

**2SSB 5290** - H COMM AMD

By Committee on Appropriations

**ADOPTED AS AMENDED 04/10/2023**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 36.70B.140 and 1995 c 347 s 418 are each amended to  
4 read as follows:

5 (1) A local government by ordinance or resolution may exclude the  
6 following project permits from the provisions of RCW 36.70B.060  
7 through 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark  
8 designations, street vacations, or other approvals relating to the  
9 use of public areas or facilities, or other project permits, whether  
10 administrative or quasi-judicial, that the local government by  
11 ordinance or resolution has determined present special circumstances  
12 that warrant a review process or time periods for approval which are  
13 different from that provided in RCW 36.70B.060 through 36.70B.090 and  
14 36.70B.110 through 36.70B.130.

15 (2) A local government by ordinance or resolution also may  
16 exclude the following project permits from the provisions of RCW  
17 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary  
18 adjustments and building and other construction permits, or similar  
19 administrative approvals, categorically exempt from environmental  
20 review under chapter 43.21C RCW, or for which environmental review  
21 has been completed in connection with other project permits.

22 (3) A local government must exclude project permits for interior  
23 alterations from site plan review, provided that the interior  
24 alterations do not result in the following:

25 (a) Additional sleeping quarters or bedrooms;

26 (b) Nonconformity with federal emergency management agency  
27 substantial improvement thresholds; or

28 (c) Increase the total square footage or valuation of the  
29 structure thereby requiring upgraded fire access or fire suppression  
30 systems.

1 (4) Nothing in this section exempts interior alterations from  
2 otherwise applicable building, plumbing, mechanical, or electrical  
3 codes.

4 (5) For purposes of this section, "interior alterations" include  
5 construction activities that do not modify the existing site layout  
6 or its current use and involve no exterior work adding to the  
7 building footprint.

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

10 (1) Subject to the availability of funds appropriated for this  
11 specific purpose, the department of commerce must establish a  
12 consolidated permit review grant program. The department may award  
13 grants to any local government that provides, by ordinance,  
14 resolution, or other action, a commitment to the following building  
15 permit review consolidation requirements:

16 (a) Issuing final decisions on residential permit applications  
17 within 45 business days or 90 calendar days.

18 (i) To achieve permit review within the stated time periods, a  
19 local government must provide consolidated review for building permit  
20 applications. This may include an initial technical peer review of  
21 the application for conformity with the requirements of RCW  
22 36.70B.070 by all departments, divisions, and sections of the local  
23 government with jurisdiction over the project.

24 (ii) A local government may contract with a third-party business  
25 to conduct the consolidated permit review or as additional inspection  
26 staff. Any funds expended for such a contract may be eligible for  
27 reimbursement under this act.

28 (iii) Local governments are authorized to use grant funds to  
29 contract outside assistance to audit their development regulations to  
30 identify and correct barriers to housing development.

31 (b) Establishing an application fee structure that would allow  
32 the jurisdiction to continue providing consolidated permit review  
33 within 45 business days or 90 calendar days.

34 (i) A local government may consult with local building  
35 associations to develop a reasonable fee system.

36 (ii) A local government must determine, no later than August 1,  
37 2023, the specific fee structure needed to provide permit review  
38 within the time periods specified in this subsection (1)(b).

1 (2) A jurisdiction that is awarded a grant under this section  
2 must provide a quarterly report to the department of commerce. The  
3 report must include the average and maximum time for permit review  
4 during the jurisdiction's participation in the grant program.

5 (3) If a jurisdiction is unable to successfully meet the terms  
6 and conditions of the grant, the jurisdiction must enter a 90-day  
7 probationary period. If the jurisdiction is not able to meet the  
8 requirements of this section by the end of the probationary period,  
9 the jurisdiction is no longer eligible to receive grants under this  
10 section.

11 (4) For the purposes of this section, "residential permit" means  
12 a permit issued by a city or county that satisfies the conditions of  
13 RCW 19.27.015(5) and is within the scope of the international  
14 residential code, as adopted in accordance with chapter 19.27 RCW.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70B  
16 RCW to read as follows:

17 (1) Subject to the availability of funds appropriated for this  
18 specific purpose, the department of commerce must establish a grant  
19 program for local governments to update their permit review process  
20 from paper filing systems to software systems capable of processing  
21 digital permit applications, virtual inspections, electronic review,  
22 and with capacity for video storage.

