

Chapter 20.01

LAND DEVELOPMENT ADMINISTRATIVE PROCEDURES

Sections:

Article I. Types of Project Permit Applications

- 20.01.010 Purpose and definitions.
- 20.01.020 Procedures for processing development project permits.
- 20.01.030 Determination of proper type of procedure.
- 20.01.040 Project permit application framework.
- 20.01.045 *Reserved.*
- 20.01.050 Joint public hearings (other public agency hearings).
- 20.01.060 Legislative decisions.
- 20.01.070 Legislative enactments not restricted.
- 20.01.080 Exemptions from project permit application processing.

Article II. Type I – III Project Permit Applications

- 20.01.090 Preapplication conference.
- 20.01.100 Development permit application.
- 20.01.110 Submission and acceptance of application – Determination of completeness – Additional information and project revisions.
- 20.01.120 Referral and review of development permit applications.
- 20.01.130 Scope of project review.
- 20.01.140 Project consistency.

Article III. Public Notice

- 20.01.150 Notice of application.
- 20.01.160 Methods of public notice of application.
- 20.01.170 Shoreline master program (SMP) permits.
- 20.01.180 Optional additional public notice.
- 20.01.190 Notice of public hearing.

Article IV. Project Review and Approval Process

- 20.01.200 Administrative approvals without notice (Type I and I-A).

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

- 20.01.210 Administrative approvals subject to notice (Type II and Type II-S).
- 20.01.220 *Reserved.*
- 20.01.230 *Repealed.*
- 20.01.235 Hearing examiner review and decision (Type III and Type III-S).
- 20.01.240 Procedures for public hearings.
- 20.01.250 Procedures for closed record hearings and appeals.
- 20.01.260 Reconsideration.
- 20.01.270 Remand.
- 20.01.280 Final decision – Exclusions to ~~120 day deadline~~ permit review time period.

Article V. Appeals

- 20.01.290 Appeal of administrative interpretations and decisions (Type I, Type II, and Type-II-S) – Standing to appeal.
- 20.01.295 Appeals – Procedure.
- 20.01.300 Appeal of hearing examiner decisions (Type III an Type III-S) – Standing to appeal.
- 20.01.320 Judicial appeal.
- 20.01.330 Effective date – Severability.

Article I. Types of Project Permit Applications

20.01.010 Purpose and definitions.

- A. Purpose. In enacting this chapter, the city council intends to establish a mechanism for implementing the provisions of Chapter 36.70B RCW (the Regulatory Reform Act) regarding compliance, conformity, and consistency of proposed projects with the city's adopted comprehensive plan and development regulations. In order to achieve this purpose, the city council finds that:
 - 1. Given the extensive investment that public agencies and a broad spectrum of the public are making and will continue to make in the Port Townsend Comprehensive Plan and development regulations, it is essential that project review start from the fundamental land use planning choices made in the comprehensive plan and regulations. If the applicable regulations or plan identify the type of land use, specify residential density, and identify and provide for funding of public facilities needed to serve the proposed development and site, these decisions at minimum provide the foundation for further project review unless there is a question of code interpretation. The project review process, including the environmental review process under Chapter 43.21C RCW and the consideration of consistency, should start from this point and should not reanalyze these land use planning decisions in making a permit decision, unless the city finds that the plan and development regulations do not fully foresee site-specific issues and impacts identified through land use project application review.
 - 2. Comprehensive plans and development regulations adopted by the city under Chapter 36.70A RCW (the Growth Management Act), subarea plans, and environmental policies, laws and rules adopted by the city, the state, and the federal government address a wide range of environmental subjects and impacts. These provisions typically require environmental studies and contain specific standards to address various impacts associated with a proposed development, such as building size and location, drainage, transportation requirements, and protection of environmentally sensitive areas. When the city applies these existing

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

requirements to a proposed project, some or all of a project's potential environmental impacts may be avoided or otherwise mitigated. Through the integrated project review process described in this chapter, the director of the planning and community development department (PCD) will determine whether existing requirements, including the applicable regulations or plans, adequately analyze and address a project's environmental impacts. Project review generally should not require additional studies and mitigation under Chapter 43.21C RCW where existing regulations adequately address a proposed project's probable significant adverse environmental impacts. Development regulations generally enable project review through the application of established scientific standards, required studies and standard mitigation measures.

B. Definitions. The following definitions shall apply throughout this chapter:

1. "Aggrieved party" is a party of record who can demonstrate the following: (a) the land use decision will prejudice the person; (b) the asserted interests are among those the city is required by city code to consider in making a land use decision; and (c) a decision on appeal in favor of the person would substantially eliminate or redress the prejudice alleged to be caused by the land use decision.
2. "PCD" means the city of Port Townsend planning and community development department.
3. "Closed record hearing" means an administrative closed record hearing before the city council based upon the record following an open record hearing on site-specific rezone. The hearing is on the record with no new evidence or information allowed to be submitted. The council may allow argument based upon the record established at the open record hearing.
4. "Consolidated permit review" means a project that involves two or more permits or procedures that an applicant has opted to have processed collectively. Applications processed using consolidated permit review shall be processed collectively under the highest numbered procedure required for any part of the application, except for where otherwise specified within this Chapter.
- ~~4.5~~ Days. All days shall be calendar days. Days shall be measured successively. Should the end of a specified time period fall on a weekend or holiday, the end of the next successive business day shall be considered to be the effective end date. In the event of a conflict with other methods of measuring days within the PTMC, the provision of this subsection shall prevail. End of the day shall be 4:00 p.m.
- ~~5.6~~ "Director" shall mean the PCD director or his/her designee.
- ~~6.7~~ Effective Date of Decisions. All preliminary and final decisions shall be effective on the date stated in PTMC 20.01.280(B).
- ~~7.8~~ Effective Date of Notices. All notices provided to applicants and any members of the public shall be effective on the date deposited in the mail and when first published or posted on properties.
- ~~8.9~~ "HPC" means the historic preservation committee, as provided in Chapter 2.72 PTMC.
- ~~9.10~~ "Open record hearing" means a hearing, conducted by a single hearing body or officer, that creates the record through testimony and submission of evidence and information. An open record hearing may be held prior to a decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.
- ~~10.11~~ "Party of record" or "parties of record" means the land use permit applicant, persons who have testified at or provided written comments for an open record hearing, and any persons who have submitted written comments concerning the application during the review process before the final decision (excluding persons who only signed petitions or mechanically produced form letters).
12. "Procedurally complete" means that a project permit application meets the procedural submission requirements specified within PTMC 20.01.100, on application forms supplied by the City, or elsewhere

~~within the PTMC or, Port Townsend Comprehensive Plan, Shoreline Master Program (SMP), or subarea plan(s).~~

~~11.13.~~ “Project permit” or “project permit application” means any land use or environmental permit or license required from the city for a project action, including but not limited to subdivisions, planned unit developments, conditional uses, shoreline substantial development permits, permits or approvals required by the critical areas ordinance (Chapter 19.05 PTMC), site-specific rezones ~~authorized by the Port Townsend Comprehensive Plan or a formally adopted subarea plan which do not require a comprehensive plan or subarea plan amendment~~, but excluding the adoption or amendment of the Port Townsend Comprehensive Plan, a subarea plan, or development regulations ~~except as otherwise specifically included in this subsection.~~

~~12.14.~~ “Public meeting” means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to a decision. A public meeting may include, but is not limited to, a historic preservation committee (HPC) meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government’s project permit application file. (Ord. 3287 § 5, 2022; Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2939 § 6, 2007; Ord. 2892 § 1, 2005; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.020 Procedures for processing development project permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type I-A, Type II, Type II-S, Type III, Type III-S or Type IV. Legislative decisions are Type V actions, and are addressed in PTMC 20.01.060. Exemptions from the requirements of project permit application processing are contained in PTMC 20.01.080. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.030 Determination of proper type of procedure.

- A. Determination by Director. The director of the planning and community development department (“PCD”) or his/her designee (hereinafter the “director”) shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the director shall resolve it in favor of the higher procedure type number. If the provisions found in this chapter are in conflict with any other section of the land use codes (PTMC Titles 17, 18, 19 and 20), then this section shall prevail.
- 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 determine whether the application shall 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 numbered procedure.
- C. Decisionmaker(s). Applications processed in accordance with subsection B of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decisionmaker(s). The city council is the highest, followed by the hearing examiner, and then the director. Joint public hearings with other agencies shall be processed according to PTMC 20.01.050.
- D. Administrator. Upon issuance of a determination of completeness described in PTMC 20.01.110, the director shall assign an administrator to the project who will coordinate and be responsible for all phases of development application administration. At any stage during project review the director may assign a different project administrator.
- E. SEPA Review. Project review conducted pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall occur concurrently with project review set forth in this chapter. The SEPA review process, including all public comment procedures, is set forth in Chapter 19.04 PTMC. Nothing contained in this chapter

shall be construed to restrict the need for full environmental review in accordance with Chapters 19.04 (SEPA) and 19.05 (Critical Areas) PTMC.

E-F. Shoreline Master Program (SMP) Permits. No permit for a development or use within the shoreline jurisdiction may be issued until approval has been granted pursuant to the Port Townsend SMP. (Ord. 3287 § 5, 2022; Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2982 § 17, 2008; Ord. 2892 § 1, 2005; Ord. 2762 § 1, 2001; Ord. 2651 § 2, 1998; Ord. 2592 § 1, 1997; Ord. 2521 § 1, 1996).

20.01.040 Project permit application framework.

These tables provide guidance to permit applications. In the event of a conflict between the table and a development code, the development code shall apply.

