

2 **ESHB 2344** - S COMM AMD

3 By Committee on Government Operations

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 35A.63.110 and 1979 ex.s. c 18 s 34 are each amended
8 to read as follows:

9 A code city which pursuant to this chapter creates a planning
10 agency and which has twenty-five hundred or more inhabitants, by
11 ordinance, shall create a board of adjustment and provide for its
12 membership, terms of office, organization, and jurisdiction. A code
13 city which pursuant to this chapter creates a planning agency and which
14 has a population of less than twenty-five hundred may, by ordinance,
15 similarly create a board of adjustment. In the event a code city with
16 a population of less than twenty-five hundred creates a planning
17 agency, but does not create a board of adjustment, the code city shall
18 provide that the city legislative authority shall itself hear and
19 decide the items listed in (~~(subdivisions)~~) subsections (1), (2), and
20 (3) of this section. The action of the board of adjustment shall be
21 final and conclusive, unless(~~(, within ten days from the date of the~~
22 ~~action, the original applicant or an adverse party makes application to~~
23 ~~the superior court for the county in which that city is located for a~~
24 ~~writ of certiorari, a writ of prohibition, or a writ of mandamus))~~) a
25 land use petition is filed with a superior court as provided in chapter
26 36.70C RCW. No member of the board of adjustment shall be a member of
27 the planning agency or the legislative body. Subject to conditions,
28 safeguards, and procedures provided by ordinance, the board of
29 adjustment may be empowered to hear and decide:

30 (1) Appeals from orders, recommendations, permits, decisions, or
31 determinations made by a code city official in the administration or
32 enforcement of the provisions of this chapter or any ordinances adopted
33 pursuant to it.

34 (2) Applications for variances from the terms of the zoning
35 ordinance, the official map ordinance or other land-use regulatory
36 ordinances under procedures and conditions prescribed by city

1 ordinance, which among other things shall provide that no application
2 for a variance shall be granted unless the board of adjustment finds:

3 (a) The variance shall not constitute a grant of special privilege
4 inconsistent with the limitation upon uses of other properties in the
5 vicinity and zone in which the property on behalf of which the
6 application was filed is located; (~~and~~)

7 (b) That such variance is necessary, because of special
8 circumstances relating to the size, shape, topography, location, or
9 surroundings of the subject property, to provide it with use rights and
10 privileges permitted to other properties in the vicinity and in the
11 zone in which the subject property is located; and

12 (c) That the granting of such variance will not be materially
13 detrimental to the public welfare or injurious to the property or
14 improvements in the vicinity and zone in which the subject property is
15 situated.

16 (3) Applications for conditional-use permits, unless such
17 applications are to be heard and decided by the planning agency. A
18 conditional use means a use listed among those classified in any given
19 zone but permitted to locate only after review as herein provided in
20 accordance with standards and criteria set forth in the zoning
21 ordinance.

22 (4) Such other quasi judicial and administrative determinations as
23 may be delegated by ordinance.

24 In deciding any of the matters referred to in subsections (1), (2),
25 (3), and (4) of this section, the board of adjustment shall issue a
26 written report giving the reasons for its decision. If a code city
27 provides for a hearing examiner and vests in him or her the authority
28 to hear and decide the items listed in (~~subdivisions~~) subsections
29 (1), (2), and (3) of this section pursuant to RCW 35A.63.170, then the
30 provisions of this section shall not apply to such a city.

31 **Sec. 2.** RCW 36.70.810 and 1963 c 4 s 36.70.810 are each amended to
32 read as follows:

33 The board of adjustment, subject to chapter 36.70B RCW and to
34 appropriate conditions and safeguards as provided by the zoning
35 ordinance or the ordinance establishing the board of adjustment, if
36 there be such, (~~shall~~) may hear and decide:

37 (1) Applications for conditional uses or other permits when the
38 zoning ordinance sets forth the specific uses to be made subject to

1 conditional use permits and establishes criteria for determining the
2 conditions to be imposed;

3 (2) Application for variances from the terms of the zoning
4 ordinance: PROVIDED, That any variance granted shall be subject to
5 such conditions as will assure that the adjustment thereby authorized
6 shall not constitute a grant of special privilege inconsistent with the
7 limitations upon other properties in the vicinity and zone in which
8 subject property is situated, and that the following circumstances are
9 found to apply((÷)):

10 (a) Because of special circumstances applicable to subject
11 property, including size, shape, topography, location, or surroundings,
12 the strict application of the zoning ordinance is found to deprive
13 subject property of rights and privileges enjoyed by other properties
14 in the vicinity and under identical zone classification;

15 (b) That the granting of the variance will not be materially
16 detrimental to the public welfare or injurious to the property or
17 improvements in the vicinity and zone in which subject property is
18 situated((-))i

19 (3) Appeals, where it is alleged by the applicant that there is
20 error in any order, requirement, permit, decision, or determination
21 made by an administrative official in the administration or enforcement
22 of this chapter or any ordinance adopted pursuant to it.