23 (2) The department of commerce may only provide a grant under  
24 this section to a city if the city allows for the development of at  
25 least two units per lot on all lots zoned predominantly for  
26 residential use within its jurisdiction.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70B  
28 RCW to read as follows:

29 (1) Subject to the availability of amounts appropriated for this  
30 specific purpose, the department of commerce must convene a digital  
31 permitting process work group to examine potential license and  
32 permitting software for local governments to encourage streamlined  
33 and efficient permit review.

34 (2) The department of commerce, in consultation with the  
35 association of Washington cities and Washington state association of  
36 counties, shall appoint members to the work group representing groups  
37 including but not limited to:

38 (a) Cities and counties;

1 (b) Building industries; and

2 (c) Building officials.

3 (3) The department of commerce must convene the first meeting of  
4 the work group by August 1, 2023. The department must submit a final  
5 report to the governor and the appropriate committees of the  
6 legislature by August 1, 2024. The final report must:

7 (a) Evaluate the existing need for digital permitting systems,  
8 including impacts on existing digital permitting systems that are  
9 already in place;

10 (b) Review barriers preventing local jurisdictions from accessing  
11 or adopting digital permitting systems;

12 (c) Evaluate the benefits and costs associated with a statewide  
13 permitting software system; and

14 (d) Provide budgetary, administrative policy, and legislative  
15 recommendations to increase the adoption of or establish a statewide  
16 system of digital permit review.

17 **Sec. 5.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to  
18 read as follows:

19 Unless the context clearly requires otherwise, the definitions in  
20 this section apply throughout this chapter.

21 (1) "Closed record appeal" means an administrative appeal on the  
22 record to a local government body or officer, including the  
23 legislative body, following an open record hearing on a project  
24 permit application when the appeal is on the record with no or  
25 limited new evidence or information allowed to be submitted and only  
26 appeal argument allowed.

27 (2) "Local government" means a county, city, or town.

28 (3) "Open record hearing" means a hearing, conducted by a single  
29 hearing body or officer authorized by the local government to conduct  
30 such hearings, that creates the local government's record through  
31 testimony and submission of evidence and information, under  
32 procedures prescribed by the local government by ordinance or  
33 resolution. An open record hearing may be held prior to a local  
34 government's decision on a project permit to be known as an "open  
35 record predecision hearing." An open record hearing may be held on an  
36 appeal, to be known as an "open record appeal hearing," if no open  
37 record predecision hearing has been held on the project permit.

38 (4) "Project permit" or "project permit application" means any  
39 land use or environmental permit or license required from a local

1 government for a project action, including but not limited to  
2 (~~building permits,~~) subdivisions, binding site plans, planned unit  
3 developments, conditional uses, shoreline substantial development  
4 permits, site plan review, permits or approvals required by critical  
5 area ordinances, site-specific rezones (~~authorized by a~~  
6 ~~comprehensive plan or subarea plan~~) which do not require a  
7 comprehensive plan amendment, but excluding the adoption or amendment  
8 of a comprehensive plan, subarea plan, or development regulations  
9 except as otherwise specifically included in this subsection.

10 (5) "Public meeting" means an informal meeting, hearing,  
11 workshop, or other public gathering of people to obtain comments from  
12 the public or other agencies on a proposed project permit prior to  
13 the local government's decision. A public meeting may include, but is  
14 not limited to, a design review or architectural control board  
15 meeting, a special review district or community council meeting, or a  
16 scoping meeting on a draft environmental impact statement. A public  
17 meeting does not include an open record hearing. The proceedings at a  
18 public meeting may be recorded and a report or recommendation may be  
19 included in the local government's project permit application file.

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

22 (1) (a) Within (~~twenty-eight~~) 28 days after receiving a project  
23 permit application, a local government planning pursuant to RCW  
24 36.70A.040 shall (~~mail or~~) provide (~~in person~~) a written  
25 determination to the applicant(~~, stating~~).

26 (b) The written determination must state either:

27 (~~(a)~~) (i) That the application is complete; or

28 (~~(b)~~) (ii) That the application is incomplete and that the  
29 procedural submission requirements of the local government have not  
30 been met. The determination shall outline what is necessary to make  
31 the application procedurally complete.