Table 1 – Permits/Decisions					
Type I ¹	Type I-A ¹	Type II ¹	Type III ¹	Type IV	Type V
Permitted uses not requiring notice of application (<i>e.g.</i> , building permits, <i>etc.</i>) Tiny house as ADU	Binding site plans, cottage housing developments	Short subdivisions, unit lot subdivisions less than one acres Employer-provided housing CUP	Tiny house communities, preliminary full subdivisions; unit lot subdivisions of one acre or greater, plat vacations, including short subdivisions that involve right-of-way vacations or plat alterations	Final plats ³	Site-specific rezones ² consistent with the Port Townsend Comprehensive Plan, including rezones/alternative parcel-specific zones considered in conjunction with the annual comprehensive plan amendment process
Lot line adjustments	Implementing alternative parcel-specific zoning redesignations in P zones	Lot line adjustments resulting in lot reorientation	Recognition/subdivision of 10 or more lots of record	Final planned unit developments (PUDs) ³	Development regulations
Minor amendments to planned unit developments (PUDs)	Historic preservation certificates of approval (design review)	Plat and short plat extensions	Shoreline management permits (major shoreline substantial development permits, conditional use permits, variances)		Zoning text amendments and zoning map amendments
Minor modifications to approved preliminary short and full subdivisions/plats	Commercial, multifamily, and mixed use Type IA permits per Chapter 17.46 PTMC	Revisions to shoreline management permits Commercial, multifamily, cottage and	PUDs and major amendments to PUDs		Annexations

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

Table 1 – Permits/Decisions					
Type I ¹	Type I-A ¹	Type II ¹	Type III ¹	Type IV	Type V
		mixed use Type II permits per Chapter 17.46 PTMC			
Nonconforming – Change of use	Recognition/certification of 9 or fewer lots of record	Nonconforming use – Relocation/Expansion	Major variances		Shoreline master program (SMP) amendments
Sign permits	Shoreline exemptions	Critical areas permits	Major CUPs		Other land use and utility plans and amendments
Temporary uses		Minor variances			
Street use permits		Minor conditional use permits (CUPs)			
Land clearing/grading	Tree removal activity combined with statement of intent not to convert commercial forest lands, Chapter 19.06 PTMC, Article II	All personal wireless facility permits and minor variances described as Type II permit applications in Chapter 17.78 PTMC	All personal wireless service facility permits and major variances described as Type III permit applications in Chapter 17.78 PTMC		
Home occupations	Tree removal activity requiring a written exemption, Chapter 19.06 PTMC, Tree Conservation, Article II	Tree removal activity classified as a tree conservation permit approval, Chapter 19.06 PTMC, Article II	Emergency indoor housing facilities, emergency indoor day use, emergency indoor overnight shelters, and tiny shelter villages in the M/C, M-I, M-II(A), M-II(B), and M-III zones		
Minor critical area permits	Minor modifications to approved tree conservation	Minor shoreline permits (minor shoreline substantial development			

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

Table 1 – Permits/Decisions					
Type I ¹	Type I-A ¹	Type II ¹	Type III ¹	Type IV	Type V
	permits or tree conservation plans, Chapter 19.06 PTMC, Tree Conservation	permits, minor conditional use permits, minor variances)			
Street development permits, waivers , modification and variances	Flood development permits		<p>Flood development variances</p> <p>Emergency indoor shelters in residential and mixed use zones, C-II, C-II, C-II(S), and M/C(S)</p> <p>Emergency indoor shelter in all residential zones, mixed use zones, C-II, C-III, C-II(S), and M/C(S) zones.</p> <p>Emergency outdoor shelter in R-II, R-IV, C-I(MU), C-II(MU), C-II(S), and M/C(S) zones.</p> <p>Tiny shelter villages in all residential and mixed use zones C-II, C-III, C-II(S), and M/C(S) zones.</p>	<p>Emergency indoor housing in C-II(H), M/C, M-I, M-II(A), M-II(B), and M-III.</p> <p>Emergency indoor shelters in C-II(H), M/C, M-I, M-II(A), M-II(B), and M-III.</p> <p>Emergency outdoor shelters in R-I, R-II, C-II, and C-III.</p> <p>Tiny shelter villages in M/C, M-I, M-II(A), M-II(B), M-III.</p> <p>Continuum of Care in all residential and mixed use zones, C-II, C-III, M/C, M-I, M-II(A), M-II(B), M-III, C-II(S), and M/C(S) zones.</p>	
Disaster relief shelters	Standalone safe parking facilities owned or operated by a	Standalone safe parking facilities owned or operated by a nonprofit entity other than a			

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

Table 1 – Permits/Decisions					
Type I ¹	Type I-A ¹	Type II ¹	Type III ¹	Type IV	Type V
	religious organization	religious organization			
		<u>Sign variances</u>			

¹ Assignment of a project to Type I, I-A, or II status shall not limit or restrict the public notice and procedures available pursuant to Chapter 43.21C RCW (SEPA) and Chapter 19.04 PTMC if a project is deemed to be subject to SEPA review.

² Pursuant to ~~regulatory reform~~ (RCW 36.70B.060), site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan processed as a Type V application with a notice of application and provided only one open record hearing before the planning commission and one closed hearing before the city council. Certain legislative decisions, including site-specific rezones, are subject to rules governing quasi-judicial proceedings.

³ Final plats and final PUD plans are approved by the city council pursuant to PTMC 18.16.150 and 17.32.150.

Table 2 – Action Type (<u>Except Shoreline Master Program Permits</u>)							
		Procedure Project Permit Applications (Type I – IV)					Legislative
	<u>SEPA Threshold Determination</u>	Type I	Type I-A	Type II	Type III	Type IV	Type V
Notice of application: ¹	<u>Yes</u> ^{2,3}	No, <u>unless subject to SEPA (20 days)</u> ⁴	No, <u>unless subject to SEPA (20 days), MF design review (5-9 du), or R-III cottage housing (3014 days)</u> ⁴	Yes (14 days; 20 days if <u>subject to SEPA</u>)	Yes (14 days; 20 days if <u>subject to SEPA</u>)	No	N/A
Recommendation made by:	<u>N/A</u>	N/A	N/A	N/A	PCD director/ Shoreline administrator ⁵	<u>N/A/PCD Director</u>	Planning commission, except for utility plans ⁵⁺

Table 2 – Action Type <u>(Except Shoreline Master Program Permits)</u>							
		Procedure Project Permit Applications (Type I – IV)					Legislative
	<u>SEPA Threshold Determination</u>	Type I	Type I-A	Type II	Type III	Type IV	Type V
Final decision made by:		Admin.	PCD director	PCD director/Shoreline administrator⁶	Hearing examiner	City council	City council
Open record public predecision hearing:	No, unless appealed under SEPA⁶	No, unless appealed under SEPA^{5,7}	Only if director's decision is appealed (by applicant only unless the development code provides for an appeal)⁶No, unless appealed under SEPA^{5,6}	No, unless appealed under SEPA^{5,6} Only if director's decision is appealed⁵	Yes, before hearing examiner	No⁸	Yes, before planning commission to make for recommendation on and subsequently before City Council^{9,10} to city council, except for utility plans, and before city council for code and comprehensive plan revisions^{2,3}
Local Decision made by	<u>SEPA Responsible Official</u>	<u>Admin.</u>	<u>PCD director</u>	<u>PCD director</u>	<u>Hearing examiner</u>	<u>City council¹¹</u>	<u>City council</u>
Administrative appeal ¹² :	<u>Yes, for Type I, II, III: Open record before the hearing examiner¹³</u> <u>Yes for Type IV/Type V: Open record before City Council</u>	Yes, open record before the hearing examiner^Y es, if involving SEPA <u>No, if SEPA Exempt⁶</u>	<u>Yes, open record before the hearing examiner¹⁵</u>	<u>Yes, open record before the hearing examiner¹⁴</u>	<u>No¹⁴</u>	<u>N/A</u>	<u>N/A</u>

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

Table 2 – Action Type <u>(Except Shoreline Master Program Permits)</u>							
		Procedure Project Permit Applications (Type I – IV)					Legislative
	<u>SEPA Threshold Determination</u>	Type I	Type I-A	Type II	Type III	Type IV	Type V
	<u>No if exempt from SEPA¹⁴</u>						
<u>Days to file administrative appeal</u>	<u>15 or 21 calendar days¹⁶</u>	<u>21 days if SEPA issued concurrent¹⁷</u>	<u>14 days</u> <u>21 days if SEPA issued concurrent¹⁸</u>	<u>14 days</u> <u>21 days if SEPA issued concurrent¹⁹</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Who may file administrative appeal</u>	<u>Applicant or other party of record who may be aggrieved²⁰</u>	<u>Applicant or other party of record who may be aggrieved^{21, 22}</u>	<u>Applicant only¹⁴</u>	<u>Applicant or party of record</u>	<u>Applicant or party of record</u>	<u>N/A</u>	<u>N/A</u>
<u>State decision by</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>For SMP Amendments - Ecology²³</u>
<u>Judicial/Other appeal:</u>	<u>Superior Court (LUPA)²⁴</u>	<u>Superior Court (LUPA)²⁵Yes</u>	<u>Superior Court (LUPA)²⁴Yes</u>	<u>Superior Court (LUPA)²⁴Yes⁵</u>	<u>Superior Court (LUPA)²⁴Yes⁵</u>	<u>Superior Court (LUPA)²⁴Yes</u>	<u>Yes; provided, that all administrative appeal remedies have been exhausted, including appeals to the Shoreline Hearings Board, Growth Management Hearings Board, etc.^{26,27}</u>

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

Table 2 – Action Type <u>(Except Shoreline Master Program Permits)</u>							
		Procedure Project Permit Applications (Type I – IV)					Legislative
	<u>SEPA Threshold Determination</u>	Type I	Type I-A	Type II	Type III	Type IV	Type V
<u>Days to file judicial/HB¹ appeal</u>	<u>21 with exceptions²⁸</u>	<u>21²⁹</u>	<u>21²⁸</u>	<u>21²⁸</u>	<u>21²⁸</u>	<u>21²⁸</u>	<u>60³⁰</u>
<u>Who may appeal file judicial/HB¹⁺ appeal</u>	<u>Person aggrieved³¹</u>	<u>Persons with Standing³²</u>	<u>Persons with Standing³¹</u>	<u>Persons with Standing³¹</u>	<u>Persons with Standing³¹</u>	<u>Persons with Standing³¹</u>	<u>Person, organization, or government as specified in RCW³³</u>
<u>Permit review time period</u>		<u>65 days if exempt from SEPA and not consolidated with another permit</u> <u>100 days if exempt from SEPA and consolidated with another Type I or I-A permit</u> <u>120 days if not exempt from SEPA</u>	<u>65 days if exempt from SEPA and not consolidated with another permit</u> <u>100 days if exempt from SEPA and consolidated with another Type I or I-A permit</u> <u>120 days if not exempt from SEPA</u>	<u>120 days if not consolidated with another Type II permit</u> <u>170 days if consolidated with another Type II permit</u>	<u>170 days</u>	<u>170 days</u>	<u>N/A</u>

Formatted: Superscript

Summary of Decision--Mmaking Based on Table 2:

Type I – Administrative without notice; no administrative appeal.

