

Chapter 14.07 APPLICATIONS

Sections:

[14.07.005 Purpose statement.](#)

[14.07.010 Consolidated application review.](#)

[14.07.020 Exemptions.](#)

[14.07.030 Concurrent environmental review.](#)

[14.07.040 Preapplication informal review.](#)

[14.07.050 Content of applications.](#)

[14.07.060 Submittal of applications.](#)

[14.07.070 Determination of complete application for FMC Titles 16 through 18.](#)

[14.07.075 Determination of a complete application for FMC Title 15.](#)

[14.07.080 Formal review.](#)

[14.07.090 Vesting of applications.](#)

[14.07.100 Application review and approval period.](#)

14.07.005 Purpose statement.

This chapter is intended to describe in general terms the development application review process as well as the specific information the City requires to begin review of development applications. The City of Ferndale seeks to process applications for development permits as efficiently as possible. The City recognizes that the complexity of development review may vary significantly from project to project, and that individual applicants may desire a higher or lower degree of certainty before proceeding to the next step in the review process. The City seeks to provide significant flexibility in the scope of review for individual applicants while adhering to predictable processes that will increase efficiency and will provide consistent results to the applicant and the general public. (Ord. 1867 § 1 (Att. 1), 2014)

14.07.010 Consolidated application review.

A. For the purposes of this chapter (Chapter [14.07](#) FMC), references to the “City,” “Planning Department,” “Building Department,” and “Community Development Department (CDD),” shall be interchangeable and where applicable shall mean the Community Development Department.

B. For purposes of this chapter (Chapter [14.07](#) FMC), [references to the term “days,” as it relates to timing, shall mean calendar days unless otherwise noted.](#)

[BC. Pursuant to RCW 36.70B.060\(3\) and 36.70B.120 and WAC 365-196-845, an applicant may elect to submit a consolidated project permit application. The applicant shall make such election in writing upon](#)

and simultaneously with submission of all applications to be consolidated. Upon the applicant's payment of the appropriate consolidation fee, the City shall process all consolidated applications as one application under the highest project permit classification and procedures.

~~In order to avoid duplication of review processes, the City shall consolidate applications for development and other City approvals and integrate the permit and environmental review processes to the extent practicable.~~

DC. Except as otherwise noted in this title, applicants may submit applications for development permit approval and other City approvals sequentially or simultaneously. However, the City shall not be obligated to review materials submitted in conjunction with a particular permit application, beyond that necessary to determine completeness, when prior approvals of permits or plans are necessary to provide a meaningful context within which such permit application materials can be reviewed. (Ord. 1867 § 1 (Att. 1), 2014; Ord. 1600 § 1, 2010; Ord. 1396 § 2, 2006)

E. If a project involving two or more permits has the permits processed individually, the highest project permit classification and procedures must be finalized before subsequent permits can be issued. The Director may waive this requirement for permits not dependent on the higher classification of permit for their justification or implementation.

F. If applicable, the City shall conduct a single open-record hearing and no more than one closed-record appeal on a consolidated review process. The consolidated process may combine an open-record hearing on one or more permits with an open-record appeal hearing on the other permits.

G. Upon electing a consolidated review, the applicant shall pay such consolidation fee as has been established in the fee schedule adopted by the City Council. Simultaneous applications for permit approval within one category of approvals, such as solely land use, building, or engineering approval, are not consolidated reviews subject to a consolidated review fee, but nonetheless are entitled to consolidated review if so elected by the applicant.

14.07.020 Exemptions.

Unless submitted in conjunction with other nonexempt permit applications, the following permit applications shall be exempt from the preapplication requirements of FMC [14.07.040](#), and shall be exempt from notice requirements of FMC [14.15.030](#) unless utilizing the combined notice provisions of FMC [14.15.030](#)(H) and [14.15.040](#)(F):

A. A.—Applications for building permits ~~;~~ ~~and~~

(1) Building permits for interior alterations are exempt from Site Plan Review (FMC 15.14) ~~are exempt from the requirements of FMC,~~ provided that the interior alterations do not result in the following:

(a) Additional sleeping quarters or bedrooms; or

(b) Nonconformity with federal emergency management agency substantial improvement thresholds; or

(c) Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

(24) Nothing in this section exempts interior alterations from otherwise applicable building, plumbing, mechanical, or electrical codes.

(35) For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.

