



Date: December 3, 2024

To: City Council

From: Calvin W. Goings, *Deputy City Manager*
Derrell Sharp, *Fire Chief*
Scott Curtain, *Public Works and Utilities Director*
Shannen Cartmel, *Community and Economic Development Manager*

Subject: Municipal Code Update 24-125 to the Port Angeles Municipal Code, Amending Chapters 2.18, 16.04, 16.08, 16.09, 16.10, 16.12, 16.14, 17.13, 17.19, 17.31, 17.37, 17.44, 17.45 17.96, and 18.02 relating to RCW 36.70B Local Project Review Updates and Senate Bill (SB) 5290 Requirements for Project Permit Procedures.

Summary: Municipal Code Update (MCA) 24-125 addresses the required amendments to the Port Angeles Municipal Code (PAMC) necessary to implement SB 5290 and Chapter 36.70B RCW. The required updates include changes to project permit review timelines and procedural requirements of the City review processes. To better streamline and consolidate the PAMC, staff have also proposed to relocate all procedural processes into Chapter 18.02 PAMC. Madrona Law assisted in the drafting process as part of the code re-envisioning/code audit process.

Funding: N/A.

Recommendation: 1) Open the public hearing; 2) continue the public hearing; 3) conduct the first reading of the ordinance; 4) continue this item to the December 17, 2024, Council meeting for final adoption.

Background / Analysis:

SB 5290 amends the Local Project Review Act, Chapter 36.70B RCW, with the intent of improving the timeliness and predictability of local project reviews.

While SB 5290 does not specifically address building permits and other development permits, the Department of Commerce has suggested that the omission of building permits was in error and cities should assume building permits are included in the revised timelines and reporting requirements. As such, the City has elected to include all development permits in the amended procedures to create clear expectations for both staff and applicants, and hold City staff accountable to new state mandated timelines.

City staff have utilized the SB 5290 code update process to also create a clearer procedural process for all project permits the City reviews. The updates are procedural in nature, focusing solely on review criteria and do not alter existing zoning regulations or permitted uses within the city. This proposal includes removing many procedures now found throughout the PAMC and updating them to a clear, consistent, centralized, and user-friendly procedural chapter. Additionally, Madrona Law assisted in the drafting process as part of the code re-envisioning/code audit process. Approximately 100 pages of current code are being consolidated down to roughly 70 pages as part of this proposal.

To that end, miscellaneous procedures are being moved or updated to be consistent with new Chapter 18.02 PAMC. The following summarizes the changes proposed with this ordinance:

- Chapter 2.18 PAMC - Hearing Examiner.
 - Makes procedural updates consistent with the changes in PAMC 18.02.150. References the procedures in Chapter 18.02 PAMC, aligns binding site plans and unit lot subdivisions with administrative definitions per Chapter 58.17 RCW (the subdivision RCW).
 - Removes the appeal section because it is already covered in Chapter 18.02 PAMC.

- Chapter 16.04 PAMC - Short Plat Subdivision Regulations.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.
 - Keeps all specific approval criteria to this application type.

- Chapter 16.08 PAMC - Subdivision Regulations.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.
 - Keeps all specific approval criteria to this application type.

- Chapter 16.09 PAMC - Unit Lot Subdivisions.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.
 - Keeps all specific approval criteria to this application type.

- Chapter 16.10 PAMC - Binding Site Improvement Plan.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.
 - Keeps all specific approval criteria to this application type.

- Chapter 16.12 PAMC - Boundary Line Adjustments.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.
 - Keeps all specific approval criteria to this application type.

- Chapter 16.14 PAMC - Plat Vacations and Alterations.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.
 - Keeps all specific approval criteria to this application type.

- Chapter 17.13 PAMC - Residential Trailer Park.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.

