall, to the greatest extent possible, provide the technical review committee with a conceptual understanding of the potential application, including the location and the anticipated uses as provided in Chapter <a href="#">2.33</a> WCC.</p> <p>(4) Technical Review Committee Responsibilities. The technical review committee shall, to the greatest extent possible during the meeting, provide the applicant with consultation and input on the allowed uses, development standards, and process applicable to the proposal as provided in Chapter <a href="#">2.33</a> WCC. Within 10 days of the pre-application meeting, staff shall communicate in writing the general findings and basis upon which an appropriate application may be submitted. (Ord. 2009-007 § 1).</p> <p><b>23.60.060 Preapplication conference. [Shorelines]</b>          A. Prior to filing a permit application for a shoreline substantial development permit, variance or conditional use permit decision, the applicant shall contact the county to schedule a preapplication conference which shall be held prior to filing the application; provided, that such meetings shall not be required for development activities associated with shoreline restoration projects, agriculture, commercial forestry, or the construction of a single-family residence.</p>		
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<p>B. The purpose of the preapplication conference is to review and discuss the application requirements with the prospective applicant and provide initial comments on the development proposal. The preapplication conference shall be scheduled by the county, at the request of an applicant, and shall be held in a timely manner, within 30 days from the date of the applicant's request. A project coordinator shall be assigned by the county following the preapplication conference.</p> <p>C. The administrator may waive the requirement for a preapplication conference if it is determined to be unnecessary for review of an application. Nothing in this section shall be interpreted to require more than one preapplication conference or to prohibit the applicant from filing an application if the county is unable to schedule a preapplication conference within 30 days following the applicant's request.</p> <p>D. Information presented at or required as a result of the preapplication conference shall be valid for a period of 180 days following the preapplication conference. An applicant wishing to submit a permit application more than 180 days following a preapplication for the same permit application shall be required to schedule another preapplication conference.</p> <p>E. At or subsequent to a preapplication conference, the county may issue a preliminary determination that a proposed development is not permissible under applicable county policies or regulatory enactments. In that event, the applicant shall have the option to appeal the preliminary determination to the hearing examiner as provided for in WCC <a href="#">23.60.150</a> as an alternative to proceeding with a complete application. (Ord. 2009-13 § 1 (Exh. 1); Ord. 2008-034 § 1 (Exh. 1)).</p>		
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<p><b>2.33.040 Application submittal information.</b></p> <p>A. Applications for a project permit shall be submitted using forms provided by the review authority.</p> <p>B. If the applicant decides to mail a notice of application under WCC <a href="#">2.33.060</a>.D.2.a, the applicant shall include stamped and addressed envelopes (pursuant to WCC <a href="#">2.33.060</a>.D.2.a) with the application.</p> <p>C. Submittal requirements for project permits are contained within the specific county code for each type of project proposal, in the corresponding chapter of the Whatcom County Development Standards, in applicable state law or WACs and in any site specific conditions resulting from a preapplication conference. The submittal information for each permit type constitutes the information necessary to determine whether an application is complete pursuant to WCC <a href="#">2.33.050</a>, Permit receipt and determination of completeness.</p> <p>D. All information and agreements resulting from preapplication review must be submitted with the application unless otherwise agreed to by the county.</p> <p>E. If the proposal submitted with the application has changed to such a degree that it requires substantial re-evaluation, any agreements made by the county may be voided. (Ord. 96-031 § 1).</p> <p><b>2.33.050 Permit receipt and determination of completeness.</b></p> <p>A. An application shall meet all submittal requirements before the proposal is submitted to the county for review. Upon submittal by the applicant, the county will accept the application and note the date of receipt. Receipt of an application does not constitute approval of the project proposal.</p> <p>B. Within 14 days of accepting the application, the county shall make a</p>	<p><b>22.05.050 Application and determination of completeness.</b></p> <p>(1) Project permit applications shall be submitted using current forms provided by the review authority. The submittal shall include: all applicable fees per Chapter 22.25 WCC, all materials required by the department's administrative manual, and all items identified in the preapplication notice of site-specific submittal requirements.</p> <p>(2) Upon submittal by the applicant, the county will accept the application and note the date of receipt. Receipt of an application does not constitute approval of the project proposal.</p> <p>(3) Within 14 calendar days of receiving the application, the county shall provide to the applicant a written determination which states either that the application is complete or the application is incomplete. To the extent known by the county, other agencies of local, state, or federal government that may have jurisdiction shall be identified on the determination.</p> <p>(4) A project permit application is complete when it meets the submittal requirements of the department's administrative manual, includes items identified through the preapplication conference process and contains sufficient information to process the application even if additional information will be required. A determination of completeness shall not preclude the county from requiring additional information or studies at any time prior to permit approval. A project permit application shall be deemed complete under this section if the county does not issue a written determination to the applicant that the application is incomplete by the end of the 14<sup>th</sup> calendar day from the date of receipt.</p> <p>(5) If the application is determined to be incomplete, the following shall take place:</p> <p>(a) The county will notify the applicant that the application is incomplete and indicate what is necessary to make the application complete.</p>	<p>RCW 36.70b.070</p>
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<p>determination of completeness or issue a determination that the application is incomplete.</p> <p>C. A project permit application is complete when it meets the submittal information requirements of WCC <a href="#">2.33.040</a>, Application submittal information.</p> <p>D. When an application is determined to be complete, the county shall proceed as follows:</p> <ol style="list-style-type: none"> <li>1. Issue a determination of completeness either via postal service or directly provided to the applicant within 14 days of accepting a project permit application.</li> <li>2. To the extent known, identify other agencies that may have jurisdiction over the project permit application. A list of agencies shall be included in the determination of completeness.</li> <li>3. A determination of completeness shall not preclude the county from requiring additional information or studies at any time prior to permit approval.</li> </ol> <p>E. If the application is determined to be incomplete, then the following procedure shall take place:</p> <ol style="list-style-type: none"> <li>1. The county will notify the applicant that the application is incomplete and indicate what is necessary to make the application complete.</li> <li>2. The applicant shall have 90 days from the date that the notification was issued to submit the necessary information to the county. This period shall be extended at the applicant's request in 90-day increments.</li> <li>3. Upon receipt of the requested additional information, the county shall have 14 days to make a determination and notify the applicant.</li> <li>4. If the applicant does not submit the necessary information to the county in writing within the 90-day period, the county shall make findings and issue a decision that the application is rejected.</li> </ol> <p>F. If the county rejects an application, all vesting rights are lost.</p> <p>G. If the county rejects an application because the applicant has failed to submit the required information within the necessary time period the county will return the application materials and the application will be closed.</p> <p>H. A project permit application shall be deemed complete under this section if the county does not provide a written determination to the applicant that the application is incomplete within 14 days from the date of submittal as required in subsection E of this section. (Ord. 96-031 § 1).</p> <p><b>15.04.020 5. Section 105.3, Application for Permit, is amended to include the following: [Building Code]</b></p> <p>To obtain the permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:</p> <ol style="list-style-type: none"> <li>1. Identify and describe the work to be covered by the permit for which application is made.</li> <li>2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.</li> <li>3. Indicate the use and occupancy for which the proposed work is intended.</li> <li>4. Be accompanied by construction documents and other information as required in Section 107.</li> <li>5. State the valuation of the proposed work.</li> <li>6. Be signed by the applicant, or the applicant's authorized agent.</li> <li>7. Include signature by the applicant or the applicant's authorized agent of a statement for guarantee of fee payment. The statement must be signed in the presence of County staff or staff will provide a statement which includes verification of signature by a licensed notary public.</li> </ol>	<p>(b) The applicant shall have 90 calendar days from the date that the notification was issued to submit the necessary information to the county. If the applicant does not submit the necessary information to the county in writing within the 90-day period, the application shall be rejected. The director or designee may extend this period for an additional 90 calendar days upon written request by the applicant.</p> <p>(c) Upon receipt of the necessary information, the county shall have 14 calendar days to make a determination and notify the applicant whether the application is complete or what additional information is necessary.</p> <p>(6) A determination of an incomplete application is an appealable final administrative determination, subject to WCC 22.05.160(1).</p> <p><i>Please note, all application submittal requirements will be located within a proposed administrative manual and be removed from code.</i></p>	
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<p>8. Provide verification of approval to connect to a public sewer system or a septic system installation permit issued by the Whatcom County Environmental Health Department for any permit application that requires sewage disposal. The approval to connect or issued septic system permit shall be specific to the project application.</p> <p>9. Provide additional data and information in the designated sequence, as required by the Building Official.</p> <p><b>15.04.030 D. Section R105.3, Application for permit, is amended to include the following: [Building Code]</b></p> <p>To obtain the permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:</p> <ol style="list-style-type: none"> <li>1. Identify and describe the work to be covered by the permit for which application is made.</li> <li>2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.</li> <li>3. Indicate the use and occupancy for which the proposed work is intended.</li> <li>4. Be accompanied by construction documents and other information as required in Section 107.</li> <li>5. State the valuation of the proposed work.</li> <li>6. Be signed by the applicant, or the applicant's authorized agent.</li> <li>7. Include signature by the applicant or the applicant's authorized agent of a statement for guarantee of fee payment. The statement must be signed in the presence of County staff or staff will provide a statement which includes verification of signature by a licensed notary public.</li> <li>8. Provide verification of approval to connect to a public sewer system or a septic system installation permit issued by the Whatcom County Environmental Health Department for any permit application that requires sewage disposal. The approval to connect or issued system permit shall be specific to the project application.</li> <li>9. Provide additional data and information in the designated sequence, as required by the Building Official.</li> </ol> <p><b>20.85.118 Concept plan. [Planned Unit Development]</b></p> <p>Where a planned unit development application represents the first project of the development of a larger site, the applicant may at his/her option submit a concept plan indicating the general development of the remainder of the site. The purpose of the concept plan is to encourage master planning of a site by demonstrating the coordinated relationship of land use activities, roads, utilities and open space for the entire site, and in concert with existing and planned off-site land uses and facilities.</p> <p>(1) Plan Contents. The concept plan should contain the following elements for the portion of the site not included in the first phase PUD application:</p> <ol style="list-style-type: none"> <li>(a) The approximate location of future generalized land use activities including but not necessarily limited to single-family and multifamily residential (approximate density specified); neighborhood, general, tourist and resort commercial; light and heavy industrial, and general manufacturing; and parks including recreational areas, school sites and open space.</li> <li>(b) The approximate circulation network (both vehicular and pedestrian).</li> <li>(c) The approximate location of utility corridors, and drainage channels (natural and manmade) and retention/detention areas.</li> <li>(d) The approximate location of all existing or planned sewer and water mains,</li> </ol>		
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<p>arterial and collector roads, and drainage channels and retention/ detention areas located off-site which is within 300 feet of the site or anticipated to be used for the development of the site.</p> <p>(2) Plan Status. Unless otherwise provided by agreement between the applicant and zoning administrator, the concept plan shall be nonbinding, and shall not be used as a basis for approving or denying the subject PUD application. However, the plan may be used as a basis to administratively review the arrangement and design of land uses, roads, bicycle and pedestrian pathways, and drainage facilities included in the subject application. (Ord. 2004-007 § 1, 2004).</p> <p><b>20.85.201 General provisions. [Planned Unit Development]</b></p> <p>(1) Information submitted for initial review is to be an approximate description indicating the general nature of the proposal. Data shall be based on the applicant's best knowledge or intent of the proposal and shall be sufficiently clear to demonstrate how the project complies with the provisions of this chapter. Information required shall be limited to the area the application includes.</p> <p>(2) The zoning administrator shall have the authority to waive any portion of the information requirements herein; provided, that the information has been included with a previous rezone request, approved permit or concept plan, and the present PUD application is consistent with the previous action to the extent that the subject data is applicable. (Ord. 2004-007 § 1, 2004; Ord. 96-056 Att. A § V2, 1996).</p> <p><b>20.85.202 Textual information. [Planned Unit Development]</b></p> <p>It is anticipated that the level of detail available for individual PUD projects will vary depending on their size and the length of time anticipated for buildout. The applicant must respond to each of the items below but the response may include estimates or approximations where exact figures are not known at this time. All estimates should be based on the applicant's best knowledge or intent of the proposal. When estimates or approximations are used they must be identified as such. The applicant should be aware that any estimates or approximations provided may be used to set development conditions or thresholds.</p> <p>(1) General Data.</p> <p>(a) The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner or owners of the land and the application, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant.</p> <p>(b) The legal description of the subject property.</p> <p>(c) Identify, if known, all special service districts, including fire, school (for residential projects only), drainage and flood control in which the site is located.</p> <p>(d) Description of the proposed PUD including:</p> <p>(i) Total area of the PUD;</p> <p>(ii) Total area of open space and percentage it represents of the total project area;</p> <p>(iii) Total area of impervious surfacing;</p> <p>(iv) Number of parcels and/or lease areas, range of parcel size and the size of the smallest parcel;</p> <p>(v) Proposed ownership of land areas within the PUD both during and after construction;</p> <p>(vi) Method of achieving compatibility between the PUD and off-site uses and between potentially incompatible on-site uses;</p> <p>(vii) How density bonus requirements are being met including, when applicable, description of recreation facilities and the proposed method to protect adequate access to sunlight for use by each of the proposed solar energy systems; and</p> <p>(viii) Development schedule indicating the approximate date when construction of</p>		
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the PUD or stages of the PUD can be expected to begin and be completed.  
 (e) Copy of all existing deeds, and existing restrictive covenants or other existing legal restrictions which apply to the project site. The applicant may submit a copy of any proposed restrictive covenants that have been drafted.  
 (f) The names and addresses of all property owners within 300 feet of the site taken from the latest equalized tax roles.  
 (2) Data for Residential Development.  
 (a) Proposed number of dwelling units by type and the amount of site area devoted to each type.  
 (b) Gross density of the dwelling units.  
 (c) *Deleted by Ord. 96-056.*  
 (3) Data for Nonresidential Development.  
 (a) Description of each type of proposed commercial and industrial use and amount of site area devoted to each type of use.  
 (b) The proposed number of square feet in gross floor area for each type of commercial and industrial use. (Ord. 2004-007 § 1, 2004; Ord. 96-056 Att. A § V2, 1996).

**20.85.203 Site plan and supporting maps and graphics. [Planned Unit Development]**

An initial site plan, at a minimum scale of one inch equals 100 feet or such other scale as may be convenient based on the area covered by the proposal with approval of the administrator, and any supporting graphics, narrative descriptions and maps, to show major details of the proposed PUD. If the initial plan is based on a survey or existing survey data of the subject site, the survey data shall be prepared by a registered land surveyor, registered civil engineer or other professional licensed to conduct surveys. The initial site plan and supporting graphics and maps in combination shall provide a level of detail appropriate to the scale and timing of the project and sufficient to demonstrate how the project complies with the provisions of this chapter.

(1) Proposed name of the development, northpoint, scale, date and address, and telephone number of the preparer of the site plan/supporting maps.  
 (2) Existing site conditions including water courses, wetland area, floodplains, unique natural features, native vegetation, forest cover and elevation contours of sufficient intervals to indicate the topography of the entire tract for a sufficient distance beyond the boundaries of the proposed development to depict any features within 300 feet which may affect site development. Unless otherwise approved by the administrator, contour information shall be as follows:  
 (a) Up to 10 percent slopes, two-foot contours.  
 (b) Over 10 percent to less than 20 percent slopes, five-foot contours.  
 (c) Twenty percent or greater slopes, 10-foot contours.  
 (3) Location of all existing lot lines, lease areas and easements, and the location of all proposed lot lines, lease areas, and easements, if known.  
 (4) The locations and identification of all existing buildings, structures and other improvements. The location or approximate location of proposed buildings including maximum height and type of use.  
 (5) For residential structures, provide the types and number of residential units in each structure or the range of residential structures proposed together with the range of the type and number of units per structure.  
 (6) For nonresidential buildings, the gross floor area of each building.  
 (7) The location and square footage or approximate location and square footage or acreage of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-

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<p>public uses with notations of proposed ownership included where appropriate.</p> <p>(8) Landscaping and open space improvements plan or concept.</p> <p>(9) The existing and proposed circulation system of arterial, collector and/or local streets, including right-of-way street widths, off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major point of ingress and egress to the development). Notations of proposed ownership, public or private, shall be included where appropriate.</p> <p>(10) Location and width of existing and proposed sidewalks and trails.</p> <p>(11) The proposed treatment of the perimeter of the PUD, including materials and techniques used such as screens, fences and walls.</p> <p>(12) The location of adjacent utilities including sanitary sewers, water lines and storm drainage facilities intended to serve the development, and a layout of the existing and proposed utilities within the development, if utility plans have been completed. Otherwise indicate the general location of utilities, i.e., roadways, easements, etc.</p> <p>(13) Existing zoning and Comprehensive Plan boundaries for the site and adjacent property.</p> <p>(14) Information of contiguous properties within 300 feet of the proposed PUD including:</p> <p>(a) Existing and, if known, proposed land use and streets; and</p> <p>(b) Existing structures excluding accessory buildings, ownership tracts and unique natural features of the landscape, if readily accessible.</p> <p>(15) A vicinity map showing the location of the site and its relationship to surrounding areas, including existing streets, major physiographic and cultural features such as railroads, lakes, streams, shorelines, schools, parks or other prominent features.</p> <p>(16) If the applicant wishes to incorporate renewable energy features into the PUD, information shall be submitted which will describe the long-term usability of the energy source including:</p> <p>(a) Solar:</p> <p>(i) Solar site survey including solar sun chart;</p> <p>(ii) Shadow diagrams including schematic elevations of pertinent vegetation and structures, and existing major topographical features;</p> <p>(iii) General description of the solar system identifying type (passive or active), location and size (surface area);</p> <p>(b) Wind:</p> <p>(i) Wind data including direction, frequency and intensity;</p> <p>(ii) Wind disruption information including potential on and off-site building construction, and major topographical features;</p> <p>(iii) Wind machine location and visual description;</p> <p>(c) Micro or small scale hydro:</p> <p>(i) Estimated annual energy output using flow duration curves;</p> <p>(ii) Stream data including low and average flows;</p> <p>(iii) Hydro site location and design;</p> <p>(iv) Status of Federal Energy Regulatory Commission (FERC) approval;</p> <p>(d) Geothermal: source of energy. (Ord. 2016-045 § 1 Att. A, 2016; Ord. 2004-007 § 1, 2004; Ord. 98-083 Exh. A § 66, 1998; Ord. 96-056 Att. A § V2, 1996).</p> <p><b>20.85.204 Supplemental information. [Planned Unit Development]</b></p> <p>(1) A completed environmental checklist; provided, that if the applicant has agreed in writing to the preparation of an environmental impact statement, no checklist shall be required.</p> <p>(2) Where water and/or sanitation service is to be obtained from an existing public</p>		
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system, including a water association, a letter from the service purveyor indicating the availability and requirements for the service shall be included.

