

1 **19.15.030 - Land use review types.**

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3 There are four categories of land use review that occur under the provisions of the development code.

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5 A. *Type I.* Type I reviews are based on clear, objective and nondiscretionary standards or  
6 standards that require the application of professional expertise on technical issues.

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8 B. *Type II.* Type II reviews are based on clear, objective and nondiscretionary standards or  
9 standards that require the application of professional expertise on technical issues. The  
10 difference between Type I and Type II review is that public notification shall be issued for Type  
11 II decisions.

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13 C. *Type III.* Type III reviews require the exercise of discretion about nontechnical issues.

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15 D. *Type IV.* Type IV reviews require discretion and may be actions of broad public interest.  
16 Decisions on Type IV reviews are only taken after an open record hearing.

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18 E. The types of land use approvals are listed in Table A of this section. The required public  
19 process for each type of land use approval are listed in Table B of this section.

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21 F. *Consolidated permit processing.* An application for a development proposal that involves the  
22 approval of two or more Type II, III and IV reviews may be processed and decided together,  
23 including any administrative appeals, using the highest numbered land use decision type  
24 applicable to the project application. The following permits and land use reviews are excluded  
25 from consolidated review and approval:

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27 1. Building permits associated with the construction of one or more new single-family  
28 dwellings on lots resulting from the final plat approval of a short subdivision or long  
29 subdivision.

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31 2. Building permits associated with shoreline conditional use permits and shoreline  
32 variance.

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34 3. Project SEPA reviews shall be processed as a Type III land use review.

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36 4. When a review is heard by multiple decision bodies, the higher decision body will  
37 make the final decision, and the lower decision body will review the project at a public  
38 meeting and issue a recommendation that will be reviewed by the higher decision body.  
39 The higher decision body will either adopt the recommendation as part of the permit  
40 conditions, will remand the recommendation back to the lower body for further  
41 consideration, will amend the recommendation, or will deny adoption of the  
42 recommendation and will adopt their own permit conditions. The hierarchy of decision  
43 bodies is as follows, from highest to lowest:

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45 a. City council;

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47 b. Hearing examiner;

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c. Design commission.

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Table A. Land Use Review Type			
Type I	Type II	Type III	Type IV
<ul style="list-style-type: none"> <li>• Home business</li> <li>• <del>Seasonal development limitation waiver</del></li> <li>• Nonmajor single-family dwelling building permits</li> <li>• Tree removal permit</li> <li>• Right-of-way permit</li> <li>• Special needs group housing safety determination</li> <li>• Tenant improvement/change of use</li> <li>• Shoreline exemption <sup>1</sup></li> <li>• Critical area review 1</li> <li>• <del>Final short plat</del></li> <li>• Temporary commerce on public property</li> <li>• Site development permits</li> <li>• Transportation concurrency certificate</li> </ul>	<ul style="list-style-type: none"> <li>• Modified wireless communication facilities (6409 per 47 CFR 1.40001)</li> <li>• Lot line revision</li> <li>• Setback deviations</li> <li>• Final plat <sup>2,3</sup></li> <li>• Code official design review</li> <li>• Accessory dwelling unit</li> <li>• Parking modification <sup>7</sup> (reviewed by city engineer)</li> <li>• Small wireless facility deployment</li> <li>• <u>Seasonal development limitation waiver</u></li> <li>• <u>Final short plat</u></li> </ul>	<ul style="list-style-type: none"> <li>• New and modified wireless (non-6409) eligible facility</li> <li>• SEPA threshold determination</li> <li>• Critical area review 2</li> <li>• Public agency exception</li> <li>• Temporary encampment <sup>4</sup></li> <li>• Short plat alteration and vacations</li> <li>• Preliminary short plat</li> <li>• Development code interpretations</li> <li>• Major single-family dwelling building permit <sup>5</sup></li> <li>• Shoreline substantial development permit <sup>1</sup></li> <li>• Shoreline revision (substantial development) <sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Preliminary long plat approval</li> <li>• Conditional use permit</li> <li>• Variance</li> <li>• Critical areas reasonable use exception</li> <li>• Long plat alteration and vacations</li> <li>• Parking modifications <sup>7</sup> (reviewed by design commission)</li> <li>• Variance from short plat acreage limitation</li> <li>• Wireless communication facility height variance</li> <li>• Planned unit development</li> <li>• Design commission design review</li> <li>• Permanent commerce on public property</li> <li>• Shoreline conditional use permit (SCUP) <sup>6</sup></li> <li>• Shoreline variance <sup>6</sup></li> <li>• Shoreline revision (variance and SCUP)</li> </ul>

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- 1 Appeal will be heard by the shorelines hearings board.
- 2 Decision is made by city council after discussion at a public meeting.
- 3 A notice of decision will be issued for a final long plat.
- 4 A public meeting is required.

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5 Major single-family dwelling building permits are subject only to the notice of application process. A notice of decision will be provided to parties of record.

6 Hearing examiner will forward a recommendation to the Washington State Department of Ecology for Ecology's decision.

7 Parking modifications are issued pursuant to the provisions of MICC 19.11.130.

Table B. Review Processing Procedures				
	Type I	Type II	Type III	Type IV
	No Notice of Application No Notice of Decision Code Official	Public Notification No Notice of Application No Notice of Decision Code Official	Notice of Application Notice of Decision Code Official	Notice of Application Public Hearing Notice of Decision Hearing Examiner/Design Commission
Preapplication meeting required	No	No	Yes	Yes
Letter of completion (within 28 days)	No	No	Yes	Yes
Public Notification	No	Yes	No	No
Notice of Application (mailing and posting)	No	No	Yes	Yes

Table B. Review Processing Procedures				
	Type I	Type II	Type III	Type IV
Public Comment Period	None	None	30 days	30 days
Public Hearing (open record pre-decision)	No	No	No	Yes
Notice of Decision	Code Official	Code Official	Code Official	Hearing Examiner <sup>2</sup> or Design Commission
Notice of Decision	No	No	Yes	Yes
Appeal Authority	Hearing Examiner <sup>1</sup>	Hearing Examiner or Design Commission (code official design review)	Hearing Examiner	Superior Court or Shoreline Hearings Board (shoreline permits)

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1 Appeals of final short plat approvals shall be to superior court. Appeals of shoreline exemptions shall be to the shoreline hearings board.

2 The hearing examiner will provide a recommendation to ecology for decisions on shoreline conditional use permits and shoreline variances.