



Planning & Development Services Dept.

17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1811 ♦ Fax (206) 546-8761

ADMINISTRATIVE ORDER#000098042507

CODE INTERPRETATION

CODE SECTION: 20.30.110; 20.30.120; 20.30.150

I. ISSUE

The Procedures and Administration Chapter of the Development Code does not specifically define a process for issuing a decision that is a denial. Although this occurrence is rare, some applicants insist on the City formally issuing a decision on a proposal that includes provisions that are not compliant with applicable codes. In most cases, staff inform the applicant at the pre application stage or during the determination of complete application phase or even during technical review that the City will not be able to approve the proposal because it does not meet the City's regulations and the proposal needs to be modified to conform. Most applicants then either modify their proposals or withdraw their applications. A very small percentage of applicants want the City to issue a Decision on the proposal as submitted verses making corrections or withdrawing the application.

II. FINDINGS:

- 20.30.110 Determination of Completeness states that an application shall be determined complete when:
 1. It meets the procedural requirements of the City of Shoreline; and
 2. All information required in the submittal requirements have been provided and is sufficient for processing the application, even if additional information may be required.
- Submittal requirements are those items listed on the various permit application checklists.
- The Washington State Department of Ecology was consulted as to whether a SEPA threshold determination is required to be issued on a proposal that the City will be issuing a decision of denial. The Department of Ecology indicated that a SEPA threshold is not required on a proposal that will be denied.

III. CONCLUSIONS

- An application can be determined complete i.e. meet the procedural requirements (paid fees, held a neighborhood meeting, etc.) and have submitted all items listed on the application checklist even if the proposal does not comply with applicable design and construction standards.
- A decision may be issued for an application that is determined to be complete.
- If the Decision on the proposal is denial, the proposal is exempt from SEPA.
- Type A proposals that are elevated to a Type B proposal because SEPA is required, shall be processed as Type A applications if the decision on the proposal is denial.

IV. DECISION:

- The steps for denying a permit are:
 - Review the permit application and issue a determination of completeness letter to the applicant if applicable.
 - Complete the technical review of the proposal. Technical review may be halted as soon as it is realized that the proposal will be denied.
 - Issue a Notice of Application for Type B and C permits. **Note:** if a proposal was elevated to a Type B permit because SEPA was required, but the proposal will be denied and therefore SEPA is no longer required – the proposal will be processed as a Type A permit and does not require a Notice of Application.
 - Issue a Notice of Decision in accordance with 20.30.150 for Type B and C permits. 20.30.150 states:

For Type B and C actions, the Director shall issue and mail a notice of decision to the parties of record and to any person who, prior to the rendering of the decision, requested notice of the decision. The notice of decision may be a copy of the final report, and must include the threshold determination. The threshold determination for a denial is that the project is categorically exempt from SEPA. The Notice of Decision will be published in the newspaper of general circulation for the general area in which the proposal is located and posted for site specific proposals.

For Type A permits, mail the applicant a copy of the decision report or a letter stating the reason(s) the proposal has been denied. **Note:** if a Neighborhood Meeting was held for a Type B permit that became a Type A permit when it was determined that the proposal would be denied, mail the Notice of Decision to the Neighborhood Meeting attendee list. This is a courtesy notification.

- Include in the decision the process for appeal. Refer to 20.30.040, 20.30.050 and 20.30.060 to determine the appeal authority based on the permit type.

Director's Signature

Date