

PROPOSED Chapter 18.310: PROCEDURES

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18.310.010 Purpose and applicability.

This chapter describes how the city will process applications for development subject to review under this title. (Ord. 676 § 1 (part), 1995).

18.310.020 Application types and classification.

- A. Applications for review pursuant to this chapter shall be subject to a Type I, Type II, Type III or Type IV process.
- B. Unless otherwise required (for example where the city must approve more than one application for a given development), all applications required for the development may be submitted for review at one time. Where more than one application is submitted for a given development, and those applications are subject to different types of procedure, then all the applications are subject to the highest number procedure (i.e., Type IV is a higher number procedure than Type I) that applies to any of the applications.
- C. If the RDC does not expressly provide for review using one of the four types of procedures, and another specific procedure is not required by law, the planning director shall classify the application as one of the four types of procedures, consistent with subsection D of this section.
- D. Review procedures are characterized as follows:
1. A Type I process involves an application that is subject to clear, objective and nondiscretionary standards, for example, fee determination, or standards that require the exercise of professional judgment about technical issues. Type I decisions are made by the planning director or designee without public notice.
 2. A Type II process involves an application that requires the exercise of limited discretion concerning nontechnical issues and where there usually is limited public interest. Type II

decisions are made by the planning director or designee following public notice. Type II applications include, the following:

- a. Formal interpretations of code provisions;
- b. Short plat review;
- c. Site plan review;
- d. Administrative modifications;
- e. Minor covenant release applications;
- f. Flood plain permit applications;
- g. Minor conditional use permits; or
- h. Secondary uses in commercial zones.

3. A Type III (quasi-judicial) process involves an application for relatively few parcels and ownership. It is subject to criteria that involve the exercise of discretion and about which there often is a broad public interest. Type III decisions are made by the review authority, that is, the hearing examiner. Type III applications include, the following:

- a. Major conditional use permits;
- b. Major variances;
- c. Subdivisions, subject to the statutory provisions for city council approval;
- d. Expansions of nonconforming situations;
- e. Appeals of Type II planning director decisions;
- f. RUACP map designation amendments, when accompanied by a corresponding zone change that has been finalized by the city council;
- g. Major covenant release applications; and
- h. Planned unit developments (PUD).

4. A Type IV (legislative) process involves the creation, implementation or amendment of the land use policy or law by ordinance. In contrast to the other three procedure types, a Type IV process usually applies to a relatively large geographic area including many property owners. Consistent with GMA and county policies, the city shall consider Type IV legislative changes annually, at a time to be specified by the council. Type IV decisions are made by the city council, after considering the planning commission's recommendation. Type IV applications include, but are not limited to, amendments to Volumes I-IV of the RUACP (exclusive of quasi-judicial map amendments), and those chapters of the Ridgefield Municipal Code affecting land use and growth management.

E. All project applications shall be reviewed for consistency with the city's development regulations. Consistency shall be determined by:

1. The type of land use;
2. The level of development, such as units per acre;

3. Infrastructure including public facilities and services needed to serve the development;
4. The character of the development.

F. Third party technical review. When the city determines that it lacks the necessary technical expertise, the City may, after consultation with the applicant and at the applicant's expense, retain a qualified professional to review and comment on any technical reports, studies, figures and plans.

G. Duration of approval. Unless otherwise provided in this Title, a Type I, II or III land use approval shall expire within three years from the date of issuance of the final decision on the application unless the applicant demonstrates that substantial construction has occurred in furtherance of the approved permit.

(Ord. 802 § 6 (part), 2002; Ord. 744 § 13, 1999; Ord. 691 § 2, 1996; Ord. 676 § 1 (part), 1995).

18.310.030 Pre-application review.

A. The purposes of pre-application review are:

1. To acquaint city and agency staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant accordingly;
2. To acquaint the applicant with the applicable requirements of the RDC and other law. However, the conference is not intended to provide an exhaustive review of all the potential issues that a given application could raise. The pre-application review does not prevent the city from applying all relevant laws to the application; and
3. To provide an opportunity for other agency staff and the public to be acquainted with the proposed application and applicable law. Although members of the public may attend a pre-application conference, it is not a public hearing, and there is no obligation to receive public testimony or evidence.