23 **Sec. 3.** RCW 36.70.830 and 1963 c 4 s 36.70.830 are each amended to
24 read as follows:

25 Except as otherwise provided in chapter 36.70B RCW, appeals may be
26 taken to the board of adjustment by any person aggrieved, or by any
27 officer, department, board, or bureau of the county affected by any
28 decision of an administrative official. Such appeals shall be filed in
29 writing in duplicate with the board of adjustment within ((twenty))
30 fourteen days of the date of the action being appealed.

31 **Sec. 4.** RCW 36.70.860 and 1963 c 4 s 36.70.860 are each amended to
32 read as follows:

33 In exercising the powers granted by RCW 36.70.810 and 36.70.820,
34 the board of adjustment may, in conformity with this chapter and
35 chapter 36.70B RCW, reverse or affirm, wholly or in part, or may modify
36 the order, requirement, decision, or determination appealed from, and
37 may make such order, requirement, decision, or determination as should

1 be made and, to that end, shall have all the powers of the officer from
2 whom the appeal is taken, insofar as the decision on the particular
3 issue is concerned.

4 **Sec. 5.** RCW 36.70.880 and 1963 c 4 s 36.70.880 are each amended to
5 read as follows:

6 Except as otherwise provided in chapter 36.70B RCW, the action by
7 the zoning adjustor on all matters coming before him or her shall be
8 final and conclusive unless within ((ten)) fourteen days after the
9 zoning adjustor has made his or her order, requirement, decision, or
10 determination, an appeal in writing is filed with the board of
11 adjustment. Such an appeal may be taken by the original applicant, or
12 by opponents of record in the case.

13 **Sec. 6.** RCW 36.70.890 and 1963 c 4 s 36.70.890 are each amended to
14 read as follows:

15 The action by the board of adjustment on an application for a
16 conditional use permit or a variance, or on an appeal from the decision
17 of the zoning adjustor or an administrative officer shall be final and
18 conclusive unless ((within ten days from the date of said action the
19 original applicant or an adverse party makes application to a court of
20 competent jurisdiction for a writ of certiorari, a writ of prohibition
21 or a writ of mandamus)) a land use petition is filed with superior
22 court as provided in chapter 36.70C RCW.

23 **Sec. 7.** RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1 are
24 each reenacted and amended to read as follows:

25 (1) Not later than April 1, 1996, a local government planning under
26 RCW 36.70A.040 shall provide a notice of application to the public and
27 the departments and agencies with jurisdiction as provided in this
28 section. If a local government has made a threshold determination
29 under chapter 43.21C RCW concurrently with the notice of application,
30 the notice of application may be combined with the threshold
31 determination and the scoping notice for a determination of
32 significance. Nothing in this section prevents a determination of
33 significance and scoping notice from being issued prior to the notice
34 of application. Nothing in this section or this chapter prevents a
35 lead agency, when it is a project proponent or is funding a project,
36 from conducting its review under chapter 43.21C RCW or from allowing

1 appeals of procedural determinations prior to submitting a project
2 permit application.

3 (2) The notice of application shall be provided within fourteen
4 days after the determination of completeness as provided in RCW
5 36.70B.070 and, except as limited by the provisions of subsection
6 (4)(b) of this section, shall include the following in whatever
7 sequence or format the local government deems appropriate:

8 (a) The date of application, the date of the notice of completion
9 for the application, and the date of the notice of application;

10 (b) A description of the proposed project action and a list of the
11 project permits included in the application and, if applicable, a list
12 of any studies requested under RCW 36.70B.070 or 36.70B.090;

13 (c) The identification of other permits not included in the
14 application to the extent known by the local government;

