



City of
**MOUNTLAKE
TERRACE**



MOUNTLAKE TERRACE

Planning Department Permitting Audit

May 31, 2007

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May 31, 2007

**Development Services Report:
Executive Summary**

The Development Services Program (DSP) provides services—**planning, engineering, fire,** and **building**—related to development within the City. It is part of the Community Development Department. Basic activities are:

- ❑ Providing information to clients and public
- ❑ Reviewing development plans and applications
- ❑ Issuing permits and entitlements¹
- ❑ Inspecting projects
- ❑ Managing development records.

Evaluation

Three relevant studies have been conducted in recent years—two studies specific to Mountlake Terrace and a Model Permit Report for all jurisdictions in Snohomish County. For any evaluation, the following key factors are critical to whether a development services program is performing well:

1. Quality of products
2. Customer relations
3. System efficiency
4. Code framework

Accomplishment of the first key factor—quality of products (for example, approval of projects that are safe and code-compliant)—is being met by DSP. However, the two Mountlake Terrace studies has shown that the second key factor, customer relations, clearly has room for improvement. Where customer dissatisfaction exists, it is most often based on problems linked to the remaining two key performance factors, namely: system efficiency and the code framework.

Progress

One of the program’s prime measures of system efficiency is the turn-around time for plan review. Several years ago, turn-around times were a significant concern for Development Services customers. DSP has worked to improve its overall performance on plan review each year, even while the number of permits has increased. The table below shows this progress (a 42% reduction in average review time).

Plan Review Time	
<u>Year</u>	<u>Average Turn-Around</u>
2004	19 days
2005	16 days
2006	11 days

¹ “Entitlements” refer to approvals and conditions for site plans, subdivisions, and other land use actions.

Progress has also been made in helping clients access City services more easily. Three examples include:

- A. Permit forms posted on the City website
- B. Checklists created to help applicants submit the right information
- C. Customer assistance added at the front counter (via staffing reallocation that created a second permit specialist position in 2007).

Recommendations

The quality of reviews and inspections is critical to maintain while implementing service improvements. Recommendations from the three studies are summarized below.

Customer relations:

- Use technology to provide better service for clients, including:
 - Ability to apply online for certain permits
 - More maps, including online interactive maps, and “tip sheets” as public information tools
- Institute a two-tier pre-application process that allows a different level of detail depending on the complexity or state-of-readiness of the proposal
- Reduce the number of times that plans are re-submitted for staff review
- Do more to provide consistent, clear, and timely communication to customers
- Consider having a task force of interested parties work with staff on ways to improve the process

System efficiencies:

- Educate staff on the overall permit process
- Continue updating checklists and permit instructions to be more user-friendly
- Review the work flow for streamlining opportunities
- Distinguish between requirements for land use site plans and civil plans
- Evaluate whether staffing is adequate and/or whether some duties can be reassigned or eliminated
- Consider having one staff responsible for tracking each project
- Consider using a hearings examiner system rather than having individual projects reviewed by citizen boards and commissions

Code framework:

- Do a major overhaul of the development code (zoning code, etc.)

Next steps

While progress has been made, more is anticipated. DSP staff, with oversight from the Planning and Development Director, will continue improving the development process and implementing recommendations from the studies, starting with four items for Summer 2007. Progress reports will be provided to the City Council and interested parties.

Development Services Report

Overview

Introduction

Purpose

This report is intended to describe the Development Services Program, how it has improved, and what is planned for the future. It includes the results of three relevant studies that have been conducted in recent years—a Model Permit Report for all jurisdictions in Snohomish County and two studies specific to Mountlake Terrace.

Reviewing the City’s development services is an important effort that is based on the following goals:

- ❑ Meet City Council’s expectations
- ❑ Facilitate economic growth
- ❑ Facilitate home improvements
- ❑ Ensure good relations and communication with the public
- ❑ Address client concerns about speed and efficiency of permitting
- ❑ Protect the public through quality review, consistent with Comprehensive Plan and adopted standards.

Program role

The Development Services Program (DSP) operates within the Community Development Department to manage the permitting and entitlement¹ process for development. This includes many types of development, ranging from minor remodels to subdivisions. The program’s mission (slightly revised from the ’07-08 budget document) is stated below.

<p>Development Services Mission:</p>

<p>Assist clients in successfully improving and developing their properties, consistent with adopted standards.</p>

Specializations within the program include:

- Planning
- Engineering
- Fire protection
- Building.

As budgeted, DSP has 6.9 FTE (full-time equivalent) staff positions. In addition, about one quarter of the Fire Marshal’s time is devoted to fire protection permits and

¹ “Entitlement” refers to approvals and conditions for land use actions, such as subdivisions.

inspections for the City. Activities include:

- ❑ Communicating with clients and public at the front counter, on the phone, and via email regarding development possibilities and the application process
- ❑ Conducting pre-applications for owners/developers
- ❑ Reviewing development plans and applications and providing responses to applicants
- ❑ Issuing permits and entitlements
- ❑ Inspecting projects
- ❑ Tracking and managing development records

Performance

While actual volume of DSP activity (“outputs”) varies from year to year, a general understanding of the activity levels can be seen from a few statistics from the year 2006. This is illustrated in the “Activity Indicators” table below.

Development Services Program: 2004-2006 Activity Indicators

N/A = Not Available

Activity	2004	2005	2006
Inspections Conducted	6,867	5,417	5,585
Pre application meetings	43	41	33
Plot plans to property-owners	N/A	500	575
Permit and entitlement issued	1,755	1,478	1,853
Phone calls with clients	N/A	N/A	7,500
Counter contacts with clients	N/A	N/A	4,100
Revenue (\$) gained from fees	724,557	642,489	638,875
Value (\$) of projects	27,746,672	27,529,865	29,888,696

Product Quality

Quality of products is an important aspect of the Development Services Program, but it cannot be measured as easily as performance outputs. It involves long-term results for the community, such as:

- Safety of buildings and structures
- Protection of environment (for example, ensuring erosion control practices at development sites)
- Management of liability (avoiding legal risks, such as by ensuring that new construction meets codes)
- Accuracy of products (for example, accurate legal descriptions of easements)
- Landscaping to provide green space that meets community standards
- Pedestrian-friendly streets/lanes and building entrances

That DSP is ensuring projects are being built according to codes and conditions is essentially a given. Continuing this “quality” aspect should also be expected in all future scenarios as the program evolves.

Client Priorities

DSP has two basic types of clients: direct and indirect. **Direct** clients (customers) are the people engaged in improving or developing property within Mountlake Terrace. They include owners, builders, architects, engineers, and contractors. For most direct clients, the highest priorities in a development services program are:

1. Timeliness
2. Predictability
3. Cost-effectiveness.

Indirect clients are the people in the community who live in or are otherwise affected by property improvements and development. For most of them, the highest priorities in a development services program boil down to one overall priority:

1. Product quality—that the built product is safe, long-lasting, environmentally sensitive, and otherwise consistent with community standards.

In the past, DSP focused on the indirect clients' priority (for product quality) but may not have paid enough attention to the direct clients' priorities (for timeliness, predictability and cost-effectiveness). More recently, the City Council gave direction to improve timeliness for development services. Taking this to heart, DSP has widened its focus to better incorporate both sets of priorities. This effort represents important service adjustments that are expected to expand and continue, using a variety of tools.

Challenges

A key challenge that DSP faces is the natural tension between “regulators and the regulated.” In other words, some level of tension naturally exists between the perceptions of those who are being regulated—in this case, persons who are investing their time and money in projects that need approvals from DSP—and those who do the regulating—such as DSP staff who are reviewing, inspecting, and approving/denying the projects with a focus on the projects meeting certain standards. While no development services program can make every direct and indirect client completely satisfied, Mountlake Terrace DSP should provide services that generate a high level of satisfaction overall. To a great extent, this is the opportunity that is created by balancing priorities regarding product quality, timeliness, predictability, and cost-effectiveness.

A second challenge is to not only reduce City turn-around times but to reduce overall plan review time by having quality plans submitted the first time—or at least by the first re-submittal. For example, staff has sometimes found plans to be poorly done when initially submitted or to be re-submitted without the corrections that were previously requested. To help address this challenge, DSP staff will need to ensure that up-front information for applicants is very accessible, well-organized, and easy to understand.

Another key challenge for DSP is targeting existing resources (budgeted staff and equipment) to effectively develop and implement changes to its services without letting slip the day-to-day work for waiting customers.

Studies

In recent years, three studies have helped shape DSP initiatives to make the program more efficient. In addition, a list of DSP staff recommendations (see Appendix D) has been created for near-term improvements.

- A. The Model Permit Report, completed in December 2002, was the result of a year-long study by the Permit Streamlining Committee of the Snohomish County Economic Development Council. (See Appendix A for a copy of the report.) It addressed the value of a model permit system, key issues needing attention, and recommendations for implementing a model permit system. Its focus was countywide.
- B. The City commissioned a study by BETS Consulting, Inc., in 2006 to interview a cross-section of 30 individuals that had developed or improved property in Mountlake Terrace. This effort yielded information on developer concerns, along with several broad recommendations. (See Appendix B for a copy of the report.) One of these recommendations was to consider modeling the City's procedures after organizations that were considered to be outstanding service providers. Interviewees named Snohomish County and the City of Edmonds as the top examples for good development service programs.
- C. A follow-up study, aimed at identifying program-specific solutions, was conducted by independent analyst Mary Lynne Evans in 2007. Because Evans is a former manager at Snohomish County's Planning and Development Services, her perspective reflected the BETS report recommendation to consider modeling City procedures after those of jurisdictions that clients had named as outstanding. (See Appendix C for a copy of the Evans report.). Her work included in-depth interviews with all Development Services staff and six developer representatives. It resulted in a report that gave detailed analysis of service issues and program-specific recommendations to improve predictability and customer relations.

Common themes among the three reports are:

1. Revise the City's development code.
2. Strengthen communication.
3. Evaluate and streamline procedures where it makes sense.
4. Try innovative approaches to make processes work better.

A chart has been prepared that compiles recommendations from all three reports, as well as from a complementary list prepared by DSP staff. (See Appendix E for the "Summary of Recommendations" chart.)

Improvements

In recent years, the City has initiated efforts to provide more effective development services. This section describes some of the efforts. A fuller list is contained in the Evans report (see Appendix C).

Permit tracking software

In 2001, an electronic permit system, “Permits Plus,” was installed to track building and engineering permits. Two years later, land use approvals (entitlements) were added to the system. While it took time for staff to become proficient in entering data and refining data fields, the electronic system represented a major improvement over hand-written notes and forms. Most notably, the new system allowed faster and more complete tracking of permits and plans being reviewed and inspection reports that had been entered. For example, with the software system, customers can call a City permit specialist and find out exactly where his/her project is in the inspection process; staff can keep tabs on timelines by viewing the weekly status of projects for which they are responsible.

While “point-in-time” tracking works fairly well, the current Permits Plus system does not easily report key data that managers need to analyze information about the development process. For example, to identify the total number of permits that have been issued requires viewing numerous reports for a variety of permit types and separately adding up the results. Also, the permit system is not tied to geographic data available from the City’s geographic information system (GIS). Consequently, the department has begun considering other systems and will make a choice later this year about which vendor can best meet the overall needs.

Permit forms

Permit forms were updated for consistency in 2004 and subsequently posted on the City’s website. While the updates represent an improvement, some refining is still needed to make the information being requested clearer, especially for small-scale builders and homeowners doing simple improvements. Clearer information up-front avoids frustration later.

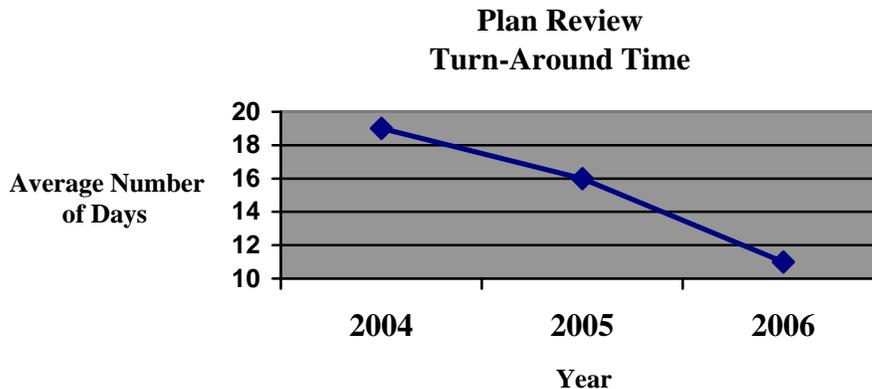
Plan Review

One of the prime measures of system efficiency is the turn-around time for plan review. In 2001, turn-around time was identified as a significant concern for Development Services. As part of addressing this, the City of Mountlake Terrace, represented by its Planning and Development Director, participated in a Model Permit study conducted by the Snohomish County Economic Development Council in 2002. (See the Model Permit Report in Appendix A.) The collaboration soon revealed that other jurisdictions had similar concerns about their permitting processes. It also pointed up the genuine interest of businesses, which could provide communities with needed jobs and tax base, to increase certainty and speed for permitting development.

A lesson learned from the study was that plan reviewers needed blocks of uninterrupted time; multi-tasking was not efficient for this kind of work. Rather than trying to juggle their review time between six or eight projects and also getting called to the front counter, it was more efficient for reviewers to focus on one or two projects at a time before moving onto the next and to avoid distractions during the review time. To implement this lesson on a limited basis, DSP staff tried to set aside blocks of time more often for focused work. Quarterly DSP meetings were established to work through certain

permitting process issues and identify improvements that could be made. The importance of an effective plan review process was emphasized and supported by staff and management.

DSP's focused effort made a difference. A report (see Appendix A) by analyst Mary Lynne Evans compared the number of permits issued by year and the number of average review days by year. Even though the number of permits increased overall, the program reduced its plan review turn-around by 42% between 2004 and 2006. The three-year comparison of plan review turn-around times is graphically shown by the figure below.



Code updates

Efforts to update the City's development code began in 2003. The most significant product to date is the new residential development regulations, adopted by the Council on May 21, 2007. While offering more options for owners to improve their properties, the new regulations also are more user-friendly in format and provide clearer standards and definitions for development. The clearer information will play a part in making the development process easier and more predictable for customers and staff.

Continuing to update the development code remains a major need. Except for the new residential portion, the code has not been significantly reviewed and revised for over 20 years. The Evans Report (in Appendix C) states the need strongly:

The code is outdated, clumsy and vague. The City should set aside time and money to do a major overhaul on it. If the city experiences an increase in size and complexity of projects, the permit process could collapse unless the code is revised.

Customer assistance

Another recent service improvement was the reallocation of a general customer service position to a permit specialist position. Previously, the general customer service position performed certain DSP duties, such as handling the over-the-counter permits and trying to answer applicant questions, but operated out of a different department and had limited ability to assist with technical requests. After that position became vacant, the City Council approved a recommendation for the **2007-2008 budget** that allowed the general service position to be changed to a permit specialist within the Community Development

Department. A new person has since been hired to fill the position, thus becoming one of two permit specialists for the City. Duties from the previous general service position were shifted to the permit specialist positions. A key benefit to having two permit specialists, who can back each other up, is that customers can obtain technical assistance at the front counter almost all the time. Furthermore, the professional plan reviewers need to be called to the front counter less often and can focus on reviewing plans and permits that have been submitted.

City Hall space

The City Hall space for customers was reorganized this spring to provide in the lobby a separate kiosk with the most-requested development service hand-outs. The kiosk information was color-coded to a large index on the wall. In addition, a new sign was installed so that customers could easily see the location of the permitting assistance area at the City Hall front counter.