B. Pre-application review is required for Type III and IV applications.

C. To initiate pre-application review, an applicant shall submit a completed form provided by the review authority for that purpose, the required fee, and all information required by the relevant section(s) of the city code or recommended in writing by the review authority for the pre-application in question and other relevant information. The applicant shall provide one original and three paper copies of all application materials, as well as electronic copies of all materials that include graphic and text files. The planning director may limit the day of the week on which an application is deemed accepted.

D. Information not provided on the form shall be provided on the face of the preliminary plat, in an environmental checklist or in other attachments. The planning director may modify requirements for pre-application materials and may conduct a pre-application review with less than all of the required information. However, failure to provide all of the required information may prevent the planning director from identifying all applicable issues or providing the most effective pre-application review.

E. Within 15 working days after receipt of an application for pre-application review, the city clerk shall mail written notice to the applicant, to agencies on the city notification list, and all affected public agencies, including public works, public safety, Clark County Fire and Rescue ,

building inspector, the Port of Ridgefield, the Ridgefield School District, the building inspector, the city engineer, the city attorney, the city manager's office, mayor's office, and the city clerk's office.

F. The planning director shall coordinate the involvement of agency staff responsible for planning, development review, roads, drainage, parks, and other subjects, as appropriate, in the pre-application review process. Interested staff persons shall attend the pre-application conference or shall take other steps to fulfill the purposes of pre-application review. The pre-application conference shall be open to the public. The public is invited to provide written comments for discussion. The city clerk shall post notice of the conference at City Hall in the customary place and shall provide notice to the public in the city's newspaper of record. The city clerk shall charge the applicant an additional fee to cover actual notice expenses incurred by the city.

G. The pre-application conference shall be scheduled at least five working days after the notice is mailed but not more than 20 working days after the review authority accepts the application for pre-application review. The review authority shall reschedule the conference and give new notice if the applicant cannot or does not attend the conference when scheduled.

H. Within 10 working days after the date of the pre-application conference, the review authority shall mail to the applicant and to other parties who sign a register provided for such purpose at the pre-application conference or who otherwise request it in writing, a written summary of the pre-application review. The written summary generally shall:

1. Summarize the proposed application(s);
2. Identify the relevant approval criteria and development standards in the city code or other applicable law and exceptions;
3. Evaluate information the applicant offered to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;
4. Identify applicable application fees in effect at the time, as found in Chapter 18.060 et seq., with a disclaimer that fees may change;
5. Identify information relevant to the application such as:
 - a. Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application,
 - b. Physical development limitations, such as steep or unstable slopes, wetlands, critical habitat areas, well head protection areas or water bodies, that exist on and in the vicinity of the property subject to the application,
 - c. Those public facilities that will serve the property subject to the application, including fire services, roads, storm drainage and, if residential, parks and schools, and relevant service considerations, (such as minimum access and fire flow requirements or other minimum service levels) and impact fees, and
 - d. Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that may affect or be affected by the proposed application.

I. An applicant may submit a written request for a second pre-application conference within one calendar year after an initial pre-application conference. A request for a second pre-application conference shall be subject to the same procedure as the request for the initial pre-application conference.

(Ord. 744 § 14, 1999; Ord. 676 § 1 (part), 1995).

18.310.040 Review for counter complete status.

A. The city clerk shall determine, within five days of receipt of a land use application, if the application is counter complete using a Type I process.

B. An application is counter complete if the city clerk finds that the application appears to include the information required by Section 18.310.050(C)(1) through (6). No effort shall be made to evaluate the substantive adequacy of the information in the application in the counter complete review process.

C. Within five working days of receiving a development permit application the city clerk shall mail or provide in person a written notice to the applicant stating either: That the application is counter complete; or that the application is incomplete and what is necessary to make the application complete.

D. If the city clerk decides the application is counter complete, the application shall be accepted for review for technically complete status. (Ord. 676 § 1 (part), 1995).

18.310.050 Review for technically complete status.

A. The city clerk shall forward counter complete applications to the planning director to review for technical completeness. Before accepting an application for processing for a Type I, II, III or IV review, the planning director shall determine that the application is technically complete using a Type I process.

B. The planning director shall decide whether an application is technically complete within 23 days after the city clerk finds the application to be counter complete.

