

**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. O2016-413**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, AMENDING SECTIONS 19A.12.020,  
19A.16.045, 20.05.030, 20.05.035, 20.05.060, 20.05.100 21A.95.070,  
AND 21A.100.060 OF THE SAMMAMISH MUNICIPAL CODE  
RELATING TO PERMITTING PROCEDURES; PROVIDING  
FOR SEVERABILITY; AND DECLARING AN EMERGENCY**

WHEREAS, residents of the City of Sammamish have expressed concern to the City Council regarding the adequacy of notice and information provided by developers regarding continued growth and development within the City; and

WHEREAS, the City evaluated the provisions in the Sammamish Municipal Code relating to public noticing and other permitting procedures and identified recommended improvements (the "Proposed Amendments"); and

WHEREAS, on May 5, 2016, and June 16, 2016, the Proposed Amendments were presented to the Planning Commission for courtesy review, and the Planning Commission recommended that the Proposed Amendments be presented to the City Council for formal review; and

WHEREAS, in accordance with WAC 365-195-620, on June 20, 2016, the City submitted a Notice of Intent to Adopt Amendments to the Washington State Department of Commerce for expedited review; and

WHEREAS, an environmental review of the proposed amendments has been conducted in accordance with the requirements of the State Environmental Policy Act ("SEPA"), and a SEPA threshold determination of non-significance was issued on June 24, 2016, and sent to state agencies and interested parties; and

WHEREAS, after providing 30 days' public notice, the City Council held a public hearing on the Proposed Amendments on July 5, 2016; and

WHEREAS, the City Council finds that the Proposed Amendments are reasonable and necessary in order to improve public noticing, replace outdated provisions, streamline permit and land use processing, and to generally increase the clarity and predictability of the City Code;

WHEREAS, the City Council finds that the immediate adoption of the Proposed Amendments is necessary to redress citizen concerns regarding public noticing prior to the vesting of additional development applications in the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Findings of Fact.** The City Council adopts as findings of fact the recitals set forth above, which are incorporated herein by this reference.

**Section 2. SMC 19A.12.020, Preliminary approval of short subdivisions and subdivisions – Filing of final plat or final short plat, Amended.** Sammamish Municipal Code Section 19A.12.020, *Preliminary approval of short subdivisions and subdivisions – Filing of final plat or final short plat*, is hereby amended as set forth in **Attachment A**, which is incorporated herein by this reference.

**Section 3. SMC 19A.16.045, Final plat and final short plat review procedures, Amended.** Sammamish Municipal Code Section 19A.16.045, *Final plat and final short plat review procedures*, is hereby amended as set forth in **Attachment B**, which is incorporated herein by this reference.

**Section 4. SMC 20.05.030 Repealed and Re-Adopted.** Sammamish Municipal Code Section 20.05.030, *Preapplication conferences*, is hereby repealed in its entirety and a new Section 20.05.030, *Feasibility conference – Preapplication conference*, is hereby adopted as set forth in **Attachment C**, which is incorporated herein by this reference.

**Section 5. SMC 20.05.035, Neighborhood meetings, Amended.** Sammamish Municipal Code Section 20.05.035, *Neighborhood meetings*, is hereby amended as set forth in **Attachment D**, which is incorporated herein by this reference.

**Section 6. SMC 20.05.060, Notice of application, Amended.** Sammamish Municipal Code Section 20.05.060, *Notice of application*, is hereby amended as set forth in **Attachment E**, which is incorporated herein by this reference.

**Section 7. SMC 20.05.100, Permit issuance, Amended.** Sammamish Municipal Code Section 20.05.100, *Permit issuance*, is hereby amended as set forth in **Attachment F**, which is incorporated herein by this reference.

**Section 8. SMC 21A.95.070, Limitation of permit approval, Repealed and Readopted.** Sammamish Municipal Code Section 21A.95.070, *Limitation of permit approval*, is hereby repealed, and a new Section 21A.95.070, *Project phasing – Limitation of permit approval*, is hereby adopted as set forth in **Attachment G**, which is incorporated herein by this reference.

