

Local Government & Housing

HB 1458

Brief Description: *Establishing a timeline for final decisions on land use project permit applications.*

Sponsors: *Representatives Edwards, Mulliken, Hatfield, DeBolt, Mielke, Edmonds and Rockefeller.*

Brief Summary of Bill

Hearing Date: *2/5/01*

Staff: *Caroleen Dineen (786-7156).*

Background:

Legislation enacted in 1995 required counties and cities required or choosing to plan under the Growth Management Act (GMA jurisdictions) to establish an integrated and consolidated development permit process for all projects involving two or more permits and to provide for no more than one open record hearing and one closed record appeal. Other jurisdictions may incorporate some or all of the integrated and consolidated development permit process.

The 1995 legislation specified the permit process must include a determination of completeness of the project application within 28 days of submission. A project permit application is determined to be complete when it meets the local procedural submission requirements even if additional information is needed because of subsequent project

modifications. The determination must specify what is necessary to complete an application if it is determined incomplete. Within 14 days of receiving requested additional information, the local government must notify the applicant whether the application is deemed complete.

The determination of completeness does not preclude a request for additional information if new information is required or substantial project changes occur. A project permit application is deemed complete if the GMA jurisdiction does not provide the determination within the required time period.

The 1995 legislation contained some provisions of limited duration. First, a GMA jurisdiction was required to issue a final permit decision within 120 days after the applicant was notified the application is complete. The 120-day permit period did not include: (a) Any period during which the applicant was requested to correct plans, perform required studies, or provide additional information; (b) the period during which an EIS was prepared; (c) a period for administrative appeals of permits; and (d) a mutually agreed upon time extension. This 120-day permit period did not apply to projects that required an amendment of the comprehensive plan or development regulations or to new fully contained communities, master planned resorts, or essential public facilities. The 120-day period started again if an applicant substantially revised a project proposal. Second, GMA jurisdictions were deemed not liable for damages due to failure to make a final decision within this 120-day period. Both the 120-day permit period and the local government liability waiver expired on June 30, 2000.

Summary of Bill:

Within 28 days of receiving a project permit application, a county or city required or choosing to plan under Growth Management Act (GMA) requirements (GMA jurisdiction) must provide the applicant a detailed list of the information needed to make a project permit application complete and must inform the applicant of other federal, state, or local agencies that may have jurisdiction over the application. The determination of completeness does not preclude requests for additional information if the project is substantially modified.

The project permit application is deemed complete on the 29th day after the local government first received the application if the local government fails to issue the determination of completeness. The project permit application is also deemed complete if the local government fails to notify an applicant within 14 days of receiving additional requested information whether the application is complete.

GMA jurisdictions are required to issue a final permit decision within 120 days after the applicant is notified the application is complete. The 120-day permit period does not include:

any period during which the applicant was reasonably requested to correct plans, perform required studies, or provide additional information based on substantial project modifications;
the period during which an EIS was prepared, calculated based on the time period

established by ordinance or by agreement with the project permit applicant; a period for administrative appeals of permits, with a time period established by ordinance not to exceed 90 days for an open record appeal hearing and 60 days for a closed record appeal;

any period required for state or federal agency review of a project permit application if mandated by federal law or required for a local government to issue a final decision; and a mutually agreed upon time extension.

This 120-day permit period does not apply to projects that require an amendment of the comprehensive plan or development regulations or to new fully contained communities, master planned resorts, or essential public facilities.

A GMA jurisdiction is required to notify a project permit applicant if a final decision cannot be issued within 120 days. The notice must include a statement of reasons why the time limit has not been met and an estimated issuance date for the final decision.

Effective Date: *Ninety days after adjournment of session in which bill is passed.*

Appropriation: *None.*

Fiscal Note: *Requested on February 1, 2001.*