

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2811**

Chapter 191, Laws of 2004

58th Legislature  
2004 Regular Session

LOCAL GOVERNMENT PROJECT PERMITTING

EFFECTIVE DATE: 6/10/04

Passed by the House March 8, 2004  
Yeas 95 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate March 3, 2004  
Yeas 45 Nays 0

BRAD OWEN

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**President of the Senate**

Approved March 26, 2004.

GARY F. LOCKE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2811** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

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**Chief Clerk**

FILED

March 26, 2004 - 4:50 p.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 2811

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AS AMENDED BY THE SENATE

Passed Legislature - 2004 Regular Session

**State of Washington**                      **58th Legislature**                      **2004 Regular Session**

**By** Representatives Jarrett, Upthegrove, Priest, Romero, Shabro, Moeller, Clibborn, Linville, Edwards, Tom, Sullivan and Woods

Read first time 01/21/2004. Referred to Committee on Local Government.

1            AN ACT Relating to establishing permit processing timelines and  
2 reporting requirements for certain local governments subject to the  
3 requirements of RCW 36.70A.215; amending RCW 36.70B.080; and creating  
4 a new section.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that the timely  
7 issuance of project permit decisions by local governments serves the  
8 public interest. When these decisions, that are often responses to  
9 land use and building permit applications, are issued according to  
10 specific and locally established time periods and without unnecessary  
11 or inappropriate delays, the public enjoys greater efficiency,  
12 consistency, and predictability in the permitting process.

13            The legislature also finds that full access to relevant performance  
14 data produced annually by local governments for each type of permit  
15 application affords elected officials, project proponents, and the  
16 general public the opportunity to review and compare the permit  
17 application and processing performance of jurisdictions. Furthermore,  
18 the legislature finds that the review and comparison of this data, and  
19 the requirement to provide convenient and direct internet access to

1 germane and consistent reports, will likely foster improved methods for  
2 processing applications, and issuing project permit decisions in a  
3 timely manner.

4 The legislature, therefore, intends to continue and clarify the  
5 requirements for certain jurisdictions to produce and provide access to  
6 annual permitting performance reports.

7 **Sec. 2.** RCW 36.70B.080 and 2001 c 322 s 1 are each amended to read  
8 as follows:

9 (1) Development regulations adopted pursuant to RCW 36.70A.040  
10 (~~shall~~) must establish and implement time periods for local  
11 government actions (~~on specific~~) for each type of project permit  
12 application(~~s~~) and provide timely and predictable procedures to  
13 determine whether a completed project permit application meets the  
14 requirements of those development regulations. The time periods for  
15 local government actions (~~on specific~~) for each type of complete  
16 project permit application(~~s~~) or project type(~~s~~) should not exceed  
17 one hundred twenty days, unless the local government makes written  
18 findings that a specified amount of additional time is needed (~~for~~  
19 ~~processing of~~) to process specific complete project permit  
20 applications or project types.

21 (~~Such~~) The development regulations (~~shall~~) must, for each type  
22 of permit application, specify the contents of a completed project  
23 permit application necessary for the (~~application of such~~) complete  
24 compliance with the time periods and procedures.

25 (2)(a) Counties subject to the requirements of RCW 36.70A.215 and  
26 the cities within those counties that have populations of at least  
27 twenty thousand (~~shall~~) must, for each type of permit application,  
28 identify the (~~types~~) total number of project permit applications for  
29 which decisions are issued according to the provisions of this chapter.  
30 For each type of project permit application identified, these counties  
31 and cities (~~shall~~) must establish and implement a deadline for  
32 issuing a notice of final decision as required by subsection (1) of  
33 this section and minimum requirements for applications to be deemed  
34 complete under RCW 36.70B.070 as required by subsection (1) of this  
35 section.

36 (b) Counties and cities subject to the requirements of this  
37 subsection also (~~shall, through September 1, 2003,~~) must prepare (~~at~~

1 ~~least two~~) annual performance reports that include, at a minimum, the  
2 following information for each type of project permit application  
3 identified in accordance with the requirements of (a) of this  
4 subsection:

5 (i) Total number of complete applications received during the year;

6 (ii) Number of complete applications received during the year for  
7 which a notice of final decision was issued before the deadline  
8 established under this subsection;

9 (iii) Number of applications received during the year for which a  
10 notice of final decision was issued after the deadline established  
11 under this subsection;

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

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

18 (vi) The mean processing time and the number standard deviation  
19 from the mean.

20 ~~((b) Until July 1, 2003,))~~ (c) Counties and cities subject to the  
21 requirements of this subsection ~~((shall))~~ must:

22 (i) Provide notice of and access to the annual performance reports  
23 ~~((required by this subsection))~~ through the county's or city's web  
24 site; and

25 (ii) Post electronic facsimiles of the annual performance reports  
26 through the county's or city's web site. Postings on a county's or  
27 city's web site indicating that the reports are available by contacting  
28 the appropriate county or city department or official do not comply  
29 with the requirements of this subsection.

30 If a county or city subject to the requirements of this subsection  
31 does not maintain a web site, notice of the reports ~~((shall))~~ must be  
32 given by reasonable methods, including but not limited to those methods  
33 specified in RCW 36.70B.110(4).

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

1       (4) The department of community, trade, and economic development  
2 shall work with the counties and cities to review the potential  
3 implementation costs of the requirements of subsection (2) of this  
4 section. The department, in cooperation with the local governments,  
5 shall prepare a report summarizing the projected costs, together with  
6 recommendations for state funding assistance for implementation costs,  
7 and provide the report to the governor and appropriate committees of  
8 the senate and house of representatives by January 1, 2005.

Passed by the House March 8, 2004.

Passed by the Senate March 3, 2004.

Approved by the Governor March 26, 2004.

Filed in Office of Secretary of State March 26, 2004.