
SENATE BILL 5307

State of Washington

58th Legislature

2003 Regular Session

By Senators Mulliken, Finkbeiner, Stevens, McCaslin, Hale and Esser

Read first time 01/22/2003. Referred to Committee on Land Use & Planning.

1 AN ACT Relating to permit timelines; and adding a new section to
2 chapter 36.70B RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70B RCW
5 to read as follows:

6 (1) Except as otherwise provided in subsection (2) of this section,
7 a local government planning under RCW 36.70A.040 shall issue its notice
8 of final decision on a project permit application within one hundred
9 twenty days after the local government notifies the applicant that the
10 application is complete, as provided in RCW 36.70B.070. In determining
11 the number of days that have elapsed after the local government has
12 notified the applicant that the application is complete, the following
13 periods are excluded:

14 (a) Any period during which the applicant has been requested by the
15 local government to correct plans, perform required studies, or provide
16 additional required information. The period must be calculated from
17 the date the local government notifies the applicant of the need for
18 additional information until the earlier of the date the local
19 government determines whether the additional information satisfies the

1 request for information or fourteen days after the date the information
2 has been provided to the local government. If the local government
3 determines that the information submitted by the applicant is
4 insufficient, it shall notify the applicant of the deficiencies and the
5 procedures apply as if a new request for studies had been made. In no
6 event may the total time period allowed for additional information
7 extend for more than sixty days from the date of original notification
8 to the applicant by the local government requiring additional
9 information, unless otherwise agreed in writing by the applicant and
10 the local government;

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

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

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

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

29 (a) Requires an amendment to the comprehensive plan or a
30 development regulation;

31 (b) Requires approval of a new fully contained community as
32 provided in RCW 36.70A.350, a master planned resort as provided in RCW
33 36.70A.360, or the siting of an essential public facility as provided
34 in RCW 36.70A.200; or

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

1 (3) If the local government is unable to issue its final decision
2 within the time limits provided for in this section, the project permit
3 application must be deemed approved. If no notice of final decision is
4 issued to the applicant by the local government under RCW 36.70B.130,
5 then the written determination of complete application under RCW
6 36.70B.070 is conclusive evidence of project approval as of the date
7 when the project is deemed approved.

8 (4) This section applies to project permit applications filed on or
9 after January 1, 2004.

10 (5) An advisory group must be established by the legislature to
11 review the procedures in this chapter and to make recommendations to
12 the legislature concerning modifications to those procedures. The
13 advisory group consists of: Two members of the senate representing the
14 two major political parties, appointed by the president of the senate;
15 two members of the house of representatives representing the two major
16 political parties, appointed by the speaker of the house of
17 representatives, and eight members, appointed jointly by the president
18 of the senate and the speaker of the house of representatives
19 reflecting the interests of business, agriculture, labor, the
20 environment, property owners, neighborhood groups, cities, counties,
21 and federally recognized Indian tribes. Members must have substantial
22 experience in matters relating to land use and environmental planning
23 and regulation, and have the ability to work toward cooperative
24 solutions among diverse interests. Staff for the advisory group must
25 be provided by state agencies and the legislature, as may be required.

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