B. Applications requiring administrative approval only. (Ord. 1867 § 1 (Att. 1), 2014; Ord. 1600 § 1, 2010; Ord. 1396 § 2, 2006)

14.07.030 Concurrent environmental review.

A. Developments subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedures contained in Chapter [16.04](#) FMC.

B. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:

1. Projects categorically exempt from SEPA review.
2. Components of previously completed planned actions, to the extent permitted by law (refer to Chapter [43.21C](#) RCW) and consistent with the applicable environmental document for the planned action. (Ord. 1867 § 1 (Att. 1), 2014; Ord. 1600 § 1, 2010; Ord. 1396 § 2, 2006)

14.07.040 Preapplication informal review.

A. Preapplication review of all development proposals by the City is encouraged as a way to familiarize a potential applicant with the City's development regulations prior to preparation of formal plans and documents that must be submitted with a development application. The purpose of the meeting is to discuss, in general terms, the proposed development, applicable City zoning, development regulations, development standards, required permits and approvals, applicable development fees, and the anticipated timing of the review process. Unless required pursuant to subsection (B) of this section, preapplication review, as described in this section, is optional and is intended to familiarize the City with

potential projects and to familiarize applicants with applicable regulations. Preapplication review may be desirable for those applicants who are not yet ready to submit formal applications, those applicants who are conducting feasibility review, or those applicants who desire additional clarification on City codes and processes.

B. Preapplication review of preliminary plats and planned unit developments by the City is required prior to the submittal of a development application. The Community Development Director may waive the requirement if the applicant has attended one or more previous preapplication meeting(s) and/or has demonstrated a thorough knowledge of City development procedures, regulations and standards, and the project is of such a nature as to make another preapplication meeting unnecessary.

C. Preapplication review is conducted by representatives of the Community Development Department and may include representatives of other departments or agencies as necessary. (Ord. 1867 § 1 (Att. 1), 2014; Ord. 1600 § 1, 2010; Ord. 1396 § 2, 2006)

14.07.050 Content of applications.

A. All applications for development permits and other City approvals shall be submitted on forms provided by the Community Development Department.

B. All applications for approval under FMC Titles [15](#) through [18](#) or other development-related portions of this code shall include the information contained within the specific City code and submittal instructions for each type of project proposal, in the corresponding chapter of the City's development standards, in applicable state law or WACs and in any site-specific conditions resulting from a preapplication conference. The Community Development Director, when applicable, may require such additional information as reasonably necessary to fully and properly evaluate the proposal.

C. Unless a waiver from one or more specific application submittals is provided in writing by the Community Development or Public Works Director, only those applications meeting the application requirements of Table 1 below shall be determined to be complete pursuant to FMC [14.07.070](#). The contents of specific application materials shall be based on relevant code section(s) within the Ferndale Municipal Code or other relevant codes.

Submittal Requirements	<u>Intent to Annex</u>	<u>Petition to Annex</u>	<u>Appeal</u>	<u>Binding Site Plan (General)</u>	<u>Binding Site Plan (Specific)</u>	<u>Comprehensive Plan Amendment</u>	<u>Conditional Use Permit</u>
<u>Master land use cover sheet</u>	•	•	•	•	•	•	•
<u>Application form</u>	•	•	•	•	•	•	•
Title certificate or deed (< 30 days old)	•	•		•	•	•	•
<u>Project narrative</u>	•	•	•	•	•	•	•
<u>Application/review fee(s)</u>	•	•	•	•	•	•	•
<u>Site plan</u>	•	•		•	•	•	•
<u>Building elevations</u>							•
Building floor plans							•
<u>Record of survey</u>	•	•		•		•	•
<u>Landscaping plan</u>				•	•		•
<u>Plat map</u>				•	•		•
<u>Traffic concurrency worksheet</u>				•	•		•
<u>Traffic concurrency study</u>		*					
Environmental:							
<u>SEPA checklist</u>				*	*	*	*
<u>Preliminary stormwater site plan</u>				•	•	•	•
Critical areas report				*	*		*
Other:	*	*	*	*	*	*	*
Civil/Engineering:							

Submittal Requirements	<u>Intent to Annex</u>	<u>Petition to Annex</u>	<u>Appeal</u>	<u>Binding Site Plan (General)</u>	<u>Binding Site Plan (Specific)</u>	<u>Comprehensive Plan Amendment</u>	<u>Conditional Use Permit</u>
<u>Grading and clearing plan(s)</u>							
<u>Stormwater site plan/drainage calculations/study</u>							
<u>Road and drainage plans</u>							
<u>TESCP (erosion control)</u>							
<u>Topography (existing and proposed)</u>				•	•		
<u>Water/sewer/utility plans</u>							
CC&Rs				•	•		
Petition statement		•					
List of property owners in area	•	•					
Neighborhood meeting minutes and recording	•						
Requirements Due Prior to Final Certificate of Occupancy:							
Deeds/conveyances/easements				•	•		
As-constructed electronic (CAD format, etc.) and one hard copy					•		
Sureties and bonds (performance and/or maintenance)					•		

* TBD by Community Development.