**Section 9. SMC 21A.100.060, Director review – Decision and interpretation final unless appealed, Amended.** Sammamish Municipal Code Section 21A.100.060, *Director review – Decision and interpretation final unless appealed*, is hereby amended as set forth in **Attachment H**, which is incorporated herein by this reference.

**Section 10. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

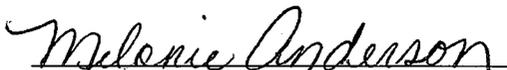
**Section 11. Effective Date.** This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 19<sup>TH</sup> DAY OF JULY, 2016.**

CITY OF SAMMAMISH

  
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Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Melonie Anderson, City Clerk

Approved as to form:

  
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Michael R. Kenyon, City Attorney

Filed with the City Clerk:	June 28, 2016
Public Hearing:	July 5, 2016
First Reading:	July 5, 2016
Passed by the City Council:	July 19, 2016
Date of Publication:	July 22, 2016
Effective Date:	July 19, 2016

**ATTACHMENT A:  
Amended SMC 19A.12.020**

**19A.12.020 Preliminary approval of subdivisions and short subdivisions – Filing of final plat or final short plat.**

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(1) Preliminary subdivision approval shall be effective for the period of time set forth in RCW 58.17.140, as currently enacted or as may be subsequently amended, and preliminary short subdivision approval shall be effective for the same period of time as a subdivision approval. If any condition is not satisfied and/or the final plat or final short plat is not recorded within the approval period identified herein, the subdivision or short subdivision shall be null and void. If all conditions have been satisfied and all required documents have been submitted within the approval period, the department may grant a single extension of up to 90 days for the processing and recording of the final documents.

(2) Preliminary subdivision or short subdivision approval shall be considered the basis upon which the applicant may proceed toward development of the subdivision or short subdivision and preparation of the final plat or short plat subject to all the conditions of the preliminary approval.

(3) If the final plat is being developed in divisions, and final plats for all of the divisions have not been recorded within the time limits provided in this section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any unrecorded divisions must again be submitted to the department with a new application, subject to the fees and regulations applicable at the time of submittal.

**ATTACHMENT B:  
Amended SMC 19A.16.045**

**19A.16.045 Final plat and final short plat review procedures.**

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- (1) Upon the City's inspection and determination that the site improvements required by SMC 19A.16.040 have been substantially completed pursuant to the approved plans, a final plat or final short plat shall be surveyed by a land surveyor and submitted to the department for review and approval. Substantial completion of site improvements, for purposes of final plat or final short plat submittal, shall mean street and lot rough grading has been completed and water, sewer, stormwater, and natural gas utilities have been installed.
- (2) All final plats and final short plats shall demonstrate conformance to the conditions of preliminary approval in a compliance matrix, as well as Chapter 58.17 RCW and Chapter 332-130 WAC.
- (3) Plat certificates or owner's duplicate certificates for land registered pursuant to Chapter 65.12 RCW shall be provided to the department prior to recording. Supplemental plat certificates shall be provided to the department if the final plat or final short plat is not recorded within 30 days of the original certificate or supplemental certificate date.
- (4) All applicable processing fees specified by City fee resolution, applicable mitigation and impact fee amounts, and any civil penalty assessed pursuant to SMC Title 23 against a site being reviewed under this section shall be paid, and all required financial guarantees posted prior to recording.
- (5) Prior to recording, all site improvements required by SMC 19A.16.040 shall be complete and approved by the City. Applicable performance bonds and written final approval from the applicable water/sewer district and health department shall be obtained, if required.
- (6) A copy of protective deed covenants shall accompany the final plat or short plat, if applicable.
- (7) Upon approval by the department, the City council shall consider the final plat at a public meeting to confirm the conformance of the final plat to the conditions of preliminary approval imposed by the hearing examiner. Upon approval, the final plat or short plat shall be recorded with the county records and elections division.