15 (d) The identification of existing environmental documents that
16 evaluate the proposed project, and, if not otherwise stated on the
17 document providing the notice of application, such as a city land use
18 bulletin, the location where the application and any studies can be
19 reviewed;

20 (e) A statement of the public comment period, which shall be not
21 less than fourteen nor more than thirty days following the date of
22 notice of application, and statements of the right of any person to
23 comment on the application, receive notice of and participate in any
24 hearings, request a copy of the decision once made, and any appeal
25 rights. A local government may accept public comments at any time
26 prior to the closing of the record of an open record predecision
27 hearing, if any, or, if no open record predecision hearing is provided,
28 prior to the decision on the project permit;

29 (f) The date, time, place, and type of hearing, if applicable and
30 scheduled at the date of notice of the application;

31 (g) A statement of the preliminary determination, if one has been
32 made at the time of notice, of those development regulations that will
33 be used for project mitigation and of consistency as provided in RCW
34 36.70B.030(2) and 36.70B.040; and

35 (h) Any other information determined appropriate by the local
36 government.

37 (3) If an open record predecision hearing is required for the
38 requested project permits, the notice of application shall be provided
39 at least fifteen days prior to the open record hearing.

1 (4) A local government shall use reasonable methods to give the
2 notice of application to the public and agencies with jurisdiction and
3 may use its existing notice procedures. A local government may use
4 different types of notice for different categories of project permits
5 or types of project actions. If a local government by resolution or
6 ordinance does not specify its method of public notice, the local
7 government shall use the methods provided for in (a) and (b) of this
8 subsection. Examples of reasonable methods to inform the public are:

9 (a) Posting the property for site-specific proposals;

10 (b) Publishing notice, including at least the project location,
11 description, type of permit(s) required, comment period dates, and
12 location where the notice of application required by subsection (2) of
13 this section and the complete application may be reviewed, in the
14 newspaper of general circulation in the general area where the proposal
15 is located or in a local land use newsletter published by the local
16 government;

17 (c) Notifying public or private groups with known interest in a
18 certain proposal or in the type of proposal being considered;

19 (d) Notifying the news media;

20 (e) Placing notices in appropriate regional or neighborhood
21 newspapers or trade journals;

22 (f) Publishing notice in agency newsletters or sending notice to
23 agency mailing lists, either general lists or lists for specific
24 proposals or subject areas; and

25 (g) Mailing to neighboring property owners.

26 (5) A notice of application shall not be required for project
27 permits that are categorically exempt under chapter 43.21C RCW, unless
28 an open record predecision hearing is required or an open record appeal
29 hearing is allowed on the project permit decision.

30 (6) A local government shall integrate the permit procedures in
31 this section with its environmental review under chapter 43.21C RCW as
32 follows:

33 (a) Except for a threshold determination and except as otherwise
34 expressly allowed in this section, the local government may not issue
35 its decision or a recommendation on a project permit until the
36 expiration of the public comment period on the notice of application.

37 (b) If an open record predecision hearing is required, the local
38 government shall issue its threshold determination at least fifteen
39 days prior to the open record predecision hearing.

1 (c) Comments shall be as specific as possible.

2 (d) A local government is not required to provide for
3 administrative appeals of its threshold determination. If provided, an
4 administrative appeal shall be filed within fourteen days after notice
5 that the determination has been made and is appealable. Except as
6 otherwise expressly provided in this section, the appeal hearing on a
7 determination of nonsignificance shall be consolidated with any open
8 record hearing on the project permit.

9 (7) At the request of the applicant, a local government may combine
10 any hearing on a project permit with any hearing that may be held by
11 another local, state, regional, federal, or other agency, if:

12 (a) The hearing is held within the geographic boundary of the local
13 government; and

14 (b) The joint hearing can be held within the time periods specified
15 in RCW 36.70B.090 or the applicant agrees to the schedule in the event
16 that additional time is needed in order to combine the hearings. All
17 agencies of the state of Washington, including municipal corporations
18 and counties participating in a combined hearing, are hereby authorized
19 to issue joint hearing notices and develop a joint format, select a
20 mutually acceptable hearing body or officer, and take such other
21 actions as may be necessary to hold joint hearings consistent with each
22 of their respective statutory obligations.