¹ Hearings Board

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

Type I-A – Administrative without notice; administrative appeal by the applicant only (unless the development code provides for an appeal); appealable to the hearing examiner.

Type II – Administrative with notice, administrative appeal by any aggrieved party to the hearing examiner.

Type III – Hearing examiner review. Notice and open record public hearing before the hearing examiner. Hearing examiner makes the final decision; appeal to superior court.

Type IV – Decision by city council during regular council meeting.

Type V – Except for utility plans as described in this section, notice and public hearing before planning commission, with planning commission recommendation to city council. City council also provides notice and public hearing before making final legislative decision.

¹ PMTC 20.01.150 A2 and E8

² PTMC 19.04.220; 20.01.150 A2: All applications requiring SEPA Review require Notice of Application NOA.

³ PTMC 19.04.220(B)(2) Notice of Pending Threshold Determination and Notice of Optional DNS are combined with Notice of Application. Comment period for Notice of Threshold Determination is 15 days or 21 if issued concurrent with permit decision.

⁴ PTMC 20.01.150(A)(1)

⁵ PTMC 20.01.040 - Type V land use plans are subject to review and recommendation by the planning commission. However, the following utility plans may be reviewed or considered by the planning commission only upon referral by the city council to the planning commission of all or part of the plans: wastewater (sewer) plans, stormwater plans, water system plans, and solid waste plans. The city council shall conduct review and hold one or more open record public hearing(s) on all such plans. At the time of consideration by the full city council, the applicable council committee, as directed by council, may make a recommendation to the city council regarding utility plans.

⁶ PTMC 19.04.280(A)

⁷ PTMC 20.01.290 and 295. In ADM18-003 Hastings Appeal, Hearings Examiner confirmed no administrative appeal of Type I unless involving SEPA

⁸ PTMC 20.01.190(B); 20.01.040 Summary of Decision Making

⁹ The planning commission shall not hold public hearings regarding the utility plans described herein, unless the city council refers all or part of the plans to the planning commission. The city council shall hold one or more open record public hearing(s) on all such plans.

¹⁰ Pursuant to ~~regulatory reform~~ (RCW 36.70B.060), site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan are processed as a Type V application with a notice of application and provided only one open record hearing before the planning commission and one closed record hearing before the city council. Certain legislative decisions, including site-specific rezones, are subject to rules governing quasi-judicial proceedings.

¹¹ PTMC 20.01.040 Summary of Decision making

¹² PTMC 1.14.030(C) - Time limitation is from “date of issuance”. For Administrative appeals, the date on which a land use decision is deemed “issued” is three days after a written decision is mailed by the city or, if not mailed, the date on which the city provides notice that a written decision is publicly available.

¹³ PTMC 19.04.280 - Any such SEPA appeal shall be consolidated with the decision on the underlying proposal; does not apply if shoreline permit

¹⁴ PTMC 19.04.090 - The responsible official’s determination that a proposal is SEPA exempt shall be final and not subject to administrative review.

¹⁵ PTMC 20.01.040 Summary of Decision making

¹⁶ PTMC 19.04.280(E)

¹⁷ Type I is only appealable if involves SEPA – therefore appeal period is 21 days (PTMC 19.04.280; 20.01.290)

¹⁸ PTMC 20.01.295(A)

¹⁹ PTMC 20.01.295(A) and 20.01.210

²⁰ PTMC 19.04.280(D)

²¹ PTMC 20.01.200(B)(1) “or other party who may be aggrieved”

²² PTMC 20.01.290 “applicants or other parties of record”

²³ [RCW 90.58.090 - After Council action, SMP amendments are submitted to Ecology for review and approval](#)

²⁴ [PTMC 19.04.280\(F\)](#)

²⁵ [RCW 36.70C](#)

²⁶ [RCW 90.58.190 - Ecology's final decision to approve or reject a proposed shoreline master program or master program amendment by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.](#)

²⁷ [The GMHB decision is further appealable to Superior Court per WAC 242-03-970](#)

²⁸ [See PTMC 19.04.280\(F\) and RCW 43.21C.075](#)

²⁹ [RCW 36.70C.040 LUPA](#)

³⁰ [RCW 36.70A.290\(2\); Guidance may be found at <https://www.gmhba.wa.gov/pages/Documents/PracticeHandbookJan2017Final.pdf>](#)

³¹ [PTMC 19.04.280; RCW 43.21C.075](#)

³² [RCW 36.70C.060 LUPA](#)

³³ [See RCW 36.70A.280\(2\)](#)

<u>Table 3 – Action Type (Shoreline Master Program Permits)</u>							
<u>Shoreline Permit Applications</u>							
	<u>SEPA Threshold Determination</u>	<u>SSDP Exemption (Type I-A)</u>	<u>Minor SSDP (Type II)</u>	<u>Minor Shoreline CUP/Variance (Type II-S)</u>	<u>Shoreline Permit Revisions (Type II)</u>	<u>Major SSDP (Type III)</u>	<u>Major Shoreline CUP/Variance (Type III-S)</u>
<u>Notice of application¹</u>	<u>Yes</u>	<u>No, unless subject to SEPA (30 days)</u>	<u>Yes (30 days)</u>	<u>Yes (30 days)</u>	<u>Yes (30 days)</u>	<u>Yes (30 days)</u>	<u>Yes (30 days)</u>
<u>Recommendation made by</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>Shoreline Administrator</u>	<u>Shoreline Administrator</u>
<u>Open record predecision hearing</u>	<u>No, unless appealed under SEPA²</u>	<u>No, unless appealed under SEPA^{2,3}</u>	<u>No, unless appealed under SEPA</u>	<u>No, unless appealed under SEPA</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Local Decision made by</u>	<u>SEPA Responsible Official</u>	<u>Shoreline Administrator</u>	<u>Shoreline Administrator</u>	<u>Shoreline Administrator</u>	<u>Shoreline Administrator</u>	<u>Hearing Examiner</u>	<u>Hearing Examiner</u>
<u>Administrative appeal⁴</u>	<u>Yes, if not SEPA exempt; Open record before the hearing examiner</u> <u>No if exempt from SEPA⁵</u>	<u>Yes, open record before the hearing examiner⁶</u>	<u>Yes, open record before the hearing examiner⁶</u>	<u>No</u>	<u>SSDP: Yes, open record before the hearing examiner⁶</u> <u>CUP/Variance: No</u>	<u>No⁶</u>	<u>No⁶</u>
<u>Days to file administrative appeal</u>	<u>15 or 21 calendar days⁷</u>	<u>14 days</u> <u>21 days if SEPA issued concurrent⁸</u>	<u>14 days</u> <u>21 days if SEPA issued concurrent⁹</u>	<u>N/A</u>	<u>14 days</u> <u>21 days if SEPA issued concurrent⁹</u>	<u>N/A</u>	<u>N/A</u>
<u>Who may file administrative appeal</u>	<u>Applicant or other party of record</u>	<u>Applicant only⁶</u>	<u>Applicant only⁶</u>	<u>N/A</u>	<u>Applicant or party of record</u>	<u>N/A</u>	<u>N/A</u>

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

<u>Table 3 – Action Type (Shoreline Master Program Permits)</u>							
<u>Shoreline Permit Applications</u>							
	<u>SEPA Threshold Determination</u>	<u>SSDP Exemption (Type I-A)</u>	<u>Minor SSDP (Type II)</u>	<u>Minor Shoreline CUP/Variance (Type II-S)</u>	<u>Shoreline Permit Revisions (Type II)</u>	<u>Major SSDP (Type III)</u>	<u>Major Shoreline CUP/Variance (Type III-S)</u>
	<u>who may be aggrieved¹⁰</u>						
<u>State decision by</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>Ecology</u>	<u>SSDP: N/A</u> <u>CUP/Variance: Ecology</u>	<u>N/A</u>	<u>Ecology</u>
<u>Judicial/Other appeal</u>	<u>Superior Court (LUPA)¹¹</u>	<u>Superior Court (LUPA)¹²</u>	<u>Shoreline Hearings Board¹²</u>	<u>Shoreline Hearings Board¹²</u>	<u>Shoreline Hearings Board¹²</u>	<u>Shoreline Hearings Board¹²</u>	<u>Shoreline Hearings Board¹²</u>
<u>Days to appeal</u>	<u>21 with exceptions¹³</u>	<u>21¹⁴</u>	<u>21¹⁴</u>	<u>21¹⁴</u>	<u>21¹⁴</u>	<u>21¹⁴</u>	<u>21¹⁴</u>
<u>Who may appeal</u>	<u>Person aggrieved¹⁵</u>	<u>Persons with Standing¹⁶</u>	<u>Ecology, Attorney General, or any person aggrieved¹⁷</u>	<u>Ecology, Attorney General, or any person aggrieved¹⁷</u>	<u>Ecology, Attorney General, or any person aggrieved¹⁷</u>	<u>Ecology, Attorney General, or any person aggrieved¹⁷</u>	<u>Ecology, Attorney General, or any person aggrieved¹⁷</u>
<u>Permit review time period</u>		<u>65 days if exempt from SEPA and not consolidated with another permit</u> <u>100 days if exempt from SEPA and consolidate with another Type I or I-A permit</u> <u>120 days if not exempt from SEPA</u>	<u>120 days if not consolidated with another Type II or Type II-S permit</u> <u>170 days if consolidated with another Type II or Type II-S permit</u>	<u>120 days if not consolidated with another Type II or Type II-S permit</u> <u>170 days if consolidated with another Type II or Type II-S permit</u>	<u>120 days if not consolidated with another Type II or Type II-S permit</u> <u>170 days if consolidated with another Type II or Type II-S permit</u>	<u>170 days</u>	<u>170 days</u>

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

Summary of Decision-Making Based on Table 3:

SSDP Exemption (Type I-A) – Administrative without notice (unless subject to SEPA); administrative appeal by the applicant only; appealable to the hearing examiner. Hearing examiner decision on appeals is appealable to superior court.