**ATTACHMENT C:  
Amended SMC 20.05.030**

**20.05.030 Feasibility conference – Preapplication conference.**

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(1) Prior to the filing of any permit application, applicants shall contact the department for a feasibility conference and shall subsequently request a preapplication conference with the department as provided by subsections (2) and (3) of this section.

(a) Feasibility conference. The purpose of the feasibility conference is to discuss the general scope of the proposed project prior to the preapplication conference. The feasibility conference may be an informal conversation between the department and the applicant.

(b) Preapplication conference. The purpose of the preapplication conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. The preapplication conference shall be scheduled by the department, at the request of an applicant, and shall be held in a timely manner within 30 days from the date of the applicant's request. The director may waive the requirement for a preapplication conference if it is determined to be unnecessary for review of an application. Except as provided in subsection (5) herein, nothing in this section shall be interpreted to require more than one preapplication conference or to prohibit the applicant from filing an application if the department is unable to schedule a preapplication conference within 30 days following the applicant's request. The provisions of subsections (2) through (5) of this section apply only to the preapplication conference and not to the feasibility conference.

(2) The applicant shall contact the department to schedule a preapplication conference prior to filing a permit application for a Type 1 decision involving any of the following:

(a) property that will have 5,000 square feet or greater of development and/or right-of-way improvements;  
or

(b) property in a critical drainage area; or

(c) property that has a wetland, steep slope, landslide hazard, or erosion hazard; or

(d) single-family residences and accessory buildings directly impacting critical areas and/or their buffers;

Provided, that the provisions of this subsection shall not apply to structures where all work is in an existing building and no parking is required or added.

(3) Prior to filing a permit application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department to schedule a preapplication conference that shall be held prior to filing the application, except as provided in subsection (1)(b) herein.

(4) For the purposes of this section, "applicant" means the person(s) with actual or apparent authority to speak for and answer questions about the property or project on behalf of the applicant as defined in SMC 19A.04.030.

(5) Information presented at or required as a result of the preapplication conference shall be valid for a period of 180 days following the preapplication conference. An applicant wishing to submit a permit application more than 180 days following the preapplication conference for that permit must schedule and participate in another preapplication conference prior to submitting the permit application, however, the director may waive this requirement for de minimus deviations or if it is determined to be unnecessary for review of an application.

(6) At or subsequent to a preapplication conference, the department may issue a preliminary determination that a proposed development is not permissible under applicable City policies or regulatory enactments. In that event, the applicant shall have the option to appeal the preliminary determination to the hearing examiner in the manner provided for a Type 2 permit, as an alternative to proceeding with a complete application. Mailed and published notice of the appeal shall be provided for as in SMC 20.05.060(7) and (8).

**ATTACHMENT D:  
Amended SMC 20.05.035**

**20.05.035 Neighborhood meetings.**

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(1) The applicant for a subdivision, short subdivision, or conditional use permit shall conduct and attend a neighborhood meeting within the City limits to discuss the proposed development after the preapplication conference but prior to submission of the development proposal to the City, at a date and time which shall not be unreasonable. The purpose of the meeting shall be to receive neighborhood input and suggestions prior to submission of the application, and an opportunity for the applicant to amend the proposal to address neighborhood feedback as appropriate. Such a public meeting is not a mediation, and any party who participates in such a meeting may still request mediation in accordance with SMC 20.20.060 and the provisions of the City land use mediation program. For the purposes of this subsection, "applicant" means the person(s) with actual or apparent authority to speak for and answer questions about the property or project on behalf of the applicant as defined in SMC 19A.04.030.

(2) At least 21 days prior to the neighborhood meeting, the applicant shall give notice of the date, time, and location of the meeting to the community development director and to all persons who would be entitled to receive notice of the proposed plat application, short subdivision application or conditional use permit application under the requirements of the Sammamish Municipal Code.

(3) The notice shall be on a form provided by the community development director and shall briefly describe the proposal and its location and shall include the name, address, and telephone number of the applicant or a representative of the applicant who may be contacted for additional information about the proposal. Notice to the community development director shall include a list of the persons and addresses notified of the neighborhood meeting.

