



Planning & Development Services

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Memorandum

Planning Commission March 20 Workshop

To: Planning Commission
From: Ryan Walters, Assistant Director
Re: Permit Procedures Update
Date: March 13, 2018

The Board of County Commissioners has directed the Department to propose changes to the permit application process that may remove the Board from its role in the permit process, including its appellate role, and has directed the Department to perform a complete rewrite of the Permit Procedures chapter (SCC Chapter 14.06) to simplify and clarify its many provisions.

Problems with and corrections to Chapter 14.06

We have identified the following problems with Chapter 14.06 that need correction:

- Not all types of permits are listed in the chapter as one of the four levels of application types. Other chapters of code include repetitive text describing the application levels.
- Code is not entirely clear that building permits are level 1 applications.
- Level 1 applications are further divided into two types (those that don't require public notice, like building permits; and those that do require public notice) in a clunky fashion.
- Alteration of final plat, even for short plats (1-4 lots) is a Board-level application.
- Availability of appeals of SEPA threshold determinations or EIS adequacy are not described for all application types.
- Substantial repetition in the procedure text.

The Department intends the remainder of the Chapter 14.06 rewrite to focus on reorganizing and rewriting for clarity, with only a few substantive changes. Those substantive changes would include:

- Consolidation of "pre-application" and "pre-development" meetings.
- Making the Department, instead of the applicant, responsible for mailing public notices.
- Division of Level 1 applications that require public notice from Level 1 applications that do not require public notice.
- Addition of a single table that describes permit term lengths and extension opportunities.
- Adding a procedure for pre-application neighborhood meetings, to implement the Planning Commission's recommendation for shoreline habitat enhancement projects in its recorded motion on the Shoreline Master Program update.

The Department's drafting goals, for making the permit process chapter easier to read and administer, are consistent with the federal Plain Language guidelines available at www.plainlanguage.gov, including:

- Be concise.
- Organize information logically (generally, sequentially).
- Use useful headings.
- Use parallel construction.
- Use active voice.
- Write short paragraphs and sections.
- Avoid repetition; don't say anything more than once.
- Use lists and tables.

Proposed New Table of Contents

The following table compares the existing headings within Chapter 14.06 and our current thinking on a proposed new structure for the chapter:

Current Chapter 14.06	Proposed Revised Chapter 14.06
.010 Intent.	.010 Policy
.020 Purpose.	.020 Applicability
.030 Foundation of project review.	.030 Types of Review
.040 Administration and interpretation.	.040 Administration and interpretation.
.045 Lot certification.	.045 Lot certification
.050 Application level.	.050 Eligibility for permits.
.060 Consolidation of ...permit applications.	.060 Consolidated review.
.070 Integration of SEPA review070 Integration of SEPA review...
.080 Pre-development and pre-application review.	.090 Public notice requirements.
.090 Contents of application.	.100 Determination of completeness.
.100 Determination of completeness.	.110 Pre-application conference.
.105 Requests for additional information/expiration120 Pre-application neighborhood meeting.
.110 Level I review procedures.	.130 Application—contents and completeness—revisions
.120 Level II review procedures.	.140 Application—notice.
.130 Level III review procedures.	.150 Application—Department review.
.140 Level IV review procedures.	.160 Public hearings and meetings
.150 Public notice requirements.	.170 Public hearing—notice.
.160 Open record public hearings procedures.	.180 Decision—timing.
.170 Closed record hearings/appeal procedures.	.190 Decision—notice.
.180 Reconsideration.	.210 Appeals.
.190 Joint hearings.	.220 Remand.
.200 Notice of decisions.	.230 Reconsideration.
.210 Timing of decisions.	.240 Exhaustion of administrative remedies.
.220 Judicial appeals.	.250 Permit Revision.
.230 Stay of proceedings	.260 Permit Expiration.

Proposed Disposition of Existing Sections

The next table describes in more detail how existing sections of the code would be modified:

Section	Title	Proposal
14.06.010	Intent.	Retitle to "Policy." Move 030 here.
14.06.020	Purpose.	Retitle to "Applicability." Add clear statement of applicability and exemptions.
14.06.030	Foundation of project review.	Delete; move content to .010.
14.06.040	Administration and interpretation.	Move (1) to Chapter 2. Delete (5), which repeats portions of SCC 14.06.045(8).
14.06.045	Lot certification.	No changes.
14.06.050	Application level.	Retitle to "Types of Review." Insert table describing application types.
14.06.060	Consolidation of development permit applications.	Possibly reword for clarity.
14.06.070	Integration of SEPA review with development permit review.	Move text describing SEPA appeal opportunities here.
14.06.080	Pre-development and pre-application review.	Move to .110 and consolidate two types of meetings to single required meeting with possibility of waiver.
14.06.090	Contents of application.	Renumber and reword for clarity.
14.06.100	Determination of completeness.	Examine for opportunities to improve clarity.
14.06.105	Requests for additional information/expiration of application.	Consolidate with .100
14.06.110	Level I review procedures.	Delete individual, repetitive process sections. Content will be covered by each section of code for each type and level of review (staff review, Hearing Examiner review, any remaining Board review, appeals).
14.06.120	Level II review procedures.	
14.06.130	Level III review procedures.	
14.06.140	Level IV review procedures.	
14.06.150	Public notice requirements.	Move to .090 and rewrite to delete requirement for applicant to provide stamped envelopes and to allow Department to expand notification radius.
14.06.160	Open record public hearings procedures.	Replace with new .160 "Public hearings and meetings."
14.06.170	Closed record hearings/appeal procedures.	Replace with new .160 "Public hearings and meetings."
14.06.180	Reconsideration.	Move to .230.
14.06.190	Joint hearings.	Delete. Never used.
14.06.200	Notice of decisions.	Reorganize and reword for clarity.
14.06.210	Timing of decisions.	Move to .180 "Decision—timing."
14.06.220	Judicial appeals.	Reconstitute in an "Exhaustion of local administrative remedies" sections (not all appeals are judicial).
14.06.230	Stay of proceedings.	Incorporate into appeals section.

