



Review for future code amendment - NO

Planning and Land Services DEPARTMENT-WIDE POLICY

A handwritten signature in blue ink that reads "Dennis Hanberg".

Policy Number:	2016-01
Title:	Violations Discovered During Application Processing
Date:	August 1, 2016
Director Approval:	Dennis Hanberg
Related Documents:	DW2014-4, DE POL 6001
Previous Related Policy:	AD POL 6001, AD POL 6002

Purpose: Provide guidance for processing development permit applications on sites where there is known or unknown violations (unpermitted development or activity).

Definitions:

"Integral" means the violation is directly related to/attached or dependent upon – one cannot exist without the other, or they occupy the same physical space.

"Development Permit" means any document granting, or granting with conditions, an application for a land use designation or re-designation, zoning or rezoning, formal subdivision, short subdivision, large lot division, binding site plan, site plan, building permit, shoreline substantial development permit, special exception, use permit, variance, or any other official action of the County having the effect of authorizing the development of land. (PCC 18.25.030)

Determination – Resolution is Required

The Department shall **require** the resolution of violations associated with the processing of development permits in the following instances:

- When the violation is integral to the activity requiring the development permit,
- When a **Notice of Violation** has been recorded on the property, or
- When the violation has the potential of life safety and/or significant environmental impacts.

Procedure

1. Violation identified prior to submittal:
 - a. Require the application necessary to resolve the violation with the development permit application package.
 - b. Written decisions and reports can include conditions that require resolution of existing violations (finaled building permits, etc)
- a. If violation is not known or not identified at the time of application, once the violation is identified:
 - 1) Notify the applicant and owner of the unpermitted development activity
 - 2) Require resolution prior to issuance of any related permits or approvals.
 - 3) Staff may require new applications, revised NOA, revised application materials and/or an application modification fee as appropriate.
 - 4) Written decisions may include conditions that require resolution of existing violations (finaled building permits), etc)

Determination – Resolution is Encouraged

The Department shall encourage resolution of violations associated with the processing of development permits as follows:

- When the unpermitted development/activity is not integral to the activity requiring a development permit, or
- When the Director has determined special circumstances exist

Procedure

1. Accept the application.
2. Notify the applicant that unpermitted development has been discovered on the site and that an “alert” comment has been placed on the parcel informing of the unpermitted development.
3. Encourage the applicant and owner to obtain any necessary permits and approvals.
4. All permits and decisions shall clearly identify approved activities, and shall note any known or potential unpermitted development activity that is not included in the approval.
5. Written decisions may include conditions that require resolution of existing violations.