C. An application is technically complete if it meets the specific application requirements of applicable land use reviews and includes the following:

1. A completed, clearly legible, original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application;

2. A legal description supplied by the Clark County survey records division, a title company, surveyor licensed in the state of Washington, or other party approved by the review authority, and current Clark County assessor map(s) showing the property(ies) subject to the application;

3. For a Type II, III or IV process, current Clark County assessor map showing the properties within a radius of the subject site as required in Sections 18.310.070 (Type II) or 18.310.080 (Type III) and a typed list and set of self-adhesive labels of the names and addresses of owners of all properties within that radius, certified as accurate and complete by the Clark County assessor, a title company, licensed surveyor, or other party approved by the city clerk-treasurer;

4. A copy of the pre-application review prepared by the planning director and any required materials resulting from that review;
5. The SEPA checklist, if required,
6. GIS compatible, or similar format, information including base maps, tax assessors maps, site plan, elevations, and other information requested by the planning director in the pre-application staff review; and
7. Payment of all fees required under Chapter 18.060 et seq.

D. The planning director may not find an application technically complete if it requires modification. An application shall be processed and reviewed based upon the regulations in effect at the time the last modification to the application was made by the applicant.

E. If the planning director determines that an application is not technically complete, the planning director shall provide a written statement identifying application deficiencies which must be met for the application to be processed, and indicating the date by which the missing information must be supplied to restart the technically complete status review. An applicant shall have 30 days from the date of the statement identifying the deficiencies to provide the necessary information. Within 14 days after an applicant has submitted additional information identified by the planning director as being necessary for a complete application, the city shall notify the applicant whether the application is complete or what additional information is necessary.

1. If an applicant receives a determination from the planning director, and the applicant either refuses in writing to submit additional information, or does not submit the required information within the 30-day period, the planning director shall make findings and issue a decision that the application is denied based upon lack of information necessary to complete the review.

F. If an application is denied, the planning director shall refund any unexpended funds, minus city actual expenses, up to 80 percent of the total application fee, within a reasonable time after denying the application.

1. If the city denies an application and issues a partial refund, the applicant may reapply for the same land use action and is subject to the appropriate application fee.
2. The city shall not accept an application for the same land use development action more than twice during one calendar year.

G. If the planning director decides an application is technically complete, then the planning director shall send written notice to the applicant acknowledging acceptance, including the date of a hearing for a Type III process. To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the written notice. Such notice must be mailed or provided in person to the applicant within 28 days after receipt of the project permit application. The city clerk shall provide written notice of the complete application to all city department heads, persons attending the pre-application conference, and persons or organizations which have filed a written request with the clerk's office to receive such notices. This notice shall not preclude the city from requesting additional information or studies if new information is required or substantial changes in the proposed action occur.

H. Applications shall be considered under the adopted plans and regulations in effect at the time that the planning director finds an application to be technically complete. An application which is only counter complete or requires modification to be technically complete shall not be vested.

I. A project permit application is complete for the purposes of this section when it meets the procedural submission requirements of this title and is sufficient for continuing processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

J. An application shall be deemed complete if the city does not provide a written determination to the applicant that the application is incomplete as provided in subsection E of this section. (Ord. 744 § 15, 1999; Ord. 691 §§ 3—5, 1996; Ord. 676 § 1 (part), 1995).

18.310.060 Type I procedure—Ministerial decision.

A. The planning director shall make a written decision of a Type I procedure within 20 working days after the date the application was accepted as technically complete.

1. If an application is not categorically exempt under Chapter 18.810 (SEPA), then the planning director shall issue a decision not more than 20 working days after the date of the threshold determination or after the date the application was accepted as technically complete, whichever is later; provided, if a determination of significance (DS) is issued, then the review authority shall issue a decision not more than 20 working days after a final environmental impact statement is issued.

2. An applicant may agree in writing to extend the time in which the review authority shall issue a decision. The planning director may consider new evidence the applicant introduces with or after such a written request.

B. Notice of a decision regarding a Type I process shall be mailed to the applicant and applicant's representative. The applicant may appeal the decision pursuant to Section 18.310.100.

C. The city clerk shall provide the mayor and city manager a copy of all final decisions made under a Type I procedure. (Ord. 676 § 1 (part), 1995).