Tip sheets and brochures

Five “tip sheets” for common homeowner building projects were prepared to help homeowners and small-scale builders. The tip sheets are illustrated and provide guidance on the following topics: decks, guard rails, garage separations, water heaters, and smoke alarms. The tip sheets are available in the kiosk located in the City Hall lobby and on the City website.

Two public information brochures on driveways were also prepared. One brochure contains general information about driveway requirements; the other offers guidance on constructing driveways (including “ribbon driveways”) that are more pervious than standard pavement.

Blanket permit

DSP recently created a “blanket permit,” as allowed under the building code, to address a specific customer request. A blanket permit allows an owner that will be making ongoing minor remodels (e.g., changing non-structural walls and electrical wiring for computer equipment) to pay an annual deposit and charge against it for ongoing minor tenant improvements.

Next Steps

DSP has made good progress in improving services to meet the Council’s direction. At the same time—and while maintaining quality reviews and inspections—additional service improvements should be aggressively implemented.

Recommendations

Recommendations from the three studies are grouped by category and summarized below.

Customer relations:

- Use technology to provide better service for clients, including:

- Ability to apply online for certain permits
- More maps, including online interactive maps, and “tip sheets” as public information tools
- Institute a two-tier pre-application process that allows a different level of detail depending on the complexity or state-of-readiness of the proposal
- Reduce the number of times that plans are re-submitted for staff review
- Do more to provide consistent, clear, and timely communication to customers
- Consider having a task force of interested parties work with staff on ways to improve the process

System efficiencies:

- Educate staff on the overall permit process
- Continue updating checklists and permit instructions to be more user-friendly
- Review the work flow and find streamlining opportunities
- Distinguish between requirements for land use site plans and civil plans
- Evaluate whether staffing is adequate and/or whether some duties can be reassigned or eliminated
- Consider having one staff person responsible for tracking each project
- Consider using a hearings examiner system rather than having individual projects reviewed by boards, commissions, and the Council.

Code framework:

- Do a major overhaul of the development code (including zoning and nuisance codes, especially components for Town Center, street standards, residential, commercial, telecommunications, conservation, administrative procedures, subdivision and PUD, stormwater, ROW/vegetation, traffic, tree preservations, property maintenance, etc.)

Conclusion

Improvements to development services, including a reduction in plan review turn-around, have been made during the past two years. More service improvements are still needed; some of these can be made in the near term and others will take longer. To help track progress, staff will use the Recommendations Chart in Appendix D and establish a work program to respond to the items.

Over both the short and longer terms, significant attention will be given to updating the development code. At least three other recommendations will be implemented this summer by improving procedures that directly respond to customer concerns identified in Mountlake Terrace studies. The three recommendations for immediate implementation are:

1. Institute a two-tier pre-application process that allows a different level of detail depending on the complexity or state-of-readiness of the proposal.

2. Distinguish more clearly between requirements for land use site plans and civil plans.
3. Assign one person to be the point of contact for each larger project.

Performance reports and additional recommendations for development services will be provided on an ongoing basis to the City Council and interested parties. The bottom line is that progress is underway and is expected to continue.

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Model Permit Report

By EDC Permit Streamlining Committee



Snohomish County EDC



December 2002



Model Permit Report

EDC Permit Streamlining Committee

Snohomish County EDC

Model Permit Report

EDC Permit Streamlining Committee
Snohomish County Economic Development Council

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Appendix

Committee Membership

Permit Streamlining Committee Focus Group Summary Report

Response to Questionnaire from Jurisdictions

Washington Competitiveness Council Recommendations on Regulations and Permitting

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Acknowledgements

In the years ahead, the Snohomish County Economic Development Council (EDC) will continue its commitment to fostering a climate where innovative problem solving and creative leadership can flourish. We will also continue our collaboration with partners that support and develop Snohomish County into a strong and vibrant economic force.

Whether we connect businesses with the resources they need to stay ahead or develop initiatives to strengthen our economy, we cannot achieve our goals without the investment of our volunteers. The expertise and guidance provided to our organization enable us to move ahead and enhance our collective prosperity and encourage economic investment in our community.

The EDC had the distinct pleasure of working with an enjoyable group of individuals representing business, neighborhoods, the environment, and local government, who together in building a model permit system. Without their contribution, this project would not be where it is today.

Our sincere thank you goes to:

- Paul Roberts, director of planning and community development for the city of Everett, who authored most of this report;
- Paul Roberts and Doug Burns, director of facilities for ICOS, for chairing the permit Streamlining Committee;
- All committee members for devoting their time and expertise to the development of the model permit system;
- Reid Middleton, Inc. for editing, designing, and producing the report; and,
- Snohomish County Airport (Paine Field) for sponsoring the cost of duplicating this report.

Diana Dollar
Policy Analyst
Snohomish County Economic Development Council



The Snohomish County EDC is a private, nonprofit organization that collaborates with businesses, citizens, and government to support and develop the County as a strong and vibrant economic force.

Our Sponsors:

Reid Middleton



Executive Summary

The Snohomish County Economic Development Council (EDC) recognizes that an efficient permit process is one of the best economic development tools at a local government’s disposal simply because, at some point, most businesses enter into the land use permit process.

For new businesses or businesses relocating to a jurisdiction, the land use permit system will be their first experience of how “business friendly” a community really is. In turn, a community ideally realizes liveable wage jobs and an enhancement to their quality of life as businesses expand or locate to their areas. Jobs and quality of life usually support local governments by adding to the tax base.

EDC Permit Streamlining Committee

Back in December 2001, the Snohomish County EDC formed a Permit Streamlining Committee (Committee) that consisted equally of local government officials, citizen, and private-sector representatives. Under the leadership of co-chairs Doug Burns, director of facilities for Bothell, Washington-based ICOS Corporation, and Paul Roberts, director of planning and community development for the city of Everett, the Committee examined, compared, and analyzed land use permitting processes, held focus groups, and sought out examples of effective land use permitting process reform.

The Question

The Committee asked a key question of local governments and private sector representatives: “What can or should an applicant and a jurisdiction do to make each stage of the permit process as efficient and effective as possible?”

In the end, they generated this joint public- and private-partnership report. At its core is the Model Permit System.

The Model Permit System

The Committee strongly believes that local businesses and governments can benefit by implementing the Model Permit System. As governments grapple with dwindling budgets, they can realize substantial benefits through an efficient and effective land use structure. Such a system can be a significant marketing tool for local governments seeking businesses to locate their communities. As well, an efficient and effective land use permit system will save both the public- and private-sectors funds.

Customer Service from Both Sides of the Counter. The six-stage Model Permit System is centered on a core message: Both the jurisdiction and applicant should take a customer service approach to permitting. This is especially important given that Washington State’s permitting system is arguably the most cumbersome in the United States. By customer service, the Committee recommends that both jurisdictions and applicants



promote staff and consultant competency, encourage and reward problem solving attitudes, approach permitting with a good attitude, and designate single points of contact.

Six-Stage Model Permit System

The six-stage Model Permit System is based around a three-component framework:

1. Jurisdictions should adopt and maintain efficient policies and procedures;
2. Jurisdictions should implement a hearing examiner system; and,
3. Jurisdictions should distinguish between simple and large, complex projects and expedite their reviews.

While these three steps focus on jurisdictional changes, the six-stage Model Permit System equally addresses steps the jurisdiction and applicant should take during each stage. Those stages include:

- Project Concept Discussions
- Pre-Application Submittal Meeting
- Application Intake
- Application Review
- Permit Decision
- Appeals Process

Conclusion

The Committee developed the Model Permit System under the belief that local governments and business alike will welcome the chance to streamline an ineffective process. The Committee encourages local jurisdictions and businesses to implement the recommendations in hopes of making Snohomish County that much more inviting a place to established businesses and a lure to those businesses that are considering this County their home.

Section One: Responding to the Washington Competitiveness Council Recommendations

The Snohomish County Economic Development Council (EDC) has begun a multiphased, multiyear initiative to encourage a healthier business climate in Snohomish County. The first step in this strategy was to recommend methods to streamline the land use permit process.

Improving the land use permit process has been an identified goal of the EDC for many years. The EDC Land Use Committee created the “Permit Streamlining/ Regulatory Reform” Committee (Committee), which developed this report and its recommendations.

This EDC initiative responds, in large measure, to recommendations of the Washington Competitiveness Council. Specifically, the Committee’s work addresses the Council’s recommendations relating to “Regulations and Permitting:”

- Reducing unnecessary delays;
- Creating certainty and predictability; and,
- Creating a positive regulatory culture with a bias toward making decisions.

The Washington Competitiveness Council recommendations address permit process consolidation and coordination, as well as full implementation of those elements of the Growth Management Act (GMA) that provide efficient land use permit processing. The EDC has adopted the Council’s recommendations and, by this initiative, taken a significant step toward improving land use permitting locally.

Committee Members and Mission

The Committee consisted of businesses, local government representatives, and citizens (**Appendix**, Committee Membership). The Committee’s mission was to create an efficient, effective, predictable model land use permit system. To accomplish this, the Committee agreed that Washington’s statutory framework for land use needed some significant changes as recommended in the Washington Competitiveness Council report; however, changes to state and federal statutes are beyond the scope and breadth of the Committee. Rather, the Committee examined the administrative land use permit process under the existing statutory framework. The Committee also made recommendations on what a model land use permit process might look like and how it might function at the local government level. This model permit structure can apply to other cities and counties in Washington State besides agencies within just Snohomish County.

Key Assumptions

The Committee clearly saw that parameters were needed to guide their efforts and adopted a set of key assumptions to guide its work:

- The permit streamlining work would be limited to working within the framework of existing state and federal environmental and land use laws.
- The focus of the work is within existing UGAs (urban growth areas).
- Existing model permit processes would be considered in the development of a model land use permit system.

The Committee’s mission was to create an efficient, effective, predictable model land use permit system.



Model Permit Report

EDC Permit Streamlining Committee

Snohomish County EDC

- Permit streamlining efforts would focus primarily on commercial and industrial land use, not building codes. Specifically, efforts would focus on:
 1. Issues underlying land use and comprehensive plans;
 2. Intensity of use;
 3. Capital facilities necessary to support the intensity of use; and,
 4. Site-specific details.
- Attitude and professionalism are part of the land use permitting process and need to be part of the permit streamlining discussion.

Framework

The Committee recognized that several efforts have been made over the years to streamline the state's land use laws and regulations. In the 1990s, the Governor's Task Force on Regulatory Reform and the Land Use Study Commission recommended significant changes to state laws regarding land use. Most recently, the Washington Competitiveness Council report made specific recommendations regarding permitting and procedures. Most relate to state actions though all of them have significant implications for land use administration at the local government level.

These efforts have been met with some success and were built upon the assumption that the GMA framework is the essential platform for managing growth. The Committee accepted the GMA framework as the basic foundation for its work. Also, the Committee chose to focus primarily on local government land use procedures and substantive issues within the framework of existing state and federal laws.

Section Two: Methodology

The EDC invited Doug Burns, director of facilities for Bothell, Washington-based ICOS Corporation, and Paul Roberts, director of planning and community development for the city of Everett, to co-chair the Committee. In December 2001, the Committee began meeting to organize its work. As noted previously, the Committee adopted a set of Key Assumptions. The Committee first looked at the basic regulatory structure, statutory framework, and administrative procedures used by local governments in land use administration. Next, the Committee examined the land use issues from the private-sector perspective then compared their issues to current local review systems. In comparing the two, the Committee developed a list of recommendations for streamlining the local land use permit review process (the model permit system).

Government Procedural Review

In January 2002, the Committee reviewed existing state and federal laws, specifically the State Environmental Policy Act (SEPA), GMA, Shoreline Management Act (SMA), and a host of other laws. The Committee reviewed a number of studies, reports, and publications including the Washington Competitiveness Council report published in December 2001, *Smart Permit, A Blueprint for Success* and various publications, articles, and studies related to growth and land use economics.

Private-Sector Information

On March 7, 2002, the Committee interviewed a number of private-sector representatives in a focus group. These interviews explored the simple and complex issues businesses face, and what does and does not work when navigating through local government land use permit procedures. Focus group leaders further solicited input on regulatory efficiency to better define the issues the private sector perceived as critical and to identify means of improving the regulatory process. A copy of *Permit Streamlining Committee Focus Group Summary Report* is in the Appendix.

Local Government Information

A questionnaire was prepared and distributed to local governments on what they perceived as issues in the regulatory process and what they were doing, if anything, to improve their land use permit systems. Local jurisdictions provided positive examples of their efforts and suggestions to improve the existing regulatory systems. The *Land Use Streamlining Response to Questionnaire* is in the Appendix.

Distilling Public- and Private-Sector Recommendations

Each group (business and government) commented on:

- Their experience;
- How they would change the systems if they could;
- What actions they would recommend; and,
- How their actions could improve the system.

At each stage, the Committee explored an essential question: "What can or should an applicant and a jurisdiction do to make this stage of the process as efficient and effective as possible?"



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The Committee assembled and analyzed the information and a model emerged that divided the permit review procedures into distinct categories or elements. The model elements were:

- Project Concept Discussion;
- Pre-Application Submittal Meeting;
- Application/Intake;
- Application Review;
- Permit Decision; and,
- Appeals Procedure.

At each stage, the Committee explored the essential question: “What can or should an applicant and a jurisdiction do to make this stage of the process as efficient and effective as possible?” The Committee’s answers are found in **Section Four: Issues** and **Section Five: Recommendations**.

Section Three: Private Sector Section – Why Is a Model Permit System Needed

For several years, the private sector has discussed the difficulties of navigating through the local permit systems in Snohomish County. Many have indicated that difficulties in permitting have prevented employers from building or expanding in particular communities. The Committee examined ways to improve the local permit process to create a more competitive business environment.

The Committee and EDC staff conducted a focus group and interviews with facility managers, engineers, land use attorneys, developers, real estate brokers, among others to explore the simple and complex issues businesses face when permitting large commercial and industrial projects in Snohomish County.

What Is Efficiency, Predictability, and Timeliness?

The challenge put before the building community was to define clearly what they meant by efficiency, predictability, and timeliness and then highlighted the actions that affected these desired outcomes.

Efficiency equals steps that:

- Reduce costs to taxpayers and/or the building community;
- Provide clear definitions of intake requirements and expectations of the jurisdiction;
- Ensure all jurisdiction requests for additional information occur simultaneously;
- Ensure the review processes remain consistent.

Predictability equals steps that:

- Give developers educated decisions about project opportunities;
- Feature permit application packets that outline all submittals requirements and estimated review times;
- Include process application outlines; and,
- Encourage consistent decision making.

Timeliness equals steps that:

- Prevent applicants from having to follow the permit constantly to ensure it does not sit on a reviewer's desk for extended periods;
- Provide accurate permit process timelines at the pre-application stage;
- Represent minimal turnaround times in review;
- Set realistic commitments for review timelines;
- Meet or exceed deadlines established by state law; and,
- Establish commitments on both sides of the table (developer and staff) to work together within the time frame agree upon.

Steps to Improve Permitting

Overwhelmingly, the building community expressed a need for greater clarity in expectations and requirements. Without clarity, problems inevitably arise during the permit review process. Time delays can result from inconsistent conditions placed on the applicant during the re-submittal phase or inadequate



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feedback before the initial application intake. Also noted were times when critical information was needed to complete an application but the alert was provided too late in the review process—in some cases notice of requirements came six months after the review process began.

Members of the building community suggested ways to address the clarity problem:

- Ensure all staff reviewing the plan participate in a pre-application or initial technical review meeting; and,
- Assign a single point-of-contact to work with the applicant throughout the duration of the review process.

