
HOUSE BILL 1458

State of Washington

57th Legislature

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By Representatives Edwards, Mulliken, Hatfield, DeBolt, Mielke, Edmonds and Rockefeller

Read first time 01/26/2001. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to establishing a timeline for final decisions
2 on land use project permit applications; amending RCW 36.70B.070;
3 and adding a new section to chapter 36.70B RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.70B.070 and 1995 c 347 s 408 are each amended to
6 read as follows:

7 (1) Within twenty-eight days after receiving a project permit
8 application, a local government planning pursuant to RCW
9 36.70A.040 shall mail or provide in person a written determination
10 to the applicant, stating either:

11 (a) That the application is complete; or

12 (b) That the application is incomplete and listing in detail
13 exactly what information is necessary to make the application
14 complete.

15 To the extent known by the local government, the local
16 government shall identify and inform the applicant of other
17 agencies of local, state, or federal governments that may have
18 jurisdiction over some aspect of the application.

1 (2) A project permit application is complete for purposes of
2 this section when it meets the procedural submission requirements
3 of the local government and is sufficient for continued processing
4 even though additional information may be required ~~((or))~~ due to
5 subsequent substantial project modifications ~~((may be undertaken~~
6 ~~subsequently))~~. The determination of completeness shall not
7 preclude the local government from requesting additional
8 information or studies either at the time of the notice of
9 completeness or subsequently if ~~((new information is required or~~
10 ~~substantial changes in the proposed action occur))~~ the project is
11 substantially modified.

12 (3) The determination of completeness may include the following
13 as optional information:

14 (a) A preliminary determination of those development
15 regulations that will be used for project mitigation;

16 (b) A preliminary determination of consistency, as provided
17 under RCW 36.70B.040; or

18 (c) Other information the local government chooses to include.

19 (4)(a) ~~((An application shall be deemed complete under this~~
20 ~~section))~~ If the local government does not provide a written
21 determination to the applicant that the application is incomplete
22 as provided in subsection (1)(b) of this section, the application
23 shall be deemed complete on the 29th day after the local
24 government first received the application.

25 (b) Within fourteen days after an applicant has submitted to a
26 local government all additional information identified by the
27 local government as being necessary for a complete application,
28 the local government shall notify the applicant whether the
29 application is complete ~~((or what additional information is~~
30 ~~necessary))~~. If the local government fails to provide notice, the
31 application is deemed complete on the 15th day after the local
32 government received the supplemental information.

33 NEW SECTION. Sec. 2. A new section is added to chapter 36.70B
34 RCW to read as follows:

35 (1) Except as otherwise provided in subsection (2) of this
36 section, a local government shall issue its notice of final
37 decision on a project permit application within one hundred twenty

1 days after the local government notifies the applicant that the
2 application is complete, as provided in RCW 36.70B.070. In
3 determining the number of days that have elapsed after the local
4 government has notified the applicant that the application is
5 complete, the following periods shall be excluded:

6 (a) Any period during which the applicant has been reasonably
7 requested by the local government to correct plans, perform
8 required studies, or provide additional necessary information
9 based on substantial project modifications occurring after the
10 application is filed. The period shall be calculated from the date
11 the local government notifies the applicant of the need for
12 specific additional information until the date the information is
13 provided to the local government;

14 (b) Any period during which an environmental impact statement
15 is being prepared following a determination of significance
16 pursuant to chapter 43.21C RCW, if the local government by
17 ordinance or resolution has established time periods for
18 completion of environmental impact statements, or if the local
19 government and the applicant in writing agree to a time period for
20 completion of an environmental impact statement;

21 (c) Any period for administrative appeals of project permits,
22 if an open record appeal hearing or a closed record appeal, or
23 both, are allowed. The local government by ordinance or resolution
24 shall establish a time period to consider and decide such
25 appeals. The time period shall not exceed: (i) Ninety days for an
26 open record appeal hearing; and (ii) sixty days for a closed
27 record appeal. The parties to an appeal may agree to extend these
28 time periods;

29 (d) Any time period required for a state or federal agency to
30 review a project permit application under review by the local
31 government if: (i) Such review by the state or federal agency is
32 mandated by state or federal statute; and (ii) approval by the
33 state or federal agency is necessary for a local government to
34 issue a final decision; and

35 (e) Any extension of time mutually agreed upon by the applicant
36 and the local government.

37 (2) The time limits established by subsection (1) of this
38 section do not apply if a project permit application:

1 (a) Requires an amendment to the comprehensive plan or a
2 development regulation; or

3 (b) Requires approval of a new fully contained community as
4 provided in RCW 36.70A.350, a master planned resort as provided in
5 RCW 36.70A.360, or the siting of an essential public facility as
6 provided in RCW 36.70A.200.

7 (3) If the local government is unable to issue its final
8 decision within the time limits provided for in this section, it
9 shall provide written notice of this fact to the project
10 applicant. The notice shall include a statement of reasons why the
11 time limits have not been met and an estimated date for issuance
12 of the notice of final decision.

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