



CITY OF OAK HARBOR
Development Services Department

Review Process IV

What is the purpose of Review Process IV?

Review Process IV applies to review processes by the Hearing Examiner or Planning Commission and the City Council. Primarily, these actions are quasi-judicial in nature.

Which projects are subject to Review Process IV?

Review Process IV actions include the following:

1. Preliminary plat approval by the City Council but the hearing is before the Planning Commission;
2. Preliminary PRD approval by the City Council but the hearing is before the Planning Commission;
3. Rezones (quasi-judicial in nature)- hearings are before the Hearing Examiner, but the decision is made by the City Council;
4. Preliminary PIP approval where the zoning is already in place before the planning commission holds a public hearing. The Planning Commission makes the decision;
5. Preliminary PBP approval where the zoning is already in place before the Planning Commission holds a public hearing. The Planning Commission makes the decision;
6. Certain site plan approval designated in Chapter 19.48 of the Oak Harbor Municipal Code where the hearing shall be before the hearing examiner but the decision shall be by the City Council.

Is pre-application review required?

No, pre-application review is not required for this review process; however the pre-application is strongly recommended for all applicants as a low cost way of identifying key issues prior to full site plan development.

To initiate a pre-application review, an applicant must submit a completed pre-application request on a form provided by the Development Services Department for that purpose, any required fee, preliminary site plan and all other information required by the City.

How do I start the application process?

The first step is to submit the appropriate complete application form to the Development Services Department along with the applicable fees and the required number of copies for all submittal items. Applications can be obtained from the Permit Center located in the Development Services Department.

How does Review Process IV work?

The Development Services Department conducts two application checks to ensure that applications are complete before staff begin the development review process. Prior to accepting an application, staff will conduct a “**Counter Complete**” review of the submittal package. This initial Counter Complete review ensures that all required submittal items are contained within the package. If each item on the submittal requirement list has been submitted, the application will be accepted for further review.

Prior to processing the application, the Development Services Department shall determine that the application is “**Technically Complete**”. A Technically Complete application must contain all information required by the applicable development regulations as they apply to the proposed land use action.

Within twenty-eight calendar days after receiving a project permit application, the City will mail or personally provide a determination to the applicant which states either that the application is complete or that the application is incomplete and what is necessary to make the application complete.

How long will Review Process IV take?

The length of time needed for review will depend on the type of permit and the completeness of the application; generally, *initial* staff review of the project will take an average of two weeks, depending on staff workload. However, a final decision regarding the project permit application will be made within 120 days after the applicant has been notified that the application is complete, except as otherwise provided in subsection two of 18.20.410 of the Oak Harbor Municipal Code (OHMC).

Is public notice required for projects subject to Review Process IV?

Yes. Public notice must be accomplished by posting of the property with twenty-four-inch by thirty-six-inch signs and mailing notice to adjacent property owners located within three hundred feet of the project site. A legal notice must be published in the official City newspaper, and a notice of application must be posted within fifteen calendar days prior to the date of the hearing or date of the final decision.

Is a public hearing required for projects subject to Review Process IV?

Yes. Review Process IV applications require an open public hearing before the Planning Commission or the Hearing Examiner with recommendation to the City Council or an open public hearing before the Planning Commission with a decision by the Planning Commission.

Can I appeal a project permit decision subject to Review Process IV?

No. Planning Commission or the Hearing Examiner open public hearings shall be in the form of recommendations, which shall be reviewed by the City Council in closed record review. Decisions made by the City Council shall be final and subject only to *review* by the Island County Superior Court pursuant to RCW 36.70C.