Promote Consistency in the Review Process

Across the board, concerns pointed to issues of consistency in code interpretation and how this affects the applicant's ability to serve his or her client by meeting deadlines predictably. Even in jurisdictions with timely and predictable permit systems, the building community believes that staff still struggles with consistency in code interpretation.

Suggested Ways to Improve the Consistency Problem

- Allow for a small or simple review formats for projects that are considered “standard” or “simple.” This frees up staff time for review of more complex projects.
- Provide the applicant with a checklist that describes what is needed for project approval.
- Rectify codes that are complicated and overlapping.
- Make sure all departments and districts interpret codes in the same manner.
- Assign one person to work with the applicant who explains the process, interprets issues along the way, trouble shoots, and fosters a partnership with the applicant.
- Encourage active participation between jurisdiction and applicant by having team meetings with the applicant regularly.

Integrate Customer Service into the Permit Review Process

Most private-sector representatives believed that jurisdiction counter staff approach applicants with good intentions. When asked about customer service, focus group participants divided their responses into two types of categories:

1. Relationship between staff and the applicant; and,
2. Manner in which the administration managed the actual review process.

Suggested Ways to Improve Customer Service

- Return telephone calls quickly.
- Hold follow-up meetings to address applicant questions on requirements or comments or questions.
- Empower counter staff so that they can answer critical questions and ensure timely follow up by those with the right expertise.
- Establish a culture of leadership for the review process.
- Remain objective by eliminating activist attitudes.
- Be proactive and let the applicant know if application information is missing.



Managing the Permit Application Process

Many in the building community have expressed an overall concern that Snohomish County does not appreciate the value businesses bring to the community: economic vitality, family wage jobs, charitable contributions, and more. When systems are kept inefficient and expensive, public officials appear unresponsive to the value of time and how a lengthy review process impacts the location of jobs and tax revenue for the community. Local governments can make significant positive overtures to businesses by implementing the model permit system. In addition, business will gravitate towards those local jurisdictions that make the permit system friendly without compromising the integrity of the environmental and public involvement processes.

Recommended Steps for Managing the Permit Process

- Implement a simultaneous rather than step-by-step review process.
- Establish decision making authority that ensures timely decisions and reduces a top-heavy management chain within the review agencies.
- Eliminate a culture where one reviewer can halt the entire review process.

Section Four: Issues

Efficiency in the Regulatory Process

The Committee agreed with the spirit of the Washington Competitiveness Council that applying the regulatory process efficiently is essential to improve the state's economy. To this end, efficiency is a major focus of this report and built into the model permit system.

The Washington State legal structure is responsible for much of today's regulatory tangles. Arguably, no other state in the Union addresses land use in as cumbersome a fashion as Washington. In contrast, Oregon shares the same reputation as Washington for a strong environmental ethic; yet, Oregon has implemented a growth management law that is effective, manageable, and less cumbersome. Oregon does have more history with strong growth management laws. The state adopted its laws in the 1970s versus 1990 and 1991 for Washington. Also, Oregon has no SEPA or SMA and has a fully consolidated land use appeals process.

Arguably, no other state in the Union addresses land use in as cumbersome a fashion as Washington.

As land use laws have been adopted in Washington, the state legislature has not coordinated or consolidated them with existing laws. The result is a complex structure with excessive procedural requirements. Such a structure is understandably challenging to businesses that are driven by the time value of money and that cannot afford a land use structure that is unable to produce certain and predictable responses in a timely fashion. Likewise, Washington's cumbersome structure is challenging to the local governments responsible for administering such laws. This structure is inefficient, costly, and complex. Furthermore, the State does not provide sufficient funding for administering what are essentially unfunded state mandates.

There is a clear recognition by most building community professionals that respecting the existing collection of laws ultimately supports an efficient review of a permit application.

Most developers and planning agencies want to do their work efficiently. There is a clear recognition by most building community professionals that respecting the existing collection of laws ultimately supports an efficient review of a permit application. Efficiency, used here, relates to administering existing laws not to weakening the protections for environmental resources. In other words, how can we plan work, add value to the communities we serve, and execute this work efficiently?

Clarifying and Separating Land Use Roles and Functions

The land use process, like other governmental procedures, benefits from a clear structure. The separation of powers – policymaking (legislative), administration, and judicial – is an essential structure to be observed and practiced in planning and land use administration. Given recent court decisions, this is especially important. The decisions have been costly to local governments and have exposed local officials to personal liability.

The Committee's research determined that, in general, when a jurisdiction's legislative body (for example, city council) takes on what should be administrative or quasi-judicial roles significant inefficiencies and

liability are introduced. Therefore, the Committee recommends that jurisdictions use a hearing examiner process (discussed further in **Section Five**).

A quasi-judicial proceeding is one in which the elements of procedural due process apply and generally involves a public hearing on a permit application required by state statute. Quasi-judicial land use hearings concern matters including subdivisions, variances, conditional use permits, shoreline permits, SEPA appeals, and appeals of administrative decisions or determinations.

Quasi-judicial matters should be addressed by some entity other than city or county council members who were elected to be legislators rather than judges. In most instances, the appropriate entity to address land use administration is an administrative department (for example, planning or building) or an administrative law judge or hearing examiner. There are instances where the elected or appointed officials may be involved in quasi-judicial matters; however, it is in the interest of the jurisdiction and the tax payers to limit such instances.

Washington State courts have repeatedly held in favor of applicants/developers who have been delayed or harmed because of city or county councils abusing or confusing their legislative roles with land use administration. In such cases, the taxpayers often have been asked to foot the bill for the very development that is objectionable to the elected officials. Where the legislative body confuses its role with administrative or judicial roles, there is serious risk of liability exposure to the taxpayers and to the elected officials.

Case Examples

A few of the cases are worth noting. The first is a case out of Snohomish County, *Lutheran Day Care v. Snohomish County*, 119 Wn.2d 91 (1992). In this case, the court ruled that the County acted in an arbitrary and capricious manner in denying a conditional use permit and that the denial constituted a deprivation of civil rights. The court also found that the denial of due process and violation of rights resulted in potential personal liability for the decision makers. Thus, not only were the taxpayers liable for the overruled actions of the elected and appointed officials in the discharge of their duties, but the immunity usually granted to these officials was not absolute, meaning that elected officials could be found personally liable for their actions.

In *Cox v. Lynnwood*, 72 Wn. App. 1 (1993), the court found the City of Lynnwood to have acted in an arbitrary and capricious manner in the denial of a boundary line adjustment. The court held in favor of the applicant and further provided for the applicant to recover its attorney's fees from the city.

A more recent case from the Spokane area is *Mission Springs v. City of Spokane* 134 Wn. 2d 947 (1998). The court found that the city council unlawfully interjected itself in the issuance – or in this case the denial – of a building permit. The actions of the City Council were contrary to the advice of the City's legal counsel. Like the Lutheran case, Mission Springs raised liability issues for the City of Spokane and the individual, and personal liability for the decisions makers – the City Council. In the legal action that followed the city council's denials, all of the City Council members and their spouses were named in a lawsuit seeking injunctive relief.



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As a result of these cases, the entities that provide municipal insurance to local governments have begun to pay attention to how local governments discharge the administration of their land use responsibilities.

Where the legislative body confuses its role with administrative or judicial roles, there is serious risk of liability exposure to the taxpayers and to the elected officials.

Local governments have a powerful incentive to clarify the basic role of government with respect to land use permitting authority. The legislative, administrative, and judicial functions are best kept separate.

The Responsibilities of the Applicant and the Jurisdiction

The Committee questioned the responsibility of the participants in the land use process. Based on anecdotal information and observations, the Committee found that the attitude of the applicant and jurisdictional staff can have a profound positive or negative affect on a particular application's outcome.

Applicants

Applicants want to see a well-organized, professional staff that knows its work and executes it positively. They want an understandable permit system where the procedures are clear and the processing timelines are known and reliable. Codes should be well organized and in a user-friendly format. Because applicants are frequently not land-use specialists, they may be confused or intimidated or both at the cumbersome nature of Washington's land use laws and procedures. To them, the studies and long time frames associated with an application may not appear necessary. They may not understand the need to build a record for decisions that a jurisdiction must make and may later have to defend.

Applicants who understand the processes want them coordinated. They want to be informed of their responsibilities, including:

- How the procedure will unfold;
- When studies are to be done;
- How quickly their application will be acted upon; and,
- What the decision process will be.

Applicants, particularly professionals in the land use business, want to be assured that the application is being coordinated and someone is paying attention—preferably by someone who has a professional attitude and works for an organization that values clear communication and responsive decision making.

Jurisdictions

From the jurisdiction's perspective, the staff wants to work with competent applicants and for an organization that values what they do and the processes they are obligated to apply. Staff wants to deal with applicants who understand the land use process or who are willing to learn. They know that almost any project can have significant pitfalls, which must be addressed. Jurisdictional staff would like to see applicants who are responsive and provide critical information and the necessary studies to support the application in a timely manner. Argumentative or difficult applicants frustrate the procedure and ultimately complicate the process.



The Committee found that the less tangible attributes are extremely important to those on both sides of the counter, including a positive attitude, strong “people” communication skills, professionalism, and respect for the process and the people who participate.

Public Involvement

Washington’s land use laws are rich in due process and public involvement. Virtually all land use statutes (GMA, SMA, and SEPA) have significant public involvement components. In SEPA, the disclosure of impacts to decision makers before decisions are made and the requirement for public notice and comment are principal elements of the law. GMA requires early and continuous public involvement in plan and policy development. SMA carries special provisions related to the common law “public trust doctrine.” Each law has evolved with accompanying administrative law and judicial interpretations supporting public involvement.

The Committee found that the less tangible attributes are extremely important to those on both sides of the counter:

- Positive attitude;
- Strong “people” communication skills;
- Professionalism; and,
- Respect for the process and the people who participate.

Under these laws, early public involvement in developing land use policy and plans is the most important aspect to building public support for subsequent land use permitting decisions. Jurisdictions that fail to take public involvement seriously add significant risk to the process. Conversely, jurisdictions that provide for early meaningful public involvement can significantly enhance the efficient administration of the land use process.

The Committee recommends that jurisdictions have clear and understandable opportunities for public involvement in developing land use plans and policies. Similarly, the land use permitting process should provide for an early public notice and on-going public involvement through the application’s life.



Section Five: Recommendations for an Efficient Land Use Structure

The Committee hopes these recommendations will serve as a beginning for discussion and examination of land use practices for local governments. For applicants, we hope that these recommendations will help them understand the complexities of land use practices in Washington State and the steps that they can take to expedite land use matters. For citizens, we hope the recommendations will inform and direct their efforts.

Local Governments Should Adopt and Maintain Efficient Policies and Procedures

Despite the complex structure of Washington’s land use laws, local governments should strive to maintain clear policies and procedures. The Committee recognizes that this is a complex matter demanding time, staff, funding, and the “political will.” Jurisdictions must want to create an efficient permit system. Next, they will likely have to reform their land use plans and codes systematically. Developing and maintaining efficient land use policies and practices is an ongoing effort.

All local Snohomish County governments are obligated to prepare plans under the GMA and to follow SEPA and SMA where appropriate. No local government can prepare such plans and policies alone. Preparing local plans and policies is extremely dynamic as local land use laws undergo constant change. For example, the GMA (passed in 1990, amended in 1991) set a number of deadlines that led to the adoption of comprehensive plans in 1995.

Developing and maintaining efficient land use policies and practices is an ongoing effort.

While this work was going on, the Governor’s Task Force on Regulatory Reform attempted to address the integration of GMA with SEPA and SMA. The legislature updated these laws in 1995; they also created the Land Use Study Commission. In 1996 and 1997, the Land Use Study Commission made recommendations to the legislature. The recommendations resulted in major changes to the statutes that govern land use, shorelines, and land use procedures. As a result, a number of changes have been made to administrative laws governing how plans and policies are assembled. In 1996, we first learned of the potential of listing of salmon and other species under the Federal Endangered Species Act (ESA). In 1998, salmon were in fact listed. Further listings under ESA are still possible. In the past 12 years, local land use and shoreline issues have been under constant change and scrutiny. Meanwhile, state and federal agencies are still unable to provide clear and concise direction regarding the application of local land use laws.

The Committee acknowledges that this lack of a consistent and reliable federal and state framework makes the job of local governments more difficult. Local jurisdictions should conduct an analysis of its underlying statutory frame work to ensure inconsistencies do not prevent efforts to build an efficient permit review process.

Implement a Hearing Examiner System

As mentioned in Section Four, a jurisdiction should implement a hearing examiner system to:

- Provide for the administrative review of more complex permits; and,
- Address the appeals to administrative permit decisions.

Elected officials should not serve as a quasi-judicial hearing board for land use matters.



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The hearing examiner should serve as the final administrative review body for appeals to administrative decisions. Except where the hearing examiner may review land use matters that are legislative in nature and require (by statute) action by the local legislative body, the hearing examiner's decision should be final and appealable to Superior Court. The hearing examiner can provide the open record hearing as prescribed under state laws; the hearing examiner establishes a clear record including written findings of fact, conclusions of law, and a land use permit decision. Creating the hearing examiner structure and delegating the final administrative decision making to this position should provide the quasi-judicial structure required by law for review of land use decisions.

Adopt a Hearing Examiner Procedural Ordinance. Local governments adopting a hearing examiner system should adopt a procedural ordinance as well. The procedural ordinance, at a minimum, will provide clear authorization for the hearing examiner, defining roles and responsibilities, powers, duties, and qualifications. The ordinance may address matters such as hearing, review, or concurrent review procedures; notice provisions; timely submittal of information; reconsideration; appeals; and such other matters concerning the conduct of the hearing process. These matters need to be addressed in the jurisdiction's municipal code.

Separate Simple Projects and Expedite Their Review

Jurisdictions experience projects of differing complexity. Projects such as home remodels or simple building permit applications can and should be separated from more complex projects at point of entry into the system. From the counter, jurisdictions should expedite simple projects through the land use system unless there is an issue warranting further review. Simple permits can be addressed in days if sufficient trained staff is available.

Implement Six Stage Review Process for Significant Projects

The Committee's work primarily focused on land use review procedures undertaken by local governments for projects that are major in size or complexity. Typically, these projects require significant amounts of staff time and attention. They also have a greater likelihood of experiencing delays and a greater impact on the County or local area's economic health.

As a result of the Committee's research and discussions, it developed the procedure set forth in Figure 1 "Review Process for Large, Complex Projects: Jurisdictions" and Figure 2 "Review Process for Large, Complex Projects: Applicants." There are six steps identified in the Review Process. In each step, the Committee examined the roles of the jurisdiction and applicant. The recommended review process is described in the following steps from the perspectives of the jurisdiction and applicant.

A Customer Service Approach to Permitting

Both jurisdictions and applicants should take the following steps:

- Promote staff/consultant competency
- Encourage and reward problem solving attitude
- Approach permitting with a good attitude
- Designate single points of contact

Six-Stage Model Permit System

Stage One: Project Concept Discussion

The project concept discussion is the communication that takes place before the formal application submittal—in effect, a very early pre-application discussion. This communication may be verbal or written



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and usually focuses on the nature of the proposal and on the requirements of the land use process (comprehensive plan, zoning, type of use, intensity of use, review procedures) that relate to the prospective application.

Often this stage is very informal. Rarely, if ever, is this stage recognized in local land use codes. Yet many basic decisions are made in this stage regarding the nature and character of the application. Therefore, early communication is essential for the development and efficient processing of the application.

