

Chapter 14.05 PERMITS PROCESSING

Sections:

- [14.05.010](#) Purpose.
- [14.05.020](#) Types of project permit applications.
- [14.05.030](#) Type II through IV project permit applications.
- [14.05.040](#) Public notice.
- [14.05.050](#) Consistency between development regulations and SEPA.
- [14.05.060](#) Open record public hearings.
- [14.05.070](#) Closed record decisions and appeals.

14.05.010 Purpose.

This chapter, relating to land use and zoning, adopts new administrative procedures for the processing of project permit applications, as required by the Regulatory Reform Act, Chapter 36.70B RCW; combines the environmental review process, both procedural and substantive, with the procedures for review of project permits, and except for the appeal of a determination of significance provides for no more than one open record hearing and one closed record appeal; and establishes a process for the conduct of open record hearings and closed record decisions and appeals. (Ord. 451, 1997)

14.05.020 Types of project permit applications.

(1) Conflicts. In the event provisions related to open record hearings, closed record appeals and judicial appeals found in any other ordinance of the town of Twisp conflict with any provisions of this chapter, the provisions of this chapter shall supersede and control unless otherwise specified by Washington State statute. Such ordinances may include, but are not limited to, Chapters 5.25, 15.05 and 16.05 TMC, TMC Title 17, and Section 7.00 of the town of Twisp shoreline master program.

(2) Procedures for Processing Project Permits. For the purpose of project permit processing and as shown by Table 1 – Permit Procedure Types I – IV, all development permit applications shall be classified as one of the following: Type I, Type II, Type III, or Type IV. Legislative decisions are Type V actions and are addressed in subsection (4) of this section. Exclusions from the requirements of project permit application processing are contained in subsection (6) of this section.

Table 1 – Permit Procedure Types I – IV

| Permit Type | Recommendation By | Open Record Public Hearing? | Final Decision Made By |
|---|----------------------|--------------------------------|---------------------------|
| TYPE I – Administrative approval. No planning commission involvement. No council invol | | | |
| Boundary Line Adjustments | NA | No | Administrator |
| Short Plat | NA | No | Administrator |

| | | | |
|--|---------------|---|--|
| Business Licenses | NA | No | Town clerk |
| Building Permits | NA | No | Building official |
| Shoreline Substantial Development Permit | NA | Only if the administrator or council determines that the development is one of special significance (see SMP) | Administrator, unless public hearing is held by council |
| Shoreline Statement of Exemption | NA | No | Administrator |
| Floodplain Development Hazard | NA | No | Administrator |
| Qualified Exemption from Subdivision Ordinance | NA | No | Administrator |
| Access Permits | NA | No | Public works director |
| TYPE II – Administrator to planning commission; no council involvement unless appeal is | | | |
| Subdivision Ordinance Variances | Administrator | Yes, before planning commission | Planning commission |
| TYPE III – Administrator to either council or board of adjustment; no planning commission | | | |
| Conditional Use Permits | Administrator | Yes, before board of adjustment prior to final decision | Board of adjustment |
| Variances | Administrator | Yes, before board of adjustment prior to final decision | Board of adjustment |
| Nonconforming Use Variances | Administrator | Yes, before board of adjustment prior to final decision | Board of adjustment |
| Shoreline Variances | Administrator | Yes, before council prior to local decision | Council. Decision of council forwarded to Department of Ecology for final approval |
| Shoreline Conditional Use Permits | Administrator | Yes, before council prior to local decision | Council. Decision of council forwarded to Department of Ecology for final approval |
| Final Approval of | Administrator | No | Council. May be referred to |

| | | | |
|---|---------------------|---|--|
| Planned Development | | | planning commission for further review |
| Final Approval of Long Plat | Administrator | No | Council. Council may send back to planning commission if final plat is significantly changed, in which case final plat approval becomes a Type IV permit |
| Floodplain Development Variance | Administrator | Yes, before council prior to final decision | Council |
| TYPE IV – Recommendation by planning commission; final decision by town council. | | | |
| Preliminary Approval of Long Plats | Planning commission | Yes, before planning commission prior to making its recommendation to council | Council |
| Preliminary Approval of Planned Developments | Planning commission | Yes, before planning commission prior to making its recommendation to council | Council |
| Rezoning | Planning commission | Yes, before planning commission prior to making its recommendation to council | Council |
| Plat Vacations and Alterations | Planning commission | Yes, before planning commission prior to making its recommendation to council | Council |

(3) Determination of Proper Procedure Type.