Minor SSDP and SSDP Permit Revisions (Type II) – Administrative with notice, administrative appeal by the applicant or part of record to the hearing examiner. Hearing examiner decisions on appeals is appealable to the Shoreline Hearings Board.

Minor Shoreline CUP/Variance and Shoreline CUP/Variance Permit Revisions (Type II-S) – Administrative with notice, with local decision transmitted to the Department of Ecology for final decision. Appeals of Ecology decision by any aggrieved person to the Shoreline Hearings Board.

Major SSDP (Type III) – Hearing examiner review, Notice and open record public hearing before the hearing examiner. Hearing examiner makes the final decision; appeal to Shoreline Hearings Board.

Major Shoreline CUP/Variance (Type III-S) – Hearing examiner review, with local decision transmitted to the Department of Ecology for final decision. Notice and open record public hearing before the hearing examiner. Appeals of Ecology decision by any aggrieved person to the Shoreline Hearings Board.

¹ PMTC 20.01.150(A)(2) and (E)(8)

² PTMC 19.04.280(A)

³ PTMC 20.01.290 and 295. In ADM18-003 Hastings Appeal, Hearings Examiner confirmed No administrative appeal of Type I unless involving SEPA

⁴ PTMC 1.14.030(C) - Time limitation is from "date of issuance": For Administrative appeals, the date on which a land use decision is deemed "issued" is three days after a written decision is mailed by the city or, if not mailed, the date on which the city provides notice that a written decision is publicly available.

⁵ PTMC 19.04.090 - The responsible official's determination that a proposal is SEPA exempt shall be final and not subject to administrative review.

⁶ PTMC 20.01.040 Summary of Decision making

⁷ PTMC 19.04.280(E)

⁸ PTMC 20.01.295(A)

⁹ PTMC 20.01.295(A) and 20.01.210

¹⁰ PTMC 19.04.280(D)

¹¹ PTMC 19.04.280(F)

¹² ECY Permitting Manual page 4-2; RCW 90.58.180

¹³ See PTMC 19.04.280(F) and RCW 43.21C.075

¹⁴ RCW 90.58.180 Petitions must be filed within 21 days from the date the final decision was filed with Ecology as provided in RCW 90.58.140

¹⁵ PTMC 19.04.280; RCW 43.21C.075

¹⁶ RCW 36.70C.060 LUPA

¹⁷ RCW 90.58.180 SMA

~~Footnote 1: Type V land use plans are subject to review and recommendation by the planning commission. However, the following utility plans may be reviewed or considered by the planning commission only upon referral by the city council to the planning commission of all or part of the plans: wastewater (sewer) plans, stormwater plans, water system plans, and solid waste plans. The city council shall conduct review and hold one or more open-record public hearing(s) on all such plans. At the time of consideration by the full city council, the applicable council committee, as directed by council, may make a recommendation to the city council regarding utility plans.~~

~~Footnote 2: The planning commission shall not hold public hearings regarding the utility plans described herein, unless the city council refers all or part of the plans to the planning commission. The city council shall hold one or more open-record public hearing(s) on all such plans.~~

~~Footnote 3: Pursuant to regulatory reform (RCW 36.70B.060), site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, are processed as a Type V application with a notice of application and provided only one open-record hearing before the planning commission and one closed-record hearing before the city council. Certain legislative decisions, including site-specific rezones, are subject to rules governing quasi-judicial proceedings.~~

~~Footnote 4: A notice of application shall not be required for Type I project permits that are categorically exempt from SEPA, unless a public comment period or an open-record predecision hearing is required (See PTMC 20.01.150(A)).~~

~~Footnote 5: After the decisionmaker has made a final decision on a shoreline conditional use or shoreline variance, the decision shall be forwarded to the Department of Ecology for its approval, approval with conditions, or denial. For appeals of shoreline permits, see Section 10.15 of the City of Port Townsend Shoreline Master Program.~~

~~Footnote 6: See PTMC 17.30.130 for appeals of certificates of approval.~~

~~Summary of Decisionmaking~~

~~Type I — Administrative without notice; no administrative appeal.~~

~~Type I A — Administrative without notice; administrative appeal by the applicant only (unless the development code provides for an appeal); appealable to the hearing examiner.~~

~~Type II — Administrative with notice, administrative appeal by any aggrieved party to the hearing examiner.~~

~~Type III — Hearing examiner review. Notice and open-record public hearing before the hearing examiner. Hearing examiner makes the final decision; appeal to superior court.~~

~~Type IV — Decision by city council during regular council meeting.~~

~~Type V — Except for utility plans as described in this section, notice and public hearing before planning commission, with planning commission recommendation to city council. City council also provides notice and public hearing before making final legislative decision. (Ord. 3335 § 2 (Exh. C.O), 2024; Ord. 3306 § 1 (Exh. EE), 2023; Ord. 3287 § 5, 2022; Ord. 3173 § 2, 2017; Ord. 3078 § 2, 2012; Ord. 3075 § 4 (Exh. A), 2012; Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2982 §§ 17, 20, 22, 2008; Ord. 2892 § 1, 2005; Ord. 2864 § 5(Exh. D § 3), 2004; Ord. 2837 § 2(Exh. B § 16), 2003; Ord. 2811 § 10, 2002; Ord. 2778 § 3, 2001; Ord. 2762 § 1, 2001; Ord. 2699 § 1, 1999; Ord. 2651 § 3, 1998; Ord. 2634 § 1, 1998; Ord. 2592, § 6, 1997; Ord. 2521 § 1, 1996).~~

20.01.045 Reserved.

(Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2651 § 4, 1998).

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

20.01.050 Joint public hearings (other public agency hearings).

- A. Administrator's Decision to Hold Joint Hearing. The administrator may combine any public 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: (1) the hearing is held within the city limits; and (2) the requirements of subsection 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 additional time is needed in order to complete the hearings.
- C. Prerequisite to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:
 1. The other agency is not expressly prohibited by statute from doing so;
 2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
 3. 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.
- D. This section does not apply to amendments to the City's Shoreline Master Program (SMP) that opt to utilize the joint public review process of WAC 173-26-104. Joint public hearings conducted with the Department of Ecology of SMP Periodic Review amendments or locally initiated SMP amendments shall follow the process authorized under WAC 173-26-104. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.060 Legislative decisions.

- A. Decision. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:
 1. Zoning code text, development regulations and zoning district amendments;
 2. Area-wide rezones to implement city policies contained within the Port Townsend Comprehensive Plan and any amendments thereto;
 3. Adoption of the Port Townsend Comprehensive Plan and any plan amendments;
 4. Annexations;
 5. Shoreline master program (SMP) amendments; and
 6. All other master land use and utility plans and amendments thereto.
- B. Except as otherwise provided in this chapter, the administrative procedures for the legislative decisions specified in this section are set forth in Chapter 20.04 PTMC. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2634 § 2, 1998; Ord. 2521 § 1, 1996).

20.01.070 Legislative enactments not restricted.

Nothing in this chapter or the permit processing procedures shall limit the authority of the city to make changes to the Port Townsend Comprehensive Plan as part of an annual revision process, the city's development regulations, or to undertake any other legislative actions. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.080 Exemptions from project permit application processing.

- A. Whenever a permit or approval in the Port Townsend Municipal Code has been designated as a Type I, II, III or IV permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are specifically excluded from the procedures set forth in this title.
1. Landmark designations;
 2. Street vacations;
 3. Public works projects identified as planned actions in the Port Townsend Comprehensive Plan or any amendments thereto. Planned actions are those public or private projects specifically identified by city ordinance or resolution adopted after environmental review conducted in conjunction with the adoption or annual amendment of the Port Townsend Comprehensive Plan.
- B. Pursuant to RCW 36.70B.140(2), Type I permits, including but not limited to building permits, boundary line adjustments (not involving lot reorientation) or other construction permits, or similar administrative approvals categorically exempt from environmental review under SEPA (Chapter 43.21C RCW and the city's SEPA/environmental policy ordinance, Chapter 19.04 PTMC), or permits/ approvals for which environmental review has been completed in connection with other project permits should be processed and permitted within ~~120-65~~ calendar days (subject to PTMC 20.01.110). However, Type I permits are not subject to other requirements of this chapter, and are excluded from the following procedures as defined in this section:
1. Determination of completeness;
 2. Notice of application;
 3. Except as provided in RCW 36.70B.140, optional consolidated project permit review processing;
 4. Joint public hearings;
 5. Single report stating that all of the decisions and recommendations made as of the date of the report do not require an open public record hearing;
 6. Notice of Decision. Unless the time deadlines are waived in writing by the applicant, the Type I permit should be processed ~~within 120 calendar days~~ in accordance with the permit review time period specified in PTMC 20.01.040 Table 2, after the applicant files a procedurally complete application, subject to the provisions of PTMC 20.01.110. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

Article II. Type I – III Project Permit Applications

20.01.090 Preapplication conference.

- A. Mandatory Conference. Applications for project permit Type I actions proposing impervious surfaces equal to or exceeding 5,000 square feet and/or nonsingle-family structures 5,000 square feet or over, Type I-A, Type II, ~~Type II-S, and Type III and Type III-S~~ actions shall not be accepted by the director unless the applicant has scheduled and attended a preapplication conference. The purpose of the preapplication conference is to acquaint the applicant with the requirements of the Port Townsend Municipal Code and to allow the director to provide the applicant with preliminary comments based upon the applicant's preliminary sketch of the proposal. The director may waive this preapplication conference requirement if an applicant demonstrates, to the director's satisfaction, experience with the requirements of the PTMC requirements and process that would render the preapplication conference unnecessary.
- B. Scheduling. The conference shall be held within 15 calendar days of the request.
- C. Conceptual Design Review. Not less than seven calendar days prior to the preapplication conference, the applicant will submit to PCD a preliminary sketch or conceptual design which illustrates the applicant's generalized ideas of the proposal. The sketch or conceptual design shall include approximate lot lines, general

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

topography of site, suggested vehicle access to the site, and provision of utilities. Final drawings are discouraged at this preapplication stage. Additionally, for the preapplication conference, the applicant shall identify all land uses on adjacent properties and all platted and opened roads serving the site.