(3) Where a new water system is proposed, include the source of the water, the estimated amount of water available from a ground water or surface water source, the status of water rights application, and the general location and size of the proposed pipe and other major appurtenances for development of community or public systems. The description shall also include improvements for fire protection.

(4) A description of the sanitation facilities which shall include the method of sanitation and, where applicable, the location of community on-site sewage waste disposal systems, location of soil log holes, percolation rate data, and the general location and size of proposed pipe and other major appurtenances. Where on-site sanitation systems are proposed, the applicant shall provide evidence demonstrating the suitability therefore of all lots or any single lot. Percolation tests shall be performed by a licensed perc tester.

(5) One copy of the water and sanitation information, particularly the soil log hole and percolation rate data, is recommended to be submitted directly to the health department prior to submittal of the planned unit development.

(6) A preliminary drainage study consistent with the requirements of the Whatcom County Development Standards. A traffic study if required by the department of public works at the preapplication conference. The traffic study does not need to be submitted with the application if an environmental impact statement is being prepared for the project and a traffic study will be completed for the EIS.

(7) The proposed method of providing long-term maintenance of improvements or facilities, including roads and sidewalks, drainage, on-site fire protection improvements, water and sanitation systems, and community or public open space. The purpose of this paragraph is to generally identify the method of maintenance and not to require detailed agreements.

(a) If to be maintained by a governmental jurisdiction or existing water association, a letter from the jurisdiction or association shall be submitted specifying acceptance of maintenance responsibility and indicating the conditions, if any, upon which the acceptance is contingent.

(b) If the maintenance is to be provided privately, the developer shall indicate the organization to provide the maintenance and the method and approximate amount of funding required therefor.

(8) Additional information, in the form of detailed studies or surveys, may be reasonably required by the county if any portion of the site of a proposed PUD is within an unsuitable land area as defined by WCC [20.97.443](#). This information should be identified to the applicant at a preapplication conference. (Ord. 2004-007 § 1, 2004; Ord. 96-056 Att. A § V2, 1996).

**20.85.315 Application submittal. [Planned Unit Development]**  
The applicant shall submit required fees, and sufficient copies of the maps, written data and supplemental information required by WCC [20.85.200](#) to the zoning administrator in order to distribute copies to pertinent agencies. No application shall be accepted unless it complies with the requirements of this chapter and the applicant attests by his signature to the correctness of the information submitted. Applications which are found to be seriously deficient shall be returned to the applicant within 10 days of submittal and the application fee refunded. (Ord. 2004-007 § 1, 2004).

**20.85.320 Application distribution and review. [Planned Unit Development]**  
The zoning administrator shall mail a notice to agencies potentially having interest,

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jurisdiction or expertise relevant to the application within five days after receipt of the application. Such agencies receiving applications for review shall be given up to 30 days to respond, or the zoning administrator, SEPA official, and the technical committee shall conclude that the reviewing agency has no interest in the application, and may make such findings, conclusions or requirements as deemed reasonable, consistent with the requirements of this title. (Ord. 2004-007 § 1, 2004).

**20.85.325 Technical committee. [Planned Unit Development]**

Upon the issuance of a declaration of nonsignificance (DNS) or draft environmental impact statement (DEIS), or, if a DNS or DEIS is completed, after receipt of all agency comments pursuant to WCC [20.85.320](#), the technical committee shall convene in an open meeting to discuss with the applicant and any other interested persons each committee member’s recommendation to the zoning administrator. Each member shall recommend either approval, approval with conditions, denial, or further modifications or corrections to the application. The recommendation from each member shall be written and submitted to the zoning administrator within seven days, and shall clearly address those factors to be considered by the hearing examiner as identified in WCC [20.85.335](#) which are within the expertise and responsibility of such member and, where appropriate, proposed conditions for approval; or shall clearly indicate all deficiencies of the application requiring modification or correction. (Ord. 2004-007 § 1, 2004).

**20.84.235 Administrative approval uses. [Zoning]**

(1) The applicant shall submit an administrative approval use application form to the planning and development services department together with all of the following:

- (a) Documentation of compliance with approval requirements;
- (b) The filing fee specified in the Unified Fee Schedule;
- (c)(i) For sites within urban growth areas: Stamped envelopes with typed addresses for each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor (1,000 feet for adult businesses);
- (ii) For sites outside urban growth areas: Stamped envelopes with typed addresses for each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.
- (d) Three copies of a site plan at a scale of one inch equals 20 feet for sites that are less than five acres, and one inch equals 40 feet for sites five acres or more (if requested by the applicant, a different scale may be approved by planning and development services). The site plan shall show locations of property boundaries, locations and sizes of structures, vehicular access and parking areas, locations and types of water and sewer services, and locations and types of structures on adjacent properties.

**20.88.200 Procedure. [Major Project Permits]**

.205 If a major project permit is determined to be required, an application shall be completed and filed along with the appropriate fees with the land use division of planning and development services. A master plan is required as part of the application for a major project permit. The master plan shall include at a minimum the following elements:

- (1) General statement – a narrative description that in general terms identifies the purpose and intended use(s) for the site.
- (2) Conceptual site development plan – showing to the appropriate level of detail,

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<p>buildings and other structures, existing mature trees and landscaping, the pedestrian and vehicle circulation system, parking areas, open space and critical areas, buffers, and other required items. This information must cover the following:</p> <p>(a) All existing improvements that will remain after the development of the proposed site;</p> <p>(b) All improvements planned in conjunction with the proposed use;</p> <p>(c) Conceptual plans for possible future uses; and</p> <p>(d) General locations of usable open space, any land proposed to be dedicated for open space; pedestrian and transit connection between the site and public or private streets serving the development and connecting to off-site open space; internal circulation (both auto and pedestrian), location of proposed gates and fencing.</p> <p>(3) Land Use. The master plan must include proposed functions, uses and boundaries of uses by phase. The description must include information as to the general amount and type of functions of the use, hours of operation and the approximate number of members, employees, visitors and special events. For projects which include residential units, proposed minimum and maximum floor area densities, number of units and building heights must be indicated. For office/commercial and light impact industrial projects, minimum and maximum floor area ratios must be indicated.</p> <p>(4) Phasing Plan. The master plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of the property awaiting development. In addition, the plan should address any proposed temporary uses or location of uses during construction periods.</p> <p>(5) Circulation, Transportation and Parking. The master plan must include but is not limited to projections by phase of traffic impacts, probable safety concerns, internal circulation layout, parking requirements, ingress/egress locations and proposed road standards for each phase. Specific requirements for transportation and parking include:</p> <p>(a) The expected number of trips (peak daily), an analysis of the impact of those trips on the adjacent street system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system or specific programs to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single-occupancy vehicles.</p> <p>(b) Projected peak parking demand, an analysis of this demand compared to proposed on-site and off-site supply, potential impacts to the no-street parking system and adjacent land uses, and mitigation measures.</p> <p>(6) Utilities. The master plan must include evidence of service availability from primary service providers (water, sewer, power, cable, natural gas, telephone) and address stormwater drainage management both on and off-site.</p> <p>(7) Environment. The master plan must identify critical areas as defined in Chapter <a href="#">16.16</a> WCC and areas of special concern as defined by WCC <a href="#">24.05.230</a>. Mitigating measures for all environmental impacts identified by the applicant through a SEPA checklist, or EIS process and/or identified by agency staff, including but not limited to special development standards, modification of site layout, dedicated open space and mitigation replacement areas must be identified. Identification of any hazardous wastes anticipated, special handling techniques and/or site designs required for containment must also be addressed. If an EIS is required, the EIS and master plan may, upon approval by the director, be combined into a joint document.</p> <p><b>21.03.080 Requirements for a fully completed exempt land division</b></p>		
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<p><b>application. [Subdivisions]</b> The following, and any other information on a form prescribed by the subdivision administrator, is required for a complete application for exempt land divisions under WCC <a href="#">21.01.040</a>(2)(b) and (k).</p> <p>(1) Written Data and Fees. (a) Name, address and phone number of land owner, applicant, and contact person. (b) Intended uses. (c) A current title report or update of title report issued no more than 60 calendar days prior to application. (d) Assessor's parcel number (of the parent parcel). (e) Fees as specified in the Unified Fee Schedule. (f) Signature of all owners as shown on title report, and authorization for any agent to act on behalf of owners.</p> <p>(2) Map Data. (a) Name of land owner. (b) Name of proposed land division (if an original drawing is prepared). (c) General layout of proposed land division. (d) Common language description of the general location of the land division. (e) Approximate location and names of existing roads identified as either public or private. (f) Vicinity map. (g) Common engineering map scale/north arrow/sheet numbers (on each sheet containing a map). (h) Section, township, range, and municipal and county lines in the vicinity. (i) General boundaries of the site with general dimensions shown. (j) Legal description of the land. (Ord. 2013-040 Exh. 1; Ord. 2009-007 § 1; Ord. 2000-056 § 1).</p> <p><b>21.03.085 Requirements for a fully completed boundary line adjustment application. [Subdivisions]</b> The following, and any other information on a form prescribed by the subdivision administrator, is required for a complete application.</p> <p>(1) Written Data and Fees. (a) Name, address and phone number of land owner, applicant, and contact person. (b) Intended uses. (c) A current title report or update of title report issued no more than 60 calendar days prior to application. (d) Assessor's parcel numbers of existing parcels. (e) Fees as specified in the Unified Fee Schedule. (f) Signature of all owners as shown on title report, and authorization for any agent to act on behalf of owners.</p> <p>(2) Map Data. (a) Names of land owners. (b) Name of proposed boundary adjustment. (c) Common language description of the general location of the land division. (d) Map at a common engineering scale of boundaries of existing parcels that are contributing to or receiving land from the proposed adjustment. (e) Approximate location and labeling of any disputed or undetermined property lines proposing to be resolved by the adjustment. (f) Clear depiction of property lines proposed for adjustment which identifies existing property lines and proposed property lines.</p>		
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- (g) Legal description and area of original parcels.
- (h) Legal description and area of proposed adjusted parcels.
- (i) Approximate location and names of existing roads identified as either public or private.
- (j) Approximate location of existing buildings and existing on-site septic systems.
- (k) Approximate locations of existing utilities and infrastructure.
- (l) Vicinity map.
- (m) Common engineering map scale/north arrow/sheet numbers (on each sheet containing a map).
- (n) Section, township, range, and municipal and county lines in the vicinity.
- (o) General boundaries of the site with general dimensions shown. (Ord. 2013-040 Exh. 1; Ord. 2009-007 § 1).

**21.04.032 Short subdivision application submittal. [Subdivisions]**

- (1) An applicant requesting approval of a proposed short subdivision shall submit to the planning and development services department all the items identified in WCC [21.04.150](#).
- (2) An application will only be accepted for review if it contains all components required in WCC [21.04.150](#) and is accompanied by fees as set forth in the Unified Fee Schedule.
- (3) Accepting an application for review does not mean that the application has been determined complete. The determination of completeness is made as provided in WCC [21.04.033](#).
- (4) If an application does not contain all of the required components of a complete application, it will not be accepted for review, fees will not be collected, and the application will be returned to the applicant for completion of the required components of a complete application. (Ord. 2009-007 § 1).

**21.04.033 Determination of completeness and vesting. [Subdivisions]**

- (1) The county shall review an application for determination of completeness and mail or provide in person a written determination to the applicant within 28 days of the date that the application has been accepted for review.
- (2) An application shall be determined complete if the application includes all the requirements for a fully completed application set forth in WCC [21.04.150](#).
- (3) Applications having received a determination of completeness shall be processed as described below and as provided in Chapter [2.33](#) WCC.
- (4) Applications having received a determination of incompleteness shall be handled as provided in Chapter [2.33](#) WCC.
- (5) If the application is granted a determination of completeness as provided in subsection (2) of this section on its first acceptance for review, the vesting date will be the date that the application was submitted for review. If an application is submitted within 30 days of receiving pre-application meeting findings from the technical review committee and granted a determination of completeness, then the date that the project is considered vested will be the date of pre-application submittal.
- (6) Applications that have been re-submitted for review for determination of completeness will again be handled as described in WCC [21.04.032](#). A new date of acceptance for review will be placed on the application. (Ord. 2009-007 § 1).

**21.04.150 Requirements for a fully completed application for short subdivisions. [Subdivisions]**

Upon completion of the pre-application review, and in response to the pre-application review letter, the applicant is authorized to prepare the short