(a) Determination by Permit Administrator. Using Table 1, Permit Procedure Types I – IV, the permit administrator (“administrator”) or his/her designee shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the administrator shall resolve it in favor of the higher procedure type number.

(b) Optional Consolidated Permit Processing. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may request that the application be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower number procedure.

(c) Decisionmaker(s). Applications processed in accordance with subsection (3)(b) of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s). The town council is the highest followed by the board of adjustment, planning commission, as applicable, and then by the administrator. Joint public hearings with other agencies shall be processed according to TMC [14.05.060\(8\)](#).

(4) Legislative Decisions.

(a) Decisions. The following decisions are legislative and are not subject to the procedures in this section, unless otherwise specified:

- (i) Adoption or amendment of comprehensive plan;
- (ii) Adoption of development regulations and amendments thereto;
- (iii) Area-wide rezones to implement new town policies;
- (iv) Adoption of shoreline master program, and amendments thereto;
- (v) Annexations.

(b) Planning Commission. The planning commission shall hold a public hearing and make recommendations to the town council on the decisions listed in subsection (4) (a) of this section. The public hearing shall be held in accordance with the requirements of TMC [14.05.060](#).

(c) Town Council. The town council may consider the planning commission's recommendation in a public hearing held in accordance with the requirements of TMC [14.05.060](#).

(d) Public Notice. Notice of the public hearing or public meeting shall be provided to the public as set forth in TMC [14.05.040\(4\)](#).

(e) Implementation. The town council's decision shall become effective by passage and subsequent publication of an ordinance.

(5) Legislative Enactments Not Restricted. Nothing in this section or the permit processing procedures shall limit the authority of the town council to make changes to the town's comprehensive plan, or to make changes to the town's development regulations.

(6) Exemptions from Project Permit Application Processing.

(a) Whenever a permit or approval has been designated as a Type I, II, III or IV permit by the administrator, the procedures in this chapter shall be followed in project permit processing. The following permits or approvals are, however, specifically excluded from the procedures set forth in this chapter:

- (i) Street vacations;
- (ii) Street use permits.

(b) Pursuant to RCW 36.70B.140(2), building permits, other construction permits, or similar administrative approvals which are categorically exempt from environmental review under Chapter 43.21C RCW, the State Environmental Policy Act; and Chapter [16.05](#) TMC, State Environmental Policy Act, or permits/approvals for which environmental review has been completed in connection with other project permits, are excluded from the following procedures:

- (i) Determination of completeness – TMC [14.05.030](#)(3)(a);
- (ii) Except as provided in RCW 36.70B.140, Optional consolidated project permit review processing – subsection (3)(b) of this section;
- (iii) Joint public hearings – TMC [14.05.060](#)(8);
- (iv) Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing – TMC [14.05.060](#)(2)(c);
- (v) Notice of decision – TMC [14.05.060](#)(9);
- (vi) Completion of project review within any applicable time periods (including the 120-day permit processing time) – TMC [14.05.060](#)(10). (Ord. 451 § I, 1997)

14.05.030 Type II through IV project permit applications.

(1) Pre-Application Conference.

(a) Applications for Type II, III, IV actions shall not be accepted by the administrator unless the applicant has scheduled and attended a pre-application conference. The purpose of the pre-application conference is to acquaint the applicant with the requirements of the town of Twisp development regulations.

(b) The conference shall be held within 15 days of the request.