- D. Information Provided to Applicant. At the conference or within seven calendar days following the conference, the director shall provide the applicant with:
1. A form which lists the requirements for a completed application;
 2. A general summary of the procedures to be used to process the application;
 3. The references to the relevant code provisions or development standards which may apply to the approval of the application; and
 4. The city's historic preservation guidelines (if applicable).
- E. Assurances Unavailable. It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference or the forms provided by the city to the applicant under subsection D of this section shall not bind or prohibit the city's future application or enforcement of all applicable law and ordinances. No statements or assurances made by city representatives shall in any way relieve the applicant of his or her duty to submit an application consistent with all relevant requirements of city, state, and federal codes, laws, regulations and land use plans.
- F. Historic Preservation Committee (HPC) Meeting. If the director determines that the application proposes a major project (as defined in Chapter 17.30 PTMC) involving historic preservation issues, the director may require that the applicant attend a mandatory preapplication public meeting with the HPC or a representative of the HPC. HPC review at this stage shall be conceptual only, in order to help familiarize the applicant with the city's historic preservation design guidelines.
- G. Optional Conferences. Preapplication conferences for all other types of applications not specified in this section are optional, and requests for conferences will be considered on a time-available basis by the director.
- H. Fee. The applicant shall pay the fee set forth in Chapter 20.09 PTMC for the preapplication conference. (Ord. 3287 § 5, 2022; Ord. 3026 § 1 (Exhs. A-4, A-6 § 7), 2010; Ord. 2892 § 1, 2005; Ord. 2762 § 1, 2001; Ord. 2592 § 3, 1997; Ord. 2521 § 1, 1996).

20.01.100 Development permit application.

- A. Applications for project permits shall be submitted upon forms provided by the director. The applicant is encouraged to schedule a pre-submittal conference with the director prior to submittal of the application.
- B. An application shall consist of all materials required by the applicable development regulations, and shall include the following general information:
1. A completed project permit application form, including SEPA checklist submitted pursuant to PTMC 19.04.100;
 2. 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 written consent of all owners of the affected property. A photocopy of the property deed shall be provided;
 3. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
 4. The applicable fee;
 5. A site plan, showing the location of all proposed lots and points of access and identifying all easements, deeds, restrictions, or other encumbrances restricting the use of the property, if applicable;

6. Assessor's maps and a list, prepared by a licensed title company, of tax parcels and their owners, with said owners' names and addresses placed on labels suitable for mailing in a sufficient number for the type of application for all properties within 300 feet of the property and properties to which public notice must be sent as provided in PTMC 20.01.150 and 20.01.160 (notice of application). The director shall issue a sworn certificate affirming mailing of notice to all persons entitled to notice under this chapter. The director may provide notice to other persons than those required to receive notice under this chapter;
 7. Any supplemental information or special studies identified by the director or project administrator.
- C. In addition to the requirements set forth in subsection B of this section, complete application requirements for the following land use permits are set forth in the following sections of the Port Townsend Municipal Code:
1. Clearing and grading permits, see International Building Code adopted by PTMC 16.04.020;
 2. Building permits, see Chapter 16.04 PTMC;
 3. Binding site plans, see Chapter 18.20 PTMC;
 4. Lot line adjustments, see Chapter 18.08 PTMC;
 5. Preliminary plat, see Chapters 18.12 (Short Subdivisions) and 18.16 (Full Subdivisions) and PTMC 18.20.020;
 6. Subdivisions and recognition of lots of record, see Chapter 18.18 PTMC;
 7. Planned unit developments (PUDs), see Chapter 17.32 PTMC;
 8. Critical areas, see Chapter 19.05 PTMC;
 9. Street development permits, see Chapter 12.04 PTMC;
 10. Utility development permits, see Chapter 13.01 PTMC;
 11. Multifamily residential development permits, see Chapter 17.36 PTMC;
 12. Mixed use development permits, see Chapter 17.40 PTMC;
 13. Home occupations, see Chapter 17.56 PTMC;
 14. Temporary use permits, see Chapter 17.60 PTMC;
 15. Sign permits, see Chapter 17.76 PTMC;
 16. Wireless telecommunications standards, see Chapter 17.78 PTMC;
 17. Conditional uses, see Chapter 17.84 PTMC;
 18. Variances, see Chapter 17.86 PTMC;
 19. Tree conservation permits and plans, see Chapter 19.06 PTMC;
 20. Shoreline permits, see Chapter 10, City of Port Townsend Shoreline Master Program, and Chapter 173-27 WAC.
- D. The director may waive specific submittal requirements determined to be unnecessary for review of an application. In such event, the director shall document the waiver in the project file or project log. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2982 §§ 17, 21, 2008; Ord. 2867 § 2, 2004; Ord. 2837 § 2(Exh. B § 15), 2003; Ord. 2762 § 1, 2001; Ord. 2592 § 4, 1997; Ord. 2521 § 1, 1996).

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

20.01.110 Submission and acceptance of application – Determination of completeness – Additional information and project revisions.

- A. Determination of Completeness. Within 28 calendar days after receiving a project permit application, the city shall mail a determination to the applicant which states either: (1) that the application is procedurally complete; or (2) that the application is procedurally incomplete and what is necessary to make the application procedurally complete.
- B. Identification of Other Agencies with Jurisdiction. To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the city's determination required by subsection A of this section.
- C. Incomplete Application Procedure.
 1. If the applicant receives a determination from the city that an application is not procedurally complete or that additional information is required, the applicant shall have 120 calendar days to submit the necessary information to the city. Within 14 calendar days after an applicant has submitted the requested additional information to make the application procedurally complete, the city shall make the determination as described in subsection A of this section and notify the applicant in the same manner.
 2. If the applicant either refuses in writing to submit additional information or does not submit the required information within the 120-day period, the director shall make a determination that the application has been abandoned and is therefore withdrawn, according to the Type I procedure in PTMC 20.01.040.
 3. In those situations where the director has deemed an application withdrawn because the applicant has failed to submit the required information within the necessary time period, the applicant will forfeit the application fee.
- D. City's Failure to Provide a Determination of Procedural Completeness. A project permit application shall be deemed procedurally complete under this section if the city does not provide a written determination to the applicant that the application is incomplete as provided in subsection A of this section. Notwithstanding a failure to provide a determination of procedural completeness, the city may request additional information as provided in subsection F of this section.
- E. Date of Acceptance of Application. When the project permit application is determined to be complete, the director shall accept it and note the date of acceptance. Upon providing a determination of completeness, the director shall assign the project to an administrator.
- F. Additional Information. A project permit application is procedurally complete for purposes of this section when it meets the submission requirements in PTMC 20.01.100, as well as the submission requirements contained in the applicable development regulations. This determination of completeness shall be made when the application meets the procedural requirements in PTMC 20.01.100, is sufficient for continued processing even though additional information may be required or project modifications may be undertaken after submittal. The city's determination of completeness shall not preclude the city from requiring additional information, that the applicant correct plans or perform studies at any time if new information is required for project review, or if there are substantial changes in the proposed action.
 1. Pursuant to RCW 36.70B.0890(1) (ag)(i), any period during which the city has requested the applicant to correct plans, perform required studies, or provide additional information shall be excluded from the time period provided in this chapter.
 2. ~~The time period for requiring additional information shall be calculated from the date the city notifies the applicant of the need for additional information until the earlier of: (a) the date the city determines whether the information satisfies the request for information; or (b) 14 calendar days after the date the information has been provided to the city. The time period to process a project permit application (in accordance with PTMC 21.01.040 Table 2 and Table 3) shall start over if the 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 PTMC 20.01.100.

3. If, at any time, the applicant informs the City in writing that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the City has notified the applicant that additional information is required to further process the application, an additional 30 days may be added to the time period for the City to issue a final decision for each project type. Written notice that additional information is required to further process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review.

2-4. Following a second request for additional information or corrections, the City will hold a meeting with the applicant to resolve outstanding issues. This meeting will be held within 14 days of the issuance of the second request for corrections during permit review. If the meeting cannot resolve outstanding issues and a third request for corrections is issued, the City will approve or deny the application upon receiving the additional information or corrections.

- G. Effect of Project Permit Application Revisions – Substantial Revisions. If, in the judgment of the director, the content of an application is so substantially revised by an applicant, either voluntarily or to conform with applicable standards and requirements, that such revised proposal constitutes a substantially different proposal than that originally submitted, the director shall deem the revised proposal to be a new application.
1. In reaching a decision whether a revision is substantial, the director shall consider the relative and absolute magnitude of the revision, the environmental sensitivity of the site, any changes in location of significant elements of the project and their relation to public facilities, surrounding lands and land uses and the stage of review of the proposal.
 2. Lesser revisions that would not constitute substantial revisions during early stages of review may be substantial during later stages due to the reduced time and opportunity remaining for interested parties to review and comment upon such changes.
 3. Written notice of such determination of substantial revision shall be provided to the applicant and all parties of record, including the reasons for the director's decision.
 4. A determination that any revision is substantial shall result in the time periods mandated by the Regulatory Reform Act, Chapter 36.70B RCW, set forth in this chapter starting from the date at which the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations, and standards in effect on the date of the determination of completeness of the substantial revision.
 5. If the revision has a bearing upon or affects HPC review, the director shall refer the application to HPC for additional mandatory public meeting(s) as necessary. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.120 Referral and review of development permit applications.

