

Permit Processes

Draft Staff Recommended Project Approach – April 24, 2018

Summary

Items related to the permit process, specifically around vesting, permit notification, permit type and rezoning processes.

Project Lead

Meredith Penny, *Long Range Planner*
m.penny@co.island.wa.us
(360) 679-7807

Project Assistant

Jonathan Lange, *Senior Planner*
j.lange@co.island.wa.us
(360) 678-7821

Goals/Objectives

- A. *Update vesting and permit expiration language based on case law and best practices*
- B. *Provide procedures for area-wide rezones that are consistent with the comprehensive plan*
- C. *Evaluate notification requirements and permit processes for Type IV decisions and determine if changes are necessary*
- D. *Review and determine if procedures are necessary that provide the Planning Director the discretion to change a permit type based on certain criteria*

Reason for Project

A. Permit Expiration and Vested Rights. The current practice is that Planning Staff accept applications and determine them to be complete and then the application may stall out for a host of reasons, which includes, the applicant runs out of funding for the project, they lose interest or they fail to keep in contact and provide requested information. Given that there is no expiration date for these applications, staff must continue to manage them as if they are active and the permit applications continue to remain active indefinitely. Additionally, the applicant remains vested over a period of years to the regulations at the time the application was deemed complete while potentially multiple code regulations are updated with revisions.

B. Legislative Rezoning Procedures. The County updated its rezoning process during the 2016 Periodic Review, so that our future land uses and our zoning no longer correspond one to one. Rather, the land uses are broader and multiple zones fall under each. As a part of that update, the County established procedures for site-specific rezones consistent with the Comprehensive Plan and rezones that are not consistent with the Comprehensive Plan and would require a Comp Plan amendment. However, the County did not establish a process for area-wide rezones (legislative) that are consistent with the Comprehensive Plan. Changes are needed to establish this as a Type IV process.

C. Type IV Permit Procedures. Currently there are requirements for public notification of Type II and III permits, but there are not any requirements for public notice of Type IV permits, aside from notice of public hearings.

In fact, ICC 16.19 does not speak to the Type IV process at all. Staff will evaluate and recommend public notification procedures and make recommendations for Type IV permits which are required for the following.

- Water System Boundary Adjustments (RCW 70.116.070.1)
- Public Benefit Rating System Applications (ICC 3.40.120)
- Changes to the Guide for Rural Stewardship Plans (ICC 17.02A.040.C.2)
- Nominations of Species or Habitats of Local Importance (ICC 17.02B.500.A)
- Approving a Proposed Use from the Permitted Uses in the Rural Zone for a Property in CA (ICC 17.03.100.B.4)
- Earned Development Units in Commercial Agriculture (CA) zone (ICC 17.03.100.B.3)
- Establishing a Special Review District (ICC 17.03.160.C)
- Farm Management Plan for Earned Development Units (ICC 17.03.180.G)
- Area Wide Rezones Consistent with the Comprehensive Plan. (Proposed for ICC 17.03.220)
- Changes to the Shoreline Master Program Code (ICC 17.05A.130.D.1)

D. Permit Reclassification. On certain projects, it may be useful to engage public input, either because there may be potential for more impacts to neighbors, or because the scale of what was proposed for the project may have expanded beyond the original proposal. In these instances it may be helpful to allow the Director to elevate the permit subject to established criteria, for example from a Type II to a Type III which would then require a community meeting in addition to the posted public comment period.

Project Support Team(s)

Staff recommends that the appointment of a subcommittee, such as a Planning Commission subcommittee, is not necessary because the limited scope, complexity, and level of policy changes anticipated for this project.

However, staff does intend to work closely with the legal department and potentially the Hearing Examiner during the code drafting stages of this project.

Outreach Plan

Staff recommends the following outreach will be necessary for this project:

- Several work sessions for both the Board of Island County Commissioners and the Planning Commission, as needed
- Stakeholder Meetings
 - Land Use Consultants
 - Potentially: Realtors and Contractors

Project Duration/Completion Estimates

Fall of 2018