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<p>subdivision application materials. The following requirements for a fully completed application, and any other information on a form prescribed by the subdivision administrator, must be provided in order to initiate a review for a determination of completeness.</p> <p>(1) Written and Other Data and Fees.</p> <p>(a) Name, address and phone number of owner(s), applicant, and contact person.</p> <p>(b) Intended uses.</p> <p>(c) List of variances and waivers requested.</p> <p>(d) General written proposal of water supply and sewage disposal method, including letter from public water or sanitary sewer providers stating their willingness and ability to serve the proposed land division.</p> <p>(e) Preliminary stormwater proposal.</p> <p>(f) Preliminary traffic proposal and transportation concurrency analysis, as required by Chapter <a href="#">20.78</a> WCC.</p> <p>(g) Assessor’s parcel number (of the parent parcel).</p> <p>(h) Fees as specified in the Unified Fee Schedule.</p> <p>(i) Critical areas assessment report pursuant to WCC <a href="#">16.16.255</a> when the written findings of the pre-application review identify the need for this report.</p> <p>(j) Preliminary title report issued no more than 60 calendar days prior to application.</p> <p>(k) Net and gross lot size to determine minimum lot size and density requirements as required by the Zoning Ordinance.</p> <p>(l) Signature of property owners or applicant attesting by written oath to the accuracy of all information submitted for the application.</p> <p>(2) Map Data.</p> <p>(a) Name of owner(s).</p> <p>(b) Name of proposed land division.</p> <p>(c) General layout of proposed land division.</p> <p>(d) Common language description of the general location of the land division.</p> <p>(e) Approximate locations of existing roads, utilities, and infrastructure.</p> <p>(f) Vicinity map.</p> <p>(g) Short plat map with a common engineering scale with north arrow and sheet numbers (on each sheet containing a map).</p> <p>(h) Section, township, range and municipal and county lines in the vicinity.</p> <p>(i) Boundaries of the site with general dimensions shown that are prepared by a licensed surveyor.</p> <p>(j) General direction and gradient of slope.</p> <p>(k) Legal description of the land.</p> <p>(l) Proposed location and means of proposed water service and sewage disposal.</p> <p>(m) Proposed location and means of proposed access (including proposed improvements to on-site and off-site roadways, and site distance).</p> <p>(n) Other proposed on-site and off-site utilities and facilities.</p> <p>(o) Location of existing roads, rights-of-way, buildings, parking, and drainage on-site.</p> <p>(p) Where appropriate, location of natural features, including bodies of water, natural drainage areas, native vegetation, critical areas, and buffers.</p> <p>(q) Location of existing sanitation and water facilities and easements (where appropriate).</p> <p>(r) Existing and proposed street names.</p> <p>(s) Names or numbers of any adjacent divisions.</p> <p>(t) Sequential numbers or letters to all lots within the short subdivision.</p> <p>(u) Topographic map of sufficient contour interval, acceptable to the county engineer or director of planning and development services or their designee, to</p>		
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<p>show the topography of the land to be divided.  (v) Location of critical areas, shorelines and base flood elevation, where applicable.  (3) Seven sets of the above required information shall be submitted. The subdivision administrator may require the applicant to submit the information in an electronic format, and may reduce the number of required sets if provided in an alternative format. (Ord. 2016-045 § 1 Att. A; Ord. 2009-007 § 1).</p> <p><b>21.04.160 Final review and submittal. [Subdivisions]</b>  (1) Review Submittal.  (a) Seven copies of the original drawing of acceptable sizes (18 inches by 24 inches).  (b) Name of short subdivision.  (c) Legal description of the land.  (d) Common engineering scale, north arrow, and sheet numbers.  (e) Date of original and significant revisions.  (f) The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field.  (g) The location, width, centerline, and name of all roads within and adjoining the land division.  (h) Final survey of boundary of the land division with complete bearings and linear dimensions.  (i) The location of all monuments or other evidence used as ties to establish the land division's boundaries.  (j) The location of all permanent control monuments found and established at the controlling corners of the parcel being divided and within the land division.  (k) The length and bearing of all straight lines, the radii, arcs and semi-tangents of all curves.  (l) The location and width of all easements, shown with broken lines, and a description of the purpose of the easement (including beneficiary).  (m) Existing and proposed road names.  (n) The location of all permanent wells and associated protective zones, municipal boundaries, section lines, township lines, and meander lines.  (o) A reference to any covenants or restrictions (two copies for county review).  (p) Signature block for persons with ownership interest (declaration) and dedication block, if appropriate.  (q) Land surveyor's certificate.  (r) County engineer certificate (if a right-of-way dedication is made).  (s) Director of planning and development services' certificate.  (t) County auditor's certificate.  (u) Letter from the health department approving water supply and sewage disposal method.  (v) Lot closures.  (w) A separate map scaled at one inch equals 400 feet for the assignment of addresses.  (x) Preliminary title report issued no more than 60 calendar days prior to submittal of the final short plat for review.  (y) Net and gross lot size to determine minimum lot size and density requirements as required by the Zoning Ordinance.</p> <p>(2) Final Submittal.  (a) Original drawing (in reproducible format) with executed signature block of persons with ownership interest.  (b) A current title report or update of title report issued no more than 60 calendar days prior to the director signing the original drawing.</p>		
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<p>(c) Addresses as assigned by the county.  (d) The owner of record and the surveyor of record shall sign the original drawing of the short plat prior to filing it for record with the county auditor. The original drawing shall include a statement that the short subdivision has been made with the free consent of and in accordance with the desire of the land owner(s). (Ord. 2009-007 § 1).</p> <p><b>21.05.032 Preliminary long subdivision application submittal. [Subdivisions]</b>  (1) An applicant requesting approval based on the pre-application meeting response of a proposed preliminary subdivision shall submit to the planning and development services department all of the items required in WCC <a href="#">21.05.120</a>.  (2) An application will only be accepted for review if it contains all components required in WCC <a href="#">21.05.120</a> and is accompanied by fees as set forth in the Unified Fee Schedule.  (3) Accepting an application for review does not mean that the application has been determined complete. The determination of completeness is made as provided in WCC <a href="#">21.05.033</a>.  (4) If an application does not contain all of the required components of a complete application, it will not be accepted for review, fees will not be collected, and the application will be returned to the applicant for completion of the required components of a complete application. (Ord. 2009-007 § 1).</p> <p><b>21.05.033 Determination of completeness and vesting. [Subdivisions]</b>  (1) The county shall review an application for determination of completeness and mail or provide in person a written determination to the applicant within 28 days of the date that the application has been accepted for review.  (2) An application shall be determined complete if the application includes all the requirements for a fully completed application set forth in WCC <a href="#">21.05.120</a>.  (3) Applications having received a determination of completeness shall be processed as described below and as provided in Chapter <a href="#">2.33</a> WCC.  (4) Applications having received a determination of incompleteness shall be handled as provided in Chapter <a href="#">2.33</a> WCC.  (5) If the application is granted a determination of completeness as provided in subsection (2) of this section on its first acceptance for review, the vesting date will be the date that the application was submitted for review. If an application is submitted within 30 days of receiving pre-application meeting findings from the technical review committee and granted a determination of completeness, then the date that the project is considered vested will be the date of pre-application submittal.  (6) Applications that have been re-submitted for review for determination of completeness will again be handled as described in WCC <a href="#">21.05.032</a>. A new date of acceptance for review will be placed on the application. (Ord. 2009-007 § 1).</p> <p><b>21.05.120 Requirements for a fully completed application for preliminary long subdivisions. [Subdivisions]</b>  Upon completion of the pre-application review, and in response to the pre-application review letter, the applicant is authorized to prepare the subdivision application materials. The following requirements for a fully completed application, and any other information on a form prescribed by the subdivision administrator, must be provided in order to initiate a review for a determination of completeness.  (1) Written and Other Data and Fees.  (a) Completed application form.</p>		
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<p>(b) Name, address and phone number of owner(s), applicant, and contact person.  (c) Names, addresses and telephone numbers of the involved engineers, surveyors, and consultants.  (d) Intended uses.  (e) List of variances and waivers requested.  (f) Names and addresses of all persons, firms, and corporations holding legal interests in the land, such as easements, of which the applicant has knowledge.  (g) Assessor's parcel number (of the parent parcel).  (h) List of names and addresses of owners of property within 300 feet of site's boundaries (based on the latest assessor's equalized tax roll) when within an urban growth area, or within 1,000 feet of site's boundaries when outside an urban growth area, together with corresponding parcel numbers and assessor's parcel map.  (i) Proposed covenants, conditions, and restrictions (CC&amp;Rs).  (j) SEPA checklist.  (k) Preliminary stormwater proposal.  (l) Preliminary traffic analysis.  (m) Proposed utilities.  (n) Critical area and soils reports, as specified in the applicable development standards. All reports shall be certified by qualified professionals experienced in the applicable field of science.  (o) Net and gross lot size to determine minimum lot size and density requirements as required by the Zoning Ordinance.  (p) Fees as specified in the Unified Fee Schedule.</p> <p>(2) Map Data.  (a) Acceptable map size is 24 inches by 24 inches to 24 inches by 36 inches.  (b) Date of revisions, if any.  (c) Name of owner.  (d) Name, address, and telephone number of the surveyor or consultant preparing the map proposal.  (e) Name of proposed land division.  (f) Names or numbers of any adjacent divisions.  (g) General layout of proposed land division.  (h) Approximate locations of existing utilities, infrastructure, roads, drainage and rights-of-way within 300 feet of the boundary of the proposed land division.  (i) Vicinity map at a scale not less than one inch equals 2,000 feet.  (j) Common engineering scale (one inch equals 100 feet or larger), sheet numbers, and north arrow.  (k) Section, township, range, municipal and county lines in the vicinity.  (l) Location of monuments and fences located by any boundary survey and the date of the survey.  (m) General boundaries of the site with general dimensions shown, perimeter boundary marked with a bold line.  (n) Legal description of the land being subdivided.  (o) Proposed access (including proposed improvements to on-site and off-site roadways).  (p) Other proposed on-site or off-site utilities and facilities.  (q) The location and widths of all proposed roads, rights-of-way, and easements.  (r) When appropriate, location of natural features, including bodies of water, natural drainage areas, native vegetation, regulated watershed boundaries, critical areas, and buffers.  (s) Location of buildings, and parking on-site or contiguous to the site.  (t) General location of existing and proposed facilities, sanitation and water</p>		
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<p>facilities, easements (where appropriate), landscaping, common areas, and phasing boundaries.</p> <p>(u) General plans of proposed water distribution systems, sewage disposal systems, and drainage systems. The plans shall include system location and sizes, sources of water supply, location and size of storage reservoirs, location of drainage outlet, and other major features and shall be certified by a professional engineer.</p> <p>(v) Layout of proposed alleys, walkways, bicycle paths, and parcels to be dedicated or reserved for school, park, playground, well site or other use.</p> <p>(w) Sequential numbers to all lots within subdivision and identify proposed phases.</p> <p>(x) Location of critical areas, shorelines and base flood elevation, where applicable.</p> <p>(3) Additional Information.</p> <p>(a) Title report.</p> <p>(b) Written narrative of how the proposed preliminary plat will meet development and/or level of service standards for:</p> <p>(i) Water supply.</p> <p>(ii) Sewage disposal.</p> <p>(iii) Fire protection service.</p> <p>(iv) Public school system.</p> <p>(c) Project area.</p> <p>(d) Area in lots, square feet, and percentage of total.</p> <p>(e) Zoning designation and zone density.</p> <p>(f) Number of lots.</p> <p>(g) Average lot size, area, and maximum lot size.</p> <p>(h) Area of streets, area in rights-of-way, and percentage of total.</p> <p>(i) Area of parks, open space, and percentage of total.</p> <p>(j) Area of impervious surface proposed.</p> <p>(k) Soil types and classifications.</p> <p>(l) Utility service types and name of provider.</p> <p>(m) School and fire district.</p> <p>(n) Boundary survey, prepared and certified by a professional land surveyor.</p> <p>(o) Additional reports as required at the pre-application meeting, prepared by qualified professionals, including but not limited to:</p> <p>(i) Traffic impact analysis and concurrency study.</p> <p>(ii) Stormwater design report.</p> <p>(iii) Soils and/or geological report.</p> <p>(iv) Wetlands delineation and/or critical areas assessment report.</p> <p>(v) Soil testing results for pesticides for subdivisions on land historically used for raising row crops.</p> <p>(p) Topographic map of sufficient contour interval, acceptable to the county engineer or subdivision administrator, to show the topography of the land to be subdivided.</p> <p>(4) Eleven sets of the above required information shall be submitted. The subdivision administrator may require the applicant to submit the information in an electronic format, and may reduce the number of required sets if provided in an alternative format. (Ord. 2016-045 § 1 Att. A; Ord. 2009-007 § 1).</p> <p><b>21.06.050 Requirements for a fully completed application for final long subdivisions. [Subdivisions]</b></p> <p>(1) Written and Other Data and Fees.</p> <p>(a) Name, address, and phone number of owner, applicant, and contact person.</p> <p>(b) A separate map scaled at one inch equals 400 feet for assignment of addresses.</p>		
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<p>(c) Lot closures for the parcel being subdivided, each lot, and any dedicated right-of-way.</p> <p>(d) Title report issued no more than 60 days prior to final signature by the county council chair.</p> <p>(e) Copies of covenants, conditions and restrictions.</p> <p>(f) As-built drawings for road and drainage improvements.</p> <p>(g) Fees as specified in the Unified Fee Schedule.</p> <p>(2) Map Data.</p> <p>(a) Final plat size is 24 inches by 24 inches.</p> <p>(b) Name of owner(s).</p> <p>(c) Name of proposed long subdivision.</p> <p>(d) Section, township, range, and municipal and county lines within the vicinity.</p> <p>(e) Common engineering map bar scale (one inch equals 100 feet or larger), north arrow, legend, and sheet numbers.</p> <p>(f) Perimeter of the subdivision shall be depicted with heavier lines.</p> <p>(g) File number of the preliminary plat.</p> <p>(h) Existing and proposed street names.</p> <p>(i) Legal description of the land being subdivided.</p> <p>(j) All lot and tract areas.</p> <p>(k) Vicinity map.</p> <p>(l) Names and numbers of any adjacent subdivisions, short subdivisions, and binding site plans.</p> <p>(m) Complete bearings, lineal dimensions, radii, arcs, and central angle of all lines and curves of any lot or boundary lines within the subdivision.</p> <p>(n) Location of permanent control monuments used as ties to establish boundary of subdivision, basis of bearing, and line held.</p> <p>(o) Type and location of monuments and the date set.</p> <p>(p) Sequential numbers of all lots in the subdivision, including all of its phases.</p> <p>(q) Location and width of all easements shown as dashed lines, and a description of the purpose of the easement (including beneficiary).</p> <p>(r) Location and description of all fence and building encroachments and other matters which, in the judgment of a professional land surveyor, give rise to alternate boundary locations resulting from occupational evidence or prescriptive rights.</p> <p>(s) Location, width, geometry, centerline, and names of all roads within and adjoining the subdivision.</p> <p>(t) Roads not dedicated to the public must be clearly marked.</p> <p>(u) A reference to any covenants, conditions and restrictions.</p> <p>(v) Dedication and declaration signature block.</p> <p>(w) Acknowledgement blocks.</p> <p>(x) Land surveyor's certificate, signature block and seal.</p> <p>(y) County engineer's certificate.</p> <p>(z) County health and human services department certificate.</p> <p>(aa) County treasurer's certificate.</p> <p>(bb) County council's certificate.</p> <p>(cc) County auditor's certificate.</p> <p>(dd) Land surveyor notes.</p> <p>(ee) Addresses as assigned by the county.</p> <p>(3) Eleven sets of the above required information shall be submitted. The subdivision administrator may require the applicant to submit the information in an electronic format, and may reduce the number of required sets if provided in an alternative format. (Ord. 2009-007 § 1).</p>		
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<p><b>21.06.060 Final original drawing submittal. [Subdivisions]</b>  (1) One original drawing.  (2) Two sets of covenants, conditions and restrictions.  (3) Maintenance bond for road and drainage improvements. (Ord. 2009-007 § 1).</p> <p><b>21.07.030 Binding site plan procedure. [Subdivisions]</b>  (1) Preliminary Approval of Binding Site Plans.  (a) The applicant seeking preliminary binding site plan approval shall submit to the administrative official copies of the materials stipulated in WCC <a href="#">21.07.120</a>.  (b) Upon receipt of a complete application and the payment of fees, the department of planning and development services shall:  (i) Provide notification in accordance with WCC <a href="#">2.33.060</a>.  (ii) Notify and provide copies of project plans to a city when the binding site plan is within that city’s urban growth area, agencies potentially having jurisdiction relevant to the application, and public or private utility organizations if within one-eighth mile (660 feet) from the area submitted in the application. Such cities, agencies, and utility organizations shall be given 15 calendar days to respond. If they do not respond within 15 days, the administrator, SEPA official and technical review committee may conclude their review of the application without such comments.  (c) Upon review of the application the county shall schedule and immediately notify the applicant and the appropriate city, if the proposed land division is located within that city’s urban growth area, of the time and place of the technical review committee meeting at which the application will be considered.  (d) Before the technical review committee meeting, the county shall review the application and prepare preliminary recommendations for:  (i) Staff recommendation and proposed county conditions of approval for the project if applicable;  (ii) Any additional data required to complete the review of the application; and  (iii) Appropriate time extensions required allowing the applicant to provide additional information.  (e) At the technical review committee meeting, members of the technical review committee shall present and discuss the county’s preliminary findings with the applicant. These findings shall include county recommendations and proposed county conditions of approval.  The technical review committee shall also provide the applicant with a written request detailing (i) any additional data or information required, (ii) why such data is required, and (iii) proposed time extensions to allow the applicant to revise the application or collect additional data.  Should the applicant object to either the substance or timing of requirements for additional information, the applicant may appeal these requests to the Whatcom County hearing examiner. This appeal must be made within 14 calendar days of the technical review committee meeting or all information requests shall be binding.  (f) Within 14 calendar days after the technical review committee meeting (or within 14 calendar days of receiving requested information from the applicant), the technical review committee shall prepare a final staff report (including all recommendations and all proposed conditions of approval) and submit it in written form to both the applicant and the Whatcom County hearing examiner.  (g) The hearing examiner shall schedule and hold an open record hearing, review the application and make a decision or recommendation, as appropriate, in accordance with the provisions of Chapter <a href="#">20.92</a> WCC.</p>		
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<p><b>21.07.120 Requirements for a fully completed application for preliminary binding site plans. [Subdivisions]</b>          Requirements for a fully completed application must be provided in order to vest an application.</p> <p>(1) Written and Other Data and Fees.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Seven copies of written data.</li> <li><input type="checkbox"/> Completed application form.</li> <li><input type="checkbox"/> Name, address and phone number of owner(s), applicant, and contact person.</li> <li><input type="checkbox"/> The names, addresses and telephone numbers of the involved engineers, surveyors, and consultants.</li> <li><input type="checkbox"/> Intended uses.</li> <li><input type="checkbox"/> List of variances and waivers requested.</li> <li><input type="checkbox"/> Names and addresses of all persons, firms, and corporations holding legal interests in the land, such as easements, of which the applicant has knowledge.</li> <li><input type="checkbox"/> Assessor's parcel number (of the parent parcel).</li> <li><input type="checkbox"/> List of names and addresses of owners of property within 300' of site's boundaries (based on the latest assessor's equalized tax roll), together with corresponding parcel numbers and assessor's parcel map.</li> <li><input type="checkbox"/> Proposed covenants, conditions, and restrictions (CC&amp;Rs).</li> <li><input type="checkbox"/> SEPA checklist.</li> <li><input type="checkbox"/> Preliminary stormwater proposal, preliminary traffic analysis, utility, critical area study, and soils reports, as specified in the applicable development standards. All reports shall be certified by qualified professionals experienced in the applicable field of science.</li> <li><input type="checkbox"/> Brief statement covering the number of lots, proposed uses of lots, method of water supply and sewage disposal, approximate road length, total acreage; percentage of total acreage used for roads, lots, open space and other uses, and average lot size and number of lots per gross acre.</li> <li><input type="checkbox"/> Fees as specified in the Unified Fee Schedule.</li> </ul> <p>(2) Map Data.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Acceptable map size is 18" x 24" to 24" x 36".</li> <li><input type="checkbox"/> Seven map copies of map proposal.</li> <li><input type="checkbox"/> Date of revisions, if any.</li> <li><input type="checkbox"/> Name of owner.</li> <li><input type="checkbox"/> Name, address, and telephone number of the surveyor or consultant preparing the map proposal.</li> <li><input type="checkbox"/> Name of proposed binding site plan.</li> <li><input type="checkbox"/> Names or numbers of any adjacent divisions.</li> <li><input type="checkbox"/> General layout of proposed land division.</li> <li><input type="checkbox"/> Approximate locations of existing utilities, infrastructure, roads, drainage and rights-of-way within 300' of the boundary of the proposed land division.</li> <li><input type="checkbox"/> Vicinity map at a scale not less than 1" = 2000'.</li> <li><input type="checkbox"/> Common engineering scale (1" = 100' or larger), sheet numbers, and north arrow.</li> <li><input type="checkbox"/> Section, township, range, municipal and county lines in the vicinity.</li> </ul>		
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<p><input type="checkbox"/> Location of monuments and fences located by any boundary survey and the date of the survey.</p> <p><input type="checkbox"/> General boundaries of the site with general dimensions shown, perimeter boundary marked with a bold line.</p> <p><input type="checkbox"/> Legal description of the land being subdivided.</p> <p><input type="checkbox"/> Proposed access (including proposed improvements to on-site and off-site roadways).</p> <p><input type="checkbox"/> Other proposed on-site or off-site utilities and facilities.</p> <p><input type="checkbox"/> The location and widths of all proposed roads, rights-of-way, and easements.</p> <p><input type="checkbox"/> When appropriate, location of natural features, including bodies of water, natural drainage areas, native vegetation, critical areas, and buffers.</p> <p><input type="checkbox"/> Location of buildings, and parking on-site or contiguous to the site.</p> <p><input type="checkbox"/> General location of existing and proposed facilities including; sanitation, water service, easements, landscaping, common areas, phasing boundaries, and (for mobile home and RV parks) typical details of individual lease spaces.</p> <p><input type="checkbox"/> Existing and proposed street names.</p> <p><input type="checkbox"/> General plans of proposed water distribution systems, sewage disposal systems, and drainage systems. The plans shall include system location and sizes, sources of water supply, location and size of storage reservoirs, location of drainage outlet, and other major features and shall be certified by a professional engineer.</p> <p><input type="checkbox"/> Layout of proposed alleys, walkways, bicycle paths, and parcels to be dedicated or reserved for school, park, playground, well site or other use.</p> <p><input type="checkbox"/> Sequential numbers to all lots within binding site plan and identify proposed phases. (Ord. 2016-045 § 1 Att. A; Ord. 2000-056 § 1).</p> <p><b>21.07.130 Additional information for preliminary binding site plans. [Subdivisions]</b></p> <p>Additional information is not required for vesting, but is required prior to county processing of the application.</p> <p><input type="checkbox"/> Title report.</p> <p><input type="checkbox"/> Written verification, as applicable, from agencies attesting to the availability of:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Water supply.</li> <li><input checked="" type="checkbox"/> Sewage disposal.</li> <li><input checked="" type="checkbox"/> Fire protection service.</li> <li><input checked="" type="checkbox"/> Public school system.</li> </ul> <p><input type="checkbox"/> Code compliance checklist for WCC Title <a href="#">20</a> and this title, on a form provided by the county, including:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Project area.</li> <li><input checked="" type="checkbox"/> Area in lots, square feet, and percentage of total.</li> <li><input checked="" type="checkbox"/> Zoning designation and zone density.</li> <li><input checked="" type="checkbox"/> Number of lots.</li> <li><input checked="" type="checkbox"/> Average lot size, area, and maximum lot size.</li> <li><input checked="" type="checkbox"/> Area of streets, area in right-of-way, and percentage of total.</li> <li><input checked="" type="checkbox"/> Area of parks, open space, and percentage of total.</li> </ul>		
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<p> <input checked="" type="checkbox"/> Area of impervious surface proposed.  <input checked="" type="checkbox"/> Soil types and classifications.  <input checked="" type="checkbox"/> Utility service types and name of provider.  <input checked="" type="checkbox"/> School and fire district.  <input type="checkbox"/> Boundary survey, prepared and certified by a professional land surveyor.  <input type="checkbox"/> Additional reports, as required, prepared by qualified professionals may include the following:  <input checked="" type="checkbox"/> Traffic study.  <input checked="" type="checkbox"/> Stormwater design report.  <input checked="" type="checkbox"/> Soils and/or geological report.  <input checked="" type="checkbox"/> Wetlands delineation and/or report.  <input checked="" type="checkbox"/> Soil testing results for pesticides for binding site plans on land historically used for raising row crops.  <input type="checkbox"/> Topographic map of sufficient contour interval, acceptable to the county engineer or director of planning and development services, or his/her designee, to show the topography of the land to be subdivided.                      (Ord. 2000-056 § 1).                 </p> <p> <b>21.08.050 Requirements for a fully completed application for general binding site plans and specific binding site plans. [Subdivision]</b>                      (1) Written and Other Data and Fees.  <input type="checkbox"/> Name, address, and phone number of owner, applicant, and contact person.  <input type="checkbox"/> A separate map scaled at 1" = 400' for assignment of addresses. Addresses assigned by the county shall be shown on the original drawing prior to filing with the county auditor.  <input type="checkbox"/> Lot closures for the parcel being subdivided, each lot, and any dedicated right-of-way.  <input type="checkbox"/> Title report issued no more than 60 days old.  <input type="checkbox"/> Copies of covenants, conditions and restrictions.  <input type="checkbox"/> As-built drawings for road and drainage improvements.  <input type="checkbox"/> Any fees as specified in the Unified Fee Schedule.                      (2) Map Data.  <input type="checkbox"/> General or specific binding site plan size is 18" x 24".  <input type="checkbox"/> Seven map copies from original drawings.  <input type="checkbox"/> Name of owner(s).  <input type="checkbox"/> Name of the binding site plan.  <input type="checkbox"/> Section, township, range, and municipal and county lines within the vicinity.  <input type="checkbox"/> Common engineering map bar scale (1" = 100' or larger), north arrow, legend, and sheet numbers.  <input type="checkbox"/> Perimeter of the binding site plan shall be depicted with heavier lines.  <input type="checkbox"/> File number of the preliminary binding site plan.  <input type="checkbox"/> Existing and proposed street names.  <input type="checkbox"/> Legal description of the land being divided.  <input type="checkbox"/> All lot and tract areas.                 </p>		
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<p><input type="checkbox"/> Vicinity map.</p> <p><input type="checkbox"/> Names and numbers of any adjacent subdivisions, short subdivisions, and binding site plans.</p> <p><input type="checkbox"/> Complete bearings, lineal dimensions, radii, arcs, and central angle, of all lines and curves of any lot or boundary lines within the binding site plan.</p> <p><input type="checkbox"/> Location of all permanent control monuments found and established at the controlling corners of the parcel being divided and within the land division.</p> <p><input type="checkbox"/> Location of all monuments or other evidence used as ties to establish the land division boundaries and the basis of bearing.</p> <p><input type="checkbox"/> Type and location of monuments and the date set.</p> <p><input type="checkbox"/> Sequential numbers assigned to all lots (specific binding site plans only).</p> <p><input type="checkbox"/> Location and width of all easements shown as dashed lines, and a description of the purpose of the easement (including beneficiary).</p> <p><input type="checkbox"/> Location and description of all fence and building encroachments and other matters which, in the judgment of a professional land surveyor, give rise to alternate boundary locations resulting from occupational evidence or prescriptive rights.</p> <p><input type="checkbox"/> Location, width, geometry, centerline, and names of all roads within and adjoining the binding site plan.</p> <p><input type="checkbox"/> Identify and locate all stormwater facilities, areas set aside for stormwater management, utilities, permanent wells, and associated protective zones.</p> <p><input type="checkbox"/> Roads not dedicated to the public must be clearly marked.</p> <p><input type="checkbox"/> A reference to any covenants, conditions and restrictions.</p> <p><input type="checkbox"/> The statement required under RCW <a href="#">58.17.040</a> (7)(e).</p> <p><input type="checkbox"/> Dedication and declaration signature block.</p> <p><input type="checkbox"/> Acknowledgement blocks.</p> <p><input type="checkbox"/> Surveyor's certificate, signature block and seal.</p> <p><input type="checkbox"/> County engineer's certificate.</p> <p><input type="checkbox"/> Director of planning and development services certificate.</p> <p><input type="checkbox"/> County health and human services department certificate.</p> <p><input type="checkbox"/> County treasurer's certificate.</p> <p><input type="checkbox"/> County auditor's certificate.</p> <p><input type="checkbox"/> Land surveyor notes.</p> <p>(Ord. 2016-045 § 1 Att. A; Ord. 2000-056 § 1).</p> <p><b>21.08.060 Final original drawing submittal. [Subdivision]</b></p> <p><input type="checkbox"/> Two original drawings.</p> <p><input type="checkbox"/> Two sets of covenants, conditions and restrictions.</p> <p><input type="checkbox"/> Maintenance bond for road and drainage improvements.</p> <p>(Ord. 2000-056 § 1).</p> <p><b>21.09.010 Plats, short plats and binding site plans. [Subdivisions]</b></p> <p>The survey and preparation of every final plat, short plat and general and specific binding site plan shall be made by or under the direct supervision of a Washington State professional land surveyor. All surveys shall conform to Chapters <a href="#">18.43</a> and</p>		
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<p><a href="#">58.09</a> RCW and Chapter <a href="#">332-130</a> WAC. (Ord. 2000-056 § 1).</p> <p><b>21.09.020 Survey data. [Subdivisions]</b> The county engineer shall be furnished with a complete survey of the section or sections in which the land division is located, or as much thereof as may be necessary to properly orient the land division within the section or sections. The land division survey shall be submitted with complete field and computation notes showing the original or re-established corners with descriptions of same and the actual traverse showing error or closure and method of balancing. Accuracy standards shall conform to Chapters <a href="#">18.43</a> and <a href="#">58.09</a> RCW and Chapter <a href="#">332-130</a> WAC. A copy of the final short plat or plat shall be provided in an electronic format as required by the subdivision administrator. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).</p> <p><b>21.09.030 Area data. [Subdivisions]</b> The surveyor shall provide data as to the area of each lot smaller than one acre to the nearest square foot, the area of each lot one acre or larger to the nearest one-hundredth of an acre, and the area of the entire subdivision, short subdivision, or general binding site plan to the nearest one-hundredth of an acre. (Ord. 2000-056 § 1).</p> <p><b>21.09.040 Control monuments. [Subdivisions]</b> (1) Permanent control monuments shall be established in accordance with Whatcom County Development Standards, and shall conform to RCW <a href="#">58.17.240</a>, and shall be placed at: (a) All exterior corners on the boundaries of the original parcel being divided. For phased developments, monuments shall be placed at all intersections of the phase lines and the exterior boundary. (b) The intersections of centerlines of rights-of-way within the land division. (c) At the beginning and ends of curves on centerlines of rights-of-way. (2) An alternative plan of intervisible monuments may be proposed by the surveyor subject to the approval of the county engineer. (Ord. 2000-056 § 1).</p> <p><b>21.09.050 Road monuments. [Subdivisions]</b> Permanent control monuments within the streets shall be set after the roads are constructed to final grade. (Ord. 2000-056 § 1).</p> <p><b>21.09.060 Lot corners. [Subdivisions]</b> Every lot corner shall be marked by a permanent marker as approved by the county engineer, except where extreme terrain necessitates establishment of a staking line. (Ord. 2000-056 § 1).</p> <p><b>21.09.070 Waterfront. [Subdivisions]</b> If any land in a subdivision, short subdivision, or binding site plan is contiguous to a body of water, a staking line shall be established along the shore at an appropriate distance back from the ordinary highwater mark. Property lying beyond the staking line shall be defined by distances along the side property lines extended from the staking line. If the thread of a stream lies within a subdivision or forms the boundary of a subdivision, such thread shall be defined by bearings and distances as it exists at the time of the survey. (Ord. 2000-056 § 1).</p> <p><b>21.09.080 Security. [Subdivisions]</b> The county engineer may permit the placing of permanent control monuments and lot corners after filing of the final plat, short plat or binding site plan, provided the</p>		
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<p>applicant ensures that:</p> <p>(1) Securities (of 150 percent of the estimated cost) guaranteeing completion of said surveying within one year shall be posted in an acceptable form and amount; and</p> <p>(2) Temporary surveyed and referenced markers are placed prior to filing of the plat, short plat, or binding site plan; and</p> <p>(3) A certificate by a surveyor that is tied to the securities and states that the said surveying will be completed within one year is filed with the county auditor; and</p> <p>(4) A certificate by a surveyor that states that the said surveying has been completed is filed within one year with the county auditor. (Ord. 2000-056 § 1).</p> <p><b>21.09.090 Dedications. [Subdivisions]</b> The owner shall provide evidence of his or her intent to dedicate by presenting for filing a final long plat, short plat or binding site plan showing the dedication thereon. The acceptance by the public shall be evidenced by:</p> <p>(1) The approval of a final long plat for filing by the county council.</p> <p>(2) The approval of a short plat or binding site plan for filing by the county engineer for road right-of-way purposes.</p> <p>(3) The approval of a short plat or binding site plan for filing by the county council for purposes other than road right-of-way dedications. (Ord. 2000-056 § 1).</p> <p><b>23.60.050 Minimum application requirements. [Shorelines]</b> B. A complete application for a substantial development, conditional use, or variance permit shall contain, at a minimum, the following information; provided, that the administrator may vary or waive these requirements according to administrative application requirements and may vary or waive these requirements on a case-by-case basis. The administrator may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other county requirements.</p> <p>1. Applicant/Proponent Information.</p> <p>a. The name, address and phone number of the applicant/proponent, applicant's representative, and/or property owner if different from the applicant/proponent.</p> <p>b. The applicant/proponent should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.</p> <p>2. Property Information.</p> <p>a. The property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.</p> <p>b. Identification of the name of the shoreline (water body) that the site of the proposal is associated with.</p> <p>c. A general description of the property as it now exists including its use, physical and ecological characteristics, improvements and structures.</p> <p>d. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.</p> <p>e. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.</p> <p>3. A site plan identifying existing conditions consisting of photographs, text, maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information, that shall include:</p>		
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<p>a. The boundary of the parcel(s) of land upon which the development is proposed. A survey may be required where substantial questions exist regarding the location of property lines or other important features.</p> <p>b. The ordinary high water mark of all water bodies within, located on or adjacent to the project boundary. For any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the applicant/proponent shall provide a survey and describe the biological and hydrological basis for the location as indicated on the plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.</p> <p>c. Existing land contours at intervals sufficient to accurately determine the existing character of the property. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.</p> <p>d. Existing critical areas as designated in Chapter <a href="#">16.16</a> WCC together with any supporting information consistent with the reporting requirements of Chapter <a href="#">16.16</a> WCC.</p> <p>e. A description of the character of vegetation found on the site, including dominant plant species, vegetation structure, presence of invasive species and related information. A vegetation survey of plant communities may be required.</p> <p>f. A description of the existing conditions including the ecological functions and processes affecting, maintaining, or influencing the shoreline.</p> <p>g. The dimensions and locations of all existing structures and improvements including, but not limited to: buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, and stormwater management facilities.</p> <p>4. A site plan and supporting information describing the features of the proposed development:</p> <p>a. The dimensions and locations of all proposed structures and improvements including but not limited to: buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.</p> <p>b. Proposed land contours overlain on existing contours. The contours shall be at intervals sufficient to accurately determine the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.</p> <p>c. Where applicable, a landscaping plan for the project.</p> <p>d. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.</p> <p>e. Quantity, composition and destination of any excavated or dredged material.</p> <p>f. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.</p> <p>g. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.</p> <p>h. A summary characterization of the effects of the project on existing ecological functions and processes in the vicinity of the project. If the project is likely to have adverse effects on shoreline ecological functions or processes, a mitigation plan shall be provided demonstrating measures that will be taken to offset impacts in accordance with the policies in WCC <a href="#">23.90.030</a>.</p> <p>i. Where applicable, critical area mitigation plans in accordance with WCC <a href="#">16.16.260</a>.</p> <p>j. On all variance applications the plans shall clearly indicate where development</p>		
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<p>could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.</p> <p>5. Shoreline permits shall be applied for on forms provided by the county.</p> <p>6. Operation and maintenance plan(s) as required pursuant to other applicable sections of this program. (Ord. 2009-13 § 1 (Exh. 1); Ord. 2008-034 § 1 (Exh. 1)).</p>		
<b>Vesting</b>		
<p><b>20.04.031 Vesting of permits. [Zoning Code]</b></p> <p>(1) Project Permits Defined. For the purpose of this section, “project permit” and “project permit application” shall be as defined in RCW <a href="#">36.70B.020</a>: Any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit development permits, site plan review, permits or approvals required by critical areas ordinances, site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.</p> <p>(2) Project Permits Approved Prior to Effective Date.</p> <p>(a) Project permits which have been approved by Whatcom County on or before the effective date of the ordinance codified in this section are hereby deemed to be vested under the zoning and land use regulations in effect at the time of the complete application therefor.</p> <p>(b) Future building permits that may be required to construct or complete the project as originally approved shall be subject to the building codes in place at the time of the building permit application.</p> <p>(3) Project Permit Applications Submitted After the Effective Date.</p> <p>(a) Project permit applications submitted after the effective date of the ordinance codified in this section shall be vested under the zoning and land use regulations in effect at the time of application; provided, that the county has not subsequently notified the applicant that the application is incomplete.</p> <p>(b) If the county has notified the applicant that the application is incomplete, the application shall not be deemed vested until the date the county notifies the applicant that the application is complete.</p> <p>(c) Until the county implements RCW <a href="#">36.70B.070</a>, the county shall make the determination of completeness in accordance with its existing policy. Once the provisions of RCW <a href="#">36.70B.070</a> regarding completeness are implemented, such provision shall govern the determination of a complete application.</p> <p>(d) Future building permits that may be required to construct or complete the project as originally approved shall be subject to the building codes in place at the time of the building permit application.</p> <p>(4) Project Permit Applications Submitted Prior to the Effective Date, But Which Have Not Received Final Approval on or Before the Effective Date.</p> <p>(a) Project permit applications submitted prior to the effective date of the ordinance codified in this section but which have not received final approval on or before the effective date of the ordinance codified in this section shall be deemed vested under the zoning and land use regulations in effect at the time the county</p>	<p><b>22.05.060 Vesting.</b></p> <p>(1) Complete applications. For a project permit application the department has determined to be complete per WCC 22.05.050(4), the application shall be considered under the zoning or other land use control ordinances in effect on the date the application was submitted to the department.</p> <p>(2) Incomplete applications. For a project permit application the department has determined to be incomplete per WCC 22.05.050(5), the application shall be considered under the zoning or other land use control ordinances in effect on the date the department determines the application to be complete based on the necessary information required by the department.</p> <p>(3) Applications subject to preapplication conference. Notwithstanding the provisions of subsections (1) and (2) of this section, for a project permit application that is (a) subject to a preapplication conference per WCC 22.05.020 and .040, (b) submitted no more than 28 calendar days from the date the department issued its notice of site-specific submittal requirements, and (c) determined complete by the department, the application shall be considered under the zoning or other land use control ordinances in effect on the date the preapplication conference request was submitted to the department.</p> <p>(4) Continuation of vesting. Building or land disturbance permit applications that are required to complete a valid (i.e. not expired) project permit approval for project permits identified in the following list (a-m) shall vest to the zoning and land use control ordinances in effect at the time the project permit application identified below was determined complete.</p> <p>(a) Administrative Use;</p> <p>(b) Commercial Site Plan Review;</p> <p>(c) Conditional Use;</p> <p>(d) Critical Areas Variance;</p> <p>(e) Major Project Permit;</p> <p>(f) Natural Resource Review;</p> <p>(g) Planned Unit Development;</p> <p>(h) Reasonable Use (Type II and III);</p> <p>(i) Shoreline Conditional Use;</p> <p>(j) Shoreline Exemption;</p> <p>(k) Shoreline Substantial;</p> <p>(l) Shoreline Variance;</p> <p>(m) Zoning Variance.</p> <p>(5) Building permit applications within recorded long and short subdivisions and binding site plans. Building permit applications, including associated land disturbance permits, shall be governed by conditions of approval, statutes, and ordinances in effect at the</p>	<p>RCW 19.27.095, RCW 58.17.030, and RW 36.70B.180</p> <p><i>West Main Assocs. v. Bellevue (1986), Noble Manor v. Pierce County (1997), Potala Village Kirkland, Llc, v. City of Kirkland (2014), Alliance Investment Group of Ellensburg, LLC v. City of Ellensburg, (2015), and Snohomish County v. Pollution Control Hearings Board (2016)</i></p>