Upon acceptance of a complete application, the director shall do the following:

- A. Transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including those agencies responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 10 calendar days to comment. The director may grant an extension of time if needed.
- B. Environmental Review. Developments and planned actions subject to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall be reviewed in accordance with the policies and procedures contained in Chapter 19.04 PTMC. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

1. Projects categorically exempt from SEPA; and
 2. Components of planned actions previously reviewed and approved in the Port Townsend Comprehensive Plan or amendments thereto to the extent permitted by law and consistent with the SEPA environmental determination for the planned action.
- C. Historic Preservation Committee (HPC) Review. For those actions subject to design review pursuant to Chapter 17.30 PTMC, the director shall refer the application to HPC. Pursuant to Chapter 17.30 PTMC, HPC shall hold one or more public meeting(s) as necessary to consider the application. HPC review shall be completed within 45 calendar days after the issuance of the determination of completeness. HPC recommendations shall be based upon design guidelines formally adopted by the city council and shall be included in the staff report and recommendation transmitted to the director. For Type I administrative permits, PCD shall review HPC recommendations and shall incorporate those recommendations as permit conditions and requirements, so long as the recommendations are based upon formally adopted design guidelines or are based upon a voluntary agreement of the applicant.
- D. If a Type III or Type III-S procedure is required, PCD shall provide for notice and hearing as set forth in PTMC 20.01.150 through 20.01.190. (Ord. 3287 § 5, 2022; Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2892 § 1, 2005; Ord. 2762 § 1, 2001; Ord. 2592 § 5, 1997; Ord. 2521 § 1, 1996).

20.01.130 Scope of project review.

- A. Fundamental land use planning choices made in adopted comprehensive and subarea plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted Port Townsend Comprehensive Plan, SMP, or subarea plan(s), under PTMC 20.01.140 shall incorporate the determinations under this section.
- B. During project review, the director (and, as applicable, the hearing examiner) shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations, the adopted Port Townsend Comprehensive Plan or subarea plan(s). At a minimum, such applicable regulations or plans shall be determinative of the:
1. Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;
 2. Density of residential development in urban growth areas; and
 3. Availability and adequacy of public facilities identified in the Port Townsend Comprehensive Plan, if the plan or development regulations provide for funding of these facilities.
- C. During project review, the director shall not re-examine alternatives to or hear appeals on the items identified in subsection B of this section.
- D. The director may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific probable significant adverse environmental impacts to which the requirements apply. In making this determination, the director shall:
1. Determine if the applicable regulations require measures that are sufficient to adequately address site-specific, probable significant adverse environmental impacts identified through project application review; and
 2. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures.

- E. Nothing in this section limits the authority of the city to approve, condition, or deny a project as provided in its development regulations adopted under Chapter 36.70A RCW and in its policies and criteria adopted under RCW 43.21C.060, including project review under Chapters 19.04 (SEPA) and 19.05 (Critical Areas) PTMC. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.140 Project consistency.

- A. A proposed project's consistency with development regulations adopted under Chapter 36.70A RCW (the GMA) or, in the absence of applicable development regulations, the appropriate elements of the Port Townsend Comprehensive Plan, SMP, or subarea plan adopted under Chapter 36.70A RCW shall be determined by consideration of:
1. The type of land use;
 2. The level of development, such as units per acre or other measures of density;
 3. Infrastructure, including public facilities and services needed to serve the development; and
 4. The character of the development, such as development standards.
- B. In determining consistency, the determinations made pursuant to PTMC 20.01.130 shall be controlling.
- C. For purposes of this section, the term "consistency" shall include all terms used in this chapter and Chapter 36.70A RCW to refer to performance in accordance with this chapter and Chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.
- D. Nothing in this section requires documentation, dictates procedures for considering consistency, or limits the director from asking more specific or related questions with respect to any of the four main categories listed in subsections (A)(1) through (4) of this section. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

Article III. Public Notice

20.01.150 Notice of application.

- A. Time of Issuance. Within 14 calendar days of issuing the determination of completeness, PCD shall issue a notice of application on the following types of applications:
1. Type IA permit applications for multifamily design review for five to nine dwelling units, R-III cottage housing development.
 2. Applications requiring SEPA review.
 3. All Type II, Type II-S, and Type III and Type III-S project permit applications. If an open record predecision public hearing is required or requested, the notice of application shall be issued at least 30 calendar days prior to the hearing.
- B. SEPA-Exempt Projects. With the exception of subsection (A)(1) of this section, a notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required. A notice of application shall be required for Type II and Type II-S projects, regardless of whether such projects are exempt from SEPA review.
- C. Posted and Mailed. The notice of application shall be posted on the subject property and mailed to adjacent property owners within 300 feet. For shoreline master program (SMP) permits that include aquaculture uses, notice shall be mailed to Tribes with fishing rights.
- D. Published. In addition to posting and mailing, the notice of application for the following permit types shall be published once in a newspaper of general circulation: shoreline master program (SMP) permits, permits requiring SEPA review, Type II cottage housing developments and short subdivision permits, and all Type III

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

permits. The notice of application shall be issued prior to and is not a substitute for the required notice of a public hearing.

E. Contents. The notice of application shall include:

1. The name of the applicant;
2. The date of application, the date of the determination of completeness for the application and the date of the notice of application;
3. The street address location of the project or, if unavailable, the location in reference to roadway intersections;
4. A description of the proposed project action including a listing of any requested departures and a list of the project permits included in the application and, if applicable, a list of any studies requested under PTMC 20.01.110;
5. The identification of other permits required by other agencies with jurisdiction not included in the application, to the extent known by the city;
6. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
7. The name of the city staff contact and telephone number;

8. A statement of the limits of the public comment period, which shall be

a. ~~20-14~~ calendar days for permits not requiring SEPA review

b. 20 days for permits requiring SEPA review

c. ~~following the date of notice of application (or 30 calendar days if the application involves a shoreline master program permit)~~

days are calculated following the date of notice of application:

~~8.9.~~ and s 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;

~~9.10.~~ The date, time, place and type of hearing or design review meeting, if applicable, and scheduled prior to issuance of the notice of application;

~~10.11.~~ A statement of the preliminary determination of consistency with applicable development regulations and the Port Townsend Comprehensive Plan, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and determination of consistency as provided in RCW 36.70B.040 and PTMC 20.01.140;

~~11.12.~~ Any other information determined appropriate by the city, such as the city's pending SEPA threshold determination or a statement advising that a final environmental determination shall be made following a comment period;

~~12.13.~~ If a local government 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. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application;

Formatted: List Paragraph

~~13,14.~~ A statement that the final decision on the application will be made within ~~420 the number of days~~ specified in PTMC 20.01.040 Table 2 and Table 3 for the permit type, which shall be calculated from the date of the determination of completeness.

- F. Public Comment on the Notice of Application. All public comments on the notice of application must be received in the PCD by 4:00 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. Public comments may be provided at any time up to and during the public hearing. However, the city cannot ensure that comments provided after the comment period on the notice of application will be considered and addressed in Type II project review or in staff reports on Type III projects. The SEPA threshold determination shall not be issued until after the expiration of the comment period following the notice of application. Regardless of the expiration of the notice of application comment period, any interested party may comment upon the SEPA threshold determination pursuant to Chapter 19.04 PTMC. (Ord. 3287 § 5, 2022; Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2982 § 17, 2008; Ord. 2892 § 1, 2005; Ord. 2778 § 4, 2001; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.160 Methods of public notice of application.

- A. The city shall provide the public notice of application for a project permit by posting the property and mailing to adjacent property owners within 300 feet. Additionally, for shoreline master program (SMP) permits, permits requiring SEPA review, Type II cottage housing developments, short subdivision permits, and all Type III permits, publication in the city's official newspaper shall be required, as provided in this section.
1. Posting. Posting of the property for site-specific proposals shall consist of one or more notice boards posted by the applicant or the applicant's representative as follows:
 - a. A single notice board shall be placed by the applicant:
 - i. At the midpoint of the site street frontage or as otherwise directed by the city for maximum visibility; and
 - ii. Where it is completely visible to pedestrians and vehicle traffic.
 - b. Additional notice boards 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 director determines that additional notice boards are necessary to provide adequate public notice.
 - c. Notice boards shall be:
 - i. Maintained in good condition by the applicant during the notice period;
 - ii. In place at least 30 calendar days prior to the date of hearing or decision; and
 - iii. Removed by the applicant within 15 calendar days after the end of the notice period.
 - d. An affidavit of posting shall be submitted to the director by the applicant prior to the hearing or final comment date. If the affidavit is 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.
 - e. Notice boards shall be constructed and installed in accordance with specifications promulgated by PCD.

2. Published Notice. Published notice shall include at least the project's street address or location, project description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed in the city's official newspaper of general circulation.
3. Mailed Notice. Mailed notice shall include the content as set forth in PTMC 20.01.150(E). It shall be mailed to the latest recorded real property owners as shown by the records of the county assessor within at least 300 feet of the boundary of the property upon which the development is proposed.
 - a. An adjacent property ownership list prepared by a licensed title company shall be used for determining the property owner(s) of record.
 - 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.
4. PCD shall maintain for public review a list of pending projects (public inspection files), including project status. However, the failure by PCD to maintain and update the project status list shall not be grounds for invalidation of any permit decision. (Ord. 3287 § 5, 2022; Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2982 § 17, 2008; Ord. 2892 § 1, 2005; Ord. 2778 § 4, 2001; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.170 Shoreline master program (SMP) permits.

A. SMP permits require notice as provided in PTMC 20.01.150 and 20.01.160.

~~B.~~ ~~A.~~ SMP Comment Period. The public may provide comments for 30 calendar days after the notice of publication date. (SMP notice is 10 calendar days longer than the comment period for other Type II and Type III permits as required by RCW 90.58.140.) A notice of application for a shoreline substantial development permit shall notify the public of the 30-day comment period.

~~B.~~ ~~C.~~ In the case of a conflict between the provisions and procedures of this Chapter and the SMP, the SMP shall prevail. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2982 § 18, 2008; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.180 Optional additional public notice.

A. As optional methods of providing public notice of any project permits, the city may, at the applicant's expense:

1. Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;
2. Notify the news media;
3. Place notices in appropriate regional or neighborhood newspapers or trade journals;
4. Publish notice in agency newsletters or send notice to agency mailing lists, either general lists or lists for specific proposals or subject areas;
5. Mail to neighboring property owners; and
6. Place notices on the Internet.

