
APPLICATION REVIEW AND DECISION

1.1. PURPOSE

The purpose of this procedure is to provide the basic framework for review and decision of an application. It is during the application review process that the PCD ensures that a Type A or B Application meets the criteria for approval and prepares to approve or deny the request. In the case of a Type C or D Application, the PCD completes a review for conformance with the application regulations and prepares the Application for review and final action by the PCD Director, Planning Commission, Board of Adjustment, or Board of County Commissioners, as appropriate.

1.2. PROCEDURE

The application review and decision process involves the evaluation of the technical merits of a project or activity in association with a Type A, B, C, or D Application for compliance with codes, other policy documents, and regulations, and in some cases, consideration of public testimony. This can occur at different times in the process, from the Early Assistance Meeting through project approval or construction. Either the appropriate PCD intake staff or the assigned PCD Planner, functioning as a technical reviewer and as project manager, facilitate processing and the associated technical review for all applications. The primary variable in technical review is to determine if Multi-Disciplinary Team (MDT) support is needed or whether the application can be reviewed exclusively by the PCD intake staff or PCD Planner, as appropriate, or if other expertise is required and how the review is conducted. A determination of conformance and a final decision concerning an application can be made at various levels depending on the nature and processing requirements of the specific application.

1.3. GENERAL SUBMITTAL LIST

The submittals are those identified in the procedure governing the specific application and any project specific checklist developed as part of the Early Assistance Meeting process.

1.4. PROCESS

1.4.1 Type A Application

- (A) The PCD designee reviews the proposed project or activity to determine if it conforms to County rules, regulations, codes, standards, and ordinances, including any state or federal laws the County is required to enforce.
- (B) No formal referral occurs.
- (C) A decision on the application generally occurs electronically at the time of acceptance of the complete application via EDARP, but may require consultation with or approval from a PCD Planner. The decision may include conditions where necessary.

1.4.2 Type B Application

- (A) The PCD designee may choose to refer the application to all necessary MDT members for review and comment. If the appropriate MDT staff members are available, the PCD Planner, serving as the PCD designee if needed, may assemble an ad-hoc team to perform the technical review of the project with the applicant. When the MDT is gathered, the MDT members will provide review comments, gain clarifications and agreements in the applicant's presence, or provide clarification or clearance, as appropriate.
- (B) The PCD designee and internal MDT members, if any, review the proposed project or activity to determine if it conforms to County rules, regulations, codes, standards, and ordinances, including any state or federal laws the County is bound to enforce.

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- (C) A decision generally occurs electronically at the time of acceptance of the complete application via EDARP by the PCD designee, but may require consultation with or approval from an internal MDT member(s). A decision may take up to 2 or 3 working days to allow for site inspections, if needed. A decision ultimately made by the PCD designee/Planner should, when appropriate, incorporate the review comments of the other MDT members.

1.4.3 Type C and Type D Applications

- (A) The assigned PCD Planner is responsible for facilitating the process for approval or denial of a Type C Application.
- (B) The assigned PCD Planner is responsible facilitating the process for approval or denial of a Type D Application, including hearings before the Planning Commission, Board of Adjustment, and/or Board of County Commissioners.
- (C) In the case of a Type C and Type D Application, the application is reviewed by MDT members and often referred to external agencies for review and comment depending on the nature of the application and issues involved. The PCD Planner is responsible for determining who to refer the application to for review and then all comments are transmitted to the applicant electronically via EDARP.
- (D) The PCD Planner and each internal and/or external (if applicable) reviewer will review the proposed project or activity to determine if the proposed project or activity conforms to County rules, regulations, codes, standards, and ordinances and any state or federal laws the County is required to enforce or the external agencies rules and regulations and/or approval by the decision maker.
- (E) All external referral agency comments are due to PCD Planner by the date of established by the PCD Planner at the time of the referral via EDARP. Any failure by a referral agency to provide comments or to otherwise respond to a request for comments within the project-specific comment deadline may, at the discretion of the PCD Director, be interpreted as acceptance or approval of the respective application.