D. The applicant shall apply for all permits identified in the preapplication meeting and as required under FMC Titles [15](#) through [18](#) or other development-related portions of this code. (Ord. 2069 § 1 (Exh. 1), 2018; Ord. 1867 § 1 (Att. 1), 2014; Ord. 1600 § 1, 2010; Ord. 1396 § 2, 2006)

14.07.060 Submittal of applications.

A. All applications for approval under FMC Titles [15](#) through [18](#) or other development-related portions of this code shall be submitted, by appointment, to the Community Development Department, together with the appropriate application fee as established by City ordinance. No application shall be considered complete for the purpose of vesting and processing without all of the accompanying plans, documents, materials, and fees that are required to be submitted with the application.

B. No application shall be accepted by the City unless it is signed by the property owner(s) or is accompanied by an owner consent form. (Ord. 1867 § 1 (Att. 1), 2014; Ord. 1600 § 1, 2010; Ord. 1396 § 2, 2006)

14.07.070 Determination of complete application for FMC Titles 16 through 18.

~~A. Within 28 days after receiving a project permit application, the City pursuant to RCW 36.70A.040 shall provide a written determination to the applicant. Within 28 calendar days of receipt of an application for development or other City approval, the City shall review the application and, as set forth below, provide applicants with a written determination that the application is complete or incomplete.~~

B. The written determination must state either:

1. That the application is complete; or

2. That the application is incomplete, and that the City's procedural submission requirements of the local government have not been met. The determination shall outline what is necessary to make the application procedurally complete.

~~(c) The number of days shall be calculated by counting every calendar day.~~

C. A project permit application is complete for purposes of this section when it meets the procedural submission requirements of the City, as outlined on the project permit application. Additional information or studies may be required, or project modifications may be undertaken, subsequent to the City's procedural review of the application. The determination of completeness shall not preclude the local government 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.

However, if the procedural submission requirements, as outlined on the project permit application, have been provided, the need for additional information or studies may not preclude a completeness determination.

D. An application shall be deemed procedurally complete on the 29th day after receiving a project permit application if the City does not provide a written determination to the applicant that the application is procedurally incomplete, as provided in FMC 14.07. When the City does not provide a written determination, they may still seek additional information or studies, as provided for in 14.07.

E. The notice of application shall be provided within 30 calendar days after the determination of completeness pursuant to this section.

BF. A project application shall be declared complete only when it contains all of the following materials:

1. A fully completed, signed, and acknowledged development application and all applicable review fees, as required per Table 1, Land Use Submittal Requirements.
2. A fully completed, signed, and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act, together with applicable technical studies.
3. The information specified for the desired project in the appropriate chapters of the Ferndale Municipal Code and as identified in FMC [14.07.050](#).
4. Any supplemental information or special studies identified by the Community Development Director.

GC. The Community Development Department shall provide applicant written notice that the Community Development Department has determined that the project permit application is complete and the date of the determination of completeness. Until the Community Development Department issues a written notice of a complete project application stating the date of the determination of completeness, a proposed permit application shall not be deemed complete for purposes of vesting as provided in this section and FMC [14.07.090](#).

HD. For applications determined to be incomplete, the Community Development Department shall issue a notice of incomplete application and identify therein, in writing, the specific requirements or additional information necessary to complete the application. An applicant will have 90 calendar days to submit the additional required information. This period may be extended at the Director's discretion upon good cause shown for one additional 90-calendar-day period. If an applicant fails to respond within the required time frame, the Director shall make findings and issue a decision that the application is rejected, and a new

application shall be required for additional review. If the City rejects an application, all vesting rights are lost.