B. The city's decision not to provide the optional notice as described in this subsection shall not be grounds for invalidation of any permit decision. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.190 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 chapter shall contain:

1. The name and address of the applicant or the applicant's representative;

2. Description of the affected property, including the street address (if any) and either a vicinity location (including roadway intersections) or written description, other than a legal description, reasonably sufficient to inform the public of the location;
 3. The date, time and place of the hearing;
 4. A description of the nature of the proposed use or development;
 5. A statement that all interested persons may appear at the hearing and provide oral or written comments or testimony;
 6. Where information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be submitted;
 7. The name of the city staff contact or representative and the telephone number where additional information may be obtained;
 8. That a copy of the application and staff report, and all documents and evidence relied upon by the applicant and applicable criteria, are available for inspection at PCD at no cost.
- B. Mailed Notice. Mailed notice of the public hearing shall be provided as follows:
1. Type I, Type II, [Type II-S](#) and Type IV Actions. No mailed public notice is required because no public hearing is held, except on an appeal of a Type II [or Type II-S](#) action.
 2. Type III [and Type III-S](#) Actions. The notice of public hearing shall be mailed to:
 - a. The applicant;
 - b. All owners of property within 300 feet of any portion of the subject property; and
 - c. Any person who submits written comments on an application.
 3. Type III Preliminary Plat Actions. In addition to the notice for Type III actions above, additional notice for preliminary plats and proposed subdivisions shall be provided as follows:
 - a. Notice of the filing of a preliminary plat application of a proposed subdivision located adjoining the city's municipal boundaries shall be given to the appropriate county officials;
 - b. Notice of the filing of a preliminary plat application of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the Washington State Secretary of Transportation, who must respond within 15 calendar days of such notice;
 - c. Special notice of the hearing shall be given to adjacent landowners by any other reasonable method the city deems necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within 300 feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, mailed notice under RCW 58.17.090(1)(b) and this section shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.
 4. Type V Actions. For Type V legislative actions, the city shall publish notice as described in Chapter 20.04 PTMC, and all other notice required by city code and RCW 35.23.221.
 5. General Procedure for Mailed Notice of Public Hearing.

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

- a. An adjacent property ownership list prepared by a licensed title company shall be used for determining the property owner(s) of record. The applicant shall provide the list of property owner(s) of record to PCD. Addresses for a mailed notice required by this chapter shall be obtained from the county's real property tax records. The director shall issue a sworn certificate affirming mailing of notice to all persons entitled to notice under this chapter. The director may provide notice to other persons than those required to receive notice under this chapter.
- 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.

1. Posted notice of the public hearing is required for all Type III and Type III-S project permit applications. The posted notice shall be posted as required by PTMC 20.01.160(A)(1).
2. Published notice is required for all Type II procedures involving an open record public hearing, Type III, Type III-S and Type V procedures. The published notice shall be published in the city's official newspaper. Published notice is not required for closed record public hearings before the city council, as no new testimony or evidence is allowed at such hearings. Mailed notice of the closed record public hearing shall be provided for all parties of record.

D. Time and Cost of Notice of Public Hearing.

1. Notice of a public hearing shall be mailed, posted and first published not less than 10 nor more than 45 calendar days prior to the hearing date. Any posted notice shall be removed by the applicant within 15 calendar days following the public hearing.
2. All costs associated with the public notice shall be borne by the applicant. (Ord. 3287 § 5, 2022; Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2982 § 17, 2008; Ord. 2892 § 1, 2005; Ord. 2762 § 1, 2001; Ord. 2592 § 6, 1997; Ord. 2521 § 1, 1996).

Article IV. Project Review and Approval Process

20.01.200 Administrative approvals without notice (Type I and I-A).

- A. The director may approve, approve with conditions, or deny (with or without prejudice) all Type I and I-A permit applications without notice, except as otherwise provided by code.
- B. The director's decisions under this section shall be final on the date issued, unless the code provides for an appeal, in which case the director's decision is final subject to the following:
 1. An applicant or other party of record who may be aggrieved by the administrative decision may appeal the decision to the city's hearing examiner; provided, that a written appeal in conformance with Chapter 1.14 PTMC is filed within 14 calendar days after the notice of the decision, or within 21 calendar days if a SEPA determination of nonsignificance is issued concurrently with and as part of the permit decision. All appeals to the hearing examiner shall be processed in accordance with Chapter 1.14 PTMC.
 2. If no appeal is submitted, the preliminary approval becomes final at the expiration of the notice period.
 3. If a written notice of appeal is received within the specified time the matter will be referred to the hearing examiner for a public hearing. The decision of the hearing examiner shall be the final city decision. Any period after an administrative appeal is filed until the administrative appeal is resolved shall be excluded from the required timeline for processing of the permit application.
 4. Pursuant to PTMC 19.04.280, SEPA determinations of significance (DS) shall not be appealable. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.210 Administrative approvals subject to notice (Type II and Type II-S).

- A. The director may grant approval, preliminary approval, or approval with conditions, or may deny (with or without prejudice) all Type II and Type II-S permit applications, subject to the notice and appeal requirements of this section. The director shall issue written findings and conclusions supporting Type II and Type II-S decisions.
- B. Final Administrative Approvals. Administrative decisions under this section shall become final subject to the following:
1. An applicant or other party of record who may be aggrieved by the administrative decision may appeal the decision to the city's hearing examiner; provided, that a written appeal in conformance with Chapter 1.14 PTMC is filed within 14 calendar days after the notice of the decision, or within 21 calendar days if a SEPA determination of nonsignificance is issued concurrently with and as part of the permit decision. All appeals to the hearing examiner shall be processed in accordance with Chapter 1.14 PTMC.
 2. If no appeal is submitted, the preliminary approval becomes final at the expiration of the notice period.
 3. If a written notice of appeal is received within the specified time the matter will be referred to the hearing examiner for a public hearing. The decision of the hearing examiner shall be the final city decision. Any period after an administrative appeal is filed until the administrative appeal is resolved shall be excluded from the required timeline for processing of the permit application.
 - ~~4.~~ Pursuant to PTMC 19.04.280, SEPA determinations of significance (DS) shall not be appealable.
 - ~~4.5.~~ Pursuant to PTMC 20.01.040 Table 3, judicial appeals of shoreline permits shall be to the Shoreline Hearings Board. Appeals of a final decision of the City of Port Townsend or the Department of Ecology must be filed within 21 days of the date of filing of the final permit and shall be in accordance with procedures specified in Section 10.16 of the Port Townsend SMP and RCW 90.58.180. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2592 § 7, 1997; Ord. 2521 § 1, 1996).

20.01.220 Reserved.

- A. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2651 § 5, 1998; Ord. 2521 § 1, 1996).

20.01.230 City council action.

- Repealed by Ord. 3026.* (Ord. 2762 § 1, 2001; Ord. 2592 § 8, 1997; Ord. 2521 § 1, 1996).

20.01.235 Hearing examiner review and decision (Type III and Type III-S).

- A. The hearing examiner shall review and make findings, conclusions and issue final decisions on all Type III and Type III-S permit applications.
- C. Staff Report. The administrator shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of city departments, the historic preservation committee (HPC), affected agencies and special districts, and evaluating the development's consistency with the city's development code, adopted plans and regulations. If requested by the examiner, the staff report shall include proposed findings, conclusions and recommendations for disposition of the development application. The staff report shall include and consider all written public comments on the application.
- D. Hearing Examiner Hearing. The hearing examiner shall conduct a public hearing on Type III and Type III-S development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's development code, adopted plans and regulations. Notice of the hearing examiner hearing

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

shall be in accordance with PTMC 20.01.190. All appeals of administrative project permit decisions, including appeals of SEPA threshold determinations made pursuant to Chapter 19.04 PTMC (other than determinations of significance), shall be considered together with the decision on the project application in a single, consolidated public hearing.

- E. Required Findings. In addition to the approval criteria listed in PTMC Title 17, the hearing examiner shall not approve a proposed development unless the examiner first makes the following findings and conclusions:
1. The development is consistent with the Port Townsend Comprehensive Plan and meets the requirements and intent of the Port Townsend Municipal Code;
 2. The development is not detrimental to the public health, safety and welfare;
 3. The development adequately mitigates impacts identified under Chapters 19.04 (SEPA) and 19.05 (Critical Areas) PTMC; and
 4. For subdivision applications, findings and conclusions shall be issued in conformance with PTMC Title 18 and RCW 58.17.110.
- F. Final Decision. In the examiner's decision regarding Type III ~~and Type III-S~~ actions, the hearing examiner shall adopt written findings and conclusions.
5. The hearing examiner's decision following closure of an open record public hearing shall include one of the following actions:
 - a. Approve;
 - b. Approve with conditions;
 - c. Deny without prejudice (reapplication or resubmittal is permitted);
 - d. Deny with prejudice (reapplication or resubmittal is not allowed for one year); or
 - e. Remand for further proceedings in accordance with PTMC 20.01.270.
 6. A hearing examiner's decision following an open record public appeal hearing (consolidated with the hearing regarding the application) shall include one of the following actions:
 - a. Grant the appeal in whole or in part;
 - b. Deny the appeal in whole or in part;
 - c. Remand for further proceedings in accordance with PTMC 20.01.270.
 7. The hearing examiner's decision shall be issued within 10 working days from the date the examiner closes the public hearing record, unless, for good cause, the hearing examiner grants a 10-day extension, or a longer period is mutually agreed to in writing by an applicant and the hearing examiner. The decision shall be a final decision, appealable in accordance with ~~PTMC 20.01.295 and 20.01.300. In accordance with PTMC 20.01.040 Table 3, Type III and Type III-S shoreline permits shall be appealable to the Shoreline Hearings Board, in accordance with Section 10.17 of the Port Townsend SMP and RCW 90.58.180.~~(Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2651 § 6, 1998).

20.01.240 Procedures for public hearings.

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. Questions directed to the staff or the

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

applicant shall be posed by the hearing examiner or chair at its discretion. In cases where scientific standards and criteria affecting project approval are at issue, the hearing examiner or chair shall allow orderly cross-examination of expert witnesses presenting reports and/or scientific data and opinions. The hearing body may address questions to any party who testifies at a public hearing. The hearing examiner or chair shall open the public hearing and, in general, observe the following sequence of events:

- A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
- C. Testimony or comments by the public germane to the matter.
- D. Rebuttal, response or clarifying statements by the staff and the applicant.
- E. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.250 Procedures for closed record hearings and appeals.