(4) Within 30 days following the neighborhood meeting, the applicant shall provide to the Community Development Director, and to all attendees who signed in at the meeting, documentation of the meeting as follows:

(a) The date, time, and location of the meeting;

(b) Contact information for all persons representing the applicant at the meeting;

(c) A summary of comments provided for the meeting attendees by the applicant prior to or during the meeting;

(d) A summary of comments received from meeting attendees or other persons prior to or during the meeting; and

(e) Copies of documents submitted or presented at the meeting.

(5) Complete applications must be received by the City within 120 days of the neighborhood meeting. If an application is not submitted in this time frame, or if the materials submitted with the application do not substantially conform to the materials provided at the meeting, the applicant shall be required to hold a new neighborhood meeting.

**ATTACHMENT E:  
Amended SMC 20.05.060**

**20.05.060 Notice of application.**

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(1) A notice of application shall be provided to the public for all land use permit applications requiring Type 2, 3 or 4 decisions or Type 1 decisions subject to SEPA pursuant to this section.

(2) Notice of the application shall be provided by the department within 14 days following the department's determination that the application is complete. A public comment period of at least 21 days shall be provided, except as otherwise provided in Chapter 90.58 RCW.

(3) If the director has made a determination of significance (DS) under Chapter 43.21 RCW prior to the issuance of the notice of application, the notice of the DS shall be combined with the notice of application and the scoping notice.

(4) All required notices of application shall contain the following information:

(a) The file number;

(b) The name of the applicant;

(c) The date of application, the date of the notice of completeness and the date of the notice of application;

(d) A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed;

(e) A site plan on eight and one-half by 14-inch paper, if applicable;

(f) The procedures and deadline for filing comments, requesting notice of any required hearings, and any appeal procedure;

(g) The date, time, place, and type of hearing, if applicable and scheduled at the time of notice;

(h) The identification of other permits not included in the application to the extent known;

(i) The identification of existing environmental documents that evaluate the proposed project;

(j) A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation and of consistency with applicable City plans and regulations.

(5) Notice shall be provided in the following manner:

(a) Posted at the project site as provided in subsections (6) and (9) of this section;

(b) Mailed by first class mail as provided in subsection (7) of this section; and

(c) Published as provided in subsection (8) of this section.

(6) Posted notice for a proposal shall consist of one or more notice boards posted by the applicant within 14 days following the department's determination of completeness as follows:

(a) A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing and shall be placed by the applicant:

(i) At the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility;

(ii) Five feet inside the street property line except when the board is structurally attached to an existing building; provided, that no notice board shall be placed more than five feet from the street property without approval of the department;

(iii) So that the top of the notice board is between seven to nine feet above grade; and

(iv) Where it is completely visible to pedestrians.

(b) Additional notice boards may be required when:

(i) The site does not abut a public road;

(ii) A large site abuts more than one public road; or

(iii) The department determines that additional notice boards are necessary to provide adequate public notice.

(c) Notice boards shall be:

(i) Maintained in good condition by the applicant during the notice period through the time of the final City decision on the proposal, including the expiration of any applicable appeal periods, and for decisions that are appealed, through the time of the final resolution of any appeal;

(ii) In place at least 28 days prior to the date of any required hearing for a Type 3 or 4 decision, or at least 14 days following the department's determination of completeness for any Type 2 decision; and

(iii) Removed within 14 days after the end of the notice period.

(d) Removal of the notice board prior to the end of the notice period may be cause for discontinuance of City review until the notice board is replaced and remains in place for the specified time period.

(e) An affidavit of posting shall be submitted to the department by the applicant within 14 days following the department's determination of completeness to allow continued processing of the application by the department.

(f) Notice boards shall be constructed and installed in accordance with this subsection, and any additional specifications promulgated by the department pursuant to Chapter 2.55 SMC, Rules of City Departments.