18.310.070 Type II procedure— Administrative decision.

A. Within five working days after the date an application subject to Type II review is accepted as technically complete, the city clerk shall issue a public notice of the pending review. The notice shall be mailed to:

1. The applicant and the applicant's representative;
2. Owners of property within a radius of 300 feet of the edge of the property that is the subject of the application. The records of the Clark County assessor shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision if the notice was sent;

3. A sworn certificate of mailing executed by the person who did the mailing shall be conclusive evidence that notice was mailed to parties listed or referenced in the certificate;
 4. To other people the planning director believes may be affected by the proposed action or who request such notice in writing. The planning director may also require notices to be posted in conspicuous places visible on the site or in the vicinity of a proposed action at least 10 working days before the close of the comment period.
- B. The notice of the pending review shall include the following information:
1. The case file number(s);
 2. The name of the applicant and the name, address and telephone number of a contact person for the applicant if any;
 3. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
 4. A map showing the subject property in relation to other properties;
 5. A summary of the proposed application(s);
 6. The place, days and times where information about the application may be examined and the name and telephone number of the city representative to contact about the application; and
 7. A statement that the notice is intended to inform potentially interested parties about the application; that interested parties can submit written comments in a timely manner; and, that the review authority will consider written comments received by the city within 15 working days from the date of the notice. The comment closing date shall be listed in boldface type.
- C. The planning director shall consider comments timely received in response to the notice and may consider comments and responses received after the deadline for filing. Not less than 15 nor more than 25 working days after the date the notice of pending review was mailed, the planning director shall issue a written decision regarding the application(s). However:
1. If the application is not categorically exempt under Chapter 18.810 (SEPA), then the review authority shall issue a decision not more than 25 working days after the date of the notice of pending review was mailed. However, if a determination of significance (DS) is issued, then the review authority shall issue a decision not more than 20 working days after a final environmental impact statement is issued.
 2. An applicant may agree in writing to extend the time in which the review authority shall issue a decision. The review authority may consider new evidence the applicant introduces with or after such a written request.
- D. A decision shall include:
1. A statement of the applicable criteria and standards in the city code and other applicable law;

2. A statement of the facts which support a decision that the application does or does not comply with each applicable approval criterion; and an assurance of compliance with applicable standards;
3. The reasons for a conclusion to approve or deny; and
4. The decision to deny or approve the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law.

E. Within the time provided by subsection C of this section, the planning director shall mail the full decision to the parties listed in subsection A of this section and to other parties of record regarding the application pending review. The mailing shall include a notice which includes the following information:

1. A statement that the decision is final, but may be appealed as provided in Section 18.310.100 to the Ridgefield hearing examiner within 10 working days after the notice is mailed. The appeal closing date shall be listed in boldface type. The statement shall describe how a party must appeal the decision, including applicable fees and the elements of an appeal statement;
2. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times where the case file is available for review at City Hall.

F. The city clerk shall provide the city manager and mayor a copy of all final orders or decisions made under a Type II procedure. (Ord. 802 § 6 (part), 2002: Ord. 676 § 1 (part), 1995).

18.310.080 Type III Procedure—Quasi-judicial decision.

A. A Type III review process requires at least one public hearing before the hearing examiner. The public hearing should be held within 60 working days after the date the city issues the notice of technically complete status.

1. Subdivisions. The hearing examiner shall issue a decision on the request for preliminary plat approval subject to the procedures outlined in this section. The city council, on its own motion may elect to review the decision of the review authority and may adopt, adopt with modifications, or reject the decision of the review authority at a closed record review. Council action shall be based solely upon the record established during the public hearing conducted by the hearing examiner.
2. RUACP map designations and zone changes must be approved by ordinance by the city council. The council may adopt or reject the hearing examiner's recommendations and findings at a public meeting based on the record established at the public hearing. When the review authority forwards a recommendation for RUACP map designation, or zone change or other recommendations to the city council, the review authority shall address the relevant criteria. When the city council is makes a final decision on an RUACP map designation or zone change, the mayor shall direct members of the city council to address the relevant approval criteria in their deliberations. Decision options include approval, denial or approval with conditions. The member making the motion shall clearly state the reasons for the motion made, in terms of the relevant approval criteria. Following its decision, the city

council shall direct the planning director to prepare a final order as provided in section 18.310.080.F.

