



USE PROCESS III PROJECT APPROVAL

See *Federal Way Revised Code* (FWRC) Title 19, Chapter 65 for a detailed explanation of Process III. Also, see the attached for a summary of the major steps for a Process III permit.

WHEN USE PROCESS III IS USED

Reference to Process III is found in several places in the FWRC, indicating that certain developments, activities, or uses are permitted only if approved using Process III. In addition, projects that are normally subject to Process I or II review will be reviewed pursuant to the requirements of Process III if review under the *State Environmental Policy Act* (SEPA) is required.

HOW TO APPLY

The applicant (owner or owner's appointed agent) files a complete application with the Department of Community Development using the Master Application form available at the department. The applicant also provides any information or material as specified in the provisions of the FWRC describing the decision applied for and any additional information or material that the director determines is reasonably necessary for a decision on the matter. Please refer to the city's *Development Requirements* handout for a list of submittal requirements. In addition, certain development proposals must meet the requirements of FWRC Title 19, Chapter 115, "Community Design Guidelines."

PREAPPLICATION CONFERENCE

Applicants are required to schedule a preapplication conference to become familiar with city code requirements, policies, and regulations. It is also an opportunity to coordinate with other city departments. Please contact the Permit Center (253-835-2607 or permitcenter@cityoffederalway.com) to arrange a preapplication conference. Refer to the city's preapplication conference handout.

WORK PROPOSED WITHIN CRITICAL AREAS

Projects that involve work within critical areas (e.g. wetlands, streams, steep slopes, lakes, and wellheads) many times require that the city contract out for expert technical assistance. Pursuant to FWRC 19.150.030, the applicant is responsible for providing any information, mapping, studies, and materials, and for paying for inspections or review by a qualified professional acceptable to the city. You will be advised at the earliest point in the process if your project will be subject to these types of expenses.

WHO MAKES THE DECISION

Under Process III, the Director of Community Development Services makes the decision based on review and analysis of decisional criteria, the official file, and written public comment. See FWRC 19.65.100, “Director’s Decision,” for the decisional criteria.

APPEALS

Any decision issued by the director can be appealed. The City of Federal Way Hearing Examiner decides appeals of Process III decisions after a public hearing. See FWRC 19.65.120 for detailed information regarding appeals of Process III decisions.

COMPLIANCE WITH SEPA

SEPA applies to some of the decisions made under Process III. The director will determine the scope of the environmental review required by the application in order to comply with SEPA. See FWRC Title 14, for a detailed explanation of the city’s environmental policy.

EXPIRATION TIMELINES

Pursuant to FWRC 19.15.100, once a Process III decision is issued, a complete building permit application must be submitted, or construction must begin within one year after the final decision on the matter. Construction must be substantially completed within five years after the final decision on the matter. A one-time one-year extension to these time limits may be requested. In addition, time limits may be extended based on an approved phased construction plan to allow for project completion in subsequent phases.

Notes for the next page:

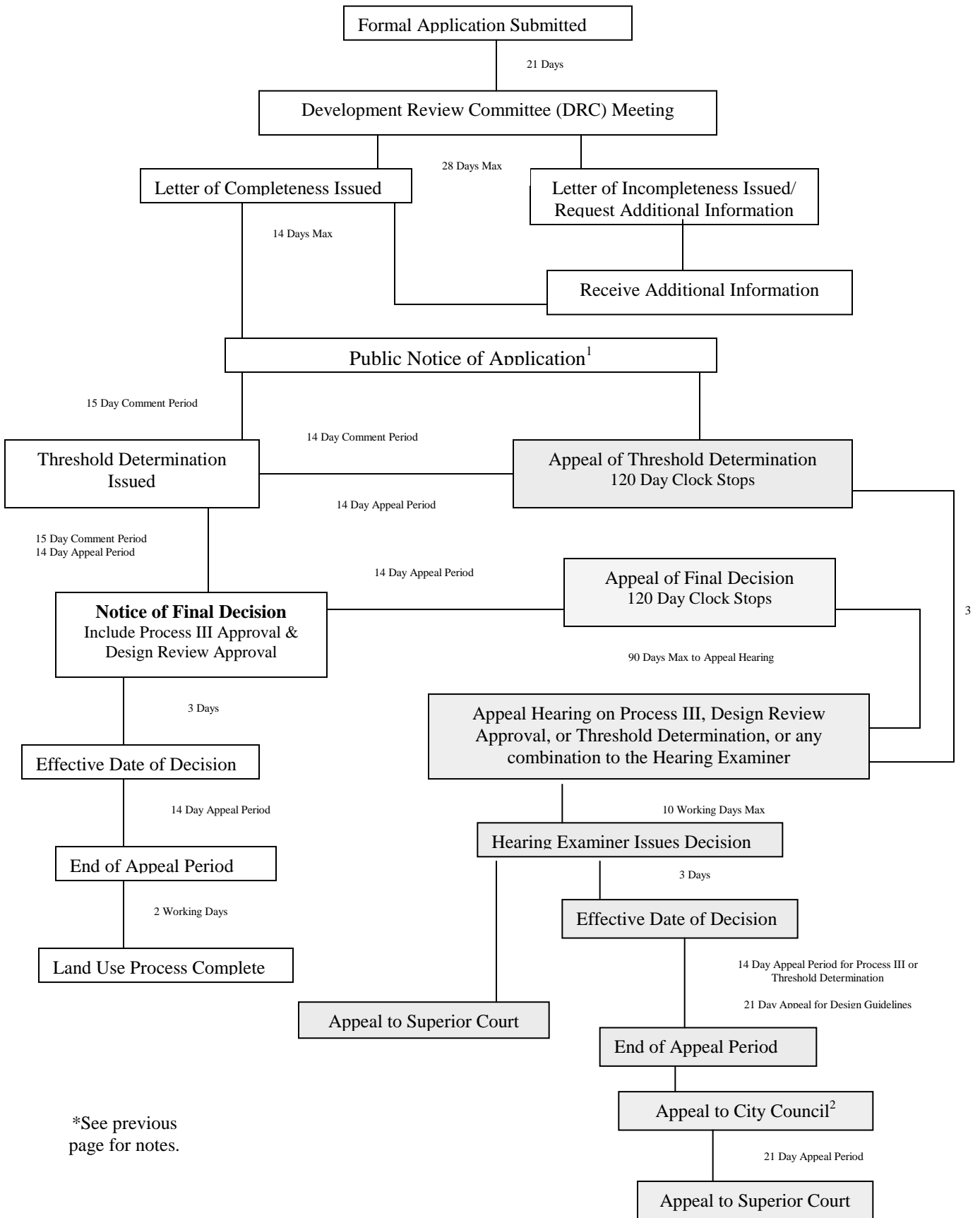
¹For projects located within, or 300 feet from, property zoned Suburban Estates (SE), Single-Family Residential (RS), or Multi-Family Residential (RM), a copy of the notice will be mailed to persons receiving the property tax statements for all property within 300 feet of each boundary of the subject property.

²Appeals of Process III (Administrative) decisions on a public utility in a Neighborhood Business (BN), Community Business (BC), or Office Park (OP) zoning district would go to the Hearing Examiner, and any further appeals would be heard by the City Council. Appeals of all other Process III decisions in these zones would go to the Hearing Examiner and any further appeals would be heard by the Superior Court.

Appeals of Process III (Administrative) decisions on a school, community recreation area, government facility, public utility, or public park in an SE, RS, or RM zone would go the Hearing Examiner, and any further appeals would be heard by the City Council. Appeals of all other Process III decision in these zones would go the Hearing Examiner and any further appeals would be heard by the Superior Court.

³FWRC 14.10.060(2): “Appeals are subject to the provisions of WAC 197-11-680(3), and the restrictions in RCW 36.70B.050 and 36.70B.060 that local governments provide no more than one open record hearing and one closed record appeal for permit decisions.”

MAJOR STEPS FOR PROCESS III PERMITS – PROJECT APPROVAL



*See previous page for notes.