(7) Mailed notice for a proposal shall be sent by the department within 14 days after the department's determination of completeness:

(a) By first class mail to owners of record of property in an area within 1,000 feet of the site, or within 2,000 feet of the site if the site lies within an erosion hazards near sensitive water bodies overlay; provided, that such area shall be expanded as necessary to send mailed notices to at least 20 different property owners;

(b) To any utility that is intended to serve the site;

(c) To the State Department of Transportation, if the site adjoins a state highway;

(d) To the affected tribes;

(e) To any agency or community group that the department may identify as having an interest in the proposal;

(f) Be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice; and

(g) For preliminary plats only, to all cities within one mile of the proposed preliminary plat.

(8) Notice of a proposed action shall be published by the department within 14 days after the department's determination of completeness in the official City newspaper.

(9) Posted notice for approved formal subdivision engineering plan, clearing or grading permits subject to SEPA, or building permits subject to SEPA. Posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA, or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, prior to construction as follows:

(a) Notice boards shall comport with the size and placement provisions identified for construction signs in SMC 21A.45.120(2);

(b) Notice boards shall include the following information:

(i) Permit number and description of the project;

(ii) Projected completion date of the project;

(iii) A contact name and phone number for both the department and the applicant; and

(iv) Hours of construction, if limited as a condition of the permit;

(c) Notice boards shall be maintained in the same manner as identified in subsection (6) of this section;

(d) Notice boards shall remain in place until final construction approval is granted. Early removal of the notice board may preclude authorization of final construction approval.

**ATTACHMENT F:  
Amended SMC 20.05.100**

**20.05.100 Permit issuance.**

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(1) Final decisions by the City on all permits and approvals subject to the procedures of this chapter should be issued within 120 days from the date the applicant is notified by the department pursuant to this chapter that the application is complete; provided, that the following shorter time periods should apply for the type of land use permit indicated:

New residential building permits	90 days
Residential remodels	40 days
Residential appurtenances, such as decks and garages	15 days
Residential appurtenances that require substantial site review	40 days
SEPA exempt clearing and grading	45 days
SEPA clearing and grading	90 days
Health department review (for projects pending a final department review and/or permit)	40 days

The following periods shall be excluded from this 120-day period:

(a) Any period of time during which the applicant has been requested by the department, hearing examiner or council to correct plans, perform required studies or provide additional information, including road variances and variances required under Chapter 9.04 KCC as adopted by Chapter 15.05 SMC. The period shall be calculated from the date of notice to the applicant of the need for additional information ("request for revision") until either the City advises the applicant that the additional information satisfies the City's request or 14 days after the date the information has been provided, whichever is the earlier date. If the City determines that the correction, study, or other information submitted by the applicant is insufficient, it

shall notify the applicant of the deficiencies, and the procedures of this section shall apply as if a new request for revision had been made.

(i) The department shall set a reasonable deadline for submittal by the applicant of corrections, studies, or other information in response to a request for revision, and shall provide written notification of the deadline to the applicant. The deadline may not exceed 90 days from the date of the request for revision; provided, that an extension of such deadline may be granted upon written request by the applicant providing satisfactory justification for an extension or upon the applicant's agreement to and compliance with an approved schedule with specific target dates for submitting the full revisions, corrections or other information requested.

(ii) Applications may be canceled for inactivity if an applicant fails to provide, by such deadline, an adequate response substantively addressing code requirements identified in the written request for revision.

(iii) When granting a request for a deadline extension, the department shall give consideration to the number of days between receipt by the department of a written request for a deadline extension and the mailing to the applicant of the department's decision regarding that request.

(b) The period of time, as set forth in SMC 20.15.060, during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

(c) A period of no more than 90 days for an open record appeal hearing by the hearing examiner on a Type 2 land use decision, and no more than 60 days for a closed record appeal by the county council on a Type 3 land use decision appealable to the county council, except when the parties to an appeal agree to extend these time periods.

(d) Any period of time during which an applicant fails to post the property, if required by this chapter, following the date notice is required until an affidavit of posting is provided to the department by the applicant.