Jurisdiction: Communicate Early and Often

To recognize issues associated with early-stage applications, the jurisdiction will want to promote staff competency and training. Positive problem-solving attitudes are extremely important. The person at the counter may be the first encounter applicants will have with the jurisdiction. How applicants are treated may form a lasting impression of the jurisdiction's willingness to support development. If the development is consistent with adopted plans, the jurisdiction's best interests lie in understanding the details of the application and communicating the appropriate requirements. At this preliminary stage, the jurisdiction will want to:

- Define land use and permit requirements;
- Define land use processes that are likely to apply;
- Identify potential issues, concerns, or problem areas;
- Provide materials that explain the more common land use procedures; and,
- Foster good communication between the staff and the public – developers and citizens.

Stage One: Project Concept

Jurisdiction and Applicant

Jurisdictional Steps

- Develop Cohesive Permit Process
- Define Requirements
- Define Process
 - Promote Communication
 - Process brochure
 - Counter hours (clearly stated times and days with extended hours if possible)
 - Regular updates
- Promote Early Public Participation

Applicant Steps

- Hire Consultant
- Review Jurisdiction Checklist

Applicant: Hire a Consultant

The applicant needs to approach the process with a positive, problem-solving attitude. Ill tempers or special treatment expectations will likely not elicit a positive reaction or quicken staff response. To the extent that submittal information is developed conceptually without extraordinary investment, it will be helpful and could require less extensive redesign (if required). The land use process could require some redesign or alteration of a conceptual plan (in response to specific requirements contained in applicable land use regulations and information developed during field review of the proposed project).

For any major project, applicants should retain the services of competent consultants early on. They should spend time communicating and understanding what the process will require and what the time lines and expenses will be. The relationship between the jurisdiction, applicant, and consultant may be the most critical factor in



successful, efficient application processing. This three-way relationship depends upon open communication and clear expectations. Many Committee members cited the failure of communication between the jurisdiction and the consultant or the consultant and the applicant as a major reason for problems with applications.

Stage Two: Pre-Application Submittal

The pre-application submittal is when some form of application enters the system and the jurisdiction establishes a record of the application. Many jurisdictions recognize the pre-application submittal in their codes or land use procedures.

The pre-application submittal is often a conceptual site plan with enough detail to identify the nature of the proposal and the key physical characteristics such as building locations, roads and utilities, streams, and wetlands. In drafting the pre-application, the applicant and its consultant should make positive use of the insights obtained from staff in the project concept discussion.

Within the jurisdiction, staff—usually planning staff—should circulate this submittal to appropriate departments (for example, public works, parks, fire and police). In turn, these departments review the submittal, raise questions, offer comments, and identify additional information they may need to process the application. The applicant and the jurisdiction should schedule a pre-application conference. In the conference, they should review these comprehensive comments and the conceptual application together. The information should be used by the applicant to revise or redesign the application.

Jurisdiction Steps

The jurisdiction should:

- Have clear policies that require pre-application review for all significant projects;
- Encourage applicants to bring representatives of their development team to the pre-application meeting;
- Organize circulation of pre-application submittals with a checklist and coordinate the review and pre-application meeting with other departments within the jurisdiction;
- Assure that other departments take the pre-application procedures seriously;
- Train staff to conduct pre-application reviews and to seek an open and candid dialog with applicant team;
- Identify issues at this stage of review;

Stage Two: Pre-Application

Jurisdiction and Applicant

Jurisdictional Steps

- Promote Participation of Applicant and all Reviewers in Pre-Application Meetings
- Generate Pre-Application Checklist
- Encourage a Two-Week Time Frame for Pre-Application Process
- Provide Applicant with Environmental Information
- Conduct Ongoing Staff Training to Address Applicant Questions

Applicant Steps

- Develop Quality Submittal
- Hold Private, Pre-Submittal Meeting with Consultant to Perform Quality Control Check (Compare against Jurisdiction Checklist)
- Participate in Pre-Application Submittal Meeting
- Encourage Meetings with Neighborhood Groups
- Ensure Consultants and Plan Reviewer Discuss Comments from Pre-Application Meeting
- Obtain Required Environmental Permit Application Information



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- Establish how issues will be addressed;
- Identify any special studies and environmental or other analyses that will be required as part of a complete application;
- Advise the applicant of appropriate public involvement, notice, and potential discussions with surrounding property owners, neighbors, and neighborhood organizations, if any.

Applicant Steps

The applicant and its consultant should:

- Scope its project before the pre-application process;
- Avoid being locked into a rigid or detailed design or plan prior to the pre-application review to the best extent possible;
- Participate in the pre-application process directly or delegate someone who has the authority to fully direct the application;
- Bring representatives of the design team, as appropriate;
- Communicate with its consultant/design team before and after the pre-application review and encourage completeness of information submitted to the jurisdiction; and,
- Work through the pre-application checklist with the jurisdiction representatives at the meeting and the consultant/design team following the meeting.

Stage Three: Application Intake

Application intake is where the application is formally accepted by the jurisdiction and the processing clock begins ticking. The application should reflect all changes discussed in stages one and two and be accompanied by all supporting documentation. A fairly clear site plan should accompany the application. The jurisdiction also has an obligation to state upfront the land use procedures that apply and estimates of the time frame for processing the application. Projects typically vest at this stage of the process and will be processed under the regulatory structure that is in existence as of the date the application is received.

Jurisdiction Steps

The jurisdiction should:

- Foster a culture where supervisors and managers know application review is a high priority;
- Designate a single point-of-contact for the land use and environmental review at the very least; this person should be responsible for shepherding the project's review between departments and for taking the application through the steps prescribed by code;
- Establish internal procedures that support and reward simultaneous review of the application by departments;

Stage Three: Application Intake

Jurisdiction and Applicant

Jurisdictional Steps

- Develop Integrated Review Process that Holds Simultaneous Reviews
- Encourage Organizational Consistency in Interpreting Codes
- Determine Application Completeness at Counter
- Designate Single Point of Contact
- Provide Applicant with Public Procedures and Notification Methods
- Hold Intake Meetings for Complex Projects
- Encourage Public Participation

Applicant Steps

- Designate Single Point of Contact
- Hold Consultant Meeting
- Encourage Meetings with Neighborhood Groups
- Conduct Continued Review with Consultant



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- Develop an integrated review procedure for all appropriate departments;
- Conduct some form of intake review and project assignment, particularly for larger projects;
- Design a structure that responds to the completeness of the application at the intake counter, rather than accepting an incomplete application and notifying the applicant within 28 days of that incompleteness; and,
- Provide appropriate public notice, including to neighborhood organizations.

Applicant Steps

Applicants should:

- Designate a single point-of-contact who will be responsible and authorized to act on behalf of the applicant and who will be responsible for the items listed here;
- Develop a structure to coordinate comments among the consultants and development team;
- Coordinate the review of comments between the jurisdiction and members of the development team;
- Follow up with the jurisdiction to assure that communication is moving and issues are being addressed and resolved;
- Seek clarification, as appropriate, for issues arising from the review process; and,
- Assure that the declaration of completeness is accomplished.

Stage Four: Application Review

During this phase, the details of the application are being reviewed and the various decisions/permits are being prepared. This is where:

- The various studies and supporting documentation are reviewed;
- Conditions and mitigation measures are recommended or prescribed; and,
- Basic framework for the approval is prepared.

If a public hearing is required, at this point, the hearing process will begin; materials for the hearing are prepared and submitted according to jurisdictional procedures. If there is no hearing, public notice and comment will likely be provided. Most large or complex projects undergo some public notice and comment procedure.

Jurisdiction Steps

The jurisdiction should:

- Use the checklist to help the application through the process; all departments should use this checklist to manage the review applications;
- Conduct either formal or informal internal review discussions before communications are sent to the applicant;

Stage Four: Application Review

Jurisdiction and Applicant

Jurisdictional Steps

- Conduct Simultaneous Reviews
- Have a Reviewer's Checklist for all Reviewing Bodies
- Encourage Consistent Code Interpretation
- Conduct Internal Review Meeting prior to First Comment Letter
- Determine if Public Meeting Is Necessary
- Hold Review Internal Meeting AFTER Public Meeting
- Send One Complete Comment Letter for Re-Submittal

Applicant Steps

- Meet with Staff and Consultant to Review Revision Requests
- Establish Dialogue between Design Team and Reviewers
- Assemble Revisions for Re-Submittal
- Check all Review of Re-Submittal Information



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- Conduct and coordinate the public review and comment process with clear and simple directions that explain the public’s role with regard to the application, what they are being asked to comment on, and what will happen to their comments;
- Conduct or coordinate public hearings, if required, with available written procedures if not a procedural ordinance that governs the hearings;
- Follow the public comment or hearing process with an internal review of the application and prepare a written decision for the applicant;
- Communicate clearly regarding the hearing process and decision to all parties of record; and,
- Ensure the single point-of-contact is communicating and working with the applicant throughout the process.

Applicant Steps

The applicant should:

- Work with staff to coordinate public comment/hearing proceedings, assuring that appropriate consultants are present and make presentations as needed; and,
- Coordinate comments and meetings as appropriate.

Stage Five: Permit Decision

Under state law, the decision process for some permits requires a hearing; for other types, no hearing is required. If a hearing is required, the procedures for issuance of a decision and the time frame for motions for reconsideration or appeals need to be clearly spelled out in the hearing examiner procedural ordinance.

For instance, state law provides for no more than one open record and one closed record hearing for land use matters. The hearing examiner must provide a consolidated hearing review for all matters. That hearing will serve as the open record hearing for the application. Subsequent reviews can be to Superior Court, which would then serve as the closed record review. This may be the most efficient process possible under state law and places the hearing examiner in the position as the final arbiter for the jurisdiction. However, a jurisdiction organizes its procedures, they should be clearly spelled out in a procedures ordinance.

If no hearing is required, the jurisdiction must provide a notice of decision. The notice of decision should be a clearly written decision document/permit approval with clearly stated conditions.

Stage Five Permit Decision

Jurisdiction and Applicant

Goal - Promote administrative or hearing examiner to de-politicize the decision making process

Jurisdictional Steps

Administrative Decision

- Create Standardized Administrative Decision Format
- Provide Applicant with Enforceable and Clear Follow-Up Conditions

Hearing Examiner

- Send Staff Report along with Conditions and Recommendations
- Consolidate All Hearing Matters
- Issue SEPA Determination
- Provide Applicant with Enforceable and Clear Follow-Up Conditions

Applicant Steps

Administrative Decision

- Review Conditions for Clarity

Hearing Examiner

- Review Recommended Conditions
- Clarify Points with Jurisdiction



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Stage Six: Appeals

Appeals may be made to a department’s administrative decisions or to those of a hearing examiner. As noted, the committee recommends that jurisdictions use a land use hearing examiner to:

- Review complex permits where hearings are required; and,
- Hear appeals of administrative decisions.

Further appeals of a hearing examiner’s decisions should be to Superior Court or to the Shorelines Hearings Board for shoreline permits. Appeals of administrative decisions should be expedited and handled within a prescribed time frame. Most appeals should be addressed within 90 days at the administrative level; this is the time frame specified in the regulatory reform statute (RCW 36.70B).

Training and Support for Land Use Staff

To achieve effective and efficient land use administration, staff must be prepared to do their jobs well. Jurisdictions should provide adequate training that covers:

- Technical matters and communications
- Mediation and active listening skills
- How to work with difficult people and difficult conflict situations
- Presentation skills

Staff should be recognized and rewarded for good performance. Management should create an ethic that supports decision making and a positive attitude when working with the public, applicants, and citizens.

Stage Six: Appeals

Jurisdiction and Applicant

Goal - Promote an efficient and timely appeals process

Jurisdictional Steps

- Use Hearing Examiner Decision-Making Process
- Have Hearing Examiner Conduct a Prehearing Conference
- Provide Clear Hearing Procedures
- Consider Mediation Process as Option
- Ensure Clear Reconsideration Process

Applicant Steps

- Meet with Jurisdiction to Resolve/Address Disputes if Necessary
- Use Counsel during the Appeals Process
- Consider Mediation Process as Option

See Figure 1



See Figure 2

Section Six: Permit Time Frames

Time and cost involved in securing a permit are the ultimate measures of permit streamlining are a function of several factors:

- Complexity of the application
- Whether the application involves sensitive environmental issues
- Clarity of policies
- Staffing levels of the jurisdiction
- The attitude of the parties

Recommended benchmarks for application time frames are an important part of streamlining the permitting process. A number of variables exist. The recommendations are general here and depend upon sufficient staffing levels and the jurisdictions implementation of other recommendations in this report. The recommended time frames vary depending upon the type of permit and its complexity. Overall, the Committee established these time frames under the assumption that the jurisdiction has aggressively chosen to develop an efficient permit processing structure.

The recommendations are divided into five categories of permits, from the most simple to the most complex. The permit processing times are based on the best possible set of circumstances for both the applicant and the jurisdiction.

Minor Administrative Review

Minor permits are ministerial actions that are permitted outright in the codes. These involve simple home remodeling permits, sign permits, nonconforming use determinations, boundary line adjustments, zoning code compliance, landscape modifications, accessory dwelling units, and home occupation permits. Minor in nature, these permits may not require any notice to surrounding property owners. Some can require considerable research before a permit can be granted (for example, a nonconforming use determination). Nevertheless, these permits can be processed in seven to 30 days (assuming no complications, no opposition, and no appeal). Some of these permit applications can be granted over the counter or within one to two days. Separating minor actions from more complex land use proposals – and quickly disposing of them – will free up staff to concentrate on more complex projects. As noted earlier, this approach will enhance the reputation of the department and the jurisdiction as a “good place in which to do business.”

Time Frames for Different Permit Review Processes

<i>Review Type</i>	<i>Time Frame</i>
Minor Administrative Review	7 to 30 Days
Administrative Review	2 to 4 Months
Hearing Examiner Review	2 to 4 Months
Legislative Review	10 Weeks to 1 Year



Administrative Review

Administrative reviews require some discretion on the part of the jurisdiction, usually the planning department or planning director. Administrative reviews often require notification of adjacent property owners and review under SEPA, but do not require a hearing. Examples of administrative reviews include preliminary subdivisions less than 50 lots and short subdivisions, and administrative shoreline permits. Where SEPA reviews are required there is a 45-day minimum review time to meet the procedural requirements assuming no significant issues are involved. Administrative reviews can be processed in two to four months (assuming no complications, no opposition, and no appeal).

Hearing Examiner Review

The hearing examiner review involves the exercise of discretion through the hearing process. The hearing examiner can approve an application outright, approve it with conditions, or modify or deny an application based upon the applicable local ordinances. The hearing examiner may have the authority to apply state and federal laws too, depending upon the local ordinances and state and federal law. The ordinance that establishes the examiner's authority should provide criteria governing how the examiner exercises their discretion. Some examples covered under the hearing examiner's review include subdivisions, major shoreline permits, conditional use permits, appeals of administrative reviews, variances, and expansion of nonconforming uses. The length of the hearing process may depend upon the procedures involved and the complexity of the matters being heard. Hearing examiner reviews can be processed in two to four months (assuming no complications and no significant opposition).

Legislative Review

The legislative review involves the exercise of the greatest amount of discretion on the part of the jurisdiction. Where the other review processes are administrative in nature or involve a hearing examiner, they all involved a measure of entitlement of property rights or presumed entitlement on the part of the applicant. The legislative review may involve the conveyance of such rights and may be entirely discretionary. The legislative review is not subject to any time frames except those set by the jurisdiction itself. The legislative review process usually begins with review by a planning commission that is advisory to the elected council. The planning commission establishes a record and a recommendation and passes both along to the council for final action.