1.4.4 Project / Activity Conformance

- (A) In the case of a Type A or B Application, if the application conforms to the applicable standards then the application or permit is approved. The PCD designee or PCD Planner, as appropriate, completes, approves, and provides a copy of the approved application or permit along with any conditions to the applicant via EDARP.
- (B) In the case of a Type C or D Application, if the PCD Director, Board of Adjustment, Planning Commission, or Board of County Commissioners, as appropriate, find that the application is in conformance with the applicable review criteria for the specific application type, then the PCD Planner coordinates obtaining signatures by the approving authorities on the appropriate documents and transmits copies of such approvals, along with any other associated permits and approvals, to the applicant.

1.4.5 Project / Activity Non-Conformance

- (A) In the case of a Type A or B Application, if the PCD designee or PCD Planner, as appropriate, determines that the application does not conform to current standards, or the PCD designee or PCD Planner is unsure as to the applications conformance, the PCD designee or PCD Planner may choose to seek technical assistance or hold a meeting with MDT members to make a final determination of conformance.

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- (B) Where the issue or correction can be resolved by a condition, the PCD designee or PCD Planner may, at his or her discretion, impose the condition on the development permit.
- (C) In some cases, it may be impossible or practically difficult to determine conformance of certain aspects of a project. As a result, it may be necessary to have the applicant sign an affidavit acknowledging that the proposal conforms to a specific provision of County codes, rules, regulations, standards or ordinances. Once the affidavit is executed and returned to the PCD designee or PCD Planner, as appropriate, assuming all other aspects of the proposed project or activity conform to the applicable County requirements, the findings are documented and the permit is approved. The PCD designee or PCD Planner completes, approves, and provides a copy of the development permit, which may include the approved application form, along with any conditions to the applicant and a copy of the affidavit.
- (D) Where information provided in the application is inadequate to make a determination of conformance, the PCD designee or PCD Planner shall identify what additional information needs to be submitted. The PCD staff member shall communicate the request to the applicant. When submitted, the staff member shall reroute the additional material to the MDT members requesting the information so that the MDT members may complete their review.
- (E) The PCD staff member will collect and evaluate all agency and adjacent property owners' comments as they are received and forward them to the appropriate MDT members as necessary for evaluation and response. After completing the technical review, the PCD staff member will develop a comprehensive list of deficiencies and identify alternatives that either mitigate the issues or identify if modifications are available to the project that could result in bringing the application into conformance with all applicable requirements.
- (F) Once the PCD designee or PCD Planner completes the review, the PCD designee or PCD Planner, as appropriate, makes a decision concerning the proposed project or activity. If no reasonable modifications can be identified that would bring the proposed project or activity into conformance, the PCD designee or PCD Planner and MDT members shall identify which findings and standards cannot be met and the application shall be denied. The PCD designee or PCD Planner takes a final action on the application or permit indicating the permit has been denied and the basis for denial. The applicant is provided with a copy of the denied application or permit, or a copy of a denial letter in the case of a Type C or D Application, including the basis for denial.
- (G) Once the applicant has been given an opportunity to respond to the list of deficiencies or issues and the MDT has determined that the response is adequate, or if no significant issues are identified, the reviews, findings, comments, mitigation, and conditions are consolidated by the PCD designee or PCD Planner, as appropriate. The PCD staff member completes and signs a copy of the approved application or permit and provides a copy to the applicant along with any conditions of approval.
- (H) For some Type C and Type D Applications, required hearings are scheduled by the PCD Planner in accordance with Planning Commission, Board of Adjustment, or Board of County Commissioners procedures. The decision-making bodies conduct a review of the application, public testimony, evidence presented at the hearing, and staff report and make a decision concerning the proposed application.

1.5. RESOURCES

1.5.1. Applicable Statues and Regulations

LDC Sections: 2.1.2 and 2.1.3