
SENATE BILL 6461

State of Washington

66th Legislature

2020 Regular Session

By Senators Fortunato, Zeiger, and Warnick

1 AN ACT Relating to permit timelines; amending RCW 36.70B.080 and
2 36.70B.140; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that chapter 36.70B
5 RCW has done many good things since 1995, such as consolidating
6 permit processes and establishing common time frames for permit
7 comment periods. However, it has not brought predictability to the
8 permit process. Permit process timelines are getting longer, permit
9 processes are getting more complicated, there is substantial
10 duplication of efforts, and local governments are adopting codes that
11 make the processes more confusing and less predictable. While local
12 government has had to absorb many new laws and incorporate them into
13 their review process over the past fifty years, many inefficiencies
14 that lead to long lead times are due to voluntary processes and
15 requirements added to codes, a lack of accountability for local
16 governments to meet certain measures, and a lack of urgency to make
17 processes better.

18 With housing affordability being a key issue in this state, an
19 examination of the local project review act is essential. The current
20 statute was designed to help set timelines for permits to be
21 processed and require some jurisdictions to collect and distribute

1 data on the permit applications received as well as review timelines.
2 The legislature finds that more clear timelines, flexibility for the
3 alteration of timelines, and protection for applicants is desirable.

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

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

17 (i) Ninety days for ministerial or administrative project permit
18 applications or permit types subject to the requirements of this
19 chapter; and

20 (ii) One hundred twenty days for project permit applications or
21 permit types subject to the requirements of this chapter where a
22 quasi-judicial hearing is required.

23 (b) A local government may, by ordinance, adopt timelines that
24 exceed the requirements of (a) (i) or (ii) of this subsection when it
25 can make written findings that a specified amount of additional time
26 is needed to process a specific permit type or when certain
27 circumstances require additional time. The requirement for additional
28 time must be based on factors such as the complexity of the permit
29 application type and may not be based upon self-imposed review
30 processes that exceed state requirements for processing project
31 permit applications.

32 (c) The development regulations must, for each type of permit
33 application, specify the contents of a completed project permit
34 application necessary for the complete compliance with the time
35 periods and procedures.

36 ~~((+2))~~ (d) When more than one application is submitted and
37 processed as part of a consolidated permit review process, such as an
38 administrative and quasi-judicial permit, the longer time period for
39 review applies.

1 (2) Project permit application timelines exceeding the timelines
2 within subsection (1)(a)(i) or (ii) of this section or the
3 established timeline in subsection (1)(b) of this section must result
4 in the project permit application being deemed approved.

5 (3) Only certain portions of the application process count
6 towards the time frames established within subsection (1)(a) and (b)
7 of this section including:

8 (a) The number of days from application submittal until a
9 determination of completeness under RCW 36.70B.070 is made;

10 (b) The number of days from the date an application is deemed
11 complete until a complete set of first review comments are sent to
12 the applicant or a decision is issued for a ministerial or
13 administrative permit or the date of public hearing for a quasi-
14 judicial permit;

15 (c) The number of days from application resubmittal of first
16 review comments until a complete set of second review comments are
17 sent to the applicant or a decision is issued for a ministerial or
18 administrative permit or the date of public hearing for a quasi-
19 judicial permit;

20 (d) A local government is not required to count the number of
21 days for a third review or subsequent reviews. However, once reviews
22 are complete, the days until a decision is issued for a ministerial
23 or administrative permit or the date of public hearing for a quasi-
24 judicial permit must be counted;

25 (e) The number of days for a local government to process the
26 application includes noticing and notice periods required under this
27 chapter, chapter 43.21C RCW, and, when applicable, time periods to
28 set a public hearing;

29 (f) The timeline does not include time periods for the
30 preparation of an environmental impact statement. When an
31 environmental impact statement is required, the timeline will stop on
32 the day the determination of significance is issued and resume on the
33 day a final environmental impact statement is issued;

34 (g) If a local government requires an applicant to submit draft
35 application materials meeting the submission requirements for project
36 submittal for local government review in advance of being able to
37 submit a formal project permit application, the time to review that
38 draft submittal is included in the number of days specified for a
39 local government to review the project permit application under
40 subsection (1)(a)(i) and (ii) of this section. In these instances,

1 the time to review these materials is not in place of timelines
2 specified under (a) and (b) of this subsection. This does not apply
3 to preapplication meetings;

4 (h) A local government may not require an applicant to sign a
5 waiver of the requirements of this chapter or issue a denial of a
6 permit or recommendation to deny a permit in order to avoid exceeding
7 required time frames for processing a permit application.