I.E. Upon submittal of the additional information within the required time frame specified in subsection (D) of this section, the Community Development Department shall, within 28-14 calendar days, review the additional information and issue either a determination of complete application or take alternative action, as allowed by this section. If the Director determines the application to be complete, the vesting date for the application shall be that date that the Director issues the notice of complete application. If the Director determines that the application is still incomplete, ~~based on an applicant's failure to submit required additional information, the Director may make findings and issue a decision that the application is rejected, that a new application shall be required for additional review, and that vesting rights are lost. However,~~ the Director ~~may, in their sole discretion, upon good cause shown, issue~~may issue another notice of incomplete application and identify therein, in writing, the specific requirements or additional information necessary to complete the application, and allow the applicant one additional 90-calendar-day time period to comply.

J.F. In the event the Community Development Department does not provide an applicant with a written determination that the application is complete or incomplete within 28 calendar days of receipt of an application for development or other Community Development Department approval as provided in subsection (A) of this section, the application shall automatically be deemed complete. However, the Community Development Department may notify the applicants in writing prior to the conclusion of the 28-day period, that due to department workload, high volume of permit applications, and/or additional time constraints upon the Community Development Department, additional time shall be required for the issuance of a determination on the application. Such notification shall specify additional time necessary for the Community Development Department to make a determination, and shall obviate the 28-day deadline contained in this section. (Ord. 2192 § 1 (Exh. 1), 2021; Ord. 1867 § 1 (Att. 1), 2014; Ord. 1600 § 1, 2010; Ord. 1396 § 2, 2006)

14.07.075 Determination of a complete application for FMC Title 15.

A. Within 14 calendar days of receipt of an application for development pursuant to FMC Title 15, the City shall review the application and, as set forth below, provide applicants with a written determination that the application is complete or incomplete.

B. A project application shall be declared complete only when it contains all of the following materials:

1. A fully completed, signed, and acknowledged development application and all applicable review fees, as required per Table 1, Land Use Submittal Requirements.

2. The information specified for the desired project in the appropriate chapters of the Ferndale Municipal Code and as identified in FMC [14.07.050](#).

3. Any supplemental information or special studies identified by the Community Development Director.

C. The Director shall provide the applicant written notice that the project permit application is determined to be complete. Until the Director issues a written notice of a complete project application stating the date of the determination of completeness, a proposed permit application shall not be deemed complete for purposes of vesting as provided in this section and FMC [14.07.090](#).

D. For applications determined to be incomplete, the Director shall issue a notice of incomplete application and identify therein, in writing, the specific requirements or additional information necessary to complete the application. An applicant will have 14 calendar days to submit the additional required information. This period may be extended at the Director's sole discretion for good cause shown in 14-day increments. No more than two extensions shall be approved. If an applicant fails to respond within the required time frame, the Director shall make findings and issue a decision that the application is rejected, and a new application shall be required for additional review. If the City rejects an application, all vesting rights are lost.

E. Upon the applicant's submittal of the additional information within the required time frame specified in subsection (D) of this section, the Director shall, within 14 calendar days, review the additional information and issue either a determination of complete application or take alternative action, as allowed by this section. If the Director determines the application to be complete, the vesting date for the application shall be that date that the Director issues the notice of complete application. If the Director determines that the application is still incomplete, based on an applicant's failure to submit required additional information, the Director may make findings and issue a decision that the application is rejected, that a new application shall be required for additional review, and that vesting rights are lost. However, the Director may, in their sole discretion, upon good cause shown, issue another notice of incomplete application and identify therein, in writing, the specific requirements or additional information necessary to complete the application, and allow the applicant an additional 14 calendar days to comply, as allowed by subsection (D) of this section. (Ord. 2192 § 1 (Exh. 1), 2021)

14.07.080 Formal review.

A. Following the issuance of a determination of complete application, the Community Development Director shall schedule the application for review by the Technical Review Committee at a regular meeting. The purpose of the meeting is to discuss specific concerns about the project design with regard

to City zoning and development regulations, anticipated conditions of approval and other specific requirements, the type and estimated amount of development fees, and the anticipated timing and dates of City responses, decisions, or public hearings. When appropriate, the City shall invite other affected jurisdictions, agencies and/or special districts to the formal review meeting.

B. Formal review is required for all land development and subdivision applications, except that the Community Development Director may agree to waive the requirement if the application is of a nature as to make a formal review unnecessary.

C. Formal review is conducted by the Technical Review Committee (TRC) once per month unless the volume or complexity of development applications warrants a greater or lesser number of meetings, as determined by the Community Development Director.