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<p>accepted payment of an application fee; provided, that the county has not subsequently notified the applicant that the application is incomplete.</p> <p>(b) If the county has notified the applicant that the application is incomplete, the application shall not be deemed vested until the date the county notifies the applicant that the application is complete.</p> <p>(c) Future building permits that may be required to construct or complete the project as originally approved shall be subject to the building codes in place at the time of the building permit application.</p> <p>(5) Additional Provisions.</p> <p>(a) Nothing herein shall restrict the county's authority to impose conditions on project permits pursuant to the State Environmental Policy Act (SEPA), Chapter <a href="#">43.21C</a> RCW and WAC <a href="#">197-11-600</a>.</p> <p>(b) Project permit applications for development of lots created by the short plat process shall comply with all development regulations, including but not limited to the critical areas ordinance, impervious surface restrictions, environmental work closure periods, and all other applicable code standards. (Ord. 2006-061 § 1 (Att. A)(4), 2006; Ord. 96-011).</p>	<p>time of final approval pursuant to RCW 58.17.170. Vesting duration for those building permit applications shall be governed by the time limits established for long subdivisions in RCW 58.17.170, unless the county finds that a change in conditions creates a serious threat to the public health or safety.</p> <p>(6) Building and fire code requirements. Building and fire code provisions adopted per WCC Title 15 vest at the time a building permit application is determined complete.</p> <p>(7) Duration. Vesting status established through subsections (1) through (5) of this section runs with the application and expires upon denial of the application by the county, withdrawal of the application by the applicant, rejection of the application per WCC 22.05.050(5), expiration of the application per WCC 22.05.130(1)(a)(i), or expiration of the approved permit per WCC 22.05.140.</p>	
<p><b>Notice of Application</b></p>		
<p><b>2.33.060 Notice of application for a proposed land use action.</b></p> <p>A. A notice of application shall be issued for project permit applications within 14 days after a determination of completeness and at least 15 days prior to the open record hearing.</p> <p>B. If the county has made a determination of significance concurrently with notice of application, the determination of significance and scoping notice shall be combined with the notice of application.</p> <p>C. Notice shall include:</p> <ol style="list-style-type: none"> <li>1. The date of application, the date of notice of completion for the application, and the date of the notice of application;</li> <li>2. The date, time, place and type of the hearing, if applicable, and scheduled at the date of notice of the application;</li> <li>3. 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 studies requested by the county;</li> <li>4. The identification of other permits not included in the application to the extent known by the county;</li> <li>5. The identification of environmental reviews conducted, including notice of existing environmental documents that evaluate the proposed project (including but not limited to reports, delineations, assessments and/or mitigation plans associated with critical area reviews) and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;</li> <li>6. Any other information determined appropriate by the county;</li> <li>7. A statement indicating those development regulations that will be used for project mitigation or a determination of consistency if they have been identified at the time of notice;</li> <li>8. A statement of the limits of the public comment period, the right of any person to comment on the application within a 15-day time period (30 days for substantial development permits and major project permits for mitigation banks), receive notice of and participate in any hearings, request a copy of the decision once made and to appeal a decision when allowed by law. In addition, the statement shall</li> </ol>	<p><b>22.05.070 Notice of application.</b></p> <p>(1) For Type II, III, and IV applications per WCC 22.05.020, the county shall issue a notice of application within 14 calendar days of a determination of completeness. The date of notice shall be the date of mailing.</p> <p>(2) If the county has made a State Environmental Policy Act (SEPA) threshold determination of significance concurrently with the notice of application, the county shall combine the determination of significance and scoping notice with the notice of application.</p> <p>(3) Notice shall include:</p> <ol style="list-style-type: none"> <li>(a) The date of application, the date of determination of completeness for the application, and the date of the notice of application;</li> <li>(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 studies requested by the county;</li> <li>(c) The identification of other permits not included in the application to the extent known by the county;</li> <li>(d) The identification of environmental reviews conducted, including notice of existing environmental documents that evaluate the proposed project (including but not limited to reports, delineations, assessments and/or mitigation plans associated with critical area reviews) and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;</li> <li>(e) Any other information determined appropriate by the county;</li> <li>(f) A statement indicating those development regulations that will be used for project mitigation or a determination of consistency if they have been identified at the time of notice;</li> <li>(g) A statement of the minimum public comment period which shall be 14 calendar days for all project permits except for shoreline substantial development, shoreline conditional use, shoreline variance and major project permits for mitigation banks which shall have a minimum comment period of no more than 30 calendar days.</li> <li>(h) A statement of the right of any person to comment on the application and receive notice of and participate in any hearings, request a copy of the decision once made and to appeal a decision when allowed by law. The department may accept public comments at any time prior to the close of the open record public hearing, or if there is no public</li> </ol>	<p>RCW 36.70B.110</p>

