



# INFORMATION BULLETIN No. 7

City of Blaine

Updated  
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## THE TYPE II-HE APPLICATION PROCESS

### WHAT IS A TYPE II-HE APPLICATION?

These are permits that are subject to development standards that require the exercise of considerable discretion and judgment about technical and non-technical issues and matters. Only a few land use applications are considered Type II-HE applications. Those include appeals to administrative decisions and appeals of SEPA threshold determinations.

A Type II-HE land use decision is a quasi-judicial decision made by the Hearing Examiner.

The review process includes an "open record hearing" or public hearing. The public hearing is held by the Hearing Examiner, and at that hearing the information upon which the decision is based is developed and explored.

After the public hearing, the Hearing Examiner will deliberate on the information and make a final decision.

### HOW DO I APPLY?

Application is made by obtaining the appropriate forms, scheduling a submittal appointment with Community Development Services Department staff, submitting a complete application and paying the applicable fees.

Please refer to the City's Unified Fees Schedule for land use development for application fee information.

### HOW IS THE APPLICATION PROCESSED?

Once your application is submitted, City staff will do an initial review to make sure that all the necessary information has been provided and the application is complete. For Type II-HE applications, within 7 days of receiving your application the City will notify you in writing to inform you whether your application is complete or incomplete and what specific items, if any, are

#### ***What does Quasi-Judicial mean?***

It's the action taken and the discretion exercised by public administrative agencies or bodies that are obliged to investigate or ascertain facts and draw conclusions from them as the foundation for official actions.

needed to make the application complete.

Once your application is deemed complete, the formal review clock begins. Within 7 days notice of appeal will be made stating, among other requirements, the date, time, and place for the open record appeal hearing. The notice shall be mailed to the Applicant, the Appellant, and to all other parties of record (see IB# 12 for additional information on "parties of record"). For Type II-HE applications, the maximum review period is 90 days.

City staff will also post a sign at the subject property, publish the appeal notice in the City's designated newspaper and mail the notice to adjacent owners (within 300 feet) a general description of the appeal and of the property location, and shall additionally indicate where to send written testimony and where oral testimony can be presented.

The Notice of Appeal for a Type II-HE decision has a 14-day public comment period. All public comments received in response to this Notice will be forwarded by staff to the Hearing Examiner.

For Type II-HE appeal applications, City staff will conduct a technical review and analysis of the application. Once complete, City staff will set a date for the Hearing Examiner public hearing. At least 10 days prior to the hearing, staff will mail out a Notice of Public Hearing to the same property owners described above (for the Notice of Appeal), will post a notice on the project site and will provide the Hearing Examiner and Appellant with a staff report responding to the Appellant's Statement and/or Memorandum.

#### ***Open Record Hearing,***

An open record hearing is when the reviewing body may accept testimony and submissions of evidence and information. Any individual may give testimony and provide factual information on the proposal.

***This is when the public at large, the applicant, and the City staff provide comments on the project.***

The public hearing is an "open record hearing" (RCW 26.70.020), which means the reviewing body may accept tes-

timony and submissions of evidence and information. Any individual may present testimony on the appeal. In making the decision, the Hearing Examiner must determine if the proposed development meets the requirements of the applicable sections of the Blaine Municipal Code (BMC). This decision is made after reviewing the proposal, and after considering staff's recommendation and testimony from the public.

After closing the public hearing, the Hearing Examiner will render a written decision with 14 days. The Hearing Examiner will affirm, reverse, modify or remand the appealed administrative decision. A Notice of Decision will be mailed to you and anyone who submitted comments or testified at the Hearing.

**WHAT IF I DISAGREE WITH THE HEARING EXAMINER'S DECISION?**

The Hearing Examiner's decision may be appealed through an administrative process. The City Council hears appeals to Hearing Examiner decisions. Time

limits apply to such an appeal. Anyone considering an administrative appeal is advised to consult with the Community Development Services Department as soon after the decision is made as possible.

**MORE QUESTIONS?**

For further information, please call the Community Development Services Department at the City of Blaine (360) 332-8311.

The City of Blaine's Community Development Department has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult City of Blaine, CD staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

**Type II-HE Application Review Process**