D. The full Technical Review Committee will conduct preapplication review of projects on a per-hour basis, at the written request of the applicant and deposit of fees as per the Unified Fee Code. (Ord. 1867 § 1 (Att. 1), 2014; Ord. 1600 § 1, 2010; Ord. 1396 § 2, 2006)

14.07.090 Vesting of applications.

A. General Vesting Rule. An applicant submitting a complete project development application to the Community Development Department shall have the right to have the project development considered under the City's applicable land use controls in effect on the date the Community Development Department determines the project development application is complete.

B. Project Development or Project Development Application. Vesting of applications shall apply only to the following project actions: building permits, subdivisions and short plats, binding site plans, planned unit development, conditional use permits, and shoreline substantial development and conditional use permits, and except as provided herein, project permits or project permit applications for purposes of vesting shall not include any other land use or environmental permits or licenses required pursuant to the Ferndale Municipal Code.

C. Sequential Submittal of Separate Applications. When a complete building permit application is not consolidated with a land use approval application, each application for land use approval and for subsequent construction permits shall be reviewed subject to the relevant laws, ordinances, regulations, and standards in effect on the date of receipt of each separate and specific complete application.

D. Full Vesting. Only when a complete building permit application for a structure to be used in a manner permitted under the land use regulations in effect on the date such application is submitted will the

applicant be entitled to improve and use land under the ordinances of the City in effect on the date of the complete building application.

E. Expiration of Vested Rights. Timelines for valid duration and expiration of applications and development permits shall be governed by the provisions of this chapter and by applicable regulations and/or as specifically conditioned by the Community Development Department. The applicant shall be responsible for monitoring time limitations and deadlines for specific applications and permits. The City shall not be responsible for maintaining valid applications and permits. If an application or permit subject to this chapter expires, the applicant may file a new application, but such application shall be subject to the development regulations in effect on the date the new application is complete for processing.

F. 1. Impact and Connection Fees. Notwithstanding any other provisions of this section, the filing of a permit application shall not vest the applicant as to the impact fee in effect at the time of filing.

2. Permit and Plan Review Fees. Notwithstanding any other provisions of this section, fees paid for any permit or plan review shall be those in effect at the time the permit or plan review is paid for.

G. Residential Impact and Connection Fee Deferral Program. Consistent with RCW [82.02.050\(3\)](#), the City of Ferndale has established a fee deferral program for the purpose of allowing certain impact and connection fees associated with single- and multifamily building permits to be deferred until a request for final inspection, while preserving the value of the fees in place at the time of fee deferral.

1. The fee deferral program shall apply to connection fees established by Chapters [13.08](#) and [13.20](#) FMC, and development impact fees established by Chapters [15.44](#) and [15.60](#) FMC.

2. Any fees that are deferred by this program shall be paid within 18 months of permit issuance, or prior to the request for final inspection, whichever occurs first.

3. Failure to pay deferred fees within 18 months following permit issuance shall mean that the applicant will forfeit any vesting to that fee.

a. New fees shall be imposed based on the fees adopted by the City of Ferndale that are in place at the time of payment, which must occur prior to the request for final inspection.

4. Failure to pay deferred fees within 18 months following permit issuance shall not automatically result in suspension or forfeiture of a permit that is otherwise valid. The permit may remain valid in accordance with the timelines established by Chapter [15.04](#) FMC, and the conditions associated with the individual permit.

- a. Should a final inspection be delayed as a consequence of failure to pay deferred fees, thus resulting in the expiration of the permit, all vesting of the deferred fees shall be lost.
- b. Should a permit become invalid for any reason, all vesting of deferred fees shall be lost. (Ord. 2037 § 1 (Att. 1), 2018; Ord. 1867 § 1 (Att. 1), 2014; Ord. 1600 § 1, 2010; Ord. 1396 § 2, 2006)

14.07.100 Application review and approval period.

~~A.~~

~~A. For project permits which do not require public notice under FMC 14.09, the City shall issue a final decision within 90 calendar days of the determination of completeness. The final decision on a development proposal shall be made within 120 days from the date of the determination of complete application, pursuant to RCW 36.70B.080(1).~~

~~B. For project permits which require public notice under Chapter FMC-14.09 FMC, the City shall issue a final decision within 150 calendar days of the determination of completeness under Chapter FMC-14.07 FMC.; and~~

~~C. For project permits which require public notice under Chapter FMC-14.09 FMC and a public hearing, the City shall issue a final decision within 270 calendar days of the determination of completeness under FMC Chapter 14.07 FMC.~~

D. Exceptions to this include:

1. Amendments to the Comprehensive Plan, ~~or~~ Development Code, or Zoning Map.
2. Any additional time required by the City to correct plans, perform studies or provide additional information; provided, that within 14 calendar days of receiving the requested additional information, the Community Development Director shall determine whether the information is adequate to resume the project review.
3. Substantial project revisions, as determined by the Community Development Director, made or requested by an applicant; in which case the Community Development Director shall determine whether the information is adequate to resume the project review within the timelines described in FMC 14.07.100.A-C, or make findings and issue a decision that the application is rejected, and a new application shall be required for additional review. If the City rejects an application, all vesting rights are lost.

