



STAFF REPORT

CAMAS MUNICIPAL CODE AMENDMENT FOR VESTED APPLICATIONS

FILE #MC15-01

MARCH 6, 2015

To: Mayor Higgins
City Council

From: Sarah Fox, Senior Planner on behalf of the Planning Commission

Compliance with state agencies: Notice of the public hearing before Planning Commission was published in the Camas Post Record on February 10, 2015 (publication no. 528732). When a public hearing before Council is scheduled, notices will be posted as required. WA Department of Commerce acknowledged receipt of notice on February 10, 2015 with Material ID #21038.

SUMMARY

The proposed amendment will add a new section after Camas Municipal Code (CMC), Section 18.55.130, in order to clarify when a “technically complete” development application will expire if inactive. At present, CMC Section 18.55.130(D) allows an applicant to request that a project be put on hold for an indefinite amount of time without expiring, and without issuance of a decision. In general, there are mandated timeframes that the City must meet while reviewing applications and issuing decisions, however there are no time limits placed on the applicant to progress their project forward **after** it has been deemed “technically complete”.

On February 18, 2015, Planning Commission held a public hearing to review amendments to Camas Municipal Code (CMC) Chapter 18.55 Administration and Procedures, and forwarded a recommendation of approval to Council.

ANALYSIS

The City adopted regulations consistent with RCW 36.70A.040, which established time periods for agency actions for each type of project permit application (e.g. Types 1 through 4) and provides timely and predictable procedures to determine whether an application meets the specific requirements. In the majority of the cases, the time period for rendering a decision on a technically complete application is less than one hundred twenty days. As a rule, staff reviews development permits well under the state regulated time limits.

The concern regarding vesting: A technically complete status vests the application in the codes on the date of application, which means that any code changes following that date will not be applicable. Occasionally, at this point, an applicant will submit a request to the Director to hold their application, and not render a decision. Typically, it is not a concern, as the applicants will reactivate their projects within that same year. The reasons vary for applications being voluntarily put on hold, although it is usually requested when ownership of a project changes hands, or there are technical studies that require extensive monitoring, or multiple agencies are involved in the review.

There are inactive applications that would have expired years ago had a decision been issued. The City periodically updates the development code for a variety of reasons. A vested application will not be consistent with those policies or regulations years later. The proposed amendment will provide guidance for this situation.

Why now? With economic and development activity in the City on the increase, staff had to navigate through several projects that had been dormant for almost ten years. With some exceptions, these applications were not required to comply with current policies or amended regulations, as they were vested in those past codes. There are approximately four applications that have been deemed technically complete, are vested, and are in an inactive status at present.

This recent experience and the desire to prevent future conflicts prompted staff to propose more clarity to be added to permit processing contained within CMC Chapter 18.55 *Administration and Procedures*. The proposed amendments will add a new section, Section 18.55.140, entitled “Expiration of Complete Land Use Applications” to follow CMC§18.55.130 *Letter of Completeness Type II, Type III or SMP*. The proposed amendments are attached to this report as “Exhibit 3-Proposed amendments to CMC Ch. 18.55”. In the course of researching this topic, staff included the responsive emails from the following authorities: Shawn Macpherson, City Attorney; Carol Tobin, Municipal Research and Services Center (MRSC); and Phil Bourquin, Community Development Director (Exhibit 1). The additional research information recommended by these authorities was also provided (Exhibit 2).

In conclusion, there are very few applications in the City that are considered inactive, and as proposed, this amendment requires specific outreach actions to occur prior to determining an expiration date.

RECOMMENDATION

That City Council conducts a public hearing, deliberates, and adds Section 18.55.140 –Expiration of Complete Land Use Applications, to the Camas Municipal Codes.