(c) At the conference or within five working days following the conference, the applicant may request the following be provided:

- (i) A form which lists the requirements for a completed application;
- (ii) A general summary of the procedures to be used to process the application;
- (iii) The references to the relevant code provisions or development standards which may apply to the approval of the applications.

(d) It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference or the form sent by the town to the applicant under subsection (1)(c) of this section shall not bind or prohibit the town's future application or enforcement of all applicable laws.

(2) Project Permit Application. Applications for project permits shall be submitted upon forms provided by the administrator. An application shall consist of all materials required by the applicable development regulations and shall include the following general

information:

- (a) A completed project permit application form;
- (b) A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant or that the applicant has submitted the application with the consent of all owners of the affected property;
- (c) A property and/or legal description of the site for all applications as required by the applicable development regulations;
- (d) Other information as required by applicable development regulations. For example, for a preliminary long plat, the town of Twisp subdivision ordinance requires general information as well as a description of: existing conditions, the proposed long plat, proposed restrictive covenants; a title certificate, SEPA environmental checklist, and names and addresses of all land owners within 300 feet of the property;
- (e) A certified land survey of the property if requested by the administrator;
- (f) The applicable fee;
- (g) Evidence of adequate water supply as required by RCW 19.27.097; and
- (h) Evidence of sewer availability.

(3) Submission and Acceptance of Application.

(a) Determination of Completeness. Within 28 days after receiving a project permit application, the town shall mail or personally provide a written determination to the applicant which states either:

- (i) That the application is complete; or
- (ii) That the application is incomplete and what is necessary to make the application complete.

(b) Identification of Other Agencies with Jurisdiction. To the extent known by the town, other agencies with jurisdiction over the project permit application shall be identified in the town's determination required by subsection (3)(a) of this section.

(c) "Complete" Application/Additional Information. A project permit application is complete for purposes of this section when it meets the submission requirements in subsection (2) of this section as well as all other submission requirements contained in the applicable development regulations. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The town's determination of completeness shall not preclude the town from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action.

(d) Incomplete Application Procedure.

(i) If the applicant receives a determination from the town that an application is not complete, the applicant shall have 90 days to submit the necessary information to the town. Within 14 days after an applicant has submitted the requested additional information, the town shall make the determination as described in subsection (3)(a) of this section, and notify the applicant in the same manner.

(ii) If the applicant either refuses in writing to submit additional information or does not submit the required information within the 90-day period, the application shall lapse.

(iii) In those situations where the application has lapsed because the applicant has failed to submit the required information within the necessary time period, the applicant may request a refund of the application fee. Such refunds, if approved, shall be limited to the amount specified in the town's adopted fee ordinance.

(e) Town's Failure to Provide Determination of Completeness. A project permit shall be deemed complete under this section if the town does not provide a written determination to the applicant that the application is incomplete as provided in subsection (3)(a) of this section.

(f) Date of Acceptance of Application. When the project permit application is complete, the administrator shall accept it and note the date of acceptance.

(4) Referral and Review of Project Permit Applications. Within 10 days of accepting a complete application, the administrator shall do the following:

(a) Transmit a copy of the application, or appropriate parts of the application, to each affected agency and town department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and town departments shall have 15 days to comment. The referral agency or town department is presumed to have no comments if comments are not received within the specified time period. The administrator shall grant an extension of time for comment only if the application involves unusual circumstances such as the completion of environmental review, revisions to the proposal made by the applicant, and availability of new or revised information related to the proposal. Any extension shall only be for a maximum of three additional days.

(b) If a Type III or IV procedure is required, notice and hearing shall be provided as set forth in TMC [14.05.040](#) and [14.05.060](#). (Ord. 451 § II, 1997)

14.05.040 Public notice.

(1) Required Public Notice of Application for Type III and IV Project Permits.

(a) The town shall provide public notice for all Type III and IV project permit applications by posting the property and by publication in the town's official

newspaper.

(i) Posting. Posting of the property for site specific proposals shall consist of one or more notice placards as follows:

(A) A single notice placard shall be placed by the applicant:

(I) At the midpoint of the site street frontage or as otherwise directed by the town for maximum visibility; and

(II) Where it is completely visible to pedestrians.