Changes to Application Levels and Appeal Opportunities

The following table describes the existing levels of permit applications (which is an amalgamation from many sections of code), with proposed modifications in strikethrough and underline. This table would be integrated directly into the revised chapter to replace the existing incomplete lists of permit types. Final plat approval, would be described as a standalone process in the subdivision chapter.

Types of Review	<u>Level 1 (no notice) Type 1</u> Administrative/Ministerial Decisions	<u>Level 1 (with notice) Type 2</u> Administrative Decisions	<u>Level 2 Type 3</u> Hearing Examiner Decisions	<u>Level 3 Type 4</u> Board of County Commissioners Decisions	<u>Level 4</u> BOCC Ministerial Decision
Types of Applications	<ul style="list-style-type: none"> ▪ Administrative decisions ▪ Boundary line adjustments ▪ Building permits ▪ Flood area development permit ▪ Concurrency review ▪ Lot Certification ▪ Shoreline exemptions ▪ Plat extension ▪ Waiver of 6-year moratorium where no critical areas were impacted 	<ul style="list-style-type: none"> ▪ Administrative interpretations ▪ Administrative Special Use Permits ▪ Administrative Variances ▪ Critical Areas Variances of > 25% and ≤ 50% of standard buffer width <u>▪ Final plat approval</u> ▪ Lot Certification Reasonable Use Exception ▪ <u>▪ Minor permit revisions and plat alterations</u> ▪ Preliminary short subdivisions ▪ Binding site plans of < 9 lots, tracts, parcels, or units ▪ Preliminary long subdivisions of < 9 lots unless a public hearing is requested per 14.06.110(15) ▪ SEPA threshold determinations ▪ Stormwater Management Manual adjustments and exceptions ▪ Vacation of final subdivision ▪ Waiver of 6-year moratorium 	<ul style="list-style-type: none"> ▪ Critical Areas Variances of > 50% of standard buffer width ▪ Local essential public facilities (SCC 14.16.600) ▪ Hearing Examiner Special Use Permits ▪ Hearing Examiner URDP (SCC 14.16.910(2)) ▪ Hearing Examiner Variances ▪ Binding site plans of between 9 and 50, tracts, parcels, or units ▪ Preliminary long subdivisions of < 9 lots where a public hearing is requested per 14.06.110(15) ▪ Preliminary long subdivisions between 9 and 50 lots, tracts, or parcels on contiguous land of the same ownership 	<ul style="list-style-type: none"> ▪ Alteration of final plat ▪ BOCC Variances (ag siting criteria) ▪ Site-specific rezones authorized by the comprehensive plan ▪ Binding site plans of 50 or more lots, tracts, or parcels on contiguous land of the same ownership ▪ Development agreements ▪ Preliminary long subdivisions of more than 50 <u>or more</u> lots, tracts, or parcels on contiguous land of the same ownership ▪ Regional essential public facilities (SCC 14.16.600) 	<ul style="list-style-type: none"> <u>▪ Final plat approval</u>
Pre-Application Conference	No	Yes, but can be waived	Yes, but can be waived	Yes, but can be waived	Yes, but can be waived
Pre-Application Neighborhood Mtg	<u>No</u>	<u>No</u>	<u>No, except required for shoreline habitat enhancement projects</u>	<u>No</u>	
Notice of Application	No	Yes	Yes	Yes	Yes
Comment Period	None	15 days	15 days (30 for shoreline permits)	15 days	Yes
Recommendation By	None	None	Director	Hearing Examiner	None
Pre-Decision Open-Record Public Hearing	No	No	Yes, before Hearing Examiner	Yes, before Hearing Examiner	No
Decision By	Director	Director	Hearing Examiner	Board of County Commissioners	BOCC
Notice of Decision	No	Yes	Yes	Yes	Yes
Local Appeal Available To	Hearing Examiner, then BOCC	Hearing Examiner, then BOCC	BOCC None	None	None
Appeal Hearing Type	Open-record, then Closed	Open-record, then Closed	Closed record N/A	N/A	N/A

Process for Adoption

The Department intends to meet with the Board in a public session, prior to public release of the proposal, to obtain clear and informed direction from the Board on how they want their role modified in the proposed code update.

The Department will then schedule at least one workshop with the Planning Commission to review draft code text before public release of the proposal.

The proposal will then follow the ordinary public process described in SCC Chapter 14.08 for adoption of code amendments, including SEPA review, a written comment period, public hearing before the Planning Commission, and Planning Commission review and recommendation. The Board of County Commissioners then makes the final decision on adoption, modification, or rejection of proposed code amendments.

The Department currently expects proposal release in June with final adoption near the end of 2018.