23 (8) All state and local agencies shall cooperate to the fullest
24 extent possible with the local government in holding a joint hearing if
25 requested to do so, as long as:

26 (a) The agency is not expressly prohibited by statute from doing
27 so;

28 (b) Sufficient notice of the hearing is given to meet each of the
29 agencies' adopted notice requirements as set forth in statute,
30 ordinance, or rule; and

31 (c) The agency has received the necessary information about the
32 proposed project from the applicant to hold its hearing at the same
33 time as the local government hearing.

34 (9) A local government is not required to provide for
35 administrative appeals. If provided, an administrative appeal of the
36 project decision and of any environmental determination((7)) shall be
37 filed within fourteen days after the notice of the decision or after
38 other notice that the decision has been made and is appealable. The
39 local government shall extend the appeal period for an additional seven

1 days, if state or local rules adopted pursuant to chapter 43.21C RCW
2 allow public comment on a determination of nonsignificance issued as
3 part of the appealable project permit decision.

4 (10) The applicant for a project permit is deemed to be a
5 participant in any comment period, open record hearing, or closed
6 record appeal.

7 (11) Each local government planning under RCW 36.70A.040 shall
8 adopt procedures for administrative interpretation of its development
9 regulations.

10 **Sec. 8.** RCW 58.17.020 and 1995 c 32 s 2 are each amended to read
11 as follows:

12 As used in this chapter, unless the context or subject matter
13 clearly requires otherwise, the words or phrases defined in this
14 section shall have the indicated meanings.

15 (1) "Subdivision" is the division or redivision of land into five
16 or more lots, tracts, parcels, sites, or divisions for the purpose of
17 sale, lease, or transfer of ownership, except as provided in subsection
18 (6) of this section.

19 (2) "Plat" is a map or representation of a subdivision, showing
20 thereon the division of a tract or parcel of land into lots, blocks,
21 streets and alleys, or other divisions and dedications.

22 (3) "Dedication" is the deliberate appropriation of land by an
23 owner for any general and public uses, reserving to himself or herself
24 no other rights than such as are compatible with the full exercise and
25 enjoyment of the public uses to which the property has been devoted.
26 The intention to dedicate shall be evidenced by the owner by the
27 presentment for filing of a final plat or short plat showing the
28 dedication thereon; and, the acceptance by the public shall be
29 evidenced by the approval of such plat for filing by the appropriate
30 governmental unit.

31 A dedication of an area of less than two acres for use as a public
32 park may include a designation of a name for the park, in honor of a
33 deceased individual of good character.

34 (4) "Preliminary plat" is a neat and approximate drawing of a
35 proposed subdivision showing the general layout of streets and alleys,
36 lots, blocks, and other elements of a subdivision consistent with the
37 requirements of this chapter. The preliminary plat shall be the basis
38 for the approval or disapproval of the general layout of a subdivision.

1 (5) "Final plat" is the final drawing of the subdivision and
2 dedication prepared for filing for record with the county auditor and
3 containing all elements and requirements set forth in this chapter and
4 in local regulations adopted under this chapter.

5 (6) "Short subdivision" is the division or redivision of land into
6 four or fewer lots, tracts, parcels, sites, or divisions for the
7 purpose of sale, lease, or transfer of ownership(~~(:—PROVIDED, That)~~).
8 However, the legislative authority of any city or town may by local
9 ordinance increase the number of lots, tracts, or parcels to be
10 regulated as short subdivisions to a maximum of nine. The legislative
11 authority of any county planning under RCW 36.70A.040 that has adopted
12 a comprehensive plan and development regulations in compliance with
13 chapter 36.70A RCW may by ordinance increase the number of lots,
14 tracts, or parcels to be regulated as short subdivisions to a maximum
15 of nine in any urban growth area.

16 (7) "Binding site plan" means a drawing to a scale specified by
17 local ordinance which: (a) Identifies and shows the areas and
18 locations of all streets, roads, improvements, utilities, open spaces,
19 and any other matters specified by local regulations; (b) contains
20 inscriptions or attachments setting forth such appropriate limitations
21 and conditions for the use of the land as are established by the local
22 government body having authority to approve the site plan; and (c)
23 contains provisions making any development be in conformity with the
24 site plan.

25 (8) "Short plat" is the map or representation of a short
26 subdivision.

27 (9) "Lot" is a fractional part of divided lands having fixed
28 boundaries, being of sufficient area and dimension to meet minimum
29 zoning requirements for width and area. The term shall include tracts
30 or parcels.