Examples of matters reviewed in this way include rezones, changes to the comprehensive plan, comprehensive plan changes, and changes to the text of the zoning code, other codes, or ordinances related to land use. Legislative reviews typically will require more time than other matters. Amending the comprehensive plan can be done only once a year and requires a docketing procedure. Almost all legislative matters require review under SEPA. Legislative reviews can be processed in ten weeks to one year or more presuming the council wishes to take an action. Emergency actions can be taken in days depending upon the procedures of the local legislative body.

Section Seven: Issues for Future Work

The Committee identified a number of issues that were worth noting in the hope that the EDC and others would consider them for future action. These were outside of this Committee's scope. Also, most of these issues require some changes to state statutes or actions by organizations other than general-purpose local governments.

Consolidation of Land Use Laws Under the GMA

Washington and California are the only states in the Union that have GMA, SEPA, and SMA statutes. In Washington, each of these statutes has its own procedural structure, appeals process, and public involvement structure. In 1995, the legislature enacted the regulatory reform statutes, partially consolidating elements of SEPA and SMA into the GMA, but it failed to fully consolidate these laws. This lack of consolidation and coordination adds substantially to the time and cost of doing business in Washington for both private and public sectors. These laws need to be fully consolidated for jurisdictions planning under the GMA.

SEPA Administration Under One Jurisdiction

Keeping with the need to consolidate land use procedures, SEPA provides for any public agency to conduct the SEPA review on its own projects even though the land use permit process is the responsibility of the local government. Under these procedures, ports, PUDs, school districts, and other government agencies conduct the environmental review for a project while the land use permit process is conducted by the local government. These circumstances make it impossible to consolidate the land use record or to consolidate the appeals process for many public projects. This aspect of SEPA should be changed, along with the consolidation of existing state land use laws.

State and Federal Coordination

State and federal agencies are often late comers to the land use process. They do not fully recognize the responsibilities that rest with local governments under GMA. This lack of coordination is evident when developing plans and policies, and at the project review stage. It is common for such agencies to provide comments after the review deadline, complicating the permitting process. In many instances, state and federal agencies can coordinate their jurisdictional interests with those of other agencies and the public. The land use process would be better served by such an approach.

The Washington Competitiveness Council Report

The Washington Competitiveness Council makes a number of recommendations addressing regulations and permitting. Many are beyond the scope of this Committee's efforts. However, the EDC and others should review these recommendations and consider support for these recommendations. The recommendations made by this Committee are intended to be consistent with those made by the Washington Competitiveness Council. A copy of the Washington Competitiveness Council recommendations regarding regulations and permitting is included in the Appendix of this report.

Special Purpose District Coordination

Washington State has more special government districts than nearly any other state in the Union. These Districts need to coordinate urban services with GMA planning under the direction of general-purpose



governments (cities and counties). Budgets and plans for special-purpose districts need to be consistent with adopted GMA plans. Furthermore, special-purpose district services need to be coordinated at the permit level with the local government responsible for issuing the permit.

Annexation Reform

When GMA was adopted, annexation laws were not changed. Consequently, the assertion of jurisdiction by cities to serve urbanizing areas has not kept pace with population and job growth. As a result, areas are developing with poor levels of service and standards. This issue has been made worse by recent state Supreme Court decisions making annexations even more difficult. An overhaul of annexation laws is long overdue in Washington and is essential if GMA and urban services are to be efficiently delivered to citizens and businesses.

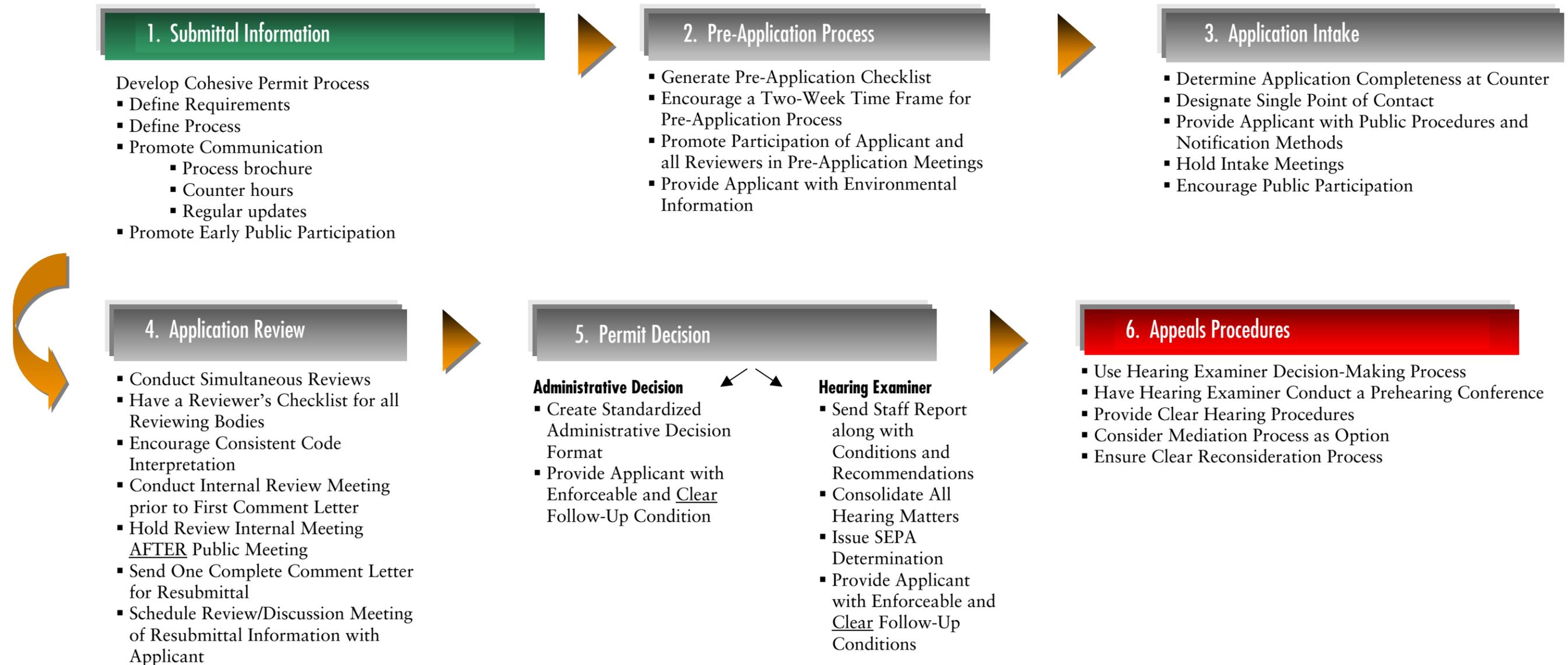
REVIEW PROCESS FOR LARGE, COMPLEX PROJECT APPLICATIONS

Jurisdiction

A Customer Service Approach to Permitting

Both jurisdictions and applicants should take the following steps:

- Promote staff/consultant competency
- Encourage and reward problem solving attitude
- Approach permitting with a good attitude
- Designate single points of contact



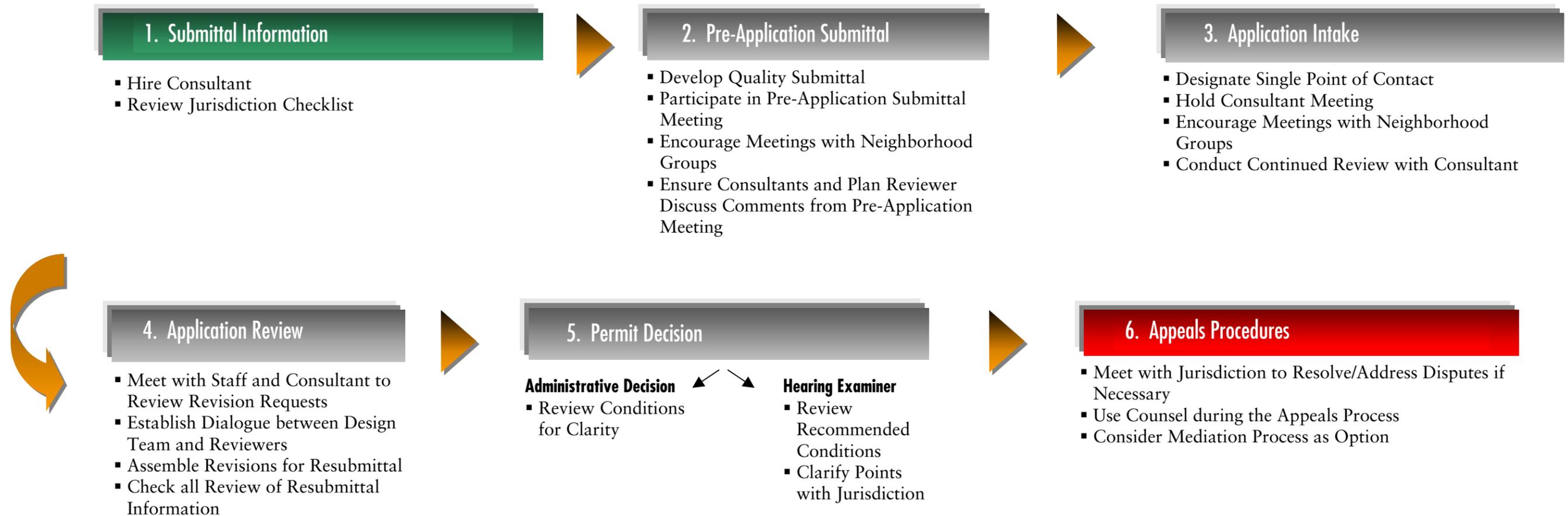
REVIEW PROCESS FOR LARGE, COMPLEX PROJECT APPLICATIONS

Applicant

A Customer Service Approach to Permitting

Both jurisdictions and applicants should take the following steps:

- Promote staff/consultant competency
- Encourage and reward problem solving attitude
- Approach permitting with a good attitude
- Designate single points of contact





Customer Service Study

Prepared for

*City of Mountlake Terrace
Community Development Department
Development Services*

July – August 2006

Research Conducted by:



BETS Consulting, Inc.

Customer Service Study

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Customer Service Study

INTRODUCTION

This Study was commissioned by the City of Mountlake Terrace's Community Development Department. The Department assists builders, contractors, developers and citizens in the development of properties according to the City's Building and Development Code and Comprehensive Plan. To encourage quality development that meets community standards, the Department is looking for new methods and techniques to make its permitting and inspection services more efficient. As part of this effort, the Department undertook an assessment of customer opinions to gauge the effectiveness of current service delivery.

An important component of this engagement is to interview and report on the opinions and expectations of local builders, developers and contractors concerning the level of development services provided by the City. Until now, there has been limited information available from clients to guide the Department in reviewing its procedures. The information from this project is intended to answer critical questions and aid in creating service delivery standards and streamlining internal processes where appropriate.

Selecting the Interview Panel

A total of thirty builders, developers and contractors were selected by the study consultant to represent those who use the development services of the City. Complete confidentiality was maintained and the study sponsor did not select or receive any information about respondents. Respondents agreed that their un-attributed comments could be used anonymously as a part of the study report.

Data Collection Process

Barbara Earl of BETS Consulting, Inc. conducted one-on-one interviews with individuals who developed properties in Mountlake Terrace within recent years and utilized the development services of the City. The interviews were conducted between August 2 and August 28, 2006. The comments were analyzed and organized into themes and categories that reflected key patterns in the data. This information is to serve as the basis for conversations within the Department to provoke ideas and opportunities for growth and change.

Customer Interview Panel

	<u>Total</u>	<u>Per Cent</u>
Individual builder/property owner	7	23%
Small - Med Scale Developer	9	30%
Large Scale Developer	5	17%
Contractors – (Architects, engineers, electricians, etc)	9	30%
	<hr/>	
Total	<u>30</u>	<u>100%</u>

The Structured Interview Study

Rather like a "virtual focus group", this opinion study was based on a structured interview, which was administered to each respondent. This format provides the best opportunity to obtain candid information and opinions from busy individuals who might not be able to participate in a group format. This research is qualitative, not quantitative in nature and observations cannot be projected to a larger universe. At the same time, it is possible to analyze responses in an

aggregate format. This presentation facilitates understanding the overall sense of the data.

EXECUTIVE SUMMARY

Our report is a reflection of the thoughts and opinions expressed by the respondents in the study. The conclusions are a view of the City based on the respondents' opinion. There were several themes that come up many times during the course of the conversations.

- **Experience with the City was rated very satisfactory by a minority of the respondents. The majority lodged concerns about their experience.**
 - 45% reported a positive or neutral experience with the City.
 - 55% reported at least some difficult or poor experience with the City.

- ***A majority of respondents stated they were required to submit their application three or more times before approval was granted. The universal reason for resubmission was the introduction of additional requirements by the staff after the process was started.***
 - *One interviewee stated they received a permit with one submittal.*
 - *73% of interviewees stated they submitted plans 3 or more times.*

- ***A number of suggestions were made to improve the experience with the City. The top suggestions included:***
 - Shorten, streamline and simplify the process. Organize a task force of interested parties to provide a forum for change and make it easier to do business in the City.

- "Codes are truly outdated and need to be scrubbed." "Updating codes should be their first priority."
 - Improve predictability and consistency. Establish a time frame and stick to it. Staff wants one thing on one project and something different the next.
 - "Lack of planning is where the problems are. You don't know where you can build what". There needs to be a plan in place.
 - There is no set standard for staff to follow - "Know where you want what projects - All decisions appeared to be on a case by case basis".
 - Strengthen the knowledge and capabilities of the Staff.
- ***Respondents listed several other local area cities where they enjoyed positive experiences. Snohomish County was also mentioned as a jurisdiction with an efficient permitting process. It was suggested that Mountlake Terrace may find examples of best practices in these jurisdictions that could be used as a model.***

Cities where respondents encountered positive experiences:

Edmonds	5	Lynnwood	1
Everett	4	Mill Creek	1
Shoreline	2	Lake Forest Park	1
Seattle	2		

RECOMMENDED PLAN OF ACTION

As a result of a wealth of valuable input from the sample group, the following plan of action is recommended:

1. Consider methods of streamlining and simplifying the process of approving the permit applications. Organize a task force of interested parties to provide customer involvement and input.
2. Consider modeling customer service standards and procedures after organizations that are regarded as very good or outstanding service providers.
3. Consider new approaches to customer service issues. The themes of completeness, timeliness and predictability should be uppermost in considering changes to customer service standards. It is important that all employees speak as one when assisting customers.
4. Review and revise the Development Code. Identify areas that are out dated and in conflict, and implement necessary revisions. The need for the Code updates was identified as one of the top priorities by the customers.
5. Review existing methods of communication with customers and the community and ensure messages are consistent and clear. This includes all external communications including the website.

CITY OF MOUNTLAKE TERRACE REVIEW AND REVAMP PROJECT

INTRODUCTION

The city of Mountlake Terrace enjoys many attributes that make it attractive for future development. It is directly adjacent to King County's burgeoning employment and residential areas, has a pleasant atmosphere with good schools, libraries, parks, infrastructure and residential areas and a progressive city government. Because of these and other factors, the City will undoubtedly experience development pressures in the next twenty years. In an effort to meet the challenge of the future and to implement new actions recently taken by the City Council (adoption of the Town Center Plan and draft zoning) The City of Mountlake Terrace has embarked on a progressive project to review and revamp its permitting process.