B. At least 10 working days before the date of a hearing for an application subject to Type III review, the city clerk shall issue a public notice of the hearing, and:

1. The city clerk shall mail a copy of the notice to:
 - a. The applicant and applicant's representative;
 - b. Owners of property within a radius of 300 feet of the property that is the subject of the application. The records of the Clark County assessor shall be used for determining the property owner of record. The failure of a property owner to receive notice shall not affect the decision if the notice was sent;
 - c. A sworn certificate of mailing executed by the person who did the mailing shall be evidence that notice was mailed to parties listed or referenced in the certificate; and
 - d. To individual members of the city council and other people the planning director believes may be affected by the proposed action or who request such notice in writing.
2. The city clerk shall publish in a newspaper of general circulation a summary of the notice, including the date, time and place of the hearing and an identification of the property and application(s) under review.

C. The notice of the public hearing shall include the following information:

1. The case file number(s);
2. The name of the applicant or applicant's representative and the name, address, and telephone number of a contact person for the applicant if any;
3. A description of the site, including plan designation and current zoning and nearest road intersections, sufficient to inform the reader of its location and zoning;
4. A map depicting the subject property in relation to other properties;
5. A summary of the proposed application(s);
6. The place, days and times where information about the application may be examined and the name and telephone number of the city representative to contact about the application;
7. A statement that the notice is intended to inform potentially interested parties about the hearing and to invite interested parties to appear orally or by written statement at the hearing and that persons who appear orally or in writing at the hearing or while the record remains open after the hearing and other persons who are adversely affected or aggrieved may appeal the decision;
8. The date, time and place of the hearing, and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the review authority; and
9. A statement that a staff report will be available for inspection at City Hall at least five days before the hearing and that a copy will be provided at reasonable cost;
10. The deadline for submitting a SEPA appeal pursuant to Chapter 18.310.

D. At least five days before the date of the hearing for an application(s), the planning director shall issue a written staff report and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation to the applicant. The city clerk shall mail or provide a copy of the staff report at reasonable charge to other parties who request it.

E. Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority. A public hearing shall be recorded on audio or audio/visual tape.

1. At the beginning of a hearing or agenda of hearings, the hearing examiner shall:
 - a. State that testimony will be received only if it is relevant to the applicable approval criteria and development standards and is not unduly repetitious;
 - b. Identify the applicable approval criteria and development standards;
 - c. State that the reviewer will consider any party's request that the hearing be continued or that the record be kept open for a period of time, and may grant or deny that request;
 - d. State that the reviewer must be impartial and whether he or she has had any ex parte contact or has any personal or business interest in the application. The hearing examiner shall provide parties an opportunity to challenge their impartiality; and
 - e. State whether he or she visited the site and what was observed during this visit;
 - f. State that persons who want to receive notice of the decision may sign a list for that purpose at the hearing and where that list is kept; and
 - g. Summarize the conduct of the hearing.

2. Prior to the conclusion of the hearing on each application, the hearing examiner may elect to continue the public hearing. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it were the initial hearing. The hearing examiner shall adopt guidelines for reviewing requests for continuances. The hearing examiner may, with the consent of the property owner, continue the meeting for the purpose of visiting the site under review. No testimony, other than objective factual information presented by city staff, shall be given or received during a site visit. The visit shall be conducted in conformance with the rules of procedure, approved by the city attorney and adopted by the hearing examiner for this purpose.

F. After the review authority makes a decision, within 30 working days after the date of the record closes, the hearing examiner shall issue a written decision regarding the application(s). The final order shall:

1. Identify applicable criteria and standards in the RDC and other applicable law;
2. The facts that the hearing examiner relied upon to demonstrate compliance or noncompliance with each applicable approval criterion and relevant standards;
3. The reasons for a conclusion to approve, approve with conditions or deny; and

4. The decision to deny or approve the application and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable criteria and standards;
5. The city attorney shall review and approve any final order prior to adoption by the city council.

G. Within five working days from the date of the final order, the city clerk shall mail the full decision to the applicant and those who requested a copy of the final decision in writing. Copying fees may be charged. Parties of record shall be mailed notice and instructed that a copy of the final order may be reviewed at City Hall during regular hours. The mailing shall include a notice which includes the following information:

1. A statement that the decision is final, but may be appealed as provided in Section 18.310.100 to the city council within 14 days after the date the notice is mailed. The appeal closing date shall be listed in boldface type. The statement shall describe how a party must appeal the decision, including applicable fees and the elements of a petition for review. The statement shall also describe SEPA appeal procedures;
2. A statement of any threshold determinations made under Chapter 43.21C RCW.