(B) Additional notice placards may be required when:

(I) The site does not abut a public road;

(II) A large site abuts more than one public road; or

(III) The administrator determines that additional notice boards are necessary to provide adequate public notice.

(C) Notice placards shall be placed on a standard notice board provided by the town. The placards to be placed on said notice boards shall be:

(I) Worded, constructed and installed in accordance with specifications provided by the administrator;

(II) Maintained in good condition by the applicant during the notice period;

(III) In place at least 10 and not more than 30 days prior to the date of hearing, or at least 15 days prior to the end of any required comment period; and

(IV) Removed within 15 days after the end of the notice period.

(D) Removal of the notice placard prior to the end of the notice period may be cause for discontinuance of the administrator's review until the notice placard is replaced and remains in place for the specified time period.

(E) An affidavit of posting shall be submitted to the administrator by the applicant prior to the hearing or final comment date. If the affidavits are not filed as required, any scheduled hearing or date by which the public may comment on the application will be postponed in order to allow compliance with this notice requirement.

(ii) Required Published Notice. Published notice shall include at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed and be published in the town's official newspaper.

(2) Shoreline Master Program Permits. Notice of the application for a permit and notice of

public hearing under the purview of the town's shoreline master program shall be given in accordance with Section 7.09 of the shoreline master program, as it exists or is hereafter amended.

(3) Optional Public Notice. As optional methods of providing public notice of any project permits, the town may:

- (a) Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- (b) Notify the news media;
- (c) Place notice in appropriate regional or neighborhood newspapers, newsletters, or trade journals;
- (d) Publish notice in agency newsletters or send notice to agency mailing lists, either general lists for specific proposals or subject areas; and
- (e) Mail to neighboring property owners.

The town's failure to provide the optional notice as described in this subsection shall not be grounds for invalidation of any permit decision.

(4) Notice of Public Hearing.

(a) Content of Notice of Public Hearing for all Types of Applications. The notice given of a public hearing required in this section shall contain:

- (i) The name and address of the applicant or the applicant's representative;
- (ii) Description of the affected property, which may be in the form of either vicinity location or written description, other than a legal description;
- (iii) The date, time and place of the hearing;
- (iv) A description of the subject property reasonably sufficient to inform the public of its location, including, but not limited to, the use of map or postal address and a subdivision lot and block designation;
- (v) The nature of the proposed use or development;
- (vi) A statement that all interested persons may appear and provide testimony and a description of how a person may achieve standing as a party of record;
- (vii) The sections of the code that are pertinent to the hearing procedure;
- (viii) When information may be examined, and when and how written comments to the hearing body may be admitted;
- (ix) The name of a local government representative to contact and the telephone number where additional information may be obtained;

(x) That a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection; and

(xi) That a copy of the staff report will be available for inspection and purchase at least seven days prior to the hearing.

(b) Mailed Notice. Mailed notice of the public hearing provided as follows:

(i) Type I Project Permits. Generally, no public notice is required because no public hearing is held. Exceptions include, but are not limited to, local appeals of all Type I project permits and permits processed under the town's shoreline master program.

(ii) Type II, III and IV Project Permits. The notice of public hearing shall be mailed to:

(A) The applicant;

(B) All owners of property within 300 feet of the subject property; and

(C) Any persons or organizations with a known interest in the proposal or who have requested such notice.

(iii) Preliminary Long Plats (Type III). In addition to the forms of notice specified in subsection (1) and (4) of this section, additional notice requirements related to preliminary long plats are found in the town of Twisp subdivision ordinance.

(iv) Type V Actions. For Type V legislative actions, the town shall publish notice as described in subsections (4)(a) and (c) of this section, and provide any other notice required by RCW Title 35.

(v) General Procedure for Mailed Notice of Public Hearing.