32 (c) The number of days shall be calculated by counting every  
33 calendar day.

34 (d) To the extent known by the local government, the local  
35 government shall identify other agencies of local, state, or federal  
36 governments that may have jurisdiction over some aspect of the  
37 application.

38 (2) A project permit application is complete for purposes of this  
39 section when it meets the procedural submission requirements of the

1 local government (~~and is sufficient for continued processing even~~  
2 ~~though additional information may be required or project~~  
3 ~~modifications may be undertaken subsequently~~), as outlined on the  
4 project permit application. Additional information or studies may be  
5 required or project modifications may be undertaken subsequent to the  
6 procedural review of the application by the local government. The  
7 determination of completeness shall not preclude the local government  
8 from requesting additional information or studies either at the time  
9 of the notice of completeness or subsequently if new information is  
10 required or substantial changes in the proposed action occur.  
11 However, if the procedural submission requirements, as outlined on  
12 the project permit application have been provided, the need for  
13 additional information or studies may not preclude a completeness  
14 determination.

15 (3) The determination of completeness may include or be combined  
16 with the following (~~as optional information~~):

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

19 (b) A preliminary determination of consistency, as provided under  
20 RCW 36.70B.040; (~~or~~)

21 (c) Other information the local government chooses to include; or

22 (d) The notice of application pursuant to the requirements in RCW  
23 36.70B.110.

24 (4)(a) An application shall be deemed procedurally complete on  
25 the 29th day after receiving a project permit application under this  
26 section if the local government does not provide a written  
27 determination to the applicant that the application is procedurally  
28 incomplete as provided in subsection (1)(b)(ii) of this section. When  
29 the local government does not provide a written determination, they  
30 may still seek additional information or studies as provided for in  
31 subsection (2) of this section.

32 (b) Within (~~fourteen~~) 14 days after an applicant has submitted  
33 to a local government additional information identified by the local  
34 government as being necessary for a complete application, the local  
35 government shall notify the applicant whether the application is  
36 complete or what additional information is necessary.

37 (c) The notice of application shall be provided within 14 days  
38 after the determination of completeness pursuant to RCW 36.70B.110.

1       **Sec. 7.** RCW 36.70B.080 and 2004 c 191 s 2 are each amended to  
2 read as follows:

3       (1) (a) Development regulations adopted pursuant to RCW 36.70A.040  
4 must establish and implement time periods for local government  
5 actions for each type of project permit application and provide  
6 timely and predictable procedures to determine whether a completed  
7 project permit application meets the requirements of those  
8 development regulations. The time periods for local government  
9 actions for each type of complete project permit application or  
10 project type should not exceed ~~((one hundred twenty days, unless the  
11 local government makes written findings that a specified amount of  
12 additional time is needed to process specific complete project permit  
13 applications or project types))~~ those specified in this section.

14       ~~((The))~~ (b) For project permits submitted after January 1, 2025,  
15 the development regulations must, for each type of permit  
16 application, specify the contents of a completed project permit  
17 application necessary for the complete compliance with the time  
18 periods and procedures.

19       ~~((2))~~ (c) A jurisdiction may exclude certain permit types and  
20 timelines for processing project permit applications as provided for  
21 in RCW 36.70B.140.

22       (d) The time periods for local government action to issue a final  
23 decision for each type of complete project permit application or  
24 project type subject to this chapter should not exceed the following  
25 time periods unless modified by the local government pursuant to this  
26 section or RCW 36.70B.140:

27       (i) For project permits which do not require public notice under  
28 RCW 36.70B.110, a local government must issue a final decision within  
29 65 days of the determination of completeness under RCW 36.70B.070;

30       (ii) For project permits which require public notice under RCW  
31 36.70B.110, a local government must issue a final decision within 100  
32 days of the determination of completeness under RCW 36.70B.070; and

33       (iii) For project permits which require public notice under RCW  
34 36.70B.110 and a public hearing, a local government must issue a  
35 final decision within 170 days of the determination of completeness  
36 under RCW 36.70B.070.

37       (e) A jurisdiction may modify the provisions in (d) of this  
38 subsection to add permit types not identified, change the permit  
39 names or types in each category, address how consolidated review time  
40 periods may be different than permits submitted individually, and

1 provide for how projects of a certain size or type may be  
2 differentiated. Unless otherwise provided for the consolidated review  
3 of more than one permit, the time period for a final decision shall  
4 be the longest of the permit time periods identified in (d) of this  
5 subsection or as amended by a local government.