- Keeps all specific approval criteria to this application type.
- Chapter 17.19 PAMC - Planned Residential Development Overlay Zone.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.
 - Keeps all specific approval criteria to this application type.
- Chapter 17.31 PAMC - Planned Industrial Development Overlay Zone.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.
 - Keeps all specific approval criteria to this application type.
- Chapter 17.37 PAMC - Mixed Commercial Overlay.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.
 - Keeps all specific approval criteria to this application type.
- Chapter 17.44 PAMC - Planned Low Impact Development Overlay Zone.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.
 - Keeps all specific approval criteria to this application type.
- Chapter 17.45 PAMC - Infill Overlay Zone.
 - Outdated or inconsistent requirements are removed.
 - Duplicative procedures are moved from this chapter and placed into Chapter 18.02 PAMC.
 - Keeps all specific approval criteria to this application type.
- Chapter 17.96 PAMC - Administration and Enforcement.
 - PAMC 17.96.060 Unclassified Use Permit: Repealed as the approval is under a conditional use permit.
 - PAMC 17.96.065 Minor Deviations: Moved to PAMC 18.02.260.
 - PAMC 17.96.070 Temporary Use Permits: Moved and updated in Chapter 18.02 consistent with Chapter 36.70B RCW requirements and SB 5290.
 - PAMC 17.96.075 Temporary Use Permits: Moved to PAMC 18.02.270.
 - PAMC 17.96.080 Variances: Moved to PAMC 18.02.280, updated thresholds and established a minor vs. major variance. Approval criteria remains the same.
 - PAMC 17.96.090 Filing fees: Deleted as all fees are now located in the Master Fee Schedule.
 - PAMC 17.96.110 Subdividing: Moved to Chapter 18.02 PAMC.
 - PAMC 17.96.130 Entry Upon Private Property: Updates entry on private property to the applicable City staff members for enforcement.
 - PAMC 17.96.140 Notice of Public Hearings: Repeals outdated notice of public hearing requirements, moves to Chapter 18.02 PAMC, and follows Chapter 36.70B RCW.

- PAMC 17.96.150 Appeals: Moved to Chapter 18.02 PAMC for procedures and to Chapter 2.18 PAMC for appeals to the hearing examiner.

These existing procedures along with new enhanced transparency standards are being centralized into the newly titled “Administration of Project Permit Applications and Review Procedures” Chapter 18.02 PAMC. The provisions of Chapter 18.02 PAMC are summarized as follows:

- PAMC 18.02.010 - Purpose.
 - Redefines the purpose to align with Chapter 36.70B RCW, the Local Project Review Act.
 - Sets the purpose to establish standard procedures, decision criteria, public notification, and timing of application review and establishes the intention of these procedures to:
 - Promote timely and informed public participation.
 - Eliminate redundancy.
 - Process permits equitably and expediently.
 - Ensure consistency with decisions.
 - Result in development that furthers the City’s goals as outlined in the Comprehensive Plan.

- PAMC 18.02.020 - Definitions.
 - Defines project permit, the term used by the Local Project Review Act.
 - Beyond the state-mandated permits as explicitly defined in RCW 36.70B.020(4), the City has opted to include these additional permits:
 - Building Permits
 - Clearing and Grading Permits
 - Right-of-Way Construction Permits
 - Defines an Applicable Director, which gives the proper authority to the project permit-specific department director.

- PAMC 18.02.030 - Project Permit Processing Procedures.
 - Establishes project permit application processing types.

- PAMC 18.02.40 - Determination of Proper Procedure Type.
 - Establishes how a procedure type is selected and the proper type and process for consolidated permit processes.

- PAMC 18.02.050 - Project Permit Application Framework.
 - Table 1 outlines decision processes, and Table 2 establishes the process “Type” for each project permit.
 - *Type I Project Permits* are administrative decisions made by the Department Director or designee and do not require a public notice or public hearing. Type I permits are as follows:
 - Allowed, permitted, or accessory uses not requiring notice of application.
 - Building Permits categorically exempt from SEPA
 - Business Licenses
 - Clearing and Grading
 - Critical Area Exemptions
 - Director’s Determinations
 - Electrical Permits
 - Environmentally Sensitive Area Permits and Extensions
 - Fee Waivers

- Final Binding Site Plans
 - Final Boundary Line Adjustments
 - Final Overlay Zones
 - Final Planned Residential Development (PRD)
 - Final Plats
 - Final Short Plats
 - Final Unit Lot Subdivisions
 - Fire Alarm Permits
 - Fire Permits – any other approval provided by the Fire Department – Office of the Fire Marshal.
 - Fire Sprinkler Permits
 - Flood Development Permits
 - Home Businesses/ Home Occupation Permit
 - Land-Use Verification
 - NICE grants
 - Minor Amendments to an approved Plat, Binding Site Plan, Planned Residential, or Development
 - Preliminary Boundary Line Adjustments
 - Preliminary Short Plats
 - Reasonable Use Exception
 - Right-of-Way Construction Permits
 - Sales and Use Tax Grants
 - Shoreline Exemptions
 - Short-Term Lodging Licenses
 - Sign Permits
 - Site Plan Review
 - Temporary Uses - up to one year
 - Utility Feasibility Requests
 - Wetland Permit Extension
 - Wetland Temporary Emergency Permit
- *Type II Project Permits* are administrative decisions made by the Department Director or designee that require a public notice. A public hearing is not required. Type II permits are as follows:
- Administrative Conditional Use
 - Administrative Conditional Use Permits Required for Transitional Housing Facilities 1-4 Units
 - Building Permits requiring SEPA
 - Cottage Industries
 - Discretionary Conditional Use Permits
 - Minor Plat Amendment
 - Minor Variances
 - Preliminary Binding Site Plan
 - Preliminary Unit Lot Subdivision
 - SEPA Review (not associated with a public hearing)
 - Shoreline Substantial Development Permits – only if threshold determination of non-significance is issued.
 - Temporary Housing Facilities
 - Wetland Permits