H. The city clerk shall provide the mayor and city manager a copy of all final orders or decisions made under a Type III procedure. (Ord. 802 § 6 (part), 2002; Ord. 744 § 16, 1999; Ord. 691 §§ 6, 7, 12, 1996; Ord. 676 § 1 (part), 1995).

18.310.090 Type IV procedure—Legislative decision.

A. A Type IV procedure requires one or more hearings before the planning commission and one or more hearings before the city council.

B. At least 10 working days before the date of the first planning commission hearing for an application subject to Type IV review, the planning director shall:

1. Prepare a notice that includes the following information:
 - a. The case file number(s),
 - b. A description and map of the area that will be affected by the application if approved reasonably sufficient to inform the reader of its location,
 - c. A summary of the proposed application(s),
 - d. The place, days and times where information about the application may be examined and the name and telephone number of the city representative to contact about the application,
 - e. A statement that the notice is intended to inform potentially interested parties about the hearing and to invite interested parties to appear orally or by written statement at the hearing,
 - f. Which review body will conduct the hearing, the date, time and place of the hearing, and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the review body,

g. A statement that a staff report will be available for inspection at the city hall at no cost at least five working days before the hearing, and copies will be provided at reasonable cost,

h. A general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings;

2. Publish in a newspaper of general circulation a summary of the notice, including the date, time and place of the hearing and a summary of the subject of the Type IV process; and

3. Provide other notice deemed appropriate and necessary by the planning director based on the subject of the Type IV process.

C. At least five days before the date of the first hearing for an application subject to Type IV review, the planning director shall issue a written staff report and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and provide a copy staff report and recommendation to the review body. The city clerk shall mail or provide a copy of the staff report at reasonable charge to other parties who request it.

D. Public hearings shall be conducted in accordance with the rules of procedure adopted by the planning commission or city council, except to the extent waived by the review body. A public hearing shall be recorded on audio or audio/visual tape.

E. At the conclusion of a planning commission hearing on a Type IV application, the planning commission shall announce one of the following actions, neither of which may be appealed:

1. That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing before the planning commission; or

2. That the planning commission recommends against or in favor of approval of the application(s) with or without certain changes, together with a brief summary of the basis for the recommendation.

F. Within 90 days of receipt of the report from the planning commission, the council shall conduct a public hearing. At least 10 working days before the date of the first city council hearing for an application subject to Type IV review, the planning director shall:

1. Prepare a notice that includes the information listed in subsection (B)(1) of this section except the notice shall be modified as needed:

a. To reflect any changes made in the application(s) during the planning commission review,

b. To reflect that the city council will conduct the hearing and the place, date and time of the council hearing, and

c. To state that the planning commission recommendation, and staff report, is available for inspection at City Hall at no cost, and copies will be provided at reasonable cost;

2. Mail a copy of that notice to the parties identified in subsection (B)(2) of this section and to parties who request it in writing;

3. Publish in a newspaper of general circulation a summary of the notice, including the date, time and place of the hearing and a summary of the subject of the Type IV process; and

4. Provide other notice deemed appropriate and necessary by the planning director based on the subject of the Type IV process.

G. At the conclusion of its initial hearing regarding a Type IV application, the council may continue the hearing or may adopt, modify or give no further consideration to the application. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be provided. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing before the council. (Ord. 691 § 8, 1996; Ord. 676 § 1 (part), 1995).

18.310.100 Appeal procedure.

A. A decision regarding an application subject to a Type I, II or III procedure may be appealed by an interested party only if, within 14 working days after written notice of the decision is mailed, a written appeal is filed with the city clerk. The city shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to Chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.

B. The appeal shall contain the following information:

1. The case number designated by the city and the name of the applicant;

2. The name and signature of each petitioner and a statement showing that each petitioner is entitled to file the appeal under subsection A of this section. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative for all contact with the planning director. All contact with the planning director, concerning procedures appeal issues, regarding the petition, including notice, shall be with this contact representative;

3. The specific element(s) of the decision being appealed, the reasons why each element is in error as a matter of fact, law or policy, and the evidence relied on to prove the error. If the appeal concerns a Type III decision, and the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered; and

4. An appeal fee pursuant to Sections 18.060.030(A)(7) and 18.060.070; provided that 80 percent of the fee shall be refunded if the appellant files with the planning director at least 20 working days before the appeal hearing a written statement withdrawing the appeal.

