
HOUSE BILL 1449

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68th Legislature

2023 Regular Session

By Representatives Alvarado, Hutchins, Fitzgibbon, Simmons,
Christian, Low, Reed, Gregerson, Macri, and Bateman

Read first time 01/19/23. Referred to Committee on Local Government.

1 AN ACT Relating to amending reporting requirements for the
2 project permit application processing timeline; and amending RCW
3 36.70B.020, 36.70B.080, and 36.70A.500.

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

5 **Sec. 1.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Closed record appeal" means an administrative appeal on the
10 record to a local government body or officer, including the
11 legislative body, following an open record hearing on a project
12 permit application when the appeal is on the record with no or
13 limited new evidence or information allowed to be submitted and only
14 appeal argument allowed.

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

16 (3) "Open record hearing" means a hearing, conducted by a single
17 hearing body or officer authorized by the local government to conduct
18 such hearings, that creates the local government's record through
19 testimony and submission of evidence and information, under
20 procedures prescribed by the local government by ordinance or
21 resolution. An open record hearing may be held prior to a local

1 government's decision on a project permit to be known as an "open
2 record predecision hearing." An open record hearing may be held on an
3 appeal, to be known as an "open record appeal hearing," if no open
4 record predecision hearing has been held on the project permit.

5 (4) "Project permit" or "project permit application" means any
6 land use or environmental permit (~~or license~~) required from a local
7 government for a project action, including but not limited to
8 (~~building permits,~~) subdivisions, binding site plans, planned unit
9 developments, conditional uses, shoreline substantial development
10 permits, site plan review, permits or approvals required by critical
11 area ordinances, site-specific rezones authorized by a comprehensive
12 plan or subarea plan, but excluding the adoption or amendment of a
13 comprehensive plan, subarea plan, or development regulations except
14 as otherwise specifically included in this subsection.

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

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

27 (1) Development regulations adopted pursuant to RCW 36.70A.040
28 must establish and implement time periods for local government
29 actions for each type of project permit application and provide
30 timely and predictable procedures to determine whether a completed
31 project permit application meets the requirements of those
32 development regulations. The time periods for local government
33 actions for each type of complete project permit application or
34 project type should not exceed one hundred twenty days, unless the
35 local government makes written findings that a specified amount of
36 additional time is needed to process specific complete project permit
37 applications or project types.

38 The development regulations must, for each type of permit
39 application, specify the contents of a completed project permit

1 application necessary for the complete compliance with the time
2 periods and procedures.

3 (2) (a) Counties subject to the requirements of RCW 36.70A.215 and
4 the cities within those counties that have populations of at least
5 twenty thousand must, for each type of permit application, identify
6 the total number of project permit applications for which decisions
7 are issued according to the provisions of this chapter. For each type
8 of project permit application identified, these counties and cities
9 must establish and implement a deadline for issuing a notice of final
10 decision as required by subsection (1) of this section and minimum
11 requirements for applications to be deemed complete under RCW
12 36.70B.070 as required by subsection (1) of this section.

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

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

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

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

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

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

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

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

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

38 (ii) Post electronic facsimiles of the annual performance reports
39 through the county's or city's website. Postings on a county's or
40 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); and

7 (iii) Provide an annual report to the department of commerce no
8 later than December 15th detailing each instance in which it took the
9 county or city longer than the time frame identified in subsection
10 (1) of this section to issue a permit in response to a project permit
11 application in the prior year. For each such instance, the county or
12 city must explain the reason for the length of time required to
13 process the project permit application.

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

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

27 (5)(a) The department of commerce shall develop and maintain a
28 website that compiles the data provided to the department by counties
29 and cities pursuant to subsection (2)(c)(iii) of this section. The
30 data presented on the website must be accessible by, at a minimum, a
31 list view of jurisdictions, a map view of jurisdictions, and a list
32 view of types of project permit applications.

33 (b) A county or city subject to the reporting requirements of
34 subsection (2)(c)(iii) of this section is ineligible to receive
35 grants from the growth management planning and environmental review
36 fund under RCW 36.70A.500 unless the county or city has certified to
37 the department, and the department has confirmed, that the county or
38 city is in compliance with the reporting requirements.