This process has been incrementally underway for several years. Steps that the City has already undertaken include:

- Consolidation of various permitting processes.
- Establishment of a common front counter for customer service.
- Establishment of an electronic permitting system (Permits Plus) introduced in 2001 and expanded in 2003.
- Previous work to identify client concerns and opinions and to obtain ongoing feedback. Making changes to the development process where appropriate.
- Evaluating the existing MLT Development Regulations for efficiency, modernity, and effectiveness (Mark Hinshaw Draft Interim Report).
- Retargeting of staff to increase client services at the front desk (Changing a general customer service specialist to a new permit specialist).
- Availability of application forms on the Internet.
- Development of new checklists to help clients prepare submittal information; ongoing review and revision of these checklists.
- Development of "Tip Sheets" for homeowners and other clients who may not have had recent experience with building small-scale projects.
- Creation of a project status tracking process, which can tell staff and applicants where an application is at any given time.
- Establishment of a stronger pre-application process to "talk over" projects and to provide the development community with an initial overview from various city departments and reviewers. Encouragement of a staff service ethic of "can do" and good communication.
- Adoption of the new Town Center plan and development of a draft code to implement it.

- Ongoing review of various development regulations with the Planning Commission to meet current development trends and needs.
- Minor changes to the code for clarification and efficiency.
- Partial update to City Engineering Standards.
- Increased staff team coordination amongst reviewers from various departments.
- Increased management involvement for problem solving.

These improvements have resulted in a reduction in processing time. Studies just released show that the City has cut its overall average review time from 19 days to 11 days.

The City, however, has requested an additional study be made to further investigate how the permitting process may continue to improve. This report is a result of the additional study. (It does not address development fees, since that is studied under a separate process every three years.)

This study included three aspects:

- Interviews with the staff regarding the permitting process.
- Interviews with selected members of the development community regarding the process.
- A selected review of code and organizational processes that impact the permitting process.

STAFF INTERVIEWS—PERMIT PROCESS

Numerous staff members of Community Development generously took time from their busy schedules to be interviewed during January, February and March of 2007. The following material was based on these interviews.

Experience

The staff at MLT has a wide range of past experiences in the public and private sectors, small and large organizations. Years of experience range from 4 to over 30. Several have been at the city for over 20 years. All have participated in training and certification opportunities. This qualified staff appears dedicated and committed to fine public service.

Progress

Staff was impressed with the effectiveness of the Planning Commission. They were complimentary of management. Most staff felt morale, work products, and professional conduct are improving steadily. They felt personnel respected each other and most addressed conflicts in a positive manner. They also felt their job responsibilities and roles were being clarified; therefore, they were more efficient and effective. Data from the “Permits Plus” Reporting system showed these efficiencies:

**DEVELOPMENT REVIEW COMPARISONS
January 2007**

of Permits by Year

Type	2004	2005	2006
Building	877	770	1222
Engineering	703	579	466
Planning	175	129	165
TOTAL	1755	1478	1853

Average # of Days for Permit/Approval Review by Year

	2004	2005	2006
TOTAL	19	16	11

Source: City of Mountlake Terrace Community Development Department

More applications are being handled, with more difficult sites and sophisticated construction. In addition, the City Council has recently taken very progressive steps in land use and planning matters. The passage of the Town Center Plan, work on updating codes, and general support of planning staff are harbingers of good things to come.

However, as is true with most organizations, staff felt that more improvements were needed. In particular the permit review process is of concern.

Overall Permit Review Process

One of the questions asked of all staff interviewees was “Please draw out the development process as a flow diagram.” A response could be as varied as a multi-page flow diagram of more than 35 boxes with names of reviewers assigned and dates for returning material to applicant, to a quarter sheet, three-box flow chart that included only the task performed by that particular staff person. Several staff said, “I wouldn’t really know as I come in only at one point and everything else has already been done or I only see it at one point and never again.” Of the 14 staff interviewed, only one had a comprehensive view of the process, from pre-application to sign-off by building inspectors. Some indicated they didn’t want to know what happened before or after their involvement.

(The developers interviewed stated that sometimes they only knew a portion of the development process, depending on their role in a project. However, a higher percentage of the developers interviewed were more familiar with the process from start to finish than the staff was.)

It was interesting that although the flow diagrams were often similar, there was a wide range of understanding about how the process operated, both with staff and the development community.

The author of this study requested an electronic and hard copy of the work flow diagram. Staff provided some examples of time lines for various projects and indicated that the work flow diagram provided to applicants at the pre-application conference did not seem to be in the electronic system any longer, but was available in hard copy.

The interviews indicated that:

- The work flow diagram for the review process is old and needs updating. The changes to State law concerning regulatory reform may not be reflected.
- It is not in the forefront of the permit team's mind.
- Some staff and clients indicated it is hard to keep track of where projects are in the process because no one knows the process.
- When the process is completed, the project's electronic files should be closed, which apparently, sometimes they are not. This includes closing all three sections: the land use, civil and building inspection. Record keeping is hampered when files are not closed.
- Taking projects to the Planning Commission and Council requires considerable time and effort both by the clients and staff. This is discussed in the Code revision section of this report.

Pre-application Conference

In addition to comments on the overall permit review process, staff had some important comments about specific portions of the process that were seen as problematic. In particular, while the pre-application conference is universally understood, not all staff participants agree with its efficacy.

For small-inexperienced developers ("mom and pop" clients), Planning staff provides basic, helpful information and service during the pre-application conference. In fact, small-scale developers may require several hours of exchange and discussion with the planners. While very helpful for the client, these sessions are generally seen as a waste of time for engineers, building inspectors and fire marshal. These latter groups suggest that they not be invited to the pre-application conference until the developer has a more advanced idea of their project and actually has some drawings.

For large or complicated projects, all staff agrees that the pre-application conference is essential, and that representatives from planning, civil, building and fire should be in attendance. However, there is disagreement about the level of detail of material to be discussed. Some staff believes this conference should be focused primarily around land use. But sometimes detailed civil submittals are requested along with the first conceptual rendering and land use information. Even though Engineering, Building and the Fire Marshal are able to give good feedback with more detailed civil submittals, they feel that the level of submittal should not be the same as is required when applying for the civil and building permits, which follow land use. They also believe that planning should not be reviewing civil-level material to the extent they are so early in the process.

Implementation of the permit review process

- In addition to concerns about the codified review process, some personnel have

concerns about the actual implementation of the process - the day-to-day operations. In particular they are concerned that sometimes staff change recommended conditions a number of times during review. This may come about because staff:

- May use the review process to augment absent, insufficient, or conflicting codes.
- React to new project information as it becomes available through new submittals.
- Learn from other projects what works and doesn't.
- Understand an increase in aesthetic or quality of development could be achieved through different recommendations.
- Do not take sufficient time to review the project before installing conditions in an effort to give early feedback.
- Guide the large and/or difficult project application to a high level of quality for Planning Commission and Council review.

Whatever the reason, numerous changes in conditions cause difficulty with other review staff who must react to "yet another different" idea. It is not clear to them when land use review is completed. Because changes may appear to be personal and professional judgments, not based on code or regulations, some are uneasy with them. Deadlines are often affected, and repeated submittals are costly for developers.

Civil and Building Permit Process

Other implementation issues included:

- Certain staff was unclear about the total process, roles, timelines and their part in it. They may misinterpret the actions of their colleagues. Other staff may continue to comment and review even beyond their organizational responsibility. Historically, some staff may possibly have performed several functions and are continuing that tradition when unnecessary to do so. All of these actions can result in role confusion, duplication and frustration.
- Staff may not implement conditions which are placed on the project earlier in the review process. They may change the conditions or even omit them. Several reasons were given for this:
 - a. Conditions were not realistic for actual site conditions and construction.
 - b. A hierarchy was instituted in which building code conditions were considered to have priority over land use and/or civil conditions.
 - c. Do not know how to resolve conflicts between various staff and, therefore, make autonomous decisions instead of working collaboratively toward resolution.
 - d. May receive differing input from the building plan review contractor, which was not vetted through planning or engineering.
 - e. May view earlier conditions as unnecessary or excessive.
 - f. May be missing some of the paperwork on permit conditions at the time of building inspections.
 - g. May not be clear which conditions are the final ones.
 - h. May not trust their colleagues.

Many times staff worked through these aforementioned conflicts; however, they did occur with enough frequency to merit comment. In addition, on some rare occasions, although staff agrees this should not happen, staff discussed their conflicts in front of the developers. Several of the development community representatives felt uncomfortable because they felt they then had to referee or find solutions to please all the staff in order to have the project move forward.

During the building inspection phase, City inspectors periodically found that both engineering and land use conditions, especially tree retention requirements, could not be met if the building code were to be followed. Inspectors might then tell developers to take action contrary to the land use conditions.

STAFF INTERVIEWS --TECHNOLOGY/WEB

The City of Mountlake Terrace has begun a good partnership with technology. As can be expected with a smaller City not yet inundated with development applications, the City's use of electronic tools, such as the Web, Geographic Information Systems (GIS) and AutoCAD (CAD), is the early stage of electronic sophistication.

Interviews with City staff and the development community gave insight as to how the City is using technology now. Suggestions were also gleaned for improvements in the technology program.

Presently, the City accepts project drawings, as-builts, and other project submittals on AutoCAD. The City also has the capability of doing its own AutoCAD work for internal engineering projects. Additionally, the City has a Geographic Information System (GIS) that is used by all departments, but primarily by Community Development. Finally, the City has a Web site where forms, checklists and application information are available to users of the Net. All three, the Net, AutoCAD and GIS, essential for efficient permitting and planning, are used heavily now. But, it is likely that all three could be more fully utilized as powerful tools for revising and revamping the permit process.

Several staff and clients identified gaps and absences in the technology programs and processes presently used by the City. For example,

- Many jurisdictions require all permit application material to be in electronic form, solely, or mixed with hard copy forms. Some reduce the number of hard copies required for submittal by using electronic requirements. The City of MLT does not require electronic submittal now; although for large projects, it could speed review, increase efficiency, keep down applicant costs, aid record keeping and allow for better communication with the applicant. MLT staff has indicated their support for electronic submittals, especially for larger projects.
- The City's GIS system has only one part-time staff person to respond to all requests from all departments. While daily requests and tasks are fulfilled, backlogs on updating some GIS layers and incorporating new data receive a lower priority in the "To Do" list. When the Town Center begins development, this staffing level may need augmentation.

- Some GIS layers available to the public are out of date and, therefore, confusing or even possibly contradictory to staff information received at the front counter, e.g. new comprehensive plan amendments, new zoning.
- The City has forms, tips, bulletins and submittal information on the Web, but it is not interactive and requires the applicant to download and make hard copies of forms, etc.
- The AutoCAD and ARC/GIS programs do not have a live link, so information on one may not match information on the other.

There may be other issues with the electronic capability of the City. The above are the ones that emerged as a result of this study. Because this subject was not exhaustively investigated, there are no solutions identified as “silver bullets” to solve issues. Instead the report offers a number of options for further consideration of technology issues. It is recognized that the City has an existing IT strategy and city priorities, all of which must be balanced between departments.

DEVELOPER INTERVIEWS AND COMMENTS

Six representatives of the development community (developers, builders, engineers and architects) were interviewed in March 2007. These representatives of the development community generously took time from their paying jobs to discuss the permit review process at the City of Mountlake Terrace.

It is recognized that this is a small sample of the development community. It is also recognized that several categories of developers were not present in this sampling, i.e. “mom and pop” clients, clients wishing to do only internal tenant improvements, and large commercial/mixed use developers.

From this selected sample, the author of this report chose to discuss issues that were repeated by several interviewees. This is not to say that individual issues were not valid, but that the report focused on shared problems and ideas. The interviewees reported on anecdotal experiences. The author also recognizes that everyone’s perception of a situation should be listened to, and that perceptions can vary widely between folks who participate together in a relationship. Clearly, the relationships between staff and client may have built-in tension points, as the organizational mandates of each may be inherently conflictive. To the credit of both developer representatives and staff, the interviewees recognized the legitimacy of each party, the importance of working together toward good development, and the need to be respectful.

Again, the material reported was gathered from the developer interviews and was assumed valid. Within the limitation of a small selected sample, this report summarizes the perceptions of the developers who were interviewed and draws conclusions based only on this sample, cognizant of the possible sampling errors.

Experience

All interviewees had been in business over 10 years and had collectively developed in King, Pierce, Thurston and Snohomish Counties, and in over 15 cities, including Seattle

and Mountlake Terrace. Two did only single-family (SF) projects, two did strictly multi-family (MF), and the others did a combination of SF and MF, as well as commercial projects. One was considering mixed use.

With their varied experience, the interviewees all stated that the quality of any permitting process is mostly dependent on the people involved. City staff can make the difference between a difficult, frustrating and nonproductive process and a smooth, pleasant and efficient one. Even if codes are bad, if the people are good, the process can be manageable, they said.

In this vein, all of the interviewees were generally complimentary about the staff and management at the City. They believed the staff generally wished to provide good service. Several sent special kudos to the engineering and the planning staff for their expertise, professionalism, “can do” and problem solving attitudes. They liked the written meeting minutes from the pre-ap conferences. They appreciated the Fire Marshal’s input and commented that the building inspectors were reasonable and responsive. Of course, as to be expected, not all relationships were smooth with all staff and all developers. They made comments on what to keep in the development process and service relationships, and what could be changed.

Permit Review Process

Like staff, they felt that the permit review process was not functioning as well as it should. Issues generally fell into the following categories:

1. Level of detail required for pre-applications and staff “micromanaging of the project.”
2. Repeated requests for resubmittals and changes, excessive review time.
3. Lack of flexibility of codes and requirements.
4. Unpredictability of process: staff, Planning Commission and Council.
5. Inconvenience of dealing with outside contractor for the building department review.
6. Inexperience of staff with some codes and intergovernmental coordination.

Pre-application process, resubmittals and length of time

With the exception of one person, the representatives felt that the pre-application process was helpful, yet often onerous because of the construction and engineering level detail being required. Representatives gave examples of “excessive level of detail” such as grading contours, right of way dedication, road improvements within 75’ of site, architectural elevations at a scale of 1/4”.

Sometimes the developer had not decided even to finalize purchase of the property and they wished only to discuss concepts. Sometimes, they had property purchased and land use and project concepts firmly in mind, but were not ready to go to construction and civil engineering levels. In both cases, the requirements to have detailed drawings and as-builts were costly and inefficient, especially if the application was for subdivision approval only.

After the extensive pre-ap document discussion, the representatives indicated they might receive extensive comment letters from the planners (five pages of pre-ap comments). Once submittals were actually incorporated the changes, the developers could also receive extensive requests for conditions. One cited a seven-page letter of conditions received in the permit review process, after the pre-ap letter.

Sometimes during the process, the conditions could undergo many staff changes: sidewalk width 4 to 5 to 4 feet. The vacillations necessitated numerous redesigns of both the land use and the civil materials. They questioned having detailed civil materials submitted with land use, and they questioned having planners review and comment on the engineering details.

They noted that the code says that new or waived requirements are to be documented at the pre-ap meeting stage, but it also states that the City does not consider the pre-ap to limit comments, which may arise during review. The author surmises that the development community feels the pre-ap process should be a more preliminary process that only focuses on general concepts and issues. Otherwise it may feel like false promises are given during the pre-ap process, which are later negated or changed during the full review process. It also represents considerable time and effort for both staff and developers.

Three examples were given of resubmittal requests that were frustrating: one for tree retention, one for access, one for traffic calming bulbs etc. In these particular cases, the changes were made to achieve land use permit approval. But later Public Works or Engineering disagreed with the changes. New access was required, trees had to be removed, and the traffic calming was revised. New drawings had to be generated and new documents submitted, with new calculations. Always the project was financially impacted, even when the changes appeared small, like changing the location of the front door.