(A) The records of the Okanogan County assessor's office shall be used for determining the property owner of record. Addresses for a mailed notice required by this section shall be obtained by the applicant from the applicable county's real property tax records. The administrator shall issue a sworn certificate of mailing to all persons entitled to notice under this section. The administrator may provide notice to other persons than those required to receive notice under this section.

(B) All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

(c) Procedure for Posted or Published Notice of Public Hearing.

(i) Posted notice of the public hearing is required for all Type III and IV project permit applications. The posted notice shall be posted as required by subsection (1)(a) of this section.

(ii) Published notice is required for all Type II, III, IV and V procedures. The published notice shall be published in the town's official newspaper.

(d) Time and Cost of Notice of Public Hearing.

(i) Notice shall be mailed, posted and first published not less than 10 nor more than 30 days prior to the hearing date. Any posted notice shall be removed by the applicant within 15 days following the public hearing.

(ii) All costs associated with the public notice shall be borne by the applicant. (Ord. 451 § III, 1997)

14.05.050 Consistency between development regulations and SEPA.

(1) Initial SEPA Analysis.

(a) The town shall also review project permit applications under the requirements of Chapter 43.21C RCW, the State Environmental Policy Act ("SEPA"); Chapter 197-11 WAC, the SEPA rules; and Chapter [16.05](#) TMC, State Environmental Policy Act, and shall:

(i) Determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable environmental impacts;

(ii) Determine if the applicable regulations require measures that adequately address such environmental impacts;

(iii) Determine whether additional studies are required and/or whether the project permit application shall be conditioned with additional mitigation measures;

(iv) Provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.

(b) In its review of a project permit application, the town may determine that the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, comprehensive plan and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the application.

(c) If the town bases or conditions its approval of the project permit application on compliance with the requirements or mitigation measures described in subsection (1)(a) of this section, the town shall not impose additional mitigation under SEPA during project review.

(d) A comprehensive plan, development regulations or other applicable local, state or federal law provides adequate analysis of and mitigation for the specific adverse environmental impacts of an application when the impacts have been avoided or

otherwise mitigated. In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the town shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the town shall base or condition its project approval on compliance with these other existing rules or laws.

(e) Nothing in this section limits the authority of the town in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws as provided by Chapter 43.21C RCW.

(f) The town shall also review the application under Chapter [16.05](#) TMC, State Environmental Policy Act.

(2) Categorical Exemptions. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement. An action that is categorically exempt under the rules adopted by the Department of Ecology (Chapter 197-11 WAC) may not be conditioned or denied under SEPA. (Ord. 451 § IV, 1997)

14.05.060 Open record public hearings.

(1) General. Required public hearings on all Type I – V project permit applications shall be conducted in accordance with this section.

(2) Responsibility of Administrator for Hearing. The administrator shall:

(a) Schedule an application for review and public hearing.

(b) Give notice.

(c) Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the town's authority under SEPA. If the threshold determination other than a determination of significance has not been issued previously by the town, the report shall include or append this determination.

(d) Prepare the notice of decision, if required by the hearing body, and/or mail a copy of the notice of decision to those required by this chapter to receive such decision.

(3) Conflict of Interest, Ethics, Open Public Meetings, Appearance of Fairness. The hearing body shall be subject to Chapter 42.23 RCW, prohibitions on conflict of interest; Chapter 42.30 RCW, the Open Public Meetings Act; and Chapter 42.36 RCW, appearance of fairness, as the same now exist or may hereafter be amended.

(4) Ex Parte Communications.

(a) No member of the hearing body may communicate, directly or indirectly,

regarding any issue in a proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:

- (i) The hearing body may receive advice from its own legal counsel;
- (ii) The hearing body may communicate with staff members except where the proceeding relates to a code enforcement investigation or prosecution.

(b) If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in subsection (4)(c) of this section.

(c) If the hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:

- (i) All written communications received;
- (ii) All written responses to the communications;
- (iii) State the substance of all oral communications received, and all responses made;
- (iv) The identity of each person from whom the hearing body member received any ex parte communication.

