

Summary of Galloway Proposed Amendments to Exhibit A: Proposed Amendments to Implement SB 5290 (Local Permit Review), with PDS Responses

PDS Response: Code changes reflected in the comments below have been addressed in a Revised Exhibit A dated November 13, 2024. Propose changes are noted in strike through and have been highlighted blue for clarity.

22.05.022 Critical Areas Review and Determination

- 1) Amended for clarity with requirement up front, removes reference to septic systems/water availability/WCHCS (plans to further address this issue in near future), reference (5) for waiver rather than (6) which has to do with appeals
- 2) Specify that while critical areas review is up front, it is still subject to state prescribed permit review timelines
- 4) Specify written determination of critical areas should be issued within 45 days

PDS Response:

- 1) PDS has made the grammatical changes suggested by Councilmember Galloway as well as the code reference. The critical areas review requirement for OSS and wells has also been removed from this section.
- 2) Section (2) has been clarified to include a 65-day response to the applicant.
- 4) PDS did not include the requested 45-day response timeframe as that is not a timeframe we have in our approval process, but we have included a 65-day response timeframe. Uniform timeframes are necessary for staff consistency, efficiency and for permit tracking purposes.

22.05.030 Consolidated permit review.

Amended for clarity with requirement up front and exception at end.

PDS Response: The requested grammatical changes are reflected in the amended Exhibit A.

22.05.070 Notice of application

(3)(h) sets timeline for comments to ensure predictability. Comments received after the deadline may be considered but will not delay decision.

PDS Response: It is not clear how Councilmember Galloway's proposed language is meeting the intent of ensuring predictability. For projects requiring a public hearing, testimony can be provided up to and during the hearing and staff is proposing no changes. For projects without a public hearing, it is difficult to determine a date by which comments must be received and considered by PDS without limiting public participation. However, PDS has proposed language to identify that comments should be submitted 30 days prior to issuance of the decision.

(4) (b) adds clarity

PDS Response: The requested change is reflected in the amended Exhibit A.

Policy question - should the Administrative Manual be published? When was it last updated?

The Administrative Manual is always available upon request. Once the SB 5290 code amendments have been adopted, PDS will work on updating the Administrative Manual. The manual is several years old and does not reflect the substantial amount of changes PDS has faced since 2018. A new permit tracking system has been implemented, PDS shifted to digital submittals through the Covid-19 pandemic, and now with SB 5290 permit processes are changing again. A thorough review and update of the manual will occur once the code amendments are complete and PDS begins to fully use the capabilities of the permit tracking system.

(4)(c) Policy question– should LAMIRDs be treated same as UGA or should we create another tier for LAMIRDs at 500-600 feet?

PDS Response: PDS does not have a preference regarding this policy question however, for consistency, PDS would prefer the distance be either 300 feet (consistent with the UGA) or remain 1000 feet.

22.05.080 Application Consistency review and recommendations.

(2) Notice of Additional Requirements (NOAR).

(b) Clarifies per SB5290, 60 days, and may extend 30 days, but no more than 90 days

PDS Response: The language has been changed to reflect SB5290.

(d) Adds language to ensure thorough and timely review of application by county staff

PDS Response: PDS does not recommend making the changes proposed by Councilmember Galloway. The NOAR language directly reflects SB 5290 and this section is identified as one of the four items PDS is adopting to avoid the refund requirements. If the language is altered from the original intent, it may not qualify as one of the actions to avoid refunds.

Policy/Procedural question: How to incentivize complete applications up front. If small technical amendments are needed, how to keep application at top of work queue rather than move to bottom.

PDS Response: PDS is working internally on our applications and submittal requirements to clarify what is considered a complete application. We are also modifying our intake procedures and staff to ensure thorough review of each application prior to acceptance as a complete application.

Prioritizing NOAR response reviews is a policy issue that should be handled internally. It is current practice to respond to NOAR submittals as quickly as possible if minor items were requested. This policy will be reflected in our permit tracking software and will continue to be emphasized as PDS moves forward implementing this code. Language has been added to prioritize NOAR resubmittal review.

22.25.020 Application fees and other fees.

Policy question – Specify on reasonable fees to ensure staff capacity necessary to maintain compliance with permit review timelines. Need to consult with local building associations to develop reasonable fee system and seek Commerce guidance in setting fee structures. Ensure equity.

PDS Response: This is a larger discussion outside of the proposed code. PDS has included modest fee increases with the proposed 2025 fee schedule. PDS would appreciate an opportunity to revisit our fees in the future outside of this process.

22.25.040 Refund of application fees.

(2) adds language from SB 5290 to codify that 20% refund if timeline is not met unless at least three measures are adopted.

Note: PDS has recommended adopting four measures at this time: 1) Revenue neutral contingent FTE, 2) On call consultant, 3) Reasonable fees, and 4) No more than three requests for information for permit review

PDS Response: It is PDS preference to not include this language within the proposed code. If the refund option is included within our code, applicants are more likely to request the refund, even if PDS has adopted measures to avoid refunds. This will cause confusion to applicants and will take additional staff time to address.