Closed record hearings on appeals shall be conducted in accordance with the city council's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record hearings shall be conducted generally as provided for other public hearings. Except as provided in PTMC 20.01.270, no new evidence or testimony shall be given or received. The parties may submit timely written statements or arguments. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.260 Reconsideration.

A party of record at a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the director within five calendar days of the date of the final decision. The request shall comply with PTMC 20.01.295(B). The hearing body shall consider the request without public comment or oral argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the hearing body may immediately revise and reissue its decision. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.270 Remand.

In appeals, the hearing examiner may remand the director's recommendation or decision to the director to correct any deficiencies. The hearing examiner shall specify the items or issues to be considered and the time frame for completing the additional work. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2651 § 7, 1998; Ord. 2592 § 9, 1997; Ord. 2521 § 1, 1996).

20.01.280 Final decision – Exclusions to ~~120-day~~the permit review time period deadline.

A. Time. The final decision on a development proposal shall be made within ~~120-the permit review time period specified in PTMC 20.01.040 Table 2 and Table 3, calendar days starting~~ from the date of the determination of completeness. In determining the number of calendar days that have elapsed after the determination of completeness, the following periods shall be excluded:

1. Any time needed to amend the Port Townsend Comprehensive Plan or development regulations.
2. Pursuant to PTMC 20.01.110(F), any ~~time period between the day the City has notified the applicant that corrections are required, or to request required to correct plans, perform studies or provide additional information, or to perform studies and the day when responsive information is resubmitted~~ **deceived by the applicant; provided, that within 14 calendar days of receiving the requested additional information, the director shall determine whether the information is adequate to resume the project review.**

Formatted: Highlight

3. Pursuant to PTMC 20.01.110(G), substantial project revision(s) made or requested by an applicant, in which case the ~~120 calendar days~~ permit review time period will be calculated from the time that the city determines the revised application to be complete and issues a new determination of completeness in accordance with PTMC 20.01.110(A).
4. All time required for the preparation and review of an environmental impact statement. As provided in Chapter 19.04 PTMC, a draft environmental impact statement (DEIS) shall be completed within 365 days after the issuance of the determination of significance (DS). Additional time may be allowed, with the written concurrence of the applicant.
5. Any time needed to process an application for projects involving the siting of an essential public facility.
6. An extension of time mutually agreed upon by the city and the applicant.

~~7.~~ Any remand to director.

~~7-8.~~ Any period after an administrative appeal is filed until the administrative appeal is resolved.

~~8-9.~~ Any other time excluded by law.

B. Effective Date. The final decision of the council or hearing examiner shall be effective on the date stated in the decision, motion, resolution, or ordinance; provided, that the appeal periods shall be calculated from the date of issuance of the land use decision, as provided in the Land Use Petition Act, Chapter 36.70C RCW. For the purposes of this chapter, the date on which a land use decision is issued is:

1. Three days after a written decision is mailed by the city or, if not mailed, the date on which the city provides notice that a written decision is publicly available;
2. If the land use decision is made by ordinance or resolution by the city council sitting in a quasi-judicial capacity, the date the city council passes the ordinance or resolution; or
3. If neither subsection (B)(1) nor (2) of this section applies, the date the decision is entered into the public record.

C. Notice of Decision. Upon issuance of the final decision, PCD shall mail or hand deliver a copy of the final decision to the applicant, any persons who have filed a written request for a copy of the decision, and to all persons who submitted substantive written comments on the application. The notice of decision shall include a statement of the threshold determination made under Chapter 19.04 PTMC and the procedures for an appeal (if any) of the permit decision or recommendation.

~~—~~ Notice of Delayed Decision. If the city is unable to issue its final decision within the permit review time period ~~time limits~~ provided in this chapter, the city will provide written notice of this fact to the applicant. The notice shall contain a statement of reasons why the time limits have not been met and an estimated date for issuance of the final decision. ~~If the city is unable to meet the permit review time periods provided in this chapter, a portion of the permit fee must be refunded to the applicant as follows:~~

~~— Ten percent if the final decision of the project permit application was made after the applicable deadline but the period from the passage of the deadline to the time of issuance of the final decision did not exceed 20 percent of the original time period; or~~

~~1-D. Twenty percent if the period from the passage of the deadline to the time of the issuance of the final decision exceeded 20 percent of the original time period.~~

~~D-E.~~ Post-Decision HPC Review. In the event the permit is conditioned based upon formally adopted design guidelines, HPC shall review the final design details or design plans for consistency with HPC guidelines and project conditions. (Ord. 3287 § 5, 2022; Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2892 § 1, 2005; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

The Port Townsend Municipal Code is current through Ordinance 3336, and legislation passed through April 29, 2024.

Formatted

Article V. Appeals

20.01.290 Appeal of Administrative interpretations and decisions (Type I, Type IA, Type IA-S, Type II and Type II-S) – Standing to appeal.

A. No administrative appeal is provided for Type II-S Shoreline Conditional Use/Variations.

Formatted: Tab stops: 0.13", Left

B. Type I decisions involving SEPA review, Type II and Type II-S decisions, and administrative interpretations pursuant to Chapter 20.02 PTMC are appealable may only be appealed, by applicants or parties of record, to the hearing examiner in accordance with Chapter 1.14 PTMC.

1. Type I decisions involving SEPA, Type II and Type II-S decisions and administrative interpretations may only be appealed by applicants or parties of record;

Formatted: List Paragraph

2. Type IA, Type IA-S, decisions and administrative interpretations may only be appealed by the applicant. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2592 § 10, 1997; Ord. 2521 § 1, 1996).

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

20.01.295 Administrative Appeals – Procedure.

A. Filing.

1. Every appeal of Type I decisions involving SEPA review, Type IA, Type II and Type II-S (with the exception of Shoreline Conditional Use/Variations which are not afforded administrative appeal) – decisions, and administrative interpretations pursuant to Chapter 20.02 PTMC shall be filed with the director within 14 calendar days after the date of the decision of the matter being appealed or within 21 calendar days if a SEPA determination of nonsignificance is issued concurrently with and as part of the permit decision;

provided, however, appeals of Type II decisions shall be filed within the time periods set forth in PTMC 20.01.210 (14 calendar days) and –

2. SEPA appeals shall be filed in accordance with PTMC 19.04.280 (15-21 calendar days).

A-3. A notice of appeal shall be delivered to PCD by mail or personal delivery, and must be received by 4:00 p.m. on the last business day of the appeal period, with the required appeal fee.

Formatted

B. Contents. The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed;
2. The name and address of the appellant and his/her interest(s) in the matter;
3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
4. The desired outcome or changes to the decision; and
5. The appeal fee. All requests for reconsideration filed pursuant to PTMC 20.01.260 shall contain all information required in this section.

C. Any notice of appeal not in full compliance with this section shall not be considered. (Ord. 3287 § 5, 2022; Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2892 § 1, 2005; Ord. 2762 § 1, 2001; Ord. 2592 § 11, 1997; Ord. 2521 § 1, 1996. Formerly 20.01.310).

20.01.300 Appeal of hearing examiner decisions (Type III and Type III-S) – Standing to appeal.

Formatted: Normal

A. Hearing Examiner decisions on Type II-S Administrative Appeals and Type III-S shoreline permits may be appealed by the Department of Ecology, the Attorney General, or any person aggrieved to the Shoreline Hearings Board in accordance with Section 10.17 of the Port Townsend SMP and RCW 90.58.180.

~~B. Unless otherwise specified above, With the exception of Type III and Type III-S shoreline permits, Hearing hearing~~ examiner decisions may only be appealed by parties of record from the open record hearing to the superior court in accordance with PTMC 20.01.320.

~~B. Appeal of hearing examiner decisions for Type III and Type III-S shoreline permits shall be to the Shoreline Hearings Board in accordance with Section 10.17 of the Port Townsend SMP and RCW 90.58.180.~~ (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2521 § 1, 1996).

20.01.320 Judicial appeal.

A. ~~With the exception of Type III-S shoreline permits and Type V actions permits, A~~ appeals from the final decision of the city council and appeals from any other final decisions specifically authorized (subject to timely exhaustion of all administrative remedies) shall be made to Jefferson County superior court within 21 calendar days of the date the decision or action became final, as defined in PTMC 20.01.280(B), unless another time period is established by state law or local ordinance. All appeals must conform with procedures set forth in Chapter 36.70C RCW.

B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the city clerk, and all persons identified in RCW 36.70C.040, within the applicable time period. This requirement is jurisdictional.

~~C.~~ The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. Prior to the preparation of any records, the appellant shall post with the city clerk an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

~~D.~~ Appeals from the final decision of ~~Type III and Type III-S shoreline permits shall be made to the Shoreline Hearings Board in accordance with the procedures identified in Section 10.17 of the Port Townsend SMP and RCW 90.58.180.~~

~~C-E.~~ Appeals of Type V permit decisions shall be made by filing a petition to the Growth Management Hearings Board in accordance with the procedures identified in RCW 36.70A.290 (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2592 § 12, 1997; Ord. 2521 § 1, 1996).

20.01.330 Effective date – Severability.

A. Effective Date. This chapter shall be effective on June 1, 1996; provided, however, all complete land development applications meeting all requirements of the Port Townsend Municipal Code filed on or after April 1, 1996, shall be subject to the requirement of a single, consolidated open record public hearing, including the requirements set forth in PTMC 20.01.200 through 20.01.320.

B. Conflict with Other Procedures. In the event of a conflict in project application and/or public hearing procedures found elsewhere in the Port Townsend Municipal Code or found in the Port Townsend shoreline master program, and the requirements of this chapter, the requirements and procedures set forth in this chapter shall prevail.

C. Severability. If any clause, sentence, paragraph, section or part of this chapter or its application to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such order or judgment shall not affect the validity or constitutionality of the remainder of any part of this chapter. To this end, the provisions of each clause, sentence, paragraph, section or part of this law are declared severable. (Ord. 3026 § 1 (Exh. A-4), 2010; Ord. 2762 § 1, 2001; Ord. 2651 § 8, 1998; Ord. 2521 § 1, 1996).