6 (f) If a local government does not adopt an ordinance or  
7 resolution modifying the provisions in (d) of this subsection, the  
8 time periods in (d) of this subsection apply.

9 (g) The number of days an application is in review with the  
10 county or city shall be calculated from the day completeness is  
11 determined under RCW 36.70B.070 to the date a final decision is  
12 issued on the project permit application. The number of days shall be  
13 calculated by counting every calendar day and the following time  
14 periods:

15 (i) Any period between the day that the county or city has  
16 notified the applicant, in writing, that additional information is  
17 required to further process the application and the day when  
18 responsive information is resubmitted by the applicant;

19 (ii) Any period after an applicant informs the local government,  
20 in writing, that they would like to temporarily suspend review of the  
21 project permit application until the time that the applicant notifies  
22 the local government, in writing, that they would like to resume the  
23 application. A local government may set conditions for the temporary  
24 suspension of a permit application; and

25 (iii) Any period after an administrative appeal is filed until  
26 the administrative appeal is resolved and any additional time period  
27 provided by the administrative appeal has expired.

28 (h) The time periods for a local government to process a permit  
29 shall start over if an applicant proposes a change in use that adds  
30 or removes commercial or residential elements from the original  
31 application that would make the application fail to meet the  
32 determination of procedural completeness for the new use, as required  
33 by the local government under RCW 36.70B.070.

34 (i) If, at any time, an applicant informs the local government,  
35 in writing, that the applicant would like to temporarily suspend the  
36 review of the project for more than 60 days, or if an applicant is  
37 not responsive for more than 60 consecutive days after the county or  
38 city has notified the applicant, in writing, that additional  
39 information is required to further process the application, an  
40 additional 30 days may be added to the time periods for local



1 government action to issue a final decision for each type of project  
2 that is subject to this chapter. Any written notice from the local  
3 government to the applicant that additional information is required  
4 to further process the application must include a notice that  
5 nonresponsiveness for 60 consecutive days may result in 30 days being  
6 added to the time for review. For the purposes of this subsection,  
7 "nonresponsiveness" means that an applicant is not making  
8 demonstrable progress on providing additional requested information  
9 to the local government, or that there is no ongoing communication  
10 from the applicant to the local government on the applicant's ability  
11 or willingness to provide the additional information.

12 (j) Annual amendments to the comprehensive plan are not subject  
13 to the requirements of this section.

14 (k) A county's or city's adoption of a resolution or ordinance to  
15 implement this subsection shall not be subject to appeal under  
16 chapter 36.70A RCW unless the resolution or ordinance modifies the  
17 time periods provided in (d) of this subsection by providing for a  
18 review period of more than 170 days for any project permit.

19 (l)(i) When permit time periods provided for in (d) of this  
20 subsection, as may be amended by a local government, and as may be  
21 extended as provided for in (i) of this subsection, are not met, a  
22 portion of the permit fee must be refunded to the applicant as  
23 provided in this subsection. A local government may provide for the  
24 collection of only 80 percent of a permit fee initially, and for the  
25 collection of the remaining balance if the permitting time periods  
26 are met. The portion of the fee refunded for missing time periods  
27 shall be:

28 (A) 10 percent if the final decision of the project permit  
29 application was made after the applicable deadline but the period  
30 from the passage of the deadline to the time of issuance of the final  
31 decision did not exceed 20 percent of the original time period; or

32 (B) 20 percent if the period from the passage of the deadline to  
33 the time of the issuance of the final decision exceeded 20 percent of  
34 the original time period.

35 (ii) Except as provided in RCW 36.70B.160, the provisions in this  
36 subsection (l)(1) are not applicable to cities and counties which  
37 have implemented at least three of the options in RCW 36.70B.160(1)  
38 (a) through (j) at the time an application is deemed procedurally  
39 complete.