All the representatives felt staff had the right to review and comment and they expected to make some changes to their projects. They felt Mountlake Terrace staff had latitude under the code to interpret, but compared to other jurisdictions like Snohomish County, Edmonds and Lynnwood, they went beyond interpretation, exceeded existing laws, and extended the review time unreasonably.

This concern extended to engineering and building inspection resubmittals as well, although these were not discussed as frequently. Historically, Mountlake Terrace is perceived to have conditioned infrastructure, such as roads and sidewalks above code requirements. One developer representative stated that the City of Edmonds did not have a drainage code per se, but had designed pipe and drainage requirements, which were applied to a project based on the size of the impervious area. Although this appeared rigid, the developer approved of the predictability of the approach. He felt he could design to the requirements and avoid repeated resubmittals.

Unpredictability

The representatives were most bothered by the unpredictability of permit review in the City. The land use approval process was unpredictable because of the vagueness of the code, the type and number of staff conditions required, and the number of resubmittals. Planning Commission and/or Board of Adjustment review and City Council approval for various land use actions, such as subdivisions, variances and site plans over 5,000 sq. ft. added a second layer of unpredictability.

The code is discussed later in this section and also in a separate section of this report. As is mentioned in these places, the author found the code to be very confusing, vague, and discretionary. The review process was also cumbersome and confusing. Compared to other similar jurisdictions, the development process in Mountlake Terrace appeared antiquated and difficult.

The representatives also mentioned the code as a source of confusion and unpredictability. In particular, the Planned Unit Development (PUD) code allows for much staff discretion. They felt this results in widely varying conditions, fees and permits between projects which, in their viewpoint, are similar.

In addition, the fee simple unit subdivision code is not clear; there seems to be few criteria for approval. There is no legal mechanism for recording the titles and deed. What happens if a homeowner wishes to make changes after the subdivision is approved? It appears to the development community that this code in particular was never given a beta test for implementation issues. Staff also corroborated difficulties.

A third example was given: in the approval process for projects of nine or less residential units, administrative review is held. If there are any questions, staff can send the project on to the Planning Commission. The representatives wondered what kind, source or type of question would result in Planning Commission review. The code itself does not clearly define conditions. When would this additional layer of review occur? Why would this happen?

In addition, the decision path for meetings vs. hearings and open record vs. closed record hearings was confusing and appeared arbitrary. When and why did some things go from staff to the Planning Commission and then the Board of Adjustment, whereas others went from staff to Planning Commission only or staff to Planning Commission to City Council? Sometimes this confusion occurred during only the land use permit approval process; sometimes it extended through to the civil and building conditions.

At the Planning Commission stage, the representatives were complimentary of the staff's preparation of the project, his/her presentation of the material and his/her ability to deal with public input. Generally, the representatives felt the Planning Commission itself was clear and efficient in its review. However, they understood the code to say that the Commission must make decisions based solely on staff recommendations. It was not clear to some of the developers why a Commission meeting/hearing was needed. In their experience, other Commissions considered applications in order to hear from the public,

as well as the staff. Representatives agreed that clear technical and professional criteria were of course necessary, and that public opinion should not be the only input, but they wondered why the Commission held meetings if they could not technically consider public input.

In addition, the representatives felt the City Council review was financially and emotionally unsettling. They felt they had met the staff conditions. They had invested a considerable sum of money in architectural and engineering solutions. They had traveled a long way down the “development road.” They had received Planning Commission review and recommendation. But they were unable to know the outcome of the project until the last minute of Council deliberations. In one case, they felt the Council did not evaluate the project as a quasi-judicial action (using criteria from the code, Commission and staff comments) to make its final judgment. Instead, they felt the Council made decisions that were excessive and in some cases personal. This was partially the result of a vague and highly discretionary code. In another case on the evening of the hearing, the Council revised its agenda and moved the project hearing to the very end of the meeting. When the hearing was held, everyone was tired and the public had gone home. In yet another case, the representative said the project was denied due to lack of a quorum. This was particularly unsettling, as the MTMC 19.110.050 reads that the Planning Department shall not accept a resubmittal of the project for one year.

No developers mentioned experiences with the Board of Adjustment. The Board reviews only a limited set of project types.

The developer representatives noted that other cities and counties have limited their Commission and Council involvement in quasi-judicial matters and have a hearing examiner with appeals to Council or Court. They believed this was a better, more efficient and effective system. They stated that Mountlake Terrace’s process had probably inhibited development in the city. In fact, the reputation of the city causes some developers to flatly refuse to consider doing projects in the city.

Lack of flexibility

Although this study did not do an exhaustive analysis of codes, developers mentioned several which were inflexible and, therefore, hard to navigate from their point of view. The tree retention ordinance is not onerous per se, but it does not allow for flexibility in site design, stated several interviewees. Mountlake Terrace code and the way it is interpreted requires strict tree retention, while other cities’ codes allowed for tree removal with mitigations, sometimes 3-1 replacement, sometimes maintaining overall tree density on a site, sometimes fees in lieu of.

Several other aspects of the multi-family code are also problematic. Lot coverage for Multi-family is restricted to 25% of the site, a smaller percentage than most other jurisdictions. Height restrictions limit height, so Floor Area Ratios cannot be used. Likely these restrictions will keep most new multi-family development from penciling out in Mountlake Terrace.¹

¹ This problem does not apply to the new code being proposed for mixed use in the Town Center.

Adding to the difficulties, when multi-family zoning has been placed on existing small lots, they often cannot meet the 25' rear yard setback. This makes the zoning almost moot, as only single-family can meet the codes.

Numerous ancillary permits are required, for example, a separate fence permit, and a separate landscape permit. All paperwork has to be submitted in duplicate for each permit increasing the project cost each time. Some jurisdictions have instituted a master use permit which combines associated applications, stated several interviewees. This increases flexibility in amount, number and type of submittals. Some permits are issued across the counter and do not require administrative review.

Building Inspection Process

Several of the developers noted that the building division offers the option of in-house review or outside plan review by an off-site firm. Overnight mail, long distance phone calls, and expensive resubmittal of hard copy documents cause frustration. One developer was experiencing conflicts with the outside reviewer, and actually drove to the off-site office (located several hours away from the City center) in order to discuss issues and find resolution. Other developers felt the outside reviewer gave meaningless suggestions: “make the showers nonabsorbent.”

Apparently, building staff does not loop the off site engineering comments back through planning and civil staff, developers noted. This causes some miscommunication in the final sign-off of the project.

Several representatives noted that building inspectors can be very inflexible.

Inexperience of staff to review some projects and to interact effectively with other agencies.

Several representatives discussed the difficulties staff had in inspecting planned unit development projects. The Code seems sufficiently unclear that staff reviewers are not confident in making judgments and conditions. No one seems to want to make the final sign-off.

Two developers had intergovernmental coordination problems with their projects. One involved FEMA flood plain determinations and the other coordination problems with the Snohomish County PUD over a trail dedication and construction. In both cases, the developers were frustrated because they felt the two governments were not cooperating with each other, and the developers were put in the middle, with their projects held “hostage” until the two jurisdictions settled. In both cases, the developers felt the outside jurisdictions did not want to abide by local regulations and were obstructive to the development review process. The developers felt they had to step in to do City staff work.

The development community made specific suggestions for changes.

1. Make pre-apps of two types:
 - a. Conceptual discussion for both small and large projects.

- b. More detailed project discussion.
 - c. Make requirements for submittals commensurate with the type of pre-ap.
 - d. Make fees commensurate with levels of discussion. For more detailed project review, be exceedingly clear what the comment letter means in terms of later project review. Separate pre-ap comments from actual review comments.
2. Separate land use issues from construction/engineering issues at the land use permit stage. Focus on land use issues.
 3. Clarify staff roles: make planners responsible for all land use comments, which are consolidated in one comment letter to the developer. Other staff may advise the planners but should be secondary reviewers. Likewise, have engineering and building staff responsible for conditions, which are consolidated into a single comment letter apiece. Other staff can advise but are secondary reviewers.
 4. Limit the number of changes to two or three rounds asked for by planners and/or engineers and building officials.
 5. Require developers to meet the changes required or to request a managerial review of conflicts. If the manager determines the developer request is not acceptable, the project would then be withdrawn.
 6. Train staff to be able to review Planned Units Developments.
 7. Revamp the code and the processes. Make process of review and appeal less arbitrary.
 8. Investigate a hearing examiner approach.
 9. Allow for more administrative decisions. Institute an appeal process for administrative decisions.
 10. Do not micromanage the projects from either a design or process standpoint. Accept expertise of architects and engineers.
 11. Consider different methods of assuring design control: a design commission, clearer codes; more administrative oversight. Make the goal to be one of predictability and high-quality design.
 12. Using projects as case studies, investigate how intergovernmental coordination is usually handled and devise codes, procedures, memos of understanding or agreement, or interlocal agreement to address coordination issues.
 13. Have planners review land use and prepare one comment letter to which the developer gets to respond. Planner can give one more response and developers try to meet. If an impasse is reached, administrative review by CD director management to determine if project can proceed.
 14. Planners responsible for conditions, which are imposed based on code requirements and environmental review. Other staff can advise, but not required. Likewise have engineering and building staff responsible for conditions, which are imposed based on code requirements and environmental review. Other staff can advise but not required.

CODES

The City has begun reviewing and revising its code. Previous studies have evaluated the code and given ideas for revisions of both its standards and processes. (See Mountlake Terrace Development Regulations, Draft Interim report, March 25, 2003, Prepared by

LMN Architects, Hough Beck and Baird, Inc. and Perteet Engineering.) Presently, the City is reviewing the residential codes with the Planning Commission. Recently, the Council passed a new Town Center code. This study on the review and revamp of the permitting process did not have a complete review and analysis of the code in its scope, since the City is taking steps to revise already. However, in order to understand the operating environment for the staff and client, the author reviewed the code, especially the process sections and would like to offer the following comments:

Planning Language, Administration

In many places, Title 19 contains goal-oriented language that would be more appropriate in a Comprehensive Plan. This language is both vague and difficult to administer. For example: *MTMC 19.35.070 H.11 Special regulations* states that in developing a site plan, “the existence of natural views from adjacent existing development shall be taken into account in building locations, size of buildings and height of buildings. Natural views from adjoining existing or approved developments shall also be taken into account when reviewing a development permit.” Comprehensive Plans generally use this type of goal-and-policy related language. Zoning codes are generally more specific, defined and detailed, especially if the code is prescriptive in nature. In order for the staff to administer this language, s/he would have to create a more defined concept. Does natural mean usual or pertaining to nature? Is this a view of only nature? How much of the view must be natural? Is urban development and urban landscaping considered a natural view? How big must the view be? How far does the view extend? What does adjacent mean? Does this mean across the street? Across the alley? How does staff take the natural view “into account”? Does this mean noticing it? referring to it? mapping it? protecting it? asking for a redesign around it? Does this have to be done for all development permits—mechanical, plumbing, landscaping, fencing, and street improvements?

A second example is the *MTMC 19.30.070 Special regulations for uses* section within the RS 8400 and RS 7200 districts. It states in Section E that manufactured homes shall be permitted on single-household residential lots when.... site placement of the new unit is compatible and harmonious with existing housing in the immediate neighborhood and preserve(s) the general character and integrity of the existing neighborhood.” The definition of harmonious, compatible, general character and integrity of the existing neighborhood is all left to the interpretation of the reviewer. This type of language is suitable for comprehensive plan goals and policies but out of place in a prescriptive zoning code.

A third example is *Section 12 of 19.35.070*, which states that “multiple-household residential projects shall incorporate creative architectural designs, coordinate colors and façade details in order to avoid an institutional or barracks like appearance.” Again, the terms creative, coordinated colors and façade details are not defined in the code. One wonders if there are code interpretations that have been put into an operating manual to assist in these instances, or if each interpretation is idiosyncratic.

It is clear that these ordinance sections could lead staff to believe they have legal latitude and indeed a civic mandate to make design decisions based on professional judgment.

For the developer, it could appear that most of the decisions are individualist and unpredictable.

The code, as it now stands, is neither completely prescriptive nor completely discretionary. It is mixed and therefore confusing. The City has several options, two of which could be (a) leave the code as a type of design guideline, a discretionary code with flexible processes, or (b) move the goal oriented language to the Comp Plan and make the code more prescriptive and the processes tighter. Any choice will likely require the City to revise the code in order to achieve better development, install some predictability, and/or support staff interpretation. Many jurisdictions have wrestled with codes that incorporate design guidelines, view protection ordinances and design review. These ordinances are always controversial. So if the City wishes to consider this type of approach over a prescriptive code, it should review an existing functional system, the legal history and planning decisions, and the implementation issues before starting down this path.

Predictability

The City Council has recently passed a new Town Center code and MTMC Section 19.50.050.F is likely to have been superseded. However, for explanatory purposes, it is discussed here as an example of overly vague language re: content and process. It states: “If staff questions the potential or extent of ...nuisances or performance standards of any allowed use in the BC downtown district, the applicant shall obtain a conditional use permit following Planning Commission review at a public meeting, and the City Council action, prior to building occupancy.” A client might ask: are performance standards those codified such as setbacks, or are they in addition to code requirements? What sorts of staff questions would trigger this requirement? Is the conditional use required before the Planning Commission review or after? Do all Planning Commission reviews coincide with public meetings? Why does this conditional use go to the Council when other conditional use permits and variances go to the Board of Adjustment?

The MTMC 19.80.200 Planning Commission review- Preliminary site plan states that the “Planning Commission may exercise discretion in relaxing or waiving design and development criteria set forth in the code, and the legislative body shall reserve to itself that same discretion provided the basic intent of this district is preserved by the proposed plan.” This section seems to indicate that the site plan may undergo significant changes even after the staff review has been completed.

This type of language leads to the development community’s worries about unpredictability and must also confound reviewers as to the reason they are providing conditions.

NOTE: Other specific code recommendations are included in a 2003 draft report from LMN Architects.

Who reviews, who comments, who approves

Section 19.110.090, Hearing Matrix describes the public meeting, open record public

hearing and closed record appeal responsibilities of the Planning Commission, Board of Adjustment, City Council and Court. This matrix, according to notes in the MTMC (p. 19-70) was developed in 1995. The rationale behind the decision-making process is unclear. For example, the difference between actions that require a public meeting and a public hearing at the Planning Commission is not apparent. It is also not clear why some actions are optional such as having a public meeting and recommendation on a variance by the Planning Commission. Open record hearings can be held by the Planning Commission, Board of Adjustment and/or City Council. Why is this approach taken?

Compared with other nearby jurisdictions, this is an extremely complex matrix. Does the City find it results in better decisions? Does it serve the client well? Do the decision-making bodies experience role confusion? Should a revision of the process be considered?

Again this review of Title 19 is neither exhaustive nor complete. It does, however, reveal reasons for confusion, unpredictability and wide-ranging interpretations. It could also be a major contribution to staff/client issues, such as mandate for and extent of interpretation, number of conditions imposed, number of changes requested, role and responsibility confusion between staff and between staff and clients. It most certainly adds uncertainty in the decision-making.

Land Use Plan Review Process

Mountlake Terrace has an idiosyncratic requirement of taking certain development applications to the Planning Commission, Board of Adjustment, and/or the City Council. Such applications include:

- Projects with site plans over 5000 square feet
- Commercial projects
- Any site development plans for residential projects of one to nine units that staff finds questionable projects
- Planned unit developments
- Conditional uses

This was recognized by both the clients and staff as an outdated process for quasi-judicial decisions. Other jurisdictions have the following capabilities:

1. Codes are revised so that staff have administrative approval of most permits, with an appeal to a Hearing Examiner.
2. For more difficult, complicated projects or permits, staff makes a recommendation to a Hearing Examiner who rules. His/her rulings are then appealable to court.

