
Local Government Committee

HB 1449

Brief Description: Amending reporting requirements for the project permit application processing timeline.

Sponsors: Representatives Alvarado, Hutchins, Fitzgibbon, Simmons, Christian, Low, Reed, Gregerson, Macri and Bateman.

Brief Summary of Bill

- Requires certain counties and cities to provide an annual report to the Department of Commerce detailing each instance in which a county or city missed the deadline for processing a permit, with an explanation for the length of time that was required.
- Requires the Department of Commerce to maintain a website containing the information received from counties and cities.
- Conditions eligibility for grants from the Growth Management Planning and Environmental Review Fund on compliance with the reporting requirements.

Hearing Date: 1/31/23

Staff: Kellen Wright (786-7134).

Background:

The Growth Management Act (GMA) requires that certain counties, and the cities within those counties, engage in planning for future population growth. Currently, 28 counties fully plan under the GMA, and 11 do not. The centerpiece of the planning process is the comprehensive plan. The city or county (local government) must also adopt development regulations to implement the comprehensive plan. Development regulations include zoning ordinances, official

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controls, subdivision ordinances, and other regulations.

In enforcing these regulations, local governments generally require that a developer obtain one or more permits before development or redevelopment of land is allowed to occur. These permits can be building permits, land use permits, environmental permits, or other permits, and are collectively known as project permits. The development regulations adopted pursuant to the comprehensive plan must establish and implement deadlines for local governments to take action on each type of project permit application. These deadlines should not exceed 120 days, unless the local government makes written findings that additional time is needed to process specific types of applications

Clark, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties, and the cities within those counties, are subject to additional requirements under the GMA. These counties and cities are required to establish a review and evaluation program to determine whether a county and its cities are achieving urban densities within urban growth areas, and to identify reasonable measures to reduce the differences between the assumptions that went into the comprehensive plan and the growth and development that has actually occurred. Part of the review and evaluation involves identifying land suitable for development, and this program is often referred to as the buildable lands program.

Counties subject to the buildable lands program, and cities within those counties that have a population of 20,000 or more, are also subject to additional project permit application reporting requirements. These local governments must prepare an annual performance report that includes:

- the total number of complete project permit applications received during the year;
- the number of these applications for which the local government met the deadline for issuing a final decision on the application;
- the number of these applications for which the government issued a final decision after the deadline;
- the number of these applications which had an extension of time that was mutually agreed upon by the applicant and the local government;
- the variance of the local government's actual performance, excluding applications which had a mutually-agreed extension of time, to the deadline; and
- the mean processing time and the standard deviation from the mean.

The county or city must provide notice of, and access to, the annual reports through the local government's website, or, if the local government does not have a website, by other reasonable means.

The Growth Management Planning and Environmental Review Fund is a fund administered by the Department of Commerce (Commerce) to provide grants or loans to counties or cities planning under the GMA. These funds can be used to pay for the costs of preparing an environmental analysis under the State Environmental Policy Act (SEPA) that is integrated with a comprehensive plan, subarea plan, development regulation, or other planning activity adopted

under the GMA, and that improves the process for project permit review while maintaining environmental quality, or that encourages the use of plans and information developed for the GMA to satisfy the needs of other state programs. In order to qualify for a loan or grant, a county or city must:

- demonstrate that it will prepare an environmental analysis under SEPA that is integrated with a planning activity;
- address environmental impacts and consequences, alternatives, and mitigation measures in such a way that an applicant can adopt the analysis in whole or in part within the area analyzed;
- demonstrate that procedures for review of applications will be based on the integrated plans and environmental analysis;
- include mechanisms for monitoring growth in the plan areas and updating the plan or analysis with the information;
- not be out of compliance with the GMA for more than six months; and
- provide local funding, which can include private sector financial participation.

In awarding grants or loans, Commerce must prioritize proposals that include certain features, such as private sector financial participation; coordination with federal, state, or tribal governments in project review; and programs for greater citizen and neighborhood involvement.

Summary of Bill:

Building permits are removed from the definition of a project permit.

Counties subject to the buildable lands requirements of the GMA, and cities within those counties with populations of 20,000 or more, must provide an annual report to Commerce no later than December 15, detailing each instance in which the county or city took longer than the deadline for permit processing to issue a permit on a project permit application in the prior year. For each such permit, the county or city must provide an explanation for the length of time that was required to process the application.

Commerce must develop and maintain a website that compiles the information received in the county and city reports. The information must be accessible by a list view of jurisdictions, a map view of jurisdictions, and a list view of project permit application types.

In order to be eligible for grants from the Growth Management Planning and Environmental Review Fund, a county or city subject to the requirement to submit an annual report to Commerce must certify to Commerce, and Commerce must verify, that the county or city is in compliance with the reporting requirements.

Appropriation: None.

Fiscal Note: Requested on January 25, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.