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<p>indicate that any person wishing to receive personal notice of any hearings must notify the hearing examiner's office within 15 days (30 days for substantial development permits and major project permits for mitigation banks) of the date of the notice of application.</p> <p>D. A notice of application shall be issued in the following manner:</p> <p>1. The notice shall be published once in the official county newspaper. The applicant shall bear the responsibility of paying for such notice;</p> <p>2. Additional notice shall be given using the following method:</p> <p>a. For sites within urban growth areas: At least 12 days prior to the scheduled hearing date, application notice shall be sent to all property owners within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor. Applicants shall submit, with their completed application, a stamped envelope with a typed address for each of the above referenced property owners;</p> <p>b. For sites outside urban growth areas: At least 12 days prior to the scheduled hearing date, application notice shall be sent to all property owners within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor. Applicants shall submit, with their completed application, a stamped envelope with a typed address for each of the above referenced property owners;</p> <p>3. All cost associated with providing notice shall be paid by the applicant.</p> <p>E. Notices of application should be sent to neighboring cities and other agencies or tribes that will potentially be affected, either directly or indirectly, by the proposed development. (The county shall be responsible for such notification.)</p> <p>F. With the exception of substantial development permit applications and major project permit applications for mitigation banks, a public comment period shall be 15 days following the date of notice of application. Substantial development permit applications and major project permit applications for mitigation banks require a 30-day period. All public comments received on the notice of application must be received in the department of planning and development services by 4:30 p.m. on or before the last day of the comment period. The county may require the applicant to pay the cost of providing notice.</p> <p>G. No SEPA threshold determination shall be issued until the expiration of the public comment period established for the notice of application. This condition shall not apply if a determination of significance is made by the county.</p> <p>H. Public notice given for project permit applications, SEPA documents, project hearings, and appeals hearings as required by this chapter and other provisions of the county code may be combined when practical, where such combined notice will expedite the permit review process, and where provisions applicable to each individual notice are met through the combined notice. (Ord. 2005-068 § 2; Ord. 2005-004; Ord. 2003-039 Exh. A; Ord. 96-031 § 1).</p> <p><b>20.84.235 Administrative approval uses. [Zoning]</b></p> <p>(2) Upon receipt of application materials per subsection (1) of this section, the planning and development services department shall send a notice of the proposal to all owners of property within 300 feet of the external boundaries of the subject property for sites within urban growth areas and 1,000 feet for properties outside urban growth areas, and to the applicable city staff and planning commission if the property is within a city's urban growth area, at least 15 days prior to the decision date. The applicant shall also post public notices of the proposal on all road frontages of the subject property so as to be visible to adjacent property owners and to passing motorists. Said notices shall be provided to the applicant by the planning and development services department and shall remain in place for at</p>	<p>hearing, prior to the decision on the project permit. In addition, the statement shall indicate that any person wishing to receive personal notice of any decisions or hearings must notify the department.</p> <p>(4) The department shall issue a notice of application in the following manner:</p> <p>(a) The notice shall be published once in the official county newspaper and on the Whatcom County website. The applicant shall bear the responsibility of paying for such notice.</p> <p>(b) Additional notice shall be given using the following method:</p> <p>(i) For sites within urban growth areas: Application notice shall be sent to all property owners within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor;</p> <p>(ii) For sites outside urban growth areas: Application notice shall be sent to all property owners within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor;</p> <p>(5) The county shall send notices of application to neighboring cities and other agencies or tribes that will potentially be affected, either directly or indirectly, by the proposed development. Notice shall also be given to public utilities, if within 500 feet of the area submitted in the application.</p> <p>(6) All public comments received on the notice of application must be received by the department of planning and development services by 4:30 p.m. on or before the last day of the comment period.</p> <p>(7) Except for a determination of significance, the county shall not issue its SEPA threshold determination or issue a decision or recommendation on a permit application until the end of the public comment period on the notice of application. If an optional determination of nonsignificance (DNS) process is used, the notice of application and DNS comment period shall be combined.</p> <p>(8) Public notice given for project permit applications, SEPA documents, project hearings, and appeals hearings as required by this chapter and other provisions of the county code may be combined when practical, where such combined notice will expedite the permit review process, and where provisions applicable to each individual notice are met through the combined notice.</p>	
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least 15 days prior to the decision. A signed affidavit of posting shall be returned at least one week prior to the decision. Property owners who have been notified of the proposal shall have a period of 15 days from the date printed on the mailed notice or 15 days from the posting of notice on the property, whichever is later, within which to submit to the planning and development services department a written response in support of or in opposition to all or parts of the proposal.

**20.85.320 Application distribution and review. [Planned Unit Developments]**

The zoning administrator shall mail a notice to agencies potentially having interest, jurisdiction or expertise relevant to the application within five days after receipt of the application. Such agencies receiving applications for review shall be given up to 30 days to respond, or the zoning administrator, SEPA official, and the technical committee shall conclude that the reviewing agency has no interest in the application, and may make such findings, conclusions or requirements as deemed reasonable, consistent with the requirements of this title. (Ord. 2004-007 § 1, 2004).

**21.04.034 Application procedures. [Subdivisions]**

(1) Notice and Distribution.

(a) The subdivision administrator shall distribute application materials to appropriate county and city staff within 10 working days of the determination of completeness.

(b) Whenever a short subdivision is located adjacent to the right-of-way of a state highway or will depend on access from a state highway, the subdivision administrator shall give written notice of the application, including a legal description of the short subdivision and a location map, to the Washington State Department of Transportation (WSDOT). WSDOT shall, within 14 days after receiving the notice, submit to the subdivision administrator a statement with any information that the department deems to be relevant about the effect of the proposed short subdivision upon the legal access to the state highway, the traffic carrying capacity of the state highway and the safety of the users of the state highway.

(c) The subdivision administrator shall notify and provide copies of project plans to a city when the subdivision is within that city's urban growth area, agencies potentially having jurisdiction relevant to the application, and public utilities if within 660 feet (one-eighth mile) of the area submitted in the application. Such cities, agencies, and utility organizations shall be given 14 days to respond. If they do not respond within 14 days, the administrator, SEPA official and technical review committee may conclude their review of the application without such comments.

**21.05.035 Preliminary application procedures. [Subdivisions]**

(1) Notice and Distribution. Upon receipt of a complete application and the payment of fees, the department of planning and development services shall:

(a) Provide notification in accordance with Chapter [2.33](#) WCC;

(b) Notify those agencies required by RCW [58.17.080](#);

(c) Notify and provide copies of project plans to a city when the subdivision is within that city's urban growth area, agencies potentially having jurisdiction relevant to the application, and public utilities if within 660 feet (one-eighth mile) of the area submitted in the application. Such cities, agencies, and utility organizations shall be given 15 calendar days to respond. If they do not respond

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<p>within 15 days, the administrator, SEPA official and technical review committee may conclude their review of the application without such comments.</p> <p><b>23.60.080 Notice of application. [Shorelines]</b>  A. Upon receipt of a completed shoreline substantial development permit, shoreline variance, or shoreline conditional use permit application, the county shall issue a notice of application for a proposed land use action in the manner set forth in WCC <a href="#">2.33.060</a> (Permit Review Procedures) notwithstanding the requirement for an open record public hearing, and to notify the applicant/proponent of his/her notice responsibility under that section.  B. The public comment period for a shoreline substantial development permit, shoreline variance, or shoreline conditional use permit shall be 30 days following the date of notice of application. Public comments may be submitted at any time prior to the closing of the record of an open record predecision hearing or, if no open record public hearing is required, prior to the decision on the project permit.  C. The public hearing shall not be closed to the receipt of written comments prior to 30 days following the date of the notice.  D. Application for any approval or permit not requiring a shoreline substantial development permit, shoreline variance, or shoreline conditional use permit shall be governed by the applicable notice requirement for that permit and shall not be subject to additional notice by this section. Any public comments submitted pursuant to applications for other approvals or permits shall be considered in review of compliance with standards, policies and regulations of this program.  E. The rights of treaty tribes to resources within their usual and accustomed areas shall be accommodated through the notification and comment provisions of the permit review process. Tribal treaty rights may be addressed through specific permit conditions. Direct coordination between tribes and the applicant/proponent is encouraged. (Ord. 2009-13 § 1 (Exh. 1); Ord. 2008-034 § 1 (Exh. 1)).</p>		
<p><b>Posting of Application</b></p>		
<p><b>20.84.235 Administrative approval uses. [Zoning]</b>  (2) Upon receipt of application materials per subsection (1) of this section, the planning and development services department shall send a notice of the proposal to all owners of property within 300 feet of the external boundaries of the subject property for sites within urban growth areas and 1,000 feet for properties outside urban growth areas, and to the applicable city staff and planning commission if the property is within a city's urban growth area, at least 15 days prior to the decision date. The applicant shall also post public notices of the proposal on all road frontages of the subject property so as to be visible to adjacent property owners and to passing motorists. Said notices shall be provided to the applicant by the planning and development services department and shall remain in place for at least 15 days prior to the decision. A signed affidavit of posting shall be returned at least one week prior to the decision. Property owners who have been notified of the proposal shall have a period of 15 days from the date printed on the mailed notice or 15 days from the posting of notice on the property, whichever is later, within which to submit to the planning and development services department a written response in support of or in opposition to all or parts of the proposal.</p>	<p><b>22.05.080 Posting of Application.</b>  Where posting of public notice is required per WCC 22.05.020, the department shall post public notices of the proposal on all road frontages of the subject property and adjacent shorelines on or before the notice of application date and shall be visible to adjacent property owners and to passing motorists. Said notices shall remain in place until three days after the comment period closes.</p>	<p>RCW 36.70B.110(4)</p>
<p><b>Open Record Hearings</b></p>		