By having the Planning Commission, Board of Adjustment, and the Council involved with only legislative decisions (instead of the current review system), quasi-judicial permits are speeded up and decisions are de-politicized and objectively evaluated on codified grounds.

OPTIONS TO CONSIDER:

The City and the Community Development Department are committed to excellent customer service and quality development and would, therefore, like to improve their review process. There are many ways to pursue progress based on budget, organizational culture, priorities and other variables. Here are some suggestions for improvement:

Organizations have processes for accomplishing work. When the processes are clear and everyone understands their part in the process, the organization functions more smoothly and efficiently. Miscommunication is at a minimum, and both applicant and staff know where work resides in the process. Staff morale is often higher, as each knows where s/he fits and how s/he is important to the organization.

Likewise, adequate working conditions and technologically availability promote efficiencies and boost morale. Finally, major code revisions are necessary to update the code, which is more than 20 years old, and has had only piecemeal updates.

Options for improving technology:

1. Increase the permitting forms available on the Internet and make them interactive. Assure that credit cards can be used to pay for Internet interactions.
2. Assure that all “tips” and educational bulletins and information are on the Net. Current page is hard to navigate and could use revision. Monitor hits to determine where the most interest lies. Assess periodically the accuracy of the tips and information and update them.
3. Link the City’s electronic permit tracking function with the Net so that applicants can see where the application is in the permitting process. If there is no link, check with Snohomish County about its Internet services to get some ideas how this might be done.
4. Investigate the services of the consortium ecitygov.net –MyBuildingPermit.com and see if this collaborative program of other cities and counties would provide benefits for the City commensurate with the cost of joining. Jurisdictions in this consortium have decided which permits they are willing to issue over the counter. Presently mechanical, plumbing, electrical and re-roofing permits are available through this web site for a number of jurisdictions. The applicant fills out the forms, pays and receives his/her permit all on line. The computer program sorts the forms and the payments, and assures that the respective jurisdiction receives the appropriate submittals. Although these may appear to be minor permits, jurisdictions have found the program is a timesaver for counter staff and development applicants. Currently Snohomish County issues 66% of its mechanical, plumbing and reroof permits on line.
5. Form a partnership with the technology service staff at Snohomish County Planning and Development Services Department and the Information Systems Department. Sponsor an in-house discussion between MLT and SnoCO staff on GIS/permit tracking/interactive online programs to share ideas and resources.
6. Contact ESRI to see if it has demonstration programs that it could test at the City in return for updating GIS systems, data layers, increasing city GIS capability and/or more closely linking AutoCAD programs with GIS programs.

7. Apply for grants from State Departments of Community Trade and Economic Development (CTED), Ecology, (DOE) and/or Transportation (DOT) to get staff education and software and hardware upgrades and updates for the GIS system. This could be directly linked to good implementation of Growth Management.
8. Consider staffing levels and possible increase in hours for GIS staff based on need and budget. Consider increasing permit fees to include work done by GIS staff.
9. Consult with existing Community Development staff who may be interested in doing additional and more difficult GIS work. Provide training for them to learn GIS on a higher level. Likely candidates might be found in engineering, record keeping, planning and permit tech staff.
10. Devise a simple interface for the permit techs and other staff to use to generate a plot plan as requested by clients. While some staff is able to generate plot plans, others are not and currently must wait for GIS or engineering staff to perform the task.
11. Set up GIS/ AutoCAD protocols for generating basic data off the Web. This could include the ability to do plot plans with parcel lines, location of sewer, water, road centerlines, sidewalks, edge of curbs. Data could not be changed by web user, but could allow them to generate their own plot plans, saving staff and customer time.
12. Consider limited use of outside consultants to update GIS layers and help get rid of the backlog of work.
13. Investigate the LIDAR Project done by Snohomish County. Aerial views, sensitive area and topography data are web accessible for the South Snohomish County area, including the cities. Developers could be directed to this web site to get data helpful to their submittals.

As is true for all jurisdictions, increased use of technology could benefit both the city staff and the clients of the City.

Options for improving the Permit Process

1. Institute a two tier pre-application process: (a) small developers, “mom and pops;” and (b) larger more complicated projects. Include limited number of staff as needed for (a), but require all appropriate staff to attend (b). For (b), gather material from developers ahead of time, and give adequate notice to staff of meeting to allow for preliminary review of material before meeting is held.
2. Devise a protocol for staff to handle conflicts, which may arise publicly in the pre-application conference and later meetings, including deferring response to developer until staff has a chance to meet separately and confer.
3. Ensure that staff comments are delivered to developers. Apparently some civil comments have not been delivered. The new permit technician position can help with the overall work load and potentially alleviate this oversight.
4. Educate staff on the overall permit process. It is important that clients do not know the process better than staff. Individual assignments should be included in the education process so that staff understands what each does, where responsibilities begin and end, and how decisions are made at each level.

5. Work to increase internal trust so all are treated as colleagues, important to the process. Internal mechanisms should be established to resolve differences and conflicts. Roles and responsibilities must be clarified, and staff must stay within their jurisdiction. If questions arise, managerial help should be sought before decisions are made. A new or revised mission statement for the department which speaks to interpersonal values may be helpful. Managerial advice on hierarchy of codes and conditions may also be helpful.
6. Review historical assignments and decide if they should be continued.
7. Make internal clarifications on the amount, level of detail and type of material to be submitted at the pre-application stage. Get all staff buyoff. Do a beta test and review decisions if necessary. Then, codify the process, either through updated checklists or change actual code sections. Assiduously follow the decisions which have been made. Assure staff that managers support a predetermined level of detail and work, alleviating the need to achieve “perfectionism.”
8. Assure there are checklists for each type of permit or approval. Add any that are missing. Update if needed.
9. Establish a staff team to review and revise the work flow diagram. Look for duplicate steps and places where operating procedures and informal actions do not follow the diagram. Watch for overlapping staff roles. Make clear where decision points are, where responsibilities end and begin. Attach names to boxes, and dates for the workflow. Show where conflicts might occur. Devise a method for resolving conflicts at those points. Establish electronic version of diagram and post on web site.
10. Post an updated flow diagram of the permit process with tasks, assignments and dates in the lobby of the city hall, and at each of the Community Development staff workstations. Assess at weekly meetings how the process is working. Make appropriate changes. Communicate with City managerial staff, Planning Commission, Council and clients if appropriate.
11. Investigate having one staff responsible for tracking projects in the system, knowing where each is at any given time. Tickler files for meeting deadlines could be helpful.
12. Complete update of City Engineering Standards and post online. Review and update standards when needed.

Options for Improving Office Procedures:

Assure the office procedures are in place to support the permitting process.

1. The public notification process may need additional staffing help and/or procedures may need review.
2. Permit folders must be closed out as soon as possible. Some additional oversight may be necessary to assure this happens.
3. Real time billing is being done manually, which is inefficient. A time card program could be investigated or the job be reassigned away from principle staff.
4. Estimate the workload (including, e.g., from the new Town Center Plan) and staffing levels and prepare a plan for meeting the likely increased workload. Possible approaches include use of consultants, addition of staff, reassignment of

- staff, or limiting the number of first permits and using them as a beta test for what needs to be done re workload.
5. Evaluate current workload of each staff. Determine if some tasks, such as responding to phone calls and requests for information from either staff or clients, are being efficiently handled. Should phone calls be taken immediately? Can they be collected by permit tech and followed up later that same day?
 6. Assess whether reduced counter hours, setting up of appointments instead of taking all walk-in customers, establishing “do not interrupt” times would help work flow. Determine if tasks could be handled by other staff—i.e. could permit tech or engineering tech provide plot plans and give advice currently being done by associate planner? Have staff train each other.
 7. Empower staff that are under worked or have underutilized capabilities. Provide training and then reassign work clearly.

Options for Improving Title 19 (Zoning Code)

The code is outdated, clumsy and vague. The City should set aside time and money to do a major overhaul on the code. If the City experiences an increase in size and complexity of projects, the permit process could collapse unless the code is revised.

May 2007

**List of DSP Staff Recommendations
For Near-Term Tasks to Improve Development Services**

Development Services Program (DSP) staff has compiled a partial list of tasks that can be done in the very near-term (within approximately one to twelve months) to improve development services. The tasks are intended to be complementary to recommendations from other studies and to help achieve underlying objectives for increasing predictability, timeliness, and customer satisfaction.

This list of tasks (below) may be updated as DSP continues its review and revamp. [Note: Tasks are not shown in a particular order of chronology or priority.]

- Provide customer-service training, as well as technical training, to staff
- Identify and implement ways to provide better services to “mom and pop” customers
- Revise internal procedures for responding to requests for public documents
- Restructure warranty forms to be clearer
- Revise process for establishing trust accounts vs. revenue accounts
- Develop handout for Town Center re-use/rebuild information
- Update submittal checklists for applicant use
- Update building code (by July 2007)
- Prepare revisions to other parts of development code
- Create one or more new “over-the-counter permit” opportunities
- Evaluate whether or how conditions placed on entitlements should be streamlined or re-focused
- Create information and recommendations for next permit fee study
- Conclude archiving of backlogged development project files
- Develop method for tracking and posting online annual performance reports, as required by RCW 36,70B.080
- Refine performance measures for individual permit types
- Set aside regular times for staff to work on service improvements (e.g., updating checklists)

SUMMARY CHART OF RECOMMENDATIONS FOR DEVELOPMENT SERVICES

CATEGORY	SOURCE	RECOMMENDATION	STATUS	NOTES
Code Framework	Snohomish County EDC	Adopt and Maintain Efficient Codes, Policies, and Procedures.		
Code Framework	BETS	Review and revise the Development Code. Identify areas that are outdated and in conflict, and implement necessary revisions. The need for the Code updates was identified as one of the top priorities by the customers.		
Code Framework	Evans	Do a major overhaul of the development code (zoning, etc.).		
Code Framework	Staff List	Update building code (by July 2007).		
Customer Relations	BETS	Consider modeling customer service standards and procedures after organizations that are regarded as very good or outstanding service providers.		
Customer Relations	BETS	Consider new approaches to customer service issues. The themes of completeness, timeliness and predictability should be uppermost in considering changes to customer service standards. It is important that all employees speak as one when assisting customers.		
Customer Relations	BETS	Review existing methods of communication with customers and the community and ensure messages are consistent and clear. This includes all external communications including the website.		
Customer Relations	Evans	Increase the permitting forms available on the internet and make them interactive. Assure that credit cards can be used.		
Customer Relations	Evans	Assure that all "tips" and educational bulletins and information are on the Net and easy to use.		

Customer Relations	Evans	Link the City's electronic permit tracking function with the Net so that applicants can see where the application is in the permitting process.		
Customer Relations	Evans	Devise a simple interface for the permit techs and other staff to use to generate a plot plan as requested by clients.		
Customer Relations	Evans	Set up GIS/AutoCAD protocols for generating basic data off the Web.		
Customer Relations	Evans	Institute a two tier pre-application process: A) small developers, "mom and Pops", B) larger more complicated projects.		
Customer Relations	Evans	Devise a protocol for staff to handle conflicts, which may arise in the pre-application conference.		
Customer Relations	Evans	Ensure that staff comments are delivered to developers.		
Customer Relations	Evans	Clarify the amount, level of detail and type of material to be submitted at pre-application stage.		
Customer Relations	Evans	Assure there are checklists for each type of permit or approval.		
Customer Relations	Evans	Investigate having one staff responsible for tracing projects in the system.		
Customer Relations	Evans	Complete update of City Engineering Standards and post online.		
Customer Relations	Staff List	Provide customer-service training, as well as technical training, to staff.		
Customer Relations	Staff List	Identify and implement ways to provide better services to "mom and pop" customers.		
Customer Relations	Staff List	Develop handout for Town Center re-use/rebuild information.		
Customer Relations	Staff List	Update submittal checklists for applicant use.		

Customer Relations	Staff List	Create one or more new “over-the-counter permit” opportunities.		
System Efficiencies	Snohomish County EDC	Implement a Hearings Examiner System.		
System Efficiencies	Snohomish County EDC	Separate Simple Projects and Expedite Their Review.		
System Efficiencies	Snohomish County EDC	Implement Six Stage Review Process for Significant Projects.		
System Efficiencies	BETS	Consider methods of streamlining & simplifying the process of approving the permit applications. Organize a task force of interested parties to provide customer involvement and input.		
System Efficiencies	Evans	Investigate the services of the consortium ecitygov.net-MyBuildingPermit.com and see if this collaborative program of other cities and counties would provide benefits for the City commensurate with the cost of joining.		
System Efficiencies	Evans	Form a partnership with the technology service staff at Snohomish County Planning and Development Services Department and the Information Systems Department.		
System Efficiencies	Evans	Contact ESRI to see if they have demonstration programs which they could test at the City in return for updating GIS system.		
System Efficiencies	Evans	Apply for grants from State Departments of Community Trade and Economic Development (CTED), Ecology (DOE) and/or Transportation (DOT).		
System Efficiencies	Evans	Consider staffing levels and possible increase in hours for GIS staff.		
System Efficiencies	Evans	Explore whether existing Community Development staff may be interested, available, and able to learn GIS on a higher level.		

System Efficiencies	Evans	Consider limited use of outside consultants to update GIS layers and help get rid of the backlog of work.		
System Efficiencies	Evans	Investigate the LIDAR Project done by Snohomish County.		
System Efficiencies	Evans	Educate staff on the overall permit process.		
System Efficiencies	Evans	Work to increase internal trust so all are treated as colleagues.		
System Efficiencies	Evans	Review historical assignments and decide if they should be continued.		
System Efficiencies	Evans	Establish a staff team to review and revise the work flow diagram.		
System Efficiencies	Evans	Post an updated flow diagram of the permit process with tasks, assignments and dates.		
System Efficiencies	Evans	Determine whether the public notification process needs additional staffing help and/or current procedures need review.		
System Efficiencies	Evans	Staff should close out permit folders.		
System Efficiencies	Evans	Investigate using an electronic time card process for real time billing.		
System Efficiencies	Evans	Estimate the workload (including e.g., from future Town Center Development) and staffing levels and prepare a plan for meeting the workload.		
System Efficiencies	Evans	Evaluate current workload of each staff and determine whether more efficiencies can be made consistent with Council goals and legal requirements.		
System Efficiencies	Evans	Assess whether reduced counter hours, setting up of appointments instead of taking all walk-in customers, establishing "do not interrupt" times would help work flow.		
System Efficiencies	Evans	Train and reassign any staff that are under worked or have underutilized capabilities.		

System Efficiencies	Staff List	Revise internal procedures for responding to requests for public documents.		
System Efficiencies	Staff List	Restructure warranty forms to be clearer.		
System Efficiencies	Staff List	Revise process for establishing trust accounts vs. revenue accounts.		
System Efficiencies	Staff List	Evaluate whether or how conditions placed on entitlements should be streamlined or re-focused.		
System Efficiencies	Staff List	Create information and recommendations for next permit fee study.		
System Efficiencies	Staff List	Develop method for tracking and posting online annual performance reports, as required by RCW 36,70B.080.		
System Efficiencies	Staff List	Refine performance measures for individual permit types.		
System Efficiencies	Staff List	Set aside regular times for staff to work on service improvements (e.g., updating checklists).		

Legend: Done=D | Partially Done = PD | Exploring/Considering = E