
SENATE BILL 5519

State of Washington

56th Legislature

1999 Regular Session

By Senators Horn, Haugen, McCaslin, Heavey and Winsley

Read first time 01/26/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to time limits for local project review under the
2 growth management act; and amending RCW 36.70B.090.

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

4 **Sec. 1.** RCW 36.70B.090 and 1995 c 347 s 413 are each amended to
5 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 shall be excluded:

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

1 satisfies the request for information or fourteen days after the date
2 the information has been provided to the local government.

3 (ii) If the local government determines that the information
4 submitted by the applicant under (a)(i) of this subsection is
5 insufficient, it shall notify the applicant of the deficiencies and the
6 procedures under (a)(i) of this subsection shall apply as if a new
7 request for studies had been made;

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

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

22 (d) Any extension of time mutually agreed upon by the applicant and
23 the local government; and

24 (e) With respect to any application that is subject to the
25 authority of a community municipal corporation council under RCW
26 35.14.040, the time between the date of the final decision by the local
27 government and the date of decision by the community municipal
28 corporation council, but not to exceed sixty days.

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

31 (a) Requires an amendment to the comprehensive plan or a
32 development regulation;

33 (b) Requires approval of a new fully contained community as
34 provided in RCW 36.70A.350, a master planned resort as provided in RCW
35 36.70A.360, or the siting of an essential public facility as provided
36 in RCW 36.70A.200; or

37 (c) Is substantially revised by the applicant, in which case the
38 time period shall start from the date at which the revised project
39 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, it shall provide
3 written notice of this fact to the project applicant. The notice shall
4 include a statement of reasons why the time limits have not been met
5 and an estimated date for issuance of the notice of final decision.

6 (4) This section shall apply to project permit applications filed
7 on or after April 1, 1996.

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