



DEPARTMENT OF COMMUNITY DEVELOPMENT  
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## USE PROCESS IV HEARING EXAMINER DECISION

See *Federal Way Revised Code* (FWRC) Title 19, Chapter 70 for a detailed explanation of Process IV. Also, see page 3 for a summary of the major steps for a Process IV permit.

### WHEN USE PROCESS IV IS USED

Reference to Process IV is found in several places in the FWRC, indicating that certain developments, activities, or uses are permitted only if approved using Process IV. Process IV requires a public hearing and final decision by the city's Hearing Examiner.

### 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 must also provide 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](mailto: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.

## **PUBLIC NOTICE BOARD**

The applicant is responsible to post the site within 14 days from the date the Process IV application is deemed complete by the city with a public notice board describing the application and inviting public comment. Detailed instructions for posting can be found in the city's bulletin entitled, *Instructions for Obtaining & Posting Public Notification Signs*. Other notice requirements are outlined in FWRC 19.70.060.

## **WHO MAKES THE DECISION**

The city's Hearing Examiner makes Process IV decisions following a public hearing. The Hearing Examiner shall base his/her decision on a review and analysis of appropriate decisional criteria, the official file, and written and oral public comment. See FWRC 19.70.150, "Hearing Examiner's Decision," for the decisional criteria used for Process IV decisions.

## **APPEALS**

Decisions issued by the city's Hearing Examiner are final and can be appealed. The final decision of the city in granting or denying an application or an appeal under this chapter may be reviewed pursuant to Chapter 36.70C RCW in the King County superior court. The land use petition must be filed within 21 calendar days after the final land use decision of the city. See FWRC 19.70.260 for information regarding appeals of Process IV decisions.

## **COMPLIANCE WITH SEPA**

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

## **EXPIRATION TIMELINES**

Pursuant to FWRC 19.15.100, the applicant must substantially complete construction for the development activity, use of land, or other actions approved; and complete the applicable conditions listed in the Use Process IV decision within five years after the final decision of the city on the matter, or the decision becomes void.

# MAJOR STEPS FOR PROCESS IV PERMITS HEARING EXAMINER DECISION