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

18 (b) Counties and cities subject to the requirements of this
19 subsection also must prepare annual performance reports that include,
20 at a minimum, the following information for each type of project
21 permit application identified in accordance with the requirements of
22 (a) of this subsection:

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

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

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

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

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

37 (vi) The mean processing time and the number standard deviation
38 from the mean; and

39 (vii) How many permit applications have been approved under
40 subsection (2) of this section.

1 (c) Counties and cities subject to the requirements of this
2 subsection must:

3 (i) Provide notice of and access to the annual performance
4 reports through the county's or city's web site; (~~and~~)

5 (ii) Post electronic facsimiles of the annual performance reports
6 through the county's or city's web site. Postings on a county's or
7 city's web site indicating that the reports are available by
8 contacting the appropriate county or city department or official do
9 not comply with the requirements of this subsection; and

10 (iii) By January 15th of each year, provide the required
11 information from the previous year to the department of commerce. An
12 annual report compiling this information will be delivered to the
13 legislature annually by February 15th. The department of commerce
14 will prepare and provide counties and cities subject to this
15 requirement standardized forms for data collection. Counties and
16 cities who do not provide this information by the annual deadline
17 will not be eligible for grants through the department of commerce.

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

22 (~~(3)~~) (5) Nothing in this section prohibits a county or city
23 from extending a deadline for issuing a decision for a specific
24 project permit application for any reasonable period of time mutually
25 agreed upon by the applicant and the local government. A local
26 government may not compel an applicant to sign an extension of the
27 deadline for a project permit application. Further, a local
28 government may not deny a project permit application or recommend
29 denial of a project permit application based upon an incomplete
30 review by a local government stemming from the inability to get a
31 decision issued or public hearing held within the specified
32 timelines.

33 (~~(4)~~) (6) The department of (~~community, trade, and economic~~
34 development) ~~development~~ commerce shall work with the counties and cities to
35 review the potential implementation costs of the requirements of
36 subsection (~~(2)~~) (4) of this section. The department, in
37 cooperation with the local governments, (~~shall~~) must prepare a
38 report summarizing the projected costs, together with recommendations
39 for state funding assistance for implementation costs, and provide

1 the report to the governor and appropriate committees of the senate
2 and house of representatives by January 1, ((2005)) 2021.

3 **Sec. 3.** RCW 36.70B.140 and 1995 c 347 s 418 are each amended to
4 read as follows:

5 (1) A local government by ordinance or resolution may exclude
6 ((the following)) or modify the timelines for certain types of
7 project permits from the provisions of RCW 36.70B.060 through
8 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark designations,
9 street vacations, or other approvals relating to the use of public
10 areas or facilities, or other project permits, whether administrative
11 or quasi-judicial, that the local government by ordinance or
12 resolution has determined present special circumstances that warrant
13 a review process different from that provided in RCW 36.70B.060
14 through 36.70B.090 and 36.70B.110 through 36.70B.130. Permit types
15 subject to RCW 36.70B.080(1) may not be excluded from review under
16 this section. Timelines specified under RCW 36.70B.080(1)(a) may be
17 modified by a local government under RCW 36.70B.080(1)(b) when
18 meeting the provisions of that section.

19 (2) A local government by ordinance or resolution also may
20 exclude the following project permits from the provisions of RCW
21 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary
22 adjustments and building and other construction permits, or similar
23 administrative approvals, categorically exempt from environmental
24 review under chapter 43.21C RCW, or for which environmental review
25 has been completed in connection with other project permits.

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