1        (2)(a) Counties subject to the requirements of RCW 36.70A.215 and  
2 the cities within those counties that have populations of at least  
3 (~~twenty thousand~~) 20,000 must, for each type of permit application,  
4 identify the total number of project permit applications for which  
5 decisions are issued according to the provisions of this chapter. For  
6 each type of project permit application identified, these counties  
7 and cities must establish and implement a deadline for issuing a  
8 notice of final decision as required by subsection (1) of this  
9 section and minimum requirements for applications to be deemed  
10 complete under RCW 36.70B.070 as required by subsection (1) of this  
11 section.

12        (b) Counties and cities subject to the requirements of this  
13 subsection also must prepare an annual performance report(~~s~~) that  
14 (~~include, at a minimum, the following information for each type of~~  
15 ~~project permit application identified in accordance with the~~  
16 ~~requirements of (a) of this subsection:~~

17        ~~(i) Total number of complete applications received during the~~  
18 ~~year;~~

19        ~~(ii) Number of complete applications received during the year for~~  
20 ~~which a notice of final decision was issued before the deadline~~  
21 ~~established under this subsection;~~

22        ~~(iii) Number of applications received during the year for which a~~  
23 ~~notice of final decision was issued after the deadline established~~  
24 ~~under this subsection;~~

25        ~~(iv) Number of applications received during the year for which an~~  
26 ~~extension of time was mutually agreed upon by the applicant and the~~  
27 ~~county or city;~~

28        ~~(v) Variance of actual performance, excluding applications for~~  
29 ~~which mutually agreed time extensions have occurred, to the deadline~~  
30 ~~established under this subsection during the year; and~~

31        ~~(vi) The mean processing time and the number standard deviation~~  
32 ~~from the mean.~~

33        ~~(c) Counties and cities subject to the requirements of this~~  
34 ~~subsection must:~~

35        ~~(i) Provide notice of and access to the annual performance~~  
36 ~~reports through the county's or city's website; and~~

37        ~~(ii) Post electronic facsimiles of the annual performance reports~~  
38 ~~through the county's or city's website. Postings on a county's or~~  
39 ~~city's website indicating that the reports are available by~~

1 ~~contacting the appropriate county or city department or official do~~  
2 ~~not comply with the requirements of this subsection.~~

3 ~~If a county or city subject to the requirements of this~~  
4 ~~subsection does not maintain a website, notice of the reports must be~~  
5 ~~given by reasonable methods, including but not limited to those~~  
6 ~~methods specified in RCW 36.70B.110(4).~~

7 ~~(3))~~ includes information outlining time periods for certain  
8 permit types associated with housing. The report must provide:

9 (i) Permit time periods for certain permit processes in the  
10 county or city in relation to those established under this section,  
11 including whether the county or city has established shorter time  
12 periods than those provided in this section;

13 (ii) The total number of decisions issued during the year for the  
14 following permit types: Preliminary subdivisions, final subdivisions,  
15 binding site plans, permit processes associated with the approval of  
16 multifamily housing, and construction plan review for each of these  
17 permit types when submitted separately;

18 (iii) The total number of decisions for each permit type which  
19 included consolidated project permit review, such as concurrent  
20 review of a rezone or construction plans;

21 (iv) The total number of days from a submittal to a decision  
22 being issued. This shall be calculated from the day completeness is  
23 determined under RCW 36.70B.070 to the date a decision is issued on  
24 the application. The number of days shall be calculated by counting  
25 every calendar day;

26 (v) The total number of days the application was in review with  
27 the county or city. This shall be calculated from the day  
28 completeness is determined under RCW 36.70B.070 to the date a final  
29 decision is issued on the application. The number of days shall be  
30 calculated by counting every calendar day. The days the application  
31 is in review with the county or city does not include time periods  
32 between where the county or city has notified the applicant, in  
33 writing, that additional information is required to further process  
34 the application and when that information is submitted by the  
35 applicant. Time periods shall also be stopped when an applicant  
36 informs the local government, in writing, that they would like to  
37 temporarily suspend review of the project permit application; and

38 (vi) The total number of days the permit is the responsibility of  
39 the applicant, including days the county or city is waiting for  
40 additional information.

1 (c) Counties and cities subject to the requirements of this  
2 subsection must:

3 (i) Post the annual performance report through the county's or  
4 city's website; and

5 (ii) Submit the annual performance report to the department of  
6 commerce by March 1st each year.

7 (d) No later than July 1st each year, the department of commerce  
8 shall publish a report which includes the annual performance report  
9 data for each county and city subject to the requirements of this  
10 subsection and a list of those counties and cities whose time periods  
11 are shorter than those provided for in this section.