C. Within 45 days of receipt of the appeal, the hearing examiner shall hear appeals of Type I and II decisions in an open record hearing. Notice of an appeal hearing shall be mailed to parties entitled to notice of the decision. A staff report shall be prepared, an open record hearing shall be conducted, and a decision shall be made and noticed within 90 days.

D. Appeals of a Type III decision shall be filed with the Clark County Superior Court pursuant to state law.

E. Appeals of SEPA and shoreline permit decisions are governed by Chapter 18.800 and relevant WACs. (Ord. 802 § 6 (part), 2002; Ord. 744 § 17, 1999; Ord. 691 §§ 13—15, 1996; Ord. 676 § 1 (part), 1995).

18.310.110 Determination of time period for completed applications—Final decision.

A. In determining the number of days that have elapsed following notice to the applicant that the application is technically complete, the following periods shall be excluded:

1. Any period during which the applicant has been requested by the city to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the city notifies the applicant of the need for additional information until the earlier of the date the city determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided. If the city determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures under this subsection shall apply as if a new request for studies had been made;

2. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW if the city and the applicant in writing agree to a time period for completion of an environmental impact statement;

3. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period excluded shall not exceed 90 days for an open record appeal hearing and 60 days for a closed record appeal hearing;

4. Any extension of time mutually agreed upon by the applicant and the city.

B. The time limits established for Type I, II and III applications after the applicant has been notified that the application is complete do not apply if a project permit application requires:

1. An amendment to the comprehensive plan or a development regulation;

2. Requires siting of an essential public facility as provided in RCW 36.70A.200;

3. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be technically complete under Section 18.310.050.

C. If the city is unable to issue its final decision within the time limits provided for Type I, II and III applications, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. This becomes a Type I decision. (Ord. 691 § 9, 1996).

18.310.120 Notice of application.

A. The city shall provide a notice of application to the public and to any departments and agencies with jurisdiction over the application. The notice of application shall be provided within fourteen days after the determination of completeness as provided in Section 18.310.050. If the city has made a determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. A determination of significance and scoping notice may be issued prior to the notice of application.

B. The notice of application shall include the following:

1. The date of application, the date of the notice of completion for the application, and the date of the notice of application;
2. 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 under Section 18.310.050;
3. The identification of other permits not included in the application to the extent known by the city;
4. The identification of existing environmental documents that evaluate the proposed project, and if not otherwise stated on the document providing the notice of application, the location where the application and any studies can be reviewed;
5. A statement of the public comment period which shall be not less than 14 nor more than 30 days following the date of notice of application and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. The city may accept public comments at any time prior to the closing of the record of an open record hearing, if any, or if no open record hearing is provided, prior to the decision on the project permit;
6. The date, time, place and type of hearing, if applicable and scheduled at the date of the notice of application;
7. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency;
8. Any other information determined appropriate by the city.

C. If an open record hearing is required for the requested project permits, the notice of application shall be provided at least 15 days prior to the hearing.

D. The city shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction. The city may use different types of notice for different categories of project permits or types of project actions. The city shall, at a minimum, publish notice in a newspaper of general circulation. This notice shall include information concerning the project location, description, type of permit required, comment period dates, and location where the completed application may be reviewed.

E. A notice of application shall not be required for project permits that are categorically exempt under Chapter 43.21C RCW, unless a public comment period or an open record predecision hearing is required.

F. Except for a determination of significance under Chapter 43.21C RCW, the city may not issue its threshold determination or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application. However, if an open record predecision hearing is required, and the city's threshold determination requires public notice under Chapter 43.21C RCW, the city shall issue its threshold determination at least 15 days prior to the open record hearing. (Ord. 691 § 10, 1996).

18.310.130 Joint hearings permitted.

A. The city may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal or other agency provided that the hearing is held within the geographic boundary of the city of Ridgefield. Hearings shall be combined if requested by an applicant as long as the joint hearing can be held within the time period specified in Section 18.310.080, or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings. (Ord. 691 § 11, 1996).

B. The city may combine planning commission and city council hearings on Type IV proposals, other than the annual comprehensive plan amendment process, if the planning director finds that adequate opportunity is provided for public participation in the hearing.