31 (10) "Block" is a group of lots, tracts, or parcels within well
32 defined and fixed boundaries.

33 (11) "County treasurer" shall be as defined in chapter 36.29 RCW or
34 the office or person assigned such duties under a county charter.

35 (12) "County auditor" shall be as defined in chapter 36.22 RCW or
36 the office or person assigned such duties under a county charter.

37 (13) "County road engineer" shall be as defined in chapter 36.40
38 RCW or the office or person assigned such duties under a county
39 charter.

1 (14) "Planning commission" means that body as defined in
2 chapter(~~(s)~~) 36.70, 35.63, or 35A.63 RCW as designated by the
3 legislative body to perform a planning function or that body assigned
4 such duties and responsibilities under a city or county charter.

5 (15) "County commissioner" shall be as defined in chapter 36.32 RCW
6 or the body assigned such duties under a county charter.

7 **Sec. 9.** RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each
8 amended to read as follows:

9 (1) The legislative body of a city, town, or county shall adopt
10 regulations and procedures, and appoint administrative personnel for
11 the summary approval of short plats and short subdivisions or
12 alteration or vacation thereof. When an alteration or vacation
13 involves a public dedication, the alteration or vacation shall be
14 processed as provided in RCW 58.17.212 or 58.17.215. Such regulations
15 shall be adopted by ordinance and shall provide that a short plat and
16 short subdivision may be approved only if written findings that are
17 appropriate, as provided in RCW 58.17.110, are made by the
18 administrative personnel, and may contain wholly different requirements
19 than those governing the approval of preliminary and final plats of
20 subdivisions and may require surveys and monumentations and shall
21 require filing of a short plat, or alteration or vacation thereof, for
22 record in the office of the county auditor: PROVIDED, That such
23 regulations must contain a requirement that land in short subdivisions
24 may not be further divided in any manner within a period of five years
25 without the filing of a final plat, except that when the short plat
26 contains fewer than (~~four parcels~~) the maximum number of lots,
27 tracts, or parcels permitted by local ordinance under RCW 58.17.020(6),
28 nothing in this section shall prevent the owner who filed the short
29 plat from filing an alteration within the five-year period to create up
30 to a total of (~~four lots~~) the maximum number of lots, tracts, or
31 parcels permitted by local ordinance under RCW 58.17.020(6) within the
32 original short plat boundaries: PROVIDED FURTHER, That such
33 regulations are not required to contain a penalty clause as provided in
34 RCW 36.32.120 and may provide for wholly injunctive relief.

35 An ordinance requiring a survey shall require that the survey be
36 completed and filed with the application for approval of the short
37 subdivision.

1 (2) Cities, towns, and counties shall include in their short plat
2 regulations and procedures pursuant to subsection (1) of this section
3 provisions for considering sidewalks and other planning features that
4 assure safe walking conditions for students who walk to and from
5 school.

6 (3) Counties exercising the option under RCW 58.17.020(6) shall
7 include in their short plat regulations and procedures, pursuant to
8 subsection (1) of this section, provisions for considering the adequacy
9 of roads and surface water drainage.

10 **Sec. 10.** RCW 58.17.090 and 1995 c 347 s 426 are each amended to
11 read as follows:

12 (1) (~~Open~~) Following receipt of an application for preliminary
13 plat approval the administrative officer charged by ordinance with
14 responsibility for administration of regulations pertaining to platting
15 and subdivisions shall provide public notice and set a date for ((a
16 public)) an open record hearing. Except as provided in RCW 36.70B.110,
17 at a minimum, notice of the open record hearing shall be given in the
18 following manner:

19 (a) Notice shall be published not less than ten days prior to the
20 open record hearing in a newspaper of general circulation within the
21 county and a newspaper of general circulation in the area where the
22 real property which is proposed to be subdivided is located; and

23 (b) Special notice of the open record hearing shall be given to
24 adjacent landowners by any other reasonable method local authorities
25 deem necessary. Adjacent landowners are the owners of real property,
26 as shown by the records of the county assessor, located within three
27 hundred feet of any portion of the boundary of the proposed
28 subdivision. If the owner of the real property which is proposed to be
29 subdivided owns another parcel or parcels of real property which lie
30 adjacent to the real property proposed to be subdivided, notice under
31 this subsection (1)(b) shall be given to owners of real property
32 located within three hundred feet of any portion of the boundaries of
33 such adjacently located parcels of real property owned by the owner of
34 the real property proposed to be subdivided.