The hearing body shall advise all parties that these matters have been placed on the record. Upon request made within 10 days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

(5) Disqualification.

(a) A member of the hearing body who is disqualified shall be counted for purposes of forming a quorum. Any member who is disqualified may do so only by making full disclosure to the audience, abstaining from voting on the proposal, vacating the seat on the hearing body and physically leaving the hearing.

(b) If all members of the hearing body are disqualified, all members present after stating their reasons for disqualification shall be requalified and shall proceed to resolve the issues.

(c) Except for Type V actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

(6) Burden and Nature of Proof. Except for Type V actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to

the applicable elements of the town's development regulations and comprehensive plan and that the significant adverse environmental impacts have been adequately addressed.

(7) Order of Proceedings. The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

(a) Before receiving information on the issue, the following shall be determined:

(i) Any objections on jurisdictional grounds shall be noted on the record, and if there is objection, the hearing body has the discretion to proceed or terminate.

(ii) Any abstentions or disqualifications shall be determined.

(b) The presiding officer may take official notice of known information related to the issue, such as:

(i) A provision of any ordinance, resolution, rule, officially adopted development standard or state law;

(ii) Other public records and facts judicially noticeable by law.

(c) Matters officially noticed need not be established by evidence and may be considered by the hearing body in its determination. Parties requesting notice shall do so on the record. However, the hearing body may take notice of matters listed in subsection (7)(b) of this section if stated for the record. Any matter given official notice may be rebutted.

(d) The hearing body may view the area in dispute with or without notification to the parties but shall place the time, manner and circumstances of such view on the record.

(e) Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

(f) When the presiding officer has closed the public hearing portion of the hearing, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

(8) Joint Public Hearings.

(a) Administrator's Decision to Hold Joint Hearing. The administrator may combine any hearing on a project permit application with any hearing that may be held by another local, state, regional, federal or other agency on the proposed action as long as: (i) the hearing is held within the town limits; (ii) the requirements of subsection (8)(c) of this section are met.

(b) Applicant's Request for a Joint Hearing. The applicant may request that the

public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this chapter. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.

(c) Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the town as long as:

- (i) The other agency is not expressly prohibited by statute from doing so;
- (ii) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance or rule;
- (iii) The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing; and
- (iv) The hearing is held within the geographic boundary of the local government.

(9) Findings and Notice of Decision.

(a) Following the hearing procedure described in subsection (7) of this section, the hearing body for Type III permits shall approve, conditionally approve, or deny the application. Following the hearing procedure described in subsection (7) of this section, the hearing body for Type IV permits shall recommend approval, conditional approval, or denial of the application. If the hearing is an appeal, the hearing body shall affirm, reverse, or remand the decision that is on appeal.

(b) The hearing body's written decision on Type III permits shall be issued within 10 days after the hearing on the project permit application. The hearing body's written recommendation on Type IV permits shall be issued within 14 days after the hearing on the project permit application. The notice of final decision shall be issued within 120 days after the town notifies the applicant that the application is complete. The time frames set forth in this section shall apply to project permit applications filed on or after the effective date of the ordinance codified in this chapter.

(c) The town shall provide a notice of decision that also includes a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal, if any, for Type I – V project permits. Said notice of decision must also contain the name and address of the applicant, the location and description of the project and a copy of the permit or approval, if issued.

(d) The notice of decision shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.

(e) If the town is unable to issue its final decision on a project permit application within the time limits provided for in 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 notice of decision.

(10) Calculation of Time Periods for Issuance of Notice of Final Decision.

(a) In determining the number of days that have elapsed after the town of Twisp has notified the applicant that the application is complete for purposes of calculating the time for issuance of the notice of final decision, the following periods shall be excluded:

(i) Any period during which the applicant has been requested by the town to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the town notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided to the town;

(ii) If the town determines that the information submitted by the applicant under subsection (10)(a)(i) of this section is insufficient, it shall notify the applicant of the deficiencies and the procedures under TMC [14.05.030\(3\)\(d\)](#) shall apply as if a new request for studies has been made;

(iii) Any period during which an environmental impact statement is being prepared following determination of significance pursuant to Chapter 43.21 RCW, if the town by ordinance has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement;

(iv) 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 for consideration and decision on appeals shall not exceed:

(A) Ninety days for an open record appeal hearing; and

(B) Sixty days for a closed record appeal.