18.310.140 Project permits excluded from requirements.

A. The following project permits are excluded from the requirements for consolidated review process, notice of application, requirements for joint hearings, determination of technical completeness, and notice of decision.

1. Lot line or boundary adjustments, building and other construction permits, or similar administrative approvals categorically exempt from environmental review under Chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits. (Ord. 691 § 15, 1996).

18.310.150 Development agreements.

A. Development agreements are discretionary.

B. Contents. Development agreements shall set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement, including master planned development proposed under the Ridgefield Development Code (RDC). Unless a variance is approved, a development agreement shall be consistent with all applicable development regulations contained in the RDC. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities.

C. For the purposes of this section, "development standards" include, but are not limited to:

1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
3. Mitigation measures, development conditions, and other requirements under RDC 18.810 (SEPA);
4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
5. Affordable housing;
6. Parks and open space preservation;
7. Phasing;
8. Review procedures and standards for implementing decisions;
9. A build-out or vesting period for applicable standards; and
10. Any other appropriate development requirement or procedure.

D. Effect. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period of the project specified in the agreement, and the project may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the city after the execution of the development agreement must be consistent with the development agreement. A development agreement shall reference by ordinance or code provision the land use regulations under which the project described in the development agreement is vested.

E. Vesting. Under subsection D, a development agreement provides an alternative to vesting under Section 18.010.070 RDC in advance of submission of project specific applications. In addition, a development agreement may fix the amount of impact fees and permit fees under the RDC, and any other financial contributions by the property owner, which may not be subject to later adopted fee increases. The property owner and city may agree that the project described in the development agreement will be subject to later enacted ordinances through the applicable modification procedures of the RDC. In the case of modifications to an EMUO master plan, the modification provisions of Section 18.240.110(C)(2)(h)(v) apply.

F. Concurrency. A development agreement may reserve capacity in the transportation system for the proposed development's trip generation and, in such case, the proposed development shall be deemed to have achieved transportation concurrency under the concurrency rules and regulations in effect on the effective date of the development agreement. The term for the concurrency determination shall be set forth in the development agreement.

G. Modifications. The city and property owner may seek mutually agreeable modifications of the development agreement. The city shall reserve authority in each development agreement to unilaterally impose new or different regulations only if necessary, and to the extent necessary, to address a serious threat to public health and safety.

H. Procedure-no concurrent land use application. If a development agreement is not proposed in conjunction with a Type II, III or IV land use application under Chapter 18.310, the development agreement shall be presented to city council at a public hearing for approval by ordinance or resolution. Prior to the public hearing before city council, the proponent of the development agreement shall complete and submit to the Planning Director a SEPA checklist under Chapter 18.810 RDC. A challenge of city council's decision on a development agreement that is not processed in conjunction with a Type II, III or IV application shall be filed with Clark County Superior Court within 30 days of issuance of a written decision by council.

I. Procedure-concurrent Type II, III or IV land use application. If a development agreement is proposed in conjunction with a Type II, III or IV land use application under Chapter 18.310 RDC the development agreement shall be presented to city council at a public hearing for approval by ordinance or resolution, after the Type II, III or IV has been approved or recommended for approval by the appropriate reviewing body prior to city council consideration, If a Type II, III or IV land use application is exempt from SEPA, for the development agreement part of the proposal, the proponent shall comply with SEPA pursuant to Chapter 18.810 RDC.

The initial review body for the Type II, III or IV application shall not make a final decision on that portion of the application related to the development agreement but shall make a recommendation of approval or denial of the development agreement to city council. If no appeal is filed on the underlying land use application, the planning director shall send 14 days' advance written notice of the public hearing before city council for consideration of the development agreement to all parties entitled to a notice of decision for the applicable application under Chapter 18.310 RDC. If an appeal is filed of a Type II, III or IV application, the city council shall not review the development agreement until the appeal is before city council or the appeal has been dismissed.

J. Recording. Within 30 days after approval by city council, the city shall ensure that a development agreement is recorded within the real property records of Clark County. During the term of the development agreement, the agreement is binding on the parties and their successors, including successor jurisdictions. The term of the agreement shall be such length as to be reasonable and shall be agreed to by both the applicant and the city. (Ord. 820 § 1, 2003).