35 (2) All open record hearings shall be public. All open record
36 hearing notices shall include a description of the location of the
37 proposed subdivision. The description may be in the form of either a

1 vicinity location sketch or a written description other than a legal
2 description.

3 **Sec. 11.** RCW 58.17.095 and 1986 c 233 s 1 are each amended to read
4 as follows:

5 (1) A county, city, or town may adopt an ordinance providing for
6 the administrative review of a preliminary plat without ~~((a public))~~ an
7 open record hearing by adopting an ordinance providing for such
8 administrative review. The ordinance may specify a threshold number of
9 lots in a subdivision above which ~~((a public))~~ an open record hearing
10 must be held, and may specify other factors which necessitate the
11 holding of ~~((a public))~~ an open record hearing.

12 (2) The administrative review process shall include the following
13 minimum conditions:

14 ~~((1))~~ (a) Except as otherwise provided in this subsection, The
15 notice requirements of RCW 36.70B.110 and 58.17.090 shall be
16 followed~~((, except that the))~~.

17 (b) In a county, city, or town not planning under RCW 36.70A.040:

18 (i) Publication shall be made within ten days of the filing of the
19 application~~((, Additionally,))~~; and

20 (ii) At least ten days after the filing of the application notice
21 both shall be:

22 ~~((a))~~ (A) Posted on or around the land proposed to be subdivided
23 in at least five conspicuous places designed to attract public
24 awareness of the proposal; and

25 ~~((b))~~ (B) Mailed to the owner of each lot or parcel of property
26 located within at least three hundred feet of the site. The applicant
27 shall provide the county, city, or town with a list of such property
28 owners and their addresses.

29 (c) The notice shall include notification that no ~~((public))~~ open
30 record hearing will be held on the application, except as provided by
31 this section. The notice shall set out the procedures and time
32 limitations for persons to require ~~((a public))~~ an open record hearing
33 and make comments.

34 ~~((2))~~ (3) Any person shall have a period of twenty days from the
35 date of the notice to comment upon the proposed preliminary plat or a
36 period of not less than fourteen nor more than thirty days for a city,
37 county, or town planning under RCW 36.70A.040. All comments received

1 shall be provided to the applicant. The applicant has seven days from
2 receipt of the comments to respond thereto.

3 ~~((3) A public)~~ (4) An open record hearing on the proposed
4 subdivision shall be held if any person files a request for a hearing
5 with the county, city, or town within twenty-one days of the publishing
6 of such notice. If ~~((such a))~~ an open record hearing is requested,
7 notice requirements for the ~~((public))~~ hearing shall be in conformance
8 with RCW 58.17.090, and the ~~((ninety-day))~~ period for approval or
9 disapproval of the proposed subdivision provided for in RCW 58.17.140
10 shall commence with the date of the filing of the request for ~~((a~~
11 ~~public))~~ an open record hearing. Any hearing ordered under this
12 subsection shall be conducted by the planning commission or hearings
13 officer as required by county or city ordinance.

14 ~~((4))~~ (5) On its own initiative within twenty-one days of the
15 filing of the request for approval of the subdivision, the governing
16 body, or a designated employee or official, of the county, city, or
17 town, shall be authorized to cause ~~((a public))~~ an open record hearing
18 to be held on the proposed subdivision within ninety days of the filing
19 of the request for the subdivision.

20 ~~((5))~~ (6) If the ~~((public))~~ open record hearing is waived as
21 provided in this section, the planning commission or planning agency
22 shall complete the review of the proposed preliminary plat and transmit
23 its recommendation to the legislative body as provided in RCW
24 58.17.100.

25 **Sec. 12.** RCW 58.17.100 and 1995 c 347 s 428 are each amended to
26 read as follows:

27 (1)(a) If a city, town, or county has established a planning
28 commission or planning agency in accordance with state law or local
29 charter, such commission or agency shall review all preliminary plats
30 and make recommendations thereon to the city, town, or county
31 legislative body to assure conformance of the proposed subdivision to
32 the general purposes of the comprehensive plan and to planning
33 standards and specifications as adopted by the city, town, or county.
34 Except as provided in (b) of this subsection, reports of the planning
35 commission or agency shall be advisory only~~((: PROVIDED, That))~~.