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<p><b>16.16.273 Variances [Critical Areas]</b>  A. Variance Procedures.  1. Procedural requirements for variances applications shall be as follows:  a. Variance applications shall be subject to an open record public hearing, processed in accordance with Chapter <a href="#">2.33</a> WCC and WCC <a href="#">20.84.230</a>.  b. The hearing examiner shall have the authority to set an expiration date for any or all variance approvals. The development proposal must be completed before the approval expires. The hearing examiner will render a decision pursuant to Chapter <a href="#">20.92</a> WCC.  c. Any party of record may appeal the hearing examiner decision pursuant to Chapter <a href="#">20.92</a> WCC.</p> <p><b>20.84.230 Open record hearing notice. [Zoning]</b>  Notice of application and notice of open record hearing shall take place consistent with WCC <a href="#">2.33.060</a> and <a href="#">2.33.070</a>. If a proposed project is within a city's urban growth area, notice shall also be sent to the applicable city staff and planning commission at least 15 days prior to the hearing. (Ord. 2002-007 § 1, 2002; Ord. 96-031 § 2, 1996).</p> <p><b>20.88.200 Procedure. [Major Project Permits]</b>  .210 The hearing examiner shall hold one public hearing in accordance with Chapter <a href="#">20.92</a> WCC and the requirements set below. This shall be an open record hearing and, per RCW <a href="#">36.70B.050</a>(2), the county shall hold no subsequent open record hearings.  .215 A written notice of the scheduled public hearing shall be mailed not less than 10 working days prior to the hearing as follows:  (1) For sites within urban growth areas: Notice shall be mailed to each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor;  (2) For sites outside urban growth areas: Notice shall be mailed to each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.  Also notice of the hearing shall be published in a newspaper of general circulation in the area of the proposed project at least 10 working days prior to the public hearing. Notice shall consist of time and date of hearing, and brief description of the property and the proposed project. Further, signs meeting the approval of the zoning administrator shall be erected on each frontage of the project site by the applicant not less than 10 working days prior to the hearing.</p> <p><b>20.92.215 Open record hearing notice. [Hearing Examiner]</b>  Notice of the time and place of the open record hearing shall be given pursuant to WCC <a href="#">2.33.060</a> and <a href="#">2.33.070</a>. (Ord. 2008-008 Exh. A, 2008; Ord. 96-031 § 2, 1996).</p> <p><b>20.92.220 Open record hearing. [Hearing Examiner]</b>  A project proposal subject to Chapter <a href="#">2.33</a> WCC shall be provided with no more than one open record hearing and one closed record hearing pursuant to Chapter <a href="#">36.70B</a> RCW. This restriction does not apply to an appeal of a determination of significance as provided in RCW <a href="#">43.21C.075</a>. (Ord. 2008-008 Exh. A, 2008; Ord. 96-056 Att. A § W3, 1996; Ord. 96-031 § 2, 1996; Ord. 87-12, 1987; Ord. 87-11, 1987).</p> <p><b>20.92.221 Combined county and agency hearing. [Hearing Examiner]</b></p>	<p><b>22.05.090 Open record hearings.</b>  As shown in WCC 22.05.020, Type III and Type IV applications require an open record public hearing. These hearings are subject to the following:  (1) Open record hearing notice.  (a) The hearing examiner shall publish a notice of open record hearing once in the official county newspaper and on the Whatcom County website at least 14 calendar days prior to the hearing. The notice shall consist of the date, time, place, and type of the hearing. In addition, personal notice shall be provided to any person who has requested such notice in a timely manner, consistent with WCC <a href="#">22.05.070</a>(3)(h).  (b) Within two days of the published notice the applicant shall be responsible for posting three copies of the notice in a conspicuous manner on the property upon which the use is proposed. Notices shall be provided by the hearing examiner.  (c) An affidavit verifying distribution of the notice must be submitted to the hearing examiner two working days prior to the open record hearing.  (d) The hearing examiner shall send notice of an open record hearing to neighboring cities and other agencies or tribes that will potentially be affected, either directly or indirectly by the proposed development. The hearing examiner shall be responsible for such notification.  (e) The applicant shall pay all costs associated with providing notice.  (2) One open record hearing. A project proposal subject to WCC 22.05 shall be provided with no more than one open record hearing and one closed record hearing pursuant to RCW <a href="#">36.70B</a>. This restriction does not apply to an appeal of a determination of significance as provided in RCW <a href="#">43.21C.075</a>.  (3) Combined county and agency hearing. Unless otherwise requested by an applicant, the county shall allow an open record hearing to be combined with a hearing that may be necessary by another local, state, regional, federal or other agency for the same project if the joint hearing can be held within the time periods specified in WCC 22.05, or if the applicant agrees to waive such time periods in the event additional time is needed in order to combine the hearings. The combined hearing shall be conducted in Whatcom County pursuant to RCW <a href="#">36.70B</a>.  (4) Quasi-judicial actions, including applications listed as Type III and IV applications in WCC 22.05.020, are subject to the appearance of fairness doctrine, RCW 42.36. The hearing examiner shall administer the open record hearing and issue decisions or recommendations in accordance with RCW 42.36.</p>	<p>RCW 36.70B.160 and .110</p>
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<p>When requested by an applicant, the county shall allow an open record hearing to be combined with a hearing that may be necessary by another local, state, regional, federal or other agency for the same project if the joint hearing can be held within the time periods specified in Chapter <a href="#">2.33</a> WCC, or if the applicant agrees to waive such time periods in the event additional time is needed in order to combine the hearings. The combined hearing shall be conducted in Whatcom County pursuant to Chapter <a href="#">36.70B</a> RCW. (Ord. 2008-008 Exh. A, 2008; Ord. 96-031 § 2, 1996).</p> <p><b>21.05.037 Hearing examiner notice, hearing and decision. [Subdivisions]</b> The hearing examiner shall schedule and hold an open record hearing, review the application and make a decision or recommendation, as appropriate, in accordance with the provisions of Chapter <a href="#">20.92</a> WCC. Notice of the open record hearing shall be as set forth in Chapter <a href="#">2.33</a> WCC.</p> <p><b>21.06.070(1) Binding Site Plan Procedure [Subdivisions]</b> (g) The hearing examiner shall schedule and hold an open record hearing, review the application and make a decision or recommendation, as appropriate, in accordance with the provisions of Chapter <a href="#">20.92</a> WCC.</p>		
<b>Consistency Review and Staff Report</b>		
<p><b>2.33.080 Consistency review and staff report.</b> A. Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. During project review, the review authority shall determine if the project proposal is consistent with the county’s comprehensive plan, other adopted plans, existing regulations and development standards. The review authority shall at a minimum use four criteria for determining consistency, as follows: 1. Type of land use permitted on the site; 2. Density of development allowed on-site, such as units per acre or floor area ratio or lot coverage; 3. Availability and adequacy of public facilities and infrastructure (when applicable); 4. Character of the development. B. The county may conduct a more specific evaluation in addition to the evaluation of the four main categories listed in subsection (A) of this section in considering project consistency when other criteria are required by federal, state or local regulations. C. County staff shall file one consolidated report with the hearing examiner at least 17 days prior to a scheduled hearing. The staff report shall address the proposed development or action, summarizing the comments and recommendations of county departments, affected agencies, special districts and public comments received within the 15-day or 30-day comment period as established in WCC <a href="#">2.33.060</a>(F). The report shall also provide an evaluation of the project proposal for consistency as indicated in this section. The staff report shall include findings, conclusions, and proposed recommendations for response to the proposal. D. The conclusions of a consistency determination made under this section shall be documented in the project permit decision. (Ord. 2005-068 § 2; Ord. 96-031 § 1).</p> <p><b>20.85.325 Technical committee [Planned Unit Developments]</b> Upon the issuance of a declaration of nonsignificance (DNS) or draft environmental impact statement (DEIS), or, if a DNS or DEIS is completed, after receipt of all</p>	<p><b>22.05.100 Consistency review and recommendations.</b> During project permit review, the review authority shall determine if the project proposal is consistent with the county’s comprehensive plan, other adopted plans, existing regulations and development standards. (1) For Type I and II applications, the conclusions of a consistency determination made under this section shall be documented in the project permit decision. (2) For Type III and IV applications the department shall prepare a staff report on the proposed development or action. Staff shall file one consolidated report with the hearing examiner at least 10 calendar days prior to the scheduled open record hearing. The staff report shall: (a) Summarize the comments and recommendations of county departments, affected agencies, special districts and public comments received within the 14-day or 30-day comment period as established in WCC <a href="#">22.05.070</a>(6). (b) Provide an evaluation of the project proposal for consistency as indicated in this section. (c) Include recommended findings, conclusions, and actions regarding the proposal. (3) For all project permit applications, if more information is required to determine consistency at any time in review of the application, the department may issue a notice of additional requirements. The notice of additional requirements shall allow the applicant 180 calendar days from the date of issuance to submit all required information. The director or designee may extend this period for no more than cumulative 24 months upon written request by the applicant, provided the request is submitted before the end of the first 180-day period. A notice of additional requirements is not a final administrative determination.</p>	<p>RCW 36.70B.140</p>

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<p>agency comments pursuant to WCC <a href="#">20.85.320</a>, the technical committee shall convene in an open meeting to discuss with the applicant and any other interested persons each committee member’s recommendation to the zoning administrator. Each member shall recommend either approval, approval with conditions, denial, or further modifications or corrections to the application. The recommendation from each member shall be written and submitted to the zoning administrator within seven days, and shall clearly address those factors to be considered by the hearing examiner as identified in WCC <a href="#">20.85.335</a> which are within the expertise and responsibility of such member and, where appropriate, proposed conditions for approval; or shall clearly indicate all deficiencies of the application requiring modification or correction. (Ord. 2004-007 § 1, 2004).</p> <p><b>20.85.330 Zoning administrator. [Planned Unit Developments]</b> Within 14 days after receiving all written input from the technical committee and verifying its sufficiency, the administrator shall forward the application and staff report to the hearing examiner to schedule for public hearing, and shall assemble a recommendation based on the contributions of the technical committee, and other county and noncounty agencies. The recommendation shall be in writing and contain relevant data and proposed findings. Upon submission of the report to the examiner, copies shall be mailed to the applicant and made available to any interested party. (Ord. 2004-007 § 1, 2004).</p> <p><b>20.92.230 Department reports. [Hearing Examiner]</b> The hearing examiner may request reports from appropriate staff. See WCC <a href="#">2.33.080</a> for details. (Ord. 2008-008 Exh. A, 2008; Ord. 96-031 § 2, 1996).</p> <p><b>21.05.036 Report to hearing examiner. [Subdivisions]</b> The subdivision administrator shall prepare a final staff report (including all recommendations and all proposed conditions of approval) and submit it in written form to both the applicant and the Whatcom County hearing examiner. (Ord. 2009-007 § 1).</p>		
<p><b>Final Decisions</b></p>		
<p><b>20.84.235 Administrative approval uses. [Zoning]</b> (3) Planning and development services shall approve or deny all administrative approval use applications. Decisions for all administrative approval use permits except adult businesses shall be based upon compliance with: (a) The criteria established for the proposed use in the appropriate zone district; (b) The Comprehensive Plan policies governing the associated land use designation; (c) In rural areas, consideration will be given to the cumulative impacts of permitted uses in relation to the governing Comprehensive Plan policies and zoning district; and (d) The requirement of this section and of WCC <a href="#">20.84.220</a>. Decisions for administrative approval use permits for adult businesses shall be based solely upon the criteria in subsection (7) of this section. (4) Decisions on administrative approval use permits for adult businesses shall be issued within 20 days of receiving a complete application. An application for an adult business is complete if it contains all of the information specified in subsection (1) of this section. (5) If the permit is denied, the applicant shall be notified in writing. The grounds</p>	<p><b>22.05.110 Final decisions.</b> (1) The director or designee’s final decision on all Type I or II applications shall be in the form of a written determination or permit. The determination or permit may be granted subject to conditions, modifications, or restrictions that are necessary to comply with all applicable codes. (2) The hearing examiner’s final decision on all Type III applications per WCC 22.05.020 or appeals per 22.05.160(1) shall either grant or deny the application or appeal. (a) The hearing examiner may grant Type III applications subject to conditions, modifications or restrictions that the hearing examiner finds are necessary to make the application compatible with its environment, carry out the objectives and goals of the Comprehensive Plan, statutes, ordinances and regulations as well as other official policies and objectives of Whatcom County. (b) Performance bonds or other security, acceptable to the prosecuting attorney, may be required to ensure compliance with the conditions, modifications and restrictions. (c) The hearing examiner shall render a final decision within 14 calendar days following the conclusion of all testimony and hearings. Each final decision of the hearing examiner shall be in writing and shall include findings and conclusions based on the record to support the decision.</p>	<p>RCW 36.70B.120</p>

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<p>for denial and the applicant’s right to appeal shall be set forth in this notification.</p> <p><b>20.92.410 Final decision conditions – Applications and appeals. [Hearing Examiner]</b> The hearing examiner’s final decision on all applications or appeals shall either grant or deny the application or appeal. The hearing examiner may grant the application or appeal subject to conditions, modifications or restrictions that the hearing examiner finds necessary to make the application compatible with its environment, and carry out the objectives and goals of the Comprehensive Plan, the zoning code, the subdivision code, the critical areas ordinance, or other official policies and objectives of Whatcom County. Performance bonds or other security, acceptable to the prosecuting attorney, may be required to ensure compliance with the conditions, modifications and restrictions. (Ord. 2008-008 Exh. A, 2008; Ord. 2005-068 § 2, 2005; Ord. 98-083 Exh. A § 66, 1998).</p> <p><b>20.92.420 Final decision – Findings and conclusions. [Hearing Examiner]</b> Each final decision of the hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. (Ord. 2008-008 Exh. A, 2008).</p> <p><b>20.92.430 Time limitation on decision. [Hearing Examiner]</b> Except for major project permits, each final decision and recommended decision of the hearing examiner shall be rendered within 10 calendar days following the conclusion of all testimony and hearings. For major project permits, the hearing examiner shall render recommendations within 45 calendar days following the conclusion of the open-record hearing. (Ord. 2016-011 § 1 (Exh. H), 2016; Ord. 2008-008 Exh. A, 2008; Ord. 96-031 § 2, 1996).</p> <p><b>20.92.440 Review limited. [Hearing Examiner]</b> No final decision of the hearing examiner shall be subject to administrative or quasi-judicial review, except as provided herein. (Ord. 2008-008 Exh. A, 2008).</p> <p><b>20.92.500 Process for subdivision application and major project permits. [Hearing Examiner]</b> <b>20.92.510 Subdivisions. [Hearing Examiner]</b> The county council shall process each recommended decision for subdivisions, consistent with the procedure set forth in WCC Title <a href="#">21</a>. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-056 § 2, 2000; Ord. 2000-016 § 1, 2000).</p> <p><b>20.92.520 Major project permits. [Hearing Examiner]</b> The county council shall, upon receipt of the recommended decision on a major project permit, process that recommendation in the manner set forth in the major project permit chapter of this title (Chapter <a href="#">20.88</a> WCC). (Ord. 2008-008 Exh. A, 2008; Ord. 2000-016 § 1, 2000; Ord. 96-056 Att. A § A2, 1996).</p> <p><b>20.92.530 Site-specific rezones. [Hearing Examiner]</b> The county council shall, upon receipt of the recommended decision on a site-specific rezoning, process that recommendation in the manner set forth in Chapter <a href="#">20.90</a> WCC, Amendments. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-016 § 1, 2000).</p> <p><b>21.04.034 Preliminary Approval Decision Criteria [Subdivisions]</b> (2) Decision on Application. The subdivision administrator shall, within 90 calendar</p>	<p>(d) No final decision of the hearing examiner shall be subject to administrative or quasi-judicial review, except as provided herein.</p> <p>(e) The applicant, any party of record or any county department may appeal any final decision of the hearing examiner to superior court, except as otherwise specified in WCC 22.05.020.</p>	
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<p>days of the date of determination of completeness, issue a notice of preliminary approval, issue a notice of additional requirements to obtain preliminary approval, or deny the application. An applicant may have up to 180 days in which to submit additional requirements unless a longer time period is authorized by the subdivision administrator for circumstances beyond the control of the applicant.</p> <p><b>23.60.130 Public hearings. [Shorelines]</b>  C. Decisions and recommended decisions of the hearing examiner shall be rendered within 10 working days of the date the public hearing record is closed unless the applicant/proponent agrees to an extension of time.  D. Where the county council is the permit decision maker they shall meet to consider the hearing examiner's recommendation within 21 days of receipt thereof, at a closed record proceeding, at which time it may approve or disapprove the application, or remand the matter to the hearing examiner with instructions.</p>		
<b>Recommended Decisions to County Council</b>		
<p><b>20.85.335 Hearing examiner. [Planned Unit Development]</b>  The hearing examiner shall hold the public hearing on behalf of the county council in the manner required by WCC <a href="#">20.92.300</a> and provide written public notice consistent with the requirements for major project permits as provided in WCC <a href="#">20.88.215</a>.</p> <p><b>20.85.345 Burden of proof.</b>  With respect to any finding of fact required for planned unit development approval by this title, the burden of proof for submitting to the public hearing record evidence, studies and plans sufficient to support an affirmative finding of fact lies with the applicant.  (1) Prior to public hearing, any deficiency within the application with regard to necessary data or compliance with design requirements shall be brought to the notice of the applicant, in writing, by the zoning administrator, who shall request that the required information be submitted within a reasonable period of time. Failure to make a timely response may result in a return of application.  (2) If the hearing examiner determines after public hearing that the record established by the applicant does not support an affirmative finding of fact with respect to any element necessary for PUD approval, he shall do one of the following:  (a) Recommend denial of the planned unit development;  (b) Recommend partial approval of a phased planned unit development;  (c) Recommend PUD approval, subject to conditions sufficient to mitigate any problems created by the absence of a material finding; or  (d) With the consent of the applicant, remand the application to the technical committee for further review.  (3) If the county council concludes that the record before it is deficient with respect to any finding of fact necessary to support PUD approval, it may take final action in the manner provided in subsections (2)(a) through (c) of this section, remand the matter to the technical committee or the hearing examiner, or hold its own public hearing to receive new evidence, studies or plans. (Ord. 2004-007 § 1, 2004).</p> <p><b>20.88.200 Procedure [Major Project Permit]</b>  .220 The recommendation of the hearing examiner shall be based upon the criteria set forth in WCC <a href="#">20.88.130</a>(1) through (7).</p>	<p><b>22.05.120 Recommended decisions to county council.</b>  (1) For Type IV applications per WCC 22.05.020 the hearing examiner's recommendations to the county council may be to grant, grant with conditions or deny an application. The hearing examiner's recommendation may include conditions, modifications or restrictions as may be necessary to make the application compatible with its environment, carry out the objectives and goals of the Comprehensive Plan, statutes, ordinances and regulations as well as other official policies and objectives of Whatcom County.  (2) Each recommended decision of the hearing examiner for an application identified as a Type IV application per WCC 20.05.020 shall be in writing to the clerk of the county council and shall include findings and conclusions based upon the record to support the decision. Such findings and conclusions shall also set forth the manner in which the decision carries out and conforms to the county's Comprehensive Plan and complies with the applicable statutes, ordinances or regulations.  (3) The deliberation of the county council on quasi-judicial actions shall be in accordance with WCC 22.05.090(4) and Chapter 42.36 RCW.  (4) For planned unit developments and major project permits the following shall apply:  (a) The recommendation of the hearing examiner regarding planned unit developments and major project permits shall be based upon the criteria set forth in WCC <a href="#">20.85.335</a> and <a href="#">20.88.130</a>, respectively.  (b) The hearing examiner shall file the recommendation with the clerk of the county council within 21 calendar days following the conclusion of the open record hearing.  (c) Within 28 calendar days after the hearing examiner's recommendation has been filed, the county council shall hold a public meeting, not an open record public hearing, to deliberate on the project application and, within 21 calendar days of the meeting, issue a final written decision. The county council may exceed the time limits in this subsection if it makes written findings that a specified amount of additional time is needed to process a specific application or project type, per RCW 36.70B.080(1).  (5) The county council's final written decision may include conditions when the project is approved and shall state the findings of fact upon which the decision is based.  (6) Any deliberation or decision of the county council shall be based solely upon consideration of the record established by the hearing examiner, the recommendations of the hearing examiner and the criteria set forth in county code.</p>	<p>RCW 36.70B.120</p>

