



# INFORMATION BULLETIN No. 9

City of Blaine

Updated  
Nov 2021

## THE TYPE II-CC APPLICATION PROCESS

### WHAT IS A TYPE II-CC 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. They involve issues of general public interest. A Type II-CC land use decision is a quasi-judicial decision made by the City Council based on a record developed 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.

Although the Hearing Examiner does not make the final decision, they do make a recommendation to the City Council. This recommendation has substantial impact on the City Council’s final decision.

#### ***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.

### HOW DO I APPLY?

A wide variety of land use applications are considered Type II-CC applications. Those include Preliminary Plats, Planned Unit Developments (PUD’s), and General Binding Site Plans.

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-CC applications, within 28 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 needed to make the application complete. If your application is determined incomplete you have 90 days to submit the supplemental information.

Once your application is deemed complete, the formal review clock begins. Within 14 days a Notice of Application will be released stating, the location and nature of the project, the date, time, and place for the open record public hearing. The notice will be mailed to you, surrounding property owners, and to all other parties of record. City staff will also post a sign at the subject property and publish the notice in the City’s designated newspaper.

For a period of at least 14 days, comments will be accepted from the public and/or government agencies. During that time period the City staff will conduct a review of the application and supporting materials, at which the technical aspects of the project will be reviewed for compliance with the City’s municipal code and development regulations. Community Development Services staff, in conjunction with other departments, prepares a Staff Report to the Hearing Examiner. The report is delivered in an “open record hearing” commonly called a public hearing.

The Hearing Examiner conducts the public hearing. The applicant is expected to attend. During the hearing staff presents the staff report, the applicant comments

on their project, and members of the public at large are given an opportunity to comment on the project.

After closing the public hearing, the Hearing Examiner will deliberate and render a written recommendation to the City Council within 14 days. In making the recommendation, the Hearing Examiner must determine if the proposed development meets the requirements of the applicable sections of the Blaine Municipal Code.

After the Hearing Examiner makes their decision, the Community Development Services staff schedules a "closed record hearing" before the City Council. At that hearing the Council will consider the record developed by

***Closed Record Hearing***

A hearing where only the existing record is considered. Often this record comes from the Hearing Examiner via meeting minutes, exhibits, and written recommendations, but not new spoken testimony. The term "closed" does not mean that it's closed to public view-in fact the proceedings are open to the public.

the Hearing Examiner's public hearing. The City Council will make a final decision based on the record. Although the City Council is not obligated to follow the recommendation of the Hearing Examiner, their recommendation is given substantial consideration. The City Council may ask clarifying questions of anyone who testified at the public hearing, but they cannot allow new information to be added to the record, or allow testimony from new people. The City Council then votes and makes a final decision on the proposal.

A Notice of Decision is distributed within three working days of the City Council decision. A Notice of Decision will be mailed to the applicant and anyone who submitted comments or testified at the Hearings Examiner public hearing and to all other parties of record.

**WHAT IF I DISAGREE WITH THE CITY COUNCIL'S DECISION?**

Decisions of the City Council may be appealed to Superior Court. Appeals of land use decisions are generally governed by the Land Use Petition Act, RCW 36.70C (<https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70C>). The timeframe for appealing decisions is short and the procedures must be strictly followed. Anyone who is interested in appealing a decision may wish to consult an attorney.

**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.