36 (b) The legislative body of the city, town, or county may, by
37 ordinance, assign to such commission or agency, or any department
38 official or group of officials, such administrative functions, powers,

1 and duties as may be appropriate, including the holding of open record
2 hearings, and recommendations for approval or disapproval of
3 preliminary plats of proposed subdivisions.

4 ((Such)) (2) A recommendation made pursuant to subsection (1) of
5 this section shall be submitted to the legislative body not later than
6 fourteen days following action by the hearing body. Upon receipt of
7 the recommendation on any preliminary plat the legislative body shall
8 at its next public meeting set the date for the ((public meeting))
9 closed record appeal where it shall consider the recommendations of the
10 hearing body and may adopt or reject the recommendations of ((such))
11 the hearing body based on the record established at the ((public)) open
12 record hearing. If, after considering the matter ((at a public

13 meeting)) in a closed record appeal, the legislative body deems a
14 change in the planning commission's or planning agency's recommendation
15 approving or disapproving any preliminary plat is necessary, the
16 legislative body shall adopt its own recommendations and approve or
17 disapprove the preliminary plat.

18 (3) Every decision or recommendation made under this section shall
19 be in writing and shall include findings of fact and conclusions to
20 support the decision or recommendation.

21 (4) A record of all ((public meetings and public hearings)) open
22 record hearings and closed record appeals shall be kept by the
23 appropriate city, town, or county authority and shall be open to public
24 inspection.

25 (5) Sole authority ((to approve final plats, and)) to adopt or
26 amend platting ordinances shall reside in the legislative bodies.

27 **Sec. 13.** RCW 36.70B.090 and 1995 c 347 s 413 are each amended to
28 read as follows:

29 (1) Except as otherwise provided in subsection (2) of this section,
30 a local government planning under RCW 36.70A.040 shall issue its notice
31 of final decision on a project permit application within one hundred
32 twenty days after the local government notifies the applicant that the
33 application is complete, as provided in RCW 36.70B.070. In determining
34 the number of days that have elapsed after the local government has
35 notified the applicant that the application is complete, the following
36 periods shall be excluded:

37 (a)(i) Any period during which the applicant has been requested by
38 the local government to correct plans, perform required studies, or

1 provide additional required information. The period shall be
2 calculated from the date the local government notifies the applicant of
3 the need for additional information until the earlier of the date the
4 local government determines whether the additional information
5 satisfies the request for information or fourteen days after the date
6 the information has been provided to the local government.

7 (ii) If the local government determines that the information
8 submitted by the applicant under (a)(i) of this subsection is
9 insufficient, it shall notify the applicant of the deficiencies and the
10 procedures under (a)(i) of this subsection shall apply as if a new
11 request for studies had been made;

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

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

26 (d) Any extension of time mutually agreed upon by the applicant and
27 the local government; and

28 (e) With respect to any application that is subject to the
29 authority of a community municipal corporation council under RCW
30 35.14.040, the time between the date of the final decision by the local
31 government and the date of decision by the community municipal
32 corporation council, but not to exceed sixty days.

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

35 (a) Requires an amendment to the comprehensive plan or a
36 development regulation;

37 (b) Requires approval of a new fully contained community as
38 provided in RCW 36.70A.350, a master planned resort as provided in RCW

1 36.70A.360, or the siting of an essential public facility as provided
2 in RCW 36.70A.200; or

3 (c) Is substantially revised by the applicant, in which case the
4 time period shall start from the date at which the revised project
5 application is determined to be complete under RCW 36.70B.070.

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

11 (4) This section shall apply to project permit applications filed
12 on or after April 1, 1996.

13 NEW SECTION. **Sec. 14.** The amendment of RCW 36.70B.090 by section
14 13 of this act continues to be effective so long as RCW 36.70B.090
15 remains in effect. If RCW 36.70B.090 expires or is repealed, the
16 amendment by section 13 of this act likewise expires or is repealed."

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18 By Committee on Government Operations

19
20 On page 1, line 1 of the title, after "permitting;" strike the
21 remainder of the title and insert "amending RCW 35A.63.110, 36.70.810,
22 36.70.830, 36.70.860, 36.70.880, 36.70.890, 58.17.020, 58.17.060,
23 58.17.090, 58.17.095, 58.17.100, and 36.70B.090; and reenacting and
24 amending RCW 36.70B.110; and providing a contingent effective date."

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