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<p>.225 Within 45 calendar days after the hearing examiner’s recommended decision has been filed, the county council shall do one of the following:          (1) Refer the project to the planning commission for a recommendation.          (2) Hold a public meeting to deliberate on the project application and, within 20 calendar days of the meeting, issue a final written decision.</p> <p>.230 If the project is referred to the planning commission, that body shall within 45 calendar days hold all necessary public meetings and file with the county council a written recommendation for approval or denial and may include conditions of approval, together with the findings upon which the recommendation is based. The applicant may waive the 45 calendar day time limitation.</p> <p>.235 A written notice of the public meeting before the planning commission or the county council shall be mailed to all parties of record, on file with the clerk of the county council not less than five calendar days prior to the hearing.</p> <p>.240 The deliberation and recommendation of the planning commission shall be based solely upon consideration of the record, the hearing examiner’s recommendation and the criteria set forth in WCC <a href="#">20.88.130</a>(1) through (7).</p> <p>.245 Upon receipt of the planning commission recommendation, the county council shall within 45 calendar days hold a public meeting to deliberate on the application and within 20 calendar days of the meeting issue a final written decision on the application considering the recommended decisions of the hearing examiner and planning commission.</p> <p>.250 Reserved.</p> <p>.255 The county council’s final written decision may include conditions when the project is approved and shall state the findings of fact upon which the decision is based.</p> <p>.260 Deliberation at any public meeting before the county council or planning commission may be limited in scope to particular issues or problems at the discretion of either body.</p> <p>.265 The deliberation and decision of the county council shall be based solely upon consideration of the record, the recommendations of the hearing examiner and the planning commission (when applicable), and the criteria set forth in WCC <a href="#">20.88.130</a>(1) through (7).</p> <p><b>20.92.310 Recommended conditions. [Hearing Examiner]</b>          The hearing examiner’s recommendations may be to grant or deny any subdivision, major development or site-specific rezone application, or the hearing examiner may recommend that the county council approve the application with such conditions, modifications or restrictions as the hearing examiner finds necessary to make the application compatible with its environment and carry out the objectives and goals of the Comprehensive Plan, the zoning code, the subdivision code, or any other official policies and objectives of Whatcom County. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-016 § 1, 2000; Ord. 98-083 Exh. A § 66, 1998).</p> <p><b>20.92.320 Recommended decision – Findings and conclusions. [Hearing Examiner]</b>          Each recommended decision of the hearing examiner, for major developments, site-specific rezones and subdivisions, shall be in writing and shall include findings and conclusions, based upon the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision carries out and conforms to the county’s Comprehensive Plan and complies with the applicable statutes, ordinances or regulations. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-016 § 1, 2000; Ord. 98-083 Exh. A § 66, 1998).</p>		
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<p><b>20.92.330 Filing recommended decision. [Hearing Examiner]</b> Each recommended decision of the hearing examiner, for major developments, site-specific rezones and subdivisions, shall be filed with the clerk of the county council. For major project permits, a list of the parties of record as determined by the hearing examiner should be filed with the recommended decision. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-016 § 1, 2000; Ord. 96-056 Att. A § A2, 1996).</p>		
<b>Permit review timeframes</b>		
<p><b>2.33.090 Permit review limitations and notice of final decision.</b> A. Unless otherwise exempted in WCC <a href="#">2.33.020</a> or subsection (C) of this section, the county shall issue a notice of final decision on a project permit application as follows: 1. Within 90 days of a determination of completeness if the project is exempt from SEPA review unless a shorter review period is provided in other provisions of the Whatcom County Code; 2. Within 90 days of a determination of completeness if the project is a subdivision under WCC Title <a href="#">21</a> unless a shorter review period is provided in other provisions of the Whatcom County Code; 3. Within 120 days of a determination of completeness if the project is other than a subdivision and is subject to SEPA review unless a shorter review period is provided in other provisions of the Whatcom County Code. B. In determining the number of days that have elapsed after an application is determined to be complete, the following time periods shall be excluded: 1. Any period during which the applicant has been required by the county to correct plans, perform required studies, or provide additional, required information. a. The period shall be calculated from the date the county notifies the applicant of the need for additional information until the date the county receives the additional information. The county shall have 14 days after the date the information has been provided to the county to determine adequacy of the information; b. If the information submitted by the applicant under this subsection is insufficient, the county shall notify the applicant of the deficiencies and the provisions of this section shall apply as if a new request for information has been made; 2. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter <a href="#">43.21C</a> RCW and WCC Title <a href="#">16</a>; 3. The period specified for administrative appeals of project permits as provided in Chapter <a href="#">20.92</a> WCC; 4. The period specified for administrative appeals of development standards as provided in WCC <a href="#">12.08.035</a>(I); 5. Any period in which the applicant has not met public notification requirements; 6. Any period of time mutually agreed upon in writing by the applicant and the county. C. The time limits established by subsections (A) and (B) of this section shall not apply to a project permit application that: 1. Requires an amendment to the Whatcom County comprehensive plan or a development regulation in order to obtain approval. 2. Requires approval of a new fully contained community as provided in RCW <a href="#">36.70A.350</a>, a master planned resort as provided in RCW <a href="#">36.70A.360</a>, or the siting</p>	<p><b>22.05.130 Permit review timeframes.</b> (1) The county shall issue a notice of final decision for all permit types, including procedures for administrative appeal and notice that affected property owners may request a change in valuation for property tax purposes, to the applicant, the Whatcom County assessor, and any person who requested notice or submitted substantive comments on the application within 120 calendar days of the date the department determined the application complete, except as provided below: (a) The following time periods shall be excluded from the calculation of the number of days elapsed: (i) Any period during which the applicant has been required by the county to correct plans, perform required studies, or provide additional, required information through a notice of additional requirements, per WCC 22.05.100(3). The period shall be calculated from the date the county issues a notice of additional requirements until the date the county receives all of the requested additional information. (ii) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter <a href="#">43.21C</a> RCW and WCC Title <a href="#">16</a>; (iii) The period specified for administrative appeals of project permits as provided in Chapter <a href="#">2.11</a> WCC; (iv) The period specified for administrative appeals of development standards as provided in WCC <a href="#">12.08.035</a>(I); (v) Any period in which the applicant has not met public notification requirements; (vi) Any period of time mutually agreed upon in writing by the applicant and the county. (b) The time limits established by this section shall not apply to a project permit application that: (i) Requires an amendment to the Whatcom County comprehensive plan or a development regulation in order to obtain approval. (ii) Requires approval of a new fully contained community as provided in RCW <a href="#">36.70A.350</a>, a master planned resort as provided in RCW <a href="#">36.70A.360</a>, or the siting of an essential public facility as provided in RCW <a href="#">36.70A.200</a>. (iii) Is substantially revised by the applicant, including all redesigns of proposed land divisions, in which case a new time period shall start from the date at which the revised project application is determined to be complete. (c) The county may extend notice of final decision on the project if the county can document legitimate reasons for such a delay. In such a case the county shall provide written notice to the applicant at least 14 calendar days prior to the deadline for the original notice of final decision. The notice shall include a statement of reasons why the time limits have not been met and a date of issuance of a notice of final decision. (2) If an applicant believes a project permit application has not been acted upon by the county in a timely manner or otherwise consistent with this chapter, the applicant or authorized representative may request a meeting with the director to resolve the issue.</p>	<p>RCW 36.70B.080(1)</p>

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of an essential public facility as provided in RCW [36.70A.200](#).  
 3. Is substantially revised by the applicant, including all redesigns of proposed land divisions pursuant to WCC [21.01.150](#), in which case a new time period shall start from the date at which the revised project application is determined to be complete.  
 D. The county may extend notice of final decision on the project if the county can document legitimate reasons for such a delay. In such a case the county shall provide written notice to the applicant at least 20 days prior to the deadline for the original notice of final decision. The notice shall include a statement of reasons why the time limits have not been met and a date of issuance of a notice of final decision.  
 E. The county shall not be liable for damages under this chapter due to the county's failure to make a final decision within the time limits established in WCC [2.33.080](#).  
 F. Notice shall be made by mail to the applicant, the Whatcom County assessor, and any party of record.  
 G. Unless otherwise acted upon by the county in a manner consistent with this chapter, permit applications subject to this chapter shall be approved as submitted within the timeliness established in WCC [2.33.090](#). (Ord. 2000-056 § 3; Ord. 96-031 § 1).

**20.85.301 Planned unit development procedure and approximate processing time. [Planned Unit Developments]**

(1) Preapplication Conference	Optional
• Technical Committee	County Council
• SEPA Official	Review Items #1, #2 & #3
(2) Application Submittal	21 Days
• Written and Graphic	
(3) SEPA Review	14 Days +
(4) Agency Referral	30 Days
(5) Technical Committee	21 – 28 Days
(6) Buildings & Code Administration Staff Report	14 Days
(7) Hearing Examiner – Public Hearing	28 Days
(8) Initial Approval by County Council	21 Days
(9) Installation of Improvements	Up to 3 Years Items #9 – #10
(10) Final Review and Approval	Up to 7 Years or Pre- Agreed

Within 14 calendar days of the meeting, the director shall:  
 (a) Approve the permit if it is within the director's authority to do so, provided the approval would not violate state or county regulations, or  
 (b) Deny the permit if it is within the director's authority to do so, or  
 (c) Respond in writing with the department's position, or a mutually acceptable resolution of the issue, which may include a partial refund of application fees at the director's discretion.  
 (3) Any final order, permit decision or determination issued by Whatcom County shall include a notice to the applicant of his or her appeal rights per WCC 22.05.160.



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<p align="center">Schedule Items #10 – #11</p> <p align="center">(11) Project Development</p> <p><b>21.04.034 Preliminary Approval Decision Criteria [Subdivision]</b> (2) Decision on Application. The subdivision administrator shall, within 90 calendar days of the date of determination of completeness, issue a notice of preliminary approval, issue a notice of additional requirements to obtain preliminary approval, or deny the application. An applicant may have up to 180 days in which to submit additional requirements unless a longer time period is authorized by the subdivision administrator for circumstances beyond the control of the applicant.</p>		
<b>Expiration</b>		
<p><b>20.84.260 Date of expiration. [Zoning]</b> Applications for conditional use permits, variances, expansions of nonconforming uses, administrative approvals, and any other permits provided for in this chapter shall expire one year after filing of the application if the applicant does not pursue completion of the appropriate process within that time by failing to take any action on the application. The hearing examiner shall have the authority to fix a date of expiration of any or all approval, or conditions attached thereto, of conditional use permits, variances or expansions of nonconforming uses. (Ord. 2017-030 § 1 (Exh. L), 2017; Ord. 2006-061 § 1 (Att. A)(3), 2006).</p> <p><b>21.03.070 Inactive applications. [Subdivision]</b> An applicant may place an exempt land division or boundary line adjustment application, which has not yet received preliminary approval, on hold for a cumulative maximum of 180 days. This 180-day period shall not include time the applicant is performing studies required by the county when the study is provided within the time frame agreed to by the county and the applicant. Applications which fail to meet these time limits will be considered expired and void. The time periods of this chapter do not include the time during which the exempt land division was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. (Ord. 2013-040 Exh. 1; Ord. 2009-007 § 1; Ord. 2000-056 § 1).</p> <p><b>21.04.038 Applications subject to time limits. [Subdivision]</b> All short subdivision applications submitted prior to December 15, 2000, which have not yet received preliminary or final approval, shall be recorded within two years of the effective date of the ordinance codified in this chapter. Whatcom County shall endeavor to provide notice to applicants affected by this provision using the most recent contact information or property records. (Ord. 2009-007 § 1).</p>	<p><b>22.05.140 Expiration of project permits.</b> (1) Project permit approval status shall expire two years from the date of approval except where a different duration of approval is authorized by Whatcom County Code, or is established by a court decision or state law, or executed by a development agreement. The decision maker may extend this period up to one year from the date of original expiration upon written request by the applicant. (2) Any complete project permit application for which no information has been submitted in response to the department's notice of additional requirements per WCC 22.05.100(3) shall expire at the end of the time limit established in 22.05.100(3). (3) For projects that have received a SEPA determination of significance per WCC 16.08, all underlying project permit applications shall expire when one of the following occurs: (a) The applicant has not in good faith maintained a contract with a person or firm to complete the Environmental Impact Statement (EIS) as specified in the scoping document. The applicant is responsible for informing the county of the status of such contract. If there is no notice given to the County, all underlying project permit applications shall expire upon the end date of the contract; or (b) The mutually agreed timeframe to complete the Draft EIS or Final EIS has lapsed. (4) Project permits which received preliminary approval or a final decision prior to February 22, 2009 that did not include an expiration timeframe in the conditions of approval shall expire on [two years after the effective date of this ordinance].</p>	<p>RCW 58.17 and RCW 36.70B.030</p> <p>And</p> <p><u>Graham Neighborhood Ass'n v. F.G. Associates</u> (2011).</p>

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<b>Permit Revocation Procedure</b>		
<p><b>20.92.250 Permit revocation procedure. [Hearing Examiner]</b> Upon notification by the zoning administrator or his deputy that a substantial violation of the terms and conditions of any previously granted zoning conditional use, shoreline substantial development or shoreline conditional use permit exists, the hearing examiner shall issue a summons as per WCC <a href="#">20.92.225</a> to the permit holder requiring said permit holder to appear and show cause why revocation of the permit should not be ordered. Failure of the permit holder to respond may be deemed good cause for revocation. (Ord. 2008-008 Exh. A, 2008; Ord. 88-104, 1988).</p> <p><b>20.92.255 Permit revocation hearing. [Hearing Examiner]</b> Upon issuance of a summons as set forth in WCC <a href="#">20.92.250</a>, the hearing examiner shall schedule an open record hearing to review the alleged violations. The summons shall include notice of the hearing and shall be sent to the permit holder and the land use division of planning and development services no less than 12 days prior to the date of the hearing. At the hearing the hearing examiner shall receive evidence of the alleged violations and the responses of the permit holder, as per the business rules of the hearing examiner’s office. Testimony shall be limited to that of the division and the permit holder except where additional evidence would be of substantial value in determining if revocation should be ordered. The land use division’s evidence may include the testimony of witnesses. (Ord. 2008-008 Exh. A, 2008; Ord. 96-031 § 2, 1996; Ord. 88-104, 1988).</p> <p><b>20.92.260 Permit revocation or grace period. [Hearing Examiner]</b> Upon a showing of violation by a preponderance of the evidence as alleged, the hearing examiner may revoke the permit or allow the permit holder a reasonable period of time to cure the violation. If the violation is not cured within the time set by the hearing examiner, the permit shall be revoked. Where a time to cure the violation has been set out, no further hearing shall be necessary prior to the revocation. The permit holder shall have the burden of proving that the violation has been cured within the time limit previously set. Such evidence as is necessary to demonstrate that the violation has been cured may be submitted to the hearing examiner by either the permit holder or the land use division of planning and development services. Any revocation shall be accompanied by written findings of fact and conclusions of law. The permit holder shall be notified of any revocation within 10 working days of the revocation.</p>	<p><b>22.05.150 Permit revocation procedure.</b> (1) Upon notification by the director that a substantial violation of the terms and conditions of any previously granted zoning conditional use, shoreline substantial development or shoreline conditional use permit exists, the hearing examiner shall issue a summons as per WCC <a href="#">2.11.220</a> to the permit holder requiring said permit holder to appear and show cause why revocation of the permit should not be ordered. Failure of the permit holder to respond may be deemed good cause for revocation. (2) Upon issuance of a summons as set forth in subsection (1) of this section, the hearing examiner shall schedule an open record hearing to review the alleged violations. The summons shall include notice of the hearing and shall be sent to the permit holder and the director of planning and development services no less than 12 calendar days prior to the date of the hearing. At the hearing the hearing examiner shall receive evidence of the alleged violations and the responses of the permit holder, as per the business rules of the hearing examiner’s office. Testimony shall be limited to that of the division and the permit holder except where additional evidence would be of substantial value in determining if revocation should be ordered. The land use division’s evidence may include the testimony of witnesses. (3) Upon a showing of violation by a preponderance of the evidence as alleged, the hearing examiner may revoke the permit or allow the permit holder a reasonable period of time to cure the violation. If the violation is not cured within the time set by the hearing examiner, the permit shall be revoked. Where a time to cure the violation has been set out, no further hearing shall be necessary prior to the revocation. The permit holder shall have the burden of proving that the violation has been cured within the time limit previously set. Such evidence as is necessary to demonstrate that the violation has been cured may be submitted to the hearing examiner by either the permit holder or the director of planning and development services. Any revocation shall be accompanied by written findings of fact and conclusions of law. The permit holder shall be notified of any revocation within 14 calendar days of the revocation.</p>	<p>RCW 36.70B.030 and 36.70B.060(3)</p>
<b>Appeals</b>		
<p><b>16.16.280 Appeals. [Critical Areas]</b> A. Final permit decisions made by the technical administrator shall be subject to appeal in accordance with the procedures of Chapter <a href="#">2.33</a> WCC and WCC Title <a href="#">20</a>; provided, that the applicant may request administrative review by the director of planning and development services prior to initiating a formal appeal process. Decisions of conditions applied to specific permits shall be subject to the appeal provisions for that permit. B. Any person may appeal to the hearing examiner a final administrative order, final requirement, final permit decision, or final determination made; provided, that such appeal shall be filed in accordance with the appeal procedure for the underlying permit. If there is no appealable permit or if the appeal is for a</p>	<p><b>22.05.160 Appeals.</b> (1) Any party of record may appeal any order, final permit decision or final administrative determination made by the director or designee in the administration or enforcement of any chapter to the hearing examiner, who has the authority to hear and decide such appeals per WCC <a href="#">2.11.210</a>. (2) An appeal shall be filed with the department within 14 calendar days of the issuance of a final permit decision and shall be accompanied by a fee as specified in the Unified Fee Schedule. The written appeal shall include: (i) The action or decision being appealed and the date it was issued; (ii) Facts demonstrating that the person is adversely affected by the decision; (iii) A statement identifying each alleged error and the manner in which the decision</p>	<p>RW 36.70B.130</p>

