

# SENATE BILL REPORT

## SB 5372

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As Reported by Senate Committee On:  
Local Government, February 5, 2019

**Title:** An act relating to local project review undertaken under chapter 36.70B RCW.

**Brief Description:** Concerning local project review undertaken under chapter 36.70B RCW.

**Sponsors:** Senators Palumbo and Honeyford.

**Brief History:**

**Committee Activity:** Local Government: 1/31/19, 2/05/19 [DPS, w/oRec].

**Brief Summary of First Substitute Bill**

- Requires local project permit applications to be considered complete within five business days of submittal.
- Decreases the amount of time for completeness determinations.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** That Substitute Senate Bill No. 5372 be substituted therefor, and the substitute bill do pass.

Signed by Senators Takko, Chair; Short, Ranking Member; Honeyford and Liias.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Salomon, Vice Chair.

**Staff:** Greg Vogel (786-7413)

**Background:** Legislation enacted in 1995 required counties and cities, required or choosing to plan under the Growth Management Act (GMA), to establish an integrated and consolidated development permit process for all projects involving two or more permits and to provide for no more than one open record hearing and one closed record appeal. Other jurisdictions may incorporate some or all of the integrated and consolidated development permit process.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The 1995 legislation specified the permit process must include a determination of completeness of the project application within 28 days of submission. A project permit application is determined to be complete when it meets the local procedural submission requirements even if additional information is needed because of subsequent project modifications. Within 14 days of receiving requested additional information, the local government must notify the applicant whether the application is deemed complete.

The determination of completeness does not preclude a request for additional information if new information is required or substantial project changes occur. A project permit application is deemed complete if the GMA jurisdiction does not provide the determination within the required time period.

For some types of development proposals, such as building plans or proposed land subdivisions, the current set of local regulations vest to that proposed project only after its application is deemed complete by the local permit staff. Additionally, a determination of completeness starts the state-mandated, 120-day deadline within which local governments are required to review and make a decision on many types of development proposals.

**Summary of Bill (First Substitute):** Local project permit applications must be considered complete within five business days of submittal, as opposed to waiting for the determination from the local government. The amount of time for determination of whether an application is complete or incomplete is decreased from 28 days to 10 days. The amount of time for notification of whether an application is complete after receiving requested additional information is decreased from 14 days to 5 days. Local project permit applicants must be able to submit applications online or in-person without an appointment.

**EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT COMMITTEE (First Substitute):**

- Requires that a project permit application be deemed complete within five business days of submittal, as opposed to upon submittal.

**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 2019.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill is not about moving the vesting date. It is about trying to find little ways to increase the housing supply in the short term to address the housing crisis. It gives builders quicker timelines for knowing what needs to be part of the application. There are a number of counties and cities that already do this. Imagine waiting three weeks just to find out the application meets the checklist. Sometimes the applications can take even longer. The intent is to try to take it from 28 days

down to something more reasonable and eliminate the appointment requirement for submittal—an effort to take best practices and apply it here.

The bill does not require jurisdictions to do anything above what is currently required or modify the ability for a local government to ask for additional studies or information or change the public participation process. Additionally, local governments do not have to accept an application that does not meet its checklist. Opponents may say that it overtaxes local jurisdictions, but local governments already take same day appointments to receive the application, why not tell applicants what is missing on that same day?

CON: These new timelines are too short. Planning departments have to circulate applications to other departments for review for different issues, such as stormwater, wetlands, engineering specifications, fire, road, utilities, and others. Permit requirements have only gotten more complicated since the law was enacted—28 days is already a difficult timeline to meet.

The proposed timelines will put cities in a difficult position. Increasing development review fees might require hiring additional staff. A lot of technical projects require more review than a checklist. It takes some technical folks with sophisticated expertise to do that. Recruitment of additional personnel is already tough. Planning departments are not getting the applicants for these positions, especially some rural counties.

The bill will lead to additional costs if departments are going to have to make a declaration right then and there. A finding of completion vests regulations at that point in time, so this is an important determination by local staff. It is easy to say on any application that some data is missing, so this could lead to more determinations of incompleteness.

**Persons Testifying:** PRO: Senator Guy Palumbo, Prime Sponsor; Alex Hur, Master Builders Association of King and Snohomish Counties; Jan Himebaugh, Building Industry Association of Washington.

CON: Lyset Cadena, City of Everett; Paul Jewell, Washington State Association of Counties; Carl Schroeder, Association of Washington Cities.

**Persons Signed In To Testify But Not Testifying:** No one.