(e) Any time extension mutually agreed upon by the applicant and the department.

(2) The time limits established in this section shall not apply if a proposed development:

(a) Requires an amendment to the comprehensive plan or a development regulation, or modification or waiver of a development regulation as part of a demonstration project;

(b) Requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided for RCW 36.70A.200; or

(c) Is substantially revised by the applicant, when such revisions will result in a substantial change in a project's review requirements, as determined by the department, in which case the time period shall start from the date at which the revised project application is determined to be complete.

(3) Permits or approvals subject to the procedures of this chapter may be denied if the applicant is unable to present satisfactory proof of ownership of the property or development site.

(4) If the department is unable to issue its final decision within the time limits established by this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. Within fourteen (14) days of the date of such notice, a copy of the notice shall be provided to the public in the manner set forth in SMC 20.05.060(5).

**ATTACHMENT G:  
New SMC 21A.95.070**

**21A.95.070 Project phasing – Limitation of permit approval.**

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(1) A commercial site development permit may be approved with project phasing and other project-specific conditions to mitigate impacts on the environment or on public facilities and services including transportation, utilities, drainage, police and fire protection, schools, and parks. Project phasing shall mean a phasing plan designed to address impacts on the environment or on public facilities and services as those impacts become relevant in the project.

(2) A commercial site development permit approved with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the approved phasing plan.

(3) A commercial site development permit approved without a phasing plan shall be null and void if the applicant fails to file a complete building permit application(s) for all buildings within three years of the approval date, or by a date specified by the director, and fails to have all valid building permits issued within four years of the commercial site development permit approval date.

**ATTACHMENT H:  
Amended SMC 21A.100.060**

**21A.100.060 Director review – Decision and interpretation final unless appealed.**

(1) The decision of the director shall be final unless the applicant or an aggrieved party files an appeal to the hearing examiner pursuant to SMC 20.10.080.

(2) The interpretation of the director shall be final except for any appeal allowed as follows:

(a) If the director determines that a code interpretation is necessary for review of a specific development proposal that is currently before the department, and the development project is subject to an administrative appeal, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the underlying development project. If the director determines that a code interpretation request relates to a code enforcement action, any appeal of the code interpretation shall be consolidated with and is subject to the same appeal process as the code enforcement action. If the city of Sammamish hearing examiner makes the city's final decision with regard to the underlying permit, other approval type or code enforcement action regarding which the interpretation was requested, the hearing examiner's decision constitutes the city's final decision on the code interpretation request. If the city council, acting as a quasi-judicial body, makes the city's final decision with regard to the underlying permit or other approval type regarding which the interpretation was requested, the city council's decision constitutes the city's final decision on the code interpretation request.

(b) If the director issues a code interpretation that is not associated with one of the items described in subsection (2)(a) of this section, the interpretation may be appealed to the hearing examiner within 21 days of the date the notice of the interpretation is provided.

(3) The hearing examiner shall review and make decisions based upon information contained in the written appeal and the record.

(4) The hearing examiner's decision may affirm, modify, or reverse the decision of the director.

(5) As provided by SMC 20.10.240(1) and (2):

(a) The hearing examiner shall render a decision within 10 days of the closing of hearing; and

(b) The decision shall be final unless appealed under the provisions of SMC 20.10.250(1).

(6) Establishment of any use or activity authorized pursuant to a conditional use permit, reasonable use exception, or variance shall occur within two years of the effective date of the decision for such permit or variance; provided, that for schools this period shall be five years. This period may be extended for up to 180 days by the director if the applicant has submitted the applications necessary to establish the use or activity and has provided written justification for the extension.

(7) For the purpose of this section, "establishment" shall occur upon the issuance of all local permit(s) for on-site improvements needed to begin the authorized use or activity; provided, that the conditions or improvements required by such permits are completed within the timeframes of said permits.

(8) Once a use, activity or improvement allowed by a conditional use permit or variance has been established, it may continue as long as all conditions of permit issuance remain satisfied.