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<p>reasonable use permit decision issued by the technical administrator, the appeal shall be filed in writing within 14 calendar days of the date the written decision, order, requirement, or determination is issued and public notice provided, unless the decision is issued as part of a SEPA determination of nonsignificance for which a public comment period is required, in which case a 21-day appeal period shall be provided.</p> <p>C. The appeal will be upheld if the applicant proves that the decision appealed is clearly erroneous or based upon error of law.</p> <p>D. The hearing examiner shall have the authority to set an expiration date for any or all appeal approvals. The hearing examiner will render a decision pursuant to Chapter <a href="#">20.92</a> WCC.</p> <p>E. Each application for an appeal of an administrative decision to the hearing examiner shall be accompanied by a fee as stated in the unified fee schedule.</p> <p>F. Pursuant to WCC <a href="#">20.92.610</a>, the applicant, any party of record or any county department may appeal any final decision of the hearing examiner to the county council. The appellant shall file a written notice of appeal at the county council office within 10 business days of the final decision of the hearing examiner.</p> <p>G. Any issue not raised by the time of appeal to superior court is waived. (Ord. 2005-068 § 1).</p> <p><b>20.15.170 Appeals. [Zoning]</b> The hearing examiner shall have the authority to decide, in conformity with this chapter, appeals from any order, requirement, permit decision or determination made by an administrative official in the administration or enforcement of this chapter where more than one interpretation is possible; provided, that such appeal shall be filed within 14 days of the action being appealed. The hearing examiner shall hear appeals under this chapter in the same manner as those appeals he has authority to hear under WCC <a href="#">20.92.210</a>(1).</p> <p><b>20.84.240 Appeals. [Zoning]</b> The hearing examiner shall have the authority to hear and decide, in conformity with this chapter, appeals from any order, requirement, permit decision or determination made by an administrative official in the administration or enforcement of this chapter where more than one interpretation is possible; provided, that such appeal shall be filed in writing within 14 days of the action being appealed. If an appellant prevails in an appeal of an administrative approval decision, the appellant's appeal fees shall be refunded. The appeal fee on a code violation will be refunded if the appellant can prove by clear and convincing evidence that a violation did not occur. Appeals of administrative approval use permit decisions for adult businesses shall be made directly to the county council pursuant to WCC <a href="#">20.92.825</a>, and shall not be subject to the provisions of this section. (Ord. 2013-057 § 1 (Exh. A), 2013; Ord. 2001-038 § 2, 2001; Ord. 99-056, 1999; Ord. 96-031 § 2, 1996).</p> <p><b>20.92.211 Administrative appeals – Appeal period. [Hearing Examiner]</b> Appeals to the hearing examiner on the subjects listed in WCC <a href="#">20.92.210</a>(1) and (2) must be filed within 14 calendar days of the date of administrative determination. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-056 § 2, 2000; Ord. 96-056 Att. A § W2, 1996).</p> <p><b>20.92.610 Applicant appeal. [Hearing Examiner]</b> The applicant, any party of record or any county department may appeal any final decision of the hearing examiner to the county council. The appellant shall file a</p>	<p>fails to satisfy the applicable decision criteria;</p> <p>(iv) The specific relief requested; and</p> <p>(v) Any other information reasonably necessary to make a decision on the appeal.</p> <p>(b) The hearing examiner shall schedule a public hearing on the appeal to be held within 60 calendar days following the department's receipt of the application for appeal unless otherwise agreed upon by the county and the appellant.</p> <p>(2) The applicant, any party of record, or any county department may appeal any final decision of the hearing examiner to Superior Court or other body as specified by WCC 22.05.020. The appellant shall file a written notice of appeal within 14 calendar days of the final decision of the hearing examiner.</p>	
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written notice of appeal at the county council office within 10 business days of the final decision of the hearing examiner. Any parties of record from the hearing examiner's proceedings who wish to continue to be considered parties of record must register with the county council in writing no later than 10 days after the date of the notification of appeal letter which is sent from the hearing examiner's office. The notification of appeal letter will be sent from the hearing examiner's office within three working days of receiving written notification from the county council office that an appeal has been filed. (Ord. 2017-024 Exh. A; Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995).

**20.92.620 Fee. [Hearing Examiner]**

A fee, as established in the Unified Fee Schedule, shall be paid to the county council office upon filing of any appeal. This fee shall not apply to appeals initiated by a county department. (Ord. 2017-024 Exh. A; Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995; Ord. 87-41, 1987).

**20.92.630 Transcript. [Hearing Examiner]**

(1) The appellant shall obtain a copy of the electronic recording of the hearing examiner's hearing from the hearing examiner's office. The appellant shall make arrangements for the preparation of the verbatim transcript of the hearing examiner's hearing by a professional transcriptionist who will include a signed transcriber certification with the verbatim transcript. The appellant shall forward the transcript to the county council office within 30 days of filing the appeal. Upon request of the council office, the hearing examiner's office shall prepare and transmit to the council office the hearing examiner's file, together with exhibits.

(2) A copy of the record shall be made available by the county council office to parties upon request submitted to the county council office. (Ord. 2017-024 Exh. A; Ord. 2010-057 Exh. A, 2010; Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 96-043, 1996; Ord. 95-033, 1995).

**20.92.640 Written argument. [Hearing Examiner]**

(1) Within two working days after receipt of the transcript of the hearing conducted by the hearing examiner, the county council office shall send a letter of notification to the appellant that a statement containing the appellant's basis for appeal and argument is due. The statement and argument, and a proof of service (affidavit of mailing) upon those parties who have registered with the county council, must be filed in writing, along with 10 copies, with the clerk of the county council within 15 calendar days after the postmark date of the letter of notification.

(2) Any argument or response by any registered party of record opposing the appeal must be filed in writing along with 10 copies, within 14 calendar days after the date of filing the appellant's argument with the council office. (Ord. 2017-024 Exh. A; Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995; Ord. 87-33, 1987).

**20.92.642 Time limits. [Hearing Examiner]**

The county council shall dismiss an appeal for failure of the appellant to abide by any of the time limits contained in WCC [20.92.600](#) through [20.92.640](#), unless an extension has been granted pursuant to WCC [20.92.645](#). (Ord. 2017-024 Exh. A; Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000).

**20.92.645 Time extension. [Hearing Examiner]**

Extensions of timelines established hereinabove may be granted by the council chair upon demonstration of good cause. Requests for extensions and proof of

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service (affidavit of mailing) upon those parties who have registered with the county council shall be presented to the clerk of the council in writing prior to the expiration of the pertinent time limit. Any registered party who wishes to object to the requested extension shall file a written objection with the council office no later than two weeks following the council's receipt of the request. (Ord. 2017-024 Exh. A; Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995).

**20.92.650 Time limitation on county council. [Hearing Examiner]**

Within 35 days after the filing of the opponents' written arguments, the county council shall render a decision. Thereafter the county council will issue findings of fact and conclusions of law no later than 30 days following the decision. This time limitation shall not apply when a remand procedure is initiated. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995).

**20.92.660 Appeal on record. [Hearing Examiner]**

The decision of the county council shall be based solely upon the record and the written argument that has been submitted by the parties. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995).

**20.92.700 Remand to hearing examiner. [Hearing Examiner]**

**20.92.710 Findings. [Hearing Examiner]**

The county council may, within its discretion, remand the case back to the hearing examiner, if the council finds:

- (1) That new evidence is available that could affect the outcome of the case and was not available at the first hearing.
- (2) That the record, in whole or in part, is not sufficient for the council to make a reasoned decision on the appeal.
- (3) That the decision of the hearing examiner should be reversed and that additional information is necessary before a final decision can be made. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995).

**20.92.720 Remand order. [Hearing Examiner]**

The remand shall be in the form of a written order and shall state the specific areas to be considered by the hearing examiner at the remand hearing. The remand hearing shall be limited to the specific areas of concern stated in the remand order from the county council. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995).

**20.92.730 Notice of remand hearing. [Hearing Examiner]**

Notice of the remand hearing shall take place in accordance with WCC [2.33.070](#). (Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 96-031 § 2, 1996; Ord. 95-033, 1995).

**20.92.740 Filing of information. [Hearing Examiner]**

The hearing examiner shall file the information requested in the remand order with the clerk of the county council as soon as possible but not to exceed 15 business days from the date of the hearing. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995).

**20.92.750 Final decision of county council. [Hearing Examiner]**

The county council shall, within 30 days of filing of the information from the remand hearing, issue their final written decision together with findings of fact and conclusions of law. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-

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<p>033, 1995).</p> <p><b>20.92.800 County council – Function in hearing examiner process.</b>  <b>20.92.810 Reversal of hearing examiner decisions. [Hearing Examiner]</b>          The county council shall affirm the decision of the hearing examiner unless a majority of the entire county council finds that the decision of the hearing examiner is:          (1) Based upon an error of law; or          (2) Clearly erroneous on the entire record. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995; Ord. 84-79, 1984).</p> <p><b>20.92.820 Conditions. [Hearing Examiner]</b>          The county council may, where their decision results in project approval, impose, modify or delete conditions upon the license, permit approval, variances or appeal, consistent with WCC <a href="#">20.92.310</a>, and may exercise the powers granted therein. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995; Ord. 84-79, 1984).</p> <p><b>20.92.825 Adult business appeals. [Hearing Examiner]</b>          Appeals of administrative approval use permits for adult businesses shall be made directly to the county council and shall be subject to the following procedures:          (1) The applicant or any party of record may appeal an administrative approval use permit decision relating to an adult business to the county council.          (2) The appellant shall file a written notice of appeal at the county council office within 10 calendar days of the administrative approval use permit decision. A fee, as established in the Unified Fee Schedule for appeals to the county council, shall be paid to the county council office upon filing of any appeal.          (3) The county council office shall mail written notice to the administrative approval use permit applicant within five calendar days of receiving the appeal, if the appeal was not submitted by the applicant.          (4) The council office shall request the written record from planning and development services within five calendar days of receiving the appeal. The written record shall be forwarded by planning and development services within five calendar days of the request from the county council office.          (5) Within five calendar days after receipt of the appeal, the county council office shall send a letter of notification to the appellant that a statement containing the appellant's basis for appeal and argument is due. The statement and argument, and a proof of service (affidavit of mailing) upon the administrative approval use permit applicant (if different from the appellant), must be filed in writing, along with 10 copies, with the clerk of the county council within 10 calendar days after the postmark date of the letter of notification.          (6) An argument or response from the administrative approval use applicant (if different than the appellant) shall be filed in writing along with 10 copies, within 10 calendar days after the date of filing the appellant's argument with the council office.          (7) The county council shall decide the appeal and issue written findings of fact and conclusions of law within 40 calendar days of the date the appeal was filed.          (8) The county council shall affirm the decision of planning and development services unless a majority of the entire county council finds that the decision is:          (a) Based upon an error of law; or          (b) Clearly erroneous on the entire record.          (9) The county council may, where their decision results in project approval,</p>		
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impose, modify or delete conditions based solely on the criteria of WCC [20.84.235](#)(7).

(10) The procedures of WCC [20.92.600](#), [20.92.700](#), [20.92.810](#) and [20.92.820](#) shall not apply to appeals relating to adult businesses. (Ord. 2008-008 Exh. A, 2008; Ord. 2001-038 § 2, 2001).

**20.92.830 No interference with the county council. [Hearing Examiner]**  
No individual or county official shall interfere with or attempt to interfere with the individual councilmembers of the county council in the execution of the quasi-judicial duties they have assumed pursuant to this chapter. (Ord. 2008-008 Exh. A, 2008; Ord. 2000-043, 2000; Ord. 95-033, 1995; Ord. 84-79, 1984).

**20.94.060 Appeals. [Code Enforcement]**  
The hearing examiner shall have the authority to hear and decide, in conformity with this title, appeals pursuant to WCC [20.84.240](#), unless as specifically noted differently under this chapter. (Ord. 2009-085 § 1 (Exh. A), 2009).

**21.02.030 Appeals. [Subdivisions]**  
(1) Any final order, requirement, permit decision or determination issued by Whatcom County shall include a notice to the applicant of his or her appeal rights.  
(2) The hearing examiner shall have the authority to create a record, hear and decide, in conformity with this title, appeals from any order, requirement, permit decision or determination made by an administrative official or committee in the administration or enforcement of this title. Such appeal shall be filed in writing within 14 calendar days of the action being appealed at the planning and development services department. The appeal shall follow all rules and procedures for appeals to the hearing examiner as set forth in Chapter [20.92](#) WCC.  
(3) Within 10 calendar days of its issuance, any party of record may appeal a decision of the hearing examiner to the county council. The examiner's decision may be overturned by a simple majority of the council if it is found that the examiner's decision is based upon an error of law or is clearly erroneous based on the entire record. The appeal shall follow all rules and procedures for appeals to the county council as set forth in Chapter [20.92](#) WCC.  
(4) Appeals related to development standards shall be made to the technical advisory committee as required by WCC [12.08.035](#)(I). (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

**24.07.090 Hearing and appeals. [Health]**  
A. Notice of Appeal. Any aggrieved person may appeal any administrative notice, any assessment of civil penalty, director's decision or order by submitting to the director a written request for a hearing within 10 working days of the service of the notice, order or decision. The notice of appeal shall cite the notice, order or decision appealed from and contain a brief statement of the reasons for seeking an appeal hearing.  
B. Notice and Timing of Appeal Hearing. After receipt of a notice of appeal, the director shall transmit the notice of appeal, and the notice or decision appealed from, to the hearing examiner. An appeal hearing shall be conducted on the record. Written notice of the time and place of the hearing shall be given at least 10 working days prior to the date of the hearing to each appealing party, to the director whose notice, order or decision is being appealed, and to all other interested persons who have requested in writing that they be so notified.  
1. In the case of an appeal from a notice of contamination issued under Chapter 24.13 WCC, the hearing shall be held not less than 20 days and not more than 30

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<p>days after serving of the notice as required by RCW <a href="#">64.44.030</a>.  C. Conduct of Appeals. All appeals shall be conducted in accordance with Chapter <a href="#">20.92</a> WCC.  D. Combination of Appeal. Whenever possible, the appeal from the director’s administrative notice, order or decision shall be combined with any other appeal from enforcement actions relating to the same subject matter and falling within the jurisdiction of the hearing examiner. (Ord. 2005-055 Exh. B; Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part). Formerly 24.07.110).</p>		
<b>Annual Report</b>		
<p><b>2.33.120 Annual report.</b>  Staff shall prepare an annual report on the implementation of this chapter and submit it to the council. (Ord. 96-031 § 1).</p>	<p><b>22.05.170 Annual report.</b>  Staff shall prepare an annual report on the implementation of this chapter and submit it to the council.</p>	<p>RCW 36.70B.080(2)(b)</p>
<b>Interpretation, Conflict and Severability</b>		
	<p><b>22.05.180 Interpretation, conflict and severability.</b>  (1) Interpret to Protect Public Welfare. In the event of any discrepancies between the requirements established herein and those contained in any other applicable regulation, code or program, the regulations which are more protective of the public health, safety, environment and welfare shall apply.  (2) Severability. The provisions of this chapter are severable. If a section, sentence, clause, or phrase of this title is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this chapter.</p>	