12 The annual report must also include key metrics and findings from  
13 the information collected.

14 (e) The initial annual report required under this subsection must  
15 be submitted to the department of commerce by March 1, 2025, and must  
16 include information from permitting in 2024.

17 (3) Nothing in this section prohibits a county or city from  
18 extending a deadline for issuing a decision for a specific project  
19 permit application for any reasonable period of time mutually agreed  
20 upon by the applicant and the local government.

21 ~~((4) The department of community, trade, and economic~~  
22 ~~development shall work with the counties and cities to review the~~  
23 ~~potential implementation costs of the requirements of subsection (2)~~  
24 ~~of this section. The department, in cooperation with the local~~  
25 ~~governments, shall prepare a report summarizing the projected costs,~~  
26 ~~together with recommendations for state funding assistance for~~  
27 ~~implementation costs, and provide the report to the governor and~~  
28 ~~appropriate committees of the senate and house of representatives by~~  
29 ~~January 1, 2005.))~~

30 **Sec. 8.** RCW 36.70B.160 and 1995 c 347 s 420 are each amended to  
31 read as follows:

32 (1) Each local government is encouraged to adopt further project  
33 review and code provisions to provide prompt, coordinated review and  
34 ensure accountability to applicants and the public(~~(, including~~  
35 ~~expedited review for project permit applications for projects that~~  
36 ~~are consistent with adopted development regulations and within the~~  
37 ~~capacity of systemwide infrastructure improvements)) by:~~

38 (a) Expediting review for project permit applications for  
39 projects that are consistent with adopted development regulations;

1 (b) Imposing reasonable fees, consistent with RCW 82.02.020, on  
2 applicants for permits or other governmental approvals to cover the  
3 cost to the city, town, county, or other municipal corporation of  
4 processing applications, inspecting and reviewing plans, or preparing  
5 detailed statements required by chapter 43.21C RCW. The fees imposed  
6 may not include a fee for the cost of processing administrative  
7 appeals. Nothing in this subsection limits the ability of a county or  
8 city to impose a fee for the processing of administrative appeals as  
9 otherwise authorized by law;

10 (c) Entering into an interlocal agreement with another  
11 jurisdiction to share permitting staff and resources;

12 (d) Maintaining and budgeting for on-call permitting assistance  
13 for when permit volumes or staffing levels change rapidly;

14 (e) Having new positions budgeted that are contingent on  
15 increased permit revenue;

16 (f) Adopting development regulations which only require public  
17 hearings for permit applications that are required to have a public  
18 hearing by statute;

19 (g) Adopting development regulations which make preapplication  
20 meetings optional rather than a requirement of permit application  
21 submittal;

22 (h) Adopting development regulations which make housing types an  
23 outright permitted use in all zones where the housing type is  
24 permitted;

25 (i) Adopting a program to allow for outside professionals with  
26 appropriate professional licenses to certify components of  
27 applications consistent with their license; or

28 (j) Meeting with the applicant to attempt to resolve outstanding  
29 issues during the review process. The meeting must be scheduled  
30 within 14 days of a second request for corrections during permit  
31 review. If the meeting cannot resolve the issues and a local  
32 government proceeds with a third request for additional information  
33 or corrections, the local government must approve or deny the  
34 application upon receiving the additional information or corrections.

35 (2) (a) After January 1, 2026, a county or city must adopt  
36 additional measures under subsection (1) of this section at the time  
37 of its next comprehensive plan update under RCW 36.70A.130 if it  
38 meets the following conditions:

1 (i) The county or city has adopted at least three project review  
2 and code provisions under subsection (1) of this section more than  
3 five years prior; and

4 (ii) The county or city is not meeting the permitting deadlines  
5 established in RCW 36.70B.080 at least half of the time over the  
6 period since its most recent comprehensive plan update under RCW  
7 36.70A.130.

8 (b) A city or county that is required to adopt new measures under  
9 (a) of this subsection but fails to do so becomes subject to the  
10 provisions of RCW 36.70B.080(1)(1), notwithstanding RCW  
11 36.70B.080(1)(1)(ii).

12 ~~((+2))~~ (3) Nothing in this chapter is intended or shall be  
13 construed to prevent a local government from requiring a  
14 preapplication conference or a public meeting by rule, ordinance, or  
15 resolution.