1 **Sec. 3.** RCW 36.70A.500 and 2012 1st sp.s. c 1 s 310 are each
2 amended to read as follows:

3 (1) The department of commerce shall provide management services
4 for the growth management planning and environmental review fund
5 created by RCW 36.70A.490. The department shall establish procedures
6 for fund management. The department shall encourage participation in
7 the grant or loan program by other public agencies. The department
8 shall develop the grant or loan criteria, monitor the grant or loan
9 program, and select grant or loan recipients in consultation with
10 state agencies participating in the grant or loan program through the
11 provision of grant or loan funds or technical assistance.

12 (2) A grant or loan may be awarded to a county or city that is
13 required to or has chosen to plan under RCW 36.70A.040 and that is
14 qualified pursuant to this section. The grant or loan shall be
15 provided to assist a county or city in paying for the cost of
16 preparing an environmental analysis under chapter 43.21C RCW, that is
17 integrated with a comprehensive plan, subarea plan, plan element,
18 countywide planning policy, development regulation, monitoring
19 program, or other planning activity adopted under or implementing
20 this chapter that:

21 (a) Improves the process for project permit review while
22 maintaining environmental quality; or

23 (b) Encourages use of plans and information developed for
24 purposes of complying with this chapter to satisfy requirements of
25 other state programs.

26 (3) In order to qualify for a grant or loan, a county or city
27 shall:

28 (a) Demonstrate that it will prepare an environmental analysis
29 pursuant to chapter 43.21C RCW and subsection (2) of this section
30 that is integrated with a comprehensive plan, subarea plan, plan
31 element, countywide planning policy, development regulations,
32 monitoring program, or other planning activity adopted under or
33 implementing this chapter;

34 (b) Address environmental impacts and consequences, alternatives,
35 and mitigation measures in sufficient detail to allow the analysis to
36 be adopted in whole or in part by applicants for development permits
37 within the geographic area analyzed in the plan;

38 (c) Demonstrate that procedures for review of development permit
39 applications will be based on the integrated plans and environmental
40 analysis;

1 (d) Include mechanisms to monitor the consequences of growth as
2 it occurs in the plan area and to use the resulting data to update
3 the plan, policy, or implementing mechanisms and associated
4 environmental analysis;

5 (e) Demonstrate substantial progress towards compliance with the
6 requirements of this chapter. A county or city that is more than six
7 months out of compliance with a requirement of this chapter is deemed
8 not to be making substantial progress towards compliance; and

9 (f) Provide local funding, which may include financial
10 participation by the private sector.

11 (4) In awarding grants or loans, the department shall give
12 preference to proposals that include one or more of the following
13 elements:

14 (a) Financial participation by the private sector, or a public/
15 private partnering approach;

16 (b) Identification and monitoring of system capacities for
17 elements of the built environment, and to the extent appropriate, of
18 the natural environment;

19 (c) Coordination with state, federal, and tribal governments in
20 project review;

21 (d) Furtherance of important state objectives related to economic
22 development, protection of areas of statewide significance, and
23 siting of essential public facilities;

24 (e) Programs to improve the efficiency and effectiveness of the
25 permitting process by greater reliance on integrated plans and
26 prospective environmental analysis;

27 (f) Programs for effective citizen and neighborhood involvement
28 that contribute to greater likelihood that planning decisions can be
29 implemented with community support;

30 (g) Programs to identify environmental impacts and establish
31 mitigation measures that provide effective means to satisfy
32 concurrency requirements and establish project consistency with the
33 plans; or

34 (h) Environmental review that addresses the impacts of increased
35 density or intensity of comprehensive plans, subarea plans, or
36 receiving areas designated by a city or town under the regional
37 transfer of development rights program in chapter 43.362 RCW.

38 (5) If the local funding includes funding provided by other state
39 functional planning programs, including open space planning and

1 watershed or basin planning, the functional plan shall be integrated
2 into and be consistent with the comprehensive plan.

3 (6) State agencies shall work with grant or loan recipients to
4 facilitate state and local project review processes that will
5 implement the projects receiving grants or loans under this section.

6 (7) The department may not award a grant from the growth
7 management planning and environmental review fund to a county or city
8 unless the county or city has certified to the department, and the
9 department has confirmed, that the county or city is in compliance
10 with the reporting requirements in RCW 36.70B.080(2)(c)(iii) or that
11 the city or county is not subject to the reporting requirements in
12 RCW 36.70B.080(2)(c)(iii).

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