~~the 120 calendar days will be calculated from the time that the City determines the revised application to be complete.~~

4. All time required for the preparation and review of an environmental impact statement.
5. Projects involving the siting of an essential public facility.
6. An extension of time mutually agreed upon by the City and the applicant.
7. All time required to obtain a variance.
8. Any remand to the hearing body.
9. All time required for the administrative appeal of a determination of significance.
10. Other legislative functions, including but not limited to petitions for annexations and street vacations.
11. Appeals of administrative decisions.

EB. If the City is unable to issue its final decision on a proposed permit application within the time limits provided for in subsection (A) of this section, it shall provide written notice of this fact to the project 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 final decision.

F. The number of days an application is in review with the City shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a final decision is issued on the project permit application. The number of days shall be calculated by counting every calendar day and excluding the following time periods:

(i) 1. Any period between the day that the City has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant.;

(ii) 2. Any period after an applicant informs the City, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the City, in writing, that they would like to resume the application. The City may set conditions for the temporary suspension of a permit application.;~~and~~

(iii)3. Any period after an administrative appeal is filed until the administrative appeal is resolved and after any additional time period provided by the administrative appeal has expired.

G. The time periods for the Ceity to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use, as required by the Ceity.

H. (i) If, at any time, an applicant informs the eCity, in writing, that the applicant would like to temporarily suspend the review of the project for more than 30 calendar days, or if an applicant is not responsive for more than 60 consecutive days after the Ceity has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 calendar days may be added to the time periods for eCity action to issue a final decision for each type of project permit that is subject to this chapter. Any written notice from the Ceity to the applicant that additional information is required to further process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 calendar days being added to the time for review. For the purposes of this subsection, "nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the Ceity, or that there is no ongoing communication from the applicant to the eCity on the applicant's ability or willingness to provide the additional information.

C. In calculating time periods for filing requests for reconsideration or appeals of final decisions of the Hearings Examiner or City Council, the decision date shall be considered to be the date of the notice of decision. In the event a notice of decision is not issued, the decision date shall be considered to be the date that the City Council took action on the motion, resolution, or ordinance, or the date the Hearings Examiner issues a written decision to the Community Development Director. (Ord. 1867 § 1 (Att. 1), 2014; Ord. 1600 § 1, 2010; Ord. 1396 § 2, 2006)

14.07.100 Application review and approval period.

A.—The final decision on a development proposal shall be made within 120 days from the date of the determination of complete application, pursuant to RCW 36.70B.080(1). Exceptions to this include:

- 1.—Amendments to the Comprehensive Plan or Development Code.
- 2.—Any additional time required by the City to correct plans, perform studies or provide additional information; provided, that within 14 days of receiving the requested additional information, the Community Development Director shall determine whether the information is adequate to resume the project review.
- 3.—Substantial project revisions made or requested by an applicant; in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.
- 4.—All time required for the preparation and review of an environmental impact statement.
- 5.—Projects involving the siting of an essential public facility.
- 6.—An extension of time mutually agreed upon by the City and the applicant.
- 7.—All time required to obtain a variance.
- 8.—Any remand to the hearing body.
- 9.—All time required for the administrative appeal of a determination of significance.
- 10.—Other legislative functions, including but not limited to petitions for annexations and street vacations.
- 11.—Appeals of administrative decisions.

B.—If the City is unable to issue its final decision on a proposed permit application within the time limits provided for in subsection (A) of this section, it shall provide written notice of this fact to the project

~~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 final decision.~~

~~C.— In calculating time periods for filing requests for reconsideration or appeals of final decisions of the Hearings Examiner or City Council, the decision date shall be considered to be the date of the notice of decision. In the event a notice of decision is not issued, the decision date shall be considered to be the date that the City Council took action on the motion, resolution, or ordinance, or the date the Hearings Examiner issues a written decision to the Community Development Director. (Ord. 1867 § 1 (Att. 1), 2014; Ord. 1600 § 1, 2010; Ord. 1396 § 2, 2006)~~