The parties may agree to extend these time periods;

(v) Any extension of time mutually agreed upon by the applicant and the local government when such agreement is put in writing.

(b) The time limits established in this chapter do not apply if a project permit application:

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

(ii) Is an application for a permit or approval described in TMC [14.05.020\(6\)](#); or

(iii) 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 complete under RCW 36.70B.070. (Ord. 451 § V, 1997)

14.05.070 Closed record decisions and appeals.

(1) Appeals of Decisions. Project permit applications shall be appealable as provided in Table 1 – Permit Procedure Types I – IV.

(2) Consolidated Appeals.

(a) All appeals of project permit application decisions, other than an appeal of determination of significance (“DS”), shall be considered together in a consolidated appeal.

(b) Appeals of environmental determinations under SEPA, Chapter [16.05](#) TMC, shall proceed as provided in that chapter.

(3) Standing to Initiate Administrative Appeal.

(a) Limited to Parties of Record. Only parties of record may initiate an administrative appeal of a decision on a project permit application.

(b) Definition. The term “parties of record,” for the purposes of this section, shall mean:

(i) The applicant;

(ii) Any person who testified at the open record public hearing on the application;

(iii) Any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters); and/or

(iv) Any person who registers in writing at the open record public hearing or with the administrator their desire to be notified of any action on an application.

(4) Closed Record Decisions and Appeals.

(a) Type II, III or IV Project Permit Decisions or Recommendations. Appeals of the hearing body's decision or recommendation on a Type II, III or IV project permit application shall be governed by the following:

(i) Standing. Only parties of record have standing to appeal the hearing body's decision.

(ii) Time to File. An appeal of the hearing body's decision must be filed within 14 calendar days following issuance of the hearing body's written decision. Appeals may be delivered to the town clerk's office by mail, personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period.

(iii) Computation of Time. For the purposes of computing the time for filing an appeal, the day the hearing body's decision is rendered shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the town's ordinances as a legal holiday; then it also is excluded and the filing must be completed on the next business day.

(iv) Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee, and contain the following information:

(A) Appellant's name, address and phone number;

(B) Appellant's statement describing his or her standing to appeal;

(C) Identification of the application which is the subject of the appeal;

(D) Appellant's statement of grounds for appeal and the facts upon which the appeal is based;

(E) The relief sought, including the specific nature and extent; and

(F) A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

(v) Effect. The timely filing of an appeal shall stay the effective date of the hearing body's decision until such time as the appeal is adjudicated by the council or is withdrawn.

(vi) Notice of Appeal. The administrator shall provide public notice of the appeal to the appellant and to other parties of record.

(5) Procedure for Closed Record Decisions/Appeals.

(a) The following sections and subsections of this chapter shall apply to a closed record decision/appeal hearing: TMC [14.05.060](#)(3), (4), (5), (6), (7)(a), (b), (c), (d) and (f), and (8).

(b) The closed record appeal/decision hearing shall be on the record before the hearing body. If the appeal is on a Type II, III, or IV permit, no new evidence may be presented.

(c) Appeals of Type I permits may be considered following an open record public hearing conducted in accordance with TMC [14.05.060](#).

(6) Judicial Appeals.

(a) The town's final decision on a Type I – V permit application may be appealed by a party of record with standing to file a land use petition in Okanogan County superior court. Such petition must be filed within 21 days of issuance of the decision as provided in Chapter 36.70C RCW. (Ord. 451 § VI, 1997)

This page of the Twisp Municipal Code is current through Ordinance 631, passed June 28, 2011.

Disclaimer: The Town Clerk's Office has the official version of the Twisp Municipal Code. Users should contact the Town Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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