- *Type III Project Permits* are quasi-judicial processes with decisions made by the Hearing Examiner. Type III project permits require both a public notice and a public hearing. Type III permits are as follows:
 - Conditional Use Permits
 - Conditional Use Permits Required for Transitional Housing Facilities 5+ units
 - Major Amendments to an approved Plat or Planned Residential Development
 - Major Variances
 - Preliminary Overlay Zones
 - Preliminary Plats
 - Preliminary Planned Residential Development (PRD)
 - SEPA Review (associated with a public hearing)
 - Shoreline Conditional Uses
 - Shoreline Substantial Development Permits
 - Shoreline Variances
 - Temporary Uses – one to five years
 - Unclassified Use-Conditional Use Permits

- *Type IV Project Permits* that include a quasi-judicial process with decisions made by the City Council. Type IV permits are as follows:
 - Site Specific Rezones

- *Type V Actions* are legislative processes. The decision is made by the City Council. Type V legislative actions are as follows:
 - Amendments to Development Regulations
 - Amendments to the Port Angeles Municipal Code
 - Annexations
 - Comprehensive Plan Amendments
 - Development Agreements
 - Area-Wide Rezones
 - Shoreline Master Program Adoption and Amendments
 - Master Land Use, Subarea. Functional and /or Utility Plans and Amendments

- PAMC 18.02.060 - Joint Public Hearings.
 - Summarizes updated City requirements for joint public hearings as required by RCW 36.70B.110(8).

- PAMC 18.02.070 - Legislative Decisions.
 - Defines legislative decisions that are not subject to these procedures as allowed by RCW 36.70B.140(1). Procedures for legislative decisions are set in Chapter 18.04 PAMC.

- PAMC 18.02.080 - Concurrent Environmental Review.
 - Remains the same as currently in PAMC 18.02.080.

- PAMC 18.02.090 - Exemptions from Project Permit Application Processing.
 - Adopts the exemptions to Chapter 18.02 PAMC outlined in RCW 36.70B.140(2), including the new required exemption from site plan review for interior alterations pursuant to RCW 36.70B.140(3)
 - Also adds other exemptions in RCW 36.70B.140 into Chapter 18.02 PAMC, which were not included previously.
- PAMC 18.02.100 - Pre-Application Meeting.
 - Establishes a codified pre-application meeting to ensure consistency and instructions for the applicant to gather information for a complete submittal of their proposal.
- PAMC 18.02.110 - Development Permit Application.
 - Codifies general requirements for complete applications to provide clear direction to applicants and developers.
- PAMC 18.02.120 - Determination of Complete Application.
 - Aligns the determination of complete application requirements with RCW 36.70B.070 and provides more clarity to the process and timelines. Updated as required by SB 5290.
- PAMC 18.02.130 - Public Notice Requirements.
 - Aligns public notice requirements with RCW 36.70B.110, including minor amendments as required by SB 5290.
 - Provides specific procedures for public notices to ensure that City staff handle all notices in a consistent procedure.
- PAMC 18.02.140 - Notice of Public Hearing.
 - Establishes procedures for notice of public hearings to ensure all notices in a consistent procedure. Aligns with hearing requirements for specific types of projects such as subdivisions outlined in RCW 58.17.090.
- PAMC 18.02.150 - Additional Measures for Project Review and Code Provisions.
 - Establishes the adoption of additional measures as outlined in RCW 36.70B.160 that provide prompt, coordinated review, and ensure accountability to applicants and the public.
- PAMC 18.02.160 - Project Permit Review and Approval Processes.
 - Establishes project permit review and approval processes for Types I, II, III, and IV permits.
- PAMC 18.02.170 - Time Limit for Final Decision.
 - Consistent with SB 5290 and RCW 36.70B.080, establishes the new timelines for project permit reviews.
 - 65 days for Type I and Type IV approvals or any approvals that do not require a public notice or hearing.
 - 100 days for a Type II approval or any approval that requires a public notice but not a public hearing.
 - 170 days for Type III approvals or any approvals that require both a public notice and public hearing.
 - Also establishes how the days shall be calculated; and how additional information requests, incomplete applications, and non-responsiveness will be handled.

- PAMC 18.02.180 - Final Decision.
 - Codifies final decision requirements, such as how the decision is distributed.
 - Codifies expiration of approved project permits.
- PAMC 18.02.190 - Expiration of Project Permit Applications.
 - Codifies expiration of project permit applications at 90 days.
 - Sets pathway for extension requests and prevents permits from remaining pending for long periods of time.
- PAMC 18.02.200 - Vesting of Applications.
 - Establishes codified regulations on vesting of applications to clarify processes and provide applicants and City staff clear understanding of the requirements.
- PAMC 18.02.210 - Suspension, Revocation, or Modification of Permits.
 - Provides specific criteria for the City to suspend, revoke, or modify project permit approvals based on noncompliance.
- PAMC 18.02.220 - Administrative Appeals and PAMC 18.02.330 Judicial Appeals.
 - Existing, but moves the Appeals sections into a centralized location within code.
 - Also addresses that SEPA threshold determinations are not administratively appealable pursuant to RCW 36.70B.110(6)(d).
- PAMC 18.02.240 - Municipal Code Interpretation Requirements.
 - Codifies a process for Code interpretations.
- PAMC 18.02.250 - Conditional Use Permit Review and Approval Processes.
 - Moves conditional use procedures to the procedural chapter. Updates approval criteria for conditional use permits to be specific to the request. This does not change the type or location of allowed conditional uses.
 - Outlines processes for administrative, discretionary, and regular conditional use permits for future flexibility once approved under the 2025 Comprehensive Plan. This only outlines processes; allowed uses or categories of use are not being changed.
- PAMC 18.02.260 - Minor Deviations Review and Approval Processes.
 - Moves the procedures for minor deviations approved by Council on October 15, 2024, under MCA 24-88, to the procedure chapter.
 - Minor changes are made to add project permit types. No policies are being changed.

- PAMC 18.02.270 - Temporary Use Permits. Review and Approval Processes.
 - Moves temporary use permit procedures from PAMC 17.96.075 to the procedural chapter. Minor changes are made to add project permit types. No polices are being changed.
- PAMC 18.02.280 - Variance Review and Approval Processes.
 - Moves variance procedures from Chapter 17.96 PAMC.
 - Establishes a procedure and criteria for a new minor variance allowing up to 25% of the original requirement under a Type II process.
 - Establishes a procedure and criteria for variances exceeding 25% of the original requirement under a Type III process.
 - Note: The criteria are the same as required in PAMC 17.96.080(c)(a, b, and c).
 - Establishes time limits for variances.
- PAMC 18.02.290 - Development Agreement Review, Standards, and Approval Processes.
 - Establishes a new procedural review process to facilitate development agreements as authorized by RCW 36.70B.170.
- PAMC 18.02.300 - Repeal Provisions.
 - Repeals all PAMC codes that conflict with these new requirements based upon SB 5290 and the Local Project Review Act, Chapter 36.70B RCW.

Funding Overview:

N/A

Attachments:

- Ordinance
- Attachment A: Chapter 2.18 PAMC - Hearing Examiner
- Attachment B: Title 16 - Subdivisions
- Attachment C: Chapter 17.13 PAMC - Residential Trailer Park
- Attachment D: Chapter 17.19 PAMC - Planned Residential Development Overlay Zone
- Attachment E: Chapter 17.31 PAMC - Planned Industrial Development Overlay Zone
- Attachment F: Chapter 17.37 PAMC - Mixed Commercial Overlay
- Attachment G: Chapter 17.44 PAMC - Planned Low Impact Development Overlay Zone
- Attachment H: Chapter 17.45 PAMC - Infill Overlay Zone
- Attachment I: Chapter 17.96 PAMC - Administration and Enforcement.
- Attachment J: Chapter 18.02 PAMC - Newly titled “Administration of Project Permit Applications and Review Procedures”