16 ~~((+3))~~ (4) Each local government shall adopt procedures to  
17 monitor and enforce permit decisions and conditions.

18 ~~((+4))~~ (5) Nothing in this chapter modifies any independent  
19 statutory authority for a government agency to appeal a project  
20 permit issued by a local government.

21 NEW SECTION. Sec. 9. A new section is added to chapter 36.70B  
22 RCW to read as follows:

23 (1) The department of commerce shall develop and provide  
24 technical assistance and guidance to counties and cities in setting  
25 fee structures under RCW 36.70B.160(1) to ensure that the fees are  
26 reasonable and sufficient to recover true costs. The guidance must  
27 include information on how to utilize growth factors or other  
28 measures to reflect cost increases over time.

29 (2) When providing technical assistance under subsection (1) of  
30 this section, the department of commerce must prioritize local  
31 governments that have implemented at least three of the options in  
32 RCW 36.70B.160(1).

33 **Sec. 10.** RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1  
34 are each reenacted and amended to read as follows:

35 (1) Not later than April 1, 1996, a local government planning  
36 under RCW 36.70A.040 shall provide a notice of application to the  
37 public and the departments and agencies with jurisdiction as provided  
38 in this section. If a local government has made a threshold

1 determination under chapter 43.21C RCW concurrently with the notice  
2 of application, the notice of application may be combined with the  
3 threshold determination and the scoping notice for a determination of  
4 significance. Nothing in this section prevents a determination of  
5 significance and scoping notice from being issued prior to the notice  
6 of application. Nothing in this section or this chapter prevents a  
7 lead agency, when it is a project proponent or is funding a project,  
8 from conducting its review under chapter 43.21C RCW or from allowing  
9 appeals of procedural determinations prior to submitting a project  
10 permit (~~(application)~~).

11 (2) The notice of application shall be provided within  
12 (~~(fourteen)~~) 14 days after the determination of completeness as  
13 provided in RCW 36.70B.070 and, except as limited by the provisions  
14 of subsection (4)(b) of this section, (~~(shall)~~) must include the  
15 following in whatever sequence or format the local government deems  
16 appropriate:

17 (a) The date of application, the date of the notice of completion  
18 for the application, and the date of the notice of application;

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

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

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

29 (e) A statement of the public comment period, which shall be not  
30 less than fourteen nor more than thirty days following the date of  
31 notice of application, and statements of the right of any person to  
32 comment on the application, receive notice of and participate in any  
33 hearings, request a copy of the decision once made, and any appeal  
34 rights. A local government may accept public comments at any time  
35 prior to the closing of the record of an open record predecision  
36 hearing, if any, or, if no open record predecision hearing is  
37 provided, prior to the decision on the project permit;

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

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

5 (h) Any other information determined appropriate by the local  
6 government.

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

10 (4) A local government shall use reasonable methods to give the  
11 notice of application to the public and agencies with jurisdiction  
12 and may use its existing notice procedures. A local government may  
13 use different types of notice for different categories of project  
14 permits or types of project actions. If a local government by  
15 resolution or ordinance does not specify its method of public notice,  
16 the local government shall use the methods provided for in (a) and  
17 (b) of this subsection. Examples of reasonable methods to inform the  
18 public are:

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

20 (b) Publishing notice, including at least the project location,  
21 description, type of permit(s) required, comment period dates, and  
22 location where the notice of application required by subsection (2)  
23 of this section and the complete application may be reviewed, in the  
24 newspaper of general circulation in the general area where the  
25 proposal is located or in a local land use newsletter published by  
26 the local government;

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

29 (d) Notifying the news media;

30 (e) Placing notices in appropriate regional or neighborhood  
31 newspapers or trade journals;

32 (f) Publishing notice in agency newsletters or sending notice to  
33 agency mailing lists, either general lists or lists for specific  
34 proposals or subject areas; and

35 (g) Mailing to neighboring property owners.

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



1 (6) A local government shall integrate the permit procedures in  
2 this section with (~~its~~) environmental review under chapter 43.21C  
3 RCW as follows:

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

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

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

12 (d) A local government is not required to provide for  
13 administrative appeals of its threshold determination. If provided,  
14 an administrative appeal (~~shall~~) must be filed within fourteen days  
15 after notice that the determination has been made and is appealable.  
16 Except as otherwise expressly provided in this section, the appeal  
17 hearing on a threshold determination (~~of nonsignificance shall~~)  
18 must be consolidated with any open record hearing on the project  
19 permit.

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

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

25 (b) (~~The joint hearing can be held within the time periods~~  
26 ~~specified in RCW 36.70B.090 or the~~) The applicant agrees to the  
27 schedule in the event that additional time is needed in order to  
28 combine the hearings. All agencies of the state of Washington,  
29 including municipal corporations and counties participating in a  
30 combined hearing, are hereby authorized to issue joint hearing  
31 notices and develop a joint format, select a mutually acceptable  
32 hearing body or officer, and take such other actions as may be  
33 necessary to hold joint hearings consistent with each of their  
34 respective statutory obligations.

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

38 (a) The agency is not expressly prohibited by statute from doing  
39 so;

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

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

7 (9) A local government is not required to provide for  
8 administrative appeals. If provided, an administrative appeal of the  
9 project decision and of any environmental determination issued at the  
10 same time as the project decision, shall be filed within fourteen  
11 days after the notice of the decision or after other notice that the  
12 decision has been made and is appealable. The local government shall  
13 extend the appeal period for an additional seven days, if state or  
14 local rules adopted pursuant to chapter 43.21C RCW allow public  
15 comment on a determination of nonsignificance issued as part of the  
16 appealable project permit decision.

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

20 (11) Each local government planning under RCW 36.70A.040 shall  
21 adopt procedures for administrative interpretation of its development  
22 regulations.

23 NEW SECTION. **Sec. 11.** The department of commerce shall develop  
24 a template for counties and cities subject to the requirements in RCW  
25 36.70B.080, which will be utilized for reporting data.

26 NEW SECTION. **Sec. 12.** The department of commerce shall develop  
27 a plan to provide local governments with appropriately trained staff  
28 to provide temporary support or hard to find expertise for timely  
29 processing of residential housing permit applications. The plan shall  
30 include consideration of how local governments can be provided with  
31 staff that have experience with providing substitute staff support or  
32 that possess expertise in permitting policies and regulations in the  
33 local government's geographic area or with jurisdictions of the local  
34 government's size or population. The plan and a proposal for  
35 implementation shall be presented to the legislature by December 1,  
36 2023.

1        NEW SECTION.        **Sec. 13.**        Section 7 of this act takes effect  
2        January 1, 2025."

3        Correct the title.

EFFECT: • Limits the cities that can be provided a grant from the Department of Commerce for updating permit processes from paper to digital systems to those cities that allow for the development of at least two units per lot on all lots zoned predominantly for residential use within the city.

• Removes requirement that certain counties and cities provide, in an annual permitting report to the Department of Commerce, certain ongoing information to applicants, other local governments, and the state.

• Provides that a local government that is exempt from the permit refund requirements because it has adopted additional optional permit project review provisions may again become subject to the refund requirements if it is not meeting permitting deadlines at least half of the time and does not adopt new permit project review provisions at the time of its next comprehensive plan update.

• Restores the 28-day deadline for a local government to provide a written determination of completeness on a project permit application.

• Provides that, when determining the number of days that have elapsed toward a determination of completeness or project permit processing deadline, every calendar day is counted.

• Extends default project permit processing time periods for permits that do not require public notice from 45 to 65 days; for a permit which requires public notice from 70 days to 100 days; and for a permit which requires both public notice and a public hearing from 120 days to 170 days.

• Increases the permit review period that can be provided for in an ordinance or resolution implementing permit processing timelines while maintaining an exemption from appeal for the ordinance or resolution from 120 to 170 days.

• Provides that the time period for processing a permit will restart if an applicant proposes a change in use that adds or removes commercial or residential elements from the application such that the application would fail to meet a determination of procedural completeness for the new use.

• Reconciles two conflicting versions of a current statutory provision.

• Requires the Department of Commerce to develop a plan for providing local governments with staff to provide temporary support or expertise for processing residential permit applications, with consideration for providing the local government with staff that have experience providing substitute staff support or that have expertise particularly relevant to the local government, with the plan and a proposal for implementation due to the Legislature by December 31, 2023.

• Makes various technical corrections and clarifications.

--- END ---