2x6 Land Use – Review and Administration

Notes from 10/11/24 Meeting

- Homework:
  - Agency Notices and Comments – wanting agency comments by week 5 of review so that planner review can commence
  - Public Notices and Comments - wanting agency comments by week 5 of review so that planner review can commence
  - We already have Notice of Application with template project information that includes pertinent information – we could improve template, there are a lot of manual work arounds to update template and lack of information on application from applicants
  - Kitsap Sun deadlines would not allow for same day publication, minimum of 3 days
  - NOA's are not prioritized on review lists and project lead not always assigned at completeness determination
  - Target completion date:10/31
  - Working team assigned: Stanton Blonde, Jenny Kreifels, William Sullivan, optional Darren Gurnee
    - Decided that we will maintain only 1 notice not separate agency notice.
    - Create list of items that will streamline the planners creating the NOA through completeness review.
    - Can planners/reviewers prepare the Notice of Application document same day as technically complete?
    - What will the comment period deadline be for comments to be considered in a specific cycle?
- Cycle 1:
  - Items asked for by other departments in cycle 2 automatically throws applicants into 3rd cycle
  - Pending information request comments also throw the applicant into 3rd cycle
  - Being able to release comments as they happen vs waiting for a complete cycle
  - Pre-apps can flush out some of these concepts out prior to application submittal
- Cycle 2 and the "LU Part":

- o Resubmittal review
    - How to schedule with everyone?
    - No piecemeal submittals – will not accept unless all items addressed
- o Intent of 2nd cycle to be moved through quickly as long as there are no differences
- o Comments on information requests caught on cycle 2 that weren't caught in first cycle when nothing changed. Would this situation apply to the 3rd cycle rule?
- o Determine what kinds of things can be conditioned rather than a correction
- o Checklists both intake and review will help streamline and mitigate need for corrections
- o Would be nice to know a threshold/deal breakers on what requirements/comments would be released to applicant prior to cycle complete. i.e. technical report, etc.
- o Added quality control from Planning Supervisor will help
- o Other jurisdictions speak directly to applicant on corrections and that resolves problems a lot faster. In person or virtual meeting would be very helpful
    - This is hard to accommodate/balance because these meetings pull away from review time
- Planners wait on reviewing permit until all other reviews complete
    - o Opposed –
        - Wouldn't allow for enough time with other duties
        - Planning review issues could throw off review for other reviewers – zoning setbacks, buffers, etc.
        - There would need to be a big assumption that the applicant has addressed all comments and steps would be approved
        - Applicants scared for planners to start at week 5 – Is this only for cycle 2? What week do they start in cycle 1?
    - o Supported -
        - Would work if all other steps are approved
    - o Are there any logical items that could be reviewed first?
        - Zoning classification
        - Allowed Use
        - But splitting reviews creates fragmented review
    - o What has to wait?
        - Change to site plan, setbacks, zoning, parking, landscape buffers
- Issue SEPA and then starting cycle 3 for staff report without initiation from applicant

- o Typically use optional process with comment period at Notice of Application
- o Issuing SEPA at the end of cycle 2, might not be able to address in staff report
- o SEPA appeal may impact the staff report and review
- Do comment periods count against our clock? Scott to confirm.
  - o Ordinance to adopt 5290 will include description of when we do not count days on our clock
  - o Does appeal period count against us?
- Kitsap Code or process to hold issuing the decision for the appeal period
  - o We used to not
  - o Confirmed - If SEPA action runs with the permit – no action shall be taken until the appeal period is over
- Cycle 3 staff report and hearing
  - o If SEPA appeal – that goes into staff report
  - o If cycle 2 is complete, why create a 3rd cycle to write the staff report?
    - ▪ Don't start cycle 3 until comment period/appeal period is over
    - ▪ Starting cycle 3 allows you to write the staff report while waiting for comments
    - ▪ Feels like we're adding additional step when it isn't needed
- Prep for hearings and decisions
  - o Time waiting for hearing examiner to render decision does not count against us per 5290.
  - o Waiting for hearing availability is a bottleneck
    - ▪ 22 days turnaround from when project is ready to go by project lead
    - ▪ We have never had too many projects ready to go for one hearing date and had to seek additional hearing dates, but we have the ability in the Hearing Examiner contract.
  - o Reviewers bogged down by reviewing differing project types
    - ▪ Should we adjust our review goals by type II and type III?
    - ▪ Need to update/streamline staff reports – Defensible staff reports
    - ▪ Fragmentation really impacts planners in writing staff reports
    - ▪ Should we ask the Hearing Examiner - what does he need to see/not see to make a decision? A Hearing Examiner checklist
  - o Appeals take a large amount of time for prep and days of hearings
    - ▪ Huge impact to staff review
    - ▪ Cannot plan for when we are going to get an appeal
- Type II Decisions (not SDAPs) – Tight turn around with 5290
  - o Admin staff report goes out and there's a 3-day waiting period (by code) before the decision is issued

- Gives applicant opportunity to discuss revisions or changes
- Only have 16 days after 2nd cycle to issue decision per 5290
- What happens for Shoreline Type II's because they are dependent on Department of Ecology?
- Status in SMARTGov will need to be updated so projects can be "tolled".
  - Triggers or notifications to project leads when the projects are no longer "tolled".
- What is the back-up plan for when planners are out or long absences?